



Dynamics of Dissent: Direct and Indirect Norm Contestation

Workshop Report

Posted on 13 June 2017

On 2nd and 3rd of June 2017, the workshop 'Dynamics of Dissent' brought together scholars interested in norm contestation at Nuffield College, Oxford. The two-day workshop was generously funded by the Research Network on Fragmentation and Complexity in Global Governance (REFRACT), Nuffield College, and St Antony's College.

While research on norm contestation has focused on discourses and debates on the meaning and relative importance of norms, the contributors to this workshop argue that there is a second type of norm contestation. Here, norm meaning is contested by practitioners in the way in which they implement a norm. The workshop papers respond to a framework chapter that introduces a distinction between two types of contestation: direct contestation at the discursive level, and indirect contestation at the level of action and implementation. Despite being a potentially powerful mechanism of challenging and changing a norm, indirect contestation is under-researched in part because it can sometimes remain below the popular radar, whereas direct contestation frequently occurs in the public eye. This workshop wants to address this blind-spot.

More precisely, contributors were asked to identify empirical examples of direct and indirect norm contestation, and explore two research questions:

- (i) First, under what conditions should we expect to see indirect and direct contestation, respectively, and what is the relation between the two?
- (ii) Second, what impact does the way contestation occurs have on its effect on the norm?

The empirical examples highlight that indirect contestation is a widespread practice, covering the resistance against World Health Organization (WHO) emergency rules by China, the re-interpretation of the impartiality norm by UN practitioners, anarchists' attempts to contest the state monopoly on the legitimate use of force, attempts to use procedural rules to exclude LGBTI voices from international organizations, or attempts by digital advocacy-groups to mobilize blockades of refugee deportations, to name but a few.

In this report, we give an overview over the workshop findings relating to the first question, before very briefly talking about the second question, covering conceptual debates at the workshop, and giving an outline over future steps towards a joint publication.

1 Under what conditions should we expect to see indirect and direct contestation, respectively, and what is the relation between the two?

The workshop papers critically engaged with a set of five hypotheses concerning the choice of direct vs. indirect contestation discussed in the framework chapter, and developed important extensions and additional hypotheses.

The workshop organisers hypothesized that norms that are more widely and deeply accepted are more likely to see indirect rather than direct contestation, because direct contestation comes with high reputational cost and low odds of success. Several papers directly engaged with and supported this hypothesis, looking at norms ranging from the geoengineering taboo, via the principle of non-interference in WHO policies, and the principle of impartiality in UN peacekeeping, to the suppression of anarchist organizations in the late 19th century. During the workshop, we also discussed how to classify the degree of norm acceptance, and whether to distinguish between constitutive and other types of norms.

A second hypothesis that was largely consistent with the empirical case studies is that vague norms offer greater ‘wiggle room’ for implementation and are therefore particularly likely to see indirect contestation. Thus, we often see high-level discursive agreement on broad and vague principles, like the Women, Peace, and Security (WPS) Agenda or the United Nation’s core objective to protect civilians, while at the same time observing great differences between the way in which states turn these principles into practice.

A third hypothesis is that actors with social and material resources required for implementation are more likely to engage in indirect contestation than other actors. One participant’s study of international organization’s access rules shows that the ability to decide over accreditation is a social asset that translates into implementation capital. Similarly, the ability of digital advocacy groups to mobilize actions by a large group of individuals translates into ‘people power’ as implementation capital. Yet another participant found that the more successful civil society organizations are in raising funds, the more they resort to indirect rather than contestation, for example through technical assistance.

A fourth hypothesis proposed by the framework paper is that actors with greater legitimate authority are better equipped for and more likely to engage in direct, discursive contestation. Contestants sometimes go to great lengths to be seen as trustworthy norm entrepreneurs: take the UK's attempt to set a positive example in funding concrete WPS initiatives. Furthermore, the papers highlighted that we need to think about the groups whose legitimacy perception matters. For example, in debates about the principle of African unity we need to look at specifically *African* perceptions of the legitimacy of actors like Muammar Gaddafi. Moreover, legitimate authority may not be a great asset when the addressees of norm contestation are, for example, corporate actors that are driven by profit-maximization concerns. We therefore have to take incentive structures into account when discussing the choice between the two types of contestation.

Important extensions of the hypotheses proposed in the framework chapter were developed in several papers that addressed the *locus* of contestation. For example, one submitted manuscript highlighted how autonomy of practitioners from decision-makers enables indirect contestation. Furthermore, papers stressed the importance of windows of opportunities for both forms of contestation, including in particular 'crisistunities' as with the refugee, the SARS, or the AIDS crises.

2 What impact does the way contestation occurs (i.e. directly or indirectly) have on the effect of this contestation on the norm?

The framework paper hypothesized that direct contestation is more likely to lead to convergent norm understandings than indirect contestation, because direct contestation provides opportunities for directly engaging with and convincing other actors of a given norm understanding. Interestingly, various contributions challenged this hypothesis. By creating facts on the ground and showing how a particular norm understanding can work in practice, indirect contestation seems to offer opportunities to align norm understandings. This can be seen in the normalization of the WHO's imposition of emergency procedures to tackle SARS.

3 Conceptual debates and extensions

Beyond addressing the two research questions, the workshop papers and discussion engaged with the conceptualization of direct and indirect contestation. Through the discussion, we agreed that the definition of indirect contestation should move away from a narrow focus on implementation towards a wider realm of non-discursive actions. Moreover, we discussed whether contestation requires awareness of different norm understandings, intentionality, as well as interaction between the two 'sides' or 'parties' that have different norm

understandings. While direct contestation necessarily comes with awareness, interaction, and intentionality, the same is not true for differential norm implementation. One might want to therefore add these requirements in a definition of indirect contestation; the practical effect of doing so may however be limited given that intentionality and awareness are difficult to observe.

That being said, there was a remarkable degree of consensus on the concepts proposed in the framework chapter. There was wide consensus on the classification of the empirical examples introduced by the participants as either direct or indirect contestation, showing only few, if any, borderline cases. The debate also indicated a consensus that introducing the concepts of direct and indirect norm contestation to our conceptual toolbox enriches our understanding of norm contestation, and allows us to better understand the dynamics of dissent, in terms of both explanatory and normative approaches. One senior participant presented a paper based on a more normative understanding of norm contestation and agreed to contribute a paper that discusses how the concept of indirect contestation fits into pre-existing work to the envisaged joint publication.

Another key take-away was the need to theorize the relationship between direct and indirect contestation more: when do other actors respond to indirect contestation directly or indirectly? When do direct and indirect contestation coincide and when do they happen independently of each other? The workshop discussions have revealed that the process of contestation is a key part of the dynamics we are studying and should become a central aspect of the theoretical framework.

4 Going forward

The declared aim of the workshop is to create a joint publication. It was encouraging to see that most contributors extensively engaged with the concepts of direct and indirect contestation, giving the project a great coherence. There was great interest in pursuing this project further and in publishing its output. To prepare for a joint special issue, we are planning to organize a follow-up authors workshop in the future.

We would like to thank REFRACT, Nuffield College, and St Anthony's College very much for allowing us to kick start this new research agenda on the dynamics of dissent.

Anette Stimmer, Lea Wisken, Patrick Quinton-Brown & Joel Ng