Norms and other norms: Exploring norm relations and norm interactions in a complex global order

7/8 November 2019, Peace Research Institute Frankfurt (PRIF), Germany

Convenors: Caroline Fehl (PRIF) and Elvira Rosert (Universität Hamburg/IFSH)

SCHEDULE
(as of 27 September 2019)

November 6, 2019
7 pm Early-arrivals get together at Apfelwein Solzer

November 7, 2019 1st Workshop Day

12 pm Arrival and light lunch
12.45 pm Welcome and Introduction

1 – 3 pm Panel I: Positive Norm Interactions
1.00 – 1.40 pm: Antje Wiener: Norm Bundles and Norm(ative) Change: Contestations of Women Peace and Security
   Discussant: Zoltán Búzás
1.40 – 2.20 pm: Carla Winston: Continuity and Change in Norm Diffusion and Evolution
   Discussant: Max Lesch
2.20 – 3.00 pm: Carmen Wunderlich, Jeffrey S. Lantis: Reevaluating the State of Constructivism and Norms: Layers of Norm Structuration
   Discussant: Andrea Liese

3 – 3.30 pm Coffee Break
3.30 – 5.30 pm  Panel II: Negative Norm Interactions
3.30 – 4.10 pm: Anna Holzscheiter, Andrea Liese, Sassan Gholiagha: Advocacy Coalitions and Norm Collisions: Insights from International Drug Control, Human Trafficking, and Child Labour
Discussant: Stephanie C. Hofmann
4.10 – 4.50 pm: Anne Peltner: Changing responses to competing norms: sovereignty and human rights protection in British humanitarian intervention debates
Discussant: Jason Ralph
4.50 – 5.30 pm: Johanne Døhlie Saltnes: Human rights in the EU’s foreign policy: context-transcending principles and the requirement of context-sensitive solutions
Discussant: Jennifer L. Erickson

7 pm  Conference Dinner (location tba)

November 8, 2019  2nd Workshop Day
8.30 am  Coffee and Welcome

9.00 – 10.20 am  Panel III: Unintended Effects
9.00 – 9.40 am: Jennifer L. Erickson: New Technologies and Norms of War: Submarines and Poison Gas in World War I
Discussant: Carmen Wunderlich
Discussant: Jeffrey Lantis

10.20 – 10.50 am  Coffee Break

10.50 am – 12.50 pm  Panel IV: Norms and Hierarchies
10.50 – 11.30 am: Stephanie C. Hofmann: Normative hierarchies, norm complexes and the use of force
Discussant: Sassan Gholiagha
11.30 am – 12.10 pm: Rochelle Terman, Zoltán Búzás: Normative Communities in International Relations
Discussant: Anna Holzscheiter
12.10 – 12.50 pm: Jason Ralph: Contestation of foreign aid norms
Discussant: Antje Wiener
12.50 – 2.00 pm  Lunch

2.00 – 3.30 pm  Panel V: Complex/hybrid Norms and Construction of Norm Relations

   2.00 – 2.45 pm: Caroline Fehl: The responsibility to protect and to prosecute: Linking norms in mass atrocity responses
   Discussant: Carla Winston

   2.45 – 3.30 pm: Max Lesch, Dylan Loh: Hybridity and Hierarchies of International Norms: The Case of China’s Belt and Road Initiative
   Discussant: Johanne Døhlie Saltnes

3.30 – 3.45 pm  Coffee Break
3.45 – 4.30 pm  Wrap-Up
Abstracts (in alphabetical order)

Erickson, Jennifer L. New Technologies and Norms of War: Submarines and Poison Gas in World War I

New defense technologies often challenge existing international laws and norms, raising complex questions about whether new weapons should normalized and legitimated, or banned. This paper compares debates about the use and regulation of submarines and poison gas during and after World War I. In both cases, the new weapons were condemned as barbaric and inhumane, even as belligerents sought to manipulate existing rules of war to justify their use. Yet, after the war, only attempts to ban poison gas succeeded, while the submarine has become an accepted and legitimate defense technology. I argue that these debates over new weapons and international law during World War I demonstrated the limits of existing international rules and in turn shaped public perceptions and legal debates after the war about what those rules should be, often in unexpected ways, with long-term consequences for norm creation. Sustained campaigning to ease public fears over gas in domestic politics, in particular, inadvertently raised and prolonged public fears that were not sustained in the case of submarines. The paper also suggests lessons for current policy debates, as well as insights into the political processes behind the development of norms of war.

Fehl, Caroline: The responsibility to protect and to prosecute: Linking norms in mass atrocity responses

What should the international community do in the face of mass atrocities being committed in a country? In this paper, I analyse two distinct informal moral norms that have emerged in the course of the past two decades to govern mass atrocity responses: a normative understanding that atrocity crimes must be prosecuted through international criminal justice mechanisms if the responsible state fails to do so, and a normative understanding that international actors must intervene to protect civilians from atrocity crimes if the responsible state fails to protect them. While it has often been noted that each of these norms is politically contested, I focus on exploring how political actors construct and contest linkages between them. Whether or not international criminal trials contribute to protecting civilians or endanger them by escalating conflicts, whether international criminal investigations and convictions justify other measures including the use of force or can substitute for them – these questions are not merely the subject of academic studies, but have been continuously debated in international political fora. This allows us to trace how norm “conflicts”, “synergies” and other types of linkages are socially constructed, how linkages change over time, and to investigate what drives the politics of norm linkage: do actors link norms strategically to legitimize certain policy preferences, do they draw on individual cultural experiences, or collective learning processes? To address these questions, the paper presents findings from a longitudinal content analysis of debates in the UN Security Council (Protection of Civilians), General Assembly (Responsibility to Protect) and the Assembly of States Parties of the International Criminal Court.

Stephanie C. Hofmann: Normative hierarchies, norm complexes and the use of force

Empires, states, transnational networks, or international (both global and regional) organizations have intervened military in other actors’ affairs, often feeling compelled to justify their intervention. Whether these justifications were deemed valid or rejected was another matter. The UN Charter system which is operative since the end of World War II modified existing permissive norms
regarding the use of force by adding a prohibition. Article 2.4 states that the use of force between states is impermissible except when there is a case of self-defense (Art. 51) or when the UN Security Council authorizes it (Art. 39, 42). The UN Charter regulates the use of force for both states and a fairly new actor in town, regional intergovernmental organizations.

The UN’s monopoly and primacy in the justification, authorization and conduct of peace operations is contested, however. Though the UN Charter sets out provisions regarding the role of regional security organizations (RSOs) in maintaining international peace and security (Chapter VIII), RSOs have formulated their own understandings of international and/or regional security order. Some RSOs have taken on responsibilities without UN consent or against UN norms while others seek the UN’s logistical support. But even in this latter category, RSOs have not always aligned themselves with the UN normatively. This questions the coherence of the international order, in particular as security threats and violent conflict have led to a persistent demand for peace operations.

In this paper, I plan to look at the different ways the use of force is normatively framed across different regional and global security organizations. Based on primary documents from 1991 to today for the AU/OAU, CSTO, EU, NATO, SCO, UN, I want to investigate how the use of force is related to other substantive and procedural norms such as human rights and multilateralism across these institutions. The tracing of these norm complexes will provide us with a better understanding of global legal normative ambiguities and their regional interpretations.

**Holzscheiter, Anna/Liese, Andrea/Gholiagha, Sassan:** Advocacy Coalitions and Norm Collisions: Insights from International Drug Control, Human Trafficking, and Child Labour

Norm collisions understood as situations in which actors perceive two norms applicable to the same situation as incompatible with each other are part of the dynamic relationships between norms. In this paper, we argue that advocacy coalitions play an essential role in bringing such norm collisions to the fore. We ask: How do advocacy coalitions affect norm collisions? Our underlying assumption is that advocacy coalitions function as agenda setters in global politics. Rooted in constructivist IR theory on norms and taking into account legal approaches to fragmentation and political scientist work on regime complexity, we put forward a conceptual framework to analyse the effect of advocacy coalitions on norm collisions. We conduct case studies including across case comparison, and use historical process tracing and discourse analysis to look at norm collisions in three issue areas: international drug control, human trafficking, and child labour. We analyse the role of advocacy coalitions in each of the three issue areas. The issue areas have in common that in all three a prohibitive regime is at the centre. The issue areas are different because there is a variation on the advocacy coalition constellations. It is this variation in our research design that we use to generate insights into the effect of advocacy coalitions for the activation of norm collisions across the issue areas. We use documents of debates and negotiations within and between International Organisations as our data. Secondary literature provides us with additional background on these issues.

**Lesch, Max/Loh, Dylan:** Hybridity and Hierarchies of International Norms: The Case of China’s Belt and Road Initiative

China’s Belt and Road Initiative (BRI) is its most ambitious geopolitical project to date. The effects of the BRI on China’s foreign policy, global governance and international norms are still being studied.
We add to this emerging literature by analysing the BRI as a package of ‘normative international practices’. Building on pragmatist and reflective concepts of practice in International Relations, we make a twofold contribution to the debate about the normativity of practice and norm interactions: First, we show how normative international practices stabilise, modify or disrupt existing normative structures by utilising multiple and normative repertoires. Second, the focus on normative international practices sheds light on how political actors situate themselves in international (normative) hierarchies and try to maintain or alter these hierarchies and their position within them. In that way, we trace China’s normative international practices and show that the BRI both challenges and sustains international normative structures by navigating and re-configuring their hybridity and hierarchies.

Peltner, Anne: Changing responses to competing norms: sovereignty and human rights protection in British humanitarian intervention debates

The paper explores the norm competition between sovereignty and human rights protection norms in British humanitarian intervention debates. As social constructivist research suggests, norms influence the behavior of actors. The assumption that action is guided in accordance to what is seen as appropriate becomes problematic when following two conflicting norms becomes possible. This results a problem for an actor who internalized both norms and is therefore prone towards two conflicting, but appropriate actions.

The paper argues that the actors can respond to competing norms in different variants without completely opposing one of the norms. Two of them are norm hierarchies and the realignment of the norms with regard to their content. Once an actor has selected one of the variants, this “choice” may also be changing. As competing norms may be subject to dynamics, so the relations between them may transform.

The paper asks why these responses to competing norms change and proposes four factors: the perception of the situation, the evaluation of previous and upcoming actions, the strength of the two competing norms for actors and perceptions regarding reactions of other actors. This is analyzed via content analysis by looking at British debates about humanitarian interventions and non-interventions from the early 90s onwards in situations where massive human rights violations took place.

Rosert, Elvira: Permissive Effects and the Nonemergence of International Norms: Cases from Humanitarian Arms Control

The insight that norms “never enter a normative vacuum” (Finnemore/Sikkink 1998) and “compete for time and attention” (Florini 1996) with other norms, has been formulated early in norm research. Interestingly, though, it were mainly positive interactions between norms, captured in concepts like “grafting”, “fit”, or “resonance”, that became a central theme of norm research. In contrast, this paper’s focus is on negative norm interactions: I explore the mechanisms of norm competition, connect them to specific outcomes, and identify the scope conditions of such processes. Drawing on the deontic school, communication research, and discourse theory, I advance Nina Tannenwald’s concept of permissive effects through discerning their three different dimensions, namely attentional, constitutive, and regulative, and formulating two mechanisms particularly relevant in the norm emergence phase, namely the blockade mechanism and the reverse legitimization mechanism. To demonstrate the explanatory value of my theoretical model, I ask whether the puzzle of the long
nonemergence of the norm on cluster munitions can be explained through permissive effects of the norms against incendiary weapons and anti-personnel landmines. Combining process tracing with a content analysis of media and institutional documents, I observe the interactions of the respective norms in the period from 1945 to 1997.

**Saltnes, Johanne Døhlie: Human rights in the EU’s foreign policy: context-transcending principles and the requirement of context-sensitive solutions**

The promotion and protection of human rights is a central component of the EU’s foreign policy. The EU has also showed that it commits to this goal, inter alia by including a human rights clause in all its external cooperation agreements and has been willing to sanction third states in situations of severe violations of human rights. However, the EU is also accused of an inconsistent commitment to protecting human rights abroad, something that has led to suspicions of hypocrisy and double standards. In the literature, such inconsistencies have so far been understood mainly as a result of the EU’s calculations of its strategic interests. Contributions that investigate whether the collision of different normative concerns contribute to such inconsistencies are so far relatively scarce.

In this paper, I make use of Klaus Günther’s (1993) distinction between a justificatory and applicatory justifications to put focus on the process of how norms are handled in concrete situations of decisionmaking. While human rights can be defined as a context-transcending principle, where one neutral standard deals with colliding interests, values and norms, the application of a human rights based foreign policy often requires context-sensitive solutions. In order to fully understand the EU’s inconsistent commitment to human rights the weighing of different and conflicting normative concerns when considering the application of human rights sanctions must be taken into account. To investigate the relevance of applicatory discourses I analyse the EU and its member states justifications for their different foreign policy reactions to the Anti-Homosexuality Act passed in Uganda in February 2014.

**Terman, Rochelle/ Búzás, Zoltán: Normative Communities in International Relations**

The international norms scholarship suggests, implicitly or explicitly, that different states belong to different normative communities, which are constituted by shared norms. While the concept of normative communities is theoretically ubiquitous, empirical research on the topic remains limited. This paper applies a systematic and data-driven method for identifying and characterizing such communities and the norms underpinning them. We harness newly available data from the Universal Periodic Review, a U.N. mechanism where states “peer review” one another’s human rights practices. The UPR facilitates a measure of interstate similarity based on the specific human rights issues (e.g., women’s rights, torture) states promote on the world stage. Using clustering algorithms drawn from unsupervised machine learning, we identify specific normative communities, the states constituting them, and their distinctive norms. We support our findings with brief case studies. The paper provides rich opportunities for exploring various types of interactions among normative communities and their underlying norms.

**Wiener, Antje: Norm Bundles and Norm(ative) Change: Contestations of Women Peace and Security**
The proposed paper addresses normative substance and transformative change with reference to the Women Peace and Security (WPS) agenda which has been implemented following UNSC Resolution 1325 (True and Davies 2017). It is argued that the WPS offers a particularly interesting case to illustrate norm contexts that reach beyond the norm, and the challenges and possibilities this involves for the field of norms research in IR theory. The argument builds on recent literature on norms research and security studies which has identified the WPS as a ‘norm bundle’ (True and Shepard 2018; True and Wiener 2019). This bundle is distinguished by two characteristics: first, it entails different types of norms (i.e. fundamental norms, organising principles and standardised procedures); second, the norms are flexible with regard to their shape and place.

Following the four leading workshop questions, the present paper emphasises the notion of norms being situated within a larger societal context. In this regard, the paper takes special note of the fourth question, i.e. ‘how and with what consequences are different norms clustered into norm complexes or merged into hybrid norms’ (Rosert and Fehl 2019). Against this backdrop, the paper presents a framework for analysing the local/global co-constitution normative structures through zooming in and out of local norm contestations on distinct sites in global societies according to the norm typology and the scalar model (Wiener 2018). At each site, norm(ative) change is analysed with reference to two normative structures including first, the normative political opportunity structure which frames local norm change, and second, the normative structure of meaning-in-use as the site for global transformative change.

**Winston, Carla: Continuity and Change in Norm Diffusion and Evolution**

How does the specific content of norms change for some actors, stay the same for others, and continue to be recognized as “the same norm” by most audiences? I suggest that this variety can be attributed to the choices that states have when adopting norms: follow an existing precedent (creating continuity) or innovate (choosing change). Given the conceptual structure of norms themselves, the existence of precedent and the various influences on state decision-making, I explain how decisions which create either continuity or change affect both the structure of a norm cluster and the normative choices of future actors. In particular, I examine the discourse necessary to convince the wider community that such choices are appropriate expressions of the original norm, even as they change that norm’s content. Examples from the field of transitional justice are used to demonstrate these decision-making processes and the normative variety which results. Over time, I suggest that the individual state actions which create continuity or change help to define the shape and size of norm clusters and the norm components and relationships within them.

**Wunderlich, Carmen/Lantis, Jeffrey S.: Reevaluating the State of Constructivism and Norms: Layers of Norm Structuration**

Today, research offers a variety of analytical tools to understand the emergence, diffusion and development of norms. Scholars commonly distinguish between “first” and “second” generations of norm analysis, or between models that focus on linear norm diffusion and critical constructivism that address challenges and contestation. We contend that these distinctions have become problematic for understanding developments in world politics and sometimes fail to capture relationships between norms and the potential for norm resiliency. In this paper, we advance a new conceptualization of structural layers inherent in constructivist approaches to norms. We argue that there are three structural layers of significance: First, studies examine individual norms as the
primary structural component and analyze how agency relates their development. Second, scholars are devoting new attention to the importance of norm interrelations or norm clusters as critical layer of structuration. These works capture the interaction effects of different norms, including the potential for complementarity and conflict. Third, some authors have supplemented the traditional focus on norms by exploring the “normative structure” as the broadest layer in world politics. We argue that contemporary studies of norm contestation force us to revisit the traditional generations frame and recognize the potential for layers of norm structuration. As we will demonstrate, a shifting of focus not only offers a more accurate understanding of norm dynamics and captures variable effects of norm contestation, it also ties in with a more skeptical view on generational alignment underway in the discipline of IR more broadly. Finally, by addressing norm relations and hierarchies in this light, the paper also develops avenues to investigate questions such as why certain norms survive contestation while others lose their normative validity.

Summary

The proposed workshop will explore relations and interaction effects between different global norms. The global order has been marked by an increasing density and complexity of both formal and informal norms, but International Relations (IR) theorists interested in the emergence, diffusion, evolution and effects of global norms have only begun to investigate the causes and effects of this normative complexity. The workshop aims to bring together researchers working from different theoretical perspectives for a comprehensive, comparative study of different types of relations and interaction effects between different norms at the global level. Questions we are interested in include: How do norm conflicts and norm synergies influence the evolution and effects of global norms? How are conflicts, synergies, and hierarchies between norms created and changed? Under what conditions can norms have unintended effects on other norms? How and with what consequences are different norms clustered into norm complexes or merged into hybrid norms?

State of the art and contribution of the workshop

IR scholars interested in the emergence, diffusion, contestation and evolution of norms in global politics have become increasingly interested in moving beyond the study of individual norms to explore various types of relationships between different norms. Recent contributions highlight, for instance, how the acceptance and evolution of norms is affected by “norm collisions” (Holzscheiter et al. 2018), or by unintended “permissive effects” (Rosert, forthcoming; Rosert, under review). They explore the impact of “norm clusters” on the resilience of norms (Lantis/Wunderlich, 2018) and on the diffusion of norm-compliant behaviour (Winston, 2017), and analyse policy stalemates resulting from tensions within norm clusters (Harris/Symons, 2013). They show how conflicting norms shape the behavioural choices of actors (Peltner, 2017; Saltnes, 2017) and how broader normative
structures give rise to concrete norms via agency (Kim/Sharman, 2014). They trace the localization and translation of international into domestic norms (Capie, 2008; Subotic, 2015; Tholens, 2017; Zimmermann, 2017) as well as reverse processes of translating domestic into international norms (Staunton, 2018). They show how actors “hybridize” different global norms (Fehl, forthcoming; Moore, 2012), deliberately refrain from inducing certain normative fields into others (Wallbott/Schapper 2017), or discursively construct conflicts and synergies between global norms (Fehl, 2018).

While interaction effects and linkages between norms have long been side-themes in studies of norm emergence, diffusion and contestation – with Richard Price’s early discussion of “grafting” as an influential example (Price, 1998) – the above-cited contributions put these issues at the centre of inquiry. In addition, they increasingly draw attention to disadvantageous effects of norms on other norms, whereas previously, the focus on beneficial effects prevailed. The workshop proposes to bring together scholars working on related questions, compare and synthesize key insights on norm relations, and thus stimulate a deeper, collective engagement with the issue.

The expected contribution of the workshop is of both empirical and theoretical importance. Empirically, the increasing density and complexity of global norms implies that almost by default, any given norm emerges into, operates within, and (sometimes) fades from a social environment pre-structured by multiple other norms. These conditions complicate the task of developing predictions on norm dynamics or even generating policy advice, challenging scholars to factor norm relationships into their explanations of norm emergence and entrepreneurship, contestation, and norm robustness.

Theoretically, a systematic collective engagement with norm relations appears overdue if we look to neighbouring strands of theorizing in International Relations and International Law. International lawyers’ discussions of “regime collisions” (e.g. Blome et al., 2016; Fischer-Lescano/Teubner, 2004) and IR analyses of “regime interactions” and “regime complexity” (Alter/Meunier, 2009; Benvenisti/Downs, 2007; Biermann et al., 2009; Drezner, 2007; Faude/Gehring, 2013; Gehring/Oberthür, 2009) have not been followed by a parallel move on the part of norms scholars to collect and synthesize insights about norm relations. Yet, norm research, with its constructivist, critical, interpretive, and/or post-positivist theoretical leanings, promises different insights on norm relations than an international law approach – which focuses on the normative question of how regime collisions should be dealt with – or a rationalist “regime” perspective.

References


Peltner, Anne 2017: Competing Norms and Foreign Policy Change: Humanitarian Interventions and British Foreign Policy, in: International Politics 54: 6, 745-759.


Rosert, Elvira (under review): Intended and unintended effects of international norms. A typology.


Participants

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