Norm Research in Theory and Practice
Sponsored by the *International Studies Association*
Virtual Workshop Schedule
Tuesday March 24th 2020 via zoom
Workshop will begin at 7:15pm (CET), 6:15pm (GMT), 2:15pm (EDT) and 5:15am on Wednesday (AEDT)

Hashtags: #NormsIR #ISA2020

0-45 minutes: Panel 1: Establishing Norms Research as a Field in IR Theory: Contestation and Implementation
>	*Papers:*
>	**Antje Wiener-** On the Concept of Contestation
>	**Cecilia Jacob**- Steering towards consistency in international norm implementation: Human protection and responsive regulation
>	**Phil Orchard**- Interpreting Norms

45 minutes- 1.5 hours: Panel 2: Establishing Norms Research as a Field in IR Theory: Concepts and Approaches
>	*Papers:*
>	Sassan Gholiagha- Norms and Responsibility
>	Michal Ben-Josef Hirsch and Jennifer M. Dixon - Norm Strength and Norm Development
>	Carla Winston- The Complex Nature of International Norms

1.5 hours-2.25 hours: Panel 3: Unpacking the History of Norms
>	*Papers:*
>	**Amitav Acharya**- Against Norm "Creationism"
>	**Jason Ralph**- On the 'Cryptonormativism' of Norm Studies
>	**Audie Klotz**- Mainstreamed or Marginalized? A Brief History of Gender and Race Norms

2.25 hours- 3 hours: Fourth Panel 4: Applied Norms Research and the Question of Interdisciplinarity
>	*Papers:*
>	**Halima Akhrif and Simon Koschut**- Emotion and Norms in International Relations (Koschut presenting)
>	**Anette Stimmer** – The interaction of law and politics in norm implementation

3 hours- 3.5 hours: Conclusions: Developing an Edited Volume.

Abstracts

Amitav Acharya- Against Norm "Creationism"

Creationism refers to an idea about the origins of the world or universe in orthodox Christian theology, still popular among 21st century evangelicals, which holds that 'the universe had a distinct starting point' and was created by God in a single act out of 'nothing'. Challenging this belief, the twelfth-century Muslim philosopher Ibn Rushd (Averroes), revived and enriched the forgotten Aristotelian Doctrine of 'the eternity of the world': or the view that time and matter are eternal or predate God's creation (although God might have facilitated the process). Ibn Rushd's timely intervention, along with those of other Arab Islamic philosophers, deeply influenced European thinking, including that of Thomas Aquinas, a divinity student/professor at the University of Paris, and shaped the rationalist

worldview of the Renaissance and Enlightenment against the Church doctrine. Yet contemporary writings about the creation of international or world order continue to ignore the vital Muslim contribution. While the literature on norms continues to advance conceptually and methodologically, the answers to some basic questions remain contested and unsettled. Among these: who, when, how and why of norm-making? In this paper, I seek to revisit this question.

This paper draws upon three insights from my previous and ongoing work on agency and process in norm creation: (1) shifting the exclusive attention given to Western norm entrepreneurs and paying more attention to local thinkers, actors and contexts; (2) acknowledging the contextual agency of norm advocates, with reference to the original time/place/problem from which they derived their initial ideas and action; and (3) recognizing how norms "circulate", in space, time, levels (e.g. global-local), and issue areas (e.g. security -politics-ecology), through neglect, non-use, abuse, challenge, revision and reemergence.

The central argument of this paper, using both classical and modern examples, is that norms do not originate from a sole Creator out of 'nothing' in a single act of creation. Rather, they develop out of and reflect preexisting and ongoing processes: a sort of doctrine of "eternity of the world of norms". To fully understand norm creation in all its richness and complexity, it's important not to limit our investigation to a single actor (individual, state, epistemic community, or social movement), time (e.g. post-cold war era), place (West-North, East-South) or stage (commissions or institutions, which might "name" them). Within such a broader perspective, one can uncover the multiple, global origins of norms, develop new lines of investigation, and empower norm advocacy in an increasingly pluralistic or "multiplex" world order.

Halima Akhrif and Simon Koschut- Emotion and norms in International Relations

The significance of emotions is often implicitly addressed in norm research. Some IR scholars, for example, suggest a regulatory function of emotions when it comes to norm-based behavior (Finnemore and Sikkink 1998), norm compliance (Elster 1989; Fearon 1997; Risse, Ropp, and Sikkink 1999), norm persuasion (Chaiken, Wood, and Eagly 1996; Keck and Sikkink 1998), and norm contestation (Wiener 2004). Yet, the literature on norms often takes these affective dynamics for granted without making them explicit. This contribution seeks to address this imbalance by examining the relationship between emotions (as moral value judgments) and norms (as collective expectations about appropriate behavior). Specifically, we extend the current analytical focus by proposing a framework for the empirical investigation of emotional resonance in norm research. We argue that emotional resonance is crucial to the impact and enforcement of social norms, since emotions assign specific value to norms within normative orders. The goal is to identify pathways and build bridges between norm research and research on emotions in IR.

Sassan Gholiagha- Norms and Responsibility

Norms almost always raise questions of responsibility, while at the same time debates about responsibility often refer to norms, lead to norm change, or the development of new norms, as it was, for example, the case with the Responsibility to Protect (R2P) following the mass atrocity crimes in the 1990s. The paper is interested in the relationship between norms and responsibility. In order to provide a better understanding of the norms-responsibility relationship, the paper draws on existing research on norms (Winston 2017; Wiener 2018), responsibility (Erskine 2003, 2008; Ainley 2011), and agency (Wiener 2017; Zimmermann, Deitelhoff, and Lesch 2018). The paper argues that in order to understand the norms-responsibility relationship, the agency of actors putting the norms into practice and debating about responsibility in the context of norms, must be the analytical focal point.

The literature on norms has provided us with the insight that that norms tell actors what the appropriate behaviour for an actor in a given situation is (March and Olsen 2009), consist of an underlying value, a specific problem, and an expected behaviour (Winston 2017), and are also contested (Wiener 2018), studying norms and how actors refer to them in discourse and debate their meaning-in-use (Wiener 2009), will shed light on the norms-responsibility relationship. In her research on responsibility, Erskine notes that we can either make "an ex ante judgement regarding tasks that the agent in question ought to perform given certain conditions." Or we can "make an ex post facto assessment of a particular event or set of circumstances for which the agent's acts of commission or omission are such that the agent is deemed deserving of praise or blame. These can be referred to as statements of prospective and retrospective responsibility, respectively" (Erskine 2003).

Building on this literature, the paper investigates that relationship between responsibility and norms empirically, by looking at two prescriptive norms in international relations, both of which bestow responsibility upon actors. The first norm is the norm of meaningful human control (MHC), which deals with questions of oversight by humans for so-called Lethal Autonomous Weapon Systems (LAWS), which themselves raise questions of what Erskine calls retrospective responsibility (Erskine 2003). This norm is prescriptive as it asks actors to retain control over LAWS for reasons of responsibility in the laws of the war. The question of responsibility is retrospective, as issues only arise if there is a violation of the laws of war or International Humanitarian Law. The second norm is the Responsibility to Protect (R2P), which deals with the responsibility to prevent mass atrocity crimes, and if necessary, protect populations from them. R2P has a more complex structure (Welsh 2013), as a failure by a state to uphold its R2P triggers the international communities R2P to prevent mass atrocity crimes and if necessary protect populations from then through the UN Security Council (Hunt and Orchard 2020). The norm as a whole, however, is prescriptive, and the responsibility assigned prospective. For the comparative analysis of both norms, the paper exploits the variation in the type of responsibility, i.e. prospective and retrospective and the fact that both norms are prescriptive norms, to compare the relationship between norms and responsibility in both cases, thereby gaining a better understanding of the relationship between norms and responsibility.

Michal Ben-Josef Hirsch and Jennifer M. Dixon - Norm Strength and Norm Development

Dominant approaches to norm development have both shaped and limited thinking about norm strength. The most influential conceptualization of the processes by which a norm emerges and diffuses is Finnemore and Sikkink's norm life cycle model. This model introduced important propositions concerning the development and impact of international norms and launched a vibrant research program. While early work tended to characterize norm development in relatively teleological and positive terms, more recent work has sought to challenge these implicit assumptions, exploring how a norm's meaning changes through processes of interpretation, contestation, and violation. In spite of these important developments, norm strength has continued to be overlooked and underspecified, with scholars often failing to analytically separate norm content from strength, and frequently referring to strengthening and weakening, and strong and weak norms, without offering clear definitions or measures of strength. As a result, norm change is treated simply as a function of changes in norm content and typically disregards important differences between content and strength, thus foreclosing the possibility of evaluating the relationship between them. To address these shortcomings, this paper will critically review existing scholarship on norm development and the norm life cycle, highlighting the need for a new model of norm development that incorporates norm content and norm strength. By treating norm content and norm strength as distinct and constitutive elements in processes of norm development, one can begin to assess the ways in which a norm's strength affects its diffusion and impact, to analyze the effects of norm content on norm strength and vice versa, and to evaluate the effects of norm violations on norm strength. This promises to advance

ongoing debates about norm contestation, localization, violation, and erosion; which should contribute to the further accumulation of knowledge about international norms.

Jakob v. H. Holtermann and Nora Stappert Re-thinking the normative dimension of international legal

After growing criticism that practice theory in International Relations often remained confined to merely 'mirroring' international practices, a number of recent contributions have explored international practices' normative dimension. Such a focus seems to be particularly promising with regard to the burgeoning literature on practice theory and international law, considering that the latter is necessarily normative. Within recent attempts to account for international practices' normativity, one suggestion has been to invoke HLA Hart's celebrated distinction between the internal and external aspects of law. While initially promising, this paper argues that such a strategy is ultimately insufficient. First, building on what has been called European New Legal Realism, it makes the case that Hart's approach overlooks a more central internal/external distinction between axiological and empirical legal validity. Only by observing this distinction will it be possible to research the normative processes of international law empirically. Second, by applying this latter distinction, the paper suggests how the Hartian conception of the relationship between legal and moral normativity should be challenged – both from the point of view of empirical and axiological validity. The paper concludes by outlining the implications of its argument for the study of international practices' normativity beyond international law.

Cecilia Jacob- Steering towards consistency in international norm implementation: Human protection and responsive regulation

This article employs the lens of 'responsive regulation' to examine the question of how actors could support more consistent implementation of international human protection norms. Dominant accounts of the regulatory function of international norms in international law (compliance) and international relations (internalisation) seek consistency in norm implementation through mechanisms such as legal/institutional reform and socialisation, respectively. These accounts are complemented by a socio-legal theory of regulation that pays attention to the way that norms operate 'in reality' to regulate actor behaviour. This article calls for a more explicit account of the regulatory model employed in the governance of international norms, taking the example of human protection norms that respond to complex social contexts of largescale human rights violations. Part One introduces the concept of responsive regulation, and shows how R2P, as a pivotal doctrine underpinning the international human protection regime, is characteristic of a responsive regulatory framework. Part Two examines efforts to shift human protection in new territory and towards improved preventive capacity with an increased emphasis on accountability through the UN Human Rights Council (HRC). This case study provides insight into how the diversification of institutional preventive capacity at the UN is an asset for effective regulation of international human protection norms when understood through a responsive regulation lens.

Audie Klotz- "Mainstreamed or Marginalized? A Brief History of Gender and Race Norms"

Introduction

With more than three decades of perspective on the "constructivist turn" in International Relations, what general insights do we have about norms? What happened to the path-breaking theoretical and empirical claims of the late 1980s and early 1990s? What has the field gained, and lost, as "norms" moved from the margins to the mainstream? I will explore these overarching questions through two themes: gender and race. Within each theme, I will highlight early contributions and sample recent

interventions as one way to gauge evolution in accepted wisdoms and acknowledge ongoing disagreements. Overall, I will characterize gender as partially mainstreamed, whereas race remains marginalized. Rather than attempt definitive judgments, my aim is to map out areas of theoretical contestation and to suggest valuable avenues for further work.

Gender, then and now

Gender analysis features prominently in two areas of norms research: rights and security. I anticipate looking at some of the ways in which research on women's rights successfully expanded the scope of legitimate questions. Through the lens of "combatant and civilian," furthermore, this trajectory also opened new directions in security, notably the "women, peace, and security" agenda (in theory and in practice). Perhaps I will also incorporate some of the issues emerging, at the intersection of rights and security, in my own current research on nationality.

Race, then and now

Race, in contrast to gender, demonstrates how norms can remain marginalized, even when codified in international law. To demonstrate, I will highlight how the convention against racial discrimination, albeit recognized as foundational in international human rights law, nonetheless drops out of the IR literature. At this point, I have some hunches about why this happened; the challenge will be how to provide evidence for silence, which provides an opportunity to circle back on some of the key methodological debates of the early 1990s. Perhaps I will also connect these questions to current debates about compliance (which I am pondering anyway for a different group project, which bridges International Law and IR).

Implications

Connections to the project's framework will likely include: concentration on the theoretical theme of "embeddedness" (more so than processes or agency, though of course these all mesh); application of Antje's distinction between proactive and reactive contestation; and analysis of the contemporary rise in overt racism (and sexism) under the misleading label of populism. To stir the pot, I will likely offer a critique of critical theory, which stressed the "emancipatory" potential, without realizing its implications for movements that do not fit their own normative agendas.

Dorothy Makaza-Goede- Alternative perspectives in interpreting international norms: Afrotopia in ICL practice

The interpretation and subsequently the practice of international criminal law (ICL) has always been predominantly universalistic. Of late, this approach has been causing friction among various global actors owing to their different applications of certain ICL principles. The contestation of key ICL norms by the African Union (AU) and some African states demonstrates the manner in which institutionalisation can be an impactful form of norm emergence and reconstruction processes. At the same time, what can be seen from the strained relationship between the AU and the International Criminal Court (ICC) in this regard is that the normative impact of such institutionally driven norm emergence and/or re-construction processes is most likely to be at odds with other international institutions´ normative values as they either prioritise global norms differently or interpret them differently altogether. The concept of Afrotopia has been suggested as an alternative perspective, not only for the interpretation but for the comprehension of ICL norms by various African actors based on their individual "normative baggage". How then can such global south approaches to ICL interpretation be reconciled with predominant universal approaches? In tackling this question, this contribution hopes to firstly critically engage with the long standing legal tradition that considers some

ICL norms to be too sacred and has resulted in some normative areas being under-explored/unchallenged. The result has been that these normative areas miss out on the all too necessary processes of re-interpretation and reconstruction in a highly globalised world where normative meaning is not static. Secondly, it will be necessary for the contribution to further develop the concept of Afrotopia beyond its tentative proposals for its application in ICL, in order to fully account for differing normative interpretations regionally and internationally. In so doing, the article will also shed some light on the institutional battles that ensue from such processes and how this impacts the normative development of international law as a whole.

Phil Orchard- Interpreting Norms

Over the past decade, we have seen a significant shift in the norms literature away from the idea that a norm reflects a fixed and universally accepted shared understanding to notions that any norm – even those which appear to be widely institutionalized at the international level- remains subject to contestation and interpretation at both the international and domestic levels. These issues have triggered renewed emphasis both on how contestations can include both discursive and behavioural elements and how norms' internal structures operate. But this also means that all norms may have a varying interpretative scope through which they are understood by actors. And yet some international norms do clearly have a relatively fixed nature, clearly understood by most if not all actors including those who may be engaging in violation. In this paper, I argue that three sets of factors may help to understand how wide or narrow this interpretative scope may be: a norm's intrinsic characteristics, norm type (whether treaty, principle, or policy-based), and a norm's embeddedness in regimes and other structures.

Jason Ralph- On the 'Cryptonormativism' of Norm Studies

Constructivist inspired research on norms is often summarised using various heuristic devices. The language of 'generations', 'waves' 'turns' or 'dimensions' is used to describe the history of the field. The lines separating phases of research are never distinct, so this language can be criticised, but it nevertheless remains useful. Distinct as they are these research phases nevertheless share what Havercroft (2018) describes as the 'cryptonormativism' of norm studies. That is, research inspired by the ideational turn at the end of the last century remains committed to an explanatory research agenda. This has undoubtedly demonstrated the influence of norms, but it has not, for the most part, explored the implications of that for normative theory. That is still, as Mervyn Frost (1998) put it, 'a turn not taken'. Tentative steps have been taken in this direction. Most obviously, Richard Price (2008) and constructivist colleagues saw 'normative theorising as a next stage of the constructivist agenda', and others have tried to build on the start they made (Erskine 2012, Ralph 2018). Ralph, for instance, argues that constructivist insights lead to a 'pragmatist' ethic that pushes it to 'assess the practical judgment of those that claim to speak for the norm by weighing the consequences of acting out their prescription in the specific context of a particular crisis' (Ralph 2018, 173). Likewise Antje Wiener (2014) offered a normative theory that saw norm contestation not simply as a social fact but as a social value to be encouraged. Her 2018 book develops the empirical side of what she calls a 'bifocal' approach, detailing local instances of norm contestation (Weiner 2018), but it does not explicitly mount a normative defence of contestation as a principle against other approaches that have or could emerge from IR constructivism. Indeed, there is confusion as to the normative implication of Wiener's theory with some describing it as 'critical' or Habermasian (Zimmermann 2017; also Wolff and Zimmerman 2016), while others prefer 'agonistic' (Havercroft 2017). The purpose of this paper is to explore further the normative implications of constructivist norm theory by relating these three approaches – agonistic, critical and pragmatic constructivism – to each other. The hope is that the discussion will enable the long anticipated turn to normative theorising.

Anette Stimmer – The interaction of law and politics in norm implementation

In international affairs, legal arguments and political actions shape each other. Unlike in domestic affairs, there is no enforcement authority in international affairs, and hence there is much debate over how international law affects politics. Some scholars focus on how seriously states take legal obligations in their justifications of contested actions (Johnstone 2011; Deitelhoff and Zimmermann 2019; Stimmer 2019). Other scholars apply a higher bar for the influence of international law on politics, namely whether law causes compliance (Raustiala 2000, Martin 2013). While the focus on justificatory discourse risks seeing legal influence everywhere, the latter emphasis of causation risks setting the bar too high and overlooking other ways in which law can affect politics.

This paper argues that for a richer understanding of the interaction of law and politics, we need to explore the grey zone between empty words and purposive action. To do so, I proceed in two steps. First, I suggest that we can identify the degree of commitment to international law by looking at the timing, publicity and consistency of actions and justifications. Secondly, I show that depending on whether the words and actions of states display a strong or weak sense of obligation, we can characterise norm implementation as exposing weakness or strength of law or as attempts at exceptionalism or norm change.

Antje Wiener: On the Concept of Contestation

The concept contestation of norms entails two components, norms and contestation. Norms are soft institutions ranging from fundamental principles at the macro scale, and organising principles at the meso scale, to specific standards at the micro scale of a given order. Norms have a dual quality insofar as they are socially constructed as well as structuring. In turn, contestation is defined as a practice that can either indicate objection to something, for example the implementation of a norm as 'contested compliance' or breaches of a norm as 'contested norm violation'. In these cases, we speak of reactive contestation. In turn and less frequently, contestation may also include critical engagement with a norm (a rule, a principle, or an order) in order to clarify distinct meanings or agree on the means (instruments, mechanism, policies) that are required to implement the norm. In this case, we speak of proactive contestation. The paper is organised according to an interview format. It discusses the core concepts and research assumptions of norm contestation against the backdrop of the Theory of Contestation.

Carla Winston- The Complex Nature of International Norms

Complexity Theory (CT) has been growing in popularity as an approach to political science and international relations for more than twenty years, but international norms have not yet become part of the conversation. Although many recent studies of norm diffusion and evolution have used CT language and concepts imported from computer or biological systems, such as feedback loops, scholars have yet to take an explicitly complexity-oriented approach to the emergence, diffusion, adoption, and evolution of norms. This paper argues that norms are type of emergent property: arising from the interactions of actors in a complex system, changeable and difficult to predict, but generally adhering to certain patterns of development and effect. In addition, complex systems arise, behave and evolve in particular ways which are different from non-complex systems, and calling attention to system effects provides a novel way for norms researchers to think about what questions to ask, where to focus attention, what cases to select, appropriate methodologies to use, and the ability to predict outcomes. This paper provides an overview of complex systems theory and uses examples from throughout the norm life cycle to show both the organizational utility and theoretical contributions of using a complex systems approach to study international norms.

Lisbeth Zimmermann- From big picture to zooming in – and back again? IR norms research on localization and translation

IR norms research of the 1990s and 2000s was interested in macro patterns of normative change – how norms emerge and diffuse globally were the main questions at the center of its research agenda. In contrast, current IR norms research has zoomed in from the big picture to exploring how norms travel in more detail. How exactly norms are given meaning, are translated and appropriated in new contexts, be it local politics, a specific bureaucracy of an international organization or new policy field, and how norms are changed along this process of translation, became a major research interest. This paper will analyze these trends and classify different approaches and findings in this research field. It will also explore to what extent research on localization and translation is currently moving back to trying to establish macro patterns of normative change. It will also discuss major research gaps as well as existing problems and biases of the research field.