International Norms and Domestic Politics: Bridging the Rationalist–Constructivist Divide

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In recent years, students of regimes and norms have paid greater attention to domestic politics. Both liberals and constructivists are ‘unpacking’ the state in ways that further our understanding of how international norms work their effects in the domestic arena. A crucial next step is for adherents of these two schools to engage in dialogue. This article contributes to such an enterprise by developing scope conditions that predict when norms will have the constraining or constitutive effects favored, respectively, by liberals and constructivists. I make a distinction between compliance with norms and the diffusion mechanisms empowering them domestically, explaining variance in the latter with an institutional argument that captures key dynamics — rationalist or social constructivist — portrayed in other prominent accounts. The argument is illustrated by considering the domestic impact of norms embedded in the European human rights regime.

Introduction

Thanks to a growing body of empirical work, the once controversial statement that norms matter is accepted by all except the most diehard neorealists. Rather, at issue is how norms work their effects in the domestic arena. Liberals argue that international norms affect the incentives facing societal actors and politicians; they constrain behavior (Moravcsik, 1995; Cortell and Davis, 1996). Constructivists, in contrast, suggest that the effects of norms reach deeper — they are shared understandings that constitute actor identities and interests (Finnemore, 1996a; Katzenstein, 1996).
A central proposition of this article is that both schools are right — norms sometimes constrain and sometimes constitute. While this fact is recognized by several scholars (Klotz, 1995; Tannenwald, 1996), it has not received the attention it should — in large part because too much of the work on norms has been method-driven. Both liberals and constructivists have started from their respective methodological and ontological foundations, and then gathered data demonstrating that norms have constraining or constitutive effects. Such an approach has advantages (for theory development, say), but it hinders discussion across the methodological divides that too often still define the study of international relations.

My approach, in contrast, is problem-driven. Given the clear evidence that international norms have both constraining and constitutive effects at the domestic level, what analytic tools can we employ to disentangle these differing dynamics? For three reasons, such an undertaking is important. Theoretically, it promotes dialogue between scholars of rational choice (norms as constraints) and social constructivists (norms as constitutive). Empirically, it captures the reality of a social world where norms play multiple roles. Finally and in a practical sense, it alerts decision-makers to the various mechanisms through which international organizations and norms shape national policy.

The article is organized as follows. I begin with a brief review of the burgeoning literature on international norms, noting in particular two radically different methodological orientations in it. Next, I introduce a distinction between compliance with and diffusion of norms; domestic political institutions structure the latter process and help predict when norms will constrain, as opposed to constitute, agents. The third section illustrates my argument by considering the diffusion mechanisms and domestic effects of norms embedded in the contemporary European human rights regime.

**International Norms and Domestic Agents**

Congressional representatives in the United States, government bureaucrats in the developing world, pressure groups in West European democracies, movements in global civil society, national decision-makers — these are just a sampling of the political and social agents whose actions, we are told, have been affected by global norms (Klotz, 1995; Finnemore, 1993, 1996a; Moravcsik, 1995; Wapner, 1995; Cortell and Davis, 1996, respectively).

Not only is the array of actors bewildering; the manner in which these norms have effects is equally diverse. In some cases, they ‘shame’ or ‘pressure’ agents; in other instances, actors ‘learn’ from and ‘internalize’ the
norms (compare Moravcsik, 1995; Sikkink, 1993; Finnemore, 1996a; and Duffield, 1992).

Adding to the confusion, analysts invoke, usually implicitly, two contrasting cognitive models for understanding the effects of norms on agents. Some see actor behavior as governed by rational means–ends logics; norms alter these calculations. In their presence, actors recalculate how best to achieve given interests (e.g. Cortell and Davis, 1996).

Other scholars portray a very different cognitive dynamic, one where agent behavior is rule governed; strategic, instrumental calculations are replaced by so-called logics of appropriateness (March and Olsen, 1989), derived from social norms. Put another way, norms are constituting actor identity/interests, and not just constraining behavior (e.g. Soysal, 1994). Of course, underlying these two cognitive models are differing ontologies — agent-centered versus mutual constitution (Finnemore, 1996a: Chapter 1).

One reaction to such diversity is to ignore it, which by and large has been the case among IR scholars. Let the rationalist and constructivist each proceed on his/her merry way, oblivious to the work and insights of the other. The other reaction is to make sense of such diversity. This involves a recognition that both the rationalists’ logic of consequences (means–ends calculations) and the constructivists’ logics of appropriateness capture and explain key features of social life. Viewed from this perspective, the analytic challenge is not to declare the superiority of one method over the other, but to develop scope conditions that provide insights regarding when one logic or the other will obtain.

**Norm Empowerment and Domestic Institutions**

A first step in delineating such parameters is to distinguish analytically between norm compliance and norm empowerment. As a growing number of scholars have examined the domestic impact of institutions and norms, they have often done so through studies of compliance or, as it is also called, regime persistence/maintenance (Chayes and Chayes, 1993; Jönsson, 1993: 213–16; Müller, 1993; and, for an excellent methodological critique, Barsoom et al. 1996).

Research on compliance seeks to establish the domestic mechanisms through which states obey the injunctions embodied in regime norms. Such a focus is understandable and useful. It has moved scholarship beyond the often abstract categories of neoliberalism, where institutions and norms reduce transaction costs and uncertainty or promote sidepayments (Keohane, 1984; Martin, 1992). Instead, by casting aside unitary conceptions of
the state, analysts are addressing issues of central importance — the domestic politics and processes through which regime norms have their effects.

Compliance research has emphasized what students of public policy refer to as ‘implementation’. It takes as given a state’s participation in certain regimes or institutions, and then explores what factors promote compliance with them. Likewise, much of the recent constructivist work on norms, while not cast in compliance terminology, also focuses on this later, implementation stage (e.g. Strang and Chang, 1993; Soysal, 1994). Many of these scholars build on the research of John Meyer and his associates, who explore long-term patterns of normative diffusion while neglecting near-term diffusion processes (Meyer et al., 1987; Finnemore, 1996b).

Thus, for both compliance researchers and constructivists, an important and neglected question is how norms actually reach the domestic arena, a process I call empowerment. This concept highlights earlier stages in policy-making, when the issue is not compliance with well-established rules or the gradual normative reconstitution of actor identities, but how norms get on the domestic agenda in the first place. In process terms, the emphasis shifts from implementation to the oft-neglected politics of ‘adoption’ and ‘agenda setting’ (Polsby, 1975). Specifically, I define empowerment as occurring when the prescriptions embodied in a norm first become, through changes in discourse or behavior, a focus of domestic political attention or debate.³

Empowerment involves elite decision-makers and possibly other societal actors as well. Put more carefully, actions by state policy-makers, be it changes in their discourse or behavior, are a necessary but not always sufficient condition for empowerment to occur (see below). This reflects the fact that elites are the ‘gatekeepers’ who ultimately control the political agenda (Bachrach and Baratz, 1963).

Explaining and modelling this process of empowerment can bring greater clarity to the often vague discussions of the spread, transmission or diffusion of norms found in the literature. While nearly all analysts refer to such processes (e.g. Ikenberry, 1990; Thomson, 1990: 38–43; Brysk, 1993: 266–73; Soysal, 1994: 41, passim), few focus on the diffusion mechanism, or how it might vary cross-nationally. Large-N studies of global norm diffusion offer little additional insight as they are quantitative and correlational in design. Missing is the detailed process tracing and case research needed to explore actual diffusion mechanisms.⁴

If one reviews the empirical work on norms, however, it quickly becomes apparent that two distinct mechanisms are invoked as the process whereby they are empowered domestically. In one case, non-state actors and policy networks are united in their support for a particular international norm; they mobilize and coerce decision-makers, who then instrumentally adopt the
prescriptions embodied in the norm as their own (Nadelmann, 1990; Sikkink, 1993; Klotz, 1995; Wapner, 1995).

Note, though, that the norm is not internalized by these elites; rather, it is a constraint on behavior. The activities of international nongovernmental organizations (INGOs) such as Greenpeace or Amnesty International exemplify this societal pressure dynamic (Lascelles, 1995; Deile, 1997).

A second type of analysis portrays a very different diffusion mechanism. In this case, a process of learning leads agents — often elite decision-makers — to adopt prescriptions embodied in international norms. Norms are internalized and constitute a set of shared intersubjective understandings that make behavioral claims; their adoption is anything but instrumental (Finnemore, 1993; Soysal, 1994; Katzenstein, 1996).

This argument appears to be based on notions of complex learning drawn from cognitive and social psychology, where individuals, when exposed to new information and values (promoted by international norms in this instance), adopt new preferences and interests. Moreover, they learn in the absence of obvious material incentives to do so (Finnemore, 1996a: Chapter 1).

For the debate between rationalists and constructivists over the effect of norms, these differing analyses have something important to say. The first, societal pressure dynamic is explained by rational choice. Norms are empowered when elites, faced with pressure from below, recalculate strategies; the interests they pursue (re-election, political survival) remain the same. International norms constrain the behavior of state decision-makers.

The second, elite learning mechanism is explained by constructivism. Norm empowerment occurs as agents are taught new values and interests; their behavior comes to be governed by logics of appropriateness that are learned, through a process of interaction, from global norms. This is the mutual constitution that lies at the heart of the constructivist method.

In sum, a review of the literature suggests two dominant diffusion mechanisms empowering norms domestically. The working of one mechanism — societal pressure on elites — leads to outcomes best explained in rationalist terms, while the other, elite learning dynamic, leads to results anticipated by constructivists. The challenge, then, is to explain this variation, with the argument here being that the structure of domestic institutions accounts for a good bit of it.

Specifically, I argue that the mechanisms of norm diffusion vary as a function of domestic structure, with four categories of such structures identified — liberal, corporatist, statist and state-above-society. From these, I deduce and predict cross-national variation in the mechanisms through which international norms are empowered.
Table 1

<table>
<thead>
<tr>
<th>Domestic mechanisms empowering international norms</th>
<th>Liberal</th>
<th>Corporatist</th>
<th>Statist</th>
<th>State-above-Society</th>
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<td>Societal pressure on elites</td>
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<td>Societal pressure on elites (primary) and elite learning (secondary)</td>
<td>Elite learning (primary) and societal pressure on elites (secondary)</td>
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In making these arguments, I draw on work by students of domestic structures (Risse-Kappen, 1991, 1995) and historical institutionalists (Longstreth, 1992). These scholars study how institutions (state bureaucracies, so-called intermediate associations linking state and society) structure the game of politics and, more important, policy-making within countries; their approach should thus be helpful in thinking more systematically about the process through which global norms are empowered in the domestic arena.

The argument is summarized in Table 1. The diffusion mechanisms — societal pressure and elite learning — are those highlighted in recent empirical work by both rationalists and constructivists. However, I go a step beyond this research by incorporating domestic structures as an intervening variable, one that predicts which mechanism will prevail.⁸

In the liberal structure (cell 1), the role of elites is highly constrained; policy is formed more from the bottom–up than the top–down. Individuals and groups in society are accorded a central role in policy-making, and, therefore, likely agents of normative change; societal pressure explains the domestic empowerment of global norms. For empowerment, it is irrelevant whether elites learn from norms. Moreover, as students of cognitive psychology argue, such learning is less probable in liberal structures, where decision-making is politicized and the circle of actors large.⁹

A recent example of these dynamics comes from that classic liberal polity, the US, and its views on child labor practices in foreign countries. In a notable shift, the Clinton Administration has come to favor domestic and international measures to outlaw so-called child sweatshops. This change correlates with a growing global consensus, evidenced in the International Labor Organization, World Trade Organization and UNICEF, that child labor must be curbed. Thus, we have a possible global norm and changing domestic policy and discourse. However, as accounts make clear, this domestic change has little to do with learned logics of appropriateness, and

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everything to do with rational means–ends calculation. Both the Clinton Administration and clothing manufacturers such as GAP are acting to head off societal pressures organized by consumer groups and human rights NGOs (Dunne and Burch, 1996; Hollinger, 1996; Naji, 1996; Suzman, 1996). 10

At the opposite extreme (cell 4), one has the state-above-society structure. The state sits apart from and exercises considerable control over society. In this ‘top–down’ policy-making environment, elite learning is necessary if international norms are to be empowered domestically; as learning theory suggests, it is also more likely in this less politicized setting. A persuasive example of these dynamics is the change in Soviet international behavior that brought the Cold War to a peaceful end. In the USSR, a state above society, learning by the Gorbachev leadership — in the form of new normative understandings regarding security and international politics — was a decisive causal factor leading to subsequent revolutionary shifts in Soviet policy (Stein, 1994; Checkel, 1997a: Chapter 5).

The middle two cells in Table 1 present a more complex picture of diffusion, one where both mechanisms are at work. In the corporatist domestic structure (cell 2), state decision-makers play a greater role in bringing about normative change than in the liberal case; however, this does not mean they impose their preferences on a pliant populace. Indeed, a hallmark of corporatism is the policy networks connecting state and society, with the latter still accorded an important role in decision-making. In this setting, it is both societal pressure (primary) and elite learning (secondary) that lead to norm empowerment. As I discuss below, it is precisely this combination of ‘bottom–up’ and ‘top–down’ dynamics that explains the ongoing process through which new European norms on citizenship are being empowered in the Federal Republic of Germany — for many scholars, the paradigmatic example of a corporatist polity (Risse-Kappen, 1994).

Finally, in the statist structure (cell 3), learning by elite decision-makers plays a much more dominant role in the process through which global norms first reach the domestic agenda. As both the societal penetration of the state and the organization of social interests are weaker than in the liberal or corporatist types, the likelihood that pressure from below will empower norms is reduced. Illustrative of such dynamics is France, considered to be a prime example of a statist polity. During 1995, Greenpeace International was singularly unsuccessful when it sought, by invoking environmental norms and orchestrating an international and domestic pressure campaign, to stop French nuclear tests in the South Pacific.

Three caveats conclude this section. First, these hypotheses and deductions specify diffusion pathways and methods of norm empowerment; they
do not predict ultimate outcomes. The latter would require supplementing my focus on process (the how) with more systematic attention to domestic agency (the why) — theorizing about the conditions under which elite behavior, in the presence of international norms, is driven by learning or rational adaptation. While such theories of agency are clearly needed in research on norms (Finnemore, 1996b), the present study is more limited in scope and aims. It explores how norms get on the domestic political agenda in the first place, thus complementing both regime work on compliance and constructivist studies of long-term normative change.

Second, my analysis purposely excludes one type of diffusion mechanism — coercion, where a dominant power imposes its values on weaker states (Ikenberry and Kupchan, 1990; Krasner, 1995/6: 136–40; and, for contemporary evidence, Williams, 1996). In this realist account, norms are epiphenomenal; they are a mask behind which great powers pursue their interests. In contrast, I seek to synthesize scholarship — liberal or constructivist — that accords norms some independent causal role in domestic and international politics.

Third, domestic structures are not a filter that somehow prevents international norms from reaching domestic actors. Such a conception would be absurd in a world where both historically and, especially today, the boundaries separating the domestic and international arenas are much more fluid than either theorists or policy-makers assume (Krasner, 1995/6; Rosenau, 1990: Chapter 1, respectively). Rather, domestic institutions, by structuring the game of politics, privilege some domestic agents over others in the process of norm empowerment.

The European Human Rights Regime and Norm Diffusion

The European human rights framework centered on the Strasbourg-based Council of Europe (COE) has been characterized as one of the most effective and robust international regimes in operation today (Donnelly, 1986; Moravcsik, 1995). Moreover, post-Cold War Europe comprises a dense and active network of international institutions (Keohane, 1993). Together, these facts have led theorists to argue that the continent is a likely setting for high levels of international regime and norm influence on state policies (Weber, 1994; Risse-Kappen, 1995: Chapter 1; Adler and Barnett, 1996: 97, passim).

Put differently, Europe is a most likely case for norm diffusion, especially in the human rights issue area, and is thus an excellent laboratory for assessing the argument developed before. I begin by examining the diffusion mechanisms empowering new European norms, promoted by the Council of
Europe, on citizenship and minority rights. The focus is three countries with differing domestic structures: Ukraine (state-above-society), the Russian Federation (statist) and the Federal Republic of Germany (corporatist). Next, I suggest how the argument could be extended to a liberal polity — Great Britain.\(^{11}\)

**Citizenship, Minorities and the Council of Europe**

In recent years, the Council of Europe has devoted increasing attention to minority rights and citizenship. In December 1994, it adopted a Framework Convention for the Protection of National Minorities; in May 1997, the Council approved a convention on nationality that addresses issues of citizenship (Council of Europe, 1994, 1997). The former promotes shared understandings regarding the legitimacy of collective minority rights and identities; until now, such a consensus had never existed at the European level.\(^{12}\)

The convention on nationality revises norms on citizenship that were embodied in a 1963 Council treaty. On the question of multiple nationality (often referred to as dual citizenship), this earlier treaty had taken a negative view. It privileged state interests; from the vantage point of the state, dual citizenship was problematic, leading to split loyalties and complicating military service obligations.

Seeking to exploit a growing scholarly, NGO and European consensus that multiple nationality is often necessary and desirable, in the mid-1990s the COE Secretariat drafted a new European Convention on Nationality that privileges individual over state interests and takes a neutral view on dual citizenship. In reality, however, this neutrality, by removing the earlier explicit negative sanction, is designed to pressure states to be much more open to multiple nationality.

Do the Framework Convention and Convention on Nationality promote international norms on citizenship and rights of minorities? The methodological challenge is to establish the existence of these norms independent of their putative effects at the national level. Here, I used two techniques. One is textual, which meant a careful reading of the various draft treaty texts and, for the nationality convention, a comparison with its 1963 predecessor. Analysis of this sort uncovers areas where shared understandings have emerged.

A second, more important, technique is discursive. Interviewing in Strasbourg and in the various capitals reveals that key aspects of both treaties have acquired a prescriptive, taken-for-granted status as normative understandings. For example, those involved in the negotiations — COE bureaucrats and national negotiators — no longer question the legitimacy of
minority/group rights in Europe, a concept which is still deeply contested in the broader international arena. Exploitation of this second method was only possible due to extensive fieldwork, which involved several rounds of interviewing over three years.

Together, these textual and discursive indicators establish that new Council norms do indeed exist. They are certainly not accepted by all, but this is not surprising — a key insight of research on norms is their contested nature (Katzenstein, 1993).

Having established the existence and content of these norms, the next step is to explore the diffusion mechanisms empowering them at the European state level. This involves coding the domestic structure for my three cases (Ukraine, Russia, Germany), generating predictions on diffusion mechanisms and, finally, process tracing to assess the validity of the deductions.

The coding and predictions are as follows. Given the lack of reform and the passivity of various social actors, Ukraine is coded as state-above-society; elite learning should be the dominant mechanism empowering new COE norms on citizenship and minority rights. Russia, with its less centralized and autonomous state apparatus in comparison to the Soviet period, but still weak and chaotically organized intermediate associations (political parties, trade unions), is coded as statist; elite learning (primary) and societal pressure (secondary) are the predicted diffusion mechanisms. Following the scholarly consensus, I code Germany as corporatist; societal pressure should be the primary mechanism empowering COE norms, with a secondary role accorded to elite learning.

Ukraine. Thanks primarily to the efforts of a small number of individuals and units within the state apparatus, Ukrainian discourse and laws on citizenship and rights issues have changed in ways consistent with new international understandings promoted by the Council. NGOs and human-rights pressure groups, which might be expected to play a role in any such process, are weakly organized — often consisting of one person — and ignored by the government (Interviews: COE Secretariat, Strasbourg, May 1994, June–July 1995; Ukrainian Foreign Ministry, Kiev, May 1994).13

Nonetheless, Ukraine has moved to create a civic definition of citizenship. This inclusive conception of national identity has helped policy-makers craft one of the most liberal minority-rights regimes in the former Soviet area. A decree and a law on national minorities that permit a high degree of cultural autonomy have been promulgated. In addition, civic conceptions of citizenship and minority rights were explicitly embraced in the new constitution adopted in June 1996.

More recently, Ukraine signed the Council’s framework convention on
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minorities. Policy-makers in Kiev see the Convention as a way to further promote and lock in their already inclusive domestic laws on citizenship and minorities. As one put it, Ukraine is a multinational nation and therefore supports the convention (Vogl, 1995: 2; and Interviews: Directorate of Human Rights, COE Secretariat, Strasbourg, June 1995; Alexandre Kupchyshyn, Head, Ukrainian Mission to the Council of Europe, Strasbourg, July 1995).

Key in promoting this apparent normative diffusion was the establishment in June 1993 of an Interdepartmental Commission for Questions of Ukraine’s Admission to the Council of Europe. It was based at the Foreign Ministry and headed by then First Deputy Foreign Minister Boris Tarasyuk. The Commission came to play a major role on citizenship and rights issues, and within it, Tarasyuk was a progressive force. Those who dealt with Tarasyuk described him as a creative thinker who encouraged subordinates to seek out new ideas and approaches. He used the Commission as a vehicle for soliciting a wide range of advice on rights issues within Ukraine as well as from the international community.  

According to Ukrainian participants in the Commission’s work, COE expertise and the norms it promotes were central to shaping nationality laws and policies. Several components of the minorities law, for example, are modeled on the Council’s European Convention on Human Rights. Process tracing of this sort allows me to move beyond correlations and establish a causal role for Council norms.  

More important, it reveals the diffusion mechanism empowering norms in the Ukrainian domestic arena — elite learning — as predicted by my domestic structural argument. Indeed, Tarasyuk is an example of a moral entrepreneur, an individual open to learning from new norms and willing to promote them (Finnemore, 1996a; Florini, 1996: 375). In terms of the methodological debates, COE norms in Ukraine are having the constitutive effects favored by constructivist scholars.  

One cautionary note concludes the Ukrainian case. This particular diffusion mechanism — individual elite learning in highly centralized politics — is a two-edged sword. On the one hand, such learning could have a wide impact on state behavior as Tarasyuk and his allies were in a position to implement policy consistent with the prescriptions embodied in Council norms (see also Stein, 1994). However, with so much dependent on key state officials, a dramatic shift in the domestic structure that reduced their powers could lead to a situation where Ukraine effectively ‘unlearned’ the COE norms. In fact, radical changes in the structure of Russian politics over the past decade demonstrate just such an ‘unlearning’ process, in this case, regarding foreign policy beliefs and norms (Checkel, 1997a: Chapters 5–6).
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Russian Federation. As expected in this statist structure, the process of norm empowerment has been dominated by elite decision-makers. Policy on citizenship and rights issues has been centralized in the Presidential apparatus and Foreign Ministry. On the former, a new Citizenship Commission was created by the government in July 1992 and attached to the President’s office; it came to play a dominant role on nationality–minority issues. On the latter, contacts with the Council of Europe have been tightly controlled by units within the Russian Foreign Ministry, especially its Directorate for Pan-European Cooperation.

The Directorate has served as the main liaison with the Council, with which it has had extensive contacts. As interviewees in Moscow and Strasbourg describe it, this unit has exercised an extremely centralized, ‘top-down’ style of policy-making. For example, if Council workers in Strasbourg want to send training manuals to the Russian Justice Ministry to help bring its procedures into line with Council norms, they must ship them to the Foreign Ministry’s Legal Department, which then decides if they should be forwarded to Justice.

Given this policy-making environment, it will come as little surprise that domestic human rights NGOs have played little role empowering Council norms. If they get access at all to government meetings with COE officials, it is only because the Foreign Ministry so decides. The Moscow School of Political Studies, the one NGO with which the Council has extensive contacts, is widely praised for its innovative curriculum and networking activity; the latter is in fact a standard practice used by NGOs to generate societal pressure. Yet interviews make clear the School’s limited ability to foster normative change by mobilizing such pressure from below (Interviews: Russian Foreign Ministry, Moscow, March 1995, Strasbourg, July 1995; Dr Elena Nemirovskaya, Director, and Aleksandr Sogomonov, Deputy Director, Moscow School of Political Studies, Moscow, March 1995; Moscow School, 1995).

Indeed, despite a conscious effort on the part of the Council to diffuse norms to Russian societal actors through a series of intensive seminars, such undertakings have mattered little. The workshops themselves have worked well, but the problem is what happens afterwards — nothing. The civil society and NGO activists in attendance are effectively excluded from the broader process (Interviews, Office of COE Secretary General, Strasbourg, July 1995).

As predicted then, learning on the part of elites should be the key in empowering Council norms. However, the difficulty for both the COE and the Western community is that these decision-makers have shown little inclination to learn from the norms. More recently, Council officials have come to recognize this problem, and are now jointly funding, along with the
European Union, a program to enhance the COE’s normative influence in Russia over the longer term, specifically by retargeting aid and support away from the government and towards various societal actors (Interviews, COE Secretariat, Strasbourg, June–July 1995).

In sum, the primary diffusion mechanism in Russia — elite learning — is consistent with my expectations. However, other factors, in particular, deeply ingrained domestic identity norms, have weakened its ability to empower Council understandings in the Russian domestic arena. The Russian case thus demonstrates the limits of an argument that focuses only on diffusion pathways. In the absence of some theory of agency, research on international norms — be it rationalist or constructivist — cannot explain the ultimate domestic impact of specific norms. Why do some resonate while others are rejected (Checkel, 1997b; also see Legro, 1997)?

Federal Republic of Germany. As befits a corporatist polity, the pathways of norm diffusion and process of empowerment are more complex than for either the Russian and, especially, Ukrainian cases. A wide range of societal actors — the liberal media, churches, trade unions, grassroots citizens’ initiatives and foreigners’ councils — have been key in bringing Council norms to the German domestic arena; elite learning has been secondary. This combination and ranking are predicted by my domestic structural argument.

Several examples clarify the workings of both diffusion mechanisms. At the societal level, the broader public — in the form of a grassroots citizens’ initiative — has been an important force in the German debate over citizenship. Seizing upon an opportunity created by the surge in anti-foreigner violence that accompanied German unification, a group of activists based in Berlin orchestrated, beginning in 1992, one of the largest mass campaigns seen in Germany for a number of years. The initiative, which was specifically focused on the need for dual citizenship in German law, gathered over 1 million signatures from a broad array of public figures (‘Unser Ziel’, no date; Interviews: Ismail Kosan, Member of the Berlin Parliament, Buendnis 90/Die Gruenen Fraction, Berlin, May 1996; Andreas Schulze, Staff Member, Office of F.O. Wolf, German Member of the European Parliament, Berlin, May 1996).

It was a textbook example of how to mobilize public pressure on a specific policy issue. The campaign coordinated its actions with other social actors (the Evangelical Church, for example), gathered signatures from prominent German academics and public figures, and secured free publicity for the initiative in the centrist–liberal German press ( Der Spiegel, Suddeutsche Zeitung and Berliner Zeitung, among others).
More important, the existence of COE-sponsored norms favoring inclusive conceptions of citizenship played a key role in the campaign. Signature collectors pointed to the presence of such norms, and, more generally, the initiative distributed an information sheet noting that Germany's refusal to recognize multiple nationality made it an 'international exception' ('Informationen', no date).

At the elite level, learning by several decision-makers has been a second, albeit less important, conduit for transmitting COE norms to Germany. The evolving views of Cornelia Schmalz-Jacobsen, Federal Commissioner for Foreigners' Affairs, are a case in point. In recent years, she has spoken out forcefully for a new understanding of the place of foreigners and minorities in the German state. Schmalz-Jacobsen has called for an easing of naturalization rules, a revocation of laws prohibiting dual nationality and for a more inclusive, civic conception of German citizenship (Dempsey, 1993).

With Schmalz-Jacobsen, there is strong evidence of a learning process driven by exposure to broader European norms. Her office has extensive contacts with governmental units and NGOs addressing citizenship–nationality issues in Great Britain, the Netherlands and several Scandinavian countries; she is also quite aware of Council of Europe work in this area, often making reference to it in Bundestag debates or other public appearances. Germany, Schmalz-Jacobsen declares, must develop a 'concept' for immigration and citizenship that is 'integrated on a European and international level' (Report, 1994: 87–88; Interviews: Georgios Tsapanos and Michael Schlikker, Office of Federal Commissioner for Foreigners' Affairs, Bonn, March, August 1995).

While the German debate over citizenship is still under way (Daimagueler and Oezdemir, 1996; Winkler, 1996), the process through which European norms are being empowered is consistent with my theoretical expectations. The most important diffusion pathway has been the mobilization of societal pressure from below. These groups are seeking to exert influence on government decision-makers; to the extent they succeed and the elites change their behavior, this dynamic will be consistent with rationalist expectations for the domestic impact of systemic norms.

At the same time, several elites, as evidenced by their evolving beliefs, have learned from norms. Interviews indicate this process has been driven by cognitive change — new logics of appropriateness, informed by COE norms, have reconstituted the basic interests and preferences of these individuals — as predicted by constructivists. Thus, in the German case, both rationalist and constructivist methods are needed to understand fully the domestic empowerment of international norms.
An Extension — Great Britain. Policy-making in Britain legitimizes individuals and private associations as the prime sources of action and authority (Soysal, 1994: 4–5, 37–8); in terms of my categories, Great Britain possesses a liberal domestic structure. Societal pressure is the predicted mechanism bringing international norms to the domestic arena. Past patterns through which COE-sponsored norms have been empowered in the UK support this deduction, lending further support to my domestic structural argument.

Over the last 20 years, groups and, especially, individuals in society appear to have been the prime diffusion pathways linking Council norms to the British domestic arena. In particular, these societal actors, by appealing directly to the Council’s European Commission and Court of Human Rights, have exerted significant pressure on UK governments to abide by its norms (Rice, 1994; Rice and Mason, 1996). Of course, residents of most COE-member countries have the right to such appeals, but what is striking — and important for the argument advanced here — is the quantity of them that come from Britain (Drzemczewski, 1983: 177–87; ‘Human Rights’, 1994; Moravcsik, 1995: 172).

While the high number of appeals from the UK is partly explained by its lack of proper domestic review procedures for fundamental human rights, equally important is a domestic structure that creates incentives for individuals and societal groups to participate actively in policy-making. For example, on immigration policy, an area that has seen a number of individual appeals to Strasbourg, Britain has one of the largest and most active networks of pressure groups in the West (Messina, 1996: 146).\^16

Thus, in the liberal UK structure, COE norms are primarily empowered via a ‘bottom-up’, societal pressure mechanism. Groups and individuals exploit various pathways, including recourse to Strasbourg, as a way to exert pressure on decision-makers. Judging by the often angry response of the latter (‘Death on the Rock’, 1995; Rice, 1995; Lyall, 1996), these societal actors have succeeded in constraining the elites’ behavior — a dynamic predicted by a rational choice perspective on the effects of norms.

Summary. Societal pressure and elite learning are two key mechanisms empowering norms of the European human rights regime at the domestic level. Diffusion is therefore occurring via two very different pathways, which are predicted by domestic structure. The latter not only predicts diffusion mechanisms, but also the initial domestic effects of systemic norms. Societal pressure constrains the behavior and choices of decision-makers — a process captured by rationalists’ emphasis on instrumental action and the means–ends calculations of agents. In contrast, elite learning occurs when individuals are taught, in the absence of obvious material incentives, new values and interests from norms — a process best explained by the constructivist focus
on logics of appropriateness and the mutual constitution of agents and social structures.

To stress one effect over the other is to slight the multiple roles norms play in social life. For analysts of the European rights framework, this points to the limitations of a method-driven approach. Andrew Moravcsik (1995), for example, offers a carefully argued thesis that essentially limits the effects of the European rights regime to functioning democracies — a conclusion contradicted by my Ukrainian case, as well as other research (Thomas, 1995). In his view, the norms of the European regime only have effects where a functioning civil society pressures policy-makers — hence his emphasis on democracies. However, this assertion, in turn, is premised on a crucial underlying, rationalist, methodological premise — that norms only constrain behavior and do not constitute agent identity (Moravcsik, 1995: 158; also see Schimmelfennig, 1996: 3–4, passim).

Conclusions

In critiquing Moravcsik, my claim is not that he is wrong, but that his analysis — because of its restricted methodological foundation — is incomplete. The same complaint could be lodged against any number of constructivists (e.g. Finnemore, 1996a), who, by favoring the constitutive role of norms, often neglect the many occasions when their effects are limited to behavioral constraint.

The challenge, then, is to synthesize these different methods, rationalism and constructivism. The need for such synthesis, it might be added, is recognized by a growing number of theorists from both the rationalist (Taylor, 1996) and constructivist (Wendt, 1996: Chapters 7–8) schools, as well as by students of international regimes and norms (Levy et al., 1995: 312–13, 318–19; Rittberger et al., 1996: 212–13, passim).

Too often, however, calls for synthesis are viewed as an opportunity to subsume competing methodological and theoretical positions into one’s own — favored — approach (e.g. Chong, 1996). In contrast, this article has argued that both rational choice and constructivism provide valuable insights into the domestic effects of global norms. From this problem-driven perspective, the goal is to develop scope conditions that help better to predict when rationalist or constructivist dynamics will prevail. To this end, I advanced a domestic structural argument.17

The benefits of such a synthetic approach are fourfold. First, it can promote dialogue between what are still often viewed as irreconcilable methodological schools. Second, the particular scope conditions elaborated here should remind students of regimes, norms and human rights — rationalist or constructivist — that they must pay greater attention to
integrating their preferred method with one or more theories of domestic politics (Donnelly, 1994; Rittberger et al., 1996: 221). This is especially necessary if we are to understand better the various roles — and cross-national variation in them — that global norms play in the domestic arena.

Third, theorizing about domestic diffusion pathways can equip policymakers with a better set of analytic lenses for understanding how and through what mechanisms international organizations (IOs) and norms work their effects at the national level. Such efforts are particularly important given the enhanced conflict prevention role many Western policymakers envision for IOs and their associated norms in the post-Cold War world (Chayes and Chayes, 1996).

Finally, more systematic attention to the constraining versus constitutive effects of norms will force social constructivists to elaborate the implicit cognitive models in their analyses. Indeed, constructivist scholars have yet to demonstrate how mutual constitution — their core ontological stance — works at the individual, unit level (Soysal, 1994; Klotz, 1995; Finnemore, 1996a). For their theoretical foundations, many of these researchers draw upon sociological institutionalism, a branch of sociology that has its roots in organization theory (Meyer et al., 1987; Hall and Taylor, 1996: 962–5). Not surprisingly, they have neglected individual, cognitive level variables. A central task, then, for constructivists is to extend their approach to this unit level, explaining how and under what conditions logics of appropriateness constitute (individual) agent identity.

Notes

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1. While developed at the systems level and with unitary states as the agents, both neoliberal institutionalism and regime theory are premised on a similar cognitive model. See Keohane (1984) and for discussion Rittberger et al. (1996: 184–7). Not surprisingly, for these scholars as well, norms only alter behavioral incentives.

2. Neither rational choice nor constructivism is a substantive theory that specifies key actors, causal pathways or scope conditions; rather, each is a method that leads scholars to explore the social world in certain ways. See Green and Shapiro (1994) and Wendt (1996: Chapter 1).

3. Also see the discussion of ‘policy innovation’ in the literature on epistemic communities: Adler and Haas (1992: 375–8). On the importance of including
both behavioral and language-based discursive indicators in the study of norms, see Kratochwil (1989) and Klotz (1995: Chapter 2).
4. This is true of both rationalist and constructivist large-N studies, as well as the broader literature on diffusion. See Starr (1991), Finnemore (1996b) and Most and Starr (1990: 396–7, 402), respectively. Research on epistemic communities, of course, offers a very specific diffusion mechanism — transnational groups of knowledge-based experts. However, little attention has been given to cross-national variation in its workings. See ‘Special Issue’ (1992: 378–81, passim).
5. Recent work on social movements (O’Brien, 1996), while cast primarily at the national level, documents similar phenomena, where movements pressure elite decision-makers through invocation of domestic norms.
6. I say ‘appears’ because constructivists have been frustratingly vague on this point. See below.
7. The alert reader might question whether mutual constitution is the process depicted here — social structures (norms) appear to be doing all the work. Indeed, despite their supposed commitment to mutual constitution, constructivists typically advance structure-centered ontologies in their empirical work (see Checkel, 1998).
8. The predictions and hypotheses that follow are probabilistic, not deterministic — for a given polity, they specify likely diffusion pathways.
9. That such friction undercuts learning is a central insight of the cognitive research; see Hall (1993: 275–6), for example.
10. Elites in liberal polities are thus more likely than in other structures to adopt international norms on the basis of instrumental calculation. However, norms may still exert a deep influence in such states over the longer term as they get ‘locked into’ the political system — through institutionalization in domestic law or their use by interests groups as a tool to pressure decision-makers. See Cortell and Davis (1996).
11. The material in this section is not presented in the context of a full research design, where I justify the coding of domestic structures, provide detailed empirical evidence and rigorously consider alternative explanations — issues treated at length elsewhere (Checkel, 1997b). Instead, my purpose is to illustrate the plausibility of the argument.
12. On earlier, unsuccessful, attempts to regulate minority rights in Europe during the interwar years, see Jones (1994). Felice (1996) reviews the changing status of collective, group rights in international law.
13. Mobilization of normative pressure from below by human rights NGOs and groups in civil society has been equally difficult in other states that could be coded as state-above-society — Bulgaria, for example, (Kettle, 1996).
14. For both the Ukrainian and Russian cases, foreign ministries play key roles. The executive body that runs the Council of Europe — the Committee of Ministers — is a grouping of foreign ministers. Thus, the Council’s initial contact point, especially for new, post-Soviet states, is the respective foreign office.
15. Could a neorealist argument better explain my results? After all, it would seem rational for a much smaller Ukraine to balance Russian power by integrating
with European institutions and norms. Timing undercuts such an argument, however. Much of the learning from COE norms occurred in 1993–4, which was a period of extensive debate in Ukraine over the neutrality option — seeking a position independent of both West Europe and Russia. At that point, there was thus no consensus on a balancing strategy against Russia, which would have made it in Ukraine’s self-interest to instrumentally adopt Council norms.

16. One recent study argues that businesses and government in the UK are more susceptible than in any other European country to pressure from human rights groups and environmental activists (Boulton, 1997).

17. The elaboration of other scope conditions — temporal, say — is also possible; see Checkel (1998).

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