Understanding Multilateral Treaty-Making as Constitutive Practice

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Abstract

Multilateral treaty-making is a venerable tool for navigating a sovereignty-constrained world. But that is not all; it is also a taken-for-granted practice of the international system, constitutive of both state actors and the international system itself. Constitutive practices are meaningful social actions that serve to circumscribe thought and action in the social world, delineating and in part generating both agents and the system in which they operate. Multilateral treaty-making is one such practice. While states make treaties, so too does treaty-making make states. Multilateral treaty-making can and does serve the instrumental interests of states, but exploring the constitutive nature of treaty-making is an inquiry into the foundations upon which those instrumental calculations are made—why have states turned to this practice in pursuit of their interests? In this article we provide a mixed-method approach to observing the constitutive dynamics described by practice theory that have thus far proven relatively elusive to capture empirically. In so doing our inquiry provides a fuller understanding of a foundation of competent statehood and of the international system in which states operate.

Keywords: social network analysis, multilateralism, treaty-making, practice theory

In the most functional sense, multilateral treaty-making is one of several instruments states use to influence matters that traverse their borders. Over the last two centuries, multilateral treaty-making has become a prevailing mode of statecraft. States have developed rituals of diplomacy (Pouliot 2011) and specialized bureaucracies to facilitate the negotiation of treaties. Global norms and a substantial body of international law provide parameters for treaty-making and treaties. Multilateral treaty-making is a venerable tool for navigating a sovereignty-constrained world. But it is not only that; we contend that multilateral treaty-making makes states.

Generations of scholars have offered theories of the ontology of statehood. Of particular note, Tilly (1985) posits that historically, war made states. The elimination of rivals and the protection of clients necessitated varying degrees of resource extraction. Popular resistance to coercive extraction resulted in concessions, and the substance of the state emerged in the relative balance between extraction, protection, and the elimination of rivals. According to Tilly, the contemporary state is a product of the “organizational residue” of these institutional innovations (1985, 169–85).

Arguing that multilateral treaty-making makes states does not imply that Tilly was wrong, but rather that his analysis is historically constrained and necessarily incomplete. While war did likely constitute early modern European states, the category “state” and the criteria for competent statehood are not fully defined by processes...
attributed to war. States are always in the process of becoming states (Adler 1991; Reus-Smit 1999). Thus, competent statehood is historically contingent. What it means to be a “state” and the practices that afford certain entities recognition as such change over time. In this sense, states are what they do. The practices states enact and engage in shape how they see the world and how they understand their identities and interests. As Pouliot argues, the things that actors “do determines what they think” (2011, 21). This is why Tilly was right: war did indeed understand their identities and interests. As Pouliot argues, states are what they do. The practices states enact and do. The practices make functional and instrumental action possible in the first place, and indeed constitutive practices are themselves functional. Multilateral treaty-making can and does serve the interests of states, which have engaged in this practice for a host of instrumental reasons. That treaty-making is instrumental, however, is not cause to dismiss the practice’s constitutive quality. On the contrary, exploring the constitutive nature of treaty-making is an inquiry into the foundations upon which instrumental calculations are made—how it is possible states have turned time and again to this practice in pursuit of their interests?

Such an inquiry is thus relevant not for adjudicating between instrumental and constitutive arguments about state behavior, but for grasping the source of competent statehood. We provide a mixed-method approach to observing the constitutive dynamics described by practice theory that have thus far proven relatively elusive to capture empirically. Our inquiry provides a more complete understanding of the foundation of competent statehood and of the international system in which states operate. Further, as practices of competent statehood are both multiple and dynamic, our analysis may be useful for examining different facets of that statehood, including how they change over time.

We advance this argument in two parts. First, we examine treaty-making through a practice lens, situating it within the developing practice theory discourse in international relations. Second, we explore the historical evolution of multilateral treaty-making through both diplomatic history and social network analysis (SNA). This supports the validity of our claims about multilateral treaty-making as a constitutive practice and demonstrates a means for empirical inquiry into constitutive practices of competent statehood.

**Multilateral Treaty-Making**

In this article, we focus on multilateral as opposed to bilateral treaties as a constituent of statehood. Multilateral treaties have a different historical genesis and play a different continuing role. Participation in multilateral treaties more legitimately constitutes states as states.

The extent and functions of bilateral and multilateral treaties have differed historically. Where we might count between 7,000 and 8,000 multilateral treaties over 400 years ending in 1995, states negotiated as many as ten times more bilateral treaties during the same period. Nevertheless, the frequency of bilateral treaties does not imply that they are constitutive of statehood. First, many bilateral treaties were negotiated by non-state actors and aimed to solidify a status quo. The British and their agents concluded thousands of
treaties with indigenous peoples, all with an eye toward eventual annexation. They sought to insinuate themselves by concluding treaties to defend weak actors from sovereigns, or sovereigns from their own populations, many of whom would never have been accepted as legitimate treaty partners (Uzogwe 1985, 31–35). The United States signed several hundred treaties with indigenous peoples without the intent to honor them, or to treat signatories as sovereign entities (Deloria 1985). South Africa set up ethnic homelands for its African populations, granting several of them independence to effectively deny them citizenship. The bogus nature of these bilateral treaties was clearly not constitutive of legitimate statehood (Pitterman 1978). In addition, many bilateral treaties were signed under the threat of force to facilitate exploitation, as illustrated by China’s “unequal treaties” during its “Century of Humiliation” (Hayes 2004, 43–49). The USSR and various satellites crafted similar agreements (Gaddis 2005). Such treaties do not confer legitimacy on the weaker party, but instead work to deny it further rights. Bilateral treaties might also be used to contradict and thereby obviate treaty obligations, as in the case of making separate agreements with belligerents to feign support for both, while negating the need to actually aid either party.

The problem with such bilateral agreements is not that they are disingenuous, nor that states use them to build empires or strip away the sovereignty of others. Avoiding exploitation or the contravention of the rights of others does not constitute states. Instead, the problem is that such agreements multiply the number of treaties without any intent to confer legitimacy. The number of bilateral treaties is thus inflated, and many do not accord state status to their signatories. Moreover, some bilateral treaties are secret and rest outside the realm of analysis.

In his analysis of treaty-making activity in the nineteenth century, Keene (2012) traces the growth of bilateral treaties as a form of state activity that became more general towards the end of the eighteenth century. His focus on understanding increases in the occurrence of bilateral treaties denies that signing such agreements conferred legitimacy to involved parties or constitutes a coherent method by which to identify members of the global system (Keene 2012, 480–81). Keene suggests that the competitive technical nature of a great number of treaties (e.g., the race to unify the postal system) and the unequal and exploitative nature of others (e.g., those between Britain and various African targets) obviates any such inference.

Keene turns to the question of the development of multilateral treaties only briefly at the end of his study, using the relatively small Mostecky index to offer speculations about relative numbers and bi vs. multilateral agreements (2012, 494–95). Keene also acknowledges that multilateral treaties include far more parties and should therefore be considered equivalent to multiple bilateral agreements. However, the study does not address whether multilateral treaties might constitute systemic membership or confer legitimacy more so than bilateral treaties. Keene’s (2012) sense that bilateral treaties do not confer legitimacy, his passing consideration of multilateral treaties, and his recognition that a sheer count of multilateral and bilateral treaties does not comprise a fair comparison suggest that the relationship between bilateral and multilateral treaties requires additional consideration.

The contemporary form of multilateral treaty-making is a descendant of the great “Concert” system of eighteenth- and nineteenth-century Europe. Murphy (1994) recounts the rise of month-long summits where sovereigns would meet to engage in face-to-face discussions of a range of issues. Over one hundred such meetings eventually gave rise to thirty world organizations designed to facilitate transportation and communication, foster economic growth, manage social conflict, and strengthen the interstate system. As diplomatic processes matured by the mid-nineteenth century, specialists took the lead in framing and codifying agreements. After 1850 the incidence of multilateral treaty-making increased sharply (see Figure 1).

Multilateral treaties play a unique role in the contemporary period and, as opposed to their bilateral variant, are more consistent with state constitution. In particular, they are instruments to coordinate responses to joint problems, reinforce collective action, and charter new organizations (see Finnemore 2005, 194–95). Ruggie (1994, 556) argues that the core difference between bilateral and multilateral treaties is that the latter create rules of conduct commonly accepted in global society as opposed to mirroring particularistic interests, strategies, and power differentials. Others have strengthened and extended this argument (see Muldoon 2010), especially as it concerns the growing web of diplomatic interaction directed at problem-solving (Schechter 2011; Wiseman 2011) and the nature of multilateral interaction in extraordinary times (Wright 2013). Finally, multilateral treaty-making is a major part of the system of global governance (Kruck and Rittberger 2011; see also Bull 2002). Participation in multilateral treaty-making is tantamount to having a seat at the governing table. Though power differentials still play a critical role in decisions, multilateralism allows access and affords recognition to a wider range of players (Pouliot 2016). Excluded actors are clearly lessened as a result. As such, the practice
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Practices are best understood as competently performed patterned behaviors that are intelligible and socially meaningful within particular contexts and communities (Adler and Pouliot 2011, 6). Constitutive practices serve to “cement” practitioners in particular communities (Pouliot 2010, 40), and they “simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world” (Adler and Pouliot 2011, 6). Exploring constitutive practices, then, is an examination of the architecture that makes social action possible. We contend that multilateral treaty-making is one such practice. It demonstrates competent statehood, reifying the intersubjective qualities that make statehood and the system of states possible. This understanding rests not only on the assertions of the growing practice literature in international relations scholarship (e.g., Adler and Pouliot 2011) but draws on similar observations from English School theorists (see Navari 2010).

Generally, constitutive practices exhibit a number of common characteristics. They are often taken for granted and exist as the background from which actors engage the world (Pouliot 2010, 50). Within particular communities—global societies of states (Bull 2002) or more narrowly defined communities of state actors (Glas 2017)—such practices are assumed to be natural and unproblematic means to particular ends (cf. Bueger and Gadinger 2015). As Neumann suggests, “practice speaks: this is how we have always done things around here” (2002, 637). This does not imply “uniformity of a group or community” but rather that actors “organize their differences around pervasive understandings of reality” (Adler and Bernstein 2005, 296). Practices delineate possible action and circumscribe thought through their background quality. They are also, then, generative, shaping what is possible for social actors in particular social contexts or communities (see Hopf 2010, 542; Neumann 2002, 636). It is through such practices that actors come to know and behave in the world. Mitzen’s exploration of states seeking ontological security offers similar insight. She argues that state actors come to routinize relationships with significant others, which in turn serves to enable certain actions while precluding others (2006, 344). Actors think from practices, rather than about them.

2 Figure 1 is developed from data in the Multilateral Agreements and Treaties Record Set (MATRS), a dataset of multilateral treaties constructed by the authors. It is described in more detail below.
(Hoffmann 2009; Pouliot 2010, 2011). It is from this foundation that they have particular and constitutive effects. However, as both English School theorists and the related growing practice literature make clear, practices and the agents who preorder them evolve and change over time and within particular communities. Indeed, perceptions of competent statehood vary over time, reflecting prevailing understandings of the purpose and practices of states (Reus-Smit 1999; see also Wight 1977 and Jackson 2000).

Competency suggests two related qualities of statehood. First, it implies a common recognition by other states of a legitimate claim to control over territory, in line with the organizing principle of sovereignty (see Reus-Smit 1999; Wendt 1999, 206–9). Second, it implies both the aspiration and ability to live up to the prevailing understanding of the moral purpose of the state—a suggestion of form rather than efficacy (Reus-Smit 1999, 11; Reus Smitt 1997, 569). In short, competency suggests a common recognition of sovereign territoriality and the organizational abilities and proclivities to be a “state” in practice at a particular time.

Multilateral treaty-making is a practice that, since the 1850s, constitutes this competency. Making and signing multilateral treaties signals acceptance and engagement with the legislative norm of procedural justice and the core institutions of the contemporary inter-state system (Reus-Smit 1999; Bull 2002). Negotiating and signing treaties with states is a sovereign practice that beckons wider recognition of a claim to “state” authority. Further, as an institutionalized practice, treaty-making carries the implicit assumption of an equal relationship among the state parties involved, reifying a definitional similarity between them as a result of convention and law (Bull 2002, 159–60). To be a state, to signal and seek recognition of sovereign territorial control, and to interact as a “state” within the contemporary system, actors turn reflexively to the practice of treaty-making. This central claim, that multilateral treaty-making as a practice is constitutive of states as actors, aligns with the assertion of Duvall and Chowdhury (2011) that practices are consequential not as mere structures that constrain possible behavior, but precisely because they serve to constitute actors as subjects themselves. As they suggest, “‘there is no doer before the deed.’ Through particular kinds of performances (the deed), the doer is produced—a subject’s social identities are established” (2011, 338). As we demonstrate empirically below, states themselves are constituted as such in and through their doing of multilateral treaty-making.

The effects of these practices are not limited to states as actors and also mutually constitute the system in which they inhabit. The structure of the system is defined by meaningful relations of states with other states (Bull 2002, 9–13; see also Wight 1977). The particular practices that shape and reify the inter-state system, as with those that constitute states themselves, are informed by the particulars of the international society of states and how they evolve over time (Watson 1992; Little 2011). The perceived stability of our international system is afforded only through iterated practices that constitute it as such. Indeed, “nothing social is self-sustaining” (Archer 2010, 276). As Adler and Pouliot observe, “Stability . . . is an illusion created by the recursive nature of practice” (2011, 16). In our contemporary system, multilateral treaty-making is one such practice of systemic consequence, mutually constituting the competency of both states and the inter-state system.

The theoretical arguments asserting that multilateral treaty-making is a constitutive practice of competent statehood ultimately require empirical interrogation. Therein lies two challenges. First, marshaling empirical support for a constitutive claim is difficult, precisely because constitutive practices are taken for granted—not consciously reflected upon, but rather undertaken as matter of course. The empirical claim is that multilateral treaty-making is part of what states are, constituting the very understanding of the instrumental costs and benefits of engaging in international cooperation. Through mutual constitution, this practice further informs and generates the system in which they operate. A second challenge is that the nature of the evidence is unlikely to be simple or linear in nature. When Tilly (1985) suggested that war makes states, he was not implying that periods of peace, or policies designed to avoid war, diminished statehood. War had crafted the state internally and externally. At peace, states retained the capacity for violence. Likewise, engagement with the community via multilateral treaties does not require a high and constant level of interaction. Periods of relative dormancy, like those attributed to various eras of isolationism, do not detract from the nature of this constitutive practice, not least because a pause in making new treaties does not suggest that old treaties are no longer in force or that new treaties will not be forthcoming. Our empirical aim, then, is to see traces of (usually unobservable) constitutive practices in patterns of state behavior.

**Observing Multilateral Treaty-Making as Constitutive Practice**

Adler and Pouliot argue that constitutive practices “can change the physical environment as well as the ideas that individually and collectively people hold about the world” (2011, 8). To date, most analyses of constitutive practices have focused narrowly on individual and collective knowledge and relied on ethnographic methods to
uncover them (e.g., Pouliot 2010). Our analysis, however, is centered on the tangible manifestations of practices and their observable effects on relationships between states. Following Adler and Pouliot (2011), we should be able to observe traces of the impact of practices in what states are and in the patterns of what states do. In particular, if multilateral treaty-making constitutes competent statehood, we would expect to find evidence of the following:

1. The internal institutional structures of states have developed to facilitate multilateral treaty-making;
2. The practice of multilateral treaty-making has been prevalent across time and space;
3. Multilateral treaty-making persists even at critical junctures when expectations about what states do may be in flux.

In the discussion that follows, we briefly discuss evidence for conjectures 1 and 2 to demonstrate the plausibility of those claims. However, because the evidence for those claims could also be reasonably read in functional terms, we provide more detail regarding the evidence for conjecture 3 to make our case for observing constitutive dynamics. This latter evidence is more circumstantial because we infer constitutive dynamics from observed behavior, but it is the kind of “constitution through doing” that Duvall and Chowdry (2011) suggest is pertinent. Though the evidence that we cite lends credence to our claim that multilateral treaty-making is a constitutive practice, it does not invalidate constructivist or functionalist/instrumentalist arguments for multilateral treaty-making behavior in specific instances or across issue areas. Instrumental or normative claims about why and when states make treaties are presupposed by multilateral treaty-making being a constituent element of competent statehood.

### Institutional Structures

If multilateral treaty-making constitutes states, there must be something in states’ internal institutional structures that has developed specifically so that they can engage in the constitutive practice. Finnemore (1996) makes this argument in the case of science bureaus, arguing that modern statehood came to be defined in part by pursuit of public science. She notes how the diffusion of science bureaus in relatively new states resulted from socialization. New states learned that to be modern, they need science bureaus and altered their internal structures accordingly. Burley (1993) makes a similar case by exploring the “institutional revolution” in response to the emergence of welfare liberalism in the post-World War II period and its projection into the international system. US government adaptations, the “specialized administrative organizations” of the New Deal regulatory state (1993, 130), became functional requirements of states to operate in the emerging liberal world order.

We contend that the same dynamic is evident in the case of multilateral treaty-making. All states have specialized ministries, bureaucracies, civil servants, and political appointees that are engaged in multilateral treaty-making. In 1947, the US State Department opened its own Office of Treaty Affairs. This is part of a larger and long-term legalization trend in international relations (Finnemore 2003; Abbott et al. 2000). Across the international community, the state is institutionally configured to facilitate the negotiation, signing, and implementation of multilateral treaties. It is part of the day-to-day business of states’ bureaucracies and political structures (Murphy 1994).

### Prevalence

If multilateral treaty-making is a constitutive practice, states should frequently engage in the practice, which should be taken for granted as a normal part of international life. This is clearly the case. Figure 1 demonstrates that from the 1850s towards the 1980s, multilateral treaty-signing grew remarkably. This growth is unrelated to the number of states in the system, economic fluctuations, or standard measures of economic interdependence (Denemark and Hoffmann 2008). Interestingly, the exponential pattern is reproduced in every issue area except that of war and peace (Denemark and Hoffmann 2008). Further, multilateral treaty-making follows a “crisis-interrupted” rather than “crisis-driven” pattern. In other words, major crises like World War I and World War II disrupted what was otherwise standard behavior for states in the international community. After the crises subsided, the practice of multilateral treaty-making quickly returned to its pre-crisis trajectory. States go back to “the way things have always been done around here” (Neumann 2002, 637).³

³ The drop-off in the number of treaties signed evident in the right extreme of the graph could have a number of causes. It could be an artifact of data-gathering as our sources end in 1995, and there can be delays in treaties entering the record. It could be an actual drop-off and a signal that states have turned away from treaty-making either towards other multilateral forms like international organizations or towards other kinds of interactions. Finally, it could signal a short-term disruption from the end of the Cold War. In any case, this highlights the importance of a constitutive lens on multilateral treaty-making, because we could be in the midst of a transition in what counts as competent statehood.
In sum, multilateral treaty-making has the hallmarks of a taken-for-granted and constitutive practice. As Pouliot (2011) argues, we can consider that multilateralism is no longer just a means to an end, or a tool that states choose consciously and instrumentally for the benefits that it generates. Instead, it has become an end in itself or an unconscious background condition—a part of what states do as states.

Critical Junctures

Examining the internal structure of states or the prevalence of multilateral treaty-making over time does not provide full evidence of constitutive dynamics, and could be countered by claims that states just made these treaties and adjusted their internal structures because they had instrumental reasons for doing so—the benefits lead it to be called upon again and again. Part of the challenge is that these claims are not alternatives—it is reasonable for both constitutive and instrumental explanations to be valid, because wide-spread instrumental treaty-making presupposes the constitutive effect. Instrumental and constitutive claims refer to different phenomena. The constitutive effect is the foundation, the essence of the social structure and the essence of what it is to be a competent state. To argue that a practice is constitutive is not to negate its instrumental attributes. Multilateral treaty-making is what states do and they hope to benefit by doing it. It is the constitutive aspect, however, that shapes the parameters and boundaries for how states consider the costs and benefits of multilateral treaty-making. The foundational understanding of states as multilateral treaty-making entities precedes prior considerations.

This claim is best investigated by examining specific states (and sets thereof) at critical junctures, wherein expectations about competent statehood as treaty-making could have been in flux. In other words, one way to identify constitutive effects is to look for times when states needed to demonstrate competent statehood and potentially had reasons and ability do so in a manner that differed from the prevailing dominant practice.

This challenge augers for counterfactual analysis, examining periods in time when things could have been different. In the historical institutionalist literature, such moments are dubbed critical junctures, when institutional constraints that keep path dependencies stable become loose (Mahoney 2000). Consider 1815 Europe as one such turning point. In the aftermath of the Napoleonic Wars, the great powers undertook the Concert system, a novel form of governance. As Mitzen observes:

Prior to 1815, these European states had only ever cooperated to help defeat one another, and the idea of forum discussions on how to sustain peace among them was novel, untested, and in some ways quite threatening. It was not common sense at all and it is quite surprising that they did it, much less that it was successful. (2013, 19)

The Concert system undergirded the stability of the long European peace of 1815–1854. As the Vienna Settlement itself suggests, while a treaty was signed as means to conclude the conflict, states turned to concerting their power “to make that peace durable by neutralizing all foreseeable threats” (ibid., 87). Such an innovation illustrates a critical juncture wherein powerful states with the intention and capability to do so engaged in a novel form of relations.

We frame our study slightly differently by examining the resilience and power of a constitutive practice rather than change. At critical junctures after the 1850s, when the practice of multilateral-treaty making had emerged as the norm of interstate diplomacy, powerful or emergent states did not make robust turns to novel or untested forms of cooperation and coordination. Instead, states refrained from deviating from this institutional practice to demonstrate their “stateness,” regardless of interest or capability to do so. Three examples that capture this dynamic include:

- The Soviet Union in the aftermath of the 1917 revolution;
- European states in the immediate post-World War II era; and
- Emergent states in the period of decolonization from the late 1940s to the 1970s.

In each case, it is conceivable that states could have turned to new practices to organize their international interactions and demonstrate competent statehood. In all three instances, however, there is continuity, and multilateral treaty-making was reified as a key aspect of what states do and are. This pattern highlights the social architecture of the international system as well as the practical qualities of interaction that were constitutive of competent statehood during critical junctures. This does not imply that practices of competent statehood are static, but rather that at the critical junctures examined in this paper, the dominant notion that multilateral treaty-making is a marker of competent statehood was resilient to challenge.

Data and Methods

We interrogate the three specified critical junctures with two methods—a reading of diplomatic history and the...
use of SNA. The logic to the mixed-method approach adheres to practice theorizing, which attempts abductive elucidation of the commonsense from an interrogation of rhetoric and action (Nicolini 2011; Pouliot 2010). Diplomatic history allows for thick description of the context in which a given actor reasons while simultaneously establishing a basis for counterfactual analysis and an imperfect articulation of the “practical sense” that drove behavior in each case (Pouliot 2010). To complement this approach, we apply SNA to multilateral treaty-making activity during the time of each critical juncture. SNA provides us with an empirical framework by which to observe the relational dynamics of the practice of multilateral treaty-making within a given timeframe, providing evidence of the constitutive effect of this practice on the system itself (Hoffmann 2017). It also provides a way to observe the treaty-making behavior of states in their broader network context. This use of SNA thus allows us to zoom out in our examination of how the practice of treaty-making contributes to the wider picture of the international system’s architecture (Nicolini 2011, 230).

SNA examines relationships between actors in a network. The actors are expressed as nodes linked by relational ties. The relative strength of these ties determines the position of the nodes in the network. Ties run between pairs of nodes but “understanding the effect and meaning of a tie requires taking into account the broader pattern of ties within the network” (Marin and Wellman 2011, 14). When applied in the context of multilateral treaties, nodes represent signatories to a treaty, and the ties are treaties themselves. A tie between two nodes indicates that the actors are signatories to a common multilateral treaty. The focus of this empirical description, then, is on events of treaty-signing, an indicator of the wider process of treaty-making.

We propose that a network analysis of multilateral treaty-making allows us to observe the practice’s constitutive effects on the international system. As Wendt (1999, 155) notes, “the tools of network theory seem particularly appropriate [for exploring the structural attributes of a system], since they are designed to show how relationships among particular actors shape behavior.” SNA allows us to visualize the constitutive dynamics of international practices. Network diagrams represent the observable implication that multilateral treaty-making practices constitute both states and the international system (see also Hafner-Burton and Montgomery 2006; Cao 2012).

We begin with the assumption that the more multilateral treaties two actors have in common, the greater the strength of the tie between them. Ties between nodes in the treaty network thus determine the structure of the network. Nodes with strong ties are drawn toward one another and form clusters or communities, and certain nodes assume centrality within the network.

To conduct our analysis, we draw on the Multilateral Agreements and Treaties Record Set (MATRS), a dataset of multilateral treaties constructed from entries in the three most comprehensive compendia of multilateral treaties: those by Wiktor (1998), Bowman and Harris (1984), and Mostecky (1965). We supplement these data with information from specific volumes of specialized treaties, the League of Nations Treaty Series, the United Nations Treaty Series, and national sources. MATRS contains records on 7,251 multilateral treaties signed between 1595 and 1995, including data on signatory parties for 6,180 of these treaties. MATRS is the most comprehensive dataset of multilateral treaties and their signatories. Albeit incomplete, it is sufficiently robust as to allow for the observation of certain dynamics related to multilateral treaty-making. We use UCINet to perform statistical analyses of the MATRS data and create network visualizations with Gephi’s Force Atlas algorithm. We use R to transpose MATRS data into time-variant matrices of signatory parties.

To be clear, we are not undertaking a statistical analysis to explain the structure of treaty-making networks in the different time periods or to test for constitutive effects in a statistical sense. Instead, we employ a number of statistical SNA tools to analytically or visually determine the structure of the treaty-making network. We use UCINet to perform statistical analyses of the MATRS data and create network visualizations with Gephi’s Force Atlas algorithm. We use R to transpose MATRS data into time-variant matrices of signatory parties.

4 Explaining the structure of the treaty-making network over time through a more thorough statistical analysis is the subject of ongoing research. In the appendix, however, we provide a brief description of the fitting of an Exponential Random Graph model that we simulated to determine that the structure of the treaty-making network (across periods) is nonrandom. Degree four was selected to maintain clarity, however degrees one to four produce similar visualizations.

5 Centrality is a structural attribute of nodes, which refers to their relative importance within the network. Centrality in SNA serves to capture the structural significance of the node in the network. If a country is relatively central within a network, it may demonstrate the commitments and engagement of a regionally or globally powerfully state.
We do this in conjunction with interpretation of the network visualization to assess what is shown in the network analysis (nodal characteristics and network visualization) against what we might expect in critical junctures if multilateral treaty-making is a constitutive practice of competent statehood. The visualizations and nodal characteristics help to substantiate the Soviet Union’s role in the overall treaty network post-revolution, the way that European states engaged in treaty-making after World War II, and how newly independent states fit into the overall treaty-making network. This method allows us to visualize dynamics in ways that other methods cannot, and, particularly when combined with the diplomatic history and theoretical understanding constitutive practices, provides insight into the constitutive dynamics in play.

The Soviet Revolution and the Interwar Period

The Soviet Union promised to be an entirely different kind of political entity that would explicitly reject “the way things have always been done around here” (Neumann 2002, 637). Even so, the USSR had to constitute itself as a state. This meant engaging in multilateral treaty-making regardless of the contradictions inherent in doing so.

The Soviet Union emerged from a revolution that was explicit in its rejection of key facets of the post-Westphalian state system. Even more than the French or American Revolutions, which accepted the legitimacy of the sovereign state but hoped to improve on the concept, the new Soviet ideology rejected the primacy of both the nation and the state (Armstrong 1993, 120–21). The class divisions that formed the basis of legitimate solidarity were explicitly cross-national, and the march of history demanded that a revolution against the bourgeoisie be built upon transnational class foundations. Much of the Communist Party argued that the revolution had to be global, as the bourgeoisie would crush any progressive movement that was resident in only one country. Hence neither the internal attributes of nation-states nor the elements of the international system (sovereignty, balance of power, the sanctity of treaties) were to survive. As the first Commissar for Foreign Affairs in 1917, Trotsky is reported to have said that he “expected simply to publish the secret war-time treaties of the Allies” and “issue a few revolutionary proclamations” and then “shut up shop” assuming the global revolution would end the need for traditional diplomacy altogether. These statements have been reported by generations of authors. They are in fact apocryphal, though Trotsky “approved the spirit of this quotation” (Armstrong 1993, 132n4).

In reality, things were not so simple. Consolidation of control in the face of military intervention by the US, Britain, and France, as well as powerful internal opposition, took three years. During this time, the Soviet Union began to adopt more and more of the trappings of a traditional state concerned with survival. To explore this behavior, we consider the treatment of constituent Soviet republics and Soviet efforts at reintegration into the formal state system through multilateral treaty-making.

The USSR faced a major contradiction in the framing of its relations with elements of the former Russian empire. The post-revolutionary establishment of the Union’s republics suggests a “double assimilation” of diverse peoples into traditional national units, and of those national units into a single Soviet state (Hirsch 2000). This contradiction was born of expediency. Though Marxist thought rejects nationalism as a bourgeois charade, it was also a powerful tool in the mobilization of peoples against bourgeois oppression. This was especially true on the periphery of the old empire. Nationalism among the peripheral masses was reformulated and fostered as a progressive force (Stalin (1920–1921) 1975, 122–35; 153–64).

In the context of fostering nationalism, the Soviet Union also endeavored to consolidate itself as a single entity by denying formal statehood to Soviet republics and blurring the boundaries between state and empire by offering “diminished forms of nationhood” (Bessinger 2005, 28). To this end, Soviet elites sought a kind of “affirmative action empire” (Martin 2001) that would mobilize local unity while retaining and strengthening a Soviet core. The 1924 designation of borders and, in particular, the administrative rationale for restricting the size of the Ukrainian republic to less than its national boundaries, speaks to this (Hirsch 2000, 210–11). The territorial division and domination of the five Central Asian republics are also illustrative. As Lieven argues, the Soviets purposely limited the agency of these republics to something short of statehood (Lieven 2002, 310). Cooley suggests a parallel with British attempts at “divide and rule,” wherein the Soviets created the boundaries of Central Asian republics to “fragment regional political identities and accelerate the region’s integration” within the larger Soviet state (2005, 66). The 1936 selection of republic administrators, for example, was a process directed by Moscow to ensure “loyalty to the Soviet system” (Cooley 2005, 67). While “many of the trappings of statehood” were provided for the emergent republics, the Soviets ensured these fell short of qualities that would undermine the singular Soviet state (Lieven 2002, 315).

The USSR faced a second contradiction from Marxist thought on bourgeois international relations. As the
sovereign nation-state was a function of the transition to capitalism and the rule of the bourgeoisie, participation in the formal interstate system was both a strategic and a tactical error (Armstrong 1993, 123). Neither Marx nor Engels believed that the revolution could be sustained in one country for any length of time before bourgeois powers would unite to extinguish it. The need for a permanent and generalized revolution was expressed by the Party taking a central role in transnational revolutionary activity. It was this activity, operationalized by the Comintern, that presented the biggest challenge to formal Soviet recognition. Consistent, explicit, and open subversion of other states, especially as regards fostering revolts, stood in the way of Soviet membership in the community of states (Armstrong 1993, 135–42).

The debate over whether to suspend the actions of the Comintern and attempt to join the community of nations split the party leadership. Bukharin was prepared to abandon Russia to pursue a global revolution. Trotsky was enigmatic. Stalin was willing to abandon the Comintern and attempt to join the community of nations (Armstrong 1993, 135–42). Neither Marx and Engels believed that the revolution could be sustained in one country for any length of time before bourgeois powers would unite to extinguish it. The need for a permanent and generalized revolution was expressed by the Party taking a central role in transnational revolutionary activity. It was this activity, operationalized by the Comintern, that presented the biggest challenge to formal Soviet recognition. Consistent, explicit, and open subversion of other states, especially as regards fostering revolts, stood in the way of Soviet membership in the community of states (Armstrong 1993, 135–42).

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Instead of seeking alternatives for international interaction in line with revolutionary ideals, the Soviets turned quickly back to treaty-making as a necessary practice for statehood and normalized interstate relations. As Stalin notes in the Report to the XVII Party Congress of 26 January 1934, “The point is not merely that we have concluded pacts of nonaggression with these [powerful European] counties, although the pacts in themselves are of very great importance. The point is, primarily, that the atmosphere of mutual distrust is beginning to be dissipated” (quoted in Rush 1970, 82). To dissipate distrust and demonstrate normalcy, Soviet diplomats sought to play by the rules of the game (Nicolson 1939, 29–30). Soviet leadership had turned to treaty-making, both bilaterally and, more importantly, multilaterally, to demonstrate competent statehood. As Kocho-Williams observes:

During the 1920s, Soviet diplomats were intent on being properly accepted as members of diplomatic society and as a result needed to present themselves appropriately... we see Soviet diplomats exhibiting that they were aware, and willing, to conform to diplomatic conventions of dress, by extension signaling their acquisition of the diplomatic mindset, and the desire to be taken seriously as diplomats. (2012, 106) 6

This effort had empirical results. Imperial Russia made eight multilateral treaties in the decade of 1900–1909. During the decade run-up to World War I, thirty treaties were concluded. The decade from 1920 to 1929, which included two years of civil war, evidenced twice as many treaties as the 1900–1909 period. That level was maintained in the decade from 1930 to 1939, which included the two years of the Great Terror. Though the USSR did not follow European states’ patterns of rapidly increasing treaty activity, it also did not withdraw back to levels sustained by the Tsarist regime during the first decades of the twentieth century. Multilateral engagement increased relative to earlier peaceful decades, even in the face of significant upheaval such as civil war and the Great Terror.

This account highlights the constitutive role of multilateral treaty-making at exactly the moment when its effect could have ebbed to its lowest point. To join with states and itself become a competent state actor, the Soviet leadership sought to practice as if the revolutionary entity was basically a traditional state. Certainly, the Soviet Union had instrumental aims in engaging in multilateral treaty-making. In addition to whatever proximate goals they had in particular treaties, they sought to demonstrate normal competent statehood, and multilateral treaty-making was a key marker. Constitutive practice forms the foundation for instrumental calculations even for a revolutionary state.

The network displayed in Figure 2 captures the dual and paradoxical relationship that the USSR had with treaty-making and the modern nation-state. Despite its geopolitical importance, the Soviet Union was an unremarkable player in terms of its participation in the multilateral game that characterized the interwar period, reporting only an average measure of degree centrality. By incorporating peripheral units rather than recognizing them as separate states, the USSR denied both its original Marxist position on nationalism and an implicit recognition of the utility and power of traditional bourgeois statehood. The observed banality of treaty-making behavior arose despite the Soviet Union’s distinctive ideology and potential revisionist aims. It knew exactly how to act like a state. In this sense, its unremarkable

6 This normalcy was abandoned once the Soviet state consolidated its position (see Whelan 1983, 215).
position in the interwar treaty network is remarkable—this most revolutionary of states enacted statehood just like any other state by negotiating and signing multilateral treaties.

**Post-World War II Europe**

The Second World War was destructive enough to generate systemic-level change at the most fundamental level. The conflict helped destroy the old political order externally, as empires were extinguished and new states emerged, and internally, as new regime types, demographic forces, and economic tensions overtook Europe.

The interwar period pitted two revolutionary ideologies, fascism and communism, against one another. The triumph of one or the other seemed inevitable, and neither choice would have left the traditional system of diplomacy in place. The US intervention in World War I, and subsequent activity in peace talks, focused on a new openness around diplomacy and the creation of a new general forum for nations. But little changed, and 20 years later the Second World War would cost 40 to 60 million lives, incalculable treasure, and put nails into the coffins of various states, orders, regimes, and processes. The war that England, France, and Germany began was won by the US and USSR. Nicolson (1939) decried both US and Soviet diplomats as amateurs who often found themselves at a disadvantage. Any number of alternative forms of interaction might have arisen in the wake of such destruction and upheaval. Yet despite the emergence of the Cold War and realism’s narrow emphasis on power, the multilateral treaty system remained at the heart of European international relations.

Many accounts of the post-war era rightly focus on the role of the US in promoting a multilateral era (Ruggie 1993). We suggest that the constitutive role of
multilateral treaty-making in recreating a European state system undergirded this success. As after other periods of war, the exponential increase in multilateral treaty-making that was evident prior to the conflict proved to have only been interrupted by the hostilities. States were made and resurrected by post-war treaties, as was the European system itself.

The growing integration of European states and the formalization of this process through the establishment of the European Community is a central feature of the post-war period. The inability of individual nation-states to cope with the problems that emerged from the nation-state system bedeviled Europe from at least the mid-nineteenth century on (Murphy 1994). The post-World War II era suffered even more from this shortcoming. Milward suggests that a growing incapacity of the state as an “organizational concept” fostered the process of integration (2000, 3), and these demands grew rapidly in the post-war period. The security and prosperity that disparate groups desired necessitated the provision of property rights, the perseverance of territorial borders, basic public services, and a host of new social welfare programs. To maintain legitimacy and cohesion, the post-war state as a political organization had to be attentive to a broader political consensus, demonstrate greater responsiveness, and provide a much larger range of functions than its pre-war incarnation (Milward 2000, chap. 2). Through the Treaties of Paris and Rome, the European Community emerged as a more advanced and functional form of political organization that allowed constituent states to meet new needs. In this way, multilaterally led, supra-national integration served to “rescue” the European nation-state.

Another key element in the reanimation of multilateral treaty-making was the dominant position of the US in the post-war European order (Ruggie 1993). The US enjoyed unprecedented influence as leader of the wartime coalition and of the world’s dominant economy. US policy makers were dedicated to rebuilding Europe, but in a form that would make future European wars impossible. The US was leading the world toward organization for general interaction, military alliances, a monetary system, and trade and development, and also facilitated the integration of other regions (Ikenberry 2000). These organizations were designed to bring states together to generate agreements that would create international norms and processes, and did so largely through the medium of multilateral treaty-making. Europe had been and would continue to be the epicenter of this process. Of course, Europe and the US had instrumental reasons for wanting stability. Critically, however, they pursued these aims through multilateral treaty-making, even in an era when many of the old order’s practices had been delegitimized. In this most fragile of periods, European states needed to demonstrate competent statehood and did so in part through multilateral treaty-making.

Figure 3 provides evidence of the centrality of European states to the practice of multilateral treaty-making. It reports normalized eigenvector centrality measures from the multilateral treaty network in rank-order for the 25 states with the highest eigenvector scores from 1945 to 1995, when the MATRS dataset ends. This measure of centrality calculates the importance of a particular node, in our case a state, to the network by weighting its ranking in reference to connections to high scoring nodes. If a state signs treaties with other states that sign many treaties, its eigenvector score increases. We note that the most influential nodes in this network, using the eigenvector measure, include the “inner six” founding members of the European Economic Community: France, (West) Germany, Italy, and the Benelux countries. The member states from the first enlargement of the EU (Denmark, Ireland, and the United Kingdom) are also among the states with the highest eigenvectors. In fact, the 18 highest eigenvectors are Western European states, along with the US. Europe is thus clearly the most central region in the global treaty-making network from 1945 to 1995. This is also evident in the treaty network diagram from the post-war period (1946–1960, Figure 4), wherein the dense linkages between Western European states are clearly apparent.

The centrality of Europe is suggestive for the constitutive practice argument. Europe significantly influenced the practice of multilateral treaty-making, and it is clear that European states reemerged as its arch-practitioners. Practicing multilateralism is reinforced by being a European state, the most central and influential states in the global treaty system.

Finally, another important feature of Figure 4 is the polarization of NATO and Warsaw Pact member states as they form two clusters of nodes. The Western bloc is unsurprisingly dense and centered on the core Western European states of France and Great Britain. The other bloc is comprised of East European states, who have treaty links with each other and with the Soviet Union. In fact, other than Poland, none of the East European states signed more than two treaties in common with states outside of the Eastern bloc. As is classic of bloc politics, Eastern European states are only indirectly connected to the West through their links to the USSR. True to our understanding of the schism in the communist world, Yugoslavia remained independent of the Eastern bloc. In this sense, the system highlights significant patterns of treaty-signing. The network of treaty-making...
relationships may reflect the distribution of capabilities in an anarchic world, but it is expressed through the practice of treaty-making. The fact that we can “see” the Cold War by merely looking at who signs treaties with whom is indicative of the constitutive power of treaty-making. Acting like states means making multilateral treaties, a practice that organizes state behavior and relations to such a degree that major structural features, such as bipolarity and the Cold War, are discernible by merely tracking it.

Decolonization

Our final example of the constituent nature of multilateral treaty-making concerns those areas that were decolonized after the Second World War. Colonization entails the systematic exploitation of an area’s human and physical resources for the advancement of others. To legitimate such activities, the inherent inferiority of the colonial populace was justified primarily on racial grounds, the need for a “civilizing mission,” and finally on legal foundations of annexation or trusteeship (Curtin 1971). Anticolonial independence movements are hardly new. Eighteenth- and nineteenth-century revolts made independent states of most of the Americas. But the late nineteenth-century scramble for remaining potential colonies increased the speed and often the ferocity of colonialism. Famine-producing tax regimes, virtual slave labor requirements, depopulation strategies, the imposition of arbitrary borders, and the purposeful generation of deadly rivalries were all prevalent.

Decolonization became even more contested with the onset of the Cold War. It was not difficult for the Soviets to convince many independence leaders that capitalist powers were an intractable enemy, while Western powers could readily point to Stalin’s excesses. In this hot-house “with-us-or-against-us” atmosphere, it is no surprise that states emerging between the 1940s and 1970s had a jaundiced view of the value of participating in the existing state system.

There were several historical, ideological, and strategic reasons for the Third World to turn its back on traditional international relations. Economic exploitation and
neo-colonialism led to initiatives against Western corporations and the foundations of private (Western) ownership (Nkrumah 1965). Disruptive colonial borders provided motives for some of the experimental federations that formed in Central America in the late nineteenth century, as well as for the United Arab Republic that formally unified Egypt and Syria.

Radical solidarity was another narrative in play in the postcolonial period and called for pan-racial organizations compete with the geopolitical desire for nonalignment in the 1950s and 1960s (Vitalis 2013, 265). Similar calls were based on the desire to create new cultural forms (Prashad 2008). Regional blocs and pan-regional strategies were also offered as a way the Third World could better cope with the many challenges to be faced (Vitalis 2013, 266).

However, none of these alternative forms of organization took root. Rather, emergent states in Asia and Africa found themselves with incentives to embrace core elements of European practices and stateness (Bull and Watson 1984, 433; Watson 1992, 294–99). Independence was signaled internally as domestic political leaders quickly grew protective of their territory, and externally by entry into treaties and organizations. The nonaligned movement that emerged in the 1950s and 1960s at a series of meetings in Bandung, Cairo, and Belgrade became dedicated to the very traditional principles of respect for national sovereignty (territorial integrity, non-intervention, nonaggression, and peaceful coexistence) enumerated by Nehru and Sukarno (Vitalis 2013, 272).

The founding of the Group of 77 in 1964 is indicative of this traditional national form and focus. The group emerged from among Global South members of the UN Conference on Trade and Development, with platforms that challenged the international trade, financial, and investment systems. Its members sought to reverse terms of trade, break Western shipping monopolies, alter the distribution of international liquidity, and generally turn a system that privileged the rich states on its head. But this was accomplished within the context of UN membership and the international system of institutions and laws that had been elements of their oppression. New states in the Global South had reasons to seek alternative organizational paths, and they were available, but they did not take hold. What we see instead is that former colonies were quickly socialized into the international system of treaty-making as a key practice of statehood. Newly independent states needed to demonstrate competent statehood and they took on socially constructed practices that defined what counted as acting like states.
An SNA of the decolonization period visualizes this dynamic and provides further insight into how the constitutive practice travels and plays itself out in this specific instance. Figure 5 depicts the image of Third World solidarity, albeit operationalized in the international treaty network. Mostly newly independent states in the Global South populate four distinct treaty-making clusters. Joining the ongoing Central American regional system (see Figure 5. Multilateral treaty network, 1961–1975
Figure 4 from the 1946–1960 period) is a robust treaty network containing virtually all South American states, a nascent Southeast Asian network, and a relatively dense African treaty network comprised mainly of francophone sub-Saharan states.

This implies that decolonized states turned to multilateral treaties as a way of relating to one another and to the wider global system, reinforcing the primacy of multilateral treaty-making as a key component of understandings of statehood. This pattern is evident even in Southeast Asia, a region generally dominated by informal relations (Ba 2003, 2009). As with the USSR, despite the incentive and opportunity to form a distinctive international engagement, postcolonial states did what states do when they needed to demonstrate competent statehood: they engaged in multilateral treaty-making. While new states may engage in multilateral treaty-making for functional purposes, socially constructed ideas about what it is that states do and are ultimately constrain instrumental choices.

Finally, two additional observations emerge by focusing on the African cluster in Figure 5. First, there are ties back to colonial powers, most notably between France and West Africa. This is suggestive of a mechanism of socialization (a potentially coercive one), whereby newly independent nations “learn” one of the necessities of statehood from colonial powers. However, a second observation is that the links back to the core European treaty-making cluster are quite sparse, even at the relatively low threshold of four treaties signed in common. What we see is the emergence of a dense regional cluster, and perhaps three clusters, that exhibit meager ties to Europe. These newly independent states are enacting statehood through treaty-making in a way not directed by or at former colonial powers, but in a dense regional context.

Conclusion

In this article, we argued that multilateral treaty-making is a constitutive practice of statehood. At least since the 1850s and into the contemporary international system, multilateral treaty-making constitutes competent statehood and the system of states in important ways. More specifically, we demonstrated that states “are what they do.” States engage in the practice of multilateral treaty-making as a commonsensical means to pursuing their interests and reifying themselves as state actors. Indeed, multilateral treaty-making as a constitutive practice gives form to the pursuit of state interests themselves. Our analysis of three critical junctures underscores these claims. At times when alternative forms of interaction were possible, expectations about competent statehood as treaty-making could have been in flux, and states and groups of states could have engaged in “transgressive” practices (Duvall and Chowdhury 2011), they refrained from doing so. Our study upholds a wide-ranging assertion within much of practice theorizing. At the heart of practice-theorizing is a suggestion that social relations are sustained in and through interacted practices. Our empirical analysis of the practice of multilateral treaty-making has buttressed this claim. To observe the effects of this practice, we have outlined a mixed-method approach that extends beyond this investigation. We have relied on historical analysis to elucidate the commonsensical adoption of the practice of multilateral treaty-making, and SNA to zoom out our view the network of connections and the underlying stability that it generates.

The historical and empirical evidence brought to bear in support of our claim prompts us to question the prevailing ontological perspectives about statehood and treaty-making. The conception of multilateral treaties as merely artifacts of either realpolitik or institutional incentive systems unnecessarily limits the scope of inquiry into their effects. They believe the possibility that treaty-making is a social mechanism in the constitution of global politics with implications for international relations independent of the political rationales for which treaties are manifested. Acknowledging the constitutive effects of treaties by no means negates the centrality of power and interest to their initial formulation; rather, it extends the conceptual framing of treaties from “scraps of paper” to sites of social learning and replication. In this context, treaties are both reflective and generative of politics among states. They reflect structures of power in global politics while also informing subsequent interactions among states. In doing so, they exhibit effects that transcend the conditions of their own genesis and lead to stability and continuity in the international system.

Supplemental Information

Supplementary information is available at the Journal of Global Security Studies data archive.

References


Appendix: Exponential Random Graph Model Results

To gain insight into the properties of the network, we fit an Exponential Random Graph model to the observed data. According to this model, the probability of a potential multilateral treaty-signings between any two...
countries is conditionally dependent on the frequency of pairwise treaties signed among the remaining countries in the given network. To estimate an effect of the pairwise-treaty ties, we employed the Metropolis-Hastings algorithm to simulate the distribution of the network from the proposed model (see below for the convergence diagnostics of the simulated distribution). The estimated effect is -0.494, which indicates that the likelihood of a potential multilateral treaty between any two countries decreases with the increase of the number of pairwise treaties existing among other members in the network. Moreover, the $P$-value is $<0.001$, which suggests the effect is statistically significant. Thus the structure of the network is nonrandom, allowing us to derive meaningful inferences from the positions that actors occupy in the network. This Exponential Random Graph model was run on the 1945–1960 subset (see Figure 4), but all three subsets we rely on are significant and produce identical graphs.

The graph on the left describes how well-mixing sampled networks are. It suggests the sampled network converges to the stationary distribution of the theoretical network. The x-axis is the difference in the number of edges between the new sampled and the given observed networks, whereas y-axis is a number of iteration. The graph on the right panel is a density function of the difference in the number of edges between the new sampled and the given observed networks.