

The International Norms Enterprise

Wayne Sandholtz* and Kelebogile Zvobgo†

The Oxford Handbook of Norms Research in International Relations (accepted version)

Sassan Gholiagha, Phil Orchard, and Antje Wiener, editors

Abstract

About 30 years ago, the study of international norms emerged as a social scientific project. Political scientists had taken an interest in international law long before—around the turn of the last century—but their approach tended to follow the paths worn by international lawyers, assessing international rules in formal rather than behavioral terms. The behavioral turn shifted the focus, seeking to evaluate the effects of norms and norm contestation on political and policy outcomes. Since then, the study of norms has established itself among the core concerns in the analysis of international relations. In this chapter, we focus on how international norms change in response to disputes that bring into play the shifting beliefs and interests of actors (governments, international organizations [IOs], non-governmental organizations [NGOs], activists, political entrepreneurs, and publics). The first section sketches the development of scholarly attention to international norms and the inability of previous research traditions to account for their effects. The second section addresses a central *problematique* in the study of international norms, specifically, how norms change through disputes and contestation. The following two sections address questions raised by the dynamics of norm change. Section three focuses on norm conflict, including the interaction of norms, interests, and power. Section four examines norm resilience, with particular attention to the embeddedness of norms in larger clusters and to norm reversal and norm death.

Keywords: international law, power, interests, beliefs, norm contestation, norm change, norm resilience

* Wayne Sandholtz holds the John A. McCone Chair in International Relations at the University of Southern California, where he is Professor of International Relations and Law. His most recent books include *The Law and Politics of International Human Rights Courts* (Oxford University Press, 2024, co-authored with Alec Stone Sweet) and *The Rule of Law under Pressure* (Cambridge University Press, 2025, co-edited with Gregory Shaffer).

† Kelebogile Zvobgo is the Mansfield Associate Professor of Government at William & Mary, a faculty affiliate at the Global Research Institute, and the founder and director of the International Justice Lab. She is also a Stephen M. Kellen Term Member at the Council on Foreign Relations and a Nonresident Senior Fellow at the Brookings Institution. Her research centres on human rights, transitional justice, and international law and courts and is published in peer-reviewed journals including the *Journal of Politics*, *International Studies Quarterly*, and the *Journal of Human Rights*. Her first book, *Governing Truth: NGOs and the Politics of Transitional Justice*, is forthcoming with Oxford University Press. She writes regularly for mainstream and policy platforms including *Foreign Affairs*, *Foreign Policy*, and the Brookings Institution.

Introduction

International norms have a paradoxical quality. On the one hand, at any given moment, they must appear fixed because actors need to know whether an act is required, prohibited, or permitted. Other members of the relevant community need a stable standard against which to judge that actor's conduct. Without a sense of fixity, norms would not provide what they must, namely, standards of conduct to guide the choices of those subject to them. On the other hand, norms are constantly evolving. Even international law—the most codified, formal subset of international norms—is a motion picture: the image is constantly moving, though at any instant it is frozen in a specific frame. The challenge of understanding and explaining the processes of international norm change generally requires the moving-picture perspective. In this chapter, we focus on how international norms change in response to disputes that bring into play the shifting beliefs and interests of actors (governments, international organizations [IOs], non-governmental organizations [NGOs], activists, political entrepreneurs, and publics). We deploy the by-now standard definition of norms as “standard[s] of appropriate behavior for actors with a given identity” (Finnemore and Sikkink 1998, 891; Katzenstein 1996b, 5).

The first section sketches the development of scholarly attention to international norms and the inability of previous research traditions to account for their effects. The next section addresses a central *problematique* in the study of international norms, specifically, how norms change through disputes and contestation. The following two sections address questions raised by the dynamics of norm change. Section three focuses on norm conflict, including the interaction of norms, interests, and power. Section four, examines norm resilience, with particular attention to the embeddedness of norms in larger clusters and to norm reversal and norm death.¹

Norms and the IR Research Agenda

In post-World War II international relations (IR) scholarship, norms emerged as a focus of interest in the 1990s. Regime theories of the 1970s and 1980s had opened the door. Norms, defined as

¹ Numerous scholars have contributed to the development of research and theory on international norms, too many to name and cite. In the account that follows, we have had to be selective in our citations and request readers' understanding when we have omitted reference to many of the scholars who have contributed to our understanding of international norms.

“standards of behavior,” were a core attribute of international regimes (Krasner 1982, 186).² Kratochwil and Ruggie pointed out that the regimes literature generally adopted a positivist stance, which could not be “easily applied to cases in which norms, so defined, are a significant element in the phenomena to be explained” (Kratochwil and Ruggie 1986, 767). Norms could guide, inspire, or justify behavior, but they could “be thought of only with great difficulty as ‘causing’” it. Actors justify their behavior with reference to norms; other actors must respond to those arguments. And such “communicative dynamics” reveal more about the robustness of a set of norms (or a regime) than the behavior itself (Kratochwil and Ruggie 1986, 767-768). Moreover, the interaction between behavior and the ensuing claims and arguments necessarily alters the normative structures (Kratochwil and Ruggie 1986, 770). (We will return to the topic of norm dynamism.)

Interpretivists argued that understanding the role of norms required a decisive split from both neorealist and neoliberal approaches. Wendt, for example, showed that neorealists and neoliberals alike assumed that states were the significant international actors and that they acted in purely self-interested ways. Both approaches privileged structure over process, thereby foreclosing any understanding of how process could transform identities and interests (Wendt 1992, 392-393). International interactions generate social norms, and actors reconstruct their interests around those norms (Wendt 1992, 417).

Subsequent work continued to develop interpretive theory of international norms and began to apply it empirically. Klotz, in *Norms in International Relations* (1995), argued that “international actors are inherently socially constructed” and that “their identities and interests are partially defined by prevailing constitutive norms, *which vary over time*” (1995, 17; emphasis added). Klotz argued that norm development and diffusion were not the prerogative of great powers. Indeed, activists and IOs could advance the establishment of norms even in the face of opposition from powerful states. Once established—in treaties, IOs, shared understandings and expectations—international norms could contribute to shaping actors’ world views and interests

² Krasner’s definition of “regimes” contributed to confusion about the terms “norm” and “rule.” Rules, in regime theory, are “specific prescriptions or proscriptions for action” (Krasner 1982, 186). Both words refer to standards of conduct. A norm is a “standard or pattern of social behaviour that is accepted in or expected of a group” (*Oxford English Dictionary*, 2024, [oed.com/dictionary/norm_n1?tab=meaning_and_use#34176367](https://www.oed.com/dictionary/norm_n1?tab=meaning_and_use#34176367), definition 1.1.b). A rule is a “regulation framed or adopted by an organization, institution, or other body for governing its conduct and that of its members” (*Oxford English Dictionary*, 2024, [oed.com/dictionary/rule_n1?tab=meaning_and_use#24785750](https://www.oed.com/dictionary/rule_n1?tab=meaning_and_use#24785750), definition 1.5.a). In this chapter, “norm” and “rule” are treated as synonyms and we use them interchangeably.

(Klotz 1995, 24, 26). In other words, norms do not only affect actors' choices as they pursue given interests; they also have a role in shaping (i.e., constituting) those interests (Katzenstein 1996b, 5; Glanville 2016, 187). States define their interests, and select means of pursuing them, within a framework of international norms (Florini 1996, 366). Norms thus shape behavior, as empirical studies have repeatedly confirmed (Katzenstein 1996a; Price 1997; Finnemore and Sikkink 1998; Checkel 2001; Tannenwald 2007; Sandholtz and Stiles 2009; O'Mahoney 2014; Terechshenko, Crabtree et al. 2019).

Scholars who embraced the challenge of studying norms as constitutive of actor identities and interests were attentive to the methodological challenges that such a project faced. Observed behavior could not be the sole source of empirical evidence, as any given behavior could be motivated by calculations of costs and benefits (central to rationalist approaches) or by internalized social standards of appropriate behavior (as with constructivists). Examining discourse—what actors say about their objectives and choices—would allow analysts to identify the effects of norms on actors' choices (Klotz 1995, 28). Actors constantly seek to explain or justify their conduct to relevant communities or interlocutors. Russia, for example, has tried to justify its naked aggression against Ukraine by claiming a need to protect Russian populations within Ukraine from discrimination. The extent to which transgressive actors have to pay some cost—financial, political, reputational—will depend on the extent to which others perceive their actions as compatible with relevant norms. The more egregiously transgressive an act is judged to be, the greater the likely costs to the perpetrator. Unpacking the debates and discourses surrounding norms and behavior, so as to determine reliably the motives and intentions of actors, is thus central to identifying and explaining the effects of norms.

Assessing the dynamic processes of action and contestation required “opening up the positivist epistemology to more interpretive strains” (Kratochwil and Ruggie 1986, 766; Wendt 1992). From the analyst's point of view, any kind of “objective” account of norm violation is impossible; whether a violation has occurred cannot be determined by simple observation of conduct. What counts as a violation depends on a collective (or intersubjective) determination. Members of the relevant community will argue about potential or alleged violations. To be sure, in normative domains that are settled and stable, disputes and discourses may be routinized. But international relations will constantly cast up behaviors—territorial and jurisdictional

disagreements, trade disputes, human rights violations, armed conflict—that generate conflicting normative claims and justifications.

For this reason, positivist approaches run into severe challenges. For one, norms do not “cause” behavior in the sense that is at the heart of positivist explanations. Norms affect actors’ decision-making, by justifying some courses of conduct but not others. Moreover, “norms are counterfactually valid” (Kratochwil and Ruggie 1986, 767). That is, not even multiple violations of a norm refute its existence. Violations may undermine a norm, but only if the community of actors, through the give-and-take of contestation, concludes that violations have done so (Kratochwil and Ruggie 1986, 767). Legal scholars have advanced a similar approach to understanding the nature of obligation and its “compliance pull” on actors. As Brunnée and Toope note, scholars must “look beyond the ‘billiard ball’ image of encounters between monolithic entities on the international plane.” Legal rules, too, must be grounded in shared social understandings and, in addition, must adhere to “the requirements of legality” (Brunnée and Toope 2010, 116, 119; Wiener 2007, 55).

Whether an action violates an international norm is a determination that can only be reached through an assessment of the debates and discourses that it triggers. The analyst must evaluate the claims and arguments advanced by the various actors involved in a dispute. Governments are central actors, but officials of IOs and representatives of domestic and international NGOs will often be important participants in international norm discourses. For example, with respect to the (currently ongoing) conflict in the Gaza Strip, various actors from around the world have offered assessments as to violations of international norms committed by one or both sides. Norms scholars have asserted the centrality of arguments and discourse in tracking international norms and have been attentive to the empirical demands that such analysis entails. The claim is not “that material factors do not matter; rather, that they are often indeterminate and are socially interpreted” (Tannenwald 1999, 441). Norms research must therefore focus on argumentation, on the claims and counterclaims advanced by various actors with respect to a specific set of events. Existing norms establish the scaffolding—the “communicative framework” (Reus-Smit 2004, 23)—upon which those arguments can be constructed.

Analyzing the role of norms in international relations, then, requires attention to the arguments that take place in the wake of any contested international behavior. In subject areas that

are non-controversial, where the rules are widely accepted and respected, major disputes are infrequent. The work of the Universal Postal Union, which establishes the rules for international mail flows, must undoubtedly deal with disagreements among states, but these rarely reach the front page of the world's newspapers. But in many areas of international relations—borders, trade, pollution, fisheries, migration, armed conflict, and others—disputes and contestation arise continually. What the various actors say about how international rules should apply is essential data. Governments are central participants in these debates, but other kinds of actors—representatives of IOs, NGOs, corporations, courts, experts—can also take part. Tracking the diverse participants in efforts to develop or apply international norms, and the arguments they advance, is therefore central to empirical analysis of the emergence and development of norms (Zvobgo 2020, Forthcoming).

International norms scholars have been attentive to the methodological challenges posed by analyzing discourses and debates. But do actors' statements reflect their "real" perspectives on rules, or are they simply tactical moves? To be sure, in some settings, actors in international relations will dissemble, mislead, and lie. But our focus is on norm discourses, where actors publicly offer their interpretations of international rules. Publicly stating an interpretation of international rules that is at odds with underlying interests and commitments could be costly, for at least two reasons. First, if an actor's insincere position gains international support and becomes the norm, the dissembling actor will face an international rule that is less favorable to her interests. Second, in any subsequent controversies, if the dissembling actor supports a different interpretation of a given norm, she will suffer a loss of credibility. That is, a normative position taken at time t_1 could be costly to change at time t_2 .

Actors' statements in norm disputes generally reflect their underlying norm preferences, but the analyst must still take care to report accurately on actor motivations. The statements a participant makes in a norm dispute can be cross-checked for consistency. Attention to discourses is thus central to the process-tracing methodologies at the heart of norms research (Klotz 1995, 33). Indeed, discourse offers the most straightforward evidence of norms and normative change (Tannenwald 2020, 278). Scholars can look to a variety of sources in order to document actors' understandings of, and arguments regarding, international norms (Price 2006, 261).

The analyst must, however, take care to assess an actor's statements at each stage of a dispute. As a dispute advances in time, actors' positions may shift in response to the arguments

and positions offered by other participants. Within a particular moment or episode, the analyst must cross-check or triangulate each actor's normative stance, in order to confirm that actors are adhering to the "norm of consistency." The greater the degree of consistency, the greater the analyst's confidence can be that the actor "sees himself or herself in a genuinely persuasive interaction" (Checkel 2001, 566). Following periods of disputation and change, norms can (but do not necessarily) enter into periods of relative stability.

Norm Change

The meaning and behavioral implications of international norms are rarely fixed. Fixed norms could never match the relentless specificity and dynamism of behavior, as interactions cast up an ever-changing array of problems and disputes. Normative change is continual, as rules confront new situations, casting up an ongoing chain of disputes (Sandholtz 2007, 10). In addition, norms must constantly be interpreted and updated, and the decline of Western hegemony multiplies the contexts in which that interpretation takes place (Linsenmaier, Schmidt et al. 2021, 509-510). Norms must therefore be studied as "'processes', as works-in-progress, rather than as finished products," given "[t]he ongoing potential for contestation" and reinterpretation (Krook and True 2010, 104). Even norms formalized in law are subject to the same dynamic: "Law must be stable and yet it cannot stand still. Hence all thinking about law has struggled to reconcile the conflicting demands of the need of stability and of the need of change" (Pound 1946, 1).

Norm change, in other words, is continual, a product of the collision of general rules with "the relentless particularity of experience" (Eckstein 1988, 795). As actors debate how to apply given norms to a specific act, they necessarily interpret (or reinterpret) the norms. The modified norm then becomes a point of reference for the next dispute. Norms scholars have long recognized that norms and behavior constantly interact: norms shape behavior, which in turn reshapes norms (Giddens 1979; Dessler 1989; Sandholtz 2007, 10-11; Wiener 2008, chap. 3).

The process of norm change thus has a cyclic character. The process begins with a set of rules that potentially apply to the choice facing an actor—a rule context (phase 1). Given her reading of the normative context, the actor chooses a course of action (phase 2). Once an actor has carried out a particular behavior, others respond to it. Arguments necessarily ensue (phase 3), about which norms apply, and about what behaviors they require or permit. Those arguments modify the

norms under dispute (phase 4), making them stronger or weaker, more specific or less, more (or less) subject to exceptions (Sandholtz 2007, 11-23). The next dispute will therefore take place in a rule context that has been modified by the previous one. The widely noted reflexive interaction between norms and behavior captures precisely this dynamic: “norms can shape practice, but practice and interactions among actors also shape norms” (Brunnée and Toope 2010, 118; Wiener 2018; Müller and Wunderlich 2018).

Such cycles have been analyzed in the context of maritime piracy, conquest, wartime plunder, terrorism, slavery, genocide, refugees, humanitarian intervention, and the right to democracy (Sandholtz and Stiles 2009). International courts can be sites of the expansive development of international norms through a highly formalized cycle of norm change. For instance, human rights courts offer “a compelling case to uncover the dynamics of change” (Yildiz 2023, 8). Each new case in a particular domain (violence against women, disappearances, torture, and so on) encapsulates a turn through the cycle of normative change. Similar dynamics are at play in other international dispute resolution mechanisms, for example, in the (currently suspended) dispute resolution mechanism of the World Trade Organization and in the International Centre for Settlement of Investment Disputes (Stone Sweet and Grisel 2017).

Norm Contestation

Norms are constantly contested (Müller and Wunderlich 2018, 342), and contestation is a central process of normative change (Wiener 2004). Contestation can weaken norms, strengthen them, or shift their domain of application (Deitelhoff and Zimmermann 2020, 716). Norm contestation can take multiple forms. Applicatory contestation involves arguments as to whether a particular norm applies to a given situation. Validity contestation places in debates about whether a specific norm is still, in fact, a norm (Deitelhoff and Zimmermann 2019, 11). Contestation can also vary along other dimensions, including reactive vs. proactive (Wiener 2018) and discursive vs. behavioral (Stimmer and Wisken 2019; see also Orchard and Wiener 2024, ch. 1 and 15).

Empirical studies have sought to test these arguments. After September 11, 2001, the United States (U.S.) pushed for a major revision of international norms on the use of force, given its policy of attacking terrorist groups within states that harbored them. The underlying prohibition on the use of force was affirmed, though the shift advocated by the U.S. could have developed into

a broader challenge (Brunnée and Toope 2019). The foundational norms of the International Criminal Court (ICC) were challenged by some African states when the Court initiated potential prosecutions of African heads of state. The challenge amounted to validity contestation, but it was limited to African states and the norms undergirding the ICC remained broadly robust (Bower 2019).

Norm contestation often pits one international norm against another (Holzscheiter, Gholiagha and Liese 2022). International rules develop in diverse substantive areas—armed conflict, trade, investment, environmental protection, human rights—often over long periods of time. But because international society includes multiple rule structures, tensions and contradictions among different sets of norms are bound to arise (Kratochwil 1989, 62, 190; Schachter 1991; Lowe 2000; Sandholtz 2007, 13). That is, actors may be able to draw on multiple bodies of norms in any given dispute, and norms from diverse substantive domains can entail divergent conclusions about acceptable conduct. International human rights norms, for example, can be in tension with norms of noninterference in the internal affairs of other states. International norms are thus subject to “internal tensions, contradictions, and weaknesses that may interact with actual state behavior and create political space for disputes over their interpretation and application” (O’Mahoney 2014, 835).

Disputes involving the content and interpretation of norms open a dynamic “marketplace of rules” (Bederman and Keitner 2016, 22). Competing norms can exist, each with some support: “there could be a period of time during which the two [customary rules] coexist until one of them is generally accepted” (Shaw 2021, 77). The “marketplace” metaphor is apt, but the discursive struggle over interpreting and applying rules is also like an ongoing plebiscite in which members of a community define the rules under which they will live. The process is analogous to the development of customary international law, as new interpretations of the rules “should to some extent mirror the perceptions of the majority of states” (Shaw 2021, 66). But it is not a pure democracy because some votes count for more than others. Power is a crucial factor in norm contestation, and both material and discursive resources confer greater influence on shaping the arguments that lead to norm change.

Finally, scholarship has explored norm contestation that is internal to states but has effects at the international level. When states participate in international norm contestation, they generally present a single, unified position. But that appearance of internal consensus is often a façade, when

disagreement and debate boil domestically. Internal contestation over the content and status of international norms can have ripple effects, when domestic arguments reverberate at the international level. For example, U.S. policies on torturing detainees in the so-called “war on terror” triggered international contestation over the status of the relevant international norms. After the terrorist attacks of September 11, 2001, the U.S. government sought to destroy the groups that had planned and carried them out. U.S. forces led an international coalition that, with authorization from the U.N. Security Council, invaded Afghanistan in October 2001. Taliban forces were quickly defeated and Al Qaeda, the network behind the terrorist attack, fled. The U.S. subsequently led the 2003 invasion of Iraq (this time without Security Council authorization). In both Afghanistan and Iraq, U.S. forces captured hundreds of alleged members of terrorist groups. The administration of George W. Bush authorized a series of “enhanced interrogation techniques” (including waterboarding, subjection to deafening music and extreme heat and cold, sexual humiliation, and more) that much of the international community considered to be torture. Bush administration lawyers and officials offered legal justifications for the torture policy, with arguments that would undermine the robustness of the 1984 Convention against Torture (Schmidt and Sikkink 2019). Though the norm against torture was weakened within the U.S., it retained broad support within world society (McKeown 2009, 11, 20). In fact, the international contestation provoked by U.S. torture policies may have reinforced the anti-torture norm globally. Ultimately, the U.S. repudiated its own arguments justifying torture (Schmidt and Sikkink 2019).

Norm Decline and Resilience

Prominent international norms have come under stress over the last decade or so. Russia’s annexation of Crimea in 2014 and its 2022 invasion of Ukraine violated the norm against aggression and triggered vigorous condemnation and far-reaching sanctions by the world’s democracies. In a February 2023 U.N. General Assembly vote, however, seven countries voted against a resolution calling on Russia to “immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine.” Thirty-two states, including China and India, abstained.³ China rejected a 2016 decision of the Permanent Court of Arbitration, ruling that

³ Kaitlin Lewis, “U.N. Vote on Ukraine: 7 Countries That Didn't Support Russia's Withdrawal,” *Newsweek*, 23 February 2023; available at <https://www.newsweek.com/un-vote-ukraine-7-countries-didnt-support-russia-withdrawal-ceasefire-1783507>.

China's claims of maritime jurisdiction within its "nine-dash line" in the South China Sea had no legal basis and that its various activities—illegal fishing and the construction of artificial islands—violated rights of the Philippines (Graham 2016). In the Philippines, President Rodrigo Duterte pursued a policy that entailed the street killing of thousands of people as part of a campaign against illegal drugs; the ICC has opened an investigation, but Philippine president Ferdinand Marcos, Jr. announced that his country will not cooperate with the Court.⁴ The U.S. in 2019 blocked the appointment of new members of the World Trade Organization's Appellate Body, paralyzing the organization's dispute settlement mechanism.

The cases just mentioned are part of a broader erosion of international acceptance of, and willingness to abide by, international norms. The last decade or so has witnessed "the neutering of international institutional scrutiny of human rights and rule-of-law violations, and the distortion and harnessing of international law to support repression, such as in the name of suppressing 'terrorism,' 'separatism,' and 'extremism' to maintain 'public order'" (Shaffer and Sandholtz Forthcoming).

International norm scholarship started to develop tools to assess norm decline. Norms would always be subject to disputes, and contestation would "inevitably modify the rules, giving them new content, making them stronger (or weaker), clearer (or less), more specific (or less), more subject to exceptions (or less)" (Sandholtz 2007, 3). Lantis, for example, assessing shifts in the nuclear non-proliferation regime, argued that in international disputes, actors might advance "a different interpretation of the normative order," which could in turn bring about "norm redefinition and substitution" (2011, 395). McKeown noted that whereas constructivists had usefully theorized the emergence and effects of international norms, they had "not adequately theorized the conditions of the retrogression of seemingly 'internalized' norms" (2009, 5-6; also, Wunderlich 2013, 26).

McKeown, in his analysis of U.S. efforts to undermine the international norm against torture, proposed a "norm death series," comprised of three stages. First, norm revisionists within a country challenge a previously accepted norm. Second, if the challenge is broadly accepted, the norm suffers a domestic crisis of legitimacy and may then lose international acceptance and

⁴ Neil Jerome Morales and Mikhail Flores, "Philippines will not 'lift a finger' to assist ICC's drug war probe," Reuters, 23 January 2024; available at <https://www.reuters.com/world/asia-pacific/philippines-will-not-cooperate-with-icc-probe-into-drugs-war-president-2024-01-23/>.

salience. Third, broad international rejection may lead to “norm expiration” (McKeown 2009, 10-12). Other outcomes—norm degeneration, norm substitution—are possible when norms are resisted or opposed. In Panke and Petersohn’s account, a norm dies when “practices of norm violation are not an exception” but are commonplace and “actors no longer make any effort to use the old norm as a reference point for their action” (2016, 4-5). This perspective omits the collective assessment of conduct that is crucial to determining the ongoing validity of norms, but it is consistent with the point that “norms are counterfactually valid” and not even multiple violations of a norm refute its existence. The assessment of whether conduct constitutes a norm violation “is not simply an ‘objective description’ of a fact but an intersubjective appraisal,” and “communicative dynamics may tell us far more about how robust a regime is than overt behavior alone” (Kratochwil and Ruggie 1986, 767-768, 774).

Norms can be resilient in the wake of violations because they are not stand-alone rules of conduct. Norms are always embedded within “norm clusters [that] may allow them to remain surprisingly resilient in the face of challenges” (Lantis and Wunderlich 2018, 571; Percy and Sandholtz 2022). Norm clusters are sets of “aligned, but distinct, norms or principles that relate to a common, overarching issue area” (Lantis and Wunderlich 2018, 571). For instance, a specific norm (e.g., do not torture prisoners of war) is embedded in a regime (Geneva law), which is embedded in a larger normative structure (humanitarian and human rights norms), which is further nested within the system of international law. When a norm is part of a broader regime, it both supports other regime norms and is reinforced by them (Winston 2018). Embeddedness in a system of related norms can “mitigate the effects of applicatory contestation and insulate the individual norm cores from validity challenges” (Lantis and Wunderlich 2018, 577). The extent to which a particular norm might be reinforced by a larger norm cluster depends on “the degree of cohesiveness and synergistic linkages” within the cluster and on its “level of institutionalisation and legalisation” (Lantis 2017, 577-578).

Norms within a given cluster will display varying levels of robustness. For example, we can think of the complex of human rights norms as containing some sets of norms that are closer to its core and some that are more distant. At the center of the system of human rights are rights that are considered absolute (non-derogable), for example, freedom from torture, freedom from slavery, and freedom from punishment without law. Economic rights, being subject to less consensus and great diversity of practice (e.g., free markets vs. planned economies), are more

distant from the core of human rights norms. The closer a norm is to the core of a norm cluster, the more resilient to contestation it is likely to be (Percy and Sandholtz 2022, 945).

One of the more important broad structures of international norms is international law. Norms that are incorporated into law thereby become embedded in legal systems, with their formalized discourses, institutions, and processes. Legal contestation requires legal argumentation, which set limits—even if sometimes broad and always evolving—to the kinds of claims and discursive moves that actors can deploy (Bower 2015; Bower 2017; Nuñez-Mietz 2018). In more formalized international arenas, international law is a particularly legitimate and powerful rhetorical domain (Rapp 2020). In addition, many international norms become incorporated into domestic law and legal institutions (Berlin 2020; Betts and Orchard 2014). Domestic incorporation of legal norms is likely an important anchor of resilience for international norms: the more a norm has been built into domestic law, the more resilient it is likely to be. The norm against torture, for example, was almost universally embedded in domestic legal systems, which may have enhanced its robustness when it was challenged by the U.S. in its “war on terror” (Percy and Sandholtz 2022).

Conclusion

Over the past three decades, the social scientific study of international norms has flourished. Norms research by now covers virtually every dimension of international politics. Though theoretical approaches and empirical tools have multiplied and diversified, a core set of foundational assumptions and commitments remains largely in place. We have sought to pull together key parts of that shared core.

Suggested Readings

Deitelhoff, Nicole and Lisbeth Zimmermann. 2019. “Norms under Challenge: Unpacking the Dynamics of Norm Robustness.” *Journal of Global Security Studies* 4(1): 2-17.

Finnemore, Martha and Kathryn Sikkink. 1998. “International Norm Dynamics and Political Change.” *International Organization* 52(4): 887-917.

Florini, Ann. 1996. “The Evolution of International Norms.” *International Studies Quarterly* 40(3): 363-389.

- Klotz, Audie. 1995. "Norms Reconstituting Interests: Global Racial Equality and U.S. Sanctions against South Africa." *International Organization* 49(3): 451-478.
- Sandholtz, Wayne. 2008. "Dynamics of International Norm Change: Rules against Wartime Plunder." *European Journal of International Relations* 14(1): 101-131.
- Wiener, Antje. 2004. "Contested Compliance: Interventions on the Normative Structure of World Politics." *European Journal of International Relations* 10(2): 189-234.

References

- Bederman, David J. and Chimène I. Keitner. 2016. *International Law Frameworks*. 4th edition. New York: Foundation Press.
- Berlin, Mark S. 2020. *Criminalizing Atrocity : The Global Spread of Criminal Laws against International Crimes*. First edition. Oxford: Oxford University Press.
- Bower, Adam. 2015. "Arguing with Law: Strategic Legal Argumentation, US Diplomacy, and Debates over the International Criminal Court." *Review of International Studies* 41(2): 337-360. Available at <http://dx.doi.org/10.1017/S0260210514000217>. Accessed 2015.
- Bower, Adam. 2017. *Norms Without the Great Powers: International Law and Changing Social Standards in World Politics*. Oxford University Press.
- Bower, Adam. 2019. "Contesting the International Criminal Court: Bashir, Kenyatta, and the Status of the Nonimpunity Norm in World Politics." *Journal of Global Security Studies* 4(1): 88-104.
- Brunnée, Jutta and Stephen J. Toope. 2010. *Legitimacy and Legality in International Law: An Interactional Account*. Cambridge; New York: Cambridge University Press.
- Brunnée, Jutta and Stephen J. Toope. 2019. "Norm Robustness and Contestation in International Law: Self-Defense against Nonstate Actors." *Journal of Global Security Studies* 4(1): 73-87.
- Checkel, Jeffrey T. 2001. "Why Comply? Social Learning and European Identity Change." *International Organization* 55(3): 553-588.
- Deitelhoff, Nicole and Lisbeth Zimmermann. 2019. "Norms under Challenge: Unpacking the Dynamics of Norm Robustness." *Journal of Global Security Studies* 4(1): 2-17.
- Deitelhoff, Nicole and Lisbeth Zimmermann. 2020. "Things We Lost in the Fire: How Different Types of Contestation Affect the Robustness of International Norms." *International Studies Review* 22(1): 51-76.
- Dessler, David. 1989. "What's at Stake in the Agent-Structure Debate?" *International Organization* 43(3): 441-451.

- Eckstein, Harry. 1988. "A Culturalist Theory of Political Change." *American Political Science Review* 82(3): 789-804.
- Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52(4): 887-917.
- Florini, Ann. 1996. "The Evolution of International Norms." *International Studies Quarterly* 40(3): 363-389.
- Giddens, Anthony. 1979. *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis*. Berkeley: University of California Press.
- Glanville, Luke. 2016. "Does R2P matter? Interpreting the impact of a norm." *Cooperation and Conflict* 51(2): 184-199.
- Graham, Euan. 2016. "The Hague Tribunal's South China Sea Ruling: Empty Provocation or Slow-Burning Influence?" Council on Foreign Relations. Available at <https://www.cfr.org/councilofcouncils/global-memos/hague-tribunals-south-china-sea-ruling-empty-provocation-or-slow-burning-influence>. Accessed 25 January 2024.
- Holzscheiter, Anna, Sassan Gholiagha, and Andrea Liese. 2022. "Advocacy Coalition Constellations and Norm Collisions: Insights from International Drug Control, Human Trafficking, and Child Labour." *Global Society* 36(1): 25-48.
- Katzenstein, Peter J., ed. 1996a. *The Culture of National Security: Norms and Identity in World Politics*. New Directions in World Politics. New York, Columbia University Press.
- Katzenstein, Peter J. 1996b. "Introduction: Alternative Perspectives on National Security." In *The Culture of National Security: Norms and Identity in World Politics*. Peter J. Katzenstein, ed. New York, Columbia University Press: 1-32.
- Klotz, Audie. 1995. *Norms in International Relations: The Struggle against Apartheid*. Ithaca: Cornell University Press.
- Krasner, Stephen D. 1982. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." *International Organization* 36(2): 185-205.
- Kratochwil, Friedrich V. 1989. *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*. Cambridge: Cambridge University Press.
- Kratochwil, Friedrich V. and John Gerard Ruggie. 1986. "International Organization: A State of the Art on the Art of the State." *International Organization* 40(4): 753-775.
- Krook, Mona Lena and Jacqui True. 2010. "Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality." *European Journal of International Relations* 18(1): 103-127.

- Lantis, Jeffrey S. 2017. "Theories of international norm contestation: structure and outcomes." In *Oxford Research Encyclopedia of Politics*.
- Lantis, Jeffrey S. 2011. "Irrational Exuberance?: The 2010 NPT Review Conference, Nuclear Assistance, and Norm Change." *Nonproliferation Review* 18(2): 389-409.
- Lantis, Jeffrey S. and Carmen Wunderlich. 2018. "Resiliency Dynamics of Norm Clusters: Norm Contestation and International Cooperation." *Review of International Studies* 44(3): 570-593.
- Linsenmaier, Thomas, Dennis R. Schmidt, et al. 2021. "On the Meaning(s) of Norms: Ambiguity and Global Governance in a Post-hegemonic World." *Review of International Studies* 47(4): 508-527.
- Lowe, Vaughan. 2000. "The Politics of Law-Making: Are the Method and Character of Norm Creation Changing?" In *The Role of Law in International Politics*. Michael Byers, ed. Oxford, Oxford University Press: 207-226.
- McKeown, Ryder. 2009. "Norm Regress: US Revisionism and the Slow Death of the Torture Norm." *International relations (London)* 23(1): 5-25.
- Müller, Harald and Carmen Wunderlich. 2018. "Not Lost in Contestation: How Norm Entrepreneurs Frame Norm Development in the Nuclear Nonproliferation Regime." *Contemporary Security Policy* 39(3): 341-366.
- Núñez-Mietz, Fernando G. 2018. "Legalization and the Legitimation of the Use of Force: Revisiting Kosovo." *International Organization* 72(3): 725-757.
- Orchard, Phil and Antje Wiener. 2024. *Contesting the World : Norm Research in Theory and Practice*. Cambridge: Cambridge University Press.
- O'Mahoney, Joseph. 2014. "Rule Tensions and the Dynamics of Institutional Change: From 'To the Victor Go the Spoils' to the Stimson Doctrine." *European Journal of International Relations* 20(3): 834-857.
- Panke, Diana and Ulrich Petersohn. 2016. "Norm Challenges and Norm Death: The Inexplicable?" *Cooperation and Conflict* 51(1): 3-19.
- Percy, Sarah V. and Wayne Sandholtz. 2022. "Why Norms Rarely Die." *European Journal of International Relations* 28(4): 934-954.
- Pound, Roscoe. 1946. "Law and History." In *Interpretations of Legal History*. Cambridge, MA, Harvard University Press: 1-21.
- Price, Richard. 2006. "Detecting Ideas and Their Effects." In *The Oxford Handbook of Contextual Political Analysis*. Robert E. Goodin and Charles Tilly, ed. Oxford, Oxford University Press: 252-265.
- Price, Richard M. 1997. *The Chemical Weapons Taboo*. Ithaca, NY: Cornell University Press.

- Rapp, Kyle. 2020. "Law and Contestation in International Negotiations." *Review of International Studies* 46(5): 672-690.
- Reus-Smit, Christian. 2004. "The Politics of International Law." In *The Politics of International Law*. Christian Reus-Smit, ed. Cambridge, Cambridge University Press: 14-44.
- Sandholtz, Wayne. 2007. *Prohibiting Plunder: How Norms Change*. New York: Oxford University Press.
- Sandholtz, Wayne and Kendall W. Stiles, ed. 2009. *International Norms and Cycles of Change*. Oxford, Oxford University Press.
- Schachter, Oscar. 1991. *International Law in Theory and Practice*. Dordrecht: Martinus Nijhoff Publishers.
- Schmidt, Averell and Kathryn Sikkink. 2019. "Breaking the Ban? The Heterogeneous Impact of US Contestation of the Torture Norm." *Journal of Global Security Studies* 4(1): 105-122.
- Shaffer, Gregory and Wayne Sandholtz. Forthcoming. "The Rule of Law under Pressure: The Enmeshment of National and International Trends." In *The Rule of Law Under Pressure: The Enmeshment of National and International Trends*. Gregory Shaffer and Wayne Sandholtz, eds. Cambridge, Cambridge University Press.
- Shaw, Malcolm N. 2021. *International Law*. Ninth edition. Cambridge: Cambridge University Press.
- Stimmer, Anette and Lea Wisken. 2019. "The Dynamics of Dissent: When Actions Are Louder than Words." *International Affairs* 95(3): 515-533.
- Stone Sweet, Alec and Florian Grisel. 2017. *The Evolution of International Arbitration: Judicialization, Governance, Legitimacy*. Oxford: Oxford University Press.
- Stone Sweet, Alec and Wayne Sandholtz. 2024. *The Law and Politics of International Human Rights Courts: The Dilemma of Effectiveness*. Oxford: Oxford University Press.
- Sugden, Robert. 1989. "Spontaneous Order." *Journal of Economic Perspectives* 3(4): 85-97.
- Tannenwald, Nina. 1999. "The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use." *International Organization* 53(3): 433-468.
- Tannenwald, Nina. 2007. *The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons since 1945*. Cambridge: Cambridge University Press.
- Tannenwald, Nina. 2020. "The Legacy of the Nuclear Taboo in the Twenty-First Century." In *The Age of Hiroshima*. Michael D. Gordin and G. John Ikenberry, ed., Princeton University Press: 276-293.

- Terechshenko, Zhanna, Charles Crabtree, et al. 2019. "Evaluating the Influence of International Norms and Shaming on State Respect for Rights: An Audit Experiment with Foreign Embassies." *International interactions* 45(4): 720-735.
- Wendt, Alexander. 1992. "Anarchy Is What States Make of It: The Social Construction of Power Politics." *International Organization* 46(2): 391-425.
- Wiener, Antje. 2004. "Contested Compliance: Interventions on the Normative Structure of World Politics." *European Journal of International Relations* 10(2): 189-234.
- Wiener, Antje. 2007. "The Dual Quality of Norms and Governance beyond the State: Sociological and Normative Approaches to 'Interaction'." *Critical Review of International Social and Political Philosophy* 10(1): 47-69.
- Wiener, Antje. 2008. *The Dual Quality of Norms*. Cambridge: Cambridge University Press.
- Wiener, Antje. 2018. *Contestation and Constitution of Norms in Global International Relations*. Cambridge: Cambridge University Press.
- Winston, Carla. 2018. "Norm Structure, Diffusion, and Evolution: A Conceptual Approach." *European Journal of International Relations* 24(3): 638-661.
- World Trade Organization Appellate Body. 2012. *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products*. DS 381. Decided 13 June 2012.
- Wunderlich, Carmen. 2013. "Theoretical Approaches in Norm Dynamics." In *Norm Dynamics in Multilateral Arms Control: Interests, Conflicts, and Justice*. Harald Müller and Carmen Wunderlich, ed. Athens, GA, University of Georgia Press: 20-48.
- Yildiz, Ezgi. 2023. *Between Forbearance and Audacity: The European Court of Human Rights and the Norm against Torture*. Cambridge: Cambridge University Press.
- Zvobgo, Kelebogile. 2020. "Demanding Truth: The Global Transitional Justice Network and the Creation of Truth Commissions." *International Studies Quarterly* 64(3): 609-625.
- Zvobgo, Kelebogile. Forthcoming. *Governing Truth: NGOs and the Politics of Transitional Justice*. Oxford University Press.