

The Intertextuality of Global Norms

Discursive Strategies and Incremental Change

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1. Introduction: Contestation, Agency and the Concept of the Norm

When is a norm a ‘liberal’ norm? What makes a policy ‘modern’? What makes an issue a ‘human’ right, what makes it a ‘right’? A general answer to these questions is almost impossible. Outside of a specific philosophical tractate or an individual speech in front of the United Nations General Assembly, a clear intersubjective meaning of these terms is not easily discernable. Even in such singular speech acts, the *meanings* of these concepts are often highly ambiguous and sometimes outright contradictory. Their meanings are subject to constant challenges, contestations and subtle re-interpretations, even when their validity or applicability as fundamental global norms remains unquestioned.

In this dissertation, I seek to shed light on the discursive strategies behind these struggles about meaning and explore their relation to normative change on the international level. To do so, I accept this empirical contestedness as a starting point, not an analytical problem to be overcome. Rather than isolating ‘pure’ and unambiguous norms that can be neatly traced, the articles in this dissertation ask about these ambiguities, contradictions and tensions: First, how can we conceptualize and capture them analytically? Second, how do actors engage them? How are they bound by normative structures and, simultaneously, how do they seek to transform them? How do actors use norms and normative context in struggles over meaning, for example by exploiting, resisting, subverting, stabilizing or de-stabilizing them? What agency lies in gaining power over definition and meaning? And third, what does this teach us about the process of normative change on the international level?

This dissertation consists of four separate articles. First, “Political Steering: How the EU Employs Power in its Neighbourhood Policy towards Morocco” (hereafter referred to as *Steering*), was published in *Mediterranean Politics* and co-authored with David Remmert. It explores the European Union’s promotion of the rule of law and human rights norms and conceptualizes this as a form of discursive power. Second, “Appropriation and the Dualism of Human Rights: Understanding the Contradictory Impact of Gender Norms in Nigeria” (hereafter *Appropriation*) was published in *Third World Quarterly*. It conceptualizes appropriation as a form of local agency in norm promotion processes. Third, “Friction, not Erosion: Assassination Norms at the Fault Line between Sovereignty and

Liberal Values” (hereafter *Erosion*) was published in *Contemporary Security Policy*. It shifts the focus towards the conundrum of weakening norms and explores the role of normative context in it, stressing normative change as slow and incremental. Fourth, “Talking ‘Heads’: The Language of Decapitation and the Targeting of Individuals in U.S. Security Policy” (hereafter: *Decapitation*) is an unpublished manuscript. It addresses the domestic side of targeted killing norms and highlights the gradual nature of normative change in U.S. security discourses and targeting paradigms.

As a cumulative dissertation, this work comprises individual articles that function as independent scholarly contributions. They are actively engaged in separate debates and published in different international relations journals with specific audiences. They stem from a sequenced research process as they were published over a two-year span between June 2015 and July 2017. They each address particular sub-questions of the broader research interest that unites them. They are not the result of a predetermined theoretical framework, but built on, influenced and cross-fertilized by each other. Unlike in a monograph, the individual articles do not seek to advance one core argument in a linear fashion but remain diverse in their empirical orientation. Every article is a reaction to its predecessor in that it picks up on prior findings as well as weaknesses and blind spots – and, naturally, other scholars’ reactions to them after their publication. They are however united by a common research interest and, taken together, stress a larger theoretical point. In this introductory chapter, I synthesize this common contribution, making explicit the common analytical categories, premises and assumptions that are sometimes implicit in the respective articles. In this sense, this chapter can also be seen as a concluding argument in terms of a theoretical reflection.

Introductions usually start with definitions. For a dissertation with the term ‘norm’ in its title, this would be the obvious theoretical point of departure. Yet, the articles in this dissertation are interested in conflict about the meaning of norms more than they are interested in norms themselves. They scrutinize agency within these conflicts, conceptualize discursive strategies and explore their interrelation with normative change. As such, they are a part of and seek to speak to the broader international relations literature on (norm) contestation. This line of thinking sees the constant contestation of normative meaning as a given feature of the international system rather than a problem for it. In this,

it is fundamentally wary of universalisms, stresses norms as processes rather than static objects and highlights agency in them.

However, the contestation literature has a norm problem. As I argue in this introductory chapter, the ‘gravitational pull’ of norms as the key unit of analysis in constructivist research creates more problems than it solves for the questions at hand. Although the concept of struggle is the theoretical starting point for contestation research, in order to function as a pragmatist point of commonality between constructivist approaches, it tends to revert back to the core concept of the norm, which has often led to a microscopic focus on single norms. This bears the danger of overemphasis in research designs that then fail to account for the larger meaning structures that norms are embedded in. In this introduction, I hence seek to problematize and re-conceptualize the concepts of norms, agency and change in relation to each other. I maintain that a re-centering on the discursive underpinnings of contestation theory can provide a more thorough understanding of normative context. This also means avoiding a fixed definition of norms as a theoretical starting point. This is the challenge this introductory chapter tackles; to develop a theoretical space for discursive agency while at the same time peeling away contestation from its intricate connection to the concept of the norm without abandoning it altogether.

This insistence on a better theoretical implementation of discourse does not run counter to contestation’s insistence on individual agency. As I point out, post-structuralist discourse theory leaves leeway for dialectically constituted agency – and connectedly, discursive change. I argue that intertext can serve as an ideal analytical entry point into both actors’ discursive strategies and normative change as incremental transformation. Intertextual chains are the crucial lines where meaning is contested, and accordingly, where both discursive transformation and stabilization occurs. In this lies actors’ agency because meaning is never entirely stable and most of the time, multiple (though not unlimited) meanings and interpretations are available. Actors leverage intertextuality, linguistic ambiguity and overdetermination to re-interpret, re-contextualize and re-connect meaning, to stabilize and to de-stabilize it. The ‘outcomes’ of such processes hence bear the intertextual traces of past contestations and serve as entry points for future ones. Building on this, I conceptualize norms as intertextual amalgams. This reconnects this dissertation’s research questions with the unavoidable concept of the norm, allowing it to engage the mainstream IR debates while being critical of key assumptions.

The articles in this dissertation further theorize such strategies (steering, appropriation, the use of meta-norms or metaphors) and explore their relation to change as slow and incremental. At the end of this introductory chapter, I return to them in lieu of a ‘Plan of the Book’. I discuss this dissertation’s research process and elaborate on the articles’ specific research questions, individual contributions and common findings in more detail.

The Contestation Literature and Norms as a Research Paradigm

Norms have been at the core of constructivist research in international relations for decades. The very concept of the norm is its foundational intervention against realism and its static, materialist conception of actors’ interests and behavior. In this section, I situate contestation research within the broader international relations literature, outlining its key assumptions and contributions. I then problematize its vexing entanglement with and narrow focus on the concept of the norm. I argue that the literature needs a better understanding of normative context and discourse but maintain that this is possible through a re-orientation on the concept’s initial assumptions about agency and conflict.

Early constructivist research made the grand theoretical argument that norms, rather than being epiphenomenal to preferences and interests, constitute those through generating expectations of appropriateness. This constitutive postulate is immortalized in Katzenstein’s still influential definition of norms as “collective expectations for the proper behavior of actors with a given identity” (Katzenstein, 1996, p. 5; see also Finnemore & Sikkink, 1998; March & Olsen, 1998). Constructivist approaches hence attribute explanatory power to norms. Norms explain actors’ preferences as well as their behavior as they limit the range of an actors’ possible actions. Norm-following *can* be the result of coercion or incentives as in rationalist paradigms, but also of a perception of obligation or ‘appropriate’ behavior (Finnemore & Sikkink, 1998, p. 891). Constructivist research on norms focuses on three distinct features of norms (Wunderlich, 2013, p. 22f.): Norms are standards of behavior for actors with a common identity, they generate patterns of behavior for those actors and they contain a prescriptive function of ‘oughtness’ that separates them from other kinds of rules.

This insistence is fundamental for constructivist international relations. In rationalist approaches, what can be empirically described as a norm is theorized as functions of actors' exogenous interests, structured by the logic of consequences (Axelrod, 1986). In institutionalist paradigms, norms are treated as intervening variables, whereas realist approaches either outright reject the analytical importance of norms or treat them as mere dependent variables. Generally, states follow norms because it is in their interest or because they are forced to do so (Krasner, 1999). Hence, first-generation constructivist scholarship was mostly concerned with establishing that norms matter as independent variables in the first place. Early research was interested in how norms emerge, how they are advocated and promoted, how they diffuse globally and in the conditions under which states obey or violate them.¹

Conflict, Agency and Changing Meaning: The Contestation Intervention

While constructivists have sought to provide a more dynamic picture of international politics, they have largely treated norms themselves as relatively static objects. Current research around the concept of 'norm contestation' seeks to move beyond this. Contestation's key intervention is that classical norms research has put too much emphasis on the issue of norm compliance, largely treating norms as stable objects that can be taught and internalized. Contestation researchers – most prominently among them Antje Wiener, who coined and seminally advanced term and concept – insist that constructivist research instead focus on the constantly challenged and thus changing *meaning*² of norms themselves (Wiener, 2007a, 2009, 2014, 2017b). Wiener's key postulate is that of the 'dual quality' of norms: While norms may remain stable over time and appear as 'things' at specific points in time, they still remain open to constant challenges and are thus by definition very flexible (Wiener, 2007b, p. 49). They can indeed be shared and contested at

¹ For exhaustive overviews of different uses of norms as analytical devices see Price (2006) and Wunderlich (2013).

² Wiener never defines 'meaning'. For the purposes of this dissertation, meaning refers to the semantic significance of a linguistic expression. In this, it has two dialectically linked *meanings*. It both describes what a speaker *means* (what they intend to say) and what the utterance *means* (how it is understood by audiences). Both types of meaning are rooted in discourse, yet rely on utterances as events: "languages do not speak, people do" (Ricoeur, 1976, p. 13).

the same time. This stresses disagreement, conflict, and struggle as an analytically crucial reality of international politics.

Whether implicitly or explicitly, a vast amount of research on norms conceives of non-compliance as either a problem or an instance of norm weakness. Opposing this view, contestation research proposes to treat non-compliance as a form of productive protest in an environment where conflict is not only normal, but indeed a fundamental feature of the international system. Thus, research tools are needed that mirror international relations as a landscape defined by conflict over norms. Wiener seminally championed a shift in the focus of norm scholarship towards the key analytical concept of contestation as “social practices, which discursively express disapproval over norms” (Wiener, 2014, p. 1).

This thinking is rooted in the democratic theory of James Tully, which pivotally conceives of conflict, over norms or otherwise, as a form of justice (Tully, 2008a, 2008b). Unlike other theories of justice that see conflicts as problems to be overcome (like those by Rawls or Habermas), it fundamentally questions that societal consensus is realistically attainable. This in turn raises the question of whether finding universally valid and accepted norms is possible – or even desirable.

Applying this to the international sphere, an understanding of the whole world as such a society and not a society of states, contestation’s key argument is that disputes over norms are not problems that need to be solved, neither analytically nor normatively. The fact that norms can be and are contested rather marks their legitimacy. Here, contestation sets itself a delicate objective: It seeks to be an explanatory and a normative theory at the same time. This creates a plethora of theoretical and empirical problems, but also provides a unique entry point into a normative reading of norms in international relations. I bracket those in this introduction and return to legitimacy and normativity of norms in the concluding remarks of this dissertation.

In the contestation logic, *not* following a norm, critically engaging or even resisting it has to be seen as an instance of *understanding* a norm. Members of a community, be it a family, a society within the boundaries of a nation state, or the international community, learn the written and unwritten rules of the respective community and breaking a particular rule can indeed be an instance of understanding and acknowledging the overarching rule structure (Havercroft, 2017, p. 103).

This normative pluralism is one of contestation's analytical advantages. Due to its assumption of conflict as an essential feature of communities, it champions a fundamental suspicion of universals and universalizing processes. Its core concept of norm dynamics in international relations resists the "will to consensus that is at the heart of other constructivist approaches" (Havercroft & Duvall, 2016, p. 158). In this dissertation, the articles *Appropriation* and *Erosion* specifically reveal how those often tacit universalizing assumptions have tainted our understanding of norm dynamics in international relations.

This 'community ontology' (Wiener, 2014, p. 81) is crucial as it places norms within an international community and not between a society of nation states. For those norms to work, their meaning needs to be constantly enacted and re-enacted (Wiener, 2009). This leads to an understanding of international relations – and the normative processes within them – as "interactions that mobilize individual sociocultural background experience and thereby re-/enact the normative structure of meaning-in-use" (Wiener, 2009, p. viii; also cf. Milliken, 1999). If we understand contestation as the *enactment* of meaning, contestation requires some degree of agency. It is not a mechanistic execution: "[i]n recognizing the ongoing constitution of norms, this approach confers an active role to agents in identifying and giving meaning to policy problems" (Krook & True, 2010, p. 105). This is crucial to this dissertation's research interest and I will explore the elusive concept in this chapter.

That contestation entails agency is far from self-evident and emphasizing it as a key analytical category remains an important intervention (Berger, 2017; Draude, 2018; Wiener, 2017a). On one side of the theoretical spectrum, poststructuralist theory tends to conceptualize subjects as mere functions of discursive structures. On the other, pragmatist norm research often hides agency behind the eponymous "power of human rights" (Risse, Ropp, & Sikkink, 1999), to equate agency with arguing and persuasion or to bracket it altogether "through the generalizing terminology of norm-followers" (Wiener, 2017a, p. 2). The latter logic of closely tying agency to specific norms has been remarkably resilient. The established picture of 'norm entrepreneurs' has merely been expanded through the theoretical introduction of 'norm antipreneurs' (Bloomfield, 2015). Conversely, approaches that highlight the agency of norm recipients and other local actors have been accused of "limiting agency to local adaptation or rejection of global norm scripts" (Zimmermann, Deitelhoff, & Lesch, 2018, p. 2).

It becomes clear that agency remains analytically tied to a single norm – whether it is created, promoted, taught, defended, adapted, resisted or subverted. This is the challenge this introductory chapter tackles; to develop a theoretical space for agency while at the same time peeling away contestation from its intricate connection to the concept of the norm and the tempting explanatory power of single norms.

Gravitational Pull: Contestation Is More Than Norm Contestation

Although they are often treated as synonymous, ‘contestation’ does not equal ‘norm contestation’. The two concepts are however deeply intertwined, as ‘norms’ have such a crucial function in grand theoretical debates: Some proponents see contestation-oriented research as a pathway into a potential third way beyond the divide between positivist and critical constructivist approaches – and in doing so, fall back on the norm as the central point of contact between those schools. Such an ‘agonistic’ or ‘agentic’ constructivism (Havercroft, 2017; Zimmermann, Deitelhoff, & Lesch, 2018) provides a shared perspective that agrees on “norms as principles and standards constantly open to generation, critique, and renewal through practices of contestation at all scales of human life from the local to the global” (Havercroft & Duvall, 2016, p. 157). This is a productive perspective. Such a common ground makes the approach compatible with classical constructivism, but also adaptable to other ‘agonistic’ theoretical frameworks (such as those based on Foucault and Bhabha in *Steering and Appropriation*). At the same time however, it is deeply connected to contestation’s key pitfall. Although the concept of struggle is the starting point of its foundational assumptions, in order to function as a pragmatist point of commonality between constructivist approaches, it reverts back to the core concept of the norm. I acknowledge that norms remain of crucial analytical importance, but bear the danger of overemphasis in research designs that then fail to acknowledge the larger meaning structures that norms are embedded in. In the following, I argue that a re-centering on the discursive underpinnings of contestation can provide a more thorough understanding of normative context. This also means avoiding a fixed definition of norms as a theoretical starting point.

Not surprisingly, current constructivist research remains heavily preoccupied with norms at the center of research designs. Even the literature explicitly drawing on contestation often focuses on specific norms or norm-guided behavior as outcomes (Acharya, 2013; Bloomfield, 2015; Capie, 2008; Jetschke & Liese, 2013; José, 2018; Welsh, 2013). Often, those studies fall back on first-generation definitions of norms as standards of appropriate behavior. While those remain legitimate research interests, the ‘contestation’ intervention did have its effects on the discipline. Today, norms are largely perceived as less stable and static than in earlier scholarship, but a tendency to conceptualize norms as social facts and focus on outcomes remains in parts of the (explanatory) literature on norms. Accordingly, Antje Wiener has warned against the watering-down of ‘contestation’ as yet another throwaway buzzword in constructivist international relations research (Wiener, 2017c, p. 109). However, such a gravitational pull towards the ‘norm’ as the key unit of analysis is also ingrained in Wiener’s own theorizing despite her insistence on the core importance of conflict. This is a justifiable position given the concept’s foundational, constitutive, and rallying function for constructivism in IR, but leads a number of problematic implications.

Tully’s theory of contestation is primarily concerned with struggle, not norms or ideas – and Wiener’s definition of contestation (“social practices, which discursively express disapproval over norms,” Wiener, 2014, p. 1) mirrors this. However, unlike Tully, Wiener starts her own theorizing with the concept of norms, although she uses a much broader definition. In a departure from first-generation conceptions of norms as collective standards of behavior, Wiener conceptualizes norms as “ideas of varying degrees of abstraction and specification with respect to fundamental values, organizing principles and standardized procedures” (Wiener, 2009, p. 183; 2014).

This certainly represents a step forward, but does not clear out the – surely heretical – question of why we need to focus on or start with norms in the first place. While it is certainly clear to appreciate the concept as an important pragmatist connector, it also seems mandatory to question why norms should be treated as independent elements, analytically mostly isolated from other forms of knowledge (Bueger, 2017, p. 126). Conventional constructivist research seems married to the idea that international politics should be analyzed as a coordination game and has very little to offer in terms of how to

analytically account for normative context (or “supporting structure,” Florini, 1996, p. 379f.) and the multiplicity of norms that exist in the empirical reality.

Following Wiener, this conceptual move is warranted because norms quite simply “represent the legitimating core of global governance” (Wiener, 2014, p. 4). Contestation’s innovation then remains limited to a different conceptualization of norms. They are not dead objects, but processes that need to be kept alive through engagement. This does represent an important shift in focus towards norms as meaning-in-use, but does not remedy the rampant narrow focus on single norms and the lack of analytical attention to context and those structures that lend meaning to norms. Similarly, critics have argued that Wiener’s theorizing ultimately re-ontologizes norms as facts by falling back on culture and cultural knowledge as a validating source for international norms, thus essentially treating culture as stable and uncontested. This falls short of conceptualizing contestation “all the way down” (Niemann & Schillinger, 2016), essentially falling back on some stable shared understandings between actors.

Some have suggested practice theory as a corrective in order to focus on broader structures of meaning (Bueger, 2017; Bueger & Gadinger, 2015). This is entirely plausible, but I argue that it is not necessary to go that far. A more structural, contextual argument is embedded at the core of contestation itself, which is explicitly based on discourse theoretical assumptions. It simply needs a more explicit conceptualization of discourse as the space where meaning is created and transformed. Discourse analysis seeks to understand those struggles over contested meaning. It asks about “what is achieved by using particular discursive repertoires and strategies and which dimensions of reality and options for political action are included and excluded by specific representations of reality” (Holzscheiter, 2013, p. 6). Here, discourse and practice theoretical approaches stress a similar point. As culturalist approaches, they scrutinize the ‘how’ and ‘why’ of normative orders rather than presupposing that norms guide acting subjects. They locate the social within collective orders of meaning and a symbolic organization of reality. Social order, hence, is a product of collective knowledge (Bueger & Gadinger, 2015, p. 451; also cf. Holzscheiter, 2013, p. 17f.; Reckwitz, 2002, p. 245). Both approaches locate intersubjective knowledge in discourse, communication and symbols – that is, in text.

My ambition is to return to contestation’s original theoretical intervention, to base theorizing about normative transformation in conflict first and norms second. This calls

for a discourse analytical perspective that accounts for normative context in conjunction with a focus on contestation as enactment of meaning and thus the theoretical possibility of agency. It might seem odd to advocate an agency-based framework in contestation while at the same time suggesting that it needs a more thorough account of discursive structures. After all, post-structuralist discourse theory has traditionally hardly been concerned with agency. However, I do not deem this a contradiction at all. In the following section, I argue that these approaches indeed leave room for dialectically constituted agency and are thus compatible with contestation approaches. I then introduce the concept of intertextuality and substantiate its key role in understanding and analyzing both actors' discursive strategies and the resulting normative change. I conclude by suggesting a conceptualization of norms as intertextual artifacts. This allows the articles in this dissertation – and the theoretical frameworks they develop – to speak to the broader literature on (norm) contestation.

Agency within Discursive Structures

The question of the relationship between agency and structure was foundational for the emergence of post-positivist interpretive approaches, such as discourse analysis, that insist on the structural importance of discourses as opposed to individual rationality. They emphasize that agency cannot be conceptualized independently of discursive structures, as those structures constitute and determine subjects and their subjectivity in the first place. This insistence is of *critical* importance – the literature on norms in international relations is a prime example of how a narrow one on actors and their agency, seemingly unbounded, has resulted in a mechanistic view of global politics (see *Erosion, Appropriation*).

Individual agency however often “steals back in” (Leipold & Winkel, 2017, p. 511) in the empirical observations of discourse analytical studies – despite being conceptually side-lined in most post-positivist approaches. This mostly happens through the implicit or explicit discussion of individual acts as *strategic*. I do not necessarily see this as inconsistent, but it poses a fundamental challenge to discourse analysts about the theoret-

ical integration of degrees of freedom that actors have within specific discursive constellations (cf. Feindt & Oels, 2005, p. 170).

Conversely, Holzscheiter cautions a potentially dangerous enticement in integrating agency into discourse analytical frameworks. She contends that “as soon as processes of discursive transition and lasting change (of identities, norms, and knowledge) are at play, the desire to account for factors responsible for such transition and transformation seems to drive discourse analysts to fall back onto privileging agents over structures” (Holzscheiter, 2013, p. 16). There is merit to this observation – and the differentiation between interaction-focused approaches to discourse and structure-focused approaches as „subjects make meaning” versus “meaning makes subjects” (Holzscheiter, 2013, p. 7) is a crucial one.

I do however maintain that agency is possible within a “meaning makes subjects” paradigm and that highlighting it is indeed helpful for understanding (‘how’-questions of) norm contestation. It is possible to highlight agency *without* buying into the „underlying assumption that argumentation and deliberation are a considerable driving-force behind normative change in international politics” (Holzscheiter, 2013, p. 16). Apart from arguing and persuasion, there is a possibility for strategies like resistance, subversion, contestation, and appropriation without neglecting constitutive structures. In the following, I explore such pathways into theorizing discursive agency from a post-structuralist standpoint.

Freedom, Overdetermination and Strategy: Post-Structuralist Avenues into Discursive Agency

Michel Foucault – the most basic reference for post-structuralist theorizing – famously posits that subjects are the effects of discourses. All forms of subjectivity are constituted within and through discourse. The core question for Foucault was less what a subject is but rather how subjects come into being and which structures of power/knowledge stand behind this process. Foucault however crucially distinguishes between domination and power, with the latter requiring some degree of individual agency, labelled ‘freedom’. In his later writings, he gave increased attention this co-dependency between power and

freedom (Foucault, 1990, 1992). In essence, Foucault argues that we could never recognize power as the all-encompassing force without also assuming a subject who needs to be forced, who has a capacity to resist – however minimal this capacity might be (Allen, 2000).

This limited freedom to resist can be acted out through discursive practices, which Foucault labelled ‘arts of existence’ or ‘techniques of the self’. However, he never details those techniques much further, leaving his readers „somewhat at sea with regard to how he evaluates the interplay of intentional action, socioeconomic changes, particular interests, and accidents” (Rabinow, 1984, p. 10). It is however a fruitful starting point to further theorize such discursive strategies, as the articles in this dissertation do.

In part building on Foucault’s writings, Laclau and Mouffe provide another pathway into conceptualizing limited individual agency even within the strict confines of structure. Their conception of discourse similarly assumes that the ‘real world’ is constructed through the development of shared modes of interpreting and understanding signs. The meaning of any particular sign is only observable or understandable in relation to, and through differentiation from, other signs, achieved through the use of language. This creates a struggle for fixation of specific interpretations of particular signs or – or, put differently, contestation of meaning. As subjects continually engage in this struggle over meaning by articulating signs, this fixation of meaning is never entirely conclusive and always in flow. Those articulations and attempts to fixate meaning (i.e. contestation) are seen as “the basic expression of human agency” (cf. Laclau & Mouffe, 1985; Leipold & Winkel, 2017, p. 514). Laclau and Mouffe argue that discourses structure subject positions, but, because there always exist several coexisting discourses that *over*-determine subjects, there is always more than one possible subject position for individuals to occupy (Jørgensen & Phillips, 2002, p. 41). Agency arises through struggles between different coexisting – and potentially competing – discourses because those create a necessity to decide between those conflicting constellations (Leipold & Winkel, 2017, p. 514).

Actors are not monolithic, but overdetermined with manifold, competing, ambiguous and often contradictory subject positions, which is exactly what lends them creative agency. This gives them the ability to strategic action, even within the confines of discourse, which in turn determines what ‘strategic’ means. Despite this, they still need to decide ambiguities and undecided constellations. Discursive agency, in conclusion, can

be defined as actors' ability to *influence* meaning (cf. Berger, 2017; Draude, 2018; Zimmermann, Deitelhoff, & Lesch, 2018).³

For the purposes of this – cumulative – dissertation, I hence understand discourse as “both the *representation* (written and spoken) of the meaning attributed to social practices and the *interaction* (of agents) that create these textual representations” (Leipold & Winkel, 2017, p. 521, original emphasis; also cf. Keller, 2011). This is a pragmatic definition, yet its broadness allows for an incorporation of different theoretical angles that help understand the contestation of norms and ideas in international politics. It is however not indiscriminate. The perspective emphasizes discourse as thick and material, yet in need of being acted out as a social practice. This is done through interpretation, text production and linking, re-connecting in moments of uncertainty: individuals are determined by discursive structures, but those still need to be enacted through human agents – discourse needs to be ‘done’. The four articles in this dissertation further theorize and substantiate such discursive strategies (steering, appropriation, the use of meta-norms and the use of metaphors).

After having established a theoretical space for individual agency within the confines of thick discursive structures, where exactly can this agency be observed? On what analytical level can we shed light on those discursive strategies, where can we trace such discursive transformations and stabilizations? And accordingly, where would analytical frameworks have to operate? The four articles in this dissertation share the assumption that this happens *between* texts. Language is not a grid, but a process. It is a succession of open-ended, textual chains. With each articulation, there is at least a potential of adding new critiques, oppositions, re-formulations to the already existing linguistic chain, thereby potentially altering it. In the following section, I explore intertextuality as an analytical tool.

³ If there is agency in normative change, what, then is ideational power? This conception of discursive agency fits under a broad definition of power based on Hay as “the ability of actors (whether individual or collective) to ‘have an effect’ upon the context which defines the range of possibilities of others” (Hay, 2001, p. 185).

Intertextual Politics: Agency, Change and Stability

Intertextuality describes a “multi-dimensional space in which a variety of writing, none of them original, blend and clash” (Barthes, 1987, p. 146). As an analytical category, it visualizes how discursive events draw on and are influenced by earlier events. Based on the works of Bakhtin and Kristeva,⁴ the concept highlights the important function of texts as responding to prior texts and anticipating future ones. Any text always absorbs, reaccentuates, reworks past texts and in doing so “helps to make history” (Fairclough, 1992b, p. 269). Texts appear in textual chains – they are built on earlier texts and influence others, which spans textual genres: a policy paper might be influenced by a committee report or a memorandum which then influences a media report or scientific article or both. In this sense, we can conceive of international relations – and the role of norms in them – as intertextual relations.⁵ The four articles in this dissertation do precisely that.

Intertextuality happens naturally as it is almost impossible to speak or craft a text without even an implicit reference to earlier utterances and texts. However, actors can leverage the intertextual structure of texts – and thus the intertextual relations of a debate or policy. As argued above, discourses over-determine subjects and objects and thus often leave room for more than one potential meaning. Through intertext, actors gain agency in the constitution of meaning to either stabilize, de-stabilize or create new meaning. Through discursive strategies, intertextual links “often become lines of tension and change: the lines, or channels, through which text types are colonized and invested, *and along which text types are contested* (Fairclough, 1992b, pp. 289-290, my emphasis).

⁴ The concept of intertextuality that informs this dissertation is mainly based on Fairclough’s Critical Discourse Analysis (CDA, Fairclough, 1992a, 1992b, 1993). CDA puts a stronger emphasis on struggle as a core analytical category and thus offers another entry point into exploring discursive agency. It sees political processes as power struggles where power relations between groups are produced and reproduced through discourse. Despite this potential, CDA somewhat surprisingly rarely addresses agency explicitly. Its vague conceptualization of actors and their agency, crucially the unanswered question of how much control individuals have over their use of language, has been subject to much critique (Jørgensen & Phillips, 2002, p. 90). Of course, the ‘critical’ in CDA highlights an important form of agency – that of the researcher in unmasking hidden power structures and inequalities. Discourse analysis, after all, is a discourse about discourse. This alone underscores the potential for agency, would the analyst be completely bound up in structuring discourses, they would not be able to create any meaningful analysis in the sense of CDA’s ambition (Leipold & Winkel, 2017, p. 517).

⁵ “International relations requires an intertextual approach, “in the sense of a critical inquiry into an area of thought where there is no final arbiter of truth, where meaning is derived from an interrelationship of texts, and power is implicated by the problem of language and other signifying practices” (Der Derian, 1989, p. 6).

Because of this, texts often bear the traces of different, often overlapping and thus contradictory discourses. Consequently, as I conclude this section further below, norms can be analyzed as such intertextual artifacts as well. Hence, the concept of intertextuality serves as an important burning glass that allows me to not only theorize agency (and, connectedly, discursive change), but also serves as an analytical level on which analytical frameworks can operate.

Textual chains can provide discursive stability – the influence of an earlier text – but also change: “each addition to a linguistic chain seems to be minor at first, it may indeed be part of a major transformation, the importance of which becomes clear only in the long run” (Diez, 1999, p. 607). Such change can be observed through more manifest forms like a change in content or argument, in text type or genre or more subtle ones regarding vocabulary, narratives, metaphors and so on. Intertextuality as an analytical tool seeks to highlight the specific history of texts in order to infer about continuity and change (or fixation and transformation) of meaning:

[T]he priority for critical discourse analysis in contemporary society is understanding how changing practices of language use (discourse) connect with (e.g. partly constitute) wider processes of social and cultural change. Intertextuality is an important concept in the analysis of discursive events as discourse practice. It gives a way into the complexity of discursive events (realized in the heterogeneity of texts, in meaning, form and style) which is such a particularly salient feature in a period of intense sociocultural and discursual/linguistic change. (Fairclough, 1992b, p. 269)

Intertextuality, following Fairclough, works on three discursive levels: Discursive events (texts, such as policy papers, pieces of legislation, memos, interviews, media articles, scholarly research, conversations, speeches) are analyzed as instances of discursive practice (producing, distributing and consuming texts) which are in turn instances of broader social practice (Fairclough, 1992b, p. 269). It can take the form of horizontal intertextuality as a dialogical interaction between a text and its preceding and following texts (as in a conversation) or vertical intertextuality as historical links. Intertextuality can be either manifest (textual links are explicitly present by reference, citation) or constitutive (the discourse conventions that feed into the production of a text).

Because of the manifold intertextual linkages within them, texts (as well as objects within texts, norms, or metaphors) remain necessarily ambiguous. A text's origins, influences, re-contextualizations and interpretations are diverse and overlapping, often outright contradictory. Those ambiguities can be strategically exploited by actors – or even be created in the first place. Existing links to different texts and discourses can be repeated, specific linkages can be emphasized and others neglected. Through existing linguistic patterns and connections, new meanings can be created. Fairclough calls this “semantic engineering” (Fairclough, 1992a, p. 169f.). Those strategies, much like Foucault's techniques of the self, are not theorized any further. The articles in this dissertation take up this challenge and conceptualize such strategies (most explicitly the eponymous strategies in *Steering* and *Appropriation*, but also the use of meta-norms in *Erosion* and metaphors in *Decapitation*).

This potential is especially strong when intertextuality takes the form of interdiscursivity. In such instances, a text's intertextual links not merely connect different text-types or genres, but different discourses. This is a crucial differentiation because it entails a competition over the determination of a subject. If there were no friction between different ways of constructing a subject matter, there would, by definition, not be different discourses present. Those are analytically important, especially when it comes to discursive change. Such discursive “nodal points” (cf. Laclau & Mouffe, 1985, p. 113) are potentially unstable, that is, they can be influenced by discursive action, discursive strategies, but only within the confines of discursive boundaries. Discursive shifts are most likely (or less unlikely) if there is overlap between of two discourses, both in terms of content and structure. On the basis of such an overlap and resulting ‘similar’ languages, it is possible from one nodal point “to make sense of articulations from another one, so that the latter are not rejected right away, opening up the possibility of (ex)change” (Diez, 1999, p. 608).

Through this collision of different discourses, boundaries change, opening up space for new connections and new articulations, creative discursive practices that, as pointed out above, seek to fixate overdetermined subjects and objects. So-called interdiscursive mixes, practices through which actors combine discourse types in new ways, “are both a sign of, and a driving force in, discursive and thereby socio-cultural change” (Jørgensen & Phillips, 2002, p. 73). Change is created by creatively drawing on, relating to, *using*

existing discourses in new ways (“an endless combination and recombination of genres and discourses,” Fairclough, 1993, p. 137), though this potential remains limited by structural power.

At the same time, discursive strategies do not necessarily lead to transformation, they can also lead to the stabilization of established discursive orders when they connect discursive elements in conventional ways. Such practices are indications of – and driving forces in – the structuring and normalizing power of discourse and thus work towards the stabilization of an existing discursive order. At the same time, a discursive strategy can creatively reinterpret and transform a certain object while simultaneously – and unintentionally – working towards the stabilization and reproduction of another, connected object. Hence, the fine analytical line between discursive reproduction and change can be investigated through the relations between different discourses – and the texts they work through. The articles *Appropriation* and *Decapitation* specifically point out how discursive engagements can lead to transformation of some aspects of a normative setting while simultaneously stabilizing others.

Change and stability, transformation and stabilization are hence dialectically intertwined. The articles in this dissertation accordingly conceptualize change as new forms or iterations of or based on something old, thus entail both novelty and continuity at the same time.⁶ While *Steering* and *Appropriation* are primarily interested in further conceptualizing such discursive strategies, *Erosion* and *Decapitation* are primarily concerned with this type of slow-paced, incremental transformation (though they capture it through the use of meta-norms and metaphors as discursive strategies). They stress the theoretical importance of a more nuanced understanding of normative change in a field where a conception of change as mainly triggered by external shocks is prevalent.

Here, it is important to stress that great events do have significant impact and that sudden change can also occur with regard to norms. An analytical focus on such big shocks, however, assumes a fundamentally different understanding of change: not as ac-

⁶ Such a conception of change does bear the danger of a teleological view of change as constant evolution, mirroring a liberal notion of change as progress. Dialectical approaches can sometimes assume new forms built on old as a synthesizing process leading to some “higher form” (Holsti, 2016, p. 44). This is, for example, apparent in some translation, vernacularization or hybridization approaches that assume the outcomes of such processes of change to be more legitimate than (norm) takeover or implementation. *Appropriation* and *Erosion* specifically discuss the problems of progressivist teleologic biases in norms literature.

cumulation of little acts, trends, or variation in certain procedures, but dramatic and compressed variations. This assumes an understanding of international orders, normative and otherwise, to be relatively stable and fixed until a major historical, usually devastating, event disrupts it (Holsti, 2016, p. 41).⁷ However, the mere occurrence of a major event, like the outbreak of a war or a technological innovation (as a specific weapon), is often simply assumed as the source (and not the effect) of a historical transformation.⁸

Conversely, a logic of transformation conceives of the new as developing out of the old. Changes can replace old forms, but might also coexist with them. Anything new contains residues or legacies of the established, not least through intertextual links. This is of crucial analytical importance as it contrasts a prevalent conception of change in mainstream constructivist IR literature that conceives of change as the subtraction, addition, or replacement of norms.

Norms as Intertext

Since this dissertation is a contribution to the contestation literature, it is imperative to reconnect the arguments put forward here to the concept of the norm. I have criticized its gravitational pull in constructivist theorizing, but the concept remains a crucial frame of reference. Engaged in different debates (norm promotion, normative power, norm localization, norm erosion and norm transformation), all four articles relate to the concept, while pointing out the theoretical and empirical importance of analyzing norms within their context. At this point, it bears repeating that the theoretical arguments in this introductory chapter are not a predetermined theoretical frame, but a reflection and synthetization of the four articles that make up this cumulative dissertation project.

It is the empirical reality of norms that they are messy. They are contested, ambiguous, vague, evasive, ambiguous and often outright contradictory. This is precisely because norms are intertextual artifacts as well. They rarely evolve from a homogenous

⁷ This also fits orthodox readings of Foucault, where change is only seen to be possible through major disruptions of dominant discourse.

⁸ Compelling arguments have been made in favor of certain historical events as indeed the sources or triggers for change, but arguments can also be made in favor of wars and inventions as outcomes of underlying and longstanding incremental processes like imperialism or scientific research. As in the case of World War II, many have made great cases that it was the reason behind different epochs, “others have simply assumed it” (Holsti, 2016, p. 42).

discursive context, but emerge from a set of debates. They are influenced by philosophical traditions, law and legal thought, by public opinion, precedence, media debates and so on. More often than not, they are situated at the intersection between different discourses. They always seek to define something against other possible interpretations. Hence, they bear traces – textual references, manifest or constitutive – of older texts and sometimes anticipate future ones. Those are usually, but not limited to, existing treaties, conventions, legal texts, philosophical tractates, speeches or briefings. They might textually anticipate future codification, adoption, implementation and even critique, resistance and appropriation. In this, they create possible points of connection to different debates or discourses. Norms are highly complex amalgams. Intertextual chains constituting a norm bear uncountable influences and because of this, they are necessarily overdetermined. As Krook and True contend, it is precisely because norms mean different things to different actors that they are powerful, diffuse and become adopted beyond their original context (Krook & True, 2010).

In this overdetermination lies actors' – still discursively limited – agency, their potential to *use* norms and meaning, precisely because meaning is never entirely stable and most of the time, multiple (though not unlimited) meanings and interpretations are available. Such strategies (struggles for fixation of meaning through contestation, appropriation, subversion etc.) are not external to norms, they *enable* them in the first place – contestation theory's key insight. Whether those strategies damage or strengthen a norm is not predetermined. They might stabilize meaning, de-stabilize it or stabilize some aspects of a norm's meaning and de-stabilize others. From a traditional perspective of norms, we might then observe these transformations as the weakening or strengthening of a norm.

The four articles in this dissertation share such an understanding of norms as intertextual artifacts constantly subject to contestation. They highlight agency in this process, albeit within structural boundaries. They conceptualize discursive – intertextual – strategies that different actors use in this struggle over meaning: steering, appropriation, the use of meta-norms and metaphors. They outline how those strategies are connected to slow and incremental normative transformation. In lieu of a 'Plan of the Book', the following section outlines the four individual articles' specific research questions, contributions, their common findings and the research logic behind them.

Research Logic and Plan of the Dissertation

Political Steering: How the EU Employs Power in its Neighbourhood Policy towards Morocco (Steering) first develops an interest in norms as a discursive instrument in the hand of actors. Remmert and I argue that, although the European Union's engagement beyond its borders with its emphasis on promoting norms and rules is ultimately about power, the concept remains under-utilized in empirical analyses. Most studies analyze the EU's norm promotion through the lens of norms first – and usually limited to a single promoted norm (Freyburg, Lavenex, Schimmelfennig, Skripka, & Wetzel, 2015; Magen, Risse, & McFaul, 2009; Sicurelli, 2017). We therefore propose 'political steering' as an analytical framework to conceptualize and track the empirical use and entanglements of diverse forms of power. When we wrote the first conference paper versions, we were concerned with the European Union's promotion of human rights norms in its external relations and, connectedly, the long-debated conundrum of the EU's 'normative power'. We were however not at all interested in re-litigating the EU's 'actorness' or debating 'what kind of power' the EU is. We wanted to know about the empirical workings – strategies and mechanisms – of its power. We further insisted that truly discursive – or soft – forms of power had to be incorporated within a comprehensive framework that also accounts for hard and hybrid forms of power.

Empirically, *Steering* analyzes the EU's human rights and rule of law promotion in Morocco. We found that not singular, specific norms (such as judiciary principles, training standards, transparency norms in the bureaucratic apparatus or norms on representation in this case) were the main targets of the European Union's strategy. Power proved to be about the EU successfully making use of the broader normative context: human rights and the rule of law as a general frame – often through the vague signifier of 'good governance' and what it means to be a 'modern' or 'reformist' country. This is the normative image of the EU's well-researched institutional isomorphism (Bicchi, 2006; Radaelli, 2000), an image of 'Europeanness' while avoiding such a politically charged vocabulary. In this process, the contestation of EU-backed concepts played a key role. The EU explicitly sought to evoke and incorporate societal contestation into its strategy. The ambiguity and deliberate vagueness of key terms ('good governance', 'partnership',

‘modern reformer’) allowed both the governing elite and civil society room for interpretation and adaptation. In terms of the ‘steering’ heuristic, we found that hybrid mechanisms were aimed at the governmental level and worked towards the technicalization of policy issues. Conversely, soft mechanisms were directed at civil society and worked towards re-politicization of the same issues. This dualism has an important function: Technicalization is aimed at reducing contestation of a policy issue among those resisting political change. But by simultaneously stimulating re-politicization through civil society actors, an issue at hand can be in fact kept subject to public contestation, thus enabling potential political change.

‘Political Steering’ as an analytical framework proved to be a helpful entry into making sense of the empirical use of discursive power in norm promotion as a part of foreign policy.⁹ Empirically, it proved able to analytically grasp the power strategies behind normative change. As an explorative article, *Steering* remained focused on the strategies of a truly powerful actor, the European Union. The agency of the ‘receiving’ side of norm promotion is not yet fully theorized. The article does highlight how this active/passive or donor/recipient relationship between the EU and Morocco is consciously furthered by explicit EU strategies, but does not yet move beyond it.¹⁰ However, the framework is inherently capable of incorporating weaker actors (or ‘target countries’) as active agents, as it explicitly built on the assumption of bounded agency within dominant power structures. This conceptualization of agency, as further laid out in this introduction, is central to all articles in this dissertation.

I explicitly focus on the agency of ‘norm recipients’ in *Appropriation and the Dualism of Human Rights: Understanding the Contradictory Impact of Gender Norms in Nigeria*” (*Appropriation*). The article takes up ‘appropriation’ as one of the discursive strategies that the steering framework had theoretically envisioned, but not further developed. It theorizes role, strategies and power of local actors in Non-Western settings and their reactions to powerful international norms. In this, it explicitly draws on post-colonial theorizing. The lack of focus on the local sphere beyond a mere condition for the success or

⁹ This is underscored by one reviewer finding the framework to be compatible with practice approaches to EU foreign policy (cf. Bremberg, 2015) and another reviewer seeing compatibility with Gramscian readings of the EU as empire (cf. Zielonka, 2006).

¹⁰ On Morocco’s strategies in resisting European norm promotion see van Hüllen (2018).

failure of norm diffusion addresses a clear bias in the international relations literature on norms. *Appropriation* however goes beyond mere criticism: as an analytical framework, it represents an attempt to better theorize norm dynamics in IR. Like ‘steering’, ‘appropriation’ is about power. It describes the act of taking – an active and directed process. By definition, appropriating a norm (or rule, concept, institution or policy) goes beyond mere borrowing or adaptation. It describes the intentional reinterpretation of ideas across cultural, spatial and temporal contexts aimed at definitional power. I operationalize ‘appropriation’ as an explicitly intertextual strategy. Actors leverage linguistic ambiguity and overdetermination to re-contextualize norms, stabilize specific aspects of their meaning and de-stabilize others. The ‘outcomes’ of such processes (in this case: norms, but not limited to it) hence bear the intertextual traces of past appropriations.

Advancing ‘appropriation’ as a concept means advocating yet another term in a scholarly landscape where many literatures deal with similar research questions, which has led to a sheer unmanageable diversity of often overlapping or interchangeably used concepts: translation, localization, glocalization, vernacularization, hybridization, creolization, indigenization, syncretism, travelling models, entangled modernities, *histoire croisée*, and others.¹¹ ‘Appropriation’ does not reinvent the wheel nor do I seek to do so. It however makes two important contributions; not in terms of defending one particular concept to the bitter end, but in terms of a slight change of perspective.

First, it theorizes norm dynamics through agency, not through norms. The concept is not primarily interested in outcomes of norm diffusion processes, but in the role of definitional power in them as a form of agency. While concepts like diffusion (and, crucially, some of its neighboring critiques and amendments like localization and translation) ultimately remain coordination-oriented, appropriation highlights conflict and power struggles. In this focus, I see a fundamental addition to mainstream contestation approaches that calls for further theoretical development. It is much more than the mere ‘local corrective’ that it has been described as by contestation scholars (Zimmermann, Deitelhoff, & Lesch, 2018).

¹¹ Among many, exemplarily see Acharya, (2004), Conrad & Randeria (2002), De La Rosa (2008), Eisenstadt (2007), Galvan & Sil (2007), Hannerz (1996), Merry (2006), Mosse & Lewis (2006), Randeria (2004), Robertson (1995).

Second, with the appropriation angle, I seek to move the analytical focus away from a single, isolated norm that is either translated (or localized) or not. The concept shares the localization literature's insistence on the crucial agency of local actors (Acharya, 2004, 2009), but sees congruence building as only one part of larger local struggles for normative order, involving a web of connected and ambiguous normative scripts and their normative context as well as a variety of actors and structures. It is hardly ever only one actor (or set of actors) that resists or takes on external norm promotion, neither is it an isolated actor that actively creates a local normative fit. Rather, this process involves a multitude of different appropriations, aimed at different aspects of a broader normative context.

Appropriation's focus on the agency of 'norm recipients' led me to pursue my work on the concept within a group of scholars interested in the double-edged role of human rights in Non-Western countries. Our workshops eventually led to a joint Third World Quarterly special issue entitled "The power of human rights / the human rights of power" (Odysseos & Selmeczi, 2015) and a later edited volume (Odysseos & Selmeczi, 2017). My interest in speaking to the norm diffusion literature in IR was sometimes met with bewilderment, but all of us shared the common goal to explore the complex relationship between human rights and power while avoiding the pitfall of "either dismissing human rights as politically compromised or glorifying them as *a priori* progressive in enabling resistance" (Odysseos & Selmeczi, 2015, pp. 1033, original emphasis).¹² Scholarly (and political) voices skeptical of the rise of human rights have long argued that human rights, as a moral and intellectual cornerstone of liberal thought (and hegemony), contribute to unequal socio-economic relations more than they counter it. On the other hand, human rights advocates counter that human rights have empowered underprivileged voices and enable resistance against powerful structures like the nation state. Our goal was to explore the merits of both perspectives, spurred by a belief that those two findings are not mutually exclusive. We further suspected that such a dichotomy between dismissal and glorification was obscuring the empirical ambiguity of human rights.

¹² We argued that this ambiguity is of empirical and political relevance in the Third World. Struggles against colonialism – which can be understood as a human rights movement in itself – were key to establishing foundational human rights as a paradigm precisely because those struggles were brought to the United Nations context. This supports our claim for the Third World to be a site of theorizing, not simply a terrain of fieldwork – or for the testing of established grand theories. To be sure, *Appropriation* article is still an international relations piece. Yet it seeks to incorporate Non-Western political theory in order to conceptualize processes of normative change. In that, it challenges established IR paradigms rather than simply tweaking them. It theorizes local context rather than simply treating it as a condition for diffusion processes.

‘Appropriation’ as a discursive strategy and analytical framework is especially suited to understand this ‘dualism’ of human rights as both enabling and curtailing practices of dissent (or contestation). In a break from the postcolonial works that inform my account of appropriation (which is hence an act of appropriation itself), I do not use it as a *normative* concept. In my reading, the framework is not analytically limited to ‘good’ subversions of oppressive language (or ‘positive’ translations of a norm in the sense of its original intention). It rather seeks to encompass ‘good’ *and* ‘bad’ appropriation attempts as well as their interactions. This spectrum encompasses subversive appropriations in colonial or post-colonial contexts (Bhabha, 1994; Randeria, 2002) as well as acts that could be termed ‘cultural appropriation’, ‘misappropriation’ or ‘hijacking’ of minority culture (cf. Scafidi, 2005; Young & Brunk, 2009). It assumes that in the empirical reality of norm contestation as a political struggle, any appropriation is met with counter-strategies.

Appropriation’s empirical analysis of Nigeria’s implementation of United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) norms underscores the empirical ‘dualism’ of human rights. As intertextual artifacts, they provide opportunities to challenge existing power structures as well as opportunities to stabilize them. They bear transformative power in their own right while they may at the same time be strategic tools used by powerful actors, leading to the stabilization of established normative orders. Competing acts of local appropriations of CEDAW norms changed the contextual meaning of gender in Nigerian politics and simultaneously helped maintain long-established local rights arrangements. Outcomes of such processes bear traces of manifold attempts at power over the meaning of human rights, transformative and stabilizing strategies, appropriations in line with the normative supply’s original intention and others countering it. The resulting amalgams embody the contradictory local impact of human rights norms.

I reconnect those insights to the broader IR literature on norms in *Friction, not Erosion: Assassination Norms at the Fault Line between Sovereignty and Liberal Values (Erosion)*. This article picks up on the empirical importance of normative context over singular norms and the observation of norms as often contradictory intertextual amalgams. I discuss those in conjunction with a topical puzzle: the increasing contestation of

long-established liberal norms. While highly commendable in addressing a newly observed phenomenon, I argue that the emerging scholarship on ‘norm erosion’ runs the risk of replicating old weaknesses of the norm diffusion literature. Those are influenced by a progressivist bias in IR scholarship on norms and perpetuated by the literature’s insistence on building research designs around singular norms that either progress or erode. This has led to a skewed picture of normative change that neglects slow and incremental change.

This insistence on normative change as more than the diffusion and eventual erosion of particular norms is more than theoretical trench warfare, but crucial to the understanding key moral issues in international relations. I hence advocated this point within a debate that sought to understand the current normalization of targeted killing. Our discussions eventually led to a Contemporary Security Policy special issue (Senn & Troy, 2017). Our baseline observation and springboard was that what is today described as ‘targeted killing’ is not simply a present-day phenomenon, but has existed throughout human history in many different forms and under different names. The practice’s frequency as well as moral and legal valuation has, however, varied significantly over the centuries. Over the last decades, a striking transformation is observable: targeted killing has “moved from the fringes of undercover activity to the very core of policy-making in national security” (Senn & Troy, 2017, p. 176; also cf. Hurd, 2017).

Building on this crucial historicity of the practice, the special issue defines targeted killing as the “use of intentionally lethal violence against a prominent or culpable person or small group of persons (the target) not in the physical custody of the agent using violence (the source)” (Senn & Troy, 2017, p. 186). This definition entails a number of important constitutive elements that delineate targeted killing from other forms of violence. Unlike other possible definitions, it does not include further attributes of source or target of the violence, e.g. ‘terrorists/irregular fighters’ or ‘heads of states’ respectively, nor about the context in which the targeted killing takes place. This allows me to analyze the targeted killing/assassination conundrum independent of a single norm tied to a specific understanding of targeted killing at a specific point in history. This is one of the problems that feed into the diffusion/erosion dualism. In the case at hand, it has led to the observation of an eroding, narrowly defined nineteenth-century norm (prohibiting the assassination of heads of states) *and* the emergence of a post-9/11 norm (justifying the targeted

killing of suspected terrorists). In this sense, even highly insightful analyses from a diffusion perspective (as, for example Bob, 2016; or, in the same special issue, Jose, 2017) tend to treat pre-2001 assassination norms and post-2001 targeted killing norms as only barely connected and even competing normative trends. Avoiding this theoretical artifact, the broader definition permits analyzing the interplay of different contested norms and discourses informing the normative assessment of the practice.¹³

In *Talking 'Heads': The Language of Decapitation and the Targeting of Individuals in U.S. Security Policy (Decapitation)* I explore a similar research question. While *Erosion* sheds light on transformations within contested assassination norms on the international level, *Decapitation* addresses domestic transformations and underscores how intricately today's U.S. targeting practices are connected with, and rooted in, older security discourses and their norms. Both *Erosion* and *Decapitation* emphasize normative change as subtle, incremental transformations as opposed to the more prevalent picture of external shocks. *Erosion* argues that precisely because of their assumptions and case selection, diffusion/erosion approaches overly rely on external shocks as drivers for change and are limited to an understanding of change as the addition, subtraction or replacement of a norm. They thus struggle to account for more incremental processes of change as subtle transformation. I argue that this is especially critical in the case of assassination and targeted killing norms where most accounts overemphasize the role of September 11 and drone technology as a trigger for the current normalization of such practices. To be sure, I am convinced that those factors are indeed of major analytical importance, but I am also adamant that an overemphasis on them leads to a skewed picture of normative change.

Empirically, *Erosion* and *Decapitation* observe targeted killing and assassination norms to be inherently contradictory and overdetermined, in line with the findings in *Steering and Appropriation*. Norms, as the temporary outcomes of past contestations, bear the intertextual traces of past attempts to emphasize and stabilize some aspects of an embattled norm and de-emphasize and de-stabilize others. Those ambiguities and contradictions can be leveraged for future contestations as re-definitions: Assassination and targeted killing norms (and practices) sit uneasily between the restrictive paradigm of law

¹³ In the special issue, especially Gregory (2017), Hurd (2017, p. 309) and Senn & Troy (2017, p. 183) deal with this subject.

enforcement and the more permissive paradigm of armed warfare and the associated legal categories. More broadly, they are situated between sovereignty and liberal values.

Erosion seeks to substantiate the role this friction and ambiguity play in the transformation of the normative status of targeted killing. The regulation of assassination as an instrument of foreign policy proves to be neither clearly a liberal value nor a strict sovereignty rule, but rather an intertextual amalgam that bears traces of both discourses. Those discursive links also structure the weakening of the norm, as they can be invoked by actors in order to reinterpret and reshape it. In highlighting status and identity of targets (heads of states and other specially protected persons) while bracketing the process of targeting (the special nature of assassination vis-à-vis other forms of killing), assassination gradually became more clearly associated with sovereignty, losing its liberal underpinnings. While the changing role of sovereignty in today's international order is certainly of great importance, the crucial, yet less obvious normative process was certainly assassination's gradual reinterpretation as a concept more clearly associated with sovereignty (and the status of targets) and less associated with liberal norms of treachery and perfidy.

Decapitation addresses those transformations on the domestic level in U.S. discourse by highlighting the pivotal role of the use of metaphors as intertextual elements. It shows how today's 'high value targeting' of individuals in the context of the 'War on Terror' is rooted in strategic debates about 'decapitation strikes' that predate September 11. It traces the storied career of 'decapitation' – as a concept and a metaphor – in United States targeting strategies, understood as an ongoing process of meaning-making. It highlights how metaphors are powerful semantic instruments that can be leveraged to gain discursive agency, but at the same time have unintended structuring consequences.

During the 1980s, the 'decapitation' metaphor gained salience in strategic discourse as an attempt to underscore the role and effectiveness of air power. Beyond this original goal, 'decapitation' as a metaphor and strategy lastingly transformed the conception of enemies at the base of targeting paradigms. Through its core logic of enemies as bodies, it introduced a shift from a mechanistic, inanimate conception of enemies towards a biological one. While the former targeting logic is discursively tied to the nation state, the body logic enables new targets: individuals; 'heads' that are not necessarily 'heads of state'. This logic proved to be highly compatible within the context of the 'War on Terror' and was taken up in the respective strategic debates. Intertextually stabilized, it separated

the targetability of individuals from the legal context of state sovereignty and inter-state warfare. The open and increased targeting of individuals within the ‘War on Terror’ necessitated public legitimization, which crucially included the rhetorical conjunction of individual threat and medicinal metaphors. The imagery embeds the targeting of individuals into long-established images of threat connected to counter-insurgency and anti-communism. This addresses the delicate problem of the legal status of targeted individuals. The threat has become individualized, while illness metaphors tie legal responsibility back to nation states. While individuals have become targets, they are not legal subjects.

The incrementality of this process underscores how crucial the historicity of (targeting) norms is for international relations scholarship. Like *Erosion* has emphasized about norms on the international level, *Decapitation*’s empirical results make clear that it is indeed problematic to study ‘targeted killing’ ahistorically; as a concept inherently tied and limited to current counterterrorism, sharply delineated from other assassination norms.

In the following, the four articles appear in the order outlined above: *Steering, Appropriation, Erosion, Decapitation*. In the dissertation’s concluding chapter, I reflect on the empirical role of contested norms across the four case studies. I substantiate how normative ambiguity has been leveraged by actors and at the same time represents a desired outcome. I then return to the looming question of the normativity of norms that I have bracketed in this introduction and engage contestation as normative yardstick. I discuss its potential as a nascent democratic theory for the international system and raise open questions for future research. As I argue, the ‘mixed normativity’ of norms as intertextual amalgams makes any normative assessment based on the substance of norms a difficult endeavor. Contestation offers a promising alternative as it gauges legitimacy through a norm’s contestedness. Through the contestation lens, the key to a just international order is not the validity or universality of the norms that constitute it, but how open it is to their contestation by those actors that are affected by them. The higher their ability to contest the norms of governance, the more legitimate the political order. This underscores the normativity that lies in the discursive agency discussed on an analytical level in this introduction. Having access to contestation means having agency in international politics.

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2. Political Steering: How the EU Employs Power in its Neighbourhood Policy towards Morocco

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Co-authored with David Remmert. Overview of Individual Contributions:

Introduction

Mathias Großklaus

Power in European External Governance

Mathias Großklaus

Modes, Mechanisms and Instruments of Political Steering

David Remmert pp. 75-77, Mathias Großklaus pp. 77-80

Steering Modes and Instruments in the Neighbourhood Policy: The Case of Morocco

David Remmert

Exploiting Power Asymmetries: Hierarchy & Indirect Steering

David Remmert

Situational Horizontality: Soft Steering

Mathias Großklaus

Combining Indirect and Soft Steering Modes: Technicalization and Politicization

Mathias Großklaus

Conclusion

David Remmert

Introduction

The European Union's engagement in its neighbourhood, with its traditional emphasis on promoting norms, rules and practices, is about power. Despite that, and somewhat surprisingly, the concept of power is under-utilized in empirical analyses of the European Neighbourhood Policy (ENP) in the Mediterranean. We therefore propose political steering as an analytical framework to conceptualize and track the empirical use and entanglements of diverse forms of power in EU external governance towards Morocco.

As one of the foundational concepts of the social sciences, theorizing about power has produced an extensive body of literature that can broadly be divided into two categories. Classical actor-centred approaches understand power as an attribute of actors and their interactions, whereas constitutive approaches are concerned with understanding the process of how actors and their capabilities are formed (Barnett & Duvall, 2005, p. 42). The practice of democracy and rule of law promotion encompasses both categories. On the one hand, it will always feature an uneven distribution of power resources between promoter and recipient. At the same time, the ultimate goal of democracy promotion policies is to alter the social fabric of a target country, which places the practice on the constitutive side of the power spectrum (Wolff, 2015, p. 221-225).

Studying the European Union's engagement in its neighbourhood hence promises intriguing insights into how different forms of power relate to each other and become entangled, but requires a framework that encapsulates both forms of power. This article puts forward a framework that incorporates truly soft steering mechanisms, which exist where actors have to rely on language, i.e. discursive practices, because formalized sanctions or institutions are absent. The ensuing case study of the EU's human rights and rule of law promotion in Morocco reveals how discursive practices are intertwined with indirect steering mechanisms to achieve technicalization of policy reform at the governmental level and parallel politicization at the societal level. Our comprehensive framework guides a more thorough understanding of how power is used intentionally in the ENP to shape politically charged policy fields.

Power in European External Governance

Power figures prominently in the literature on the European Neighbourhood Policy, albeit centred predominantly on discussions about the role of the EU as an actor and its agenda or interests. While there is a plethora of ongoing debates about what kind of power the EU is (normative, civilian, transformative or regulatory to name but a few, among many see Manners, 2002; Pace, 2007), we identify a need to transfer the power perspective to analyses of how the EU employs power empirically. With this article we therefore seek to complement these rich perspectives by providing a framework that allows us to specify modes and mechanisms through how power is employed in the ENP. The framework is rooted in a broad understanding of power that encompasses the arbitrary divide between rationalistic logics that relate effects to costs-benefit calculations, incentives and rational actors versus constructivist logics with their emphasis on socialization and learning effects.

Drawing on studies of power in international relations, we find that the concept is usually confined to the paradigm of neo-realism, i.e. based on a rationalistic ontology and resulting in analyses of compulsory or institutional power. These analyses use the distribution of resources among actors to explain their capacities to exercise *power over* others (Barnett & Duvall, 2005, p. 42). While a distinct literature on soft power (Nye, 1990) has emerged, it has also adopted rationalistic assumptions, coding discursive or normative attributes as versatile resources to exercise power over others. Their notion of soft power ultimately relies on the persistence of asymmetries between actors, whereas we make the case for conceptualizing genuine soft mechanisms that rely on horizontality, but therefore also require a broader concept of power.

Most of the empirical analyses of the ENP draw on governance as their dominant conceptual approach, which differentiates several modes of using authority and resources to bring about certain outcomes. This useful concept emphasizes modes of social coordination to solve known policy problems, but is therefore missing an understanding of power that would explain how these problems are generated and framed in the first place. In the same vein, the most recent studies on foreign aid and external influence in the Mediterranean countries have hinted at the need to further investigate power relations in

the EU's human rights and democracy promotion (Bicchi, 2014; Challand, 2014; Mouhib, 2014, p. 370).

In the absence of coercion or even conditionality in the Neighbourhood Policy, scholars have focused on the role of norms in external governance. This literature attributes power largely to the eponymous 'power of human rights' and actors' respective capabilities of crafting, shaping, promoting or resisting norms (Risse, Ropp & Sikink, 1999). The EU's potential to achieve its ideational governance objectives (i.e. the empirical projection of its normative power) is ultimately concerned with the dissemination of human rights and related questions of compliance (van Hüllen, 2013). Despite that, this strand of literature and its focus on mechanisms that elude a rationalistic paradigm has been crucial to furthering our understanding of subtle societal processes in democracy promotion that go beyond bare conditionality, like socialization, social and institutional learning, persuasion, or peer pressure (Checkel, 2005; Freyburg, 2011). Especially newer approaches in the norms literature that highlight local agents as more than passive recipients of norms and policies (Acharya, 2004) or push a more dynamic understanding of norms as contested meaning-in-use (Wiener, 2014) are particularly helpful to the task at hand. The steering perspective does not provide for granular analysis of elite socialization, domestic adaptation or resistance. These respective approaches are very valuable, but in this article we seek to shed light on the antecedent power dynamics. Accordingly, our empirical results hint at the EU's attempts to steer public contestation of specific normative scripts, anticipate both learning and strategic adaptation through Moroccan elites and to trigger societal resistance.

The prominence of the norm diffusion paradigm (and the related debates on Normative Power Europe) has prompted critical reviews that have sought to re-introduce the linkages between power asymmetries and the promotion of norms (Diez, 2013). These scholars have pointed to the EU's use of Gramscian hegemonic power in exporting 'the EU way of doing things' to its periphery (Del Sarto, 2016, p. 219). While our argument draws on the same epistemological foundations by emphasizing the linkages between structures and agency as well as material and discursive manifestations of power, we forgo a normative analysis. These critical approaches, however, point us towards another approach to reconcile the epistemological juxtaposition of norms and interests, namely the 'practice' perspective by Adler and Pouliot. In short, practices are 'structured agency',

carried out by actors that are in turn constrained by both material and discursive structural environments (Adler & Pouliot, 2011). Practices allow us to disaggregate the actions of individual as well as incorporated actors and reveal patterns of how the EU employs power in the neighbourhood. However, a practice perspective still requires that we conceptualize the distinct forms of power that reveal themselves through the practices of the European Neighbourhood Policy.

Modes, Mechanisms and Instruments of Political Steering

Two modes of political steering have been widely discussed in the literature and need little extra specification. *Hierarchical steering* takes place when actors intentionally carry out their will by reference to or using coercive force, which is usually codified by law. *Indirect steering* modes cannot rely on coercive force, but use other formalized sanctions, such as monetary incentives, social capital, or institutions, i.e. rules of the game that are mutually accepted and structure actors' behaviour. While the correspondent mechanisms of regulation (competition or co-ordination in contrast to hierarchical harmonization) are well defined, the theoretical framework of reference indicating a soft mode as such remains unclear.

When arguing that genuine soft mechanisms of steering can be identified in foreign policy analysis, we rely on two core assumptions. First, we must assume that it is appropriate to utilize a distinct Foucauldian concept, which allows for bounded subjectivity and intentionality in discursive – i.e. horizontal power – practices despite the difficulty that a poststructuralist epistemology is not easily compatible with classic power studies. We do so anyway because the concept bears heuristic potential and yields a more comprehensive empirical understanding than classic concepts of power could. The second assumption is that we can indeed identify empirically distinct situations, in which actors engage in discursive power practices, and which cannot be plausibly linked to coercive force (hierarchical steering) or institutionalized 'rules of the game' (indirect steering). Genuine soft mechanisms of steering then require an actor who intentionally uses power to influence another actor's range of options in a sphere of complete horizontality, i.e. in the absence of formalized sanctions or institutions.

For the purpose of conceptualizing truly soft mechanisms, we draw on research by Göhler et al. (Göhler, Höppner, & De La Rosa, 2009b, Göhler, Höppner, De La Rosa, & Skupien 2010). We will focus on their understanding of discursive power or ‘discursive practices’ (Arndt & Richter, 2009). Power, in Foucault’s terms, is relational and not a property of an independent subject, which makes it difficult to conceptualize intentionality. Power is not repressive, but productive, as it creates and inscribes the subject as we recognize it. In simplistic terms, it is through hegemonic discourses and intricate systems of surveillance in the material world that this ubiquitous ‘disciplinary power’ dictates how we come to think of ourselves as subjects, what and whom we desire and what to consider ‘normal’ or ‘extreme’. And it is through discursive practices that we re-produce power as we re-iterate the meanings and judgements embedded in our everyday language. Classic Foucauldian scholars would therefore question the epistemological possibility of even a semi-autonomous subject capable of generating intentions.

However, a careful reading of Foucault’s latter writings on how subjects are constituted and identify themselves reveals a more nuanced and multi-faceted understanding of power (Foucault, 1990, 1992). As Arndt and Richter point out, Foucault explored the co-dependency between power and freedom, arguing in essence that power can only manifest itself, where at least a minimal notion of freedom as the possibility of resistance exists (Allen, 2000, p. 127; Arndt & Richter, 2009, p. 30-35). In other words, we could never recognize power as the all-encompassing force without also assuming a subject that needs to be forced, that has a capacity to resist – however minimal. Freedom thus becomes the existential condition for power. It is not complete, arbitrary freedom, but freedom to resist and it expresses itself through discursive practices, which Foucault labelled ‘arts of existence’ or ‘techniques of the self’ (Foucault, 1992, p. 10-11).

This allows us to think of actors as capable of acting intentionally, even though this capacity relies on a different notion of subjectivity than classic theories of agency (Arndt & Richter, 2009, p. 35). For the analytical purpose of studying different modes of political steering, discursive practices can thus be utilized alongside other modes and offer new perspectives. Let us now consider horizontality. We argued earlier that genuine soft steering modes require complete horizontality between actors, in other words, our plausible ignorance of any material representations that actors may otherwise employ. This will only be the case in instances, in which actors have to rely on language (i.e. discursive

practices) to act intentionally. As Foucault teaches us, language or discourse do not ‘belong’. We are equally subject to the code of meanings and norms inscribed in it. And as is the case with agency in Foucauldian terms, we can only assume horizontality in very specific instances delineated in time and space. Practices of soft steering can thus be defined as discursive practices that are used in the absence of formalized sanctions (coercive force in the extreme case) or institutions (any formalized rules of interaction as they exist in organizations, on markets, in clientelistic networks etc., Göhler, Höppner, & De La Rosa, 2009a, p. 17-18, Göhler, Höppner, De La Rosa, & Skupien, p. 4). This absence may result either from an equal distribution of relevant material resources or from horizontality generated through discursive practices themselves.

We differentiate between *modes*, *mechanisms* and *instruments* of political steering (Höppner, 2008). *Steering modes* are our basic conceptual categories for differentiating between types of interaction that take place when an actor intentionally structures another actor’s range of options. We distinguish three steering modes by the degree of hierarchy they require. Hierarchy is determined by the degree of institutionalization of sanctions and the degree of formalization of processes that come to play in these interactions. Each steering mode includes one or several mechanisms and possible instruments (see *Table 2.1*).¹

Steering mechanisms are the actual processes by which steering takes place, i.e. the way coercive force, incentives, written law or language bring about an intended change in an actor’s range of options. In the context of political steering, mechanisms always refer to specific acts, such as the act of coercion or the act of establishing a competitive market system, and not to the abstract functioning of the market, of governance institutions or of language itself.

Mechanisms establish a functional relationship between actors and *steering instruments*, the latter being any material or discursive artefacts, which can be utilized to create or facilitate meaningful social interactions. Instruments may range from the muzzle of a gun to certain words being used such as ‘human rights’ or ‘nation’.

¹ A more complete theoretical discussion of these modes is available in Göhler (2007) Göhler, Höppner, & De La Rosa (2009b), and Göhler, Höppner, De La Rosa, & Skupien (2010).

Steering Modes	Steering Mechanisms	Steering Instruments
<i>Hierarchical Steering</i>	Coercion	Codified law in conjunction with available resources for possible sanctions
<i>Indirect Steering</i>	Cost-benefit calculation	Incentives such as money or other mutually valued scarce resources to alter addressees' cost-benefit calculations
	Establishing governance systems	Governance systems that allow stakeholders to regulate set problems within the confines of institutionalised structures, e.g. stakeholder negotiations or market or competition systems. The possibility of external intervention persists.
<i>Soft Steering as discursive practices</i>	Subjectivation	Strategies to constitute specific, power-bound subjects
	Categorisation	Assigning items, events, subjects to certain categories that are part of a greater discursive formation
	Reference to empty signifiers	Employing vague and political terms or concepts to (de-)stabilise social identities and effect integration or resistance
	Structuration of speaker positions	Structuring certain speakers' position to speak legitimately within a public discourse
	Production of knowledge and truth	Collecting, structuring and communicating data as knowledge and placing it in public discourse on certain subject matters. Taken to an extreme: Process through which knowledge and asserted meanings are established as undeniable truth.

Table 2.1: *Modes, mechanisms and instruments of political steering, adapted and modified from Göhler (2007, p. 90)*

In sum, the act of steering involves the intentional use of material or discursive artefacts (*instruments*) to create or facilitate a social interaction, which in effect structures an actor's range of possible options (*mechanism*), and which can be differentiated according to the level of hierarchy involved (*modes*).

All of these steering modes and mechanisms can be identified in foreign policy. *Hierarchical steering*, for example, works via institutionalized means of coercion as most commonly found in codified law. In foreign policy this is the case in treaties that contain clauses on binding sanctions for instances of non-compliance.

Indirect steering aims at effects that cannot be achieved by employing coercive means, but ultimately depends on the possibility of external intervention or the shadow of hierarchy. Steering through incentives relies on the mechanism of an actor's cost-benefit calculation when offered a monetary reward for certain behaviour. This mode still requires a power asymmetry in the sense that a mutually valued resource, such as money, is distributed unequally among the actors. The mechanism of establishing governance systems creates rules for social interaction that allow stakeholders to interact horizontally (e.g. in round table negotiations), while retaining an actor's ultimate chance to alter these rules through hierarchical intervention, if they do not yield the desired outcome. Steering addressees usually anticipate the intervention and thus act to prevent it (Göhler, 2007: 90). So while actors are not forced to pursue a certain course of action, their options are still structured by institutionalized sanctions (incentives) and formalized processes (e.g. through a competitive bidding process), and thus rely on power asymmetries between actors.

Soft steering, finally, encompasses mechanisms that need no institutionalized sanctions or formalized processes. A horizontal relationship indicates the absence of a power asymmetry, not in general, but between steering actor and addressee in the moment a steering attempt is initiated (Göhler, Höppner, & De La Rosa, 2009a, p. 17-18, Göhler, Höppner, De La Rosa, & Skupien, p. 4). This absence may result either from an equal distribution of relevant resources or from equality generated through discursive practices themselves.

Many mechanisms exist for steering through discursive practices; they all draw on the ubiquitous power that manifests itself in the Foucauldian concept of discourse. *Subjectivation* forms and also binds the individual subject through power and may already

begin at labeling, for example by calling a state ‘partner’ instead of ‘recipient’ in development programmes. Through *categorization*, items, events or subjects are assigned a certain position within the discourse that structures individual fields of action, e.g. the categorization of a NGO as a terrorist organization by the UN, which will lead to a drop in resources. Certain *speaker positions* may be structured in a way that allows certain individuals to speak legitimately for a specific group within the public arena, thus assuming power to define the group and formulate its interests. Data can be used to *produce ‘knowledge’* about elements of society and thereby frame the course of action, e.g. by presenting statistics on society that single out women and minorities as underprivileged groups in society. Still, more modes exist, for example the reference to vague terms (*empty signifiers*) such as ‘human rights’ or ‘good governance’ to integrate heterogeneous segments of society.

In essence, our paper argues that beyond the rhetoric, foreign policy is ultimately characterized by political steering practices, practices that seek to alter actors’ range of options in the domestic and international arenas. We acknowledge that foreign policy goals such as the promotion of cultural-historical concepts (e.g. human rights, democracy) require more than obedience, but also conviction, comprehension and affection. These effects cannot be coerced or bought. They require genuine soft mechanisms of power. We made the point of introducing such modes as part of a comprehensive concept of political steering. We will now show how this heuristic can be applied to the analysis of EU external governance.

Steering Modes and Instruments in the Neighbourhood Policy: The Case of Morocco

The Kingdom of Morocco represents a deviant case from the dominant ‘persistence of authoritarianism’ paradigm in analyses of the MENA region. Its close proximity to Europe, not only in geographic terms, but also in density of economic, cultural and social networks, explains the country’s orientation towards the EU, culminating in the accession application to the EU, which was declined in 1987. Moreover, Morocco’s dependence on external support, notably for its continued occupation of Western Sahara, explains its

strategic openness to the agendas of external actors promoting human rights and democracy, which led domestic elites to adopt patterns of co-optation and limited liberalization (van Hüllen, 2012, p. 132). This pattern did not change after the Arab uprisings, which compelled the government to commit to constitutional reforms and broadening power-sharing to include moderate Islamist parties only to implement them selectively (Bellin, 2012; Dalmaso & Cavatorta, 2013; Storck, 2011). Morocco remains first country to be granted ‘Advanced Status’ and the largest recipient of European Neighbourhood Policy (ENP) funds (European Commission, 2013a; European Commission, 2013b). In sum, the literature credits Morocco with notable, albeit limited, political liberalization, in which the EU did not have a transformative but amplifying role (van Hüllen, 2012, p. 117).² Morocco hence also serves as a true litmus test for Europe’s recent revision of its neighbourhood approach.³

Morocco thus allows for approximation towards an ideal-type or ‘routine’ mode for the ENP in promoting democracy and human rights in the Southern Mediterranean, unabated by questionable political ownership by the recipient state’s government. At face value, observing Morocco promises the highest density of funds, instruments and steering mechanisms in any ENP recipient state. For our analysis, we draw on data covering the period 2003-2014, i.e. from the policy’s inception up to the recent ENP review. Our data include interviews with EU officials and civil society institutions in Morocco, EU publications (Country Report, Action Plan and Progress Reports and the National Indicative Programmes – NIP), project documents from the European Instrument for Democracy and Human Rights (EIDHR) framework as well as publications from Moroccan civil society and research institutions.

In our analysis we explore the various means by which the EU as the steering actor⁴ pursues its strategic objectives of maintaining security in the Southern Neighbourhood

² For more thorough accounts for EU-Moroccan relations and domestic politics see Cavatorta (2010), Dalmaso & Cavatorta (2013), Kausch (2009), Khakee (2008), Maghraoui (2009), Pace (2005, 2014), and van Hüllen (2013).

³ Comprehensive assessments of the EU’s revised neighbourhood approach are offered by, among others, Börzel, Dandashli & Risse (2014), Teti (2012), Teti, Thompson & Noble (2013) and Tömmel (2013). Cavatorta & Rivetti (2014) discuss the implications for research on EU-MENA relations.

⁴ The scholarly debate on the EU’s actorness has not and should not prevent analyses that conceive of the EU bureaucracy as capable of agency, i.e. interacting with other entities in given policy areas, cf. Cavatorta & Rivetti (2014, p. 623).

through rule of law promotion (intentionality). In the case of the ENP, the European External Action Service (EEAS) Delegations are the principal agents programming and implementing policy.⁵ These a priori assumptions allow us to focus on the variance in addressee groups targeted by the ENP. Therefore, we identify the addressees with reference to specific observations of steering practices, such as members of human rights advocacy groups who are targeted with a call for applications (*fiche*) for grant money (direct addressees) and, indirectly, their respective addressees. These groups of addressees are clustered in our discussion of findings below to allow for a broader analysis. As a final caveat, we constrain our analysis to policies directed at human rights and rule of law, which require the use of genuine soft mechanisms because they are highly politicized.

Exploiting Power Asymmetries: Hierarchy & Indirect Steering

We can confidently assume that institutionalized means of coercion are absent in EU-Moroccan relations; in fact the articles of the EU Association Agreement (which can be nullified by either party) do not award the EU with any authority allowing for authoritative rule-setting or enforcement under any circumstances. The strictest clause in the Agreement merely allows the EU to withdraw all aid and assistance in cases of gross human rights violations, which we would still consider a case of *indirect steering*. Indirect steering is not coercive, but relies on a stable power asymmetry between the EU and Morocco. This asymmetry allows the EU to use incentives or establish governance systems to achieve the intended outcomes. The most appealing *incentive* for Morocco's governing and economic elites is greater access to Europe, in terms of both mobility (lifting visa restrictions) and access to the European market. However, this incentive is not on the table in exchange for progress in human rights and rule of law, but rather subject to the negotiations on a *Deep and Comprehensive Free Trade Area* (DCFTA) accord.

Monetary funds emerge as the dominant incentive to promote human rights and rule of law in Morocco. The European Neighbourhood Policy Instrument ENPI (and the future ENI) gives the means for the Commission to provide addressees in leadership roles in the Moroccan government with assistance to implement political reforms within the scope of the Action Plan (European Commission, 2004a). Prior to the Arab Spring, we found that

⁵ Interview, European Commission Official, DG Neighbourhood and Enlargement Negotiations.

money did not facilitate tangible progress on human rights; in fact Morocco never even passed a national Action Plan (Budde & Großklaus, 2010, p. 20). Following the protests in 2011, Morocco acted swiftly to reform the constitution and advance on human rights issues (forming a new Human Rights Council and adopting a national Action Plan, cf. Tömmel, 2013). As has been lamented at length in EU Progress Reports and by activists, progress since then has stalled.⁶ However, the EU's approach in this regard has not changed. Addressing government ministries and agencies, for example, the EU still uses monetary incentives by providing budget assistance to fund justice and penitentiary reforms (co-funded by the United Nations Development Programme – UNDP). Since the monarchy effectively managed to stabilize the status quo, there is no indication that steering through incentives will resonate with the Moroccan leadership in the future.

Following the Arab uprisings, an array of new programmes has been introduced and financed through the ENPI to incentivize civil society initiatives in democratization and human rights fields, most prominently the new Neighbourhood Civil Society Facility (running from 2011 until 2013 and funded with € 22 m: EU Neighbourhood Info Centre, 2011). With the new European Endowment for Democracy, the EU has created a proxy organization that is also dedicated to aiding ad hoc and informalized organizations such as youth organizations and 'Tahrir' type of associations, which have emerged through and sustained the Arab uprisings (EU Neighbourhood Info Centre, 2013). Participation in EU projects offers a two-fold incentive for NGOs: a financial one through the funding of projects and an immaterial one through the scarce resource 'know-how' through training activities, thereby enhancing the social and symbolic capital of activists. These incentives are generally well received by civil society organizations (EuroMeSCo Secretariat, 2013).

It is not surprising that incentives are an important steering instrument within the European Neighbourhood Policy given the architecture of the programme and the significant funds allocated to it. But we also want to point to a second-order indirect steering mechanism: the ENPI and EIDHR 'fiches', i.e. calls for project proposals, have the effect of *establishing a governance system* (akin to a market in this case). The requirements to receive EU funds through the ENPI or EIDHR set parameters in which civil society actors interact horizontally, albeit as competitors. The purpose of this governance system is to

⁶ Interview, Moroccan think tank leader, also cf. also cf. European Commission (2013b).

generate capable civil society organizations, which are aligned with European values, thus indirectly enhancing the impact of European funds. This pattern is reaffirmed in the draft Action Plan 2014-2020 (European Commission, 2013a). One must also concede, however, that this governance system is still excluding smaller organizations with limited administrative capacity such as the ‘fiches’ and the application process for EU funding is still considered too complicated.⁷

Situational Horizontality: Soft Steering

Soft steering requires the plausible absence of hierarchy between steering actor and addressee for the duration of the steering act and can be understood as discursive practices that are used in the absence of formalized processes and/or institutionalized sanctions.

The most prominent example of soft steering in the neighbourhood is the *categorization* of democracy, human rights and rule of law as technical issue areas of EU-Moroccan co-operation. In the official documents (in particular European Commission, 2004b, p. 8-9), democracy promotion is grouped as an ‘other component’ with issues such as environmental protection. Democratization is neither made explicit as an overall goal of the Action Plan, nor is it touched upon in the speeches of the Commissioners responsible for the European Neighbourhood Policy. The EU Commission points out that its delegates ‘go as far as we can’ behind closed doors (i.e. within the Association Council and its working groups) in discussing human rights and political reform, but ultimately aim at a broad consensus with the Moroccan government when programming specific activities funded by the ENPI.⁸ While the ‘democracy’ topos inevitably gains some rhetorical prominence after the Arab uprisings, policy programmes mostly lack specific reference to civil society or other forms of social agency, beyond reaffirming the vague goal to involve new actors and to stimulate the consultation areas between civil societies’ (European Commission, 2013a). Strikingly, the Ministry for Cooperation and Foreign Affairs’ self-praise about the country’s commitment to international human rights standards hardly mentions the European Union as a relevant actor (Ministry of Foreign Affairs and Cooperation, 2014a, 2014b). This comprehensive categorization of human rights and

⁷ Interview, Moroccan think tank leader.

⁸ Interview, European Commission Official, DG Neighbourhood and Enlargement Negotiations.

the rule of law as technicalities faces the critique of civil society actors, who seek to shift the focus towards human rights and democracy. These actors coalesce around slogans such as ‘No freedom, no human rights. No to the Advanced Status with Morocco!’ (EMHRN, 2007, p. 5, 11). The re-politicization is a conscious steering attempt, as we will show in the subsequent sections.

The same categorization effort affects EU rule of law promotion, which is directed at the subjective perception of individual rights by focusing on judicial and penitentiary reforms.⁹ Categorizing ‘rule of law’ in technical terms implies capacity building and not political reform as appropriate response (EU Neighbourhood Info Centre, 2012; European Commission, 2004a, p. 4, 2013b, p. 2). While claiming to aim at long-term democratization effects (European Commission, 2006, p. 16), the EU prioritizes measures directed increasing the efficiency of the existing apparatus and better implementation of existing regulations (European Commission, 2006, p. 18-19, 2013a). This framing of the reform process as technocratic plays into the hands of conservative elites (Sater, 2009, p. 190). Rather than gradual transformation, the steering attempt brings about a strengthening of existing structures (van Hüllen, 2012, p. 117).

We find categorization and *subjectivation* strategies to go hand in hand. The establishment of ‘modernity’, ‘reform’, ‘development’ or ‘good governance’ as relevant categories comes with the creation of specific subjects through discursive practices. This mechanism is horizontal because it ultimately depends on the addressee’s appropriation of the subject role as a ‘technique of the self’ and cannot resort to coercion or incentives. The rationale behind this is to applaud progress instead of punishing deficits, for example through conditionality.¹⁰

King Mohammed VI – and subsequently the Moroccan government – has long adopted and actively used the subject role as a ‘reformer’ (van Hüllen, 2013, p. 192). In the run-up to the 2007 parliamentary elections, the King declared the act of voting to be the expression of the new, modern Morocco. After the limited power shifts of Morocco’s ‘Arab Spring light’ (Storck, 2011), the King stuck to this rhetorical path, framing the

⁹ Interview, European Commission Official, EU Delegation to Morocco.

¹⁰ An internal paper by the Commission (European Commission, 2008) explicitly states: ‘for this reason (...) it will be essential to avoid any sense of castigation of partners whose performance has not warranted increased allocations, concentrating solely on applauding the achievements of the best performers’; (cited in Kausch, 2009, p. 174).

institutional shakeup as part of a coherent modernization process that started with his accession to the throne (King Mohammed VI, 2011), even appropriating the term ‘revolution’ (King Mohammed VI, 2013). This discursive strategy to form a subject role allows the King to shift responsibility for the implementation of the reform rhetoric and actual policy outcomes to the government.

The European Union’s consistent use of broad and loosely defined concepts towards Moroccan policy addressees is more than diplomatic vagueness. Rather, *reference to empty signifiers* is a steering strategy, a second-order mechanism connecting and fuelling the categorization and subjectivation processes, effectively structuring Moroccan fields of action. The use of ambiguous linguistic carriers like ‘good governance’, ‘rule of law’, ‘common interest/partnership’ or ‘modernity’ in addressing inherently contested normative concepts as legitimating brackets could indeed establish mutual consent in situations where conflicting interpretations did exist. Prior to the Arab uprisings, the notion of ‘democracy’ and its connotations in the context of external influence were largely avoided in EU-Moroccan documents (but not in documents directed at member states), the substitution term ‘(good) governance’ was used in the very same sense (as the simple renaming of the respective chapter in the National Indicative Programme shows, European Commission, 2004b, 2006) but does not entail the same political explosiveness (Balfour, 2004, p. 21-22). This changed after the Arab uprisings, but an explicit procedural-institutional operationalization of ‘deep democracy’ is still avoided.¹¹ This use of linguistic vagueness resonated in two ways. Firstly, the interchangeability of ‘democracy’, ‘modernity’, ‘good governance’ and even EU-type ‘regionalism/regionalization’ as gradual, technocratic processes generating output legitimacy (and not as distributional conflicts) has been adopted by the Moroccan government (van Hüllen, 2013, p. 192). In contrast, European Union strategy papers explicitly address post-Arab Spring societal constellations as explosive sites of distributional conflict (European Commission, 2011; European Union, 2013). The de-politicized equivalence of democracy, governance and modernity can be found in the official rhetoric used as equipollent markers for the same policy goals (King Mohammed VI, 2011). Secondly, this lack of definitional clarity was rejected and re-politicized by civil society actors (EMHRN, 2007, p. 39-40; Friedrich Ebert Stiftung,

¹¹ Interview, European Commission Official, EU Delegation to Morocco.

2007). Voiced criticism explicitly concerned the EU vocabulary's vagueness allegedly allowing state elites to legitimize superficial reforms (Kausch, 2009, p. 169; Youngs, 2010). As a result, most non-governmental organizations tried to establish own, unequivocal interpretations attempting to substantiate the government's lip-service to vague slogans (EMHRN, 2007, p. 39-40; EuroMeSCo Secretariat, 2013).

This re-politicization through civil society actors is not an unintended side effect of EU steering. While the European Commission does not publicly pursue a two-track approach, we find it to be a consistent and conscious pattern in rule of law promotion in Morocco. In line with this reasoning, European Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle explicitly pitched the European Endowment for Democracy as a tool that would empower emerging 'actors of change' in situations where state actors hinder the sustainability of democratic reform. Even though the Moroccan government is usually framed as a 'model pupil' of modernization in the neighbourhood, Füle specifically mentioned the friction between civil society activism and governmental-monarchic stabilization in this context (Füle, 2013).

The EU has long sought to *structure speaker positions* as a discursive backing of the established competition and network systems among NGOs. NGOs are being highlighted by both the EU and the Moroccan government as capable and legitimate civil society actors and thus equal cooperation partners in the neighbourhood policy documents. Well before the 2011 institutional shifts, this steering attempt's primary addressees - NGOs - described their position towards the government as considerably enhanced and referred to the EU as the crucial actor behind this revaluation (EMHRN, 2007). The EU had long relied on a secular stance towards civil society actors in transformation contexts, but the Arab uprisings shattered this long-established policy approach, leaving the EU no option but to acknowledge unfamiliar voices and actors in its Southern Neighbourhood (European Commission, 2011).

While the King's praise for the reform effort of civil society organizations is rather rhetorical, the new Advanced Status Action Plan 2013-2017 prominently lists the set-up of NGO consultation bodies in the drafting process as a short-term goal until the end of 2014. The King tends to use this new actor constellation to shift accountability for actual progress to the parliament's and civil society's 'commitment', but the EU actively uses

this institutional politicization by incorporating NGOs in its monitoring and policy evaluation process (EU Neighbourhood Info Centre, 2013). This provides them with a platform on which to make grievances public without having to fear retribution. The increased overtures towards civil society organizations are registered positively among their addressees, but are still considered insufficient to provide the empowerment needed.¹²

The arrangement of Country Report, Action Plans, National Indicative Programmes and Progress Reports refers to the EU's rarely questioned power to *produce knowledge* about Morocco. The presentation of specific data as relevant (e.g. statistics on poverty) and the construction of causalities (e.g. poverty as a result of weak economic performance and not of, for instance, moral misconduct) as objective knowledge then justify political intervention. In the operational parts of the Action Plans, the EU has begun to generate soft performance indicators, largely relying on production of knowledge: among many others the formation of expert standing groups, consultation bodies, capacity building, policy papers, legal assessments, train the trainers programmes, knowledge-sharing activities (EU Neighbourhood Info Centre, 2012; European Commission, 2013a, p. 83-89).

Although the jargon in EU documents is highly technocratic, data on 'economic development' or 'security' deal with contested epistemic constructions that are equally interpretable from other perspectives. It is noteworthy that the Moroccan government fully complies with this form of monitoring and even contributes to it by delivering data. Remarkably, the Commission's exclusive right to report on the progress of the Action Plan's goals – under the claim of objectivity – is being accepted by the government-level addressees. This asymmetric production of knowledge not least contradicts the ENP's 'partnership' discourse. But this steering practice also resonates at the civil society level: While the full range of EU reports is little known among local NGOs,¹³ human rights organizations explicitly formulate their claims within the context of this 'new knowledge' by arguing on the basis of the Action Plan's goals. Non-state actors even try to modify this knowledge formation by suggesting their own benchmarks for a better assessment of the human rights situation.¹⁴

¹² Interview, Moroccan think tank leader.

¹³ Interview, Moroccan think tank leader.

¹⁴ Interview, European Commission Official, DG Neighbourhood and Enlargement Negotiations (also see EMHRN 2007, p. 6-10).

Combining Indirect and Soft Steering Modes: Technicalization and Politicization

The ENP has often been criticized for being incoherent in promoting democracy and the rule of law abroad. We relativize this assertion and discuss the strategic nuances of how the EU employs its power in the Southern Neighbourhood. The ENP's soft steering modes allow both the governing elites and civil society in Morocco room for interpretation, adaptation and resistance. The governing elite can incorporate vague terms such as 'good governance' and 'regionalization' into their adaptive narrative of limited progress, while incorporating the subject role of modern reformers. This gives civil society organizations reason to question the congruence between self-image and practice by asserting alternative definitions. In effect, the EU strategizes technicalization and politicization simultaneously. While the EU promotes progress in democracy and human rights as technocratic policy reforms at the governmental level, effectively seeking to de-politicize it, it also fosters civil society organizations through production of data, funding for workshops and trainings as well as structuration of speaker positions, enabling these actors to re-politicise the state narrative.

This two-track approach is not coincidental. We find these patterns even in the EU's early strategic papers (European Commission, 2003, p. 6-7, 2004b), but also in the outline of the new ENP (European Commission, 2011). It is therefore instrumental that the issue of human rights is discussed within the context of Moroccan constitutional reform. Notions of what human rights should mean and how they are applied will not be reconfigured within the realms of the governing elite, but only when exposed to public debate, in a realm that is subject to transformation in itself (e.g. shifting speaker positions). Both de-politicization (technicalization of human rights and rule of law vis-à-vis the government) and re-politicization (anticipating societal protest against this technicalization) strategies aim at resonance as a prerequisite for policy change in line with the EU's neighbourhood policy goals. As long as the human rights agenda is not contested in principle, it is not important whether the EU itself is considered as a legitimate actor to discuss the meaning of human rights in the Moroccan polity but whether these issues are brought into the realm of the politically debatable.

Contestation as a condition for societal transformation in target countries is reflected in the EU's strategic approach and is a distinct feature of soft steering modes. While hierarchical and indirect steering can ultimately enforce compliance one way or the other, acts of soft steering are peculiar precisely because they can evoke and incorporate contestation in a strategic manner. Soft steering always aims at cognitive or affective resonance among its addressees that may vary in degrees of (de-) politicization. Resistance serves to politicize issues and hence to make them eligible for public contestation and, in a possible subsequent step, transformation. Since there is no effective external governance without at least tacit cooperation by those in power, there is no successful steering without the inclusion of the governing elite. On this level, steering strategies must aim at a minimization of resistance against the EU's policy goals which is achieved through their de-politicization as issues of technical harmonization. But constitutional change cannot be achieved by relying solely on those administering the status quo. While hierarchical and indirect steering modes are not available or desired in this context, soft steering is still about exercising power. In this case, the EU relies on other domestic actors – mainly civil society organizations – to assert their stake in the desired change by incorporating their resistance against the governing elite into its steering strategy.

Conclusion

Our analysis reveals a consistent pattern in how the EU employs power in its Neighbourhood Policy towards Morocco. Not least the resources available through the ENP constitute a power asymmetry between both sides, which the EU can exploit for indirect steering purposes, notably by using monetary incentives and governance systems that regulate distributional patterns. Moreover, the EU also makes simultaneous use of situational absence of hierarchy. This allows for soft steering to take effect through discursive practices. On an aggregated level, indirect mechanisms (aimed at the governmental level) work towards the technicalization of policy issues, whereas soft mechanisms (directed at civil society) work towards politicization. We find this dualism to be anything but incidental or even contradictory. It rather represents an integrated approach to steering contestation: Technicalization aims at reducing contestation of a policy issue among those

resisting political change. But by stimulating re-politicization through civil society actors, the issue in fact remains subject to public contestation, thus enabling potential policy change.

Tracking EU rule of law promotion through a theoretical framework of political steering (see *Table 2.1*), we reveal the crucial interactions between indirect and soft steering mechanisms. In order to categorize democratic progress as technocratic policy process vis-à-vis the governing elite, the EU relies on empty signifiers, i.e. the vagueness of key terms, which allow for the cognitive harmonization of contradicting or contested meanings. In this regard, empty signifiers moderate the effect of categorization attempts. The same is true for the use of empty signifiers in creating altered subject roles for the governing elites or for the production of authoritative data. We also find the same pattern with regards to indirect steering: the competition between organizations applying for funding turns the monetary incentive into a more powerful instrument, because funds are disbursed to the most capable organization to deliver the intended programme formats. In addition, our empirical results raise a number of worthwhile follow-up questions, for example about the EU's attempts to steer norm contestation dynamics, to influence both strategic adaptation and socialization processes through Moroccan elites and to trigger resistance. Especially those local responses to external human rights promotion – complex processes of interpretation, resistance and appropriation – warrant further scholarly attention (Großklaus, 2015).

The Moroccan case illuminates what can be termed the 'routine mode' of the European Neighbourhood Policy, i.e. the extensive use of steering modes to promote rule of law and human rights in hybrid political environments. We do not expect – and nor does the EU – that the ENP would show similar results in countries that are characterized either by state fragility (Libya, Syria) or authoritarian restoration (Algeria, Egypt). The recent review of the ENP (European Commission & High Representative, 2015) involves a shift in focus from transformation to stabilization, notable for example in the removal of democracy and human rights promotion as obligatory areas of cooperation. This underscores the EU's implicit acknowledgment of its limits in bringing about political opening and its emphasis on strengthening and steering perceived processes of liberalization that are already under way. It is too early to tell whether the ENP review will result in less pressure for public contestation by limiting country Action Plans to technical areas of

cooperation – or whether the projected increase in material support for civil society in countries without a commitment to political reform will bring about more politicization. However, our case study of Morocco showcases the heuristic potential of viewing such future external interventions and their resonance among addressees through the prism of different power practices.

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**3. Appropriation and the Dualism of Human Rights:
Understanding the Contradictory Impact of Gender
Norms in Nigeria**

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Introduction

Human rights are contradictory in nature. As this special issue highlights, rights both enable and constrain practices of dissent, they provide opportunities to challenge existing power structures as well as opportunities to stabilize them. They bear transformative power in their own right while they may at the same time be strategic tools used by powerful actors. This poses a challenge for the study of human rights diffusion, a strand of research that often fails to account for those contradictions and ambiguities inherent to rights: comprehensive interventions into institutional structures of societies – successful promotion of human rights norms means nothing short of this – are always social experiments that more often than not result in ambiguous, fuzzy and often disappointing outcomes (cf. Grugel, 2001). Resulting normative change in local contexts is thus, in most cases, much more nuanced than either adoption or outright rejection of a promoted norm.

¹ In this contribution, I propose the concept of *appropriation* as a way to analytically capture local reactions to rights promotion, illuminating the dualism of human rights as both enabling normative transformation and leading to stabilization of order. By appropriation, I mean the intentional reinterpretation of ideas across cultural, spatial and temporal contexts aimed at definitional power.

While the spread of norms at the international level is well researched, analyses of diffusion processes within target societies remain scarce. Most approaches highlight the local ‘match’ or ‘fit’ of respective political systems and opportunity structures: perceptions of local actors or cultural constellations in target societies are theorized as conditions for the success of external governance as norm transfer (Elbasani, 2004; Noutcheva, 2009; Schimmelfennig & Lavenex, 2009; for an excellent critique from an appropriation perspective see Zimmermann, 2010). Critiquing this passive role of local actors as mere norm ‘recipients’ in most theorizations of diffusion, Amitav Acharya’s concept of norm localization stresses local agency through a process of normative ‘match-making’. This focus emphasizes the active re-construction of foreign ideas by local actors in order to create congruence with local beliefs (Acharya, 2004, 2009).

¹ It goes without saying that there is no clear-cut “local” sphere inseparable from a “foreign” or “global” context. In referring to “local” or “domestic”, I aim at those contexts, arenas or orders that international norm promotion strategies target.

The appropriation framework proposed in this article shares this critique, but seeks to move the analytical focus away from a single, isolated norm that is either successfully translated or not. The concept sees congruence building as only one part of larger local struggles for normative order, involving a web of connected and ambiguous normative scripts as well as a variety of actors and structures: in the empirical reality of diffusion processes, it is hardly ever only one actor (or set of actors) that resists or takes on external norm promotion. Neither is it an isolated actor that actively creates a local normative fit. Rather, this process involves a multitude of different appropriations, aimed at different aspects of the 'foreign' norm in question, affecting the local normative configuration in different ways. Some strategies will be transformative, some stabilizing. Different actors will use different parts of a normative script or direct their resistance at different aspects of it. One appropriation strategy may be directed at a highly precise normative core, another at the larger normative context. The appropriation framework applied here looks at the interplay of those acts that lead to the ambiguous and often contradictory outcome of human rights promotion. What finally becomes stabilized in a local normative order bears the traits of many appropriations, encompassing the dualism of human rights as both transformative and stabilizing.

The theoretical literature on appropriation and neighboring concepts is rich, yet mostly conceptual.² In the first part of this article, I address the concept's potential for empirical research on norm localization and develop an operationalization capable of grasping micro-processes of change. In the second part, I underscore appropriation's empirical applicability. To this end, the analytical frame is used in the case of the implementation of the Convention on the Elimination of all Forms of Violence against Women (CEDAW) in Nigeria. The analysis highlights the localization of gender rights as a complex interplay of appropriations by different actors, leading to a hybrid and contradictory outcome that bears both transformative and stabilizing potential. Rather than a *condition for*, local context is emphasized as the *subject of* norm localization processes.

² Many disciplines have dealt with travelling ideas, asking how transnational concepts attain their local meaning and how and to what effect those concepts change in the process. Debates with similar cognitive interests are centered on the notions of translation, appropriation, localization, glocalization, vernacularization, hybridization, creolization, indigenization, syncretism, travelling models, multiple modernities, entangled histories, *histoire croisée*, and others. See exemplarily Bhabha (1994); Conrad & Randeria (2002); De La Rosa (2008); Eisenstadt (2007); Galvan & Sil (2007b); Hannerz (1996); Mosse & Lewis (2006); Randeria (2002); Robertson (1995).

Norm Localization as Appropriation

Appropriation, as developed in this article, is built on Shmuel Eisenstadt's concept of 'multiple modernities' (Eisenstadt, 2007a, 2007b, cf. De La Rosa, 2008). Modernity is not seen as an artefact or as a subject-matter for analysis, but as a category of observation. Modernity is of a semantic nature, open for negotiation and renegotiation, leading to the parallel existence of multiple modernities. The appropriation of foreign or 'alien' ideas is of pivotal importance to this process: In the non-West, societal groups *use* Western concepts in order to participate in a broader normative order, while at the same time rejecting Western semantic control over this order. Through this process of appropriation Western ideas of (claimed) universal validity can become incorporated in non-Western identity constellations without replacing local identities (as distinct from processes of cultural homogenization). Local struggles may be transferred to the international level by appropriating the respective language. In so doing, local politics can be dealt with in 'universal' terms without having to fall back on the traditions of Western societies at the same time. It becomes possible to challenge local social realities in a language bearing foreign roots that has yet become one's own. It is local while still maintaining a semantic relation to international ('modern') frameworks of reference (Eisenstadt, 2007b, p. 39).

This is a major value added for the study of the localization of globally promoted norms. Instead of classifying specific normative concepts as Western achievements, this approach conceives of these concepts – and the specific modes of action linked to them – as unsteady and alterable constructions. A norm is thus not to be understood as a coherent concept that can be exported and transplanted in another context. It is an ambiguous institution that is subject to change (Randeria, 2004, p. 16). This means that Western modernity does not pave a specific *path* of development but rather constitutes a cultural *frame* to which non-Western societies have to refer. Accordingly, appropriated institutions cannot be reduced to a simple adoption or imitation of Western ideas, nor can they be fully understood without taking their relationship to those very ideas into account.

Appropriation consists of *intentional* moves directed at definitional power. As Homi Bhabha points out in his works on cultural hybridity, the creative use and reinterpretation of established concepts leads to the formation of something new that goes beyond a re-

productive relation between original and copy. In a colonial context, this strategic appropriation could be used as a practice of resistance. Appropriated terms countered colonizers' instrumentality, e.g. by undermining the forced adoption of certain imperial terms and concepts through their redefinition (Bhabha, 1994, pp. 152-171; De La Rosa, 2008, pp. 43-50).

This seemingly creates a tension between a poststructuralist reading of modernity and a very agential view of appropriation as a strategy to (re-) gain definitional power: in a Foucauldian sense power is relational and not a property of an independent subject. It is productive as it creates the subject as we recognize it. And it is through discursive practices that we re-produce power as we reiterate the meanings of language (Foucault, 1972). While it is often argued that, from a Foucauldian standpoint, one could reject the possibility of even a semi-autonomous subject, Foucault's late writings on how subjects are constituted reveal a more multi-faceted understanding of power (Foucault, 1990, 1992). Foucault explored the co-dependency between power and freedom, arguing in essence that power can only manifest itself in the presence of freedom, however minimal, as this provides the possibility of resistance (Allen, 2000, p. 127; Arndt & Richter, 2009, p. 30f.). In other words, we can never recognize power without also assuming a subject who has a (limited) capacity to resist. This does not mean complete or innate freedom, but freedom to resist and it expresses itself through discursive practices, labelled 'arts of existence' or 'techniques of the self' (Foucault, 1992, pp. 10-11).

This allows us to think of actors as (boundedly) capable of acting intentionally, even though this capacity relies on a different notion of subjectivity from that understood by classic theories of agency (Arndt & Richter, 2009, p. 35). In this conception local agents are neither mere passive receptors of transnational normative supply nor are they unboundedly agentic rejecters of human rights. The appropriation lens is interested in the *potentially* transformative role of human beings by looking at social institutions that serve as points of crystallization, where both structural power and bounded freedom to resist and challenge become visible.

Resistance is thus essential to appropriation. However, this article's goal is not normative one. Other than, inter alia, feminist vernacularization approaches, the appropri-

tion lens does not seek to explore the *possibilities* of resistance and subversion.³ Rather, it seeks to shed light on outcomes of human rights promotion by looking at the local process as a *series of appropriating acts* by different (structurally bounded) actors with differing goals and differing strategies. These might be transformative or affirmative, acts of acceptance, rejection or resistance. Different actors will resist differently and direct their resistance at different aspects of the normative framework in question. Successful acts will again trigger resistance by other actors. It is the interplay of these acts that builds up local appropriation.

The outcome of this multi-layered dynamic is open: the appropriation framework that I propose entails not *only* desirable translations but also other strategies that normative approaches call conservative ‘hijacking’ of norms and rights (cf. Levitt & Merry, 2009, p. 448). As a result, the local appropriation of a global norm might lead to order transformation as well as its stabilization through the ‘taming’ of a potentially challenging idea. In this way the appropriation framework encompasses both sides of the dualism of human rights. Outcomes of appropriation processes will bear traces of both transformation and stabilization. It is precisely the performative tension between human rights’ transformative potential and the structural power behind them that triggers and produces the ambiguous and often contradictory results of international norm promotion.

Operationalizing Appropriation

While the methodologically firm norm diffusion literature has not been much concerned with local reinterpretation of norms, the broad and diverse appropriation debate has scarcely addressed questions of empirical application. In order to bridge this gap, I propose three key analytical categories that capture multi-faceted appropriation processes. First, the analysis of intertextuality accounts for the temporal and spatial patterns central

³ Vernacularization is defined as “the process of appropriation and local adoption of globally generated ideas and strategies.” (Levitt & Merry, 2009, p. 441; also cf. Merry, 2006a). As a feminist approach, it is decidedly normative. The vernacularization literature looks at politically committed cultural translators that strategically “take the ideas and practices of one group and present them in terms that another group will accept.” (Levitt & Merry, 2009, p. 448; also cf. Ackerley, 2001; Merry, 2006b, p. 48; Moghadam, 2003).

to appropriation. Second, (re-) contextualization covers its productive aspect, the reinterpretation of travelling norms and ideas. Third, discursive macro-strategies highlight the ways in which the appropriation of norms is connected to struggles around surrounding normative orders.

Intertextuality is the crucial category in the empirical analysis of appropriation processes, serving as a cognitive map of the discursive formation around human rights promotion. The concept delineates the influence of older texts on another textual sequence, not only encompassing a diachronic relation but also synchronic linkages between texts stemming from different cultural settings and influencing the same discursive formation. Mapping intertextual relations thus sheds light on temporal and spatial patterns of reference, disclosing *where* discursive change takes place. How do actors relate to treaties, conventions, declarations, but also speeches, policy papers, scientific material or media coverage? How do they emphasize certain discursive aspects, question, rearrange and link them? How do intertextual references vary (synchronic, diachronic, local, regional, transnational) across actors, arenas, types of text, contexts, addressees and how do these patterns develop over time? Where do new references arise and what actor constellations are they to be ascribed to? Where do references disappear? How do other actors react to intertextual practices?

However, appropriation means more than changing patterns of reference. Local construction of meaning emerges through local actors' productive reactions to roles, ideas and practices in the context of unfamiliar institutions. Actors make sense of unknown institutions by connecting them with known routines and practices, with the mode of speaking adapting to the institutional environment in order to create resonance (Galvan & Sil, 2007a, p. 8; Holzscheiter, 2010, pp. 26-31). This process can only be traced by accounting for the dialectic relationship between the intertextual entanglement of foreign and domestic ideas and their *contextualization and re-contextualization* into existing structures (cf. Goodwin & Duranti, 1992).

Discursive *macro-strategies* reconnect appropriation to larger transformation or reproduction of normative orders as societal (or transnational) organizational structures. In this context, as pointed out above, actors' instrumentality is understood as structurally bounded. Constructive strategies seek to establish a specific identity (here: a normative

order). Protective strategies are aimed at the maintenance of contested orders; they reproduce, conserve and reinforce a societal status quo. Transformative strategies attempt to transfer parts of relatively established identities or normative structures into others. Destructive strategies likewise challenge existing normative structures but without providing a competing one. These macro-strategies, then, are backed by respective assimilative or dissimilative strategies (Wodak, de Cillia, Reisigl, & Liebhart, 2000, p. 33).

The appropriation framework hence allows us to capture the contradictory nature of human rights localization analytically. In the following I will underscore this value added for the empirical study of external human rights promotion. To this end, I apply the framework to the contested implementation of the United Nations Convention on the Elimination of all Forms of Violence against Women (CEDAW) in Nigeria.

Ambivalent Change: Appropriation and the Implementation of CEDAW in Nigeria

After years of military rule the Federal Republic of Nigeria is a hybrid regime with substantial limitations to the democratic process that is nevertheless showing gradual democratization tendencies in the electoral process (Center for Systemic Peace, 2010). The country has been signatory to CEDAW since 1985. These commitments notwithstanding, CEDAW has not been implemented into domestic law as of today. The respective Gender and Equal Opportunities Bill (SB. 376 / C 477), drafted in order to implement the CEDAW provisions, has been revised numerous times, but is still not formally adopted. A gender quota in state and federal parliaments is hence not in place.

Nevertheless, subcutaneous change in the field of women's representation has taken place and can be linked to the discursive formation around CEDAW and other related international protocols (Okeke, 2000; Sokefun, 2010). This change is ambivalent: the normative transformation that has happened on the ground is not tantamount to 'positive' change in line with the original intention of externally promoted normative 'supply', but neither is it an outright rejection. In the Nigerian case appropriations of feminist terminology did affect long-established values but they also led to stabilization of order, minimizing, but not completely voiding the transformative challenge posed by the originally

promoted norms. Covering the discursive formation, I have compiled a data corpus comprising all major gender-related policy reforms in Nigeria since 1999, when military rule ended. The analysis is limited to provisions on *representation* in order to narrow down the vast amount of subjects covered by CEDAW. This allows a focus on one policy field that affects a central regulatory area of political and normative structures in direct relation to a nation state's distribution of power.

The corpus consists of a wide range of different sources: it contains the Nigerian government's periodic reports on the implementation process and the documents submitted to the UN by domestic and international NGOs (so-called 'shadow reports'), but it also encompasses legal texts, the data produced in the various constitutional reform commissions, governmental strategy papers, international treaties and conventions, the reports and proceedings of the CEDAW Committee, articles, briefings, strategy papers and other publications of Nigerian NGOs, as well as media coverage and scientific literature referenced in the reform process. These data have then been analyzed along the analytical categories outlined above.

Women's representation has not always been a prominent feature of the Nigerian government's CEDAW implementation strategy. Rather, its relative appreciation can be explained by a change of strategy that became institutionally stabilized. As the Nigerian government felt cornered by the CEDAW committee in other policy areas, it shifted its focus towards representation, where small achievements could easily be backed by numbers (UN, 1998a, 1998b, 1998c). This was no more than a strategic move, but it had major effects nonetheless. First, it compelled the Nigerian government— at least rhetorically — to stick to the representation path in its implementation strategy. Not only did the government try to co-opt the emerging shadow reporting that it had previously red-flagged as 'irresponsible' and 'non-objective' (UN, 1998a, p. 2), it moved its domestic gender focus towards representation, concentrating most efforts to this aspect of reform. Second, the CEDAW committee absorbed the shift of focus. Although the UN monitoring had hardly mentioned representation issues in the years before, the UN side began to take over intertextual patterns stemming from Nigerian NGO shadow reports that had articulated their local struggles in international terms and began referencing the Beijing Declaration and Platform for Action (UN, 2004a, 2004b). The BDPfA had not been a factor in the UN

monitoring practices before the Nigerian government's strategic turn towards representation issues, even though both CEDAW and BDPfA originate from the United Nations Decade for Women.

While the BDPfA is rather vague in its provisions regarding affirmative action, its normative frame has been concretized through local applications by various NGO campaigns in order to "bring home the landmark results evidenced to the nooks and crannies of the country" (WOCON, 2004, p. 1). In turn, these local practices – among others – have been referenced and absorbed in various follow-up conferences, where the text of the BDPfA was updated and concretized accordingly (UN, 2004c). The Nigerian government, in its turn, had to make reference to those emerging normative patterns in their subsequent reports, which slowly established the BDPfA as a point of reference both in the UN monitoring and in the domestic reform process to a relevant normative pool.

Although strategic in nature, the turn to representation and its rhetoric influenced the Nigerian reform process. Various knowledge resources stemming from the CEDAW reporting – and the respective shadow-reporting – process have found their way into existing domestic institutions, albeit discursively filtered, with direct references to CEDAW and BDPfA incrementally disappearing. In line with its 'statistical turn', countering the emerging NGO shadow reports, the Nigerian government began to train dedicated 'data researchers' for its reporting process in order to maintain control over the data backing the implementation process (Federal Republic of Nigeria, 2004). This enhanced the status of the National Center for Women Development (NCWD), a semi-public, state-financed think tank. Though founded in 1995, it only then became the central point of reference for the Nigerian Ministry of Women's Affairs policy rationale (UN, 2006a, 2006b).

In the ongoing constitutional reform process, the NCWD began to operate as an important discursive filter through which normative reasoning stemming from CEDAW and BDPfA – exempt from its foreign origins – seeped into the domestic reform discourse. As a parastatal institution, the NCWD was assigned to produce policy material that could be presented to the CEDAW committee. Yet, subsequently, the manifold publications, working papers and briefings written in the context of CEDAW reporting were also used in the National Policy Reform Council (NCPR) and other institutions not directly related to the implementation of international protocols (NCWD, 2005).

In the process UN norms became filtered: while provisions on representation analogous to those of CEDAW and BDPfA became widely used, direct references to their international origins disappeared; reform commissions quoted NCDW materials that had in turn originally referenced UN sources. This allowed NGOs to advocate change in line with CEDAW, a normative institution that is often attacked as ‘foreign interference’ by its opponents, as a ‘Nigerian’ project. Here, normative change it is not so much an implementation of a certain external norm, but rather the diversification of normative utterances available to domestic actors.

The Nigerian NGO landscape proved to be well aware of the strategic importance of data and knowledge production. While the first shadow reports can be seen as merely interventionist strategies, NGOs then began to work towards the consolidation and diffusion of knowledge that had emerged in the drafting process (BAOBAB, 2008). Analogous to the NCWD papers, the NGO papers helped to ‘filter’ external norms. While the shadow reports and subsequent documents were not directly referenced in the electoral law reform process, most importantly in the Gender Electoral and Constitutional Reform Committees, the literature and data the NGOs had used in the shadow reports was referenced, substantially influencing the reform commission’s reasoning (GEM, 2008). As it became embedded in the relevant institutions – in what had been a merely tactical concession – affirmative action became an established topic in the constitutional reform process. The revised version of the law implementing CEDAW, the Gender and Equal Opportunities Bill (SB. 134/C 625) no longer directly references its international normative origin. The fact that representation as defined by CEDAW (but not referenced as such) can be found within the Nigerian constitutional reform process does not mean that this will bring about change *as intended by CEDAW*. Rather it means that it brings about the controversy and ambiguousness attached to the term as local actors argue about what representation is supposed to mean in the Nigerian context.

The incorporation of gender reform into the broader domestic reform process enhanced the speaker positions of *feminist* voices, which led to a subtle transformation of the local meaning of gender representation through appropriation of CEDAW norms and their discursive filtering. It did, however, amplify only those voices that were compatible with ‘modernity’ as an overarching normative framework, i.e. a few NGOs selected by the state. This does not predetermine the outcome of norm localization, as the framework

applied here highlights the possibility of using ‘modernity’ as a shared linguistic marker in order to subvert its meaning. However, it did limit the boundaries of the semantic battlefield. In essence competing appropriations of gender vocabulary by state and non-state actors came down to the meaning of Nigerian *modernity*.

Here the dualism of the human rights language becomes apparent. Referring to international ideas and concepts and weaving them into existing normative configurations opened up spaces for dissent but closed off others: women’s struggle is far from a new phenomenon in Nigerian domestic politics, but the label ‘feminism’ is (Adamu, 2006). During pre-colonial and colonial times the feminism marker, let alone gender, has played little to no role. But, since the local women’s NGO landscape has become more and more influenced by international donors, the term has unsurprisingly gained relevance. Ever since, there is a cleavage within Nigerian women’s movements about whether or not the concept feminism, although largely ignoring race and class, should be embraced as an emancipatory vehicle or dismissed as recuperating imperialist legacy and perpetuating inequality (Adamu, 2006, pp. 3-4). However, a modernist Nigerian feminism as an appropriation of global ideas prevailed over other readings like ‘Womanism’ or ‘Motherism’, supported by the government’s need to showcase quick reforms vis-à-vis its international audience.

The cultural hybridity of the appropriated gender language has been absorbed by government actors. For international audiences, domestic development strategies have been advertised as a ‘reorientation of Nigerian values’, consisting both of ‘traditional’ and ‘global’ norms:

This [economic success] will require two major fundamental changes. The first is a need to re-examine those shared values which have been so essential to whatever successes we may have recorded in the past. (...) The second major change is to open our minds to *select the best options the world has to offer* and then *devise together a truly Nigerian* success formula which will enable us [to] forge rapid success (NPC, 2009a, pp. 10, emphasis added).

Contrary to this rhetoric, the intertextual foundations on which the argumentation is based are preceding strategy papers stemming from the era of military rule as well as the current Nigerian constitution. The values that are supposed to be strengthened in order to achieve economic development are hardly a reorientation but rather a fortification of established values, entailing national consciousness, hard work, and respect for elders (NPC, 2004,

p. viii). This is a crucial reinterpretation: In practice, ‘respect for elders’ is synonymous with male elders (Pereira, 2008, p. 36). In line with this, questions on gender equality are grouped among technical issues in the operational chapters of the development strategies:

To this effect Nigeria will need to exploit the pervasiveness of cultural multi-polarity; new electronic media, particularly the Internet and mobile phones; the spread of new ideas; electrification; mobility; ethical consumption; women's rights; social freedom; and transparency (NPC, 2009b, pp. 21, emphasis added).

Accordingly, the (‘empowered’) individual is linked to the frame of national interest in the context of poverty reduction, shifting the responsibility for societal change to women as individuals:

All citizens, regardless of gender, race, religion, or politics, should feel that they have a stake in Nigeria’s future and that their loyalty and diligence will be rewarded (NPC, 2004, pp. ix, emphasis added)

Gender as a *distinction* between more and less powerful groups hence takes a back seat in favor of national *unity*. The Nigerian government’s appropriation of the concept devalues the inequality between men and women by emphasizing the equality of all Nigerians, thus limiting gender reform in its normative scope. This strategy could be legitimized among the CEDAW committee by relating this conception of individuality to the principles of European Enlightenment (UN, 1997, p. 12). Contrary to what it states, the reorientation strategy does not work towards a changed normative configuration. Its core terms are compatible with international jargon, but no longer compatible with the local reform discourse, directing gender issues to the realm of ‘tradition’. Consequently, Nigerian NGOs have had to connect their criticism to the frames of tradition and national unity. Here, the African Charter of Human and People’s Rights (ACHPR) served as an ‘African proxy’ through which many of the CEDAW and BDPfA propositions could be addressed without having to directly reference ideas perceived as foreign (NCAA, 2012). Critics even accused CEDAW of being opposed to the values enshrined in the ACHPR even though the latter directly derives its Article 60 from the CEDAW.

In this way government actors were able effectively to challenge the connotative importance of affirmative action by re-contextualizing it. As key documents heavily referenced in the CEDAW reporting, the National Planning Commission’s developmental

strategies were used to frame the implementation of CEDAW as a subordinate aspect of *national* development,⁴ both towards the UN and domestic audiences. Crucially ‘development’ competes with ‘democracy’ as the guiding frame, countering the institutional impact of external norms. The taking-in of gender as a minor aspect of a larger process of economic development is hardly surprising (and hardly a new strategy, cf. Boserup, 1970) as the UN itself frames both CEDAW and BDPfA within this broader development context. Nigerian state actors’ interpretations, then, discharged representation of its power – and democracy – related implications and offered fewer semantic points of contact for dissent and criticism in terms of democracy. As representation had become incorporated as an aspect of economic development, local struggles for representation as a political issue became pushed to the margins of the discursive formation. Between the two frames of reference, the term *empowerment* serves as a discursive hinge. While empowerment (understood as the shift of *political* power) had been a key concept and slogan during the early phase of the emerging Nigerian gender debates (GADA, 1996), Nigerian state actors began to pick up the term, yet they consistently reinterpreted as “individual economic empowerment” (NPC, 2004, p. 34).

A similar definitional struggle revolves around the distinction between gender as an *instrument* and gender as a policy *goal*. Embedded in the holistic poverty reduction frame, gender equality loses its meaning as a developmental goal. Rather, CEDAW provisions are downgraded in the overall norm hierarchy as mere instruments in line with the national economic development strategies. For example,

All citizens, regardless of gender, race, religion, or politics, should feel that they have a stake in Nigeria’s future and that their loyalty and diligence will be rewarded. The NEEDS vision is also one in which Nigeria fulfills its potential to become Africa’s largest economy and a major player in the global economy (NPC, 2004, p. ix).

While the relation between policy goal and instrument is still a dialectic one in the NEEDS strategy, this dualism incrementally disappeared in the reform process in subsequent years. While the respective statistical turn put representation as an aspect of

⁴ Most prominently the National Economic Empowerment and Economic Development Strategy NEEDS and the Vision 2020 (NPC, 2004, 2009a).

CEDAW on the map in the first place, it also made its original social transformative implications recede to the background.

When considering outcomes of norm localization between adoption and takeover, the case presented above falls closer to the rejection side, but is not equal to rejection. External norms did affect local normative orders in the Nigerian case. The lack of legal integration of the CEDAW provisions into domestic law does not equal norm rejection. At the same time neither can the subcutaneous change that occurred be described as successful norm promotion by international actors. As analytically substantiated, normative change has proven to be ambiguous and contradictory. ‘Western’ modernity did not serve as a path of development, as many approaches in the norm diffusion literature would assume, but rather as a normative frame: emerging institutions were obviously not a transplantation of the CEDAW provisions; at the same they could emerge *without* reference to CEDAW as a normative frame.

The *meaning* of human rights on the domestic ground is subject to a process of adaptive interpretations that emerges through productive appropriation strategies by local actors. Aspects of CEDAW and the BDPfA only became institutionally relevant when local actors actively demanded it as a normative ‘supply’. Local actors transfer their local struggles to the international sphere by using a respective language. As the official discourse appropriated feminist terminology and managed to shift the representation debate from the realm of power and rights to the realm of the economy, it enhanced the stabilization of a long-established, resilient normative configuration around values labeled ‘tradition’.

Both the Nigerian government and the Nigerian NGO sector used resistance strategies in order to gain control over the meaning of the normative scripts to be implemented in the Nigerian context, yet the government’s institutional and knowledge power led to two things: first, it countered the effectiveness of CEDAW norms; second, it silenced domestic criticism. As a result of international pressure the government had to implement institutions that it then, like the sorcerer’s apprentice, had to fight. While appropriation strategies helped to win this fight both against pressure from international actors and against the competing appropriation strategies of local civil society actors, this still altered the local normative order. Specific norms on gender representation may not have become legally implemented, but their intrinsic contested nature and the normative struggles they enabled have become part of local political struggles.

As a practice of resistance, appropriation is productive. Gender representation in parliaments and public offices has been established as a point of reference within the Nigerian debate but has lost its original alien connotation. The respective norms continue to be highly controversial. Nevertheless, they have incrementally become part of a *Nigerian* debate on gender equality. They have not become translated into specific legal provisions, but the contentious nature of gender representation and related socio-political conceptions has become localized as part of a broader *domestic* normative struggle. Moreover, the (ongoing) implementation process has created organizational structures in the NGO sector, shifted speaker positions and incorporated knowledge: reports, briefings and working papers stemming from the CEDAW reporting and monitoring processes have found their way into the broader domestic reform process and become reference points beyond their original purpose.

However, this normative seepage has been countered by appropriation strategies. Nigerian government actors did not target the central norms that had penetrated the reform discourse but rather the surrounding normative context. In other words, the official rhetoric did not contest notions like ‘gender representation’, readily implementing these into the ongoing reform process (which allowed them to showcase progress in the CEDAW committee and other international arenas). Rather, broader notions like ‘equality’, ‘empowerment’ or even ‘gender’ – the surrounding normative context – were subject to subtle contestation and redefinition.

Concluding Remarks

This paper has offered an account of appropriation as the intentional reinterpretation of ideas across cultural, spatial and temporal contexts aimed at definitional power. As an analytical framework, appropriation seeks to shed light on outcomes of human rights promotion by looking at the local process as a *series of appropriating acts* by different (structurally bounded) actors with differing goals and differing strategies. It is the interplay of these acts that builds the open outcome of norm localization. The Nigerian implementation of the CEDAW provisions on gender representation highlights the dualism of human rights as both stabilizing and transformative.

The concept of appropriation, operationalized as an analytical frame, emerges in the above discussion as capable of illuminating micro-processes of change in cases where the results of norm diffusion processes are not analytically visible at first glance. The appropriation approach sheds light on institutions that are neither graspable as, nor a direct imitation of external normative scripts, nor comprehensible without the reference to the latter. The outcome of appropriation, then, is not necessarily positive in the sense of the explicit adoption of an externally promoted norm. Rather, in the case of Nigerian gender reform, appropriation strategies helped maintain long-established rights arrangements, even though the CEDAW discourse triggered an alteration of the normative constellation on the ground. Specific norms on gender representation may not have become legally implemented, but their intrinsic contested nature and the normative struggles around them have become part of local political struggles. What brought about normative change are the sets of different and often competing acts of local appropriations of a broader normative framework. The outcomes of such processes bear traces of manifold attempts at power over the meaning of human rights, of transformative as well as stabilizing strategies, of appropriations in line with the normative supply's original intention and with others countering this. The resulting amalgam entails the contradictory local impact of human rights norms.

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4. Friction, not Erosion: Assassination Norms at the Fault Line between Sovereignty and Liberal Values

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Introduction

For centuries, assassination as an accepted instrument of foreign policy and considered a normal practice. During the early modern period however, state-sponsored assassination became increasingly rejected due to the emergence of sovereign statehood and liberal thought. Resorting to assassination gradually became established as taboo, as something modern states would not do precisely because of their self-perception as modern. Today we observe the incremental weakening of this taboo. Reframed as ‘targeted killing,’ state-sponsored assassination is moving toward normalization, as more states engage in the practice and, instead of denying it, openly justify such strategies. “The gloves are off,” a senior CIA official stated mere weeks after the attack on the World Trade Center, “[I]ethical operations that were unthinkable pre-September 11 are now underway” (as cited in Woodward, 2001).

Scholarly attempts at making sense of this normative change widely emulate this assessment, and thus tend to overemphasize the role of September 11, 2001, and the ensuing ‘War on Terror’ as turning points. Exemplarily, Melzer (2008) argues in a seminal monograph that today’s targeted killings happen under changed parameters because “[o]ut of the haunting dust of the Twin Towers emerged policies and rhetoric which threatened the edifice of (...) the world public order” (p. ix). Similarly, scholars have argued that the anti-assassination norm has been eroding “in large part because of the recent and rapidly evolving predator drone technology” (Kutz, 2014, p. 438). Consequentially, the vast majority of studies concerned with norm erosion only look at post-9/11 cases, resulting in severe selection and confirmation biases (Heller, Kahl, & Pisiou, 2012; Kutz, 2014; Liese, 2009; McFaul, 2004; McKeown, 2009).

In this contribution, I seek to shift the focus to the structural importance of the tension between two meta-norms, sovereignty and liberal thought, in the transformation of assassination norms prior to the War on Terror. It is beyond doubt that 9/11 marked a severe turning point in security practices, and this article does not seek to refute its general importance. However, the normative underpinnings of those shifts were subject to much slower, incremental change – not as rapid as cursory accounts of the history of assassination might suggest. This transformation started not only before 9/11, but also well before the end of the Cold War.

It has often been argued that historical state-sponsored assassination and present-day targeted killing constitute two completely different subjects, since the targeted killing of terror suspects somewhere in the hierarchy of a terrorist organization seems so different from headline-grabbing assassinations (and assassination attempts) of state leaders during the 19th and 20th centuries. Yet those share a common normative realm. When the term ‘targeted killing’ was coined in the late 1990s and early 2000s, it represented a deliberate attempt to render some forms of killing permissible precisely by uncoupling them from their restrictive historical assassination context: “Unlike assassination, *which carries the connotation of illegality* [emphasis added], the legality of a particular targeted killing must be determined by looking at the applicable legal framework” (Vlasic, 2000, p. 268, 2012). In an illuminating study, Bob (2016) details how intrinsically connected promoting pro – targeted killing norms is to weakening established assassination norms and how anti – targeted killing networks rely on semantic and institutional connections to those assassination norms (also see José, 2017). In this issue, Haas and Fischer (2017) argue that today’s targeted killing programs largely rest on the assumption that terrorist networks are centralized enough to allow attackers to degrade enemy functioning through killing leadership.

This special issue avoids the fallacy to strictly separate targeted killing from its historical predecessors. In their introduction, Senn and Troy (2017) carefully define the practice as the “use of intentionally lethal violence against a prominent or culpable person or small group of persons (the target) not in the physical custody of the agent using violence (the source)” (p. 186). This understanding does not use historical sets of specific targets as definitional cut-off points (heads of states or terrorists), but emphasizes the targeting logic that connects assassination to targeted killing as a form of violence

directed against a person or group of persons that the source considers prominent or culpable (...) due to their elevated positions in religious, political, or military hierarchies, or the appraisal that their behavior has violated (or will violate) a community’s legal or ethical principles. (p. 187)

In the following, I will shed light on this normative realm in its historical context. To that end, I first review the growing literature on norm erosion. While highly commendable, it runs the risk of replicating old weaknesses of the norm diffusion literature. As I argue, erosion scholars tend to narrow their analytical view to one single, narrowly defined

norm. This has led to an artificial picture of norms as *either* progressing or regressing. I stress the need for a more comprehensive account of normative change that focuses on surrounding meta-norms that are able to connect single norms (in this study, different assassination norms) to their larger position within the international order.

I then trace the transformation of assassination norms until the end of the Cold War, highlighting gradual normative changes long before the proverbial “gloves came off” after 9/11. Like many changing norms, assassination rules sit between, and are influenced by both sovereignty and liberal meta-norms. Unlike most norms undergoing change however, they are not shielded by one and in tension with another. The assassination taboo is neither clearly a liberal value nor a strict sovereignty rule. It is rather a normative amalgam that bears traces of both discourses. It is semantically connected to liberal values through its implication about the *nature* of killing as well as to sovereignty through its implication about the *status* of assassination targets.

Those discursive links also structure the weakening of the norm, as they can be invoked by actors in order to reinterpret and reshape it. On a grand scale, the second half of the 20th century saw an overall strengthening of liberal values at the expense of state sovereignty. During the same period however, actors began emphasizing assassination’s sovereignty implications at the expense of its connection to liberal meta-norms. Over time, the condemnation of state-sponsored assassination had become a mere subset of sovereignty, no longer shielded by its original powerful liberal underpinnings. Hence, when states began to openly advocate targeted killing policies in the early 21st century, precisely on the ground of liberal values and in spite of sovereignty during the War on Terror, the normative ground had already been prepared.

Coming to Terms with the Teleology of Norm Development

Global norms, widely understood as “intersubjective presumptions about the social world guiding the behavior of actors with a given identity” (Finnemore & Sikkink, 1998, p. 891; Kratochwil & Ruggie, 1986; see also Senn & Troy, 2017) do not last forever. Oftentimes, they are challenged and eventually weakened or replaced. This is by no means breaking news to the International Relations literature on norms (cf., e.g. Finnemore & Sikkink,

1998, p. 897), yet cases of regressing norms have been systematically overlooked by mainstream constructivism as a result of its narrow focus on the spread of progressive human rights norms. Reacting to this bias, an emerging literature on norm erosion seeks to overcome this blind spot by adapting and expand the norm diffusion logic. In the following, I lay out how such approaches are ill-equipped to account for the normalization of assassination as a means of foreign policy. I then suggest that a focus on meta-norms as structuring connectors to international order helps better understand the change in the normative realm around state-sponsored assassination.

Diffusion and Erosion as Mirror Images

The dominant approaches in constructivist research on norms are mainly focused on their geographical spread and domestic internalization (Finnemore & Sikkink, 1998; Risse, Ropp, & Sikkink, 1999; Risse, Ropp, & Sikkink, 2013; Risse & Sikkink, 1999). Finnemore and Sikkink pioneered a life-cycle model of norms, differentiating between three stages that norms undergo: emergence, cascade, and internalization. In the first stage, norm entrepreneurs use different platforms to promote their normative concern to a broader audience and frame them accordingly. This may lead to a tipping point initiating the second phase. Responding to international pressure, states adopt the norm even if there is no domestic pressure to do so ('cascade'). Eventually, the presence of the norm and attributed habituation will lead to its internalization. Codification, universal adherence and a certain 'taken-for-grantedness' mark an internalized norm, the last stage of the life cycle (Finnemore & Sikkink, 1998, p. 898; see also José, 2017).

In their case selection, most studies from this research tradition share a bias towards the diffusion of liberal norms, mostly enforced by Western actors. Norm diffusion, as an effect of the power of human rights, is often implicitly equated it with progressive development on the international level (Acharya, 2004, p. 240; Landolt, 2004, pp. 580-581). This has two effects for the theoretical reach of the literature.

First, it does not include the creation and spread of non-liberal norms into its theorization; the study of norms has been limited to a universe of cases that has been content with those norms that Western actors, states or transnational actor networks, promote. This has been criticized as a 'good' or 'nice' norm bias (Checkel, 1998; Landolt, 2004;

McKeown, 2009). However, by definition, there are no ‘bad’ norms. The intersubjectively shared ‘goodness’ among a set of actors is what makes a behavioral script a standard of appropriate behavior and hence a norm. Because of this, the mentioned ‘good norm bias’ is essentially not about ‘goodness,’ but rather a liberal bias in that only norms emanating from a specific set of actors with a specific shared liberal identity have been studied as the basis of norm diffusion mechanisms. The foundation of this lies in the cognitive interests of the literature – it has been concerned with the power of *human rights*, a very specific set of norms. This distinction is crucial, as the approaches developed from this very specific subarea of norms are used to explain more than only the workings and logics behind liberal norms, but *all* norms.

Second, the diffusion literature only focuses on the normative catching-up of ‘laggard’¹ states and omits the response, commitment or compliance of ‘advanced’ Western states to the norms they promote externally. While this approach has proven useful in describing the creation and spread of norms, the eventual regression or replacement of human rights norms are not theorized. This is, as the authors later acknowledge, a problem of their original case selection (Risse & Ropp, 2013, p. 8f.). Their model is a product of the 1990s, with cases and data from the 1980s. It was a laudable undertaking, yet only concerned with a core group of liberal democracies and the socialization of norm violators. A few years later, it is those democracies that shake the foundation of the life cycle logic. How can it be that those states from where human rights norms emerge and diffuse are the first ones to reverse course and de-legitimize (seemingly) long-internalized norms as torture and assassination taboos?

The diffusion literature’s failure to address cases where once powerful and internalized (liberal) norms are eroding again has sparked an emerging literature that embraces this class of phenomena, a universe of cases that had hitherto been treated as deviant. Although still in its fledgling stages, this strand has provided insightful and eye-opening empirical analyses. Erosion scholars have dealt with the domestic degradation of the torture taboo in the United States (Heller, Kahl, & Pisiou, 2012; McKeown, 2009; Rosert & Schirmbeck, 2007) and other in other democracies (Liese, 2009). Studies have highlighted cracks in the strength the nuclear taboo (Daase, 2003; Rosert & Schirmbeck,

¹ See (Towns, 2012) who points out that the hierarchic leader-laggard differentiation is indeed essential to the operation of liberal human rights norms in transnational policy diffusion.

2007), the non-use of assassination between states (Thomas, 2001, 2005) and challenges to rights of the person (Dunne, 2007; Fitzpatrick, 2003). Erosion scholars deal with the regression of norms on non-intervention, mercenaries and submarines (Panke & Petersohn, 2012; Percy, 2007) and, connectedly, the weakening of the all-encompassing sovereignty norm (McFaul, 2004). Most attempts at theorizing norm erosion seek to adapt and expand the cycle logic by including the possibility of erosion cascades. The norm life cycle is replaced with a death cycle, the upward spiral with its down bound counterpart (McKeown, 2009, pp. 10-12). This is a valid starting point for a new research agenda and has yielded important insights, but it also bears the danger of replicating the diffusion literature's biases.

However, just as the original diffusion literature was preoccupied with the geographical spread and domestic internalization of human rights norms in 'laggard' countries, its erosion counterpart suffers from the same limitation of its universe of cases. The focus on a certain kind of outcome that is to be explained leads to a tendency to select on the dependent variable. This reproduces the possibly artificial distinction that norms are *either* progressing or eroding. This narrow case selection also overlooks cases where change did not occur. For instance, vocal norm-challenging actors are present in all cases of norm degeneration. In some studies, this is explicitly presupposed for an event to be counted as norm erosion (Panke & Petersohn, 2012, p. 722). This might mean, however, that incremental processes enabling those actors to effectively challenge a norm, potential systemic transformations that may have occurred prior to the emergence of norm challengers have been exogenized.

This narrow case selection (erosion as the single dependent variable) misconceives of normative stability as mere stalled diffusion. The logic assumes that the "power of human rights" is simply blocked by exogenous conditions or powerful actors (see below), leaving us with a very limited picture of the erosion phenomenon. While it is certainly possible that norm regress is indeed just the flip side of a coin, the very opposite of diffusion, this simple mirroring rules out the possibility that erosion and regress are part of the same, comprehensive and non-linear dynamic. This artificial separation between progressing norms as one universe of cases and eroding ones as another (with cases of non-change attributed to the former) has produced two distinct sets of assumptions about the nature of normative change.

In this sense, norm erosion is mainly attributed to exogenous shocks (McKeown, 2009; Sikkink, 2013). Exemplarily (and analogous to most studies on the rise of targeted killing), Sikkink (2013, p. 162) explains the U.S. backlash towards torture through September 11 as an external shock that opened windows of opportunity for norm-challenging actors, here, the Bush administration. After this sudden setback, according to the argument, the power of (liberal) norms takes effect again. The argument is not concerned with backlash per se, but much rather about how the upward spiral prevailed after the 9/11 shock that had caused a setback to the denial phase.

In line with the tendency to overemphasize external shocks, many studies of norm erosion only look at post-9/11 cases (Heller, Kahl, & PISOIU, 2012; Kutz, 2014; Liese, 2009; McFaul, 2004; McKeown, 2009). This again limits the reach of their theorizations in rendering what we discuss as ‘norm erosion’ as a present-day War on Terror phenomenon. Such cases that only cover a shorter period of time risk treating a norm as a historically static variable, assuming that the present moral status of a normative institution can explain its origins without factoring in past institutional dynamics that might have shaped the present structural constellation (Price, 1995, p. 80). Separating historical state-sponsored assassination and present-day targeted killing would represent such a fallacy.

Similar to 9/11 as an external shock, the development and proliferation of drone technology undoubtedly constitute a technological revolution of significant importance for the recent increase in targeted killing operations as drones allow for the use of such tactics with relatively little risk. However, the availability of drones has been widely overvalued in studies about targeted killing norms, not practice. As Haas and Fischer (2017) point out, while the use of targeted killing practices has increased due to the availability of drone (and data collection) technologies, the underlying targeting doctrines of most countries are consistent evolutions of much older aerial targeting strategies predating the War on Terror (cf. Pratzner, 2016). Further, technology as a sole explanatory sector fails to explain why targeted killing is almost exclusively used within counter-terrorism frameworks, but not other sectors (although Haas & Fischer, 2017 expect a spillover into other types of military conflict). It is thus important to neither overstate technological change as an explanatory factor for normative change, nor remove the development of drone technology from its historical context (on this also see Gregory, 2017). The emergence of

new weapons has always created the need for regulations. A singular focus on such external triggers, however, blurs the view on institutional consistencies and endogenous processes central to normative change.

Meta-Norms as Connectors to International Order

In order to escape the analytical artifact of norms as either progressing or regressing, and the preoccupation of one singular norm, I suggest moving surrounding meta-norms into the center of analytical attention. Meta-norms carry and structure subsidiary norms and are reinforced by those subsidiary norms (Axelrod, 1986; Finnemore & Sikkink, 1998). This allows connecting strengthening and weakening of a norm to the structure of the international order. The joint research question of this special issue is not how targeted killing and assassination fit within an existing international order but how such practices interact with the global (normative) order. To this end, Senn and Troy (2017) distinguish international order in its institutional and in its behavioral dimension. Order is constituted by two elements: an institution that shapes the behavior of agents (an ordering mechanism or principle) and a “need” or ordering imperative. The former is concerned with rule and the latter with regularity, emphasizing the dialectical relationship between the two:

[An international order’s] institutional dimension allows for the behavioral regularities that reproduce the institutional dimension. On the other hand, there is room for agency that results in irregular, disorderly behavior that challenges and may ultimately transform the institutional dimension. (p. 181)

In this contribution, I follow Sandholtz and Stiles’ (2008) action-based understanding of norm modification that links actions to dispute, dispute to arguments and arguments to change. As normative rules are never so complete that they cover all possible applications, changing environments or the clash of contradictory norms creates tensions that trigger dispute among actors. Contestation establishes avenues for transformation, the context in which actors engage structure (Wiener, 2009, 2014). As Hurd (2017) argues in the conclusion to this issue, “[t]his environment makes action possible by giving agents the resources with which to explain and understand the possible choices for action. It gives a way to talk about power, interests and norms together” (p. 316).

Sandholtz and Stiles (2008, p. 20) group different sets of norms, arguing that arenas of norm change are interconnected as parts of a broader pattern. They hold that those types of rules are mutually compatible and reinforcing, creating what we have come to call the liberal world order through their combination and coaction. Sets of norms overlap. The development of modern human rights is connected to humanitarian intervention that in turn overlaps with democracy and governance norms and so on.

Two major streams of values and principles constitute the overall ‘liberal world’ current: one set of sovereignty rules and one set of liberal norms. Sovereignty, as a meta-norm, functions both as a norm in its narrow sense and an institution constitutive of Westphalian international order (Krasner, 1999), even though, as Finnemore and Sikkink (1998, p. 891) note, political science largely treats such normative institutions – or meta-norms – as if they were norms only. Crucially, sovereignty is a *constitutive* rule of modern statehood “because it defines and helps create legitimate agents, those who have a unique juridical personality” (Holsti, 2004, p. 114). Sovereignty, hence, encompasses both the constitutive and the regulative dimensions of order in that it constitutes the state as the principal agent with supreme authority over its territory and in that it creates both rights and obligations for sovereign states (which in turn have led to the creation of a multitude of connected institutions regulating the conduct of sovereign states – like anti-assassination norms). With the second stream of norms, liberal norms, we typically mean a collection of norms around the rights and liberties of the individual. This stream of norms based on individual freedom of rights has created a multitude of subordinate institutions such as constitutional democracy, the rule of law, international law, and human rights.

The stream of liberal norms and the stream of sovereignty norms have frequently collided, as the case of humanitarian intervention and the ‘responsibility to protect’ exemplifies. A liberal responsibility collides with sovereignty rights of nation states. The same is true for most norms rooted in human rights discourse, since the mere existence of such a norm means that it is universal enough to have some effect on the behavior of states, which then by definition generates a tension with state sovereignty (Price, 2006). It can be maintained that the tension between the two meta-norms of sovereignty and liberal thought constitute the core of most cycles of norm change.

Assassination norms, however, represent a peculiar case. Rather than being in tension with one meta-norm and shielded by the other, they are rooted in both discourses. At the

very core of the assassination/targeted killing normative realm lies an intertwined institutional need to “ensure the long-term stability of states and a state-based order *and* [emphasis added] to avoid unnecessary harm to human beings” (Senn & Troy, 2017, p. 183) that connects the meta-norms of sovereignty and liberal thought.

Assassination Norms at the Fault Line Between Sovereignty and Liberal Values

A look at the historical development of the assassination norm helps to put the identified fields of definitional tension into perspective. Its normative history is essentially about the shifting boundaries of its definition. After being a fairly common practice for centuries, regulation of assassination as an instrument of foreign policy has been influenced by two major normative developments: its connection to the emerging discourse of human rights and liberal statehood and its connection to sovereignty and sovereign statehood. Those are, respectively, reflected in debates about assassination as a specific (and, from a liberal perspective, deplorable) *nature* of killing as well as in debates about the special protection of specific persons from being targets of assassination due to their *status* as representatives of sovereign statehood.

Rooted in Both Liberal Values and Sovereignty: The Genesis of Assassination Norms

From the ancient world to the medieval times, assassination of an enemy was so common and widely accepted as a legitimate and *normal* conduct of (foreign) politics that, for example, the Republic of Venice mentioned its around 200 political assassinations of foreign leaders between 1415 and 1525 in its official chronicles (Morgenthau, 1948, p. 225). In premodern history, the Roman Empire was the only larger political entity to develop a military ethic that condemned assassinations as treacherous and dishonorable. It is important to observe that, at the same time, domestic political assassinations remained completely untouched by the scope of these norms. This moral positioning clearly reflected Rome’s strategic interests at the time. As the dominant power of the ancient world with the world’s largest army at its command, it made perfect sense to condemn a tactic as im-

moral that benefitted weaker trading or city states (Ford, 1985, p. 47f.; Thomas, 2001, p. 53).

Nevertheless, the then-hegemon's normative stance did not diffuse precisely because it was a moral position that was not connected to a larger meta-norm and, hence, international order. Anti-assassination never became accepted as an internationally valid norm until much later, when links to sovereignty and liberal values provided a connection to the then-established meta-norms structuring international order.

Assassination, in fact, retained its status as a normal military tactic. In line with the status quo, early texts of then emerging international law clearly defended the practice as legal. In a 1516 legal tractate, Thomas More maintained assassination to be not only a legitimate instrument of statecraft, but as an important tool to spare ordinary citizens the horrors of war (Thomas, 2001). This strikingly parallels present-day legitimization patterns of targeted killing practices. In both contexts, the selective use of lethal force in a foreign policy setting is framed as morally superior to other means because it reduces civilian casualties (for an illuminating analysis of this rhetoric, see also the contribution of Gregory, 2017). In this logic, it lies within the responsibility of able statesmen to decide when a targeted murder (as opposed to a war or a military strike) is the lesser moral evil.

A first trend toward the taboo-ization of assassination is noticeable in the early 17th century (Kasher & Yadlin, 2005; Krishnan, 2012; Thomas, 2001, 2005). Only when the notion of sovereignty became a key point of reference within the discipline of international law, norms on assassination began to change. Crucially, the theoretical construct of sovereignty separates political action from immediate personal interests of acting persons. They were no longer perceived of as individuals, but rather as representing figures of a (sovereign) state and, respectively, as representing figures of the normative construct behind it, sovereign statehood. Here, the meta-norms of sovereignty and liberal thought still align; only when assassination norms become peeled away from their liberal underpinnings during the second half of the 20th century will they generate a tension.

While early texts (such as de Vitoria's *De Iure Belli* – and also later Hugo Grotius) either defend the practice or do not address it as a crucial aspect of the development of international law, Alberto Gentili's late 16th century writing can be seen as a turning point. His works seem to have influenced the changing normative status of assassination as his texts have been heavily cited and served as points of reference in later debates within

international law (Thomas, 2001, p. 65). Gentili's innovation is the concept of 'treacherous' killing, a breach of confidence, a form of killing contrary to universal morality. Further, what separates Gentili's argumentation from earlier works is his distinction between the means for an assassination and the *status* or *identity* of the victim (Gentili, 1877, 1924). This moral separation between means (as distinct weapons or distinct tactics, as assassination) and identity (being a citizen, an enemy, or a state leader) connects the practice of assassination to the new constructs of statehood and sovereignty. While a citizen is protected, under certain conditions, by norms rooted in liberal thought, state leaders are protected by norms rooted both in liberal thought and in sovereignty.

This adds an aspect of reciprocity to the norm, as a violation of it becomes attributed to the violation of the sovereignty principle and a potential destabilization of a shared new normative framework. But also treachery, the liberal underpinning, is clearly connected to the maintenance of a stabilized international order. Gentili warned that treacherous killings would lead to reprisal, arguing that rulers who engage in assassination would invite their enemies to do the same, a possible escalation of the status quo of normal international relations.

In this context, it is hardly surprising that many later cases of the non-use of assassination have been framed as attempts to avoid international turmoil, regional or international instability and/or other unintended effects. In the 19th century, the proscription of assassination spread. Refraining from the practice, in line with the connection to the sovereignty norm outlined above, became widely associated with positive attributes as 'modern', 'liberal' or 'civilized'. Just like refraining from torture, treacherous warfare (assassination, later also poison and other practices and types of weapons) became markers of a *modern, liberal* state. Clearly, the norm only applied to states with this particular identity. Tellingly, J. M. Spaight's 1911 legal investigation on land warfare only maps violations of the assassination taboo committed by 'civilized' states (Spaight, 1911). Here, we observe the connection of military ethics to human rights norms. The prohibition diffused and became codified in many country's military guidebooks or domestic laws.

It was not until the late 19th century that any state drafted a formal ban on assassination under the laws of war. The work of German-American jurist Francis Lieber during the American Civil war, known as the Lieber Code, produced the first comprehensive set

of rules outlining the conduct of war. Reviewed and revised, it was promulgated as General Order 100 (“Instructions for the government of armies of the United States, in the field”) in 1863. It outlines the first formal prohibition of wartime assassination, clearly outlining how the liberal values underpinning the rule help maintain a “civilized” international order:

The law of war does not allow proclaiming either an individual belonging to the hostile army, or a citizen, or a subject of the hostile government, an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such *intentional outlawry*; on the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority. *Civilized* nations look with horror upon offers of rewards for the assassination of enemies as relapses into *barbarism* (emphasis added).

Those deliberations get by without any references to sovereignty, a concept that will only resurface much later during the Cold War. Although Lieber’s work was heavily influenced by premodern conceptions of war, General Order 100 did, however, neither provide a precise definition of assassination, nor did it provide a new category; it simply engrafted assassination as “international outlawry” into the emerging broader legal context of treachery (Schmitt, 2012, p. 302). Although binding to members of the U.S. army only, it is a landmark document as it was of pivotal importance in subsequent codifications attempts as the 1874 Brussels declaration, convened by Russia and adopted by 15 European states. In line with the Lieber Code, it outlaws assassination as “[m]urder by treachery of individuals” (Art. 13 (b)).

The declaration was never ratified due to disputes about its legal binding force, but proved to be another key step in the process of the codification of the laws of war. In the year of its adoption, the International Law Institute in Geneva set out to study the Brussels Declaration, which led to adoption of the Manual of the Laws and Customs of War in 1880, known as the Oxford Manual. The manual explicitly references the Brussels Declaration and similarly defines assassination as treachery (Art 8., cf. Schmitt, 2012, p. 302). In turn, both the Brussels Declarations and the Oxford Manual formed the basis of the Hague Conventions. The Hague Convention, almost universally ratified as Hague IV, continues the interpretation of assassination as treacherous killing developed in the earlier

documents (Art. 23(b)). The 1977 additional protocol to the Geneva Conventions carries this forward, as article 37 (1) states:

It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy.

Norms prohibiting assassination are neither clearly a liberal value nor a strict sovereignty rule, but rather a normative amalgam that bears traces of both discourses. It is semantically connected to liberal thought through its implication about the *nature* of killing ('perfidy', 'treachery', 'barbarism', 'civilized behavior') as well as to sovereignty through its implication about the *status* of assassination targets (heads of states and other sovereign representatives and specially protected persons). Those discursive links also structure the weakening of the norm, as they can be invoked by actors in order to reinterpret it. The following sections trace this process.

On the Margins of Transnational Debates: Assassination during the Cold War

Assassination is curiously absent from transnational debates during the Cold War. States have either relegated the issue to domestic legislation through extradition treaties or discussed it through the proxy term of sovereignty altogether. However, for distinctly different reasons, both Western and Non-Western states have followed the strategy of highlighting assassination's sovereignty implications, which has made the norm become less connected to its liberal underpinnings, ultimately losing purview.

The case of extradition treaties illuminates this process. While rooted in century-old deliberations about state-sponsored assassination (and, related, treachery), they became more technical over the years and more preoccupied with protecting certain status groups. With regard to peacetime assassinations during the (early stages of the) Cold War, Western states have hardly taken issue with the *nature* of targeting (i.e. the perfidy or treacherous nature of the act of killing), but rather with the identity and *status* of the target, thus highlighting assassination's sovereignty implications over its liberal underpinnings. Most incidents of state-sponsored assassination during the 1950s, 1960s, and 1970s were dealt with through extradition treaties. This is notable since those treaties do not criminalize

acts. They simply define the terms under which an individual can be extradited, but transfer the legal process to domestic systems. However, they define which crimes merit extradition. While most bilateral extradition treaties group assassination under the broader term of murder, it almost universally constitutes an extraditable offense (Schmitt, 2012, p. 295).

Peculiar about extradition treaties is that most have clauses that allow exceptions for political murder, enabling countries to refuse extradition if an assassination (or any other generally extraditable offense) was political in motivation (cf. European convention on Extradition, 1957, Article 3(1)). This exception can be traced back to the 18th century and is rooted in liberal discourses on the right to engage in revolutionary activities within oppressive systems. The extradition treaties' rationale is to not contribute to 'uncivilized' forms of government or statehood and the oppression of foreign individuals by extraditing to oppressive states. In this sense, states reserved a right to refuse extradition if an assassin had 'pure' political reasons (Schmitt, 2012, p. 295). In the late 19th century, this political exception was again narrowed with yet another exception: the so-called *attentat* clause, which is today part of most extradition treaties, excludes assassination attempts on heads of state from the political exception. Similarly, the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards that entered into force in 1959 regulates the special status of certain internationally protected persons, such as heads of states and ministers. Here, the moral status of an assassination attempt is based on the status of the victim, in this case representing sovereign statehood. The Convention is very clear in its rationale, protecting this status group prevents international turmoil. While liberal values had been the bearers of maintaining international order in the age of Gentili, sovereignty considerations had now taken their place.

We thus observe a shift in the use of assassination norms on the international level, made possible precisely because of the norm's discursive connections to both sovereignty and liberal meta-norms. In highlighting status and identity of targets (heads of states and other specially protected persons) while bracketing the process of targeting (the special nature of assassination vis-à-vis other forms of killing), assassination gradually became more clearly associated with sovereignty, losing its liberal underpinnings. While the changing role of sovereignty in today's international order is certainly of great importance, the crucial, yet less obvious normative process was certainly assassination's

gradual reinterpretation as a concept more clearly associated with sovereignty (and the status of targets) and less associated with liberal norms of treachery and perfidy.

Non-Western states have mostly met the particular topic of trans-national assassination with relative silence on the international level, not qualitatively distinguishing it from other forms of force and aggression. In that regard, the international response to the findings of the 1975 “Church Committee” is particularly striking. In the early 1970s, allegations of the CIA being involved in covert action programs, including assassination attempts against foreign leaders arose. In response, the U.S. Senate set up a committee to investigate those allegations: the U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, commonly referred to as the “Church Committee” after its chairman. In 1975 and 1976, the Committee published 14 reports, detailing United States' involvement in assassination attempts against Patrice Lumumba (Democratic Republic of the Congo), Rafael Trujillo (Dominican Republic), the Diem brothers (Vietnam), René Schneider (Chile), and Fidel Castro (Cuba).

Following the Committee’s recommendations, then-President Gerald Ford issued executive order 11905 (now EO 12333) banning the US from resorting to assassination, though only of state leaders, a crucial constraint in recent debates about the targeted killings of suspected terrorists. The executive order has become an important point of reference in those current debates even though it is legally redundant as it does not go further than existing international treaty frameworks’ proscriptions of peacetime assassination (Johnson, 2004; Miller, 2008). This triggered a stark international response, however rarely directed to the distinct practice of peacetime assassination of state leaders. States took offense with perceived imperialist foreign policy in general and unlawful United States intervention into the domestic affairs of sovereign states, but hardly with regard to the special protected status of the victims nor the process of targeting individuals in those assassination attempts (de Witte, 2002, p. 125f.; Rabe, 2012, p. 130f.)

The relative silence of some non-Western countries when it comes to condemning assassination on the international level can also be explained by their respective histories. There is a plethora of liberation movements that made use of political assassination in the context of their respective struggles for power but have since become part of states’ ruling classes. Syria, Algeria, Kenya, Bangladesh, and Vietnam are only a few examples of

states that are or were governed by successors of what once were militant or rebel movements and that are not coincidentally conspicuously silent on the issue of assassination and prefer to address those issues within the broader terms of state sovereignty (Ford, 1985, p. 325f.; Kramer, 2004).

Transnational Terrorism and the (Non-) Issue of Assassination

Toward the end of the Cold War, in the 1980s, and with the rise of transnational terrorism and counter-terrorism, assassination became more prevalent in transnational debates. The episode illustrates how much the notion of assassination had changed in the prior decade. Once a powerful concept rooted in both sovereignty and liberal discourses, it had almost completely lost its connection to the latter. As a mere subset of sovereignty issues, assassination as a normative concept became sidelined in relevant debates about state-sponsored killing. It is tempting to attribute this normative change from a liberal/sovereignty amalgam to a mere sovereignty to the issue of transnational terrorism alone. Yet the prior section has shown that the enabling conditions for this change had already been laid in the decades before.

The deliberations in the United Nations Security Council following the assassination of Palestinian leader Khalil al-Wazir in 1988 illustrate this point. Al-Wazir, known as Abu Jihad, was the co-founder of the secular-nationalist Fatah party and a top aide to the Palestinian Liberation Organization's Yassir Arafat, and had been linked to numerous terrorist attacks against Israel. On the morning of April 16, 1988, he was shot in his Tunis home by an Israeli commando team. Tunisia brought the issue to the Security Council, citing a violation of its sovereignty and territorial integrity. The council condemned the Israeli action with a vote 14 to 0 with the United States abstaining. Notably, resolution 611 calls the Israeli action a "flagrant violation of the [United Nations] Charter," but does not mention the word "assassination."

Israel had long defended the strategy of cross-border assassination as a means as a counter-measure to transnational terrorism, arguing with the right to self-defense given through Article 51 of the UN charter, as any sovereign state has the codified duty to prevent its territory from being a base for terrorist actions against other sovereign states. The United Nations Charter does prohibit Israel from using armed force, except in the case of

self-defense against an armed attack. Article 51 however does not limit such attacks to state sponsored activities. (Beres, 1991, p. 91).

The course of this meeting illustrates the discomfort with which the highly sensible topic of state-sponsored assassination was treated during the late stages of the Cold War. During the meeting, only the representatives of the present Middle Eastern and African States (notably Oman, Mauretania, Tunisia and Zambia) explicitly centered their complaints around the issue of assassination, making use of the term's long history as signifying an 'un-civilized,' 'barbaric' act of treachery or perfidy. By doing so, 'assassination' was linked to 'terrorism,' as illustrated by the statement of Mohamed Ould Boye, representative of Mauretania:

We call upon the Security Council, in accordance with the spirit of the United Nations Charter and the resolutions of the General Assembly, also to condemn an abhorrent act of terrorism Israel's assassination of Khalil-al-Wazir, who was in his civilian residence and in the presence of his children and other family members. (United Nations Security Council, 1988, p. 12)

Some representatives of African states sought to connect the issue to the special protected status of political leaders: "Assassination of Leaders is not the answer to the problems of the region" (United Nations Security Council, 1988, p. 23). However, what might have worked some decades earlier did not gain any traction, as the assassination norm's steady transformation to a mere sovereignty rule had become apparent, no longer strongly linked to the concept of perfidy as invoked in this case. After assassination had lost its liberal implications and had become an almost exclusive sovereignty rule, it had become almost redundant.

Representatives of Western states both completely avoided the term 'assassination' and sidestepped addressing the issue of the nature of the killing in general. They restricted their statements to the issue of state sovereignty and territoriality. More broadly, most Middle Eastern states mirrored this tactic. A survey of Security Council proceedings during the late 1980s, however, reveals that most Middle Eastern countries similarly shied away from addressing the issue of assassination explicitly, preferring to discuss it within the broader terms of sovereignty. This may have been due to many of those states' implicit or explicit support of the Palestine Liberation Organization, an organization that has regularly made use of assassination as a political instrument (Schmitt, 2012, p. 300).

We observe that specific assassination norms had lost their relevance in debates about assassination precisely because they had become more connected to sovereignty. As the norm had lost its ambiguous character that encompassed both liberal and sovereignty implications, it became less powerful. Once shielded by both sovereignty and liberal meta-norms, it could now clearly be attributed to one side of the conflicting streams of meta-norms that define the transformation of international order during the 20th century: the rise of liberal and human rights norms at the expense of state sovereignty. No longer intertwined with liberal discourse, prohibitions of assassinations became an afterthought to broader sovereignty issues.

Conclusion

This article has set out to contest the notion that the weakening of the assassination taboo – and thus the current trend toward the normalization of target killing practices – can be reduced to the historical shifts resulting from major shocks like 9/11 (or the end of the Cold War). Because of its focus on isolated norms and an artificial separation between norms as either progressing or regressing, I have argued that the “norm erosion” literature is unable to thoroughly fulfill this task. I have argued that the transformation of assassination norms is a much more dynamic process at the fault line between sovereignty and liberal values. I have stressed the need for a more comprehensive account of normative change that focuses on surrounding meta-norms that are able to connect single norms (in this study, different assassination norms) to their larger position within the international order.

Historically, the regulation of assassination as an instrument of foreign policy has been influenced by two major normative developments: the emergence of liberal discourse and state sovereignty. The assassination taboo is neither clearly a liberal value nor a strict sovereignty rule, but rather a normative amalgam that bears traces of both discourses. It is semantically connected to liberal thought through its implication about the *nature* of killing (‘perfidy’, ‘treachery’, ‘barbarism’, ‘civilized behavior’) as well as to sovereignty through its implication about the *status* of assassination targets (heads of states and other sovereign representatives and specially protected persons).

Those discursive links also structure the weakening of the norm, as they can be invoked by actors in order to reinterpret and reshape the norm. The normative change we observe with respect to assassination as a means of foreign policy during the 20th century was made possible precisely because of the norm's discursive connections to both sovereignty and liberal meta-norms. In highlighting status and identity of targets while bracketing the process of targeting (the special nature of assassination vis-à-vis other forms of killing), assassination gradually became more clearly associated with sovereignty, losing its liberal underpinnings.

The 21st century has seen a rise of liberal norms precisely at the expense of the importance of state sovereignty. However, as this article shows, the assassination norm's loss of salience happened because the norm became *more* associated with sovereignty and less with liberal values. Although it had been a powerful norm for centuries, precisely because it was rooted in, and shielded by, both those meta-norms, it had incrementally transformed into a mere subset of sovereignty. This has laid the normative groundwork for the current trend towards the normalization of targeted killing practices in the wake of the War on Terror.

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5. Talking ‘Heads’: The Language of Decapitation and the Targeting of Individuals in U.S. Security Policy

Unpublished Manuscript

Introduction

“[We] decapitated the head of the snake known as Al Qaida. (...) It is a defining moment”, then Homeland Security Advisor John Brennan described the killing of Osama bin Laden through Navy SEALs on May 2, 2011 (quoted in Wilson, Whitlock, & Branigin, 2011). The ‘decapitation’ metaphor might appear as an innocent stylistic device, but is anything but coincidental. In this paper, I argue that today’s ‘high value targeting’ of individuals in the context of the ‘War on Terror’ is rooted in strategic debates about ‘decapitation strikes’ that predate September 11. The ‘decapitation’ paradigm assumes that any enemy organization – whether a state, insurgent group or terrorist organization – can be dismantled by cutting off its ‘head’ – by killing their leaders. It anticipates a paralyzing effect on the groups the targeted individuals were ‘heading’. The concept has its origins in late Cold War nuclear deterrence theory and gained relevance in the late 1980s and early 1990s as an aerial warfare strategy. Crucially, ‘decapitation’ and its set of ‘body’ metaphors established a new logic of enemies as organisms, detaching military targeting from the concept of the nation state. This contributed to an individualization of threat that proved to be applicable beyond its origins in inter-state warfare, spilling over into counterterrorism. It connected decapitation with the logic of preemption and its set of medicinal metaphors. The latter stabilizes the nation state as the sole relevant legal person, contributing to a conception of individuals as targets, but not legal subjects.

By tracing the storied career of ‘decapitation’ – as a concept and a metaphor – in United States targeting strategies, I emphasize normative change as slow and incremental. Metaphors offer a promising analytic pathway into this type of discursive transformation. They have a stabilizing function through the structuring force of the discourses embodied in them, but also allow leeway for agency. Their intertextuality and inherent contradictions can be leveraged by actors, both to transform and to stabilize meaning.

The systematic targeting of enemy leadership has become a crucial part of United States military strategy. Once under the cloak of secrecy, singling out and killing individuals has become an open tool in U.S. military practices all over the world, both within and outside of ongoing hostilities (Director of National Intelligence, 2017; Frankel, 2011; Savage & Shane, 2016; The White House, 2016). This development has commonly been attributed to September 11 and the devastating impact it had on the international order

and Western security policy. The rise of targeted killing, in particular, is usually explained through a combination of the changed post-9/11 security landscape and the availability of drone technology (Bob, 2016; Gross, 2010; José, 2017, 2018; Kutz, 2014). Analogously, it has become a recurring argument in counterterrorism policy to justify such measures by pointing out the unconventional nature of the War on Terror and its set of new circumstances, enemies and battlefields. Without a doubt, 9/11 marked a turning point for military targeting (Dunne, 2007; Klaidmann, 2012; Miller, 2008; Osinga & Roorda, 2016; Ryan, 2011; Senn & Troy, 2017). ‘Targeted killing’ is more than ‘decapitation’ under a different name¹ and also comprises so-called ‘signature strikes’.² The practice is crucially shaped by (drone) technology, especially the advances in sensors (Haas & Fischer, 2017) that in turn impact discourses on civilian protection and efficiency (Chamayou, 2015; Gregory, 2017) and relatedly, (customary) legal principles such as self-defense, reciprocity, combatant privilege as well as sovereignty (Beehner & Young, 2013; Brunstetter & Braun, 2011; Gaston, 2017).

This paper, however, argues that the underlying normative change is not as swift and radical as commonly perceived. I have pointed out elsewhere (Großklaus, 2017) that the international relations literature on norms tends to overemphasize external shocks such as 9/11 due to narrow conceptions of norms and case selection biases. I have shown that norms about assassination and targeted killing on the international level have changed much more gradually than much of the literature suggests. This paper intends to show that the domestic transformation of targeting principles is equally incremental.

‘Decapitation’ is severely under-researched as an enabling condition of present-day targeting paradigms. Analyses of the concept mostly remain limited to its effectiveness as a counter-terrorist strategy (Johnston, 2012; Jordan, 2009; Pryce, 2016; Strachan-Morris, 2010). In international law, discussions of ‘decapitation strikes’ are scarce and often a mere sub-aspect of larger legal debates (M. N. Schmitt, 2003, 2012). Standard legal references on targeted killing do not discuss the concept’s interrelation with decapitation strikes (e.g. Melzer, 2008). From a constructivist IR perspective, a few studies on the role of ‘decapitation’ in the evolution of strategic bombing paradigms exist (Dill,

¹ Although the term predates 9/11 (cf. Vlasic, 2000).

² Strikes that target groups or individuals that exhibit certain behaviors associated with terrorist activities, but whose personalities are not known) and not decapitation strikes (Heller, 2013).

2015; Evangelista, 2014; Shue, 2014). However, the connection between ‘decapitation’ as an aerial warfare strategy and its spillover into counterterrorism leaves a major research gap. Even IR studies on targeted killing that employ a longer-term perspective and include the history of assassination norms in their analyses ignore ‘decapitation’ entirely (Bob, 2016; Thomas, 2001, 2005). Thomas’ omission is especially striking since he explains targeted killing as a function of assassination and strategic bombing norms. In his account, the latter norm remains limited to its efficiency and civilian protection implications and misses its underlying changing conception of enemies during the ‘parallel warfare’ debates.³

The article proceeds as follows: The first section conceptualizes targeting strategies as discursive practices and outlines the role of metaphors in them. Images like ‘decapitation’ are more than random rhetorical maneuvers. They are reflections of discourses that structure reasoning and appear as parts of coherent systems of concepts. At the same time, through their intertextuality and inherent tensions, they can be leveraged as parts of discursive strategies to stabilize and de-stabilize meaning. Taking a closer look at ‘decapitation’ and its surrounding concepts and metaphors hence provides a promising analytical opportunity. It allows to reconstruct how the language of ‘decapitation’ has enabled the targeting of individuals (or has been used in attempts to do so). Such a perspective helps visualize normative change as slow and gradual. In the first section, I will further explain the compilation and analysis of the text corpus that this paper is built on.

The second section analyzes ‘decapitation’ as a metaphor in nuclear deterrence theory. It was introduced to describe a hypothetical defensive situation, the fear of a Soviet attack on U.S. leadership. At this point, the concept was not particularly developed, but familiarized a new strategic situation and with it, an animate imagery of targeting and the underlying assumptions about leadership structures.

The third section analyzes the resurgence of ‘decapitation’ in the context of ‘parallel warfare’ debates during the late 1980s and early 1990s. By highlighting a metaphorical shift in targeting language, I outline how the ‘decapitation’ paradigm and its ‘body’ im-

³ Thomas does discuss the targeting of Saddam Hussein and Muammar Qaddafi, but remains focused on considerations about civilian protection and rules of engagement (Thomas, 2001, pp. 75-76). He discusses the dismissal of General Dugan, who had publicly admitted the use of John Warden’s decapitation tactic (see section “Real Targets: Decapitation Becomes a ‘Textbook’ Wartime Strategy” in this article), but never mentions Warden or those crucial targeting principles.

agery brought about a new understanding of enemies as organic systems. Though developed in the context of inter-state warfare, this shift from theorizing enemy systems as inanimate objects towards living organisms proved to be compatible with asymmetrical warfare and the emerging paradigm of preemption. I argue that those later applications, derivatives and expansions are already rooted in the core imagery of ‘decapitation’. As both metaphor and strategy, decapitation enables the detachment of military targeting rationales from the nation state and the concept of sovereignty. Underpinned by it, individuals became established as legitimate targets, ‘heads’ that are not necessarily ‘heads of state’.

The fourth section focuses on decapitation’s first ‘real’ targets within inter-state warfare. It traces the use of the paradigm as an explicit wartime strategy from the 1991 Gulf War and the NATO bombing campaign in Kosovo to its role today. Decapitation was highly contentious (and publicly denied) in its first applications, but quickly became an established and openly admitted practice. Today, potential decapitation strikes against heads of states are described as a ‘textbook strategy’. Those later applications already show an expansion of decapitation targets from heads of states towards the inclusion of mid-level leaders. This escalation is inherent to the decapitation logic and continues in its application outside of inter-state warfare.

The fifth section deals with ‘decapitation’s spillover into counterterrorism. During the mid-1990s, aerial warfare theorists had already begun to debate decapitation’s applicability in asymmetric settings. Though the paradigm itself does not differentiate between state and non-state enemies, questions about effectiveness arose. Decapitation strategies outside of ‘regular’ warfare were met with severe doubts, yet these debates were centered around the key notion of the strategy’s general effectiveness. The underlying language, metaphors and core conception of enemies as animate entities remained uncontested and became intertextually stabilized. This influenced what then became termed ‘High Value Targeting’ (HVT) in the context of counterterrorism around the turn of the century. Although technically a new term, it is explicitly based on past wartime decapitation strikes in the development of targeting strategies for a post 9/11 world. The consistent language allowed counterterror theorists to frame the history of ‘decapitation strikes’ as precedent. In line with the decapitation logic, the definition of what constitutes a leader and thus a target broadened further.

The sixth section explores the connection between the targeting of individuals and the logic of preemptive self-defense, which is underscored by a set of medicinal metaphors, a language of cancer and disease, of doctors and patients, prevention and surgery. This imagery is a staple of U.S. security discourse and solves a legal problem: if individuals are legitimate targets, are they also legal subjects? Supported by the person metaphors of ‘doctors’ and ‘patients,’ preemptive self-defense ties legal personality back to the nation state. While the threat posed by individuals is constructed as an illness or disease, both doctor (the U.S. and the civilized world) and patient (‘host’ nations) remain nation states and thus the only relevant legal subjects.

Targeting Strategies as Discursive Practices

Defining military targets is not merely a military practice. Developing a rationale that regulates how targets are selected – or simply engaging in a debate about what constitutes a legal or legitimate target – represents more than a strategic concern. It is a constitutive process that entails the making and unmaking of specific objects and subjects. This is reflected in the definition of targeted killing that informs this article, delineating itself from mere legal definitions. Following Senn and Troy, in targeted killings, and thus also decapitation operations

the use of lethal violence is directed against a person or group of persons that the source *considers* prominent or culpable. (...) [T]argeted killing involves a process of selecting individuals due to their elevated positions in religious, political, or military hierarchies, or the appraisal that their behavior has violated (or will violate) a community’s legal or ethical principles (Senn & Troy, 2017, pp. 187, my emphasis).

Those concepts are naturally fluid, contingent, and contested. As Ben-Yehuda put it for all forms of targeted political violence, “[t]he point is that there is no ‘real’ or ‘objective’ meaning of an event because meaning is negotiable and culturally dependent. What for one person or (group) is a (bona fide) political assassination may be interpreted as a simple murder for another person (or group)” (Ben-Yehuda, 1990, p. 335). However, this meaning-making has very real consequences. Whoever is considered “prominent or culpable” may well end up on a kill list.

Analogous to what Hacking (1985) has described as “making up people” (through scientific study), this process can be understood as “making up targets.” This describes the process of describing, naming, and categorizing different kinds of individuals and thus accumulating and establishing knowledge about them with real-world consequences. “Making up” individuals or groups of individuals is not to imply that they are not real people, merely imagined, rather, it is to stress the historicity of conceiving of and comprehending those categories. It emphasizes that the “outer spaces of your reach as an individual are essentially different from what they would have been had these possibilities not come into being” (Hacking, 1985, pp. 167-168). Real targets have a fictional side, but fictional “only in the sense of being formed and indeed granted, that is, of having *historical* origin” (Tamen, 1998, pp. 15, my emphasis).

This article seeks to point out that discussing targets in certain legal, military or strategic terms is more than just pitting one notion or concept (legal, strategic or other) against another. Notions like ‘security’ – or in this case, ‘self-defense,’ ‘preemption’ or even ‘decapitation’ are not natural descriptions, they are contested concepts with an unfixed meaning. Any description is a political act, an attempt to fix meaning, to broaden, blur, stabilize or destabilize knowledge about an object, and here: a target. Language makes us understand problems in certain ways (or makes us perceive certain things as problems and others not) and ask questions accordingly: “It thereby limits the range of alternative policy options, and enables us to take on others. The contest about concepts is thus a central political struggle (...) not only between individuals and groups defending one meaning against another, but also between different ways of constructing ‘the world’ through different sets of languages” (Diez, 1999, p. 603).

Actors cannot escape the discourses that they are situated within, yet still possess degrees of agency. Actors are structured by discourse and their preconceptions result from them. Preconceptions about what constitutes a legitimate target are no more than objects of particular discourses that are linked to other discourses through nodal points (Laclau & Mouffe, 1985, p. 113). Those nodes are potentially unstable, that is, they can be influenced by discursive strategies, but only within the confines of discursive boundaries. Discursive shifts are most likely (or least unlikely, for that matter) to occur if there is overlap between two discourses, both in terms of content and structure. On the basis of such an overlap and resulting ‘similar’ languages, it is possible from one nodal point “to make

sense of articulations from another one, so that the latter [is] not rejected right away, opening up the possibility of (ex)change” (Diez, 1999, p. 608).

Discourses stabilize meaning, but at the same time open up potential for change. In this, a discursive perspective helps understand the very gradual and incremental changes in the evolution of targeting individuals that this article aims at: targeted killing is a new policy and, at the same time, a gradual development rooted in past decapitation paradigms. Accordingly, I do not conceive of language as a rigid grid in this paper, but rather as a succession of open-ended intertextual patterns. Texts appear in chains: they are built on earlier texts and influence others, which spans textual genres: a strategy paper might be influenced by a prior paper, a law, a speech, media report or scientific contribution or all of them. In this sense, we can conceive of military strategies, targeting paradigms and the role of specific targeting norms in them as intertextual. With each articulation, there is at least a potential of adding new critiques, oppositions, re-formulations to the already existing linguistic chain, thereby potentially altering it. Change and continuity go hand in hand: “each addition to a linguistic chain seems to be minor at first, it may indeed be part of a major transformation, the importance of which becomes clear only in the long run” (Diez, 1999, p. 607). As I will outline in the following paragraphs, metaphors as such intertextual artifacts offer a promising analytic pathway into this close relationship between agentic transformation and discursive continuity. Their overdetermination and intertextuality can be used strategically by actors, both to transform and to stabilize meaning, while they at the same time exert the structuring force of the discourses embodied in them.

Metaphors and the Language of Targeting

The language of military targeting is highly metaphoric. When the use of force is debated, explained or legitimized, we hear about heroes and villains, about business and sports, about bodies and injury, about doctors, patients, and medicine (Bell, 2012; Hülse & Spencer, 2008; Lakoff, 1991, 2001; M. R. Marks, 2011; Milliken, 1996; Sahlane, 2013). The history of assassination as an instrument of foreign policy is, in turn, rife with metaphors about games and sports. Concerned with their written and unwritten rules, those metaphors are connected to sovereignty and the implicit rules and expectations of liberal,

civilized or Western states (Thomas, 2001, 2005; cf. Großklaus, 2017). In a telling example, during World War II the British government refuted an assassination plan on Hitler laid out by its military secret service as “unsporting” (The London Times, 1969).⁴ As this article will highlight, the evolution of the targeting of individuals in U.S. security discourse and policy is mainly structured by metaphors of the body, of disease and of animate conceptions of enemies.

When confronted with something new, people fall back on familiar concepts (Black, 1962; Boyd, 1993; Lakoff & Johnson, 1980). The use of metaphors reflects the modus operandi of human thinking: we express ourselves through metaphors because we think figuratively and comparatively (Fairclough, 1992, p. 194; Hülse, 2003, p. 219). Hence, this type of language is more than mere rhetoric and thus provides for unique analytic opportunities. Metaphors are not merely a substitution of one word for another. Rather, they expand and constitute meaning. Metaphors are a projection of everyday notions and conceptions onto abstract phenomena, effectively inventing (or reinventing) those phenomena as familiar, quasi-everyday objects (Hülse, 2003; Hülse & Spencer, 2008). If, exemplarily, an institution is described as a family, it gains meaning beyond a political entity by attributing it to connotations about belonging (blood, kinship, bond etc.), forms of interaction (warmth, love, security), hierarchy (parents/kids, pater familias, breadwinning) and so on. Metaphors function as mental tunnels between the known and the unknown that introduce “theoretical terminology where none previously existed” (Boyd, 1993, p. 482).⁵ Metaphors make the world understandable in that they provide a mental referent and hence produce reality: “The social reality defined by a culture affects its conception of physical reality. What is real for an individual as a member of a culture is a product both of his social reality and the way in which that shapes his [sic] experience of the physical world. Since much of our social reality is understood in metaphorical

⁴ This fundamental stance changed later, but the use of assassination as a war tactic remained a contentious issue within the Special Operations Executive (SOE) until the end of the war (Seaman, 1998; The London Times, 1998).

⁵ Precisely because metaphors bring meaning to new phenomena, scientific theoretical literature itself is rife with metaphors, contributing to what Hacking has called the “looping effect” of the social sciences, theoretical descriptions that influence the real world they seek to explain (Hacking, 1985). In International Relations theory, for example, one could mention realism’s billiard balls, norm diffusion’s fascination with streams and flows or the ‘life’ of norms, or game theory’s vast array of metaphors such as the prisoners (M. R. Marks, 2011). For current research on metaphors in political science see Hanne, Crano, & Mio (2014), M. R. Marks, (2011, p. 13f) and Musolff & Zinken (2009).

terms, and since our conception of the physical world is partly metaphorical, metaphors play a very significant role in determining what is real for us” (Lakoff & Johnson, 1980, p. 146).

Metaphors project a commonsensical understanding of a known thing onto a new object. Precisely through this projection of something known (and normal) onto the new, fitting into an established, existing order of reality, metaphors help produce normality. Because of this, metaphors have a depoliticizing function. The more something has been constructed as normal, commonsensical and self-evident through metaphors, the more it moves outside of the realm of political contestation. This is perpetuated as new or original metaphors become conventional, habitualized and eventually dead metaphors.

“Metaphors can kill”, George Lakoff concluded in his 1991 analysis of the metaphor system used to justify the Gulf War (Lakoff, 1991, p. 32). This is less so because of the arguments they support, but because of the realities they hide. Here, it is important to remember the enabling logic of discourse – metaphors do not kill by themselves and they do not *cause* killing in a variable logic, but they certainly help enable and structure problem definition and decision making that leads to utterly real consequences. In that metaphors structure how actors define certain things, they also structure how they eventually act – metaphors as selective problem definitions imply the corresponding problem solution. It is therefore hardly surprising that metaphors play such a pivotal role in justifications of war in general and strategic bombing decisions in particular.⁶ They have central functions in speeches, interviews or other public justifications, but also appear in secret memoranda, notes, strategy papers and cables – they are part of the “‘inside’ planning of (...) war” (Milliken, 1996, p. 221). This offers an analytic perspective on the development of certain patterns of targeting, and here: the evolution of the U.S. practice of targeting individuals. Metaphors help produce reality, and targeting metaphors produce real targets.

If metaphors produce targets and eventually kill (or, in more apt methodological terms, contribute to or enable killing), who exactly produces and kills, military elites or discourses? The disappointing answer this article gives is: both. I explicitly conceptualize the use of metaphors as a part of an agentic discursive strategy. People *use* metaphors. However, it remains clear that the case at hand, military strategizing and the creation of

⁶ On the different metaphors used as justifications during the Vietnam war, see (Milliken, 1996).

military targets, is not a solely elite-led process, where political actors get to simply dictate the terms of the debate. Such a perspective would overestimate agency and underestimate the structuring force of discourse. The political elite are, like in any other sector, bound by discourse. What actors believe, perceive, and say is prestructured by former discourses on terrorism that make possible certain kinds of action and political conclusions and close off others (Hülse & Spencer, 2008, p. 579). In this sense, military practitioners do not so much use certain metaphors because they consciously choose to, but because it has become the normal way of referring to a certain subject. They are influential as parts of discursive strategies because as intertextual devices, they embody powerful discourses that can, under certain circumstances, be leveraged and exploited by actors. But even then, those discourses still exert their structuring power.

Metaphors do not necessarily have to be deliberate inventions. They can result from random associations or even mistakes, though those are only random in the consciousness of the respective individual uttering them, as those associations are again structured by background knowledge. An obvious example are the water metaphors that structure migration debates (e.g. flood, floodgates, “the boat is full”, waves, tides, flows or streams, cf. Böke, 1997; Van der Valk, 2003). This can be explained by the underlying discourses, though an individual associating ‘water’ with migration debates does not necessarily have to make a conscious rhetorical choice. In such a discursive understanding, individual use of metaphors *can* work (almost) automatically, as the object of discourse can only be conceived of, talked about and understood through a range of available discourse. Thus, highly established metaphors (such as the above example of water metaphors in migration debates, but also conventional metaphor fields about war such as disease) can be understood as stabilizing discourse as they reproduce existing realities more than they transform them (Hülse, 2003, p. 221). In this sense, even new, ‘original’ metaphors are more often creative expansions of existing ones than true inventions (Böke, 1997, p. 167). As Hülse shows through the example of ‘house’ and ‘family’ metaphors, it is near impossible to denominate the origin, the inventor or even the motivation of established, habitualized metaphors. Metaphors do not have discernible origins (and hence no ends either), they arise from existing metaphors (and the discourses behind them) and, in turn, become the source of new ones.

Despite this, metaphors *can* be used strategically. Even though the use of metaphors, structured by available discourse and metaphoric language, is often highly reflexive, there are usually different sets of metaphors available to a speaker and thus, different projections of reality: Metaphors make the word understandable by providing *one* mental referent out of many possible ones. Crucially, following a standard linguistic definition, a metaphor “selects, emphasizes, suppresses, and organizes features of the principal subject by implying statements about it that normally apply to the subsidiary subject” (Black, 1962, pp. 44-45). Any metaphor contributes to enabling certain actions and closing off others. Metaphors are “selective distinctions” (Milliken, 1996, p. 221). They highlight some aspects of a phenomenon and downplay or obscure others (the surgical strike metaphor, for example, highlights aspects of war relating to disease and medicine and obscures others, for example the social motivations of particular actors involved in the conflict or macro-economic aspects). Metaphors are thus essentially linked to problem definition – and action. Any discursive construction of a phenomenon does not only determine how something can be thought about, it also determines the range of possible actions that arise out of this construction (Edelman, 1985). It is important to repeat that those available options are not unlimited, but bound by a discursively set range of available language. They do, however, leave leeway for definition and redefinition, which has implications for action.

Metaphors are intertextual devices by default as they bring new terminology to a certain issue or object. Beyond this, established metaphors appear in different texts and thus create connections beyond those texts. As I have pointed out (Großklaus, 2015, 2017; Großklaus & Remmert, 2016), intertextuality, ambiguity and inherent contradictions can be leveraged by actors. This is also the case with metaphors that are necessarily contradictory: a metaphoric representation of an object or issue can never be an exact description without frictions or inconsistencies, never perfect, fixed or complete. In this lies a potential for agency, for subversion (or appropriation): “The tension within metaphors offers the potential for reflexively engaging with reified structures and for constructing alternative worlds” (Fierke, 2008, pp. 232). This makes it possible to realign those tensions, ambiguities and contradictions towards consciously chosen normative goals.

Metaphors are situated within existing discourse, but can bridge different discourses and offer rhetorical points of connection. As noted above, critical nodes between discourses are less stable and provide actors with leeway for creative action. For example,

the metaphor of the ‘nuclear family’ (Fierke, 1999, 2008) makes sense of nuclear weapons by not only constituting threat, but also linking it to security and safety through the image of the ‘family’. This allows proponents of deterrence to link the concept to state sovereignty (‘family of states’), but also to discourses of civilization and democracy (a family of civilized, democratic states as rightful owners of nuclear weapons). At the same time, the ‘family’ metaphor allowed the peace movement to build on this discourse through the implications of peacefulness, nurturance and responsibility (a process of appropriation). The example illustrates how intertextuality and overdeterminations can be leveraged for discursive strategies, while metaphors, through the discourses embedded in them, still provide structure beyond their original use and can thus lead to unintended discursive consequences: “It is less the acts of a specific individual that are key than the agency involved in reframing metaphors that are already widespread in popular use” (Fierke, 2008, p. 234). Metaphors can be used strategically, but not controlled, which may lead to unintended consequences in the sense of Goethe’s *Sorcerer’s Apprentice: Spirits that I’ve cited / My commands ignore*.

Data Corpus and Analysis

This article is concerned with the strategizing of targeting individuals in U.S. foreign policy. I argue that the strategic debates about decapitation and preemption and their respective metaphor fields have pivotally influenced what has later become known as the ‘high value targeting’ of individuals. To substantiate this, I trace the decapitation paradigm and its central body imagery in U.S. security discourse.

The data corpus for this consists of official texts: directives, strategy papers, white papers, memoranda, briefings, strategic think pieces, cables and so on, as well as public statements such as speeches, interviews and press briefings by officials. Some of them were always public, many became declassified at a later date, and some had been leaked. Importantly, the corpus also includes academic literature, monographs as well as shorter working papers, from air force and CIA associated institutions – those air theory pieces that were referenced in the above strategic material.

To compile – and delimit – the data corpus for my analysis, I have applied a two-directional process. First, I have followed the ‘decapitation’ metaphor that I deem so important from its first appearance in U.S. strategy during the Cold War to its use in other contexts until the beginning of the 21st century. In a second step, I have traced back the concepts detailed in post 9/11 ‘High Value Targeting’ through their intertextual linkages. Confirming my suspicion, the data overlapped significantly. Through intertextual chains, HVT paradigms and language could be traced back to debates about aerial warfare during the late 1990s that are, in turn, linked to parallel warfare debates during the late 1980s and early 1990s. This process also revealed a connection between the targeting of individuals and the simultaneously emerging ‘preemption’ paradigm and its distinctive set of ‘disease’ metaphors. I have hence included this connection in the analysis. Above, I have stressed that targeting discourse produces real targets. To do justice to this, I have included those instances where ‘decapitation’ and related paradigms were applied in wars or counter-terrorist operations.

The ideal interpreter of a metaphor is one who acts as if they saw a metaphor for the first time. This means, for the interpretation of metaphors, that even highly conventional and habitualized metaphors were *not* taken as natural surrogates for the notion or object they are intended to describe, but were taken matter-of-factly, questioning their ‘obviousness’ (Hülse, 2003, p. 229). This happens on the linguistic micro-level and does thus, by itself, not yet constitute an analysis pertinent to the social scientific endeavor that this paper has set out to. While discourse analyses are often criticized for either focusing on the micro or on the macro level, following Hülse, I argue that metaphors offer the opportunity to connect those analytic levels (cf. Hülse, 2003, pp. 230-231).

First, the complete text corpus was screened, identifying those metaphors that are used or referenced by actors. This only entails those metaphors that are used repeatedly and focuses on conventional metaphors, excluding those that have become so habitualized that they are not recognized as such anymore. Conventional metaphors are of prime analytic interest because they are of intertextual character. They structure discourse and are hence instructive of how a certain object is being constructed. Only after this first survey of central groups of metaphors (as disease or body metaphors, in the case of this analysis), was the micro-analysis conducted. This step puts the workings of specific metaphors in their respective textual context under analytical scrutiny. The third analytical step links

those metaphors back to the macro-level, the intertextual connections of the respective metaphors. Without this, any analysis would be a mere synopsis of metaphors used in a specific debate or discourse. This third step hence asks for the commonalities of the singular metaphorical constructions and looks for the specific functions those metaphors have within a larger discursive process., the metanarratives they are embedded in, how their use and context changes, which discourses they connect or how certain metaphors travel from one discursive context to another.

In the following, I will trace the decapitation metaphor from its origin in nuclear deterrence theory, its pivotal role in aerial targeting debates during the late 1980s and early 1990s to its post-9/11 applications in the context of ‘high-value-targeting’.

‘A Nuclear Beheading’: The Origins of the Decapitation Metaphor

When Cold War theorists coined the term ‘nuclear decapitation’, they used it to describe a potential Soviet attack on U.S. leadership (Ball & Richelson, 1986; Schneider, 1985; Steinbruner, 1981). It was used to deliberate how U.S. command and control structures could be secured should the USSR manage to kill the president and his immediate successors – thus ‘decapitating’ the United States as a functioning entity. ‘Beheaded’, the U.S. would then be unable to retaliate. The metaphor familiarizes a hypothetical scenario through commonsensical imagery, that of the body. Though hardly developed and elaborated, it became part of the strategic dictionary

A decapitation strike was expected to be carried out with nuclear weapons, as those all but guarantee that all enemy leaders are indeed killed, should a warhead strike, for example, the White House. This is however not crucial to the concept, the *nuclear* beheading refers to the strike’s goal, not its means: to keep an enemy from using their nuclear arsenal in retaliation. A decapitation strike could hence theoretically also be carried out through conventional warheads or even special operations. Other than a traditional counterforce strike, decapitation does not try to destroy deterrent weaponry but to destroy an enemy’s ability to use them.

Much different from its later renditions of active and pre-emptive leadership decapitation, the concept started as a defensive strategy, rooted in a fear of a Soviet decapitation

attack. The U.S. anticipated a potential Soviet strike that would take out the complete U.S. leadership, thereby essentially paralyzing its entire military ability. There have been considerations about possible ways to turn the concept around and actively ‘decapitate’ Soviet leadership, but they remained afterthoughts and never gained real traction in strategic discourse. In his influential 1985 think piece “Invitation to a Nuclear Beheading”, largely about a potential Soviet attack and its implications on the survival of the U.S. line of command, Barry R. Schneider, however, ponders the possibility:

Decapitation of the Soviet leadership is theoretically possible every time the Politburo assembles in a meeting or ceremony. May Day in Moscow, when the Kremlin’s leaders watch from the same reviewing stand, is a possible decapitation day” (Schneider, 1985, p. 282).

In its nuclear context, ‘decapitation’ is closely connected to ‘assassination’, despite current-day trends in both policy and scholarship to rhetorically and/or legally separate the two normative contexts. The logic behind the anticipation of and defense against a decapitation strike and later the development of active decapitation tactics is precisely the same that (among others) fueled the development of anti-assassination norms. It is both metaphorically and explicitly assumed that a sudden and unexpected loss of leadership would bring about chaos and unpredictability – just like an injured organism or beheaded body would behave. Cold War policy papers that deal with potential decapitation strikes against the U.S. consequently discuss past assassinations and assassination attempts of U.S. presidents and their impact on system stability in great detail (Schneider, 1985).

Despite never being a prominent aspect of nuclear planning, and despite ‘decapitation’ being more of a fear than an active strategy,⁷ the notion proved resilient. After the end of the Cold War, it was largely considered a relevant, albeit still a hypothetical principle of then ‘modern’ warfare (Schneider, 1995). It had become an established yet hardly detailed concept in strategic discourse, both figuratively and literally (Goldman, 2011) part of the strategic lexicon.

⁷ Although it never played a major part in U.S. nuclear strategy, this fear has been picked up by numerous novels, movies, and TV series (most notably, 1964 *Dr. Strangelove*, 1983 *War Games*, 2016 *Designated Survivor* or in a science fiction universe, 2013 *Star Trek Into Darkness*).

Surprisingly, although the “Invitation to a Nuclear Beheading” is a Vladimir Nabokov reference, this imagery was never explored any further, at least in publicly available documents. In the relevant strategy papers and documents, the underlying body metaphor is apparent, but largely implicit. It seems self-evident to theorists that the U.S. function like a body and their leadership is its head, but this conception is strikingly never systematically thought out. ‘Beheading’, in its nuclear context, means the destruction or interruption of the top U.S. command structure. The American political system is conceived of in bodily and organic terms, political institutions are described as living things. It is hence something that can be ‘killed’ or ‘decapitated’ – not something functioning like an inanimate structure that can be ‘destabilized’, ‘disrupted’ or ‘collapsed’ as in most American doctrines: “[T]he American government *lives* in the shadow of this threat of nuclear decapitation” (Schneider, 1985, pp. 278, my emphasis). It was assumed that American leadership would be among the Soviet’s highest priority targets in any nuclear war precisely of an explicit Soviet strategy to disorganize the enemy’s system of political and military command and control (Steinbruner, 1981, p. 19). The U.S. would only later, in the late 1980s and early 1990s, begin to conceptualize enemies as animate systems with vital functions.

In the Cold War context, decapitation clearly refers to the metaphoric heads of heads of state. Lower ranking military and political officials may be targeted, but any (nuclear) decapitation strike only makes sense if the chain of command is disrupted, if the president is ‘neutralized’ as well as anyone who could take his place within a short period of time. Beyond the functioning of communication and command lines, consequences on morale and an entity’s potential difficulties in replacing the charismatic aspect of political leadership, as found in later decapitation, are not yet thought of. This is, of course, hardly surprising in the context of a nuclear first strike. ‘Neutralized’ is not a euphemizing figure of speech here. Crucially, a successful decapitation strike does not have to kill the leader and his successors, it has to disrupt the chain of command.⁸ This is more than semantics: the strategic target of a decapitation strike is not the head, it is the body. If the head is severed from the body (or the arteria or lines of command are disrupted), the body will die or surrender.

⁸ “Without communications, the only thing I command is my desk”, General LeMay, quoted in (Schneider, 1985, p. 285).

Decapitation in its nuclear context appears to be a casual metaphor that is not particularly thought out or theoretically developed. It familiarizes a new strategic situation – and new targets – through falling back on established imagery, the nation state as a person and by that, enemy structures as animate beings. This conception stresses the strategic importance of enemy leadership while hiding their societal structure. This proved to be crucially influential in later adaptations and expansions of the metaphor.

The Language of Targeting Individuals: ‘Decapitation’ as Metaphor and Strategy in Aerial Warfare Theory

During the 1980s, in the context of debates on role and effectiveness of aerial warfare, the ‘decapitation’ metaphor was taken up and gained salience in strategic discourse. It was first and foremost an attempt to underscore the role and effectiveness of air power under the notion of ‘parallel warfare’ (Mets, 1998; Szafranski, 1995). Beyond this original goal, ‘decapitation’ as a metaphor and strategy lastingly transformed the conception of enemies at the base of targeting paradigms. Through its core logic of enemies as bodies, it introduced a shift from a mechanistic, inanimate conception of enemies towards a biological, animate one. While the former targeting logic is discursively tied to the nation state and the concept of state sovereignty, the body logic enables new targets: individuals; ‘heads’ that are not necessarily ‘heads of state’.

This process underscores both how metaphors can be leveraged as a powerful discursive strategy as well as the structuring force that metaphors embody in the form of unintended discursive consequences. The strategic introduction of ‘decapitation’ into aerial warfare theory was never primarily about transforming the conception of enemies in U.S. security discourse or even about establishing new legitimate military targets. ‘Decapitation’ and its set of body metaphors was intended to make an argument for the importance of air force versus other military branches. The biological logic was used to support an argument about how aerial warfare as a whole should be seen as an effective instrument able to win wars by itself. ‘Decapitation’ served this broader argument, but the underlying metaphorical language to support it had discursive implications far beyond

it. Decapitation strikes – and the complex metaphorical understanding of enemies as bodies or organisms – would later critically inform the concept of ‘high value targeting’ in the context of the War on Terror.

‘Decapitation Strikes’ and Parallel Warfare

In the late 1980s, aerial warfare theorists began to argue that, unlike in earlier bombing paradigms, air power could be able to win wars by itself. Mostly advanced by the Colonels John R. Boyd and John Warden, this line of thought rejected the notion that enemy military – fielded forces – should be seen as the primary targets of bombing campaigns. Rather, air campaigns should be primarily concerned with targets of higher strategic importance.⁹ To do so, aerial strategies should move away from traditional strategic bombing campaigns as mere air support, but instead focus on the most important targets: enemy leadership. Thus, the concept of ‘decapitation strikes’ as an aerial warfare paradigm developed. The key intellectual architect behind modern decapitation strikes is John Warden, Air Force Colonel and the Pentagon’s leading air theorist during the 1980s and 1990s. He engineered the crucial terms of reference for decapitation as a new military strategy that would be first applied in Operation Desert Storm and influenced the United States’ conduct of war – beyond aerial warfare – from thereon (Gordon & Trainor, 1995, p. 163f.; cf. Dill, 2015). While older paradigms of strategic bombing prioritize attacking the morale of an enemy’s population (Biddle, 2014), Warden was the first to clearly prioritize leadership as an explicit and active targeting strategy (Warden, 1988).

The ‘parallel warfare’ school of thought was a mostly oral tradition among military practitioners. As such, it was largely advanced through “briefings and briefing slides” (Szafranski, 1995, p. 144). Hence, some key ideas from the late 1980s only appear in published form at later dates. John Warden’s core work “The Air Campaign”, which details ‘decapitation’ as an explicit and active strategy for the first time, was only written in 1986 and published in 1988, but builds on years of military debate on practice (Warden,

⁹ Boyden and Warden, however, differ in their understanding of the effects of leadership targeting. John Boyd’s idea of strategic paralysis is process-oriented and envisions psychological incapacitation. Based on Clausewitzian ideas, it is, like earlier strategic bombing paradigms, concerned with collapsing enemy morale. Warden’s theory is form-oriented and aims at physical paralysis through striking centers of gravity (Fadok, 1994).

1988). It quickly became the core point of reference in aerial targeting debates. After he had become the key strategic architect of the 1991 Gulf War, Warden revisited his ‘enemy as a system’ theorem and made some of its aspects more explicit. Only in retrospect, he laid out all of the principles that had pivotally informed the 1991 bombing campaigns, which is why some of the references in this paragraph have only been published after the Gulf War (Warden, 1994, 1995). Unfortunately, those works could only be obtained as offprints without page numbers.

Neither the ‘parallel warfare’ tradition in general, nor Warden’s theory in particular are radical departures from past strategy. As others have pointed out, ‘decapitation strikes’ can be seen as a continuation of Second World War and Cold War United States bombing strategies (Dill, 2015; Evangelista, 2014; Shue, 2014). The emerging ‘decapitation’ paradigm however does represent a quantum leap precisely because of the continuity of targeting paradigms and their language. The ‘decapitation’ logic is built on decades or even centuries old concepts and imagery, linguistically connecting it to a stream of precedent. However, parallel warfare theorists – and specifically Warden as their most influential proponent – used the ambiguity of the decapitation metaphor and its body imagery. They took up an image that was established but not yet clearly defined and embedded it in a different context. This proved to be a subtle, yet influential shift in the U.S. conception of enemies and targets. The following chapters analyze this process.

‘Gravity’, ‘Systems’ and ‘Bodies’: John Warden and the Shift from Inanimate to Animate Conceptions of Enemies

In a key departure from traditional targeting language, John Warden somewhat abstractly speaks of enemies as ‘systems’. Whereas earlier (aerial) targeting doctrines have been developed in the context (or in anticipation of) nation states or even democratically constituted enemies, Warden’s theorem no longer relies on this premise. Instead, he generalizes enemies as universal structured systems:

If we are going to think strategically, we must think of the enemy as a system composed of numerous subsystems. Thinking of the enemy in terms of a system gives us a much better chance of forcing or inducing him to make our objectives

his objectives and doing so with minimum effort and the maximum chance of success. (...) Finally, as twentieth-century strategists, we must demystify war to a considerable extent (Warden, 1995).

Those enemy systems are structured by five distinguishable and identifiable tiers (or ‘rings’) that are of increasing strategic importance the closer they are to the center:

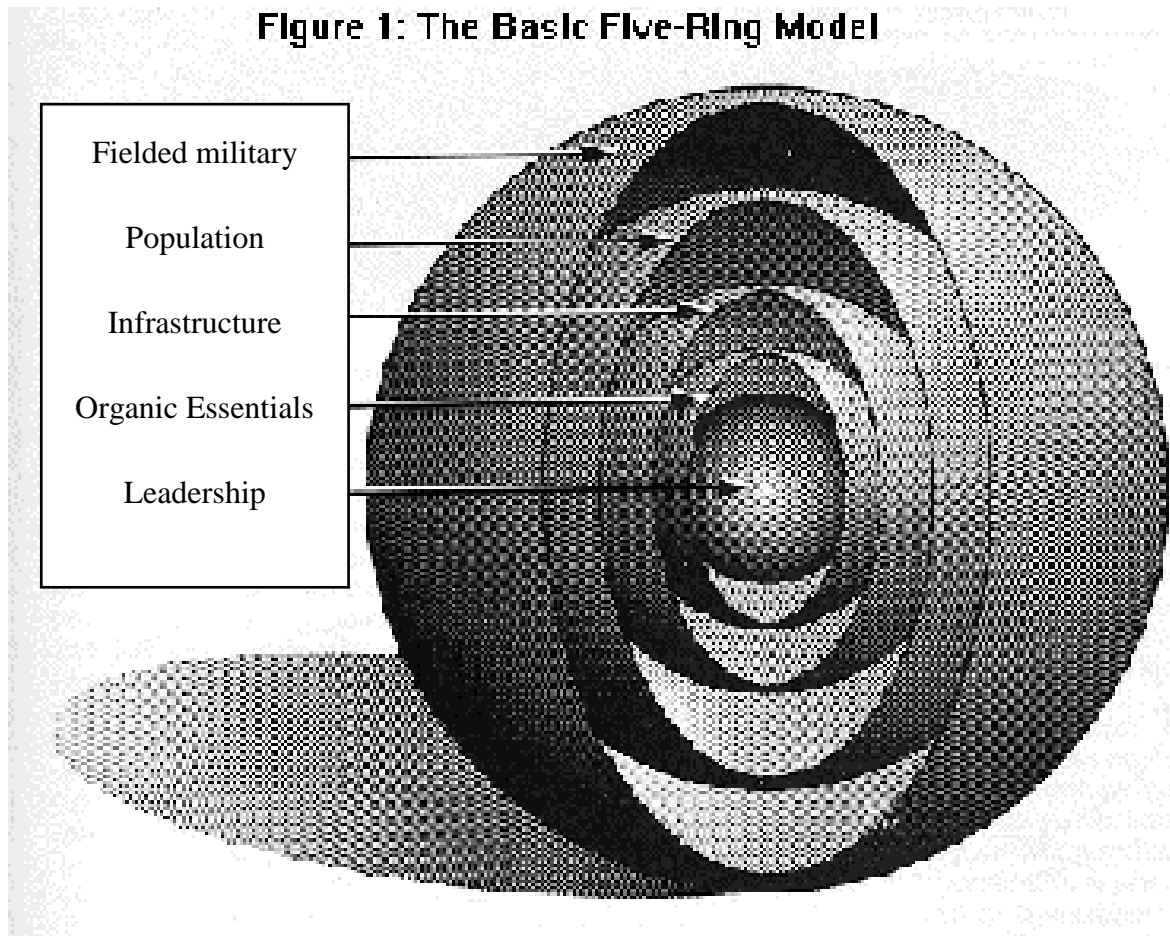


Figure 5.1, *The Basic Five-Ring Model*, adapted for legibility (Warden, 1995).

The five rings represent five systemic centers of gravity of a military enemy's defense. In order to defeat an enemy, each system or ring should be attacked and ‘paralyzed’. The five rings consist of 1) leadership, 2) key production (changed to ‘*organic* essentials’ in later versions), 3) infrastructure, 4) population, 5) fielded military forces. Any effective

attack should, according to this logic, target as many rings as possible while putting special attention on the center ring, military leadership, which would, if done effectively, lead to a complete paralysis of the enemy system.

Defeating leadership, as the central and most important ring had to be seen as the *sine qua non* of all military operations, as without it, any enemy would be paralyzed. This effectively places military leadership as a strategic target of much more importance than conventional targets of bombing campaigns like infrastructure and fielded military forces:

The idea of paralysis is quite simple. If the enemy is seen as a system, we need to identify those parts of the system which we can affect in such a way as to prevent the system from doing something we don't want it to do. The best place to start is normally at the center for if we can prevent the system's leadership from gathering, processing, and using information we don't want him to have, we have effectively paralyzed the system at a strategic level (Warden, 1994, p. 363).

Thinking about enemies in terms of abstract 'systems' marked a major innovation, though the core concept of 'gravity' did not. It is an old targeting metaphor that dates back to Clausewitz (cf. Coker, 2016, p. 10), as Warden explicitly states:

The term is borrowed from mechanics, indicating a point against which a level of effort, such as a push, will accomplish more than that same level of effort could accomplish if applied elsewhere. Clausewitz called it the "hub of all power and movement" (Warden, 1988).

The central role of 'gravity', a mechanistic metaphor surprises in the context of a work that moves away from conceiving of enemies as objects (following the rules of Newtonian physics) towards seeing them as organisms. As an established metaphor, it however serves a central function as a linguistic connector to older targeting paradigms: Traditional strategic bombing rationales were concerned with enemy societies, albeit conceived of on a strict mechanistic and often reductionist sense. The underlying causal assumptions about societies in enemy states followed a clear, highly technical logic of cause and effect – elaborated through an extensive use of metaphors: societies were described as 'spider webs' that could be disrupted through strategic bombings or as a 'house of cards' that tumbles if an air campaign targeted its balance point. Crucially, this imagery simplifies societies of enemy states, but relies on a physical conception of them rather than an organic one. The enemy does not function like a body, but follows the laws of

physics, of balance and gravity. Here, strategic paralysis is not achieved through decapitation, but through the instilment of terror and fear that brings a society out of ‘balance’ (cf. Osinga & Roorda, 2016, p. 31).

Decapitation strikes are certainly a major departure from this logic. Warden’s language however is still heavily influenced by those concepts, which is precisely what makes it compatible and thus influential. Warden’s key notions remain embedded in old linguistic patterns about physics, gravity and inanimate objects, but ultimately develop a fundamentally different *logic* about living organisms. The key connecting notion is ‘system’ – systems can be organic as well as inorganic. Tellingly, Warden’s first rendition of his theory hardly uses body imagery and merely talks about systems in an abstract sense (Warden, 1988). The argument put forward – that air power should target leadership – stays the same in his later versions and reconsiderations, but Warden becomes much more explicit about the organic, bodily logic of enemy systems: heads, brains, feet, vital functions, organism and so forth. As the lone remnant of old stability paradigms, ‘gravity’ survives as the only – albeit crucial – mechanistic metaphor in an otherwise organic metaphoric context (Warden, 1994, 1995).

This subtle shift is important. A leadership strike is not the same as a decapitation strike. The latter metaphor brings its own cognitive system that differs from a hypothetical ‘gravity strike’ or ‘collapsing strike’. ‘Gravity’ (much like the abstract notion of a ‘system’) crucially embeds decapitation as a new conception of enemies into established sets of metaphoric conceptions about aerial warfare and strategic bombing.

Heads, Brains, Organisms: The Core Body Metaphors

As ‘gravity’ connects to established targeting discourse, it is hardly surprising that Warden relies on it so much. However, it becomes clear that it has essentially become a dead metaphor. Warden obviously does not understand it in a Newtonian mechanical sense any longer, but uses it synonymously with ‘head’ or ‘brain’, the new imagery he introduces:

Without command, a military organization is nothing but a rabble, *a chicken with its head cut off*. (...) Destruction or isolation of any level of command may have a serious -- and perhaps fatal -- impact on the unit or units subordinate to it. Clearly, command, with its necessarily associated communications and intelligence gathering functions, is an *obvious center of gravity*, and has been from the

earliest times: As the death of the king on the field of battle meant defeat for his forces, so the effective isolation of the command structure in modern war has led to the rapid defeat of dependent forces (Warden, 1988, my emphases).

Heads and gravity centers, in Wardens logic, mean the same thing. They stress the same strategic point. In later iterations of his theory, Warden moves away from gravity and spells out the body imagery much more explicitly and in much more detail, making clear that a complex understanding of an enemy as a living organism informs his targeting logic. That leadership as ‘heads’ should be targeted by air campaigns is based on assumptions about the functioning of the body as a whole:

At the very center - the personal strategic center - is the brain. The body can exist without a functioning brain, but under such circumstances, the body is no longer a human being, or a strategic entity. (...) The brain provides the leadership and direction to the body as a whole and to all its parts. It, and it alone, is absolutely essential in the sense that there can be no substitute for it and without it the body, even though technically alive, is no longer operating at a strategic level. (...) Note here that a machine can substitute for all the vital organs; conversely, there is no machine that can take over strategic functions from the brain. (...) A heart without a brain, on the other hand, is a very expensive, complex pump without meaning or ability to act or to affect (Warden, 1995).

This is crucial because it moves away from state centric-assumptions about potential targets. His crucial legacy is the detachment of targeting paradigms from the nation state:

A state is a strategic entity as is a criminal organization like the Mafia or business organizations like General Motors (Warden, 1995).

Strikingly, Warden never expands on those business and crime metaphors – even though the latter would have been very obvious semantic choices with regards to targeting individuals. He relies on his extensive use of body metaphors, an imagery about the functioning of communities (and hence: enemies) that predate the nation state. The body-community analogy is likely as old as human societies themselves.

As a conception of political systems, the decapitation metaphor gained philosophical influence in Roman political discourse as a fundamental understanding of warfare. War is understood as a conflict of heads – about which ‘head’ will eventually be the head of the world: “The most prevalent way in which success is achieved, however, is by attacking the head of one's enemy and decapitating him” (R. Marks, 2008, p. 70). Symbolic

decapitation becomes the central mode of political struggle as competing claims to empire, though this conception allows a potential recovery or re-capitulation. Though the metaphor is derived from cities as heads of empires, it extends to actual decapitations of military leaders with the ensuing effects on armies as headless trunks (R. Marks, 2008, p. 71). This imports an understanding of political systems (or enemy systems) functioning like bodies. In this bodily conception, a war is won if the enemy is decapitated and therefore stunned, paralyzed or completely dead – while the own head remains protected.

This underscores why the decapitation metaphor will later prove to be applicable in non-nation state contexts, such as targeted killings against individuals that aren't heads of states or: 'high value targeting'. It is, as a metaphor, not connected to modern discourses of statehood and sovereignty. Warden effectively (though not necessarily consciously) moved away from strategic planning based on warfare between 'civilized' entities like earlier military strategies. In this, he also lays the groundwork for the expansion from heads of states as military targets towards the much broader understanding of 'leadership' that later informs targeted killings of suspected terrorists – bodies and organisms are universal metaphors:

Interestingly, each part of the body is in turn a system. The heart, as an example, has an internal control mechanism, uses incoming energy, has an internal network of vessels, has millions of cells to do necessary work, and has its own specialized protective cells. So we have a strategic entity or system, the body which in turn is composed of many subsystems, each one of which tends to mirror the whole entity in terms of the way it is organized (Warden, 1995, my emphases).

This perceived self-similarity allows for the potential targeting of leaders who are not heads of states, but only heads of their respective sub-systems:

By definition, all systems have some kind of organizing center. (...) In the biological world, every organism has a directing mechanism ranging from the complex human brain to the nucleus of an amoeba. A strategic entity, a state, a business organization, a terrorist organization has elements of both the physical and the biological, *but at the center of these whole systems and of every subsystem is a human being who gives direction and meaning. The ones who provide this direction are leaders, either of the whole country or some part of it. They are the ones on which depends the functioning of every subsystem, and they are the ones who decide when they want their strategic entity to adopt or not to adopt a different set of objectives. They, the leaders, are at the strategic center, and in strategic warfare must be the figurative, and sometimes the literal, target of our every action (Warden, 1995, my emphasis).*

This later made Warden's paradigm so applicable to a post 9/11 context. It is unclear (but ultimately irrelevant) what Warden's motivations were, if he foresaw asymmetric warfare during the Cold War or if he simply wanted to strengthen the role of the Air Force vis a vis other branches of the military. Either way, the transition from enemies as mechanical systems towards enemies as biological systems crucially peels targeting logics off of their discursive connection to the nation state and sovereign statehood. The discursive power of this transformation is embodied in the metaphors used to establish the concept. The core body and organism metaphors enable an escalation of this targeting paradigm, broadening the scope of who can be described as a 'head' and thus becomes a potential military target.

Real Targets: Decapitation Becomes a 'Textbook' Wartime Strategy

Warden's decapitation theory quickly became an established aerial bombing strategy and the decapitation paradigm produced its first real targets within classical inter-state warfare. At first, those targets were heads of state (Saddam Hussein, Slobodan Milošević), but already the Second Gulf War illustrates the broadening of the definition of leadership, escalating from heads of states and military leaders to 'mid level' leaders and other exposed individuals. This subtle change in leadership targeting even within declared war shows the significance of Warden's expansion of the leadership principle in the organism/subsystem imagery outlined above. Though Warden's critics later questioned the decapitation paradigm's applicability in asymmetric contexts, this is precisely why decapitation – and its animate logic of enemy systems and equally organic subsystems – proved to be this compatible for counterterrorism and ultimately informed the evolution of 'high value targeting'.

At this point, it is important to point out that technological innovations (such as more precise bombs, better reconnaissance and later the advent of drones) crucially influenced this process. They shifted the cost-benefit calculations of leadership attacks, making it easier to legitimize the targeted killing of individuals by invoking the protection of civilians and the principle of distinction (Gregory, 2017; Shue, 2014). Present-day targeting paradigms are certainly more than a mere transfer of the decapitation logic. Technological

innovation, changed circumstances after September 11 as well as other intellectual influences and strategic paradigms informed them as well. Despite this, decapitation's biological metaphors were crucial in the enabling of legitimization patterns of those new targets. This section underscores how the shifting language of targeting enabled and normalized real targeting.

The 1991 Gulf War marked the first time the United States systematically used decapitation strikes within a war. Its air campaign was entirely based on Warden's Five Rings, even though this was only much later publicly admitted. Following Warden's logic, United States forces aggressively targeted senior Iraqi leadership, most notably President Saddam Hussein. In 1998, Robert M. Gates, CIA director during the First Gulf War, confirmed that Hussein's death was in fact a strategic goal, stating that the United States command was indeed "hoping" that Hussein would be killed during the bombing raids (Pincus, 1998).

The decapitation strikes during Operation Desert Storm proved to be a contentious issue. All strikes failed to hit their designated targets. They sparked major public criticism, though mainly because of the civilian casualties they had caused (Rindskopf Parker & Naccarato, 2013; von Voorst, 1990). It should be noted here that the practice is consistent with international law, which does not address decapitation explicitly, but sets standards for legitimate targets within warfare. Those allow leadership targeting if four conditions are met. 1) The target must be a military objective not otherwise protected through international law, 2) the method or process of killing cannot be indiscriminate, 3) collateral damage cannot be excessive in relation to the originally anticipated military advantage, and 4) there must be precautions in order to ensure to minimize collateral damage (M. N. Schmitt, 2003, p. 79).

Hence completely in line with international law, Air Force Chief of Staff General Michael Dugan was candid about the U.S. strategy. He confirmed that the United States forces had indeed been targeting Saddam Hussein and that Hussein's death was a central goal of Operation Desert Storm. His language is clearly based on Warden's Five Rings paradigm.

If push comes to shove, the cutting edge would be in downtown Baghdad. This wouldn't be a Vietnam-style operation, nibbling around the edges. The way to hurt at home is not somewhere in the woods somewhere. *We're looking for the centers of gravity where airpower could make a difference early on.* Hussein

ought to be the focus of our efforts (General Michael Dugan, quoted in Gordon & Trainor, 1995, my emphasis).

However, despite the operation's consistency with humanitarian law,¹⁰ Dugan was removed from office shortly after the above statement.

There is quite some evidence that suggests that Dugan's dismissal was more connected to the fact that he made targeting strategies public rather than the actual targeting. U.S. Officials were remarkably airy in their reasoning about Dugan's ouster, neither discussing the legality of targeting under international law nor the normative expectations of domestic and international audiences, but explained the dismissal with Dugan's "poor judgment at a very sensitive time" (Broder, 1990). They did not dismiss Dugan's actions per se but rather argued that his public statements should have been more "discreet and tactful", in the words of then Defense Secretary Dick Cheney: "To speculate about what may or may not be included in a plan that might or might not be implemented is inappropriate (...). [It is] inappropriate for U.S. officials to talk about targeting specific foreign individuals" (E. Schmitt, 1990). Cheney further elaborated that by disclosing U.S. strategy, he had endangered the lives of 150,000 American troops and jeopardized the ongoing operation in Iraq. Curiously, Cheney did go on to put the targeting strategy in the context of the standing executive order prohibiting assassination, stating

We never talk about future operations, such as the selection of specific targets for potential air strikes. *We never talk about the targeting of specific individuals* who are officials of other governments. Taking such action might be a violation of the standing presidential executive order" (Broder, 1990, my emphasis).

This example has been used to highlight the strength of anti-assassination norms, arguing that a spillover of the long-established norm against peacetime assassination had blurred the line between unlawful assassination and lawful targeting of military leadership during an armed conflict, even in the eyes of foreign policy professionals. According to this line of thinking, even though the legal distinction between assassination and targeting of combatants worked in favor of the United States at this time, legality was deemed less im-

¹⁰ It was (and still is) unclear whether the practice violated Executive Order 12333 – precisely because of the order's vague language discussed above, crucially lacking a clarification whether it applies to peacetime assassination only.

portant than legitimacy, arguing that the norm's strength becomes visible in the administration's desire to disassociate the air raids from an intent to target individuals (Thomas, 2001, p. 77).

Whatever the actual motivation for Dugan's dismissal may have been, the rhetoric applied makes it very clear that there has been and continues to be a clear and politically relevant tension between the (legal) targeting of military leaders and assassination norms, even during wartime. Though decapitation was used as a core targeting strategy, it was not yet officially admitted. Ousted General Dugan had done so, but the rest of the administration had emphatically denied having used the strategy.

Towards the end of the decade, official rhetoric shifted, as officials began openly admitting and discussing the use of decapitation tactics. During the NATO bombing of Serbia and Kosovo during the Kosovo war, Operation Allied Force (Operation Noble Anvil in United States operation nomenclature), NATO leadership openly and publicly admitted to targeting ministries and other government buildings. This was justified, in the words of then NATO Secretary General George Robertson, as such strategic targets (as opposed to tactical targets as fielded forces and fortifications) had a "longer-term and broader impact on the Serb military machine" (NATO, 2000, p. 13). Even when coalition forces targeted and hit Serbian President Slobodan Milošević's private house, cruise missiles struck the house's bedroom and living room, "supportive silence" (M. N. Schmitt, 2003, p. 80) followed. The targeting practice sparked no major debate.

In an exchange with reporters at the White House, U.S. president Bill Clinton confirmed that NATO forces had indeed directly targeted Milošević's home, a legitimate military target as it was operated as a "command and control facility". Then Deputy Attorney General Eric Holder declared the action to be "consistent" with the executive order prohibiting assassination against foreign leaders (Graham, 1999).¹¹ Unlike during the

¹¹ Yugoslav officials disputed this reading, calling the bombing of Milošević's home as a clear assassination attempt. Yugoslav Foreign Ministry spokesperson further denied that the residence was being used as a command and control center, stating that "there is not a single piece of wire, not a single button in the building (...). Our bedrooms, dining rooms and sitting rooms are becoming killing fields" (cited in Dobbs, 1999). Interestingly, the Serbian rhetoric still connects to the concept of nationhood. While American and NATO targeting strategies focus on targeting leadership precisely for the reason to not engage in a war that affects the civilian population much, the Serbian side argued otherwise, as one Serbian official argued: "They showed their true goals when they bombed the house of our president (...) The issue here is the destruction of the Serbian nation. They want to occupy our land and destroy us as a people." (cited in Dobbs, 1999).

1991 air campaign against Saddam Hussein, however, the US administration was candid about the direct targeting of military and political leadership in a language consistent with the body-metaphors of Warren's Five Rings. As Pentagon spokesman Kenneth Bacon put it in a press briefing:

We are targeting *the head* of this military regime on the one hand (...). We're trying to *cut that off* and break the *central nervous system*, the central command and control system of the regime (cited in Myers, 1999, my emphases).

Conventional wars after 2001 showed a similar targeting pattern, and the public rhetoric became ever more candid. Operation Iraqi Freedom, the 2003 United States-led invasion of Iraq further expanded the evolving pattern of targeting leadership. The second Iraq war, a war against a nation state, illustrates a trend that has been attributed to and legitimized the existence of wars against *non*-state actors, the expansion and broadening of what constitutes a 'leadership' or 'high level' target. This expansion and escalation from 'heads' of states to all kinds of leaders in sub-systems is inherent to the body/organism metaphors that Warden had developed, and that had become established as a core targeting paradigm during and after the Iraq and Kosovo wars.

In 2003, much like in 1991, coalition forces continued to go after Saddam Hussein, but also broadened their focus, directly targeting a large number of mid level government and military officials – 'heads' or 'brains' of sub-organisms in the decapitation language. A comprehensive account of those practices by Human Rights watch states:

The United States targeted adversary leadership in prior armed conflicts. It did so in a limited way in Yugoslavia when Slobodan Milosevic's residence was bombed in an attempt to kill him. The effort was more widespread in Afghanistan. (...) The aerial strikes on Iraqi leadership constituted one of the most disturbing aspects of the war in Iraq (Human Rights Watch, 2003, pp. 21-22).

Similar to the events of the First Gulf War, international humanitarian law is rather clear on the issue that those Iraqi leaders were legally targetable in principle. This, however, entails members of the armed forces, militia, volunteer corps, organized resistance with a command structure, anyone wearing a distinctive sign or uniform and is carrying weapons openly, and members of a "levee en masse". According to Schmitt, it does not matter

that the targeted Iraqi leaders did not participate in hostilities themselves, their mere membership of such an organization renders heads of states, military leaders and other government officials combatants and thus legal targets under set conditions (M. N. Schmitt, 2003, p. 82).

Leaders indirectly affiliated with the Iraqi military without actually serving as officers (or any military for the sake of the legal argument), however, pose a much more difficult case. Combatant status is equally determined by the above stated indices like uniforms, rank or carrying weapons, their combatant status can however only be assessed in a case-by case determination (M. N. Schmitt, 2003, p. 83-85). Human Rights Watch's "Off Target" includes case studies of leadership strikes. Two of them were conducted against Saddam Hussein, undoubtedly a legal target. A similar argument can be made with respect to Lieutenant General Ali Hassan Al Majid (Southern Iraq's governor and infamous as 'Chemical Ali'), as well as Watban Ibrahim Hasan al Tikriti (former Interior Minister and Saddam Hussein's half-brother). Other leadership targets are however much more difficult to assess. As Schmitt concludes, the mere fact that individuals served as government officials, were members of the ruling Baath party, or had been previously involved in military activities does not per se render them combatants and thus legal targets. Ties to the paramilitary Fedayeen Saddam would, however, suffice (M. N. Schmitt, 2003, p. 85). Effectively, as the targeting of 'leadership' has broadened already within conventional wars, United States practices have created a legal grey area that lends leeway to an expanding paradigm of the use of force within the War on Terror.

This trend continues until today. Potential decapitation strikes against heads of states are described as a key part of the military playbook. In early 2017, OPLAN 5015, a joint U.S. and South Korean operation plan about how to engage North Korea, was leaked to various Japanese and South Korean news outlets. Those indicate that in 2015, the U.S. had begun to implement a new strategy towards the regime that specifically included targeting leadership. This marked a major turn as for years past, the approach had been to anticipate a conventional war resembling the first Korean War.¹² 2015's OPLAN 5015 focuses on swiftly striking headquarters, communication lines and top North Korean leadership (Bowden, 2017; Peck, 2017). Already in 2015, Rah Jong-yil, a former head of

¹² U.S. and South Korean joint operation plans exist since 1973 (OPLAN 5027) and mirror this expectation. In the case of a North Korean attack, those plans intend to retract, realign and (conventionally) strike back.

South Korean intelligence, had told The Telegraph in 2015 decapitation was an explicit strategy in the joint operation plans with the U.S.

Decapitation of the command, control and communications abilities of an enemy is a textbook strategy that has long been used by the American military. (...) The aim is not to kill large numbers of the enemy's soldiers, but to attack those that make the decisions. (...) The US used it against Saddam Hussein in Iraq, attempting at the outset of the war there to eliminate him or at least to keep him on the run and disturb his ability to fight back (Ryall, 2015, my emphasis).

Although U.S. military strategists have insisted to not read too much into those plans, OPLAN 5015 was part of the 2017 joint military exercise Foal Eagle (Peck, 2017). In a letter to the Security Council, North Korea's United Nations representative addressed a potential U.S. "beheading operation" aimed to remove Korean leadership and thus "bring down its social system" (McKirdy & Roth, 2016). In 2017, a White House advisor addressed such a potential decapitation operation:

Decapitation does seem to be a way to get out of this problem. If a new North Korean leader could arise who is willing to denuclearize and be somewhat of a normal actor, it might lead us out (Bowden, 2017).

It needs to be stressed that, even without the nuclear threat, such a plan might never be realized. Military operation plans lay out options for many possible scenarios. However, those leaks do highlight how decapitation, a tactic once deemed 'dirty,' 'barbaric,' or 'dishonorable' (cf. Großklaus, 2017, p. 268ff.) and hence emphatically denied in the past, had become an established option in the U.S. security policy playbook. The debates that followed were accordingly not about whether such a decapitation operation would be moral (or would violate the assassination ban), but about whether it would be wise (Thompson, 2017) or unwise (Bowden, 2017) to do so.

Once contentious, leading to the firing of a general, decapitation has quickly become an established strategy. This underscores the workings of metaphors: they introduce theoretical terminology where none previously existed. As part of the wartime textbook with ample precedent in actual wars, this logic of targeting individuals spread to non-regular warfare applications. As detailed above, this expansion is rooted in the very metaphors at the core of the decapitation paradigm.

Decapitation outside of Traditional Warfare: Contested Effectiveness, Uncontested Language

The (perceived) success of decapitation strikes as a wartime strategy during the 1990s brought about an obvious question. Would the practice of leadership targeting also be applicable outside of regular warfare? Would targeting individuals be a viable strategy outside of traditional battlefields, especially in the emerging field of counter-terrorism?

Decapitation strikes, despite their prominent role in air campaigns, had never been uncontroversial in the first place and hence a lot of military strategists and theorists were unconvinced, questioning the strategy's suitability for 'the battlefields of the 21st century' (Schneider & Grinter, 1995). However, these debates were centered around the key notion of the strategy's general effectiveness, the underlying language, metaphors and core conception of enemies as animate entities remained uncontested. In this, Warden's critics opposed his decapitation theory quite literally on his own terms, by falling back, even in their criticisms, on decapitation's key metaphors. This is hardly surprising as there was no need for such fundamental contestation and thus for equally powerful counter-metaphors (or other discursive strategies): as aerial warfare theorists, Warden and his critics agreed about the superordinate effectiveness of air power. They simply disagreed about the effectiveness of decapitation as a subsidiary strategy. Hence, the decapitation language could become further habitualized and intertextually stabilized.

This provided a welcome point of connection outside of aerial warfare theory, mainly for counterterrorism and counterinsurgency strategists. These schools traditionally operate on different lines of thinking (and a respective language), but were eager to retroactively incorporate the precedent of past decapitation strikes into counterterrorist paradigms. Through this re-contextualization under the new notion of 'High Value Targeting,' the decapitation language gradually disappeared, but the underlying targeting logic found its way into post 9/11 targeting strategies. It furthered the inherent process of escalating targetability, a constant broadening of what can be considered a 'leader' or 'high level target'.

'Decapitation' and New Battlefields

Debates about the applicability of decapitation outside of inter-state warfare already emerged directly after their first wartime application in 1991. The aftermath of Operation Desert Storm amplified the ongoing 'parallel warfare' debates among military theorists, with the notion of decapitation at its center. Even though the strikes against Saddam Hussein and his senior leadership had failed, its proponents argued that in Operation Desert Storm, for the first time in U.S. history, air power had won a war by itself precisely through adherence to Warden's Five Rings – and especially through targeting the center ring, Iraqi leadership. It had, in the eyes of its proponents, proven to be *effective*. Warden's critics however countered that leadership targeting was not all that new, regardless of the new conception of enemy systems that it was based on:

Attacks on the leader and leadership are not new goals of warfare, *whether the enemy was viewed as a system or not in the past*. Even in chess, not a new game, it is possible to impose checkmate without the serial destruction of all the adversary's knights, rooks, and pawns (Szafranski, 1995, pp. 127, my emphasis).

Szafranski is of course correct, yet he misses – or underestimates – the importance of the shift from conceptualizing enemy systems as inanimate objects (whether houses of cards or chess pieces) towards animate organisms. Leadership targeting is certainly not a new strategy, but decapitation marks a paradigm shift precisely because it brings about a fundamentally different premise about how enemies work. Unconcerned with whether warfare functions like a game of chess or an organism, Warden's critics dealt with his strategic conclusions and adopted his organism logic in the process.

Critics of Warden's Five Rings theorem were less concerned with leadership strikes as an effective strategy in interstate warfare, but with its applicability in other contexts, and specifically, in the context of non-linear or asymmetrical warfare. Had Warden's 'enemy as a system' concept contended that all types of potential enemies function according to a universal organism or body logic, Warden's critics doubted this generalization, but not the organism logic itself:

[O]ne difficulty with the five-rings model is that it is ill equipped for coping with *organisms* that are not industrialized or industrializing state systems. Certainly a terrorist organization is a "system" that has separate component parts. Of course an insurgent organization is a "system" that has differentiated component parts.

While theoretically possible to differentiate the component parts of both terrorist systems and insurgent organizations, it is not always easy actually to identify or to isolate these parts. As physical entities, the component parts, or five rings of terrorist and insurgent organization are exceedingly difficult for the air campaign planner to target. Thus, the model holds, but becomes exquisitely irrelevant for these types of organizations and counterterrorism warfare and counter-insurgency warfare (Szafranski, 1995, pp. 131, my emphasis).

This critique was widely shared, but the prediction that Warden's animate logic of conceiving of enemy systems would become irrelevant proved to be wrong. The assessment that decapitation would be much less *efficient* against non-state actors (or *heads* that are not heads of state) was widespread, but the targeting logic proved to be resilient and relevant in targeting discourse, as I detail below. The organism imagery had become habitualized as part of the language of targeting. The adoption of Warden's 'body/organism' logic in the deliberations of his critics is more than a mere rhetorical nod. It is not a concept that simply gets name-dropped, the metaphor is something that had found its way into strategic discourse. The resilience of the *metaphor* is crucial here, as Warden's critics had rightly pointed out that leadership targeting by itself is not all that new a strategy in U.S. foreign policy.

The critique aimed at Warden is not that enemy systems do not function like organisms; it is that *not all organisms* function in the same way. Those arguments are not only repeated by Warden's critics, but substantiated, heavily sourced in evolutionary biology, crucially Erich Jantsch's 1980 work "Self-Organizing Universe: Scientific and Human Implications of the Emerging Paradigm of Evolution". Based on this, Szafranski contends that for targeting strategies, it is not central whether or not an enemy system should be seen as an organic entity, but what kind of organic entity:

The reality is that organisms are autopoietic; that is, they struggle to preserve themselves. Any attacked organism can be expected to struggle for survival by responding and adapting to stimuli, to internal changes, and to its new environment. Rigid adherence to an air campaign plan specifying a series of parallel attacks in advance is rigid adherence to a set of attacks designed against the initial organism, not the evolved one. The danger with a wonderfully deterministic air campaign plan is that it may adapt poorly to an organism that evolves in unexpected ways (Szafranski, 1995, p. 135).

In the course of this mid-1990s strategic debate about the role of aerial warfare in a post-Cold War World, Robert Pape's 1996 "Bombing to Win: Air Power and Coercion in War"

(Pape, 1996) quickly became a main point of reference. Unlike Warden, Pape was never a military decision-maker, but was and remains an established voice in strategic discourse within the U.S. armed forces (Hyder, 2004, p. 6). The sheer volume of reference to Pape's work in post 9/11 strategic documents about decapitation against non-state actors and drone warfare generally reflects this. This is striking because Pape was neither focused on decapitation as much as Warden had been and, in line with the developments outlined above, was generally wary about its overall effectiveness.

Different from Warden, Pape did not base his theory on a conception of enemies, but derived his claims from the premise of military coercion as the ultimate goal of air campaigns. In Pape's thinking, coercion can be described through a simple equation.¹³ This algebraic description of a very human interaction is used throughout his work. Pape concludes that four basic strategies can be used to break enemy resistance and thus attain victory through coercion: punishment, risk, decapitation, and denial (Pape, 1996, pp. 16-19). Punishment and risk are directed at the civilian population, decapitation is concerned with targeting political and military leadership and denial is concerned with enemy ability to protect its territory. Pape concludes that all four strategies might have their merits in specific situations, but generally, denial is most likely to succeed (Pape, 1996, p. 84f.). He argues that even in the case of the Gulf War, air power directed at ground forces had won the war: "[D]enial and not decapitation accounts for Iraq's willingness to abandon Kuwait" (Pape, 1996, p. 214).

Under the umbrella of his own 'coercion' paradigm, Pape discusses Warden's decapitation strategy in great detail. He acknowledges that the 1991 Gulf War was designed around it, but omits Warden's original 'body' logic and implicitly embeds decapitation with a conception of an enemy as a network, reconnecting it with older gravity metaphors:

The use of air power for decapitation - a strategy spawned by precision guided munitions and used against Iraq - strikes against key leadership and telecommunication facilities. The main assumption is that these targets are a modern state's Achilles' heel. Regardless of the strength of a state's fielded forces or military-industrial capacity, if the leadership is knocked out, the whole house of cards comes down. These counterleadership raids also cause little collateral damage if intelligence about the targets is right (Pape, 1996, p. 79).

¹³ $R = B p (B) - C p (C)$, with R describing enemy resistance, B benefit of resistance, C cost of resistance, and p the probability of attaining benefits or suffering costs.

In line with established strategic bombing metaphors, Pape comes back to the ‘house of cards’ metaphor, yet simultaneously adopts some of Warden’s body logic. Much like Szafarski, he seems completely unconcerned with a debate about underlying logics of enemy systems. Pape does not base his theory in *systems* (of application) but in *mechanisms* of warfare and here, coercion. For Pape, coercion is universally applicable much like the system/organism logic is for Warden. This explains why Pape relies on Warden in the decapitation sub-chapters of his own theory, but fails to grasp the core logic: Warden’s “main assumption” is certainly not that leadership is “a modern state’s Achilles’ heel”, but, crucially *any* enemy’s. The Achilles’ heel analogy also misses the point as the heel is certainly vulnerable, but not a vital function as the head/brain in Warden’s paradigm (who speaks about soldiers and tanks as an enemy’s ‘feet’).

Pape stays a major point of reference in pro-decapitation arguments despite his lukewarm endorsement of it. He concludes that the targeting of political leadership is “not likely to produce coercive leverage” (Pape, 1996, p. 80), because identifying targets is costly and too dependent on good intelligence, because idiosyncratic leadership is rare and death of leaders rarely brings about major political change and because leadership succession is highly unpredictable:

Decapitation’s worst feature, however, is not its ineffectiveness but its seductiveness. Decapitation advocates promise to solve conflicts quickly and cheaply with few aircraft, little collateral damage, and minimal or no friendly casualties. History shows that air power can coerce but not without a lot of it and a lot of ground power to back it up. Western political leaders should resist the decapitation temptation (Pape, 1996, p. 253).

20 years later, Pape’s prognosis seems to be more than on point. Ironically, recent ‘high value targeting’ strategy papers still cite Pape heavily despite his criticism – and despite Pape’s discussion of decapitation being based on Warden. Pape sometimes gets credited as a key decapitation theorist by military strategists even though he never deemed the paradigm central to his theory (e.g. Hyder, 2004). This directly feeds into what then became termed ‘High Value Targeting’ or HVT around the turn of the century.

Ineffective but Influential: Decapitation and 'High Value Targeting' in the War on Terror

The seminal 2001 RAND Corporation study “Operations against Enemy Leaders” (Hosmer, 2001) from October 2001 (the research was completed in March 2001, months before September 11¹⁴) was extremely candid about how leadership targeting in asymmetrical battlefields was a direct derivative of past decapitation strategies within interstate warfare. The study was highly influential and was heavily referenced in the infamous 2009 CIA strategy paper “Best Practices in Counterinsurgency: Making High-Value Targeting Operations an Effective Counterinsurgency Tool” (CIA, 2009). It explicitly understands ‘high value targeting’ (focused operations against specific individuals or networks whose removal or marginalization should disproportionately degrade an insurgent group’s effectiveness, CIA, 2009, p. 1) as a continuation of the decapitation paradigm. It takes up on the principle and applies it in the context of new enemies as well the then emerging drone technology:

The primary objective of the overall study was to explore the prospects for developing a construct for air and space power that capitalizes on forthcoming air and space technologies and associated concepts of operation; that is effective against adversaries with diverse economies, cultures, political institutions, and military capabilities; and that offers an expansive concept of air and space power across the entire spectrum of conflict (Hosmer, 2001, p. 1).

While U.S. officials had denied the existence of specific leadership targeting strategies for decades, the study now explicitly situates HVT as a continuation of past practices. While those precedents had never been openly discussed, knowledge from these operations now explicitly feeds into HVT:

The United States has long attempted to use leadership attacks to shape the policy and behavior of enemy states and other hostile actors. Over the years, both overt and covert operations have been mounted in attempts to kill enemy leaders directly or to secure their overthrow either by indigenous coup or rebellion or by external invasion (Hosmer, 2001, p. 1).

Hosmer cites the targeting of Qaddafi in 1986, Hussein 1991-1999, Bin Laden in 1998 and Milosevic in 1999 as decapitation precedent (Hosmer, 2001, p. 9). The CIA uses very

¹⁴ “The research for the report was completed in March 2001, well before the events of September 11, 2001. The basic points made here remain accurate and relevant” (Hosmer, 2001, p. iv).

similar case studies in its 2009 stocktaking about high value targeting best practices (CIA, 2009, p. 14). ‘Decapitation’ is rarely used explicitly in HVT policy papers, but it is crucially informed by it. HVT papers go as far as to discuss U.S. leadership targets (or assassination attempts) from past centuries – within and outside of declared war, generals as well as drug lords¹⁵ – through the lens of Warden’s and Pape’s much more recent theories of (aerial) targeting (see e.g. Hyder, 2004).

In line with these developments, the 2009 CIA strategy paper on HVT (CIA, 2009) is also more a continuation of than a departure from past targeting paradigms. It is almost exclusively sourced in past CIA material, mostly counterinsurgency, and heavily relies on Pape (who in turn relies on Warden), RAND Corporation analyses, and in particular those by Stephen Metz. The similarities between Metz’s work “Strategic Decapitation: The Dynamics of High Value Targeting in Counterinsurgency” (Metz, 2008) and the Whiter Paper are so striking that Metz might well be the author of the CIA document (CIA, 2009). Whether that is the case or not, Metz confirmed in 2009 that HVT and decapitation convey the same meaning in U.S. strategic planning. He contends that although

high value targeting or strategic decapitation is difficult and dangerous does not mean that we must eschew [it]. Only that we should do it carefully, with foresight, and with the sadness that the world is such a dangerous place (quoted in D. Price, 2014).

It is striking how ‘decapitation’ has lost its original metaphoric charge as part of a strategic mainstream. This fits another trend to be observed here: decapitation has become habitualized, away from a contentious new strategy towards a normalized also-ran. Here, we observe the depoliticizing, normalizing power of metaphors. In line with this, a 2008 RAND Corporation study sub-groups decapitation as secondary aspect of other strategies:

We did not include a separate category for capturing or killing enemy leaders, what is often referred to as a decapitation strategy. Rather, we subsumed this under other categories. If a police force adopted this strategy, we included it under

¹⁵ “Five US decapitation operations conducted over a ninety - two year span provided historical precedence to answer the above questions [about circumstances under which the U.S. should target enemy leadership]. The five case studies are: General Emilio Aguinaldo, Philippines 1901, Francisco “Pancho” Villa, Mexico 1916, Admiral Isoroku Yamamoto, Japan 1943, General Manuel A. Noriega, Panama 1989, Pablo Escobar, Colombia 1993. (...) These strategic individuals were chosen for this study because they represent a century of US activity targeting enemy leadership” (Hyder, 2004, p. 2).

law enforcement. If military forces adopted it, we included it under military force (Jones & Libicki, 2008, p. 110).

As part of the mainstream strategic playbook, leadership decapitation as High Value Targeting has been an integral – and explicit – part of U.S. efforts in the War on Terror. Department of Defense spokesman Steve Warren elaborates on the intended consequences of an enemy organization’s body after its head is cut off:

And so, what we see is -- as we see every time we conduct leadership strikes, is the organization then turning in on itself. You know, there has been an increase in the number of executions of -- you know, ISIL executing their own people, accusing them of being spies, or leaks or whatever the case. And it will create -- it creates confusion, creates paranoia (...). And ultimately, it weakens this enemy (Department of Defense, 2016a).

Targeting lists (or more drastically: kill lists), such as the CIA’s infamous “Disposition Matrix” or the “Joint Prioritized Effects List” have steadily expanded their range of potential targets. Although Osama Bin Laden was considered ‘High Value Target One’ (cf. Burke, 2011) these lists, at least since 2008, also include, for example, drug traffickers (Risen, 2009). The CIA strategy paper not only acknowledges that HVT had indeed been a widespread practice in U.S. counterterrorism and ‘counterinsurgency’ operations for years, it also reveals how the concept of a ‘leader’ has significantly broadened, now including ‘middle level’ leadership, such as finance personnel, as a matter of course:

HVT [High Value Targeting] operations can cause greater disruption than a group can absorb when strikes outpace a group’s ability to replace its leaders or when the strikes result in the loss of individuals with critical skills such as finance and logistics—who comprise a finite quantity in any insurgency, according to our review. HVT operations typically force remaining leaders to increase their security discipline, which may compromise a leader’s effectiveness (CIA, 2009, p. 7).

The Taliban and al-Qa’ida can most likely replace lost leaders, especially at the middle level (CIA, 2009, p. 9).

Across the board, decapitation strategies outside of ‘regular’, inter-state warfare, are met with lukewarm praise at best. Commentators have lamented that the paradigm simply fails to fulfil its promise: “You cut the head, but the body still moves” (Bearden, 2004). This position is in line with the scientific literature on the subject that sees decapitation as a largely ineffective strategy that should, at best, be used situationally (Hyder, 2004;

Johnston, 2012; Jordan, 2009, 2014; R. Marks, 2008; B. C. Price, 2012; Pryce, 2016; Ryall, 2015; Strachan-Morris, 2010).¹⁶

Despite this, decapitation remains both a buzzword and a widely used strategy. They continue to be a major part of the playbook, deeply connected to past targeting discourse and practice. Although technically a new term, ‘High Value Targeting’ is explicitly based on past wartime decapitation strikes in the development of targeting strategies for a post 9/11 world, though conspicuously mainly sourced in Pape, not in Warden. Regardless of effectivity concerns as well as growing public criticisms about both legality and moral legitimacy of those programs, the United States have expanded rather than cut back their decapitation tactics (Hinote, 2014; Pryce, 2016). Efficient or not, the targeting of individuals has become a staple of U.S. counterterrorism efforts.

Targets, but not Legal Subjects: Medicinal Metaphors and Individual Threat

The decapitation language, whether intentional or not, has contributed to the creation of new military targets. Intertextually stabilized, it has separated the targetability of individuals from the legal context of state sovereignty and inter-state warfare which has led to an expansion of what constitutes a ‘leader’ and thus a legitimate target.

This expansion of targetability – and its escalating use in the ‘War on Terror’ and beyond – entails a vexing legal problem. Targeting heads of states (or individuals in the line of command of a state apparatus) remains in line with international humanitarian law. However, all other individual targets raise a crucial question about the legal responsibility for their individualized threat: if individuals without any connection to states or regular warfare can be deemed legitimate targets, does that make them subjects of international

¹⁶ This literature largely agrees that terrorist organizations, unlike states, prove to be more organizationally stable. Decapitation strikes might lead to martyrdom effects and removing leadership might lead to inadvertent organizational decentralization (Hafez & Hatfield, 2006; Hosmer, 2001; Jordan 2009,2014; Pape, 1996) Some newer studies have painted a more optimistic picture about decapitation as a viable counterterrorism strategy (Frankel, 2011; Johnston, 2012; Pryce, 2016). CIA and Department of Justice strategy papers largely share these concerns, crucially the 2009 CIA strategy paper “Best Practices in Counterinsurgency: Making High-Value Targeting Operations an Effective Counterinsurgency Tool” (CIA, 2009). They notably acknowledge the key insight that terrorist organizations are, at least to some extent, a political phenomenon that needs to be addressed as such. They almost exclusively argue that ‘leadership’ in terrorist organizations functions differently from the classic decapitation paradigm’s basic assumptions.

law? This would endow them with a plethora of rights such as the right to a fair trial. If not, what body of law governs their targeting?

This question is not new, but was mostly sidestepped in the past. Conspicuously, the United States never attempted to frame ‘decapitation’ as a legal category (M. N. Schmitt, 2003, 2012). Similarly, attempts to create a legal framework for targeted killing are much younger than the policy itself (Grey, 2013; Melzer, 2008). This is hardly surprising. While the evolution of targeting paradigms had been an incremental process that predates 9/11, the increasing use of the tactic and escalating number of victims post 9/11 have led to growing public awareness and criticism (Bob, 2016; José, 2017). This has necessitated public legitimization, which crucially included the rhetorical conjunction of individual threat and medicinal metaphors, a language of cancer and disease, of doctors and patients, prevention and surgery. This embeds the targeting of individuals into long-established images of threat connected to counter-insurgency and anti-communism.

This discursive strategy however goes beyond a mere repetition of familiar legitimization patterns. Crucially, the medicinal language incorporates the targeting of individuals into the concepts of preemption and preemptive self-defense. This provides for a legal context, which has major implications: The superordinate legal frame of ‘self-defense’ moves the targeting of individuals out of the (legal) line of fire. It establishes the interstate problem of self-defense as the superordinate paradigm, effectively subgrouping the legality of specific targeting logics as an afterthought. Supported by the person metaphors of ‘doctors’ and ‘patients,’ preemptive self-defense ties legal personality back to state sovereignty. This solves the delicate problem of the legal responsibility for individualized threat. While threat is constructed as an illness or disease, both doctor (the U.S. and the civilized world) and patient (‘host’ nations and/or ‘rogue’ states) are nation states. While individuals have become targets, they are not legal subjects. The following sections trace the role that medicinal metaphors played in this process.

Consuming the Body: Medicinal Metaphors, Preemptive Action and the State

While the internal strategic language about ‘High Value Targeting’ has become less metaphoric over the years, U.S. public rhetoric is characterized by the opposite trend. Following the escalating use and increased public awareness of the targeting of individuals,

official defenses of it have heavily relied on medicinal metaphors. This imagery of illness and diseases has a central function in the legitimization of the targeting of individuals. It adds a processual element to threat, a ticking clock, bestowing ‘doctors’ with the authority to judge the imminence of danger and eventually preempt the outbreak or spread of diseases. This language ties targeting practices to the overriding legal category of preemptive self-defense so central to the War on Terror.

Long before targeted killing was publicly acknowledged, the Obama administration’s policy was developed around the established imagery of threat as illness:

It was like attacking a *spreading cancer*, [John] Brennan [then advisor to Barack Obama, later Director of the CIA and heavily influential in the Obama administration’s reliance of targeted killing as a pre-emptive instrument of counterterrorism] told the president-elect: ‘You need to target the *metastasizing disease* without destroying the surrounding tissue.’ How to implement that strategy brought the discussion around what Admiral McConnell had briefed the president-elect on days before and what would become the new administration’s weapon of choice: weaponized pilotless aircraft, or drones (Klaidmann, 2012, pp. 23, my emphasis).

Even before Obama’s election as president, Obama and Brennan had agreed on the need for a more ‘surgical’ approach towards terrorist threats to the United States (cf. Gunneflo, 2016, p. 189). Brennan’s later speeches expand this rhetoric. (Brennan, 2012). Very explicitly, the administration fell back on medical metaphors (both ‘illness’ as a diagnosis and ‘surgery’ as a treatment) in its first public acknowledgement of drone technology in targeted killing operations:

And so I spoke today, for the first time openly, about, again, what’s commonly referred to in the press as drones, remotely piloted aircraft, that can give you that type of laser-like precision that can excise that terrorist or that threat in a manner that, *again, with the medical metaphor*, that will not damage the surrounding tissue, and so what we’re really trying to do -- al-Qaida’s a cancer throughout the world, it has metastasized in so many different places, and when that metastasized tumor becomes lethal and malignant, that’s when we’re going to take the action that we need to (Brennan, 2012, my emphasis).

It is beyond dispute that the targeted killing programs of post-9/11 administrations are influenced by more than precedent and discursive heritage of decapitation. Clearly, drone technology plays an important role (Chamayou, 2015; Haas & Fischer, 2017; Osinga & Roorda, 2016), not least due to its crucial role in arguments about efficiency, distinction,

noncombatant immunity and civilian protection (Gregory, 2017; Kinsella, 2005; Melzer, 2008). Despite that, it becomes evident that ‘High Value Targeting’ as a continuation and expansion of the decapitation logic continues to inform current paradigms. Brennan explicitly uses the HVT strategy discussed above to retroactively claim ‘decapitation’ targets as precedent for the targeting of individuals:

[I]ndividuals who are part of al-Qa'ida or its associated forces are legitimate military targets. We have the authority to target them with lethal force *just as we targeted enemy leaders in past conflicts* (Brennan, 2012, my emphasis).

This contradicts an oft-repeated argument by proponents of targeted killing, not least by U.S. administrations until today, that targeted killing in the context of the ‘War on Terror’ and decapitation of heads of states constitute entirely different affairs.

Illness and disease as the lead metaphor in legitimizing such attacks continue to be in use today. Decapitation is an important and explicit tactic of the U.S.’ efforts in Syria (Hinote, 2014), but the legitimizing language has shifted from the original body imagery towards disease and illness. Then Secretary of Defense Ash Carter explains the rationale in targeting ISIS leadership in the following words:

First, we are systemically eliminating ISIL's cabinet. (...) the removal of this ISIL leader will hamper the organization's ability for them to conduct operations both inside and outside of Iraq and Syria. (...) As I've said, our campaign plan is first and foremost to collapse ISIL's *parent tumor* in Iraq and Syria, focusing on its power centers in Raqqa and Mosul (Department of Defense, 2016b).

Disease and illness metaphors are, however, hardly innovations in U.S. security rhetoric. They have long been used to categorize threat, not least to legitimize the ‘containment’ of communist ideas and regimes or operations against ‘insurgencies’ (Bell, 2012; Hülse & Spencer, 2008; Ivie, 1999).¹⁷ More recently, they were a core aspect of legitimizing the ‘preemptive’ invasion of Iraq in 2003. Removing Saddam Hussein even without an imminent threat (the requirement for self-defense in international law) was described as ‘inoculation’ and ‘vaccination’ for the world. With Saddam Hussein and his regime as the ‘virus,’ it was the duty of the ‘physician’ (the United States’) to take ‘preventive’

¹⁷ Already in 1993, the Clinton administration described the perpetrators behind the World Trade Center bombing that killed six people as a “new virus of which these individuals were just the first symptoms” (quoted in National Commission on Terrorist Attacks upon the United States, 2004, p. 72).

(preemptive) steps (military action) to hinder the outbreak of a ‘disease’ (Sahlane, 2013). These metaphors add a processual aspect to threat, its eventual spread, and a doctor’s responsibility not only to cure, but prevent the outbreak of illnesses. Unlike both gravity and body metaphors discussed above (and also other established images of threat, like business or sports metaphors), they implicate a ticking clock and warrant proactive conduct:

[M]etaphors attached to [illness] imply living processes of a particularly resonant and horrid kind (...). And cancer was described, like TB, as a process in which the body was consumed (Sontag, 1977, pp. 8-10).

Herein lies the decisive difference between body metaphors (that imply attacking a body’s vital functions) and disease metaphors (that imply curing an existing disease or preventing its outbreak or spread). The first conceptualizes the human body as a *threatening* enemy, the other conceptualizes the human body as *threatened* by an evil agent (like a tumor or virus). For the latter, it is of less importance what the actual illness is, underscored by the fact that cancer and contagion sometimes get conflated; what counts is the shared logic of process, the spread of the disease. Cancer and disease function differently medically, and imply different counter strategies in the removal of a tumor and cancerous tissue or in vaccination, isolation, and removal of infected bodies. However, they share the same processual logic. If untreated (and not prevented), they will consume either a body or an entire population. Accordingly, cancer metaphors usually legitimize the preemption of violent threat (insurgent or terrorist groups), whereas disease metaphors mostly refer to ideologies (communism, radical Islam).

Illness and disease metaphors imply ‘doctors’ and ‘patients’, person metaphors. Their use in political contexts implicitly ties political action to its established agents, nation states (cf. Lakoff, 1991, p. 31). Whereas body metaphors conceptualize the inner workings of an entity, person metaphors situate an entity within a larger one, a community or society. Further, the need for healing action inherent in ‘disease’ and ‘illness’ metaphors, the role of the doctor, ties the concept to political authority.

Throughout the history of political thought, they share the common feat that they are rooted in an idea of (medical) balance. Illness means bodily imbalance and treatment is aimed at restoring it. Diseases can be cured with foresight and it is important to note that they are less about the health of a population or society in general but more about the

foresight of statecraft as a therapeutic and thus essentially preemptive endeavor: Rulers have the ability (and authority) to maintain societal order through pre-empting illness and thus keeping medical-as-societal balance. They have both responsibility and ability to control – and prevent – diseases:

The disease metaphor was used in political philosophy to reinforce the call for a rational response. Machiavelli and Hobbes fixed on one part of medical wisdom, the importance of cutting off serious disease early, while it is relatively easy to control. The disease metaphor could also be used to encourage rulers to another kind of foresight (...) that it is rational to tolerate a certain amount of irrationality (...) and that stern repressive measures are likely to aggravate disorder rather than cure it, turning a nuisance into a disaster. The body politic should not be over-medicalized; a remedy should not be sought for every disorder. (...) These are all ideas of how proper statecraft, conceived on a medical analogy, can prevent a fatal disorder. Society is presumed to be in basically good health; disease (disorder) is, in principle, always manageable (Sontag, 1977, pp. 78-79).

The antidote to disease hence is rationality. It warrants a measured response, a well-trained, knowledgeable doctor who can soberly choose the appropriate steps – rationalizing potential extreme measures the doctor might resort to:

To describe a phenomenon as a cancer is an incitement to violence. The use of cancer in political discourse encourages fatalism and justifies “severe” measures—as well as strongly reinforcing the widespread notion that the disease is necessarily fatal. The concept of disease is never innocent (Sontag, 1977, p. 84).¹⁸

A doctor can cure diseases, but the most rational action is to hinder their outbreak in the first place; through vaccination, through an early removal of infected tissue or other forms of preventive measures. Regardless of the nature of the threat (a virus, bacteria or a cancer cell), both doctor and patient are metaphorical persons. As ‘sovereign’ actors, both doctor and patient are easily construed as nation states, the former supported through the disease metaphor’s inherent connection to political authority. While the threat is an illness or disease – and hence might be an individual – the patient is also a nation state. Terrorism is described as illness (and the threat it poses might be described in body metaphors), but the patient is the nation state (or society) that is stricken by said illness.

¹⁸ Sontag even goes so far to call cancer metaphors as “inherently genocidal” (Sontag, 1977, p. 84).

In the following chapter, I highlight how this imagery ties the targeting of individuals to the concept of preemptive self-defense. As an inter-state legal category, between doctors and patients, democracies and rogue states or ‘host’ nations, it works towards keeping targeting practices within the exclusive legal realm of nation states.

Between Doctors and Patients: Disease Metaphors, Preemptive Self-Defense and Legal Personality

In the context of the ‘War on Terror’, the targeting of individuals has been incorporated into the logic of preemption and preemptive self-defense. This is supported by the disease imagery that was equally instrumental to the development of the latter concepts as an attempt to frame anticipatory defense as a legal category.

During the 1980s, the Nixon administration began to develop the concept of an ‘active defense’ against non-state enemies. It was built on the assumption that a proactive, anticipatory strategy was needed against ‘terrorist threat’. In the words of Secretary of State George P. Shultz, it had become “increasingly doubtful that a purely passive strategy can even begin to cope with the problem” (cited in *The New York Times*, 1983). Shultz explored the connection between what was perceived as a new kind of enemy (an “unspecified (...) foe to be fought at an unknown place and time with weapons yet to be chosen”, Jenkins, 1984) and ‘active’ measures against this threat. The explicit connection of cancer and disease with not only cure and containment, but the proactive prevention and preemption proved to be influential beyond his time, structuring official justifications of targeted killing strategies during the Bush and Obama administrations:

The magnitude of the threat posed by terrorism is so great that we cannot afford to confront it with halfhearted and poorly organized measures. *Terrorism is a contagious disease that will inevitably spread if it goes untreated.* We need a strategy to cope with terrorism in all of its varied manifestations. We need to summon the necessary resources and determination to fight it and, with international cooperation, eventually stamp it out. And we have to recognize that the burden falls on us, the democracies – *no one else will cure the disease for us* (Shultz, 1984, my emphasis).

Different from the decapitation language, the disease logic is not directed at specific strategies (and thus targets) and their efficiency. It characterizes the nature of threat and,

through the underlying disease metaphor, clearly identifies doctors ('the democracies'), disease (terrorism) and patients (states affected by terrorism, ultimately the whole globe, also cf. Kienscherf, 2011). It establishes the political authority to act unilaterally ('no one will cure the disease for us') and divides the world society, as a society of states, into two groups: the democracies as doctors and all other states as (potential) patients.

The prevention of diseases (spread or outbreak) is connected to the establishment of a legal category – prevention and preemption were framed as self-defense. In this vein, National Security Directive 138, signed in 1984, for the first time it connects the principles of self-defense and preemption with counterterrorism. The Directive, *inter alia*, calls on the Secretary of Defense and the Central Intelligence Agency to develop "capabilities for the pre-emptive neutralization of anti-American terrorist groups which plan, support, or conduct hostile terrorist acts against U.S. citizens, interests, and property overseas" (United States White House, 1984, p. 4).

The following decade saw a further strengthening of the evolving connection between targeting 'terrorists' and the notions of preemption and preemptive self-defense in United States counterterrorism policy, no longer necessarily exclusive to wartime targeting.¹⁹ Presidential Directive 39, enacted in 1995 and declassified in 2007, underscores this development, arguing that the use of force against 'terrorist' individuals was not only permissible during times of war, but also against 'similar' targets in times of peace as long as they pose an imminent threat (The White House, 1995, pp. 1-3).

Following this rationale, criminal law (or the concept of the rule of law and criminal prosecution) justifies the targeting of an individual that may be an imminent threat. The

¹⁹ This relates to the ever-growing importance of the concept of combatants. The argument is that individuals can be combatants even outside of hostilities, a position still widespread and often held in present day debates about terrorism and counterterrorism, but not supported by international law. It is exemplary of a larger observation drawn here, the spillover of established (and legal) wartime targeting logics into non-wartime or grey area conflict. This line of reasoning begins to blur the line between wartime and peacetime targeting, a distinction upheld by international law as fundamentally different bodies of law – and a distinction still used by the United States in other contexts. In George Shultz's autobiography, he recalls this, which had then encountered strong opposition because it "sounded as if it authorized assassination" (cited in Gunneflo, 2016, p. 110). Despite today's argumentation that assassination and targeted killing constitute two fundamentally different acts, it becomes clear that the very foundational moves that led up to what is today called "targeted killing" happened under the awareness that the lines between assassination and targeting individual criminals are indeed contentious and sensitive. Although war and peace are technically governed by distinct sets of legal rules (humanitarian law on the one side as opposed to human rights and international criminal law on the other), these two sets of rules influence each other. In the words of Hays Parks, special Assistant to The Judge Advocate General of the Army for Law of War Matters: "In the employment of military force, the phrase 'capture or kill' carries the same meaning or connotation in peacetime as it does in wartime" (Parks, 1989, p. 7).

rule of law (and accordingly, criminal law and human rights law) however do not govern the handling of this target. Rather than being subjected to judicial process (as the bearer of the right to a fair process – and of course also the right to life), *ius in bello* governs, or norms derived from wartime targeting, allowing the deliberate and pre-planned killing of the target even outside of ongoing hostilities. This point is legally unorthodox at best and remains highly contested for that reason (though the United States continue to do so, see Melzer, 2008, p. 37f.), but is perfectly consistent with the underlying metaphors. Terrorist groups (and thusly, also individuals) are illnesses, pose a threat and warrant the use of force even preemptively. The patient, like the doctor, is a person. Correspondingly, the only relevant legal persons in the context of self-defense, as defined by the United Nations charter, are nation states.

Whether or not the United States have been successful at establishing preemptive self-defense as a customary principle of international law remains unclear and heavily contested (see, for example, United Nations, 2013, p. 16f.). It is, however, striking that there was never a corresponding effort to define ‘decapitation’ in legal terms; it always remained a strategy within the confines of *ius in bello*. Consequently, the United States have never made an effort to define the broader concept of targeted killing in legal terms – only to justify and situate it within existing legal paradigms (Grey, 2013). The U.S. have curiously, and perhaps purposefully avoided to make ‘assassination’ the center of legal debates, although the term was omnipresent in surrounding debates. Rather, the looming question of assassination has been relegated to the sidelines, subordinated under larger – and broader – legal debates about self-defense, preemption, territoriality, combatant status and the applicability of international humanitarian law outside of traditional wars. This is mirrored in recent attempts to create legal frameworks regulating – or defending – of the U.S. drone program and targeted killing policy, where targeting is equally hidden as a sub-topic to self-defense. The emphasis on (preemptive) self-defense as the superordinate category not only hides the targeting of individuals as a potentially contentious issue, it also moves the legal focus away from the targeted individuals towards nation states as the only legally relevant entities.

Domestically however, those conceptions of threat and self-defense were codified in a new National Security Presidential Directive. Its draft version was presented for deci-

sion on September 4, 2001, a week *before* the attacks on the World Trade Center. It became NSPD-9 “Defeating the Terrorist Threat to the United States” on October 25, 2001. (Federation of American Scientists, 2004; National Commission on Terrorist Attacks upon the United States, 2004). Three days after September 11, Congress passed the Authorization for Use of Military Force (AUMF) bill as Public Law 107-40. It authorized the president to

use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

Never before in the history of the United States had Congress authorized the use of military force against individuals.²⁰ And neither had it authorized the use of force against unspecified nations before (Gunneflo, 2016, p. 167). The AUMF to this date remains the legal basis for targeting individuals within the ‘War on Terror’.²¹

This doctors-and-patients binarism finds its continuation in the crucial concept of legally responsible ‘host nations’ It construes individual threat and targetability, but not individual legal subjectivity. According to this concept, the legality of U.S. use of force on foreign territory outside in peacetime (thus, the breach of sovereignty) hinges on whether or not the respective state (harboring a threat or, more precisely, an individual posing a threat) is dealing with the threat to the satisfaction of the United States. Host, here, refers to the harboring of an individual but also works within the logic of disease metaphors as the host of a virus or disease. A leaked 2011 Department of Justice White

²⁰ Already in September 2001, it was apparent to policymakers that the AUMF bill could be seen as being in conflict with the longstanding U.S. ban on assassinations. Those concerns were addressed in reference to Parks’ 1989 referendum: “It has long been the view of the executive branch that targeting the enemy’s command and control structures, including those of insurgent groups, is permissible under the law of war and does not constitute ‘assassination’. Thus, regardless of whether S.J. Res. 23 had been enacted or not, the executive branch would take the view that the President could carry out targeted attacks on those responsible for the attacks of September 11, 2001, without violating this ban” (Abramowitz, 2002, p. 78).

²¹ This is sometimes to the dismay of military practitioners lobbying for an update that reflects the changed circumstances over a decade later. “The 2001 AUMF is more than ten years old now and getting a little long in the tooth—still tied to the use of force against the people who planned, committed, and or aided those involved in 9/11. (...) The farther we get from [targeting] al-Qaeda [e.g., al-Shabaab in Somalia or ISIS], the harder it is to squeeze [those operations] into the AUMF” (quoted in Masters, 2013).

Paper on the “Lawfulness of a Lethal Operation Directed Against a U.S. Citizen” explains this logic:

Targeting a member of an enemy force who poses an imminent threat of violent attack to the United States is not unlawful. It is a lawful act of national self defense. Nor would it violate otherwise applicable federal laws barring unlawful killings in Title 18 or the assassination ban in Executive Order No. 12333. Moreover, a lethal operation in a foreign nation would be consistent with international legal principles of sovereignty and neutrality if it were conducted, for example, with the consent of the host nation’s government *or after a determination that the host nation is unable or unwilling to suppress the threat posed by the individual targeted* (United States Department of Justice, 2011, my emphasis).

The often-used ‘rogue state’ metaphor works similarly. It is a variant of the state-as-person set of metaphors – a personification of a state as a dishonest or unprincipled man, evoking a need for protection, scrutiny, observation and eventually criminal prosecution. The metaphor’s second meaning as an animal that has removed itself from the herd and exhibits savage tendencies reinforces this notion and emphasized that the threat posed by the ‘rogue’ state is directed against the herd, the group of ‘normal’ states and calls for the protection of that group (Charteris-Black, 2009, pp. 110-112).

This emphasizes the hierarchical situation at the basis of the doctor/patient distinction inherent to illness metaphors. Another country’s failure to prosecute or adequately deal with a perceived threat allows a ‘law-abiding’ state, here the United States, to violate sovereignty and territorial integrity and create an instant battlefield, governed by the rules of war outside of actual hostilities. Criminal law and the context of law enforcement create the legitimization of the targeting of specific individuals, even across borders and even without extradition treaties and processes. However, the rule of law does not govern the targeting process and the use of force, only the decision to target an individual. The use of force, deemed an active self-defense, falls under the laws of war, outside of and clearly demarcated from the paradigm of law enforcement. It creates targets, but does not lend rights and judicial process to those targets.

Conclusion

In this article, I have argued that the present-day ‘high value targeting’ of individuals in the context of the ‘War on Terror’ is rooted in strategic debates about ‘decapitation’ that predate September 11. As a publicly admitted targeting strategy, ‘decapitation’ was first used during the NATO bombing campaigns of the 1990s. However, the concept could be traced much further back. It developed out of U.S. nuclear deterrence theory during the Cold War, gained salience in debates about the role of strategic bombing during the 1980s and later proved to be conceptually compatible with asymmetrical warfare and counter-terrorism. The decapitation imagery assumes that the removal of the ‘head’ of an enemy organization will lead to its paralysis and thereby helped establish a new understanding of enemies as organic systems. This logic separated the targetability of individuals from the legal context of state sovereignty and inter-state warfare. Intertextually stabilized, the language of decapitation has gradually led to an expansion of what constitutes a ‘leader’ and thus a legitimate target.

This incremental process underscores how crucial the historicity of (targeting) norms is for international relations scholarship. The analysis emphasizes that it is indeed problematic to study ‘targeted killing’ ahistorically: as a concept inherently tied and limited to current counterterrorism, sharply delineated from other assassination norms. To be sure, ‘targeted killing’ comprises more than ‘high value targeting’ and ‘high value targeting’ is more than ‘decapitation’ under a different name. However, these concepts – and the process of their discursive transformation and stabilization – have been shown to be inextricably interlinked. It would hence be analytically careless to treat the historical targeting of heads of states and the present-day targeting of individuals as separate normative contexts. This is equally true for norms and rules within and outside of traditional warfare (a distinction international law struggles with in terms of humanitarian law or *ius in bello* and human rights law as distinct bodies of law). As I have shown, the normative roots of peacetime targeting have developed out of wartime strategies. Using such narrow definitions risks replicating the normative goals of the proponents of targeted killing: that the practice is something entirely new, a reaction to the new circumstances of the ‘War on Terror’, where the normative context of ‘assassination’ is not relevant any longer – an assertion that the findings presented above have debunked.

This study has dealt with the domestic aspect of global targeting and assassination norms. The incrementality of this domestic normative change might hint at an answer to a topical puzzle: the relative lack of contestation of those practices on the international level. Why was ‘targeted killing’ never an overly contentious issue among states, both before and after 9/11 (cf. Großklaus, 2017)? Why did activist groups and other non-state actors have such a hard time lobbying and mobilizing against the practice before its escalation during the Obama administration?

The process laid out in this article suggests the possibility that precisely because of the slow and gradual nature of the development of targeting logics in the United States, policy change was never rapid enough to spark a major debate among states. Further, the U.S. avoided to make ‘assassination’ or ‘targeted killing’ the center of legal considerations, although especially the former term was omnipresent in surrounding policy debates. Rather, the looming legal questions have been subsumed under broader debates about self-defense, pre-emption, territoriality, combatant status and the applicability of international humanitarian law outside of traditional wars. This is mirrored in recent attempts to create legal frameworks regulating – or defending – of the U.S. drone program.

Outside of the security community, ‘targeted killing’ never led to major protest before the advent of drone warfare and with it, high numbers of civilian casualties. This might have been because the practice (not the technology used to carry it out) was never truly an innovation that came out of nowhere. It is an evolution of long-established targeting paradigms that *did* change, but slowly enough so that they could become stabilized and normalized before drones entered center stage. The normative groundwork had been laid long before 9/11, which has made post-9/11 critiques – and the eventual creation of anti-targeted-killing norms – so difficult. Through the continuity in imagery, counterterrorist strategists were successful in framing the history of U.S. targeting of individuals as precedent for HVT and targeted killing (“We have the authority to target [terrorists] with lethal force *just as we targeted enemy leaders in past conflicts*”, Brennan, 2012, my emphasis).

Metaphors as intertextual devices helped highlight the transformation of targeting paradigms. As the analysis has shown, the negotiation of individual threat is structured by body metaphors. The ‘dangerous’ individuals that have become targets have been described as ‘heads’, ‘brains’ or ‘viruses’ or ‘cancer cells’. The legal responsibility for those

threats, however, is structured through person metaphors, a subtle yet crucial difference. 'Heads' may be deemed a threat that allows the targeting of an individual, but this imagery does not endow them with individual rights. They are parts of a body, but not persons and thus not legal persons. This remains the prerogative of nation states. Terrorism is framed as illness, but the patient is the nation state that is 'sick' or 'infested'.

This has normative implications. Security discourses – and the actors within them – 'make up people' as targets. At the same time, this process also contributes to the 'un-making' of people: In international law, individuals have become legal subjects in what used to be the exclusive realm of nation states. The law not only governs individual persons, but has also begun to protect them. Crucially, the 'body' and 'disease' imagery used in U.S. targeting discourse runs counter to this trend. These metaphors underpin policy, for example through the concept of 'host nations' and, of course, in the case of the AUMF. The 'decapitation' language is more than linguistics. It leads to real targets, real violence and real civilian casualties in Pakistan, Yemen and beyond. It puts individuals into the line of fire, but does not endow them with individual rights.

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6. Concluding Remarks: Ambiguous Norms and Access to Contestation

However unwillingly a person who has a strong opinion may admit the possibility that his opinion may be false, he [sic] ought to be moved by the consideration that however true it may be, if it is not fully, frequently, and fearlessly discussed, it will be held as a dead dogma, not a living truth (John Stuart Mill, *On Liberty*, 1989, p. 64).

In this dissertation, I have sought to shed light on norm contestation in international politics as meaning-making, the role of agency in it and processes of incremental change. In this concluding section, I reflect on the ambiguity of norms and discuss the normative implications that the four case studies raise: How can we normatively evaluate contested, contradictory and ever-changing norms? I proceed as follows. In a first step, I will recap the empirical role of ambiguity and contestation in the four articles. In a second step, I debate contestation as a *normative* theory. Based on its diversity premise and core assumption of politics as conflict, it places the key to a just international system in access to meaning-making, not in the substance of norms. As I argue, this provides for a promising normative entry point into the empirical reality of ambiguous and constantly changing meaning, while open questions for future research remain. In a third and last step, I return to the four empirical cases and examine how much ‘access to contestation’ is available to those who are affected by the norms in question.

Ambiguous Norms and Mixed Normativity

This dissertation has shown that, at an empirical level, norms about gender, the rule of law, assassination and targeted killing are highly ambiguous and often outright contradictory. It has highlighted that this plays a crucial role in processes of normative change on the international level and actors’ strategies within them. The articles in this dissertation conceive of norms as intertextual artefacts, as amalgams that bear the traces of different strategies and discourses. This intertextuality results in a ‘mixed normativity’. Norms can

simultaneously entail ‘progressive’ and ‘conservative’, ‘liberal’ and ‘illiberal’, transformative as well as stabilizing elements. Those internal contradictions are the results of past contestation (as stabilizations of past discursive strategies) and can be leveraged by actors in moments of contestation.

The case studies show that non-state actors usually invoke ‘liberal’ aspects of norms that constrain states while governments make recourse to ‘sovereignty’ norms that empower or shield them against other norms.¹ Both sets of (meta) norms have long histories, are highly intertextual and provide ample discursive points of contact for the justification of policy positions. In line with this, it has been an explicit strategy for (some) state actors to de-emphasize the liberal aspects of norms (anti-assassination and gender as liberal rights) while emphasizing its sovereignty implications (protecting heads of states from assassination, gender representation as an aspect of nationhood and domestic economic progress). In both cases, discursive strategies, through appropriation and the use of meta-norms, were aimed at weakening those discursive points of contact for liberal challengers.

In all cases, empirical ambiguity represented a desired outcome by some actors: blurred definitions and conceptual obscurity lie very much within the interest of actors aiming to avoid, for example, legal clarity. This is particularly striking in United States practices within the War on Terror and beyond (*Erosion* and *Decapitation*), where a strategy to obscure the legal confines of concepts and practices like assassination or torture can be observed (Abramowitz, 2002; Anderson, 2009; Heller, Kahl, & Psoiu, 2012; McSherry, 2009). In *Steering*, ambiguity has also proven to be the desired outcome of a powerful actor, albeit with the aim of triggering societal contestation. In its Neighborhood Policy towards Morocco, the European Union has sought to use vague and seemingly technical terms in the field of highly politicized democracy and judicial reform to avoid contestation at the state level. This has then led to a re-politicization of those terms at the societal level through NGOs and other activist groups. They have contested the vagueness and fought to fill terms like ‘good governance’ or even ‘reform’ and ‘modernity’ with more precise meaning while not contesting those terms themselves. In *Appropriation*,

¹ Upholding the concept of state sovereignty and resisting liberal limitations to it is not only a strategy of traditionally powerful actors, but represents a core collective goal of rising powers as well. In this sense, those actors contribute to stabilizing the established system rather than transform it (Newman & Zala, 2017). On connected debates about the state of the liberal world order see Acharya (2017), Chugrov, (2015), Haas (2015), Ikenberry (2011) and Nye (2017).

Nigerian government actors sought to obscure the meaning of ‘gender’ and ‘gender representation’ as a whole, removing it from its powerful political origins and effectively countering the transformative impact of CEDAW. This has contributed to a stabilization of established norms configurations around ‘tradition’, ‘economic progress’ and the Nigerian nation state.

Across the four articles, the respective norms have contributed to liberal societal transformation while at the same time stabilizing state power. In the Nigerian case, those reforms have led to a strengthening of the Nigerian government towards the United Nations. In the case of European Neighborhood Policy, both the strengthening of the Moroccan governing elite and the simultaneous strengthening of civil society actors has ultimately contributed to European Union power over the country’s reform process. In all cases, the elevation of speaker positions of liberal actors also implied the silencing of groups that have not framed their political struggles in Western terms.

Clearly, international norms are more than backdrop ‘standards of behavior’. They are an active and important part of actors’ strategies. Norms on ‘good governance’ and the rule of law in European Union foreign policy have been shown to be important instruments in larger discursive strategies that were more about influence and power rather than the promotion of a specific norm. In the case of gender reform in Nigeria, concrete norms were not the main focus of appropriation strategies. These were aimed at definitional power over a specific policy questions and the broader normative environment, not merely the norm itself. Contesting and re-defining the meaning of a specific norm served the former end to gain political power.

Even rules of war are more than regulative constraints, but the very discursive resources through which states actively justify their various practices and policies. As Hurd concludes in our special on targeted killing, those norms are “not the background against which war choices are made by states; they are better seen as the normative material with which war choices are possible” for states (Hurd, 2017b, p. 310). Norms are constraining and enabling at the same time. The classical differentiation between the two functions does not hold up empirically (Hurd, 2017a, 2017b). In the case of targeted killing, norms constrain certain state behavior in that they render certain forms of violence illegal, immoral or taboo. At the same time however, they allow and enable other forms of violence, for example the targeting of persons within military chains of command or ‘combatants’.

Violence-regulating norms construct exceptions to the legitimacy of the use of force but through this, they simultaneously contrast legitimate forms of the use of force.

Theoretically, this dissertation has warned of the perils of universalist assumptions and implicit progressivist biases in the scholarship on international norms. The empirical findings mirror this, underscoring the instability of norm meaning. The ambiguous and contradictory role of norms, their mixed normativity, makes a normative assessment a precarious endeavor. In the face of this normative messiness, contestation offers a promising alternative as a normative theory. This approach gauges legitimacy through a norm's contestedness rather than through its substance. In the following paragraphs, I will discuss contestation's potential as a nascent democratic theory for the international system and raise open questions for future research.

Contestation as a Normative Theory

Norms are powerful because they have distributional implications, both in material and immaterial terms. Norms empower some actors and disempower others: They lend credence to some voices and marginalize others. Questions about the agency of actors (and explicitly the agency of weaker actors, see *Appropriation* as well as Berger, 2017; Draude, 2018) entails questions about access to norm-generative practices. Being able to contest means having agency in international politics. That means that a normative account of international politics needs to consider who gets to participate in those contestation processes we observe empirically, who does not and why. A 'diversity ontology' is also an inequality ontology: power, discursive and material, is distributed unequally among actors. This bears the question of who has access to the contestations that are constitutive for the ground rules of governance.

Contestation scholars often insist that contestation is an explanatory and a normative theory at the same time (Newman & Zala, 2017; Niemann & Schillinger, 2016; Steele, 2017; Wiener, 2014, 2017c; Zimmermann, Deitelhoff, & Lesch, 2018). This strand of the literature intends to both theorize *how* norms are contested and simultaneously argues that norms *should* be contested. Contestation, as outlined in the introductory chapter, is seen as a form of justice on the international level. As I have indicated, contestation theorists

however struggle to make explicit how this simultaneity of contestation as empirical observation, analytical framework and normative category is achieved (Wolff & Zimmermann, 2015). It lacks a precise argument as to why it is desirable to conflate empirical-analytical and normative audiences (cf. e.g. Wiener, 2014, pp. 20-22,46). To put it differently, it remains unclear what Wiener's 'Theory of Contestation' is a theory of (cf. Bueger, 2017, p. 129). In this dissertation, I have accordingly not used contestation in the narrow sense of an explanatory or normative theory, but rather as a broader analytical framework that allows me to address a number of related research questions. I have sidestepped normative analysis and focused on agency and normative change. Despite these caveats however, contestation has great merit as a normative theory of international politics. It is still in the fledgling stage and remains best applied separate from empirical-analytical analyses.

Contestation theory that ascribes an explicit normativity to contestation itself. It is built on a core cosmopolitan assumption or 'community ontology' (Wiener, 2014, pp. 33,81), the acknowledgement of the international sphere as an ultimately diverse environment, a multitude of actors with fundamentally different cultural backgrounds and beliefs. This runs counter to an (often implicit) idea in 'progressive' norms research that there are universally applicable norms that ultimately fit all actors (even if that 'fit' has to be locally created, cf. Acharya, 2004, see also the related discussion in *Appropriation*). As detailed in the introduction to this dissertation, contestation's antagonistic worldview is fundamentally wary of any of any universalisms. Justice is achieved through doing, not through the content of specific norms: "Norms that are generated unequivocally, without making space for challenges for actors who could be affected by that norm, are invalid" (Havercroft, 2017, pp. 104-105). Hence, the key to a just international order is not the validity (or truth or universality) of the norms and values that constitute it, but how open it is to their contestation by those actors (or subjects) that are affected by those norms. The higher their ability to contest the norms of governance, the more legitimate the political order.

For this, a Habermasian deliberative understanding of legitimization is not enough to meet contestation's key understanding of international politics as struggle. Simply creating arenas for rational (norm) deliberation, where arguments can be exchanged in a setting

of mutual recognition would be too consensus oriented.² It would leave too little room for actual political contestation as true conflict. Following Tully, Wiener cautions that such an approach would be “difference-blind”, not acknowledging the diverse makeup of the international system beyond states as sovereign equals. Indeed, an implicit goal of a “better argument” eventually winning would come dangerously close to the refuted assumption of universally valid norms. Deliberation to work on the international level would require a shared “lifeworld”, shared values and interpretations, based on which it becomes possible for actors to truly understand each other’s motivations and justifications. Outside of the diplomatic sphere, according to the ‘community ontology’, this shared lifeworld however simply does not exist:³ Beyond the world of nation states, “individual socialization creates the background for our daily interpretation of norms” (Zimmermann, 2017, p. 151). Individuals do not engage in explicit, conscious debates when contesting global norms (like diplomatic arguing), but rather act out identity, experiences and culture. The diversity premise means that contestation is inherent to everything, inevitable in a culturally diverse world, there is no one universal norm that just needs to be found (or taught). Conflating international organizations, conventions or diplomatic encounters as such a shared lifeworld creates the norm localization problems discussed in this dissertation in the first place. International norms, generated and debated in international forums still need domestic translation, vernacularization or appropriation in order to resonate. They might have been contested and ultimately agreed upon on a diplomatic level, based on the shared lifeworlds of diplomats, but not by those who are eventually subject to those norms.

This raises the question of what happens after the – necessary – diplomatic *international* groundwork for norms is laid. Wiener emphasizes the importance of transnational arenas at intermediate level that are concerns with norms between the level of general principles and the implementation of specific rules, though neither “A Theory of Contestation” nor more recent proposals are overly specific yet (Wiener, 2014, 2017a,

² Even though Wiener explicitly distances herself from core Habermasian assumptions, Zimmermann asserts that ‘contestation’ as a normative principle is closer to Habermas than it admits (Zimmermann, 2017). In later works, Wiener indeed acknowledges contestation’s compatibility to a Habermasian theory of justice on the international level in principle (Wiener, 2017b, p. 166).

³ This is why it has always been difficult to find an analogous model for the international system as a (deliberative) political system (Zimmermann, 2017, p. 151).

2017c).⁴ This raises several still unanswered questions. Do actors need to agree on every aspect of a norm's meaning or do they simply need to find an overlap? Is there a space for diverse and conflicting interpretations of a global norm, especially in the case of vernacularized or appropriated norms which means norms that have not simply been translated to create fit, but have undergone a significant change in meaning? Precisely how much diversity and contestation is needed for legitimate international order? And how much contestation can an international order withstand in order to still be considered an order? A second set of questions (cf. Zimmermann, 2017, p. 154) is concerned with the institutionalization of spaces for contestation. How can regular contestation be institutionalized without also institutionalizing, stabilizing or strengthening existing power imbalances, such as for example the marginalization of women and/or the Global South in such institutions? And how can we disentangle the contestation of normative meaning from the contestation of representation (Newman & Zala, 2017)? What is the difference between the contestation of institutions and order and the contestation of the norms that underpin them?

Access to Contestation in a State-Centric World

Contestation is clearly not yet a fully developed as a normative theory of the international system. However, it offers promising yardsticks for a normative assessment of international norms that brackets the substance of norms and focuses on their openness to contestation. In the following section, I discuss how the norms in the four articles fare against the nascent criterion of 'access to contestation' and outline the theoretical challenges that remain.

⁴ Wiener has made a first attempt at operationalizing access to contestation as a normative yardstick. It offers a valuable perspective, yet remains (necessarily) sketchy (Wiener, 2017a). In it, Wiener differentiates two kinds of norm contestation as either opposition to or proactive engagement with a norm. Especially *Appropriation* however suggests that opposition to norms can be productive, suggesting that empirically separating those two types of contestation might well prove to be a theoretical artefact. This again underscores how problematic the narrowing of 'contestation' as 'norm contestation' can be. Opposing a specific norm might well not mean a proactive engagement with the same norm but can, as the case studies in this dissertation suggest, be highly proactive about other norms. This also works the other way around: engaging normative context, engaging surrounding or meta-norms have been shown to be effective ways of opposing a specific norm. This also counters recent claims that appropriation approaches remain analytically limited to mere practices of norm rejection (Zimmermann, Deitelhoff, & Lesch, 2018).

The CEDAW-inspired gender norms discussed in *Appropriation* present a mixed picture. On the one hand, appropriated norms have contributed to the visibility of both feminist voices and Nigerian women in general, though to a limited degree. On the other, they have further stabilized the predominance of Western, secular variants of feminism, effectively contributing to the marginalization of religious or other forms of Non-Western ideas about womanhood and gender representation. The relevant powerful actors within the struggle over the meaning of 'gender representation' in Nigeria were the United Nations, Nigerian government actors, secular Western NGOs and Nigerian pro-Western NGOs. There was some degree of access to contestation of an externally promoted norm, which however had an antithetical effect. Nigerian government actors were able to disconnect gender representation from its politically explosive contents, making it far less transformative than it could have been.

This is an important insight, countering the argument that translated, hybridized or appropriated norms are per se more legitimate than straight adaptations (Galvan & Sil, 2007; Mac Ginty, 2010; Richmond, 2009). However, these contestations remained mostly limited to state actors or those given a platform by the United Nations monitoring and shadow-reporting process. This would fulfill minimum requirements for a theory of justice that is premised on a society of states. It is true that those affected (and governed) by CEDAW, Nigerian women, had more than nominal influence on meaning making. This however only happened mediated through the act of voting in an authoritarian system and through the work of international NGOs and domestic pro-Western activists, which hardly meets any standard of access given how little legitimacy transnationally oriented NGOs, both Western and domestic ones, enjoy in the region (Stachursky, 2013).

In *Steering*, we have conceptualized soft steering as 'situational horizontality', i.e. a situation where formalized sanctions or institutions are absent. Our results substantiate that even the 'good governance' aspects of European Union Neighbourhood Policy are part of an encompassing power strategy directed at power over meaning. This is true even though the EU-Moroccan relations are dependent on mutual agreements and joint institutions. Those cannot negate the fundamentally unequal power relations between the European Union and its 'neighbourhood' region. Our argument is that the literature on 'EU external governance' and 'normative power Europe' both miss this fundamental power dynamic, essentially assuming a benevolent export of European norms and rules. This

logic assumes that the EU's own experience, the avoidance of war through growing economic interdependence naturally leads to the export of democratic, rule of law and human rights norms, but also about trade, market governance and, more recently, border and immigration control. However, the norms, subjects and categories at play (and the discourses behind them), clearly render the European Union more powerful than Morocco. The former could effectively *use* those discourses and discursive artefacts as a part of its steering strategy. Those results are compatible with a conceptualization of the European Union as an empire with fuzzy borders. The EU's export of rules and norms would then be characterized as an attempt to stabilize its periphery (Del Sarto, 2013; Zielonka, 2006).

Considering this fundamental power asymmetry, how should we evaluate this high degree of civil society involvement and access to contestation? Moroccan government actors remain the obvious gatekeepers of institutional change. However, it was one of our most notable findings that the EU was successful in circumventing this by depoliticizing issues at the governmental level while at the same time incentivizing their re-politicization at the societal level. This involvement of civil society actors lends some legitimacy – at least more so than if only involved state actors had been involved – but remains limited. The EU's steering approach creates speaker positions and lends power to some domestic actors to contest Moroccan policies. This is, however, part of a superordinate strategy directed at maintaining power *over* Morocco. The EU remains influential in that it purposefully delegates the contestation and re-contestation of certain norms, subject roles and categories but remains the sole actor to determine what those norms and concepts are, mainly through its unquestioned prerogative to produce the texts that form the basis for the bilateral cooperation.

Some argue that the EU's competition-based approach is more legitimate than straight funding of selected civil society actors. In line with this, EU democracy promotion is seen as more legitimate than its United States counterpart (Khakee, 2008). Recent studies however suggest that although there is solid support for democratic governance in the Arab world, the EU's brand of liberal and market-based democracy is still widely rejected (Teti & Abbott, 2014). Although only and indirect funding, it clearly only creates access to contestation for some actors while excluding others. Those are notably Islamic actors, but also other groups that lack knowledge and infrastructure to apply for EU funding or want to avoid being associated with the EU. Clearly, again, contestation is clearly

not accessible those affected by the imported norms, in this case mainly through a reformed judiciary sector. It ultimately perpetuates power asymmetries. How would a more legitimate, more just EU foreign policy look like? Is it possible to craft a Neighbourhood Policy that fulfills the requirement of giving access to contestation to those affected by it? That seems impossible in the realm of state-centric foreign policy (with the European Union as a state-like entity in international relations). This hurdle seems impossible to clear. A truly inclusive policy, true to contestation's premise of a world society would not qualify as 'foreign' policy or 'inter-national' relations any longer.

Erosion and *Decapitation* raise a similar question: How would a (more) legitimate targeting strategy look like? There have been numerous attempts to carve out such normative standards. Those are however often limited to the political system of the United States and thus focused on domestic democratic norms such as transparency, civilian oversight and legal process (McKelvey, 2011; Singer, 2012). Other normative approaches stem from the 'just war' tradition that, in its pragmatist orientation, remains heavily focused on the international arena as a world of sovereign nation states (Brunstetter & Braun, 2011; Rengger, 2013). Following the nascent paradigm of 'access to contestation', a targeting strategy would have to include the contestations of actors affected by them, i.e. both armed fighters and civilians in, for example, Yemen and Pakistan. In a state-based international system that accepts national strategic interests, this seems impossible to achieve. A minimal standard would require targeting paradigms (from broad strategy, to the targeting process, to actual kill lists) to be explicitly grounded in concrete principles of customary international law. Those come closest to contestable norms by those affected, though again through representation within, mostly authoritarian, nation states. It is therefore hardly surprising that the United States has mostly avoided to anchor both targeted killing and decapitation as *practices* in precise international legal language (Grey, 2013; Schmitt, 2003, 2012). Rather, it has framed these as sub-aspects of self-defense as the all-defining principal category.

Erosion and *Decapitation* deal with the creation and transformation of norms that constrain and permit the use of violence. Violence as a – crucial – aspect of international politics points to another limitation for contestation as a yardstick of justice on the international level: Should acts of violence be considered contestation? Can the breach of humanitarian law be considered contestation? Does the U.S. practice of torture by itself

constitute a contestation of the torture taboo? Can or should ‘terrorist’ acts be read as conscious contestation of certain norms of the state-centric international system? What about violent anti-colonial protest, what about revolutions? Wiener is clear on those issues, contending that as contestation is “always expressed through language [and] excludes violent acts such as (...) any form of war, terrorist act, or protest” (Wiener, 2014, p. 49). This however means limiting contestation to speech acts, which is both theoretically and normatively unconvincing to me. Speech is a form of action and actions, in turn, have discursive implications, whether they are mass protests or war. Violence and the threat of violence are indeed contestations that are of utmost importance for the structure of the international order (Senn & Troy, 2017).

Reducing contestation to speech acts is decidedly normative. In fact, protests, demonstrations, boycotts and so on remain among the most important norm-challenging (and norm-generative) tools in the hands of non-state actors. Further, as not least the postcolonial literature has impressively shown, language can be inherently violent. *Erosion* and *Decapitation* are cases in point. In turn, many human rights norms are inextricably linked to (violent) anti-colonial protest and fights for self-determination.

This connects to the inherent Westernness of many, if not most of the norms discussed in this dissertation. These are mainly liberal norms that can be attributed to the realm of ‘human rights’. In this sense, postcolonial critiques of Western norms (Barreto, 2013; Bonnet, 2015; Mutua, 2002) can also be read as critiques of missing access to contestation. Although these interventions obviously go further and point to the powerful real-world consequences that colonial heritage has on people’s lives, they are crucially about agency in meaning-making: Who gets to define the ‘human’ in ‘human rights’? On whose experiences and lifeworlds is the specific ontology inherent to liberal norms based on? What subjectivity comes with the language of ‘rights’? The same applies to international relations theory. The predominance of Western perspectives in the field (Acharya & Buzan, 2017; Bilgin, 2008; Tickner, 2003) is less a problem of substance than a structural problem of access to the contestation of established theories for Non-Western voices.

Whether in the real world or in scholarly reflections on it, neither origin nor content of a specific norm or theory are problematic per se. The key to a more just world lies in how much agency to contest and influence meaning is available to those who are affected by it.

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Appendix

Short Summary

This cumulative dissertation explores the contestation of global norms. It seeks to shed light on the discursive strategies behind those struggles about meaning and ask about their relation to normative change on the international level. To do so, I accept the empirical ambiguity and contestedness of normative meaning as a starting point, not an analytical problem to be overcome. Rather than isolating ‘pure’ and unambiguous norms that can be neatly traced, the articles in this dissertation seek to shed light on those ambiguities, contradictions and tensions: First, how can we conceptualize them and capture them analytically? Second, what do actors do with those ambiguities and contradictions? How do they leverage them? How are they bound by normative structures and, simultaneously, how do they engage and seek to transform them? How do actors use norms and normative context in struggles over meaning, for example by exploiting, resisting, subverting, stabilizing or de-stabilizing them? What agency lies in gaining power over definition and meaning? And third, what does this teach us about the process of normative change on the international level? This dissertation consists of four separate articles. First, *Political Steering: How the EU Employs Power in its Neighbourhood Policy towards Morocco*, was published in *Mediterranean Politics* and co-authored with David Remmert. It explores the European Union’s promotion of the rule of law and human rights norms and conceptualizes this as a form of discursive power. Second, *Appropriation and the Dualism of Human Rights: Understanding the Contradictory Impact of Gender Norms in Nigeria* was published in *Third World Quarterly*. It conceptualizes appropriation as a form of local agency in norm promotion processes. Third, *Friction, not Erosion: Assassination Norms at the Fault Line between Sovereignty and Liberal Values* was published in *Contemporary Security Policy*. It shifts the focus towards the conundrum of weakening norms and explores the role of normative context in it, stressing normative change as slow and incremental. Fourth, *Talking ‘Heads’: The Language of Decapitation and the Targeting of Individuals in U.S. Security Policy* is an unpublished manuscript. It addresses the domestic side of targeted killing norms and highlights the gradual nature of normative change in U.S. security discourses and targeting paradigms.

Kurzzusammenfassung

Die vorliegende kumulative Doktorarbeit setzt sich mit der Umstrittenheit globaler Normen auseinander. Sie konzeptualisiert die diskursiven Strategien hinter diesen Deutungskämpfen und fragt nach deren Zusammenhang mit normativen Wandel auf der internationalen Ebene. Sie akzeptiert dabei die empirische Umstrittenheit und Ambiguität von Normen als Ausgangspunkt statt als analytisch zu überwindendes Problem. Die Artikel, die diese Dissertation umfasst, suchen diese Spannungen und Widersprüche zu konzeptualisieren und analytisch sichtbar zu machen: Wie benutzen Akteure Normen und normativen Kontext in Deutungskämpfen? Welche Agency liegt in solcher Deutungsmacht? Was lässt sich daraus über den Prozess normativen Wandels auf der internationalen Ebene ableiten? Die vorliegende Arbeit besteht aus vier Einzelartikeln. *Political Steering: How the EU Employs Power in its Neighbourhood Policy towards Morocco (Politische Steuerung: Wie die EU in ihrer Nachbarschaftspolitik gegenüber Marokko Macht ausübt)* wurde in *Mediterranean Politics* veröffentlicht und ist in Ko-Autorenschaft mit David Remmert entstanden. Der Artikel untersucht die externe Förderung von Menschenrechten und der rule of law durch die Europäische Union und konzeptualisiert dies als eine Form diskursiver Macht. *Appropriation and the Dualism of Human Rights: Understanding the Contradictory Impact of Gender Norms in Nigeria (Aneignung und der Dualismus der Menschenrechte: Die Widersprüchliche Wirkung von Gendernormen in Nigeria)* wurde in *Third World Quarterly* veröffentlicht. Der Artikel konzeptualisiert Aneignung als eine Form lokaler Agency in Normdiffusionsprozessen. *Friction, not Erosion: Assassination Norms at the Fault Line between Sovereignty and Liberal Values (Reibung, nicht Erosion: Attentatsnormen im Spannungsfeld zwischen Souveränität und liberalen Werten)* wurde in *Contemporary Security Policy* veröffentlicht. Der Artikel beschäftigt sich mit dem Puzzle erodierender liberaler Normen, erörtert die Rolle von normativem Kontext in diesem Prozess und arbeitet normativen Wandel als langsam und inkrementell heraus. *Talking 'Heads': The Language of Decapitation and the Targeting of Individuals in U.S. Security Policy (Die Sprache von 'Enthauptungsschlägen' und die Rolle von Einzelpersonen als militärische Ziele in der amerikanischen Sicherheitspolitik)* ist ein unveröffentlichtes Manuskript. Es beschäftigt sich mit der innerstaatlichen Seite von gezielter Tötung und erörtert den graduellen normativen Wandel in U.S.-amerikanischen Sicherheitsdiskursen und Militärstrategien.

(Die persönlichen Daten wurden in der Online-Version aus Datenschutzgründen entfernt)

Lebenslauf

Akademische Positionen

- | | |
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| Seit 10 / 2013 | Promotionsstipendiat
Graduate School of North American Studies, Freie Universität Berlin
Dissertationsthema 'The Intertextuality of Global Norms: Discursive Strategies and Incremental Change', betreut von Prof. Lora Viola und Prof. Christian Lammert |
| 01 / 2017 – 04 / 2017 | Visiting Scholar
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Forschung zu gezielter Tötung im Völkergewohnheitsrecht |

Ausbildung

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|-----------------------|--|
| 10 / 2006 – 09 / 2012 | Studium der Politikwissenschaften an der Freien Universität Berlin
Diplom-Politologe, Abschlussnote sehr gut (1,3)
Studienschwerpunkte Europäische Integration und internationale Institutionen |
| 02 / 2010 – 05 / 2011 | Auslandsstudium an der Boğaziçi Universität Istanbul
Schwerpunkt Politik des Vorderen Orients |
| 07 / 1997 – 04 / 2005 | Besuch des Goethe-Gymnasiums in Freiburg im Breisgau
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Berufliche Tätigkeiten

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| 04 / 2008 – 02 / 2010 | Studentische Hilfskraft
Arbeitsstelle Europäische Integration, Freie Universität Berlin
Inhaltliche und organisatorische Mitarbeit an Forschungsprojekten, der Lehre sowie wissenschaftlichen Konferenzen des Lehrstuhls |
| 04 / 2007 – 03 / 2008 | Studentische Hilfskraft
Lehrstuhl Regierungssystem der BRD, Freie Universität Berlin
Erhebung und Aufbereitung statistischer Daten, Durchführung qualitativer Interviews |

- 09 / 2006 – 04 / 2008 **Seminarleiter**
Bürger Europas e.V.
 Leitung von Workshops und Seminaren an Schulen zur Politik der EU
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Deutsches Rotes Kreuz e.V., Kreisverband Breisgau/Hochschwarzwald
 Betreuung von behinderten Menschen, mobile soziale Dienste, Verwaltung der Breitenausbildung und Sekretariatsarbeiten

Ehrenamtliche Tätigkeiten

- 08 / 2006 – 10 / 2013 **„Young EU Professional“**
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 Peer-Education zu europapolitischen Themen. Leitung von Seminaren und Workshops an Schulen sowie Konzeption und Organisation mehrerer Jugendkongresse
- 06 / 2006 – 09 / 2011 **Mitglied der Redaktion des „Wahl-O-Mat“**
Bundeszentrale für politische Bildung
 Inhaltliche Ausarbeitung der Thesen und konzeptionelle Weiterentwicklung des Tools
- 09 / 2006 – 12 / 2007 **Mitglied der Politikfabrik e.V.**
 Organisation von Workshops zur Bundestagswahl und zur EU-Osterweiterung

Publikationen

- 2017: Friction, not Erosion. Assassination Norms at the Fault Line between Sovereignty and Liberal Values.** Contemporary Security Policy, 38(2), 260-280. doi:10.1080/13523260.2017.1335135
- 2016: Political Steering: How the EU Employs Power in its Neighbourhood Policy towards Morocco.** Mediterranean Politics, 21(3), 343-363, mit David Remmert. doi:10.1080/13629395.2016.1163783
- 2016: Appropriating Gender: The Ambivalent Effects of Nigeria's CEDAW Implementation.** In T. Bonacker, K. Zimmer, & J. von Heusinger (Eds.), Localization in Development Aid. How Global Institutions Enter Local Lifeworlds. London: Routledge.
- 2015: Appropriation and the Dualism of Human Rights: Understanding the Contradictory Impact of Gender Norms in Nigeria.** Third World Quarterly, 36(6), 1253-1267. doi:10.1080/01436597.2015.1047206

Konferenzbeiträge

- 2015: Assassination and the Transformation of International Normative Orders,** Paper for presentation at the 9th Pan-European Conference on International Relations, September 23rd-26th, Giardini Naxos, Italy.
- 2015: Targeted Killing and the Assassination Taboo between States: A Historical Perspective on Norm Dynamics in International Relations,** Paper for presentation at the 9th Pan-European Conference on International Relations, September 23rd-26th, Giardini Naxos, Italy.

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2013: Local Responses to International Human Rights Promotion: Appropriation as a Conceptual Frame, Paper prepared for the 1st European Workshops in International Studies (EWIS), 5th – 8th June 2013, Tartu/Estonia.

2013: Contestation, Appropriation, and Discursive Filters, Paper prepared for the 1st GHRN Graduate Conference on Human Rights, 22nd May 2013, Glasgow/UK.

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