

## 8 A Voice through the Practice

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This book offers a contribution to Global IR as a project that seeks to enable IR theorists to take account of the multitude of stakeholders in global society. It achieves this by bringing their voices to bear in the constitution, contestation and re-constitution of normative change. Noting that all affected stakeholders share a legitimate claim to engage with the norms that touch them at distinct local sites, the question which guided the book's research was: whose practices count? Following the theory of contestation, practice is understood as norm-generative. Therefore, the question cannot be addressed with exclusive reference to a given global order, but must be explored with reference to the wider context of a changing global society. To capture normative change that is generated through practice, then, requires a methodology that allows for bringing in different moral standpoints that matter to normative change. The task therefore lies in finding ways and identifying appropriate analytical means to shed light on the multitude of voices and bring a diversity of cultural background capabilities to bear.

To that end, this book turned to affected stakeholders who raised their voices in objection to breaches of norms that matter to them. The voices are expressed through distinct types of contestation. By distinguishing reactive contestation from proactive contestation, the book analytically separated (a) objection against perceived injustice from (b) critical engagement to counter it. The former was empirically located through observation (sensitising reading), and the latter was assessed by taking into account enabling and constraining normative opportunity structures (normative evaluation). The case scenarios' trajectories therefore typically begin from reactive contestation in objection to breaches of extant fundamental norms, and then reconstruct the ensuing process through engagement in a global multilogue so as to evaluate whether – and if so, to which degree – proactive contestation was possible, and what normative change it generated.

Given the unequal vantage points that shape access to norm validation, the book centred on the cycle–grid model which facilitates a non-state-centric research design. From this vantage point it became possible to

explore practices critical to norm change that would otherwise have remained bracketed by state-centric research designs. This was illustrated based on three case scenarios of global norm conflicts including fundamental rights of individuals, torture prohibition and sexual violence prohibition. Each conflict represents global proportions insofar as it comes to the fore through objections to the perceived situation of injustice from the perspective of affected stakeholders at a variety of locations. When presented as a process spanning an arc from the constitution of an extant norm through contestations of norm breaches to the reconstitution of the global normative structure of meaning-in-use, these trajectories reveal critical engagements that bring cultural background capabilities to bear. The trajectories are contingent. They span norm contestations which are shaped by a variety of contingencies which the cycle-grid model allows to locate (grids) and evaluate (cycle).

For example, after its constitution the sexual violence prohibition norm had been addressed through reactive contestation by a range of affected stakeholders for decades before picking up a quicker pace through proactive contestation. Some trajectories reveal interactions are mainly located between and on the meso- and macro-scales of the global order, as with the fundamental rights scenario and the *Kadi* case; others involve engagements that take place mainly between and on the micro- and macro-scales of global order, as with the torture prohibition and the *Rumsfeld* case, or at all three scales as with the sexual violence prohibition and Resolution 1325. The point of each explorative investigation was to enable a better understanding of (1) how normative change is co-constituted at the intersection between global conflict and local contestation, and (2) what kind of normative change this co-constitution brings to the fore.

In each of the three case scenarios, the affected stakeholdership was mixed, i.e. it included individual agents, advocacy groups, government representatives, social movements and institutions and committees located. Each case trajectory was approached via the engagement of – loosely conceived – ‘groups’ of affected stakeholders so as to engage a plurality of agents activating diverse cultural background capabilities in a virtual multilogue. While all case scenarios thus reflect multiple standpoints, the *Kadi* case reflects more engagement on the macro- and meso-scales, and the *Rumsfeld* case brings a particularly diverse set of agents to bear at all scales. In turn, the Resolution 1325 trajectory involves an equally wide range of different stakeholders, however, its crux lies in the observation of proactive contestation at the constituting stage of the norm implementation process as well as at the macro scale of global order.

Each scenario centres on a contestation repertoire which serves as a database that allows for shedding light on diverse voices that come to the fore through contestation. The repertoires were compiled and then mapped with the purpose of providing a voice to the distinct affected stakeholders that were part of the practices in each global conflict. All scenarios reflect the crisscrossing pattern of normative orders,<sup>1</sup> and the same accounts for the crisscrossing actions of the involved stakeholder groups. This crisscrossing quality is most evident in the novel strategic litigation network agency.

The research began from the widely-shared dictum of norms research (that norms lie *in* the practice and therefore all practices are norm-generative). In addition, it raised the principled question: *whose practices count* for normative change in global society? If practices are norm-generative, then how do we account for contestations of norms as interventions on the normative structure of world politics? IR theorists' increasing attention to micro-practices has generated particular awareness for the effect of culturally diverse background capabilities that inform every re-enactment of normative structures of meaning. Here, interdisciplinary reference to ethno-methodology and sociology helped reconstructing practices and their interventions on the normative structure by way of thick description that identifies patterns of competent performance or institutional layers of cultural knowledge. These advances in IR theory notwithstanding, the call for more rigorous attention towards the recognition of cultural diversity within the larger macro-practices of global society stands.<sup>2</sup> And, as promoters of the Global IR project have rightly stressed, more in-depth research on intersections of the dynamic local-global co-constitution of the normative change – with particular emphasis on giving voice to non-Western agency – is required to avoid reifying the state-centred view that comes with the mainstay of IR theories' long hidden taken-for-granted assumption that a liberal community somehow stabilises global order.

<sup>1</sup> On the crisscrossing pattern of normative orders in relation to local practices, see Tully who writes that, 'from the specific perspective of the people who are subjects of a multiplicity of these normative orders and who seek to exercise agency within them in order to make them more just. The crucial feature of normative orders, from this perspective, is that they are actually grounded in the day-to-day *practices of participation* of the agents (individual and collective) who are subject to them (both governors and governed). From this "interactional" perspective, modes of law and governance gain their democratic authority from the quality and effectiveness of participation available to and exercised by the demos within them'. See Tully 2012: 238–239, citing Brunnée and Toope 2010.

<sup>2</sup> Reus-Smit 2017.

Against this background, the book features as a critical academic intervention. To that end, it took an explorative approach to examine normative change and assumed a bifocal perspective to study the effect of local contestations in relation with global norm conflicts. The exploration was presented by the cycle–grid model that offers a frame to zoom in on contestation repertoires. The research framework was presented in Chapters 2–4; and the application of the cycle–grid model was then illustrated with reference to three case scenarios in Chapters 5–7. The approach sought to avoid reification of assumptions about a given and/or desirable liberal order that pre-structure research perspectives on normative order by the researcher’s prioritisation of the allocation of power according to horizontal or vertical grid within a given liberal order. Such positioning within an assumed liberal order often unintentionally leads researchers to study norm implementation, diffusion or localisation – preferably at sites that are located at a distance from them – and analyse ‘states’ whose behaviour deviates from a liberal norm. Inevitably, such studies come out as having a corrective effect<sup>3</sup> rather than an egalitarian purpose. And, perhaps not surprisingly, many excellent contributions to today’s rapidly expanding field of norms research actually begin from ‘the norm’ in order to explain how actors react to it, rather than from ‘the practice’ and its effect on norm change.

In turn, this book’s agency-centred approach began from the practice to explore its effect on norm change. It examined the contestation repertoires for each scenario and evaluated affected stakeholders’ opportunity to generate norm appropriation through access to norm validation as the platform for proactive contestation. In each case scenario, the run-up to a ‘landmark’ moment in the trajectory was indicated by *reactive* contestation, and the follow-up brought *proactive* contestations to the fore as the driver for normative change and, more generally normative change, as it were. The potential for norm appropriation was probed against the principle of sustainable normativity (i.e. P3, see Table 8.1) and the potential for proactive contestation was probed against the *quod omnes tangit* principle (i.e. P1). The sensitising reading was guided by the principle of contestedness (i.e. P1), seeking to locate local contestations according to stages of norm implementation and scales of global order. The cycle–grid model thus served as a frame to allocate practices of contestation on the *grid* and, relatedly, determine the conditions for specific stakeholders’ proactive contestation based on the *cycle*’s three practices of norm validation. As such the cycle–grid model seeks to move beyond a research operationalisation from the starting point of a choice

<sup>3</sup> Epstein 2012; Park and Vetterlein 2010.

between a pre-defined 'bottom-up' or 'top-down' perspective. Instead, it allows researchers to take into account the impact of crisscrossing normative orders which do not develop along state-centred organisational patterns, and shed light on crisscrossing stakeholder practices that engage with these orders. The case scenarios demonstrate this by applying the cycle-grid model.

As Table 8.1 shows, the groups of stakeholders that engage in contestations in the case scenarios in Chapters 5 and 6 barely engage on the meso-scale where pathways to participation are most likely to be constituted through proactive contestation. By contrast, the case scenario on the prohibition of sexual violence in Chapter 7 indicates higher activity at the meso-scale. The findings confirm the importance of interaction at the meso-scale following the norm-typology: thus, in the fundamental rights case and in the torture prohibition case, the common themes of contested 'universal jurisdiction' reveal oppositions rather than shared organising principles, while by contrast the sexual violence prohibition case shows emerging pathways on the meso-scale based on the shared view that 'violence against women is a security matter' and that 'scrutiny matters' in order to counter breaches of the prohibition on sexual violence.

For example, in the *sexual violence prohibition* scenario, cultural validation and social validation were instrumental for bringing the hidden norm of 'silencing detail' to the fore, which had been nurtured through the habit of 'maintaining silence' about the details of sexual atrocities in sexual violence cases since the Nuremberg Tribunals. To unearth the norm generation and change of the hidden and long taken-for-granted norm, the scenario identified practices at the macro-scale that had a long-time supporting role for the extant norm of the culture of impunity. The emerging norms of 'sexual violence is a security matter' and 'sexual violence requires scrutiny' had been generated as novel organising principles (type 2) that were widely shared, yet were undermined by the culture of impunity.

In turn, the *torture prohibition* scenario demonstrated how one group of stakeholders with access to cultural validation and social validation proactively engaged the micro- and macro-scales to counter breaches with extant norms, generating the emergent norm of 'documenting detail' to counter the extant norm of the 'culture of impunity' and implement the extant torture prohibition norms, while the other group of stakeholders engaged in formal validation to hollow out and downsize the extant torture norm to an emergent type 3 standard at the micro-scale of global order. Put within the larger context of global society, this scenario centred on the tension between the extant fundamental norm of 'universal jurisdiction' (type 1) and the emergent norm of 'techniques of interrogation' (type 3). It brought to the fore reactive contestation on behalf of

Table 8.1 *Summary of Sensitising Reading: Transformative Effects of Contestation*

Summary of Sensitising Reading: Transformative Effects of Contestation										
Cases	Kadi			Rumsfeld			Resolution 1325			Research Steps
Norms										
Type 1 Extant 1 Extant 2 Contestation Reactive	Fundamental Rights of Individuals Legality			Torture Prohibition Culture of Impunity			Sexual Violence Prohibition Culture of Impunity			Case selection: Global norm conflict? Cause of conflict?
	Breach of <i>extant</i> norm 1: UNSC Breach of <i>extant</i> norm 2: EU			Breach of <i>extant</i> norm: U. S. government officials			Breach of <i>extant</i> norm = <u>constitutive for hidden</u> norm ('silencing detail')			
Sites of Contestation Grid	1	2 2	3 3		2	3	1 1	2 2	3	Empirical Research Sensitising reading P1: Contestedness <u>Mapping</u> P2: <i>Quod omnes tangit</i>
	4	5 5	6		5	6	4 4	5 5	6	
	7		9	7	8	9 9	5 5	8 8	9	
Affected Stakeholders Multiple Groups Single Group	EU courts, learned scholarship, individual litigants UN Security Council, learned scholarship			Legal advocacy, litigants, NGOs, SLN U. S. government officials			UN committees; Women's Caucuses; (individual) government representatives Women & Peace Movements & Advocacy Groups, WPS Network, Individual women; Government representatives			
Type 2 Contestation Proactive Cycle	1: 'As long as protection is not warranted by UN, EU steps in' ( <i>Solange</i> ) 2: Office of Ombudsperson			1: 'Documenting detail matters more than victory in court' 2: 'Strategic litigation matters'			1: 'Sexual violence in conflict is about security' 2: 'Sexual violence in conflict requires scrutiny'			Normative Evaluation <u>Identifying change</u> Emergent norms <u>Evaluating</u> P3: Sustainable normativity <u>Establishing potential</u> Transformative change
Theme of Tension Global Issues	Universal jurisdiction 1: Moral responsibility versus legality 2: Sources of international law			Universal jurisdiction 1: Moral reach of torture prohibition: broad versus narrow 2: Sources of international law			Culture of impunity 1: Countering <i>hidden</i> norm of 'silencing detail' 2: Pathways to participation			

Source: Wiener 2018, three case scenarios.

stakeholder group 2 (i.e. government officials in the United States) and the proactive contestation of stakeholder group 1 on the micro-, meso- and macro-scales (i.e. the SLN). Effectively, U.S. government officials' access to formal validation enabled their proactive contestation towards downsizing the torture prohibition norm, while the SLN's activity with no access to formal validation succeeded in putting the universal jurisdiction norm on the agenda and backing it by the emergent organising principles 'documenting detail matters' and 'strategic litigation matters'. This scenario also reconfirmed similar extant and emergent norms that were identified in the sexual violence prohibition scenario, even though it worked with a data set that was based on a different contestation repertoire.

Finally, the *fundamental rights* scenario shed light on contestations about the extant fundamental norm of fundamental rights of individuals which was approached by bringing the highly-contested concept of the 'legality' of international law, and the moral responsibility that comes with it, to the fore. The stakeholder groups that were engaged in this multilogue had considerably more access to formal validation, as both involved lawyers, government representatives and learned scholarship at the meso- and macro-scales of the global order, respectively. This normative opportunity structure notwithstanding, the scenario sheds light on a novel tension that centred on the responsibility to protect fundamental rights of individuals in a given global society. While stakeholder group 1 (i.e., centring on the EU context) proactively contested the UN Security Council's lack of fundamental rights protection and generated the emergent norm of 'so long as', stakeholder group 2 (i.e. centring on the UN context) defended the moral authority of international law. Like the torture prohibition scenario, these contestations centred on the tension of the contested extant norm of 'universal jurisdiction'. Notably, the proactive contestations at the meso-scale sought to sustain that principle with reference to the emergent 'solange' principle. The 'container' of the fundamental rights norm was substantiated by proactive contestation – without access to formal validation for stakeholder group 1. Accordingly, this case scenario mostly demonstrates formal and social validation. Here the particularly interesting finding is that the conception of 'legality' that has been brought to the fore through proactive contestation at the meso-scale is one that is more practice-based than formally devised.

*The Co-Constitution of Normative Change* The book's leading research question pays attention to the local–global co-constitution of normative change. As the evaluation in Table 8.1 shows, the underlying

principles included the principle of contestedness (P1), the *quod omnes tangit* principle (P2) and the principle of sustainable normativity (P3). The principles are applied in conjunction with the norm-typology in Table 3.1. The typology is derived inductively from the observation that sustainable normativity rests on access to distinct practices of norm validation and type of contestation. Here, reactive contestation indicates the absence of normative sustainability based on fading or unequal access to norm validation. Proactive contestation indicates a modicum of sustainable normativity as enabling progress in the process of countering injustice in global society (with justice being the optimum). The typology thus reflects what has been addressed as the ‘diversity dilemma’ in recognition theory, i.e. the problem of accommodating cultural diversity while maintaining moral validity claims.<sup>4</sup> From this agonistic perspective on norm change, it is proposed to examine conditions of access to contestation in order to identify the potential for co-constituting normative change at a variety of sites in global society, so as to enhance sustainable normativity by widening access to norm validation as a vehicle for more culturally diverse proactive contestation. The general *research assumption* which pervades each case scenario holds that the lower the degree of resonance with the normative opportunity structure, the higher the likelihood of reactive contestation. Its effect on normative change remains subject to studying the two practices of contestation.

Access conditions, therefore, are crucial. They depend on distinct – local–global – normative opportunity structures, which in turn are interlinked with patterns of crisscrossing normative orders. The distinctive feature that differentiates agents who merely partake in global governance, on the one hand, and agents who enjoy access to agency, on the other, is the right to critically engage with the norms ‘that govern them’ based on ‘access to regular contestation’.<sup>5</sup> As noted in Chapter 2, this difference regarding access to agency is substantiated by the conceptual definition of contestation as a reactive practice that expresses objection to norms, and a proactive practice that enables critical engagement with norms. The conditions of unequal access to agency are due to distinct regulatory and cultural practices that constitute the normative opportunity structure. These practices generate the micro-, meso- and macro-scales of order which represent governance levels and layers of society.

While the normative opportunity structure shapes contestations at the local sites of engagement, like all practices, contestation mobilises

<sup>4</sup> Tully 1995; Ignatieff 2017; Reus-Smit 2017; Coulthard 2004.      <sup>5</sup> Wiener 2014: 1.



individual background capabilities. Therefore, individual access to cultural validation – as one of the three possible practices of norm validation – is warranted at all times. Yet, it is the distinctive, and by definition often exclusive, access to each of the three practices of norm validation which differentiates distinct stakeholders' impact. This differentiation of impact ultimately defines agents' power to change norms. For countering injustice depends on access to all three practices of norm validation so as to enable affected stakeholders to engage in both 'objection' (reactive contestation) and 'creative engagement' (proactive contestation) with the norms that govern them. Recalling the leading research assumption that the lower the degree of resonance, the higher the pressure on normative change, the local normative opportunity structure becomes particularly relevant for studies that examine the effect of local contestations on global norm conflict.<sup>6</sup>

*Illustrative Case Scenarios: Sensitising Reading of Contestation Repertoires*

This book did not work with primary empirical data, but illustrated the value-added of the cycle-grid model based on the primary and secondary literature in the field as well as official documents and media reports. That is, existing 'texts' provided the data for the sensitising reading, mapping and evaluation with regard to the case scenarios. Each case scenario centred on the trajectory of contestations that evolve around a major norm conflict. Each trajectory differs: as the scenarios demonstrate, in contrast to *Kadi*, the *Rumsfeld* case did not proceed beyond the complaint stage, as it was not taken up by the court. And as the *Rumsfeld* case scenario also demonstrates, victory in court is not necessarily considered the best possible normative change.<sup>7</sup> The case scenarios' purpose was to illustrate the potential for normative change by undertaking a sensitising reading of a global norm conflict, and taking account the repertoire of local norm contestations. The analysis reconstructed contestations of extant fundamental norms, thereby taking into account groupings of affected stakeholders. Based on their contestations, change of distinct norms (i.e. extant, emergent, hidden norms) which came to the fore through the contestations was identified, and the potential transformative effect on the normative structure of meaning-in-use (i.e. resulting central tensions and issues) was highlighted.

<sup>6</sup> See Table 3.1. <sup>7</sup> Compare Table 6.1, and Table 8.1.

According to the findings, transformative change was observed insofar as these contestations not only brought adjacent norms to the fore, but they also revealed changes regarding the moral reach of the extant fundamental norms. This was demonstrated especially by the *Kadi* and *Rumsfeld* cases. Notably, in the *Rumsfeld* case scenario the torture prohibition norm's moral reach was threatened with becoming significantly downsized through the formal validation of one group of stakeholders acting at the meso-scale of global order (i.e. U.S. government officials), even while facing objections to this breach<sup>8</sup> by the other group of stakeholders, who were opposed to breaches of the torture prohibition norm based on social and cultural validation. Ultimately, the efforts of those opposed to breaching the torture prohibition norm snowballed, and those stakeholders developed the ability to employ critical engagement with those in breach of the UN Convention Against Torture and others who were held responsible to see to its proper implementation.

Finally, Chapter 7 revealed that for countering breaches of the sexual violence prohibition norm, the practice of cultural norm validation at the macro-scale was especially important. An interesting twist came to the fore by mapping the contestations over the two periods that span the trajectory of constituting, negotiating and implementing the sexual violence prohibition norm, Hague's involvement to counter the 'culture of impunity' demonstrated that cultural validation was especially important at the constituting stage of that process. The norm-generative effect was, however, not exclusively attributed to the 'top-to-top' interactions. If the 'scrutiny is required' (type 2) norm works out, as this case scenario suggests, then follow-up research will be able to confirm this impact based on field research at the micro-scale. Similarly, Chapter 6 revealed that the most vital elements in countering breaches of the torture prohibition norm were the practices of cultural and formal validation. Here the particularly interesting finding was that while the United States – one of the founders, and among the most powerful UN member states – is effectively scaling down towards the micro-scale, strategic litigation networks as a novel type of actor are scaling up, as it were, in order to endorse universal jurisdiction.

<sup>8</sup> Schmidt and Sikink come to a similar conclusion, noting that under the Bush administration the U. S. government representatives mainly applied validity contestation as opposed to applicatory contestation: 'While its efforts would appear to take the form primarily of applicatory contestation, in some cases they involved validity contestation masquerading as applicatory justification'. Compare Schmidt and Sikink 2016: 6.

*Follow-up Research* Addressing the question of *whose practices count* was meant to open the field of norm studies for a number of follow-up research enterprises within the developing Global IR project. These will include additional global norm conflicts as well as a wider range of stakeholders. Both stand to enhance the contestation repertoire as a database from which to bring novel perspectives into the multilogue so as to enhance the capacity for taking distinct – present or past – global norm conflicts into account when reflecting on the local-global co-constitution of transformative change in global society. Here, the goal for further exploratory research on normative change lies less in establishing formal legal change than in highlighting the dynamic intersections where normative change is re-constituted. Therefore, follow-up research will – first and foremost – aim to give a voice to those engaged in the practice of contestation.

The proposed vantage point of the enquiry was devised from three guiding principles. These included (1) the principle of contestedness (sensitising reading), (2) the principle of sustainable normativity (allocating contestations), and (3) the *quod omnes tangit* principle (evaluating access to norm validation). Given that in ‘real’ international relations the group of affected stakeholders far outnumbers those who actually obtain access, the sensitising reading of the contestation repertoire was carried out in order to put stakeholders into a global multilogue, all the same. This allowed for unearthing and visibilizing affected stakeholders’ background capabilities in the wider context of global norm conflicts. The research framework thus includes a commitment to critical academic intervention. According to this commitment researchers reflexively engage with their research ‘object’ from a position of ‘affective engagement’.<sup>9</sup>

The exploratory approach was synthesised by the cycle–grid model, which is presented as a template for bifocal research. It situates the key methodological categories on two related planes: on the first plane are the ‘sites of contestation’, which indicate the spatio-temporal conditions of stakeholder engagement in norm conflict; and on the second plane is the ‘cycle of norm validation’, which indicates the principled conditions for stakeholder agency.<sup>10</sup> As such, the model allowed for both empirical location stakeholders (as potential agents) and normative evaluation of access to agency (as effective agents). Both are indicated by distinct practices of contestation. The site is indicated by reactive contestation, i.e. the objection uttered by affected stakeholders in a global norm conflict; and the cycle indicates whether affected stakeholders have

<sup>9</sup> Tully 2017 on Heyes 2017.

<sup>10</sup> Compare Figure 2.1, and the detailed framework in Chapter 4.

access to norm validation so as to assume a transformative role by proactive contestation. Approached from this perspective, at each site, the conditions for agency in the co-constitution of normative change become accessible. To unearth these sources and processes of normative change, the empirical research tapped into the repertoire of discursive re-enactments of the normative structure of meaning-in-use at distinct sites in global society. The cue was identified by norm conflicts with global relevance and the contestation repertoire was analysed at different local sites and then evaluated.

### Summary

The exploratory approach to norms research from the Global IR perspective invites thinking against the grain of governance models that seek to accommodate diversity in a given liberal frame. While most leading approaches to IR theory operate with the central assumption that states and government representatives are responsible for complementing unequal access conditions, the book's focus on practices of contestation questions the egalitarian effect of this complementary function. The ongoing contestation of the legality of international law sustains the point that unequal conditions of participation in global society remain to be recognised and addressed.<sup>11</sup> For now, this legality it is fundamentally rooted in 'Western' political culture<sup>12</sup> and conducive to a theoretical standpoint from which culturally diverse background capabilities of 'other' traditions remain bracketed. However, as this book sought to demonstrate, affected stakeholders who partake in global norm conflicts at their respective local sites of engagement do contribute to normative change. They bring their background capabilities to bear in each contestation. Yet the effect of these contestations remains largely unnoticed as long as research is undertaken in the shadow of a prevailing architectonic of global governance and international law. To reverse the alienation of affected stakeholders and propose a methodological pathway towards more equal access to proactive contestation, this book gave diverse affected stakeholders a voice by staging them in a virtual global multi-logue. By taking into account a wider contestation repertoire, it became possible to widen the range of acknowledged background capabilities and explore them with regard to potential transformative change.

<sup>11</sup> Acharya 2017.

<sup>12</sup> Acharya 2014; and prominently in an introductory piece to *International Organization* Reus-Smit 2017.

While explanatory research seeks to examine the degree to which norms are stable or robust within a given discursive environment, exploratory research seeks to identify normative change with reference to the interplay between extant, emerging and hidden norms.<sup>13</sup> As the case scenarios demonstrate, this interplay depends on affected stakeholders' access to contestation, as a precondition for being 'heard' and hence becoming a 'resource' for the text corpus that provides the research material for mapping, which again is the database for the exercise of 'sensitising reading'. Beyond specific normative change, exploratory norms research seeks to reveal more far-reaching moral conflicts in global society.<sup>14</sup> Thus, the three case scenarios highlight challenges with regard to (1) the 'moral responsibility' to protect fundamental rights of individuals in global society – as brought to the fore by Chapter 5; (2) the recognition of 'universal jurisdiction' in conjunction with contested traditional sources of international law<sup>15</sup> – as brought to the fore in Chapter 6; and (3) the acceptance of the 'culture of impunity' – as brought to the fore in Chapter 7. Follow-up research may seek to engage the central questions brought to the fore by each of the three case scenarios:

1. First, who ought to have moral responsibility in global society (*Kadi* case)?
2. Second, which ought to be the sources of universal jurisdiction in international law (*Rumsfeld* case)?
3. Third, which agents are constitutive for maintaining the culture of impunity in global society (Resolution 1325)?

The book's findings about normative change emerged through shedding light on the co-constitutive effect of contestation with regard to specific norm changes, and indicating the tensions about contested moral issues these local contestations brought to the fore. Two paths are specifically highlighted for follow-up research: the first will seek to probe the interrelation between contestation, norm change and moral challenges based on further empirical research that includes other global norm conflicts and a wider range of stakeholders; the second will elaborate on the moral tensions following the political approach to public

<sup>13</sup> Compare Tables 5.1, 5.2, 6.1, 6.2, 7.1 and 7.2, respectively.

<sup>14</sup> Compare the bottom row in Table 8.1.

<sup>15</sup> For these sources, see Article 38 of the 'Statute of the International Court of Justice' (ICJ) [legal.un.org/avl/pdf/ha/sicj/icj\\_statute\\_e.pdf](https://www.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf) Chapter II at p. 26 (accessed 24 August 2017).

philosophy or ethics in international relations.<sup>16</sup> At best, both will be explored in larger research projects that continue to tease out the potential of the interdisciplinary interface of IR theory, international law and public philosophy placed squarely within the Global IR project. A central aim for future research will consist of taking into account a wider number of stakeholders so as to bring the constructive potential of more diverse background capabilities to bear when studying global norm conflicts.

<sup>16</sup> Laden 2007; Owen and Tully 2007; Havercroft 2017c.