



## ■ International Relations and International Law: Divided by a Common Language

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# Contents

- 1 Research Question and Argument
- 2 Trajectory of Critical Norms Research
- 3 Proposition for Interdisciplinarity



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- **1 Research Question and Argument**
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# Observation

- “International law and international relations scholarship has, particularly in the last decade, *offered a variety of often competing explanations of the extent to which international norms matter in international affairs.*”
  - All move beyond the **seemingly law-affirming observation** made by *Louis Henkin* a generation ago
    - That most states observe international law most of the time
  - By *asking*
    - *Why this is the case and whether the law is in fact causing the behavior in conformity with it.*
- (Ratner 2000: 647; my emphasis)





# Observation

- “(D)espite the many calls for **bridge building between the fields of International Law and International Relations**, genuinely integrative studies are few and far between.
  - *Lawyers leaven their writings with a dash of real politic here and utility maximizing there; I*
  - *International Relations scholars enlist the authority of legal interpretation and harvest insights into legal reasoning.*
- But these are seldom exercises in genuine dialogue, aimed at producing new theoretical perspectives, views that are more than the sum of their parts, which promise to advance understanding in both fields.”
  - (Reus-Smit 2011, 339; my emphasis)



# Questions

- Why does the **value-added of collaborative research** so rarely bear genuine potential?
- Why does interdisciplinarity rarely work, even if both conceptual language and research topic overlap?



# Puzzle

## International Relations

- “Things to do with international law”
  - (Hurd 2017)
- Norms are by and large “robust”.
  - (Schmidt and Sikkink 2017)

## International Law

- “we may now be seeing *a crisis of unusual proportions* which could require a reassessment of the state and role of international law”
  - (Krieger and Nolte 2017: 5; my emphasis).
- Norms are in a state of “decay”.
  - (Crawford 2018)



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# Argument

- Against the backdrop of unsuccessful cross-referencing recurring calls for further **interdisciplinary moves** are puzzling.
- Two sources undermine the value-added of interdisciplinary cross-referencing :
  - *Internal disciplinary diversity*
  - *Cross-disciplinary misconception*

# + Divided by a Common Language

## ■ Research Question

- What are conditions of successful cross-referencing between international law and international relations?
- To explore this question, DBCL focuses on **norms research** in international relations.





# Cross-Referencing

## ■ Argument

- A common language is meaningful only, if and when cross-referencing is viewed as beneficial for both the root-discipline and the other discipline.



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# DBCL Project

- **Proposition**
- Two options for successful collaboration among IR theorists and international lawyers:
  - Interdisciplinarity
  - Transdisciplinarity
- **Suggestion**
  - Norm-typology with the aim of transdisciplinary research on norms.

# Norm Typology

**Table 3.1** The Norm Typology

Norm Type	Examples	Scale	Moral Reach	Reactive Contestation	Proactive Contestation
<b>Fundamental</b> <i>Type 1</i>	<i>Case Scenarios:</i> Fundamental Rights of Individuals, Torture Prohibition, Sexual Violence Prohibition;  <i>Other:</i> Rule of law, Democracy, Sustainability	Macro	Wide	Low	High
<b>Organizing Principle</b> <i>Type 2</i>	<i>Case Scenarios:</i> ‘Solange’ Principle; Office of the Ombudsperson; ‘Security matters’ Approach, ‘Documentation of details’ Approach  <i>Other:</i> Common but Differentiated Responsibility; Responsibility to Protect (R2P); Rule of law mechanism (EU); Total Allowable Catch Annual Percentage Allocation	Meso	Medium	Medium	Medium
<b>Standardized Procedures, Regulations</b> <i>Type 3</i>	<i>Case Scenarios:</i> Smart Sanctions: Blacklisting; Article 103 procedure; Web-listing; Torture standards  <i>Other:</i> R2P three pillars; Electoral rules; Rule of law procedures	Micro	Narrow	High	Low

Source: Adaption from Wiener 2008: 66; and Wiener 2017c

# Research Assumptions

- *Type 1 @macro-scale*
  - Given their broad moral reach, *type 1 norms* are expected to generate low *reactive* and high *proactive* contestation.
- *Type 2 @meso-scale*
  - Given their origin in processes of politics and/or policy-making, *type 2 norms* are shared within smaller sub-units constituted through regular interaction; *reactive* and *proactive* contestation are expected to be balanced.
- *Type 3 @micro-scale*
  - Given their high degree of formalisation, technical detail and narrow moral reach, *type 3 norms* are expected to generate high *reactive* contestation and low *proactive* contestation.

# The Cycle-Grid Model

## ■ Step 3: Evaluating Access to Norm Validation

