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The Justification of Responsibility in the UN Security Council

Practices of Normative Ordering in
International Relations

Holger Niemann



The Justification of Responsibility in the UN Security Council

The UN Security Council has been given the primary responsibility for maintaining international peace and security. The precise meaning of this responsibility, however, is contested. This lack of clarity is frequently criticised as a source of incoherent and selective decision-making, undermining the legitimacy of the Security Council. In case studies of the Security Council's controversies on Iraq and Syria, this book instead reveals contestation and competing interpretations of responsibility as crucial conditions for the constitution and negotiation of normative order. The case studies also underline the importance of public Security Council meetings as dynamic sites for coping with a plurality of normative orders and how their symbolic and material manifestations shape processes of collective legitimation. This book concludes that these processes demonstrate the crucial role of justification and critique as practices of normative ordering in the Security Council.

The Justification of Responsibility in the UN Security Council argues that normative orders in international organisations are constructed by multifaceted processes of questioning, reaffirming and coordinating claims of normativity and legitimacy. Connecting research on norms and legitimacy in international relations with pragmatist sociology, the book provides an account of the complexities and inconsistencies of decision-making processes and their normative foundations in international organisations. This book will be of interest to scholars and students of international organisations, international relations theory and global governance.

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in International Relations

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 **Routledge**
Taylor & Francis Group
LONDON AND NEW YORK


Centre for
**Global
Cooperation
Research**

SPONSORED BY THE
 Federal Ministry
of Education
and Research

First published 2019
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

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Representing the author's dissertation "The Justification of Responsibility: Contestation and Social Ordering in the UN Security Council" submitted to the Faculty of Social Sciences, University of Duisburg-Essen (2015).

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British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

Names: Niemann, Holger, author.

Title: The justification of responsibility in the UN Security Council : practices of normative ordering in international relations / Holger Niemann.

Description: Abingdon, Oxon ; New York, NY : Routledge, 2019. |

Series: Routledge global cooperation series | Includes bibliographical references and index.

Identifiers: LCCN 2018019586 | ISBN 9781138569898 (hbk) | ISBN 9780203703984 (ebk)

Subjects: LCSH: United Nations. Security Council.

Classification: LCC JZ5006.7 .N54 2019 | DDC 341.23/23—dc23

LC record available at <https://lccn.loc.gov/2018019586>

ISBN: 978-1-138-56989-8 (hbk)

ISBN: 978-0-203-70398-4 (ebk)

Typeset in Times New Roman
by Apex CoVantage, LLC

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Abbreviations

E10	Elected Security Council Members
EHESS	École des Haute Études en Sciences Sociales
GCC	Gulf Cooperation Council
GSPM	Groupe Sociologie Politique et Morale
IAEA	International Atomic Energy Agency
ICISS	International Commission on Intervention and State Sovereignty
IO	International Organisation
IR	International Relations
LAS	League of Arab States
LGBT	Lesbian, Gay, Bisexual, and Transgender
MRM	Monitoring and Reporting Mechanism
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NSS	National Security Strategy
NTC	National Transitional Council
OEF	Operation Enduring Freedom
OFF	Oil-for-Food Programme
OIC	Organisation of the Islamic Conference
P5	Permanent Security Council Members
POC	Protection of Civilians in Armed Conflict
RtoP	Responsibility to Protect
SALW	Small arms and light weapons
SNC	Syrian National Council
UN	United Nations
UNAMID	United Nations–African Union Hybrid Mission in Darfur
UNMOVIC	United Nations Monitoring, Verification, and Inspection Commission
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission
UNSMIS	United Nations Supervision Mission in Syria
WMD	Weapons of mass destruction
WPS	Women, Peace, and Security

Acknowledgements

In *The New Spirit of Capitalism*, Luc Boltanski and Ève Chiapello describe the emergence of a project-based logic of action and how it became a core feature of contemporary society. Life has become a series of projects. This book was certainly a project, and as a revised version of my dissertation at the University of Duisburg-Essen it is one that is completed. However, as a long-time engagement with the UN Security Council and its social constitution, practices of justification and critique of global politics, and the contestation of norms, it seems hardly finished. Over the years, the project benefitted tremendously from the support and insights of numerous friends, colleagues, companions, and critics, all of whom challenged, shaped, and changed my thinking about justification and the Security Council over time. For this engagement with my ideas and drafts, I am truly grateful.

First and foremost, I would like to thank Tobias Debiel and Anna Geis for their support, their openness to my ideas, and their patience with the pace of my work. I was privileged to work with both of them closely, which was of great importance for shaping my understanding of international relations in many ways. I am also thankful to Christof Hartmann and Gregor Bongaerts for being members of my doctoral committee. Their different perspectives on the subject were important, as was their commitment to ensuring a smooth formal procedure.

This project would not have been possible without the close intellectual and personal companionship of Frank Gadinger, Nils Goede, and Bastian Loges. In countless discussions, all three forced me to rethink my ideas, to rework drafts, and ultimately to develop better arguments. I could not think of a more supportive method of encouragement than their criticism or a more inspiring academic practice than our conversations – on this topic as much as on all the others. I am also indebted to Ian Hurd for his curiosity to learn more about my project. His work has been a source of inspiration ever since I started studying the Security Council. Giving me the opportunity to become a pre-doctoral visiting fellow at the Buffett Institute for Global Studies at Northwestern University was an important and incredibly insightful experience. The Buffett Institute's atmosphere and the hospitality of faculty and staff were most helpful in getting important parts of this work done.

I was also fortunate to have many discussions with Christian Bueger, Ingmar Hagemann, and Henrik Schillinger, as well as with colleagues from the Duisburg critical theory reading group. They were all important partners in conversations about the differences and similarities between justification, norms, practices, discourses, and empty signifiers. Daniel Lambach's often painstaking insistence on deadlines was vital to bringing the project to a successful conclusion. My colleagues and friends at the Institute for Development and Peace (INEF), the Chair for International Relations and Development Policy, and the Centre for Global Cooperation Research turned Duisburg into an exceptionally inspiring place for debating the meanings and foundations of global governance in all its varieties. I was fortunate to be part of this vibrant community. Attending a doctoral workshop on the sociology of conventions at the Copenhagen Business School was a remarkable opportunity. Getting in touch with a group of scholars and students of pragmatist sociology, including Stefano Ponte, Anders Blok, Søren Jagd, Ann Westenholz, and Laurent Thévenot, who were open to my attempts to apply the concept to the UN Security Council was a bracing experience. To my interview partners in New York, I owe a tremendous amount. They were often willing to spend more time with me than their pressing schedules would have allowed, and their insights into the everyday life and work of UN Security Council diplomats gave me a perspective on the Council which I could not have found in the academic literature. Research for this project was funded by the German Academic Exchange Service (DAAD), the support of which is greatly acknowledged.

I would like also to express my gratitude to my three anonymous reviewers; they made important suggestions about how to improve the manuscript and turn the dissertation into a book. I also owe much to Patricia Rinck, Saina Klein, Paul Lauer, and Leila Walker as well as the editorial team at Taylor & Francis for their patience with me.

Finally, the project would certainly not even be close to completion without Caroline Kärger, whose continuous encouragement, confidence, and prudence was, and is, much needed. And yet, that being said, this book and everything that led to it were only possible because my parents always believed in me in a way only parents can do.



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1 Introduction

The primary responsibility of the Security Council is to maintain international peace and security. The meaning of this responsibility, however, is contested. During the Syria crisis, for example, Council members disagreed about not only the proper response to the atrocities in Syria but also what would be an appropriate implementation of the Council's responsibility. During a Council meeting in early 2012, some, such as the Portuguese representative, argued that "inaction is not only unacceptable but also irresponsible", calling on the Council to actively live up to its responsibility and the demands of the Syrian people (Portas, Portugal, 31 January 2012, S/PV.6710: 20). Others argued that, to the contrary, by authorising sanctions or the use of force, the international community would be acting in an irresponsible manner since "the role of the international community should not be to exacerbate conflict [. . .] it should foster dialogue" (Churkin, Russia, 31 January 2012, S/PV.6710: 24). These statements illustrate the complex role of responsibility in the Council: Council members obviously disagree about its meaning, but they nevertheless refer to it as if there were a shared understanding of the Council's appropriate role in global politics. This book is about the relationship between contested meaning and shared references, and how normative controversy shapes the meaning of Security Council responsibility.

These argumentative processes are practices of normative ordering. As such, they allow us to take seriously the empirically observable contestation of normative meaning as it is expressed in speech acts. At the same time, these processes should be seen as a productive and structuring element, rather than as evidence of an incomplete or dysfunctional normative order. Practices of normative ordering are best accessed by looking at justification as the act of giving reasons in situations of normative dispute. Competing justifications give different meanings to Security Council responsibility, allowing us to understand how normative ordering unfolds. As I argue in this book, such a perspective not only elucidates norm contestation about Security Council responsibility but also points to a different understanding of the Security Council and its social constitution. Much literature exists on Council decision-making and on the legal and procedural framework of Council politics, but what actually happens during a Council meeting often remains unexplored. Since there is surprisingly little knowledge about the social accomplishment of public Council meetings, the task of this book is to study

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justification in public Security Council meetings as sites of normative ordering during controversy.

UN Security Council responsibility and its contested meaning

Article 24 of the UN Charter defines the primary responsibility of the Security Council for the maintenance of international peace and security. The ability to authorise the use of force makes the Security Council the world's most powerful international organisation (Chesterman/Franck/Malone 2008). At the same time, legally the meaning of this responsibility is only vaguely defined. What exactly falls under the Council's responsibility, therefore, has never been a question of legal consistency but mostly the subject of political discussions in the Council (Voeten 2005: 536). Unlike legal obligations, political processes require Council members to engage in negotiating its meaning. Consequently, over the decades the Council's understanding of what its primary responsibility includes, and what it does not, has evolved. It has developed new decision-making mechanisms as well as new forms of Council action, such as peacekeeping missions, to implement this changing interpretation of its responsibility. These changing meanings, then, are not novelties. What is novel are the increasingly normative interpretations of responsibility in recent years. Following the Cold War era and the politics of the "new interventionism", the Council developed a new understanding of its responsibility to protect people rather than states (Debiel et al. 2009: 53). Instead of focusing on traditional notions of state sovereignty, the Council now considers it has a "responsibility to protect" (RtoP) vulnerable groups of people and respond to transnational security threats. This is the most striking development in the Council's understanding of its primary responsibility and a demonstration of how normative change affects Council decision-making and its legitimacy (Belamy 2016).

However, this development has implications. The Council cannot implement its decisions itself and requires the consent of the UN members. Therefore, the powers of the Council are inextricably linked to its legitimacy (Hurd 2007a), and as a consequence Council members attempt to legitimise their decisions by claiming them as rightful. Responsibility defines the normative principles of Security Council action and provides the resources for legitimising or delegitimising Council decisions. It constitutes the Security Council in not only legal but also normative terms. This changing understanding of responsibility in recent years has made the normative foundation of the Council more complex, while creating new commitments and new fields of activity for the Council. Although this contributes to a denser web of shared understandings, furthering normative order in the Council, it also increases the need to engage in processes of interpreting the actual meaning of Security Council responsibility.

These processes are puzzling, as they bring together two effects which seem to be contradictory. First, the persistence of normative controversy is surprising because the development of shared understandings about the Council's responsibility would suggest more consistency and less ambiguity in its implementation.

At least in mainstream constructivist norm research, this would be the assumption, as shared understandings about the appropriateness of norms should lead to more predictable and routinised behaviour (Björkdahl 2002; Finnemore/Sikkink 1998; Klotz 1995). Furthermore, achieving greater consistency in implementation has been precisely the purpose of developments within the Security Council since the late 1990s, given that faction and paralysis were understood by many as causes of the Council's failures in cases such as Srebrenica, Rwanda, and Kosovo during the 1990s (Thakur 2006). Second, the prevalence of normative controversy is also surprising because it challenges conventional views of the Council. The popular view in academia as well as in public opinion is that the Council is primarily driven by national interests and power politics, and is used and abused as an instrument by the great powers (Einsiedel/Malone/Stagno Ugarte 2016; Krauthammer 2015; Krisch 2008; Luck 2006; Malone 2007). From this perspective, it would not be rational for Security Council members to engage repeatedly in normative controversy; instead, simply moving to vote on a resolution or, for the permanent five Council members (P5), making use of the veto privilege would be the most effective way to make decisions.

This is certainly an oversimplified description, but one that frequently fits the Security Council and its activities. As Bruce Cronin and Ian Hurd argue, many approaches to the Security Council tend to conceptualise the Council in “pre-conceived paradigms” because of an unwillingness to think beyond familiar and established notions of the Council in “sovereign-state associations” (Cronin/Hurd 2008: 5). Research on the Security Council is thus often driven by rationalist approaches. In this understanding, the establishment of the UN was based on a contract among UN member states delegating authority to the Council (Voeten 2008: 45), making it a neutral servant to member states (Thompson 2006) or a “meeting place” (Voeten 2005: 552) for the exchange of member-state interests. Furthermore, in rationalist perspectives, efficiency is seen as of paramount importance to the principals, and Council activities are discussed primarily in terms of costs and benefits. Overall, this leads to an understanding of the Council which rarely examines the Council's normative foundations and the development of its understanding of responsibility. If responsibility is addressed at all, it is in a narrow legal sense, and much criticism of the Council as ineffective (Berdal 2003) or simply unable to fulfil its responsibilities (Buchanan/Keohane 2011; Glennon 2003; Gray 2007) stems from this understanding.¹

Constructivist approaches to the Security Council, on the other hand, do not question that the Council is indeed often an instrument of powerful states and that rational cost–benefit strategies shape Council action. However, they emphasise that due to the importance of legitimacy for the Council's authority and power, the Council is also a site for processes of collective legitimation (Hurd 2007a; Welsh/Zaum 2013).² A focus on these processes and their social constitution reveals the Council as essentially a social community using deliberative and discursive practices to identify shared understandings (Johnstone 2011; Mor 2007). We see, then, that the Council is driven by member states using “rhetorical resources” in processes of legitimation and delegitimation (Hurd 2007b: 206) and, in doing so,

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relying on a normative framework. This does not preclude that member states might have strategic purposes which could have disturbing effects for the organisation (Hurd 2005: 501). It redirects the focus of analysis, however, to the underlying normative principles of the Security Council, which allows us to explain the occurrence of some Council practices. One example is the symbolic power of Council membership. While rationalist approaches stress reputational or material gains as motivations for becoming an elected Council member (Vreeland/Dreher 2014), constructivist approaches highlight the symbolic value of becoming a Council member (Hurd 2002). Although being an elected Council member has formal limitations and is often an operational challenge for the permanent missions during their two years of tenure, election to the Council is still highly attractive for most UN members (Hurd 2007a: 118). This perspective on the Council adds to our understanding of Council responsibility because it helps us to understand why Council members talk of responsibility while they are driven by an interest to legitimise or delegitimise something or someone.

Normative orders and their contestation

This understanding of the Council corresponds with a view of controversy as an inherent and productive part of the constitution of normative order. Unlike a focus on the formal or legal dimensions of order, a focus on the normative dimension inevitably points to controversy as a necessary condition for establishing and maintaining order. Normative orders are seen as “grit” for legitimising the foundations and institutionalisations of a society (Forst/Günther 2011: 15). They are normative in the sense that they implicitly or explicitly address expectations about an “oughtness” to following their rules, and thus by definition require us to engage in practices of justification and critique (Forst 2011: 972). As a type of social order, they are characterised by a lesser degree of formality and the permeability of their boundaries (Forst/Günther 2011: 12; Möllers 2015: 382). In such an understanding, order is necessarily a subject of legitimation as well as in need of constant renegotiation, reflection, and readaptation to its circumstances (Nullmeier/Geis/Daase 2012: 24–26). Considering normative orders a subject of contestation also points to the ambiguity of international norms as tenets of normative orders. In contrast to a conventional view of norms leading to greater stability and predictability of behaviour, norm contestation asks us to consider the meaning of norms as inherently contested and subject to continuous interpretation (Niemann/Schilling 2017; Wiener 2014; Zimmermann 2016). These processes constitute social orders as well as their related communities; they define inside and outside groups, how members participate and engage in communities, and shared understandings of appropriateness (Clark 2003: 80; Vetterlein/Wiener 2013: 89). Rather than presenting a fixed and stable framework for guiding action, normative orders rely on processes of structuration. However, participation in normative orders is not necessarily evidence of a genuine belief in their normative rightness; it might also be the result of strategic action (Kornprobst 2014: 195). Norms matter, from such a perspective, not because of their causal effects, but because they provide “zones

of permissibility” (Kratochwil 2001: 63). In this account of responsibility, I do not think of it as leading to an appropriate behaviour, but I am interested in its role in social constitution. The Security Council is viewed as engaging in moral action without focusing on whether that engagement constitutes moral agency, a position often discussed with regard to international institutions (Ainley 2011; Brown 2001; Dobson 2008; Erskine 2003). By examining how justifications refer to the Council’s responsibility, we see instead how context and conditions shape its capacity to enact moral actions (Hoover 2012).

Given that responsibility is ultimately a question of moral judgement (Peltonen 2010: 242), focusing on its conditions sensitises us to the implications of referring to responsibility, such as its legitimation of authority and power (Mondre et al. 2017). These insights change our view of Security Council responsibility. Instead of obstructing order, normative controversy constitutes and reconstitutes order, or even furthers it. At the same time, once we accept that order cannot be taken for granted and that it is neither stable nor coherent, we are better able to think of it as the dynamic product of social interaction, in constant need of negotiation. This is by no means a novel perspective on the role of disputes, but nevertheless is a crucial one. Almost a century ago, Georg Simmel noted that the inherent ordering capacity of disputes is so much taken for granted that it often gets lost in its study (Simmel 1992: 287).

Justification and the turn to pragmatist sociology

An approach which seems promising for an endeavour such as I undertake in this study is provided by Luc Boltanski’s pragmatist sociology of critique, focusing as it does on the tensions between “the constitution of an order and the critical move that calls it into question” (Boltanski/Thévenot 2006: 39). Pragmatist sociology studies how people give these reasons to each other, the actual consequences of doing so, and why this is genuinely a normative practice with an ordering capacity. Boltanski’s pragmatist sociology has been praised for restoring a scholarly interest in the underlying normative groundings of social interaction during disputes (Honneth 2010; Susen/Turner 2014). As part of the ongoing “practice turn” in the social sciences (Gad/Jensen 2014; Nicolini 2012; Schatzki/Knorr-Cetina/Savigny 2000), which has also attracted interest among scholars in political science and international relations (Adler/Pouliot 2011; Bueger/Gadinger 2014; Leander 2011; Neumann 2002), pragmatist sociology draws our attention to the contingency and uncertainty of the social world and points to the normative meaning of social interaction. This allows us to grasp how controversy shapes the meaning of responsibility in the Council. Boltanski’s approach relies on three premises which respond to the puzzle discussed above: justification is essentially normative, the social world is largely ambiguous, and justification encompasses an ordering capacity.

First, pragmatist sociology argues that any justification is an expression of normativity or moral rightness. Accordingly, in untenable situations actors express their sense of injustice by giving reasons. Justification, then, is understood here

as “critical operations that people carry out when they want to show their disagreement without resorting to violence, and the ways they construct, display, and conclude more or less lasting agreements” (Boltanski/Thévenot 2006: 25). As a result, justification becomes an essentially normative mode of action for engaging in social encounters. This makes controversy productive and genuinely intersubjective. Second, the social world is seen as shaped by ambiguity, uncertainty, and power asymmetries. If justification is to serve its purpose, then it needs to be “meaningful communication”. This is accomplished when actors refer to supposedly shared understandings of moral rightness, what Boltanski calls “principles of worth” (Boltanski 2011: 27). These principles of worth define a normative criterion for people evaluating a situation; they are the foundation of any social order. As Boltanski and Thévenot write, one would not consider a statement like “I don’t agree with you because I don’t like your face” to be a justification (Boltanski/Thévenot 1999: 360) as it does not imply any normative criterion which could be meaningful to others. It would be futile and without purpose. A principle of worth can also be supported by material or symbolic artefacts if they serve to constitute social or normative orders. For example, industrial efficiency is a principle of worth which can be not only observed in justifications, such as the necessity of rule compliance in the workplace, but also manifested in tools and manufacturing processes, for example, in methods of timekeeping or the establishment of staff hierarchies (Cloutier/Langley 2013: 377). A principle of worth may presuppose general agreement, but actors never actually know whether others share their assessment. As a consequence, they have to engage with each other to sort out their interpretations and determine whether specific principles of worth are applicable in a particular situation. Third, by determining whether they share an understanding of the situation, actors constitute and question social order. Controversy becomes a moment for testing competing justifications in order to determine which principle of worth represents a shared understanding of how to evaluate the situation normatively (Bogusz 2013: 315). However, changing contexts require new interpretations of the situation, and so order is only relatively stabilised (Patriotta/Gond/Schultz 2011: 1809; Thévenot 2002: 77). These three premises allow pragmatist sociology to capture the dynamics of normative controversies for the constitution of normative order. These practices fix the normative order momentarily, without denying its possible contestation or dissolution (Wagner 1999: 346). Instead of a single stable social order, pragmatist sociology conceptualises the world as shaped by multiple processes of social ordering.

Applying pragmatist sociology in the empirical analysis of the Security Council

If we are to apply pragmatist sociology in the empirical analysis of the Security Council, three conditions must be met. First, as pragmatist sociology emphasises the analytical importance of closely following actors in their justification practices, we will need to focus on how Council members actually express justifications. Second, as justifications refer to principles of worth in claiming moral rightness,

we will need to find specific references to possible principles of worth relating to the Council's responsibility. At the same time, the plurality of principles of worth requires that we focus on variation in their meaning. Third, as normative orders are put to the test during moments of controversy, revealing both their fragility and their relative stability, we will need to identify specific controversies during the Council's business and show how they are shaped by normative contestation.

The underlying methodological paradigm of pragmatist sociology is interpretivism. By following a logic of understanding rather than a logic of explaining, this paradigm emphasises the multiplicity of possible interpretations of the social world (Yanow 2000: 5). The meanings attached to practices, symbols, actors, and policies become the relevant categories of knowledge. An interpretive methodology does not seek to identify stable and fixed sets of meaning, but traces the intersubjective dynamics of constituting meaning in specific contexts (Weldes/Saco 1996: 371). Meaning is by definition always meaning-in-context.³ An interpretive analysis also requires openness in the research process, as "the analyst is attentive to the action-oriented, interactive, and ongoing nature of meaning" (Wagenaar 2011: 62). Interpretivism also considers non-linguistic elements such as practices, symbols, and objects as meaningful; however, as language is of preeminent importance for the construction of meaning and practice, it will be at the centre of my analysis. In this study of the contested meaning of Security Council responsibility, I will be focusing primarily on the role of speech acts.

In an empirical analysis of the Security Council, I apply these methodological premises to two case studies: the 2002/2003 Iraq crisis and the 2011/2012 Syria crisis. In both cases, the meaning of Security Council responsibility was a focal point of the crisis, and public Council meetings were a centre of engagement with these controversies. Both crises have a much longer history than the time period under investigation here. These periods nevertheless constitute moments of significant contestation about the Council's responsibility and, in line with practice theory, serve as analytical units for the study of actual social interaction (Bueger/Gadinger 2014: 84). They also point to a particular understanding of cases as analytical units. Qualitative approaches, as Charles Ragin points out, often deliberately construct cases – "casing" the empirical reality – instead of using cases as empirical units in an ontological sense (Ragin 1992: 9). Case study is not a method in itself, but a way to access empirical data. For qualitative and interpretive methods, including ethnographic fieldwork or single case narratives, case studies provide important insights precisely because the case is seen to exemplify an empirical phenomenon (Gerring 2004: 342). Provided they are used in small numbers, case studies enable researchers to develop the kind of contextual knowledge important to understanding the complexity of the empirical data (Flyvbjerg 2006: 235).

Cases necessarily need to be "cases *of* something" (Klotz 2008: 43), and the rationale for the two cases chosen for analysis follows a number of guiding principles. First, since the interpretation of Security Council responsibility has changed in response to the crises in Rwanda and Kosovo (Thakur 2006) since the late 1990s, we should only consider cases after 2001. Second, since my research

interest focuses on how the meaning of responsibility is affected by controversy, case studies should represent contested rather than uncontested crisis situations. This means that UN peacekeeping operations authorised to use “all necessary means” seem only partially useful as cases. Although often adopted by controversial and close decisions within the Council, they were to a large degree established with the consent of a recognised government, “albeit sometimes coerced and unreliable” (Bellamy/Williams 2011: 828). Finally, the situations in Darfur and Libya are widely considered to be cases of severe crises of Security Council responsibility (Adler-Nissen/Pouliot 2014; Bellamy/Williams 2006; Dunne/Gifkins 2011). They are also important cases for the normative developments of the RtoP (Badescu/Bergholm 2009; Gifkins 2015; Hehir 2013; Waal 2007; Williams/Bellamy 2005). However, neither of these two cases fits the conditions of this analysis, either because the actual controversy was about how to implement a Council decision rather than about reaching it (Libya), or because there was ambiguity regarding the actual situation at stake (Darfur).

The cases of Iraq and Syria not only are shaped by differences in their normative controversies but also share some commonalities. In both instances, permanent Council members played a crucial role as the major antagonists, the regional focus was on the Middle East as the second-most frequently debated region in the world (United Nations 2014: 5), and there were a similar number of Council meetings over the course of each controversy. The 2002/2003 Iraq crisis occurred because of insistence on the part of the US and the UK that supposed Iraqi weapons of mass destruction (WMD) posed a threat and that Iraqi non-compliance with Resolution 1441 would require military action. The normative controversy in this crisis was about whether Security Council responsibility would prevent its permanent members from undertaking military action outside of the Council’s system of collective security or whether its responsibility would require compliance with Security Council obligations in any attempt to prevent a potential Iraqi threat of WMDs. Since the majority of Council members did not share the latter assessment, military action was finally taken by the US and the UK without Security Council authorisation in March 2003. This was the most flagrant violation of the system of collective security since the Kosovo intervention in 1999, and in academic circles the situation triggered discussions about whether the Council’s legitimacy would be called into question given the Council’s lack of authority and inability to constrain US unilateralism (Boulden 2006; Chesterman 2002; Morris/Wheeler 2007).

The 2011/2012 Syria crisis was about whether the Council should adopt measures against the Syrian government as a response to atrocities committed during the Syrian civil war. To prevent such measures, Russia and China cast three double vetoes between April 2011 and July 2012,⁴ acts which were widely understood as causing not only a deterioration of the situation on the ground but also an unprecedented paralysis in the Security Council. Although using the veto is in accordance with the UN Charter, it is often criticised as an illegitimate privilege of the P5 Council members. Moreover, the Council’s stalemate on Syria was significantly affected by the Libya crisis of 2011 and NATO’s implementation of

Resolution 1970 and 1973, which was considered by Russia and China as an illegitimate attempt at regime change. Their abstention from vetoing on Resolution 1970 and 1973 was widely considered a milestone for future implementation of the responsibility to protect (Bellamy 2011; Weiss 2011). The Syrian crisis was therefore a normative controversy about whether Security Council responsibility meant attempting to uphold UN's principles, most notably that every UN member should fulfil the obligations assumed by the UN Charter, or preventing the continuation of atrocities and human rights violations on the ground. A comparison of these controversies sheds light on the role of context in shaping the meaning of responsibility. Differences and similarities become apparent which help us to identify the change and variation as well as the persistence of particular meanings of Security Council responsibility. This inductive approach traces the contested meaning of responsibility in two particular normative controversies in the Council. At the same time, by examining the relationship between the macro-level of normative orders and the micro-level of particular justifications in these two cases, this approach allows us to see that normative orders are not stable entities but are instead the result of dynamic processes marked by controversy.

Contributions to the field

The approach chosen in this book has implications for studies on international organisations and on the Security Council in particular. First, while there is much literature on the outcome of changing conceptions of Security Council responsibility, for example, with regard to peacekeeping (Bellamy/Williams/Griffin 2010; Fenton 2004; MacQueen 2011) and sanctions (Cortright/Lopez/Gerber-Stellingwerf 2008; Heupel 2009), there is surprisingly little research on the meaning of this responsibility itself, even though responsibility is constitutive of the Council's legitimacy. Furthermore, academic discussions about its meaning are heavily focused on the legal dimension of Security Council responsibility and the authorisation of the use of force (Österdahl 1998; Yamashita 2007). The legal dimension is certainly important because it formally defines the Council's authority. Nevertheless, it is a narrow perspective which does not focus on the social dimension of responsibility as constituting the Council's social order. My approach stresses precisely this social dimension by focusing on the internal processes of the Council as its members negotiate the meaning of their responsibility.

Second, the focus on justification brings us directly to the political implications of moral arguments. Justifications are often based on claims of moral rightness, which in turn are inevitably bound to questions of legitimacy, and so address questions of power and (institutional) order (Steffek 2006). Justifications in the Security Council are understood then as legitimacy claims. Legitimacy claims are used by actors "to justify their identities, interests, practices or institutional designs" (Reus-Smit 2007: 159). This refers to a sociological understanding of legitimacy which emphasises the relationality and contestation of legitimacy claims (Barker 2001; Beetham 1991; Suchman 1995). Processes of legitimisation and delegitimation negotiate, rebuild, or further social orders and are thus

integral to their maintenance (Möllers 2015; Nullmeier/Geis/Daase 2012). My approach emphasises this ordering capacity of moral arguments by examining the consequences of a plurality of competing interpretations. A focus on justification gives us an analytical approach that captures these processes and reveals how they shape the meaning of responsibility in the Security Council.

Third, viewing the Council from a practice theory perspective as a site for practices of normative ordering adds to our understanding of the social constitution of the Security Council and by extension other international organisations. The fact that justification is an everyday practice of the Security Council may be the reason it has rarely been at the centre of scholarly attention. This is unfortunate because a focus on justification would help us to better understand the complex social constitution of the Council (Adler-Nissen/Pouliot 2014; Hurd 2005; Johnstone 2003). Moreover, the Security Council is an especially interesting site for study due to its unique structure. Jochen Prantl points out that the Council is a highly secretive institution with elitist and selective criteria for membership, while at the same time giving the impression of being a relatively “open system” able to creatively apply its outdated formal framework to the empirical realities of changing global politics (Prantl 2006: 29). A focus on justification is able to capture this seeming paradox because the ambiguities and inconsistencies of the Council are not seen as a deficiency or a dysfunctionality but as practices in its everyday maintenance of its normative foundations.

This not only is crucial for understanding the Security Council but also applies to other international organisations. Given that international organisations often face a plurality of social constituencies – such as member states, bureaucratic staff, domestic populations, or other international organisations – their social order is often driven by uncertainty (Clark 2003: 88). A growing body of scholarship problematises these complexities and their effects upon the performance of international organisations by pointing out, for example, the impact of pathologies (Barnett/Finnemore 2004), legitimation processes (Coicaud 2001), local orders (Hanrieder 2014), knowledge production (Vetterlein 2012), and organisational cultures (Nelson/Weaver 2016; Sarfaty 2009). A focus on justification adds to this body of research by studying the normative dimension of organisational practices and the structuring effects of controversy on the social or normative orders.

Structure of the book

This book is divided in two parts. In the first part, in Chapters 2–4, I set the field for analysis by describing changes in the Council’s understanding of responsibility, the meaning of normative controversy, and the potential of applying pragmatist sociology to its analysis. In Chapters 5–7, I first look more closely at each of the two case studies and then at the empirical findings embedded in broader reflections on public Council meetings from a practice theory perspective.

Chapter 2 is the starting point of my inquiry, and I begin by discussing empirical changes in the meaning of Security Council responsibility and their implications since the late 1990s. The emergence of the concept of the “responsibility

to protect”, the protection of particular groups affected by conflict, and the identification of transnational security threats especially led to the development of an increasingly normative understanding of Security Council. There have been other developments with significant effects on Security Council practices, such as reforming the Council’s working methods, new decision-making procedures, and the changing role of the rule of law (Harrington 2017; Hurd 2014). One could also analyse the outcome of Council decision-making, that is, peace operations and their changing normative and ideational foundation, to better understand the changing meaning of Security Council responsibility.⁵ The changing meaning of responsibility, however, is the precondition of these developments and defines the scope and aims of Security Council action. The consequences are twofold. On the one hand, they affect the Council’s normative order by pointing to more shared understandings of what ought to fall under the Council’s responsibility. At the same time, the inconsistency of these developments, their selective application, and the voting pattern of the Council raise questions about our assumption of a normative order which is stable and unquestioned. The chapter concludes with a discussion of how these processes point to the prevalence and importance of normative controversy about responsibility, that is, dissent about the normative rightness of these developments. Normative controversy is seen as a contested and yet productive process of normative ordering.

Chapter 3 builds directly on Chapter 2 by elaborating on the conceptual and theoretical tenets of normative controversy. Assuming that normative controversy differs from other forms of dispute and dissent, I review different avenues of conceptualising the term. The inherent contestation of international norms is an important trigger for normative controversy. The chapter also sheds light on processes of legitimation and delegitimation as claims of normativity, and politicisation as an approach which international organisations use for coping with public grievances. Finally, the chapter highlights the role of justification as an act of giving moral reasons during controversy. I argue that a focus on justification proves especially helpful to better understanding the ordering capacity of normative controversy because we see how sharedness and contestation form the dual nature of normative understandings.

Chapter 4 is dedicated to Luc Boltanski’s pragmatist sociology as the most promising approach to understanding justification as a driving force of social interaction. The chapter lays out the theoretical premises of pragmatist sociology, its origins, and how it conceptualises justification and critique, moments of controversy, and normative orders. I discuss how so-called principles of worth embody a particular normative meaning and are translated into specific practices, objects, and symbols as well as configurations of agency, time, and space. According to Boltanski, principles of worth are the linchpin of any normative order. From the perspective of pragmatist sociology, the social world is driven by a plurality of competing orders requiring actors to engage in processes of sorting them out, which make up the act of normative ordering. Based on these conceptual foundations, I turn to the methodological underpinnings of this theory and conclude that, with regard to the Security Council, text analysis using grounded theory

coding techniques is the most suitable way to approach the contested meaning of responsibility in a study of justification. In the second part of the book, these assumptions form the framework for an empirical analysis of justification in the UN Security Council.

Chapter 5 presents a case study on the 2002/2003 Iraq crisis. It starts by considering how and in which timeframe during the Council's long-standing involvement with the situation in Iraq a particular normative controversy regarding the Council's responsibility can be identified. I then review my analysis of the meeting records of all public Council meetings during the controversy. We see that in these meetings a variety of different meanings of responsibility are expressed which point to possible principles of worth. To show how these principles of worth interact and unfold in practices of normative ordering, I look closely at the famous 4701st Security Council meeting of 5 February 2002, where US Secretary of State Colin Powell links principles of worth to particular objects, such as voice recordings or images, to support his claim that Security Council action is both necessary and legitimate.

In Chapter 6 I use a similar approach to analyse the case of the 2011/2012 Syria crisis, beginning with a discussion of how one can identify a particular normative controversy about responsibility in the Council's consideration of the Syria crisis. Between the Council's Libya decision in April 2011 and the third double veto in July 2012, the role of vetoes in protecting or undermining the Council's responsibility was subject to contested interpretations. I then analyse all meeting records of the public Council meetings within this time period, revealing again a number of competing interpretations of Security Council responsibility. A micro-level analysis of the 6711th Security Council meeting, in which members were confronted by the second double veto by Russia and China, is the final part of the Syria case study. Here, again, the analysis allows us to scrutinise how competing principles of worth relate to specific objects or time configurations, and in doing so unfold an ordering capacity.

Chapter 7 concludes the empirical part of my book by comparing the findings from the two case studies and embedding them in broader considerations of public Council meetings from a practice theory perspective. We see that in both cases references to normative procedures as well as the Council's ideational foundations point to overarching principles of worth, while a number of other justifications clearly underline the context-dependency and situated meaning of responsibility. In both cases one can see how, in contrast to the popular view that public Council meetings are largely irrelevant, they in fact play a key role as sites of engaging in normative controversy. The chapter ends with a critical reflection on the methodical approach, using data from fieldwork as well as from the literature to highlight the value of a practice theory perspective on public Council meetings. In particular, rhetorical repertoires, symbols, and procedures are seen to contribute to our understanding of the role and conduct of public Council meetings from a practice theory perspective.

Finally, Chapter 8 summarises the main line of argument, the theoretical and methodological premises, and the empirical findings. I conclude by arguing that one needs to take seriously the role of public Council meetings in normative

controversy about its responsibilities and indeed of normative controversy for the social constitution of the Council itself. I also discuss the potential benefits of the kind of study undertaken in this book for other moments of normative controversy in the Security Council, which would give us insights not only into other overarching principles of worth but also into how we can make use of pragmatist sociology in a broader array of empirical fields of international relations and international organisations.

Notes

- 1 One could argue that Council decision-making would simply need to be more coherent. However, a rich body of literature in organisational sociology (Brunsson 2006; Weick 1995; Ybema et al. 2009), international organisations (Barnett/Finnemore 1999; Sarfaty 2009; Weaver 2008), and the Security Council (Barnett/Finnemore 2004; Lipson 2007) underlines the difficulties, if not impossibilities, of establishing coherent decision-making processes in organisations.
- 2 The importance of collective legitimation for the Security Council was noted much earlier (Caron 1993; Claude 1966), but without coming to the same conclusions as constructivist scholarship.
- 3 In international relations, especially in approaches drawing on Wittgenstein's concept of the contextual meaning of language, the focus is on the situated validity of knowledge. This has also inspired a focus on practices in studies of international relations. See for example Fierke (2001: 123); Jackson (2006); Kratochwil (1989).
- 4 Since then, the Syria crisis has been affected by a total of twelve vetoes by Russia and China. As Chapter 6 discusses, however, the first three double vetoes make up a particular normative controversy. After the third double veto, the Council's stalemate led to a hiatus for almost a year, and the next veto did not occur until May 2014. See Niemann (2018) for an analysis of justifications of the first eleven vetoes on Syria.
- 5 For discussions of the changing practices of UN peacekeeping and possible normative implications, see Fenton (2004); for an overview of structural changes of the Security Council, see among many others Einsiedel/Malone/Stagno Ugarte (2016); Security Council Report (2014). There is also a burgeoning literature on the necessity of reforming the Council; see for an overview Bourantonis (2005); Center on International Cooperation (2014); Niemetz (2015).

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2 The changing meaning of Security Council responsibility

The purpose of this chapter is to trace the changes in the meaning of Security Council responsibility in recent years and to discuss the consequences of this for Security Council practices. By shifting from traditional state-centred notions of responsibility to notions of responsibility for cross-cutting and transnational issues from the late 1990s on, the Council has not only identified new fields of activity but also changed its practices and established new institutions. The results of these developments, however, are puzzling. They indicate a denser web of shared normative understandings of responsibility. At the same time, Council practices demonstrate that establishing such a web of normative understandings does not ensure more consistent application in Council decision-making processes. Instead, it provokes contestation and normative controversy. However, this does not indicate dysfunctionality or an incomplete establishment of normative order but points to the necessity of engaging in controversy. Ultimately, controversies in the contested meaning of responsibility are socially productive; that is, by questioning normative meanings, they reconstitute them. As I show in this chapter, these processes are inextricably linked to practices of Security Council agenda-setting and decision-making, which affect the normative meaning of Security Council responsibility.

The origins of Security Council responsibility

The Security Council bears a primary responsibility for the maintenance of international peace and security. As defined in the UN Charter, this responsibility constitutes the Council's authoritative role in global politics and thus has been a question not only of legal accountability but also of normativity and legitimacy. The Security Council's responsibility for the maintenance of international peace and security is an outcome of the Council's legal framework and the historical context of its origins. This legal framework constitutes the conditions of and the scope for interpreting the meaning of Security Council responsibility. The UN Charter defines the Council's responsibility as follows:

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the

maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

(UN Charter, article 24, para. 1)

Conferring this responsibility on the Council is much more than a matter of organisational efficiency. The maintenance of international peace and security in a system of collective security is defined in the Preamble and in Article 1(1) of the Charter as the foundational purpose and principle of the United Nations.¹ Furthermore, referring to this principle as the Council's responsibility rather than its duty or obligation implies that the Council is, first, legally responsible to someone and, second, able to exercise this responsibility. As Anne Peters argues, Article 24 can therefore be interpreted as indicating the "position of trust" given to the Council by the UN members (Peters 2012: 766). It follows that the Council's responsibility is not only of prime importance for the entire United Nations but also reflects a fundamental normative principle of the Council's role and authority as embodied in the UN Charter. Therefore, Security Council responsibility by definition has a normative dimension and cannot be limited to a formal division of labour.

Part of this normative role of the Council is found in the special responsibilities and privileges of the P5 members. They are not only part of the original design of the Council's responsibility but have also had a great influence on the extent to which the Council has been able to live up to its primary responsibility. UN members confer their responsibility for the maintenance of international peace and security on the Security Council. As the UN Charter states, this is based upon the principle of equality among all UN members. However, the privileges of the P5 members contradict this legal and formal equality. The essential role played by the P5 members in applying and implementing the Council's responsibility and the legal status of their special responsibilities and privileges in the UN Charter draw critique from those who consider the Security Council primarily a great power institution (Simpson 2004: 167). However, others see a diversity of Security Council practices giving non-great powers possibilities for interacting in the Council and influencing the Council's agenda. This is an argument that the Security Council a permeable system. In a critique of the widely held belief that the Council is the concert of five permanent powers which basically control the entire decision-making process, Ian Johnstone "disaggregates" the Council by shedding light on its complex and multi-dimensional composition. He argues the Council is a "four-tier deliberative setting" that includes the P5 members as an inner circle; the Council as a whole, since formally all fifteen Council members are equal; the entire UN membership, as every UN member has opportunities, albeit limited, to engage in Council discussions; and the various audiences of the Council in the global public sphere, such as experts, UN bureaucrats, and the press (Johnstone 2011: 60). This disaggregated view of the Council does not deny that the P5 have manifest formal and informal privileges (Johnstone 2008: 301), but stresses that the Council is a complex social constitution with a variety of different actors.

A look at the foundation of the United Nations and the adoption of the UN Charter in San Francisco in 1945 clearly shows the preeminent role given to the

great powers in exercising Security Council responsibility. The establishment of the United Nations was basically an undertaking of the great powers, with the United States, the United Kingdom, and the Soviet Union negotiating drafts for its establishment between 1941 and 1944, most notably at Dumbarton Oaks. The basic idea was to establish an institution which would entrust the great powers with the “primary burden for directing global affairs” (Morris 2015: 410). This can most clearly be seen in the power of veto as a potential instrument of great power hegemony within the Security Council’s system of collective security. The veto does not only define privileges, however, but also needs to be understood as constituting a normative part of Security Council responsibility (Simpson 2004: 187). Given the fate of the League of Nations, such privileges were a condition of the great powers joining the new institution (Morris 2013a: 520) and so were ultimately accepted by the small and middle powers (Luck 2016: 201). The San Francisco conference not only legally established the privileged role of the great powers but also showed the importance of legitimation as an inherent counterpart to the great powers’ privileges. As Ian Hurd argues, the success of San Francisco, as much as the shape of the ultimate document, is largely a result of the power of legitimation (Hurd 2007: 84).

Since then, the P5 members have instrumentalised the Council for their national interests. But they have also developed a dense web of social relations. Irrespective of competing political rationales, the legal manifestation of their privileges in carrying out Security Council responsibility has a uniting effect among them (Morris 2015: 400). As Ian Johnstone argues, this has transformed the P5 members – and arguably the entire Council – into an “interpretive community” (Johnstone 2003).² While it does not eliminate the possibility of disagreement or a lack of consensus among its members (Johnstone 2010: 184), the shared history of seventy years of continuous Council membership has shaped the common memory and experiences of the P5 members. These “overlapping lifeworlds” (Johnstone 2003: 460) enable Council members to engage in justificatory discourses using shared understandings about the quality of legal arguments and, in doing so, develop an identity tied to that social community (Johnstone 2011). This emphasises that while the legal fixation of the meaning of Security Council responsibility is closely tied to the special role of the P5 members, their interpretation of this legal framework is of constitutive importance for the Council and has ordering effects (Johnstone 2003: 454).

Having a “primary responsibility” also emphasises hierarchy and authority within the UN system. While other organs such as the General Assembly, the International Court of Justice,³ and the Secretary-General⁴ can discuss matters of international peace and security, give recommendations, or bring issues to the attention of the Security Council, the actual decisions are ultimately made by the Security Council. Consequently, Article 24 is widely understood as confirming the Council’s unequalled power in world politics (Knight 2002: 19; Matheson 2006: 33; Morris/Wheeler 2007: 214; Welsh/Zaum 2013: 66). This is especially the case for threats to the peace, which according to Article 39 of the Charter constitute the legal threshold for authorising Council action. However, the Charter

not only lacks a clear definition of threats to the peace but also contains contradictory legal obligations. As Matti Koskenniemi writes, “the principles and purposes of the Charter are many, ambiguous and conflicting” (Koskenniemi 1998: 47). Issues such as human rights, humanitarian action, and development are important issues in UN decision-making but create conflicts with, for example, the obligations of collective security, protection of human rights, and self-defence (Welsh/Zaum 2013: 69).⁵ Therefore, the Council has always had to interpret the Charter in its decision-making. Moreover, because of the vagueness of the legal framework, these interpretations necessarily lead to changing normative understandings of Security Council responsibility. The question of what counts as a threat to international peace and security especially has changed significantly during the last seventy years, representing normative changes in what falls under the Council’s responsibility (Österdahl 1998; Yamashita 2007). While this has sometimes been considered by legal scholars to be an unlawful expansion of Council powers (Oosthuizen 1999; Peters 2012; Tsagourias 2011), others have argued that interpretation is an essential part of any organisational activity. Ian Hurd, for example, asserts that “institutions are the product of patterned practices and interactions, and, as such, they are never settled or final or fixed” (Hurd 2007: 135). Interpreting the Council’s responsibility is, therefore, neither a novel practice nor the result of a deficient legal framework. Instead, the Council’s responsibility has necessarily always been a “responsibility in practice”.

A changing interpretation of Security Council responsibility

From 1990 on, we can observe a shift in the Council’s understanding of the meaning of its responsibility. After decades of paralysis, the Council’s renewed activism has led to a growing awareness of the need to protect human rights, causing a significant shift in the interpretation of its responsibilities. This shift was gradual and dates back to the changing practices in UN peace operations in the late 1980s (Bellamy/Williams/Griffin 2010: 93). It was the end of the Cold War, however, that led to an unparalleled increase in Council meetings, decisions, and resolutions between 1989 and 1992 (Freudenschuss 1993: 2–3). This change was not only quantitative but also qualitative, as a number of unprecedented decisions demonstrate. For example, in April 1991 the Council adopted Resolution 688 (S/RES/688), defining for the first time the displacement of refugees as a threat to international peace and security. On that basis, the Council authorised a no-fly zone over Iraq. During the 3046th Council meeting in January 1992 (S/PV.3046), the first Security Council meeting held at head-of-state level, the Council adopted a presidential statement declaring a new understanding of international security in order to cope with changing security threats: the “international community [...] faces new challenges in the search for peace. All Member States expect the United Nations to play a central role at this crucial stage” (S/23500: 3). The expectation that the United Nations would be the key actor dealing with security threats in the post-Cold War world entailed a much broader understanding of the Council’s responsibility. This statement signalled the re-emergence of the Council as

a global authority with interventionist ambitions (Fenton 2004: 3; Peters 2012: 772). David Malone concludes that the post–Cold War era must be understood as an era of “creative interpretation” of the Council’s mandate and issues falling under its responsibility (Malone 2002).

“Creative interpretation”, however, was nothing new. In fact, much Council decision-making during the 1990s was only possible because of such flexibility, which set the normative background for emerging practices such as humanitarian interventionism, the Council’s involvement with internal and regional conflicts, and post-conflict peacebuilding processes (Debiel et al. 2009). However, notable tragedies of the 1990s in Srebrenica and Rwanda together with the Council’s paralysis during the Kosovo crisis led to critique that the Council was failing to live up to its responsibility. As a consequence, especially due to the advocacy of UN Secretary-General Kofi Annan, a number of high-level panels and commissions, among them the International Commission on Intervention and State Sovereignty (ICISS) and the High-Level Panel on Threats, Challenges, and Changes, were established. Their reports triggered critical discussions on the lack of consistency and coherence in Council decision-making and identified the need for a different interpretation of sovereignty and human rights violations (Bellamy 2009: 15). As a result, the Council addressed a number of issues which differed significantly in their content and scope from traditional understandings of international peace and security. These new issues were generally cross-cutting and indicated an increasingly normative understanding of Security Council responsibility. Their impact on everyday practices of the Council has become evident in the fact that today almost a third of all Council meetings are devoted to these cross-cutting issues (United Nations 2014: 4).

The Council’s responsibility to protect

The responsibility to protect (RtoP) constitutes the most visible shift to an increasing normativity of the Council. Understood by many as indicating a general shift in international politics from notions of sovereignty to notions of responsibility (Bellamy 2009; Debiel 2004; Thakur 2006; Weiss 2004), the concept is certainly unequalled in its potential scope. As Ramesh Thakur and Thomas G. Weiss, both closely involved in the emergence of the RtoP, observe, “no idea has moved faster in the international normative arena” (Thakur/Weiss 2009: 23). RtoP is important for understanding the normative shift in Security Council responsibility because its focus on the legitimate use of force addresses the core of the Council’s responsibility for maintaining international peace and security and because the Council is credited with a key role in implementing the concept.

From the outset, RtoP was a clear response to the Council’s failures during the 1990s. What is distinctive about RtoP is that it re-interprets the concept of sovereignty from notions of control and authority to a notion of responsibility (Peltonen 2013: 15; Stahn 2007: 102; Thakur/Weiss 2009: 38). Though states bear a primary responsibility for protecting their people, if they fail to do so, this responsibility will be conferred on the international community. However, if we

look more closely we see that the various conceptual contributions to RtoP – most importantly, the final report of the ICISS, the 2005 World Summit Outcome Document (A/RES/60/1), and the UN Secretary-General’s follow-up report “Implementing the Responsibility to Protect” (A/63/677) – vary in their understandings of the Council’s role. As Hannes Peltonen points out, all three major documents are shaped by an unclear understanding of the term “international community” and how it relates to the United Nations (Peltonen 2012: 5). The ICISS report states that “the international community through the UN” bears a responsibility to protect. It remains unclear whether these are two separate but connected entities or whether the international community is represented by the UN. This has implications for the Council’s role in implementing RtoP, since the Council’s primary responsibility is conferred only by UN members, not by the international community per se. Given the origins of RtoP in the Council’s failures in the 1990s, one of the main goals of the ICISS report was to determine what limitations and obstacles there were to Council decision-making. As a result, there were extensive discussions of the reasons for Council inaction and its consequences as well as possible alternatives should the Council be unable to act, for example the General Assembly or regional organisations (International Commission on Intervention and State Sovereignty 2001: 52). Nevertheless, the ICISS was quite explicit in acknowledging that the primacy of the Council’s authority for the maintenance of international peace and security should not be questioned.

The Commission is in absolutely no doubt that there is no better or more appropriate body than the Security Council to deal with military intervention issues for human protection purposes.

(*ibid.*: 49)

The leading role of the Council was reinforced by the World Summit Outcome Document. Since this was a UN document and was adopted by the UN members through the General Assembly, it can be considered as representing the UN’s “official interpretation” of the responsibility to protect. Following heated negotiations ahead of and during the 2005 World Summit (Evans 2008b: 43), the document came to clearly define a superior role for the Council in carrying out the responsibility to protect. As paragraph 139 states,

In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

(A/RES/60/1, para. 139)

The explicit mention of the Council’s authority to decide upon the use of force in the World Summit Outcome Document also strengthened the role of the Security

Council. Alternatives to the Security Council, which were one of the key motivations for developing the concept in the original ICISS framework,⁶ were not mentioned at all in the UN document. Although praised as an important manifestation of the principle at the UN level, the document was largely thought to water down the spirit of RtoP because of its strong emphasis on the role of the Security Council (Bellamy 2008: 616; Thakur/Weiss 2009: 38; Weiss 2007: 116–117). On the other hand, it was ambiguous regarding the Council's responsibility because of its silence on clear criteria and thresholds which would obligate the Council to carry out its responsibility to protect (Bellamy 2008: 623).

Since the endorsement of RtoP at the 2005 World Summit, the Council's responsibility to act in situations of mass atrocity has been normatively enshrined by the members of the UN. A number of cases subsequently arose which challenged the application of the new normative standard. The case of Darfur, especially, made clear that the formal adoption of the concept would not automatically lead to its application. From the outset, given the widespread mass atrocities taking place, Darfur was a litmus test for the Council's new understanding of its responsibility to protect (Waal 2007: 1041; Williams/Bellamy 2005: 27). While the increasing use of RtoP language by the Security Council and others brought global attention to the issue, it did not secure its immediate implementation in the conflict (Badescu/Bergholm 2009: 290; Bellamy/Williams 2006: 156). In particular, China's reluctance to authorise a peace enforcement operation in Darfur was subject to much international controversy (Holslag 2008: 74).⁷ Nevertheless, while the lack of implementation due to the opposition of some Council members was heavily criticised, the Darfur crisis led to an increasing number of references to RtoP in the Council and was therefore important for the normative shift towards a new interpretation of the Council's responsibility (Bellamy 2008).

Aside from debates about applying RtoP to Darfur as a means of "turning words into deeds" (Welsh 2010: 149), a number of crises were discussed as potential cases falling under the Council's responsibility. These included the humanitarian crisis in the aftermath of the cyclone Nargis, which spurred controversies about whether natural disasters would fall under the Council's responsibility to protect (Barber 2009: 32; Haacke 2009: 182). Another potential case was the violent conflicts after the 2007 Kenyan elections. The mediation efforts by UN Special Envoy Kofi Annan were considered by some as a successful implementation of the preventive dimension of RtoP (Preston-McGhie/Sharma 2012; Sharma 2012: 31). Generally, however, the Kenyan crisis was not considered to meet the criteria of mass-atrocities defined in RtoP (Badescu/Bergholm 2009: 289). In 2008, the Russian government attempted to legitimise the Russo–Georgian war with reference to RtoP, citing it as a case of Russia protecting its people abroad. However, this has been widely considered a "misrepresentation" of RtoP (Badescu/Weiss 2010: 364; Evans 2008a). Meanwhile, the Council endorsed the concept in numerous resolutions, mostly by references to its the 2005 World Summit Outcome Document. The most important of these are Resolution 1674 on the protection of civilians in armed conflict from April 2006 (S/RES/1674) and Resolution 1706 from August 2006 (S/RES/1706) and Resolution 1769 from July 2007

(S/RES/1769), both on the situation in Darfur. The Council seemed to be developing a shared understanding and codifying it in Council resolutions, while at the same time controversy continued in Council debates about the meaning of the concept. Finally, with Resolutions 1970 from February 2011 (S/RES/1970) and 1973 from March 2011 (S/RES/1973), the Council applied the concept for the first time to authorise the use of force against Libya.⁸

By explicitly stressing a normative notion of responsibility, RtoP marks a change in the Council's understanding of its responsibility to maintain international peace and security. The responsibility of the Security Council is now seen as tied primarily to normative rather than legal questions.⁹ At the same time, RtoP is characterised by inconsistent understandings of the concept and its incoherent application by the Council. Therefore, RtoP demonstrates the Council's increasing normativity as well as its contestation, indicating both a shared understanding as well as controversy about its meaning.

The protection agendas for particular groups affected by conflict

Although RtoP marks a fundamental change in the interpretation of the Council's responsibility, its scope and language still largely refer to state-level action and a focus on mass atrocities. The concept has, however, initiated a shift in the Council's attention to people as subjects to be protected – what has been called “institutionalising empathy for individuals” (Marlier/Crawford 2013: 421–422). Since 1999, the Council has increasingly discussed the necessity of protecting groups of people particularly affected by violent conflict. This “people-centred” shift (Chandler 2001) of the Council can be interpreted as a significant normative development, which challenges not only the previous state-centrism of the Council, but also introduces completely new subjects to Council decision-making. The various developments for protecting particular groups are summarised under the umbrella term “protection agendas” and include most importantly civilians and in particular children and women.

The protection of civilians in armed conflict (POC) forms the core of the protection agendas. The aim of POC is to integrate issues of civilian protection into UN peacekeeping activities. Historically, there was a division of labour between the Security Council, which deals with armed conflict, and humanitarian agencies, which provide relief for civilians caught up in armed conflict. In field missions, however, this division often does not hold. The turn to protecting civilians, therefore, marks a new development in the mandate of the Security Council, expanding the Council's responsibility to include humanitarian issues. This, however, requires the Council to comply with the existing framework of human rights law, international humanitarian law, and refugee law, as laid out in the Geneva conventions, the Universal Declaration of Human Rights, and the various human rights conventions. Initially, POC was a topic for the UN's humanitarian relief agencies; in 1998, therefore, negotiations placed the issue on the Council's agenda.¹⁰ A presidential statement expressed the Council's willingness to engage with situations where civilians are targeted by combatants (S/PRST/1999/6: 2), and a report

issued by the Secretary-General upon request of the Council (S/PRST/1999/957) laid out recommendations on how to deal with the issue. In 1999, the Council adopted Resolution 1265, its first thematic resolution on the protection of civilians in armed conflict. It stated that, while bearing in mind its primary responsibility was for the maintenance of international peace and security, the Council expressed “its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the Council’s disposal” (S/RES/1265: 3). Thus, Resolution 1265 clearly broadens the Council’s responsibility by emphasising its willingness to respond to situations where civilians or assistance to them is being targeted by armed conflict.

The long-term effects of this commitment can be seen in the fact that a number of subsequent resolutions and presidential statements furthered the POC agenda by establishing a comprehensive framework for the protection of civilians as an element of Security Council responsibility. An informal Council working group was established in 1999, and most importantly, the Council started biannual open debates on the issue. UN members use this opportunity to engage in an open-ended deliberative process on POC (Loges 2013: 209). While the Council’s responsibility for the protection of civilians seems widely recognised, some scholars criticise the persistent ambiguity and fuzziness of language referring to this responsibility in actual Council decision-making. Since there are neither thresholds nor specific criteria, but rather an ongoing case-by-case evaluation of conflicts, what protection it might actually provide remains unclear (Lie/Carvalho 2009: 14). This ambiguity also creates problems of coherence and applicability in actual operations on the ground. While the protection of civilians has been implemented in at least twelve UN-led peacekeeping missions, eight UN blue helmet missions, and a number of other multilateral peace operations, the blurred line between civilians and combatants causes problems when trying to apply the POC agenda consistently (Williams 2013: 288). Furthermore, as Lie and de Carvalho argue, “there has been a tussle between those advocating a wide concept of protection, and those favouring a narrower view focused on the threat of imminent violence” (Lie/Carvalho 2013: 51). As a result, the normative scope of the concept is still controversial. This can also be seen in the inconsistent broadening of the protection agenda by identifying which groups of vulnerable people are meant. Groups defined as being “civilians” include humanitarian personnel (S/RES/1502) and journalists (S/RES/1738). For other groups of vulnerable people, separate protection agendas have emerged, most notably for children and women. Therefore, while one can see normative development in the Council’s responsibility to protect groups affected by conflict, there is also incoherence and inconsistency.

Children as a group vulnerable to harm have been on the Council’s agenda since 1999. Resolution 1261, unanimously adopted in 1999 (S/RES/1261), expressed for the first time the Council’s concern regarding the situation of children as internally displaced persons and victims of sexual abuse. Special consideration has also been given to the exploitation of children as soldiers. Since 1999 the Council has adopted twelve resolutions and thirteen presidential statements on the issue.¹¹

Most important among them is Resolution 1612, adopted in 2006 (S/RES/1612), which marked a ground-breaking development in the protection of children in armed conflict by establishing a Monitoring and Reporting Mechanism (MRM) as well as country-level task forces. This development made accountability and the reporting of gross human rights violations towards children part of the repertoire of practices of the Council. Resolution 1612 also established a Working Group on Children and Armed Conflict as a subsidiary body to the Council, “empowered to take concrete actions towards halting violations and holding perpetrators accountable, and also to make recommendations for concrete actions to the Security Council” (Watchlist on Children and Armed Conflict 2009: 4). While the MRM, together with the working group, established a remarkable compliance and reporting mechanism, critics point out the emphasis on largely non-legalistic measures has made it more like the politically induced or diplomatic “non-compliance mechanisms” commonly found in international environmental law (Happold 2010: 375). Furthermore, the relatively large number of legal declarations intended to improve the rights of children in violent conflict does not correspond with the actual implementation by the international community, leading to critique of the Council’s responsibility to protect children as amounting to little more than “paper protection” (Francis 2007: 208).

A year after the adoption of resolutions on the protection of civilians and the protection of children, Resolution 1325 on Women, Peace, and Security (WPS) was adopted in 2000 (S/RES/1325), marking another ground-breaking development in a more normative understanding of the Council’s responsibility. The resolution seeks the inclusion of women at all levels of decision-making in peace processes, reaffirms the important role of women in post-conflict peacebuilding processes, and stresses the importance of their equal participation in the maintenance and promotion of peace and security. Resolution 1325 is thus remarkable because it acknowledges not only women as especially vulnerable in violent conflict but also their constructive and crucial role in peace processes (Binder/Lukas/Schweiger 2008: 25). By expressing its willingness to consider the role of women in decision-making, the Council was expanding its responsibility to include not only the protection of women, but also gender mainstreaming as a principle of UN peace operations and, subsequently, in national security policies (Joachim/Schneiker 2012). Resolution 1325 was highly acclaimed and triggered a burgeoning discussion among academics and practitioners (Pratt/Richter-Devroe 2011; Shepherd 2008; Willett 2010).

Security Council activities aimed at protecting women, however, have remained ambiguous. It took the Council almost eight years after the adoption of Resolution 1325 in 2000 to reengage with the WPS agenda. Since 2008, the Council has adopted Resolutions 1820 (S/RES/1820) and 1888 (S/RES/1888) on sexual violence; Resolution 1889 (S/RES/1889) on the role of women in post-conflict peacebuilding processes; and Resolution 1960 (S/RES/1960), which established a Monitoring and Reporting Mechanism on sexual violence in order to further the WPS agenda and elaborate its normative framework. These were further strengthened by Resolution 2106 (S/RES/2106) on accountability for perpetrators

of sexual abuse and Resolution 2122 (S/RES/2122) on gaps in implementing the women, peace, and security agenda (Security Council Report 2014c: 3). The actual success of implementing the WPS agenda into Security Council decision-making has not been judged an unmixed success (Binder/Lukas/Schweiger 2008; Tryggestad 2009; Willett 2010). Nevertheless, Resolution 1325 and its successors have furthered the normative developments which have significantly changed the meaning of Security Council responsibility since the 1990s. The WPS agenda shares with the agendas on the protection of civilians and children a focus on particular vulnerable groups affected by violent conflict. At the same time, the WPS agenda is distinctive due to the dual role it recognises women have, both as victims of armed conflict and as important actors for carrying out peace operations, peace processes, and post-conflict peacebuilding. The WPS agenda shows how the Council has shifted its understanding of responsibility from protecting them as victims of conflict to seeing them as agents for peace.

In summary, developments since the late 1990s have led to a normative understanding of the Council's responsibility, codified in a number of resolutions and decisions, which includes the protection of particular groups of people, such as civilians as a whole, and in particular children and women. At the same time, these so-called protection agendas are characterised by an inconsistent definition of vulnerable groups and often lack coherent implementation in the decision-making of the Council. The protection agendas, therefore, not only indicate progress in the normative understanding in the Council about vulnerable groups in need of protection but also create controversy about how to identify these groups.

Identifying new threats to the peace

An increasingly normative understanding of Security Council responsibility is also observable in efforts to identify new kinds of threats to international peace and security. It has been argued before that it is crucial for the Security Council to define what constitutes a threat to the peace as, according to Article 39 of the UN Charter, these definitions form a legal threshold for authorising the use of forces. However, the definition of security threats is also inextricably linked to the Council's understanding of its responsibility, and these threats relate also to the normative dimension of Security Council responsibility. There have been normative shifts since the late 1990s which mirror the Council's broadening scope of the issues falling under its responsibility. The identification of new security threats has made the Council's normative order more complex. Since these new threats focus on transnational dimensions of conflicts, they change the Council's understanding of peace and security by increasing its authority for issues beyond and below international boundaries.

The most significant shift can be observed in the Council's reaction to the threat of transnational terrorism since 11 September 2001. While terrorism was on the Council's agenda before 9/11, the attacks initiated a decision-making process in which the Council broadened its authority and established a comprehensive approach to terrorism with far-reaching competences. In adopting Resolution

1373 on 28 September 2001 (S/RES/1373), the Council established a Counter-Terrorism Committee and decided that all states should prevent and suppress the funding of terrorism by freezing funds and financial assets. In addition, Resolution 1540 was adopted in 2004 (S/RES/1540) to prevent the proliferation of weapons of mass destruction. It requires all states to make information about terrorist activities available to the so-called 1540 Committee. As these requirements were imposed on “all states” without reference to specific cases, both resolutions were sharply criticised for their interference with domestic law. This unprecedented activity in law-making led to critique that the Council was becoming a “world legislature” (Szasz 2002; Talmon 2005), and the extension of Council authority as both an executive and a legislative body was understood as *ultra vires*, or beyond their legal power (Happold 2003), “awkward” (Lavalle 2004), or at least as a confusion of the Council’s legal capabilities (Hinojosa Martínez 2008; Joyner 2007). While the Council is usually criticised for being inactive, in this case a “too active” Council became the greater concern (Gray 2008: 90). The necessity for counter-measures and legal safeguards has also been discussed extensively (Cronin-Furman 2006: 461; Tzanakopoulos 2011: 154), despite, or because of, the overwhelming support of UN member states for the Council’s counter-terrorism activities (Johnstone 2008: 308).

Others argue that the Council’s counter-terrorism policy is neither new nor an arrogation of power, pointing out that this policy has considerable deliberative elements and leaves many of its measures open to interpretation by member states (Heupel 2008: 21). In this view, this policy represents a functionalist division of labour rather than a disconcerting instance of unmitigated power (Gehring/Dörfler 2013: 571). Furthermore, it is also accompanied by an unusual authoritative bureaucratic apparatus in the form of Counter-Terrorism Committees. The interpretation of terrorism as a threat to international security is an example of increasing normativity brought about by the transnationalisation of Security Council responsibility. The interference with the national jurisdiction of UN members shows the far-reaching consequences of the Council’s counter-terrorism policies, demonstrating that a shift in the Council’s responsibility has political implications for the UN members. This new understanding of terrorism as a security threat represents a fundamental shift of Security Council responsibility away from traditional state-centred notions, one which is accompanied by critique and potential legal problems.

While counter-terrorism is by far the most visible change in the Council’s understanding of new security threats, increasing attention is paid to other transnational security threats. This includes the proliferation of small arms and light weapons (SALW) (S/RES/2117), piracy (S/PRST/2013/13), and drug trafficking and organised crime (S/PRST/2009/32). Besides these threats to security stemming from transnational flows, the Council has also turned to the utilisation of natural resources by conflict parties. This has mostly been limited to illicit trading of resources such as oil, timber, and diamonds, which the Council prohibited in resolutions on Angola, Sierra Leone, Côte d’Ivoire, and Liberia. In 2014 resolutions on the Central African Republic (S/RES/2134) and the Democratic Republic of the Congo (S/RES/2136), the Council added wildlife poaching to its list of

transnational security threats. Until now, however, the Council has seemed reluctant to adopt thematic statements on the impact of natural resources on conflicts (Peters 2014). Instead, Council decisions have remained focused on promoting state-level action, which makes this issue different from other transnational security issues. Despite its inconsistent consideration of natural resources as a security threat, the Council has discussed climate change as a potential threat to international peace and security at various times (Conca/Thwaites/Lee 2017; Cousins 2013; Elliott 2003; Scott 2015). The United Kingdom has been a strong advocate for the issue in the Council and initiated the first open debate on climate change in April 2007 (S/PV.5663). Since then, the Council has had a number of meetings, including the so-called Arria-formula meetings and several open debates on the issue, the latest being held in June 2013 (S/PV.6982). Most importantly, the Council, under British presidency, adopted a presidential statement in June 2011 expressing its concerns “that possible adverse effects of climate change may, in the long run, aggravate certain existing threats to international peace and security” (S/PRST/2011/15: 1). The Council’s flexibility in defining new threats can also be seen in the historically unparalleled Resolution 2177, adopted in September 2014, “that the unprecedented extent of the Ebola outbreak in Africa constitutes a threat to international peace and security” (S/RES/2177). While this is widely understood as a novel issue on the Council’s security agenda, the Council has previously touched on health issues with regard to HIV/AIDS and its impact on conflict (Security Council Report 2014a). The broadening of the Council’s responsibility to include security threats from specific conflicts and their contexts to transnational security threats such as climate change or global health is a significant normative development. At the same time, it is a development still in the making and has a rather inconsistent pattern. Furthermore, unlike the protection agendas, the new security threats are rarely discussed in open debates or through exchange with the broader UN community. These topics also often lack influential agenda setters (the case of climate change being an exception), which demonstrates that these developments differ in their scope compared to the protection agendas.

Implications of changing understanding Security Council responsibility

The previous section has shown that a number of changes have taken place in the Council’s understanding of its responsibility for the maintenance of international peace and security. As a response to the often fierce critique of Council performance during the 1990s, these programmatic developments have contributed to an understanding of responsibility in the Council which emphasises its normative dimension. This increasingly normative understanding of Security Council responsibility marks a significant change for the Council and, due to its tremendous scope, has been described by some as a “mission creep” (Clark/Reus-Smit 2013: 39). At the same time, this development is more ambiguous than it might seem at first sight. As we have seen, despite the fundamental shift these processes initiated, they were neither linear nor uncontested. Driven by inconsistencies in

their definition and often selective application in the Council's decision-making, the increasingly normative understanding of Security Council responsibility is a precarious shift. A number of conclusions can be drawn about the important role of normative controversy.

Fostering deliberation in the Security Council

The first finding is that the increasingly normative interpretation of the meaning of Security Council is accompanied by an increase in social interaction among Council members. Generally speaking, greater normativity implies more talk about what an appropriate definition of responsibility ought to be, as Council members have to develop a shared understanding of what falls under their responsibility. There is evidence in the Security Council records supporting such a view, most notably the nature of the decisions taken by the Council and the turn to open debates as sites of deliberation on the Council's responsibility. One consequence of these developments is that the Council's normative order has become more important. This can be seen best in the changing use of the various decision-making instruments available to the Council. Security Council decisions are usually associated with the adoption of resolutions. Resolutions represent the Council's legal authority, as they are often considered legally binding. However, the Council has a broader set of instruments available to it. Figure 2.1 presents this variety and the Council's use of them.

As Figure 2.1 shows, together with resolutions, presidential statements became increasingly important for Council decision-making between 2010 and 2017.¹² While the Council has other channels of expression available (notes by the President, letters by the President, and press statements), resolutions and presidential statements constitute its primary resource for action (Talmon 2003: 419). Presidential statements are not limited to addressing thematic issues; the Council adopts many country-specific statements as well. Nevertheless, almost half of all presidential statements adopted in this time period refer to cross-cutting issues (United Nations 2014: 6). These statements are therefore crucial indicators of normative change in the Council. Moreover, they represent the vibrancy of the Council's normative order. Unlike resolutions, which are tabled for vote, presidential statements require consensus among Council members. This necessitates negotiations ahead of the adoption of a statement (Hulton 2004: 238). Council members also negotiate the draft resolutions and often seek unanimity in the actual vote. However, the requirement of consensus makes the successful negotiation of a presidential statement even more important. Achieving consensus on a draft statement is hard work, and as insights from former diplomats suggest, this is especially true for elected members. Successfully pushing for their interests during negotiations on a presidential statement is usually difficult without the support of a P5 member (Gharekhan 2006: 30). Finally, the growing importance of presidential statements as a decision-making device relates to the increasing normativity of Security Council responsibility because the purpose of statements is largely symbolic. These statements have no legal or enforcing capacity and simply indicate the Council's concern for or appreciation of an issue. Still, it is

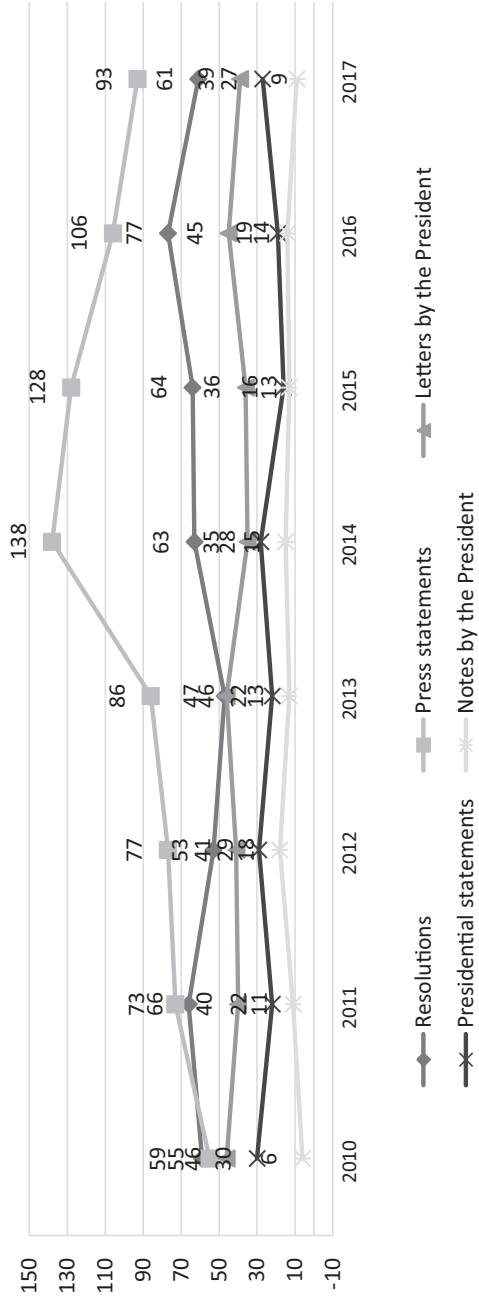


Figure 2.1 Use of Security Council decision-making instruments between 2010 and 2017

Source: Data compiled from United Nations 2014 and United Nations 2017.

precisely this symbolic value in representing the Council's shared understanding of an issue which makes it an important and decisive instrument of Council politics (Talmon 2003: 458).

The growing importance of open debates is the second major evidence for the increase of deliberation as Council practice. Open debates are public Council meetings, usually attended by a large number of UN members, which do not necessarily lead to specific decisions. They demonstrate the Council's role as a site for deliberation among Council members and the broader UN membership and its increasing interest in cross-cutting issues.¹³ In recent years, open debates have been convened on an almost monthly basis to discuss a variety of mostly thematic issues, including the protection of civilians in armed conflict; women, peace, and security; post-conflict peacebuilding; terrorism; the rule of law; and Security Council working methods. While technically regular Council meetings, open debates nevertheless draw a large attendance of non-Council members. Article 32 of the UN Charter states that any UN member holds the right to request participation in any discussion of the Council during private or public meetings, and so a large attendance of non-Council members is nothing unusual. Also, the practice of refraining from taking a decision is in no way characteristic of open debates alone, as the Council is under no obligation to decide upon matters discussed during any of its meetings. One cannot therefore use outcomes to differentiate between open debates and any other public Council meeting. However, the purpose of open debates differs significantly from other types of meetings and supports the interpretation that the increasing shift towards normativity affects social interaction in the Council. First, since the adoption of Presidential Note 507 (S/2006/507), the Council has determined there will be different forms of public Council meetings. Its monthly programme includes debates, open debates, briefings, and adoptions. Open debates are therefore considered a legitimate type of Council meeting. Second, and more importantly, open debates are mostly thematic rather than country-specific. While not a formal requirement of open debates, their focus on cross-cutting issues is still important. Furthermore, since open debates are usually not followed by particular decisions or Council action, their deeper purpose would seem to be to facilitate social interaction and enable normative discourse.¹⁴

Although open debates are widely considered beneficial in enhancing Council transparency, they have also drawn critique. One major critique is that they encroach on the mandate of other UN organs, most notably the General Assembly, as main forums for interstate deliberation in the UN system (Sievers/Daws 2014: 48). This critique demonstrates the prevailing understanding of the Council primarily as a decision-making and not a deliberative body (Security Council Report 2010: 9). Furthermore, open debates have practical problems: they often include as many as fifty additional speakers, which has the consequence that the quality of contributions from participants has declined. As Lorraine and Sievers summarise:

Often in a long thematic debate only junior members of delegations are present in the Chamber to hear the statements of most non-Council Member States, and frequently the ambassadors of non-members attend the meeting

only to deliver their statements and then leave. The fact that the council has increasingly adopted outcome documents for thematic debates early during the meeting has exacerbated this problem of the “empty Chamber”.

(Sievers/Daws 2014: 49)

It is also considered problematic that presidential statements are often adopted after negotiation among Council members behind closed doors before the *open* debate (Security Council Report 2014b: 68).¹⁵ This practice suggests that open debates have a largely symbolic value, which calls the alleged purpose of these meetings into question and undermines efforts to make Council decision-making processes more transparent. Open debates also demonstrate the ambiguity of the Council’s normative developments, as the quality of issues tabled for discussion differs greatly. One reason is that organising an open debate has become a popular practice among elected Council members. Elected members often use their monthly Council presidency to organise an open debate as a special event, with the foreign minister or another high-level representative attending the meeting (ibid.: 68). While this again highlights the symbolic value of open meetings, it also generates a large number of items which, following the particular interests of the current holder of the Council presidency, appear only once or twice on the Council’s agenda. This certainly questions the utility of open debates for enhancing the Council’s responsibility.

Yet, the remarkable increase in the number of open debates also demonstrates that the Council’s normative shift in interpreting its responsibility affects interaction among Council members. It increases the need for deliberation and produces more occasions for exchanging views on the Council’s normative foundations. Undoubtedly, there are still formal barriers for non-Council members and non-state actors wanting to influence Council decision-making. However, this development indicates a transformation of the Council from a site of executive decision-making by a select few to a forum for social interaction among a broader constituency (Johnstone 2003: 452). It is an open question how much actual decision-making is influenced by these open debates, but the fact alone that they are held changes the Council. Unlike the informal practices of the Council, such as consultations and informal interactive dialogues, open debates are formal Council meetings. They contribute to the repertoire of Council practices, and their meeting records become part of institutional memory. Admittedly, it is difficult to determine whether what is said during open debates has an effect on specific decisions made by the Council. The P5 at least seem to have an ambiguous position towards the growing number of open debates (Security Council Report 2014b: 68). However, the importance of open debates for the increasing normativity in the Council should not be underestimated. Edward Luck rightly describes Council meetings as “largely devoted to speech making” (Luck 2006: 17). This is not a dysfunction or pathology of the Council. On the contrary, “speech-making” within a broader community enhances social interaction, furthers normative understandings of the meaning of Security Council responsibility, and ultimately serves to constitute the Council’s normative order.

Selectivity and controversy in Council decision-making

In the previous section, I argued that one can observe an increasing tendency in the Council to establish formats of exchange which are genuinely deliberative, further social interaction among Council members and with other UN members, and contribute to the constitution of normative order in the Council. In this section I examine the flipside of these processes, namely, the inconsistencies of Council decision-making. Despite the findings discussed above, the Council's actual decision-making also provides reason to doubt that there is a growing shared understanding in the Council about its responsibility. Three developments are of special importance and support a more cautious view of such a normative shift: the inconsistent development of Security Council responsibility, the selective application of these normative issues in actual decisions of the Council, and the persistence of voting as the mode of decision-making.

First, so far it has been argued that the Council's responsibility has been interpreted increasingly in normative terms. A closer look at these developments, however, reveals that this development is a highly inconsistent process. The identification of new issues which are considered to fall under the Council's responsibility, such as targeted groups in need of protection or new threats to security, is a process which is often quite inconsistent. Rather than the result of a consensual and deliberate negotiation process in the Council about the factual necessity of dealing with these issues, bringing these issues to the Council's attention is often a process of successful agenda-setting by particular groups. This results in an arbitrary understanding of the Council's responsibility which contradicts the very idea of broadening and humanising the agenda. A growing list of vulnerable groups might harm the Council's ability to engage in coherent and universal human rights protection. According to Michael Pearson, this selectivity was once criticised by a P5 representative, who asked, "What's next – protecting pets in armed conflict?" (Pearson 2001: 146). Identifying specific groups for protection also poses the danger of essentialising them. While transnational agenda setters might have an interest in the political and strategic advantages of identifying particular groups of people in need of protection (Carpenter 2005), this development might ultimately produce unintended effects to the contrary. This danger is most evident in the case of protecting women in armed conflict. Although it is the explicit goal of Resolution 1325 and the WPS agenda to strengthen women's role in international peace and security and thus to question traditional gender stereotypes, the language used in these documents is considered by critics to have the exact opposite effect by describing women as vulnerable subjects requiring special measures of protection (Pratt 2013; Puechguirbal 2010; Shepherd 2008). Women are victimised as a targeted group, and they are essentialised when gender dichotomies are strengthened by highlighting the needs of "women" as a distinctive group of people.¹⁶ Furthermore, the Council has also considered the protection agendas inconsistently. For example, the threat stemming from small arms and light weapons during post-conflict peace processes is well-known (Axworthy 2001: 21), and the issue has been on the Council's agenda since 1999. And yet there is relatively infrequent

involvement with this issue, with significant lags between Council meetings on the subject (Security Council Report 2015). Knowledge of its potential harm as well as its official recognition as a threat to the peace has not led the Council to deal with the matter coherently and consistently.

Security Council activities are characterised to a significant extent by the selective implementation of these new issues falling under the Council's responsibility. Selectivity is nothing new. In fact, much critique of the Council is related to its selective implementation of measures to secure international peace and security.¹⁷ And yet the problem of selectivity is exacerbated when responsibility is increasingly interpreted in normative terms, as selective implementation can no longer be explained simply with reference to the changing preferences of the Council members (Yang 2013: 33). Although the normative shift implies at least a temporarily shared understanding about the appropriateness of broadening the Council's agenda, its inconsistent application to cases tabled in the Council calls into question the existence of that shared understanding and instead highlights the prevalence of controversy associated with these developments. This can be clearly seen in the selective application of RtoP, where even constant involvement with an issue does not automatically lead to its implementation in actual decision-making. Unlike many other cross-cutting issues, RtoP has been discussed relatively consistently by the Council since 2005 (Nasu 2011: 412), indicating that there was a normative shift in the Council's understanding of the issue. At the same time, RtoP has been *the* notorious example of the gap between words and deeds. Despite public outrage at the genocide in Darfur and the many crises which were seen as potential cases of RtoP since 2005, no significant application occurred before the 2011 Libyan crisis. While the Council's decision to explicitly refer to RtoP in the Libya case was widely understood as the long-awaited confirmation of the concept as "official" Council policy (Bellamy 2011; Weiss 2011), both the precise formulas of Resolutions 1970 and 1973 (Dunne/Gifkins 2011; Loisel 2013) as well as the inconsistent follow-up in Syria (Hehir 2013; Morris 2013b) demonstrate that the Council's normative interpretation of responsibility remains an inconsistent and selective process which does not result in consistent implementation.

The selectivity involved in applying Security Council responsibility may also spur competing interpretations of what this normative development actually means. Again, the developments of RtoP illustrate this well. As a direct response to the Council's application of RtoP in Libya, the Brazilian government introduced an alternative reading of RtoP as "responsibility while protecting", emphasising the need for the cautious application of military force and respect for state sovereignty (Almeida 2014; Österdahl 2013). This example demonstrates that the application causes controversy, but it also underlines the productivity of this controversy. Critical positions on RtoP, for example China's,¹⁸ are often understood as a rejection of RtoP. As the Brazilian approach demonstrates, however, this is a limited view of these processes. Disagreeing with the concept, sometimes only with parts of it, does not automatically indicate a complete rejection of the whole idea but instead shows us there are a plurality of competing interpretations of its meaning. Moreover, these competing interpretations, though controversial,

indicate a normative involvement with the concept by critics as well: “the issue has become so heavily contested that it must be quite relevant to those who oppose different parts of it so vehemently” (Rotmann/Kurtz/Brockmeier 2014: 356). Security Council responsibility is thus not only driven by controversy about its proper application but also initiates competing interpretations, underlining the non-linearity and contestation of these normative developments. As the failed application of RtoP in a number of cases demonstrates, this selectivity can help sharpen the Council’s understanding of its responsibility as much as it can spur controversy (Badescu/Weiss 2010: 369). Disregarding these competing interpretations as simply an obstacle to further normative development would therefore be mistaken. They can have a significant impact on normative processes in the Security Council because these interpretations remain inherently ambiguous.

Finally, despite evidence of an increasingly normative understanding of the Council’s responsibility, the Council’s voting pattern also indicates controversy. The largely unanimous voting pattern reflects an increasing normativity, while at the same time underlining the ambiguity of these developments. As Figure 2.2 demonstrates, unanimity is prevalent in Council voting.

At first sight, this pattern clearly supports a view of the strengthening of the Council’s normative order in recent years. Bound by a growing shared understanding of what falls under its responsibility, the Council increasingly votes unanimously. This would indicate not only greater acceptance of its normative shifts, but also the emergence of a shared normative order. Such an interpretation is also supported by historical developments from the 1980s on, which show a clear tendency in the Council towards unanimity, whereas previous decades saw disunity as the primary voting pattern (Morphet 1995: 438; Sievers/Daws 2014: 338).

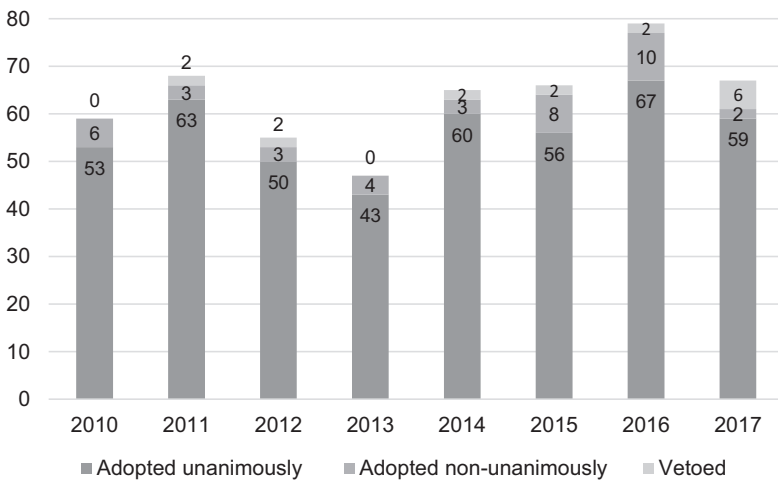


Figure 2.2 Voting pattern in the Security Council between 2010 and 2017

Source: Data compiled from United Nations 2013 and United Nations 2017.

However, several factors cast doubt on this reading. While the overwhelming majority of resolutions adopted by the Council are unanimous, a few resolutions each year are adopted non-unanimously or are vetoed. In previous years, almost none of these resolutions would have directly referred to thematic issues. Such a highly unusual situation occurred in May 2015, when a resolution on small arms and light weapons (S/RES/2220) was adopted with only nine approvals and six abstentions. Also, the veto (discussed in greater detail in Chapter 6) has recently re-emerged as a frequent tool in Council decision-making. Although none of the recent vetoes were applied to draft resolutions on cross-cutting issues, the voting pattern suggests one should be more cautious when interpreting the stability of the Council's normative developments. Furthermore, this voting pattern should not be equated with sincere consensus. Instead, it represents the symbolic value of achieving unanimity and the increasing role of informal decision-making processes prior to voting. Much of the actual decision-making processes of the Council today take place in informal consultation and the activities of so-called groups of friends, informal networks of states concerned about a particular issue (Prantl 2006). Informality is often seen as an obstacle to greater transparency and legitimacy of the Council (Hulton 2004: 242). Informality also explains the voting pattern. It seems that the Council prefers to demonstrate unanimity to the public rather than dissension, which supports the assumption of the existence and importance of a spirit of community among Council members. However, it also demonstrates that disagreement has not lessened but has simply been transferred to the informal part of the Council's decision-making process inaccessible to the public. Furthermore, the actual voting is partially decoupled from the decision-making process, such that even a unanimous vote still enables statements expressing disagreement and critique during Council meetings (*ibid.*: 238). The preference for unanimity in voting does not in itself forestall controversy since it cannot prevent any issues from being vetoed. This reflects the genuinely political foundation of the Council and its formal case-based decision-making process. While normative developments suggest a growing shared understanding in the Council, the voting pattern, as well as the inconsistent application of responsibility, demonstrates the persistence of controversy. There is, we can conclude, an apparent tension between the emergence of normative order and shared understandings about its prevalence in the Security Council.

Contested responsibility and the productivity of controversy

The previous sections discuss the consequences stemming from the Council's shift towards an increasingly normative interpretation of its responsibility. While the findings underline the significant changes in Council responsibility towards an increasingly normative interpretation, the consequences that follow from these changes are ambiguous. The scope of the Council's responsibility has been broadened, focusing on cross-cutting issues and transnational security threats. While responsibility has always been more than just a matter of legal obligations, it is now increasingly understood in its normative dimension. Given the

initial mandate of the Council, this understanding of Council responsibility is far-reaching and changes the normative foundations of the Security Council. It also affects interaction in the Council, which becomes more deliberative and geared towards developing shared understandings of appropriateness. This also has consequences for Security Council practices. The growing importance of presidential statements and open debates demonstrates a shift, turning the Council into a forum for the exchange of views among Council members and the broader UN membership. The changing meaning of responsibility is also manifest not only in numerous debates and resolutions, such as the annual open debates on the protection agendas, but also in field missions, field manuals, guidelines, and institutional manifestations such as committees, special envoys, and so on. Overall, this has contributed to the Council's normative order as it has initiated an increasingly normative understanding of Security Council responsibility and its application in Council practices.

On the other hand, while the meaning of Security Council responsibility has changed, this change has been inconsistent. The development toward greater normative understanding of Security Council responsibility remains ambiguous and highly contested. The process of identifying whether an issue falls under the Council's responsibility is often driven by political entrepreneurship rather than a deliberate process of developing shared understandings about its meaning. Furthermore, the tendency to fragment and essentialise people in need of protection into particular groups obstructs a coherent and universal human-centred approach in Security Council decision-making. Identifying an issue as falling under the Council's responsibility does not guarantee a consistent and regular consideration of it or, even more importantly, forestall controversy about its coherent implementation. Ensuring greater coherence in Security Council decision-making was an important motivation for initiating changing Security Council practices in the late 1990s and directly affects the overall legitimacy and authority of the Council. Judging by the outcomes of Council decision-making, it seems that this goal has not been met.

However, the evidence of inconsistent normative development does not automatically imply its failure and the dysfunctionality of deliberative practices in the Council. On the contrary, it underlines the importance of engaging in normative controversy. By disagreeing on an issue, Council members provide competing interpretations of the meaning of responsibility. The shift to normativity in Council responsibility, therefore, spurs not only controversy but also an exchange of views and reasons referring to the Council's normative order. Controversy does not undermine the increasingly normative understanding of Security Council responsibility but enables the continuous negotiation and renegotiation of its meaning. Consequently, the incoherence of these developments demonstrates, first and foremost, that controversy in the Security Council can be socially productive. Identifying the meaning of Security Council responsibility is a constant effort, neither complete nor linear. Yet it is socially productive in its constitution of normative order in the Council, not despite but because of its inconsistencies and incoherencies. The simultaneity of these processes is puzzling, as one

might be tempted to consider them inherently contradictory. Developing a better understanding of this puzzle will help explain what happens during normative controversy in the Security Council and shed light on the contested yet productive processes of interpreting the meaning of Security Council responsibility as practices of normative ordering.

Notes

- 1 Crediting the Council with this primary responsibility was, according to Hurd, crucial for achieving the support of the great powers during the San Francisco negotiations (Hurd 2007: 85).
- 2 The voting patterns of present and former Council members in the General Assembly implicitly demonstrate the socialising effects of Council membership (Binder/Heupel 2015).
- 3 The Council's frequent interpretation of the UN Charter in its decision-making processes especially conflicts with the International Court of Justice's authority as the UN's primary judicial institution. Cronin-Furman therefore argues that despite being conceptualised as a political institution, the Security Council has a "hybrid role" with significant adjudicative powers (Cronin-Furman 2006: 438).
- 4 See Chesterman (2007) for a discussion of the abilities of the Secretary-General to use its authority to shift the Council's attention to international crises and the tensions this creates between the Council and the Secretary-General.
- 5 The Council has a significant role not only in interpreting legal obligations but also in creating them. A long-standing discussion exists on the quasi-legal authority of the Council in creating international law and its ambiguous consequences for the global legal order (Cronin 2008; Franck 1992; Higgins 1970; Popovski/Fraser 2014; Schachter 1964; Zangl et al. 2012).
- 6 The ICISS, for example, discussed the possibility of a "code of conduct" to refrain from using the veto in situations of gross human rights atrocities (ICISS 2001: 51). The idea of a "duty not to veto" has again gained growing attention in light of the Syrian civil war (Morris/Wheeler 2016; Reinold 2014).
- 7 Although, empirical data underlines that of the twenty-one resolutions on Darfur adopted by the Council between 2004 and 2007, China only abstained from six votes while confirming fifteen resolutions through affirmative votes (Contessi 2010: 329). In 2008, the *African Union/UN Hybrid Operation in Darfur* (UNAMID), a robust peace-keeping mission, was established, which can be considered as the first serious response to the situation by the Security Council (Kreps 2007).
- 8 See Chapter 6 for a discussion on the consequences for the case of Syria.
- 9 For discussions about the status of RtoP as a legal norm, see Orford (2011); Reinold (2010); Stahn (2007); Thakur/Weiss (2009).
- 10 While POC is closely linked to RtoP, there is a controversial discussion about the precise relationship between the two concepts. Formally, the two remain different concepts with different objectives, and the official UN language underlines this clearly. This is furthered by the different institutional affiliations of RtoP (Special Adviser to the UN Secretary-General) and POC (Department of Peacekeeping Operations and Department of Field Support). Nevertheless, Resolutions 1674 and 1894 on the protection of civilians in armed conflict also made explicit references to RtoP in this context and therefore provides official evidence of the close connections between the two concepts. Although their origins as well as objectives show overlap, some scholars nevertheless argue that equating the two is problematic as it would diminish the state of exceptionality of mass atrocities and the use of force attached to RtoP in contrast to the POC's focus on humanitarian crises in situations of less violent escalation (Popovski 2011; Tardy 2012).

- Others see RtoP clearly developing within the Council's debates of the protection of civilians and emphasise their common normative background (Loges 2013).
- 11 See the website of the *Office of the Special Representative of the Secretary General for Children and Armed Conflict*, which contains a large online library of documents related to the issue: <https://childrenandarmedconflict.un.org/>
 - 12 Note that press statements, although included in the figure, are technically not official decisions made by the Security Council. Instead, they are issued as a UN press release and refer to "members of the Council" rather than the Council as a whole (Sievers/Daws 2014: 431).
 - 13 Open debates emerged in 1994, when the Council held its first open debate on "Security Council working methods and procedures" on 16 December 1994. The phenomenon of open debates and their relevance for the Council is still being discussed, most importantly in the context of the Council's working methods and their possible reform (Hulton 2004: 243; Security Council Report 2010: 9, 2014b: 68).
 - 14 Sievers and Daws, therefore, tend to speak about thematic debates rather than open debates (Sievers/Daws 2014: 44). While this is useful for highlighting the focus on thematic issues and probably more formally correct, it is neither common nor does it reflect the openness as a distinctive feature of these meetings.
 - 15 According to Sievers and Daws, a meeting on "Women and peace and security" was postponed in 2012 due to Hurricane Sandy. However, the related presidential statement, which Council members had already negotiated, was nevertheless adopted. As a result, four weeks ahead of the open debate for sharing views on the issue, the Council had already adopted the statement (Sievers/Daws 2014: 50).
 - 16 On 25 August 2015, the Council for the first time ever discussed the issue of lesbian, gay, bisexual, and transgender (LGBT) rights as part of a closed meeting on sexual violence by the so-called Islamic State in Iraq and Syria. So far, controversy in the Council exists as to whether violence against LGBTs should be discussed as part of the WPS agenda or whether LGBTs should be identified by the Council as a new group in need of particular protection (What's in Blue 2015).
 - 17 Much of the critique of this selectivity is caused by understanding "response" primarily as military-enforced response. This, however, ignores the variety of ways the Council addresses a crisis (Binder 2009: 343). Consequently, Goede argues for understanding the Council's selective decision-making not as a dysfunctionality, but rather as an expression of the coalescence of framing strategies of political entrepreneurs and contextual boundaries, such as the public attention given to a crisis (Goede 2014: 117–118).
 - 18 For analyses of the rather complex and ambiguous stance of China regarding RtoP, see Liu/Zhang (2014) and especially Prantl/Nakano (2011).

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3 Approaching normative controversy

This chapter discusses theoretical foundations of normative controversy. It builds on the empirical findings identified in the previous chapter about the effects of normative controversy for the meaning of Security Council responsibility. By approaching normative controversy conceptually, I seek to provide the analytical grounding for understanding the implications of its ordering capacity. “Controversy is at the heart of politics” (Bueger 2011: 171), and this ubiquity makes it challenging to identify potential avenues to approach it. To avoid conceptual overstretch, the chapter focuses on those approaches relevant to the focus of this study. It is thus a narrowed approach to political contestation as *normative* controversy, largely omitting approaches to controversy focusing on delegation (Hawkins et al. 2006; Vaubel 2006), bargaining (Fearon 1998), nested games (Gehring/Faude 2014), or the role of distribution (Abbott/Snidal 1998). Limiting the scope of analysis accordingly, the chapter focuses first on international norms as shared yet contested understandings of appropriateness; discusses second the role of legitimation as the process of (formally) institutionalising normative beliefs; turns third to politicisation as an expression of dissent with decision-making processes of international organisations in need of legitimacy; and finally considers justification as the act of giving moral reasons in situations of dispute the linchpin of normative controversy. In doing so, this chapter sets the conditions for turning to pragmatist sociology as a theory of normative ordering in the following chapter.

The contestation of international norms

Normative controversy firstly refers to international norms and their role as carriers of normativity. A broad scholarship on international norms exists, from rationalist (Axelrod 1986; Elster 1989) and constructivist (Finnemore 2003; Katzenstein 1996; Klotz 1995) to critical perspectives (Engelkamp/Glaab 2015; Epstein 2012a; Inayatullah/Blaney 2012; Renner 2013; Wiener 2014). Often scholars differentiate between regulative and constitutive norms (Hurrell 2002: 145) as well as between legal, social, and moral norms (Deitelhoff 2006: 44). Norms also vary in their functions, such as regulation, sanctioning, and their relationship to self-interest (Goertz/Diehl 1992: 636–638). Importantly, norms possess different degrees of normativity. Irrespective of the typology of norms

applied, norms by definition provide criteria for defining “good” reasons: that is, they define morality and appropriateness, although this usually applies to a specific context (Kratochwil 2001: 67). Due to their expression of shared understandings, norms can be understood as the underlying ordering principle of global politics (Thomson 1993: 73). International organisations play a key role in the diffusion of international norms (Cortell/Davis 1996; Park 2006). They are considered as potential norm entrepreneurs (Pace 2007) but are also affected by member states and policy advocates within international organisations acting as norm entrepreneurs (Ambrosetti 2012; Björkdahl 2007). Furthermore, the bureaucracy of international organisations plays a crucial role in implementing and contesting norms and is considered as having agency of its own in this regard (Barnett/Finnemore 2004; Sarfaty 2009).

Constructivist norm research defines norms as “intersubjective understandings that constitute actors’ interests and identities, and create as well as prescribe what appropriate behaviour ought to be” (Björkdahl 2002: 21). Such a definition highlights two important characteristics of norms: first, norms indicate a *shared* normative understanding. They are, thus, community-building and address a social constituency. Intersubjective understandings of appropriateness among actors help to establish we-ness, constituting a social order or community (structure) of like-minded actors (Clark 2007: 181; Risse-Kappen 1995: 505). The community-building function of norms eases social interaction by providing stability and predictability in social relations. Second, it is a *powerful* resource with performative effects. As Beetham notes, norms can be understood as the

beliefs current in a given society about what is the rightful source of authority; about what qualities are appropriate to the exercise of power and how individuals come to possess them.

(Beetham 1991: 17)

The normativity of norms is particularly relevant for understanding normative controversy. As some scholars argue, the prescriptive dimension of norms, rather than their regulative (normalising) or constitutive (enabling) dimension, distinguishes norms from other intersubjective agreements, such as rules or obligations. Only norms emphasise the moral groundings necessary for engaging in social interaction: “Norm means normative, that there are issues of justice and rights of a moral or ethical character” (Goertz/Diehl 1992: 638–639). Since norms have a prescriptive quality, they provide the resources for claiming “rightness” by determining what counts normatively as “good”. This is an important feature as it helps create shared understandings of appropriateness. However, it also enables actors to make comparative judgements about a particular situation with reference to general principles during dispute (Mulligan 2007: 79). Through their oughtness, norms encompass a moral or evaluative dimension (Kratochwil 1984), which can be empowering. Despite its importance, the prescriptive dimension of norms is rarely acknowledged as being as important as the other two dimensions (Deitelhoff 2006: 42; Finnemore/Sikkink 1998: 891; Goertz/Diehl 1992: 638).

Revealing processes of delegitimation and contestation has long been of secondary importance for IR norm research. Much constructivist literature is interested primarily in processes of the successful emergence of new norms (Finnemore 2003; Klotz 1995), the diffusion of international norms into domestic politics (Acharya 2004; Checkel 1997; Risse/Ropp/Sikkink 1999), or the entrepreneurial role of the civil society for the promotion of norms (Joachim 2007; Keck/Sikkink 1998), which usually rest on the assumption of stable norms. However, empirically observable gaps between the idea of shared understandings and spatial or temporal varieties of normative meaning have been frequently identified and conceptualised. This is shown by analyses of processes of norm erosion (Rosert/Schirmbeck 2007), possible cases of “bad norms” such as terrorism or torture (Heller/Kahl/Pisoiu 2012; Liese 2009; McKeown 2009), and studies on the localisation and diffusion of international norms (Acharya 2004; Capie 2008; Joachim/Schneiker 2012; Krook/True 2012; Sandholtz 2008; van Kersbergen/Verbeek 2007). In these cases, however, the instability and variety of normative meaning is often considered a malfunction, an exemption from the rule, or proof of not yet completed norm implementation instead of being a genuine quality of norms. As the literature on norm contestation argues, existing norm research in IR tends to focus on norms as stable rather than contested. These empirical divergences, however, point to an understanding of norms as inherently contested (Deitelhoff/Zimmermann 2013; Krook/True 2012; Niemann/Schillinger 2017; Wiener 2008, 2014; Wolff/Zimmermann 2016).

Stating that norms are inherently contested seems to contradict the notion of shared understandings of appropriateness, because contestation stresses the instability and ambiguity of normative meaning. Scholars therefore argue for conceptualising norms as elusive normative configurations. Norms are understood as dynamic or flexible subjects, the precise meaning of which is a disputable “contingent outcome” of social interaction (Renner 2013: 19). This implies that the meaning of a norm can only be fixed relatively or partially (Epstein 2012b: 137; Krebs/Jackson 2007: 41). Hence, norms are subject to processes of contextualised structuration, enabling diverging interpretations of what the actual meaning of a norm might be. Norm contestation underlines that the validity and application of norms are subject to contextualised interpretations (Krook/True 2012: 109).¹ Antje Wiener’s concept of contestation especially has challenged the mainstream understanding of international norms (Wiener 2008, 2014, 2017).² Instead of defining norms as shared understandings, Wiener underlines their inherent ambiguity stemming from normative “meaning in use” and that they need to be understood as elusive and contested concepts embedded in social contexts: “norms – and their meaning – evolve through interaction in context. Norms are therefore contested by default” (Wiener 2007a: 6). Following the ideas of critical or Wittgensteinian constructivism (Fierke 2001, 2010; Weldes/Saco 1996), Wiener argues that normative meaning is dynamic and contextual rather than stable and universal. Consequently, meaning must be negotiated during intersubjective encounters, making norms subject to normative controversy since their facticity and validity are not necessarily linked to each other (Wiener 2008: 48). Such an understanding

of norms emphasises the importance of controversy and the dynamics of interpreting normative meaning. Controversy as well as contestation is thus neither a deficiency nor a malfunction of norm diffusion but instead an essential practice related to norms. As the meaning of norms is never stable, it is subject to continuous controversies as to its meaning. At the same time, contestation also structures these controversies. Hence, norms have a “dual quality” (Wiener 2007b). The meaning of norms is “embedded in social practices” (Wiener 2014: 30) and becomes the foundation for engaging in controversy.

Normative controversy also relates to normative orders, because norms do not exist in isolation (Kratochwil 2001: 52). Instead, norms often constitute sets of overlapping social, legal, economic, ethical, or even religious norms (Forst/Günther 2011: 20). Normative orders underline the intersubjectivity of and the reference to a community, since the term community stems etymologically from “having something in common” (Peltonen 2014: 487). This is also understood as evidence that social communities stress the importance of norms as a communicative device. Here, the purpose of norms is to provide a setting for mutual understanding (Loges 2013: 108). Given that references to these norms take place in quite different contexts, having normative overlap is not only unsurprising, it is a precondition for the general validity of norms. Through normative orders, the meaning of norms becomes decontextualised. This enables them to be used to justify or criticise particular political decisions and claim legitimate authority (Beetham 1991: 57).

At the same time, normative orders have to face the contextual meaning of norms as well. They allow ambiguity and enable contestation and controversy about their meaning and implementation. Hence, they are usually not considered as stable entities but are subject to constant evaluation regarding their validity and utility (Forst/Günther 2011: 18; Möllers 2015: 383). Given that the plurality of normative orders manifests itself not only in the various normative assumptions but also in the fragmentation and disorder of the international legal framework, discussions exist about the lack of a single coherent global normative order compared to competing and contradicting webs of norms (Fischer-Lescano/Teubner 2006; Walker 2008). From the perspective of norm contestation this is by no means problematic; it simply reflects the inherent contestation of normative meanings. The diverse set of normative orders allows for an engagement in practices of controversy, because this plurality of orders often provides competing reasons for similar situations. This holds especially true for the role of normative orders in international organisations, which are highly diverse and contested and often subject to instrumentalisation (Hanrieder 2014: 226; Nelson/Weaver 2016: 933). Normative orders are, thus, associated with power struggles within international organisations and often driven by the astonishing persistence of opposing positions in a controversy (Coleman/Tucker 2011: 403).

To sum up, international norms define shared understandings of appropriateness. Through their prescriptive dimension, norms define the substance of normative controversy. However, the stability of shared understandings rather than contestation about normative meaning is often at the centre of analysis of

international norms. Processes of controversy and contestation frequently appear as problematic instead of being considered inherent to norms. The concept of norm contestation provides an account of norms by emphasising instability and ambiguity of normative meaning as a genuine part of norms. However, norm contestation is more interested in the ontological quality of norms. Social interaction around norms and their (contested) meaning and the dynamics of normative orders as being driven by contestation and controversy seem important ways of approaching normative controversy, as greater emphasis on the structuring processes themselves can be given.

Processes of legitimation and delegitimation

Normative controversy refers not only to the prescriptive force of international norms but also to processes of legitimation. Since legitimation is by definition a norm-referential process presuming the validity of norms, it provides the resources for claiming legitimacy towards others (Hurd 2007: 206; Reus-Smit 2007: 162). Looking at processes of legitimation thus emphasises the procedural and dynamic dimension of normative controversy, rather than on the actual substance of the controversy.

A burgeoning literature on legitimacy (as a quality) and legitimation (a normative belief in this quality) has emerged in recent years. It addresses the tension between the absence of formal authority in global politics and the emergence of new modes of governance beyond the state which are in need of legitimation, such as global governance (Bjola 2005; Brassett/Tsingou 2011; Clark 2005; Hurd 1999; Mulligan 2006; Zürn 2004). While there is disagreement about the scope and degree of these transformations (Hurrelmann/Schneider/Steffek 2007a: 3), the lack of a “shadow of hierarchy” in global politics is understood by many as creating a distinctive role for legitimacy in the international realm. Global politics are understood as an “excellent laboratory” (Risse 2006: 179) for the study of legitimacy and its political implications by focusing on the role of new actors (Deitelhoff 2012; Take 2012), new institutions (Dingwerth 2005), and new forms of regulation such as certification schemes (Kalfagianni/Pattberg 2014). Another reason is the apparent contestation about legitimacy in international relations. This spurs debates about the need to enhance legitimacy in global governance, either as a precondition for effective global regulation (Scholte 2011: 111), a response to the deficiencies of contemporary global governance architectures (Buchanan/Keohane 2006; Davis 2012; Keohane 2011), a solution to the persistence of legitimacy crises in the global realm (Hurd 2007; Reus-Smit 2007), or a means of understanding the role of critique and opposition in global governance (Bexell 2014).

Legitimacy also is of great importance to international organisations, their role in global politics, and the ways in which international organisations contribute to global governance (Coicaud/Heiskanen 2001; Symons 2011; Zaum 2013b). The observation of pathologies and vague authority especially are considered important constraints on the legitimacy of international organisations by rational

(Abbott et al. 2015; Chapman 2007; Hawkins et al. 2006) and constructivist (Barnett/Finnemore 2004; Hurd 2011) approaches.³ The Janus-faced character of international organisations as simultaneously autonomous supranational bodies and institutional frameworks for intergovernmental cooperation is considered a crucial structural condition affecting their legitimacy (Zaum 2013a: 13). Finally, the self-legitimising activities of international organisations, such as making reference to particular practices, symbols, rituals (Biegoń/Gronau 2012; Gronau/Schmidtke 2016), or rhetorical scripts (Halliday/Block-Lieb/Carruthers 2010), and the importance of “giving reasons” within IO bureaucracies in order to maintain inter-organisational legitimacy (Steffek 2003: 261–262), have been used to stress the importance of legitimacy as a constitutive source for international organisations.

This burgeoning literature not only underlines the relevance of legitimacy but also points to the variety of concepts and motivations associated with it (Nullmeier/Geis/Daase 2012: 13). This, however, does not necessarily imply that there is a growing consensus about its meaning or its implications for the study of normative controversy. Legitimacy as an externally defined quality has to be differentiated from legitimacy as an intersubjectively ascribed belief. Although widely noted, some argue that legitimacy research often does not pay sufficient attention to it (Bjola 2005; Franck 1990; Hurd 1999). Traditional accounts differentiate between a normative understanding of legitimacy (the right to rule) and a sociological understanding (the belief in the right to rule) (Buchanan/Keohane 2006), or between prescriptive (normative) and descriptive (empirical) approaches (Steffek 2003: 253).⁴ In IR, an understanding of legitimacy as a belief often prevails, which can be identified in the argument that a “rule is legitimate when its subjects believe it to be so” (Clark 2003: 79). A similar definition is given by Ian Hurd, who defines legitimacy as “the normative belief by an actor that a rule or institution ought to be obeyed” (Hurd 1999: 381). Hurd’s definition emphasises two important dimensions: first, legitimacy is about normativity, and second, it is about obedience, that is, authority and power.

The separation of legitimacy and the belief in it is widely used, although sometimes misleading. Barker provides a useful way to distinguish between legitimacy as a quality constituted through processes of legitimation and legitimation as the act of ascribing legitimacy to something (Barker 2001: 22). It remains open to debate what the relationship is between legitimacy and legitimation, on the one hand, and the various forms of legitimacy, such as input legitimacy, throughput legitimacy, and output legitimacy (Dingwerth 2014; Risse 2006; Take 2013), on the other (Bexell 2014: 291). Barker stresses that legitimacy as an ontological quality is a fiction or a metaphor, arguing one cannot distinguish between legitimacy and the belief in it, as they are “not two separate things” (Barker 2001: 19). Contrary to the suggestion of many sociological approaches, it is not the mere belief in it that makes legitimacy so powerful, but rather the reference to this belief in order to justify something (Beetham 1991: 23). Through these processes, the belief in legitimacy becomes constitutive for a particular social reality by stressing related norms, values, and beliefs perceived as normatively right for a

group of people (Cipriani 1987: 9; Johnson/Dowd/Ridgeway 2006: 55). This also speaks against an either/or understanding of legitimacy, as legitimacy “is not an all-or-nothing affair” (Beetham 1991: 19–20). It is instead driven by relationality, political struggle, and contestation, making its meaning context-dependent and flexible (Maffettone 2012: 242). As context and audiences change, so too do the legitimation strategies and the degrees and possible scope of legitimation (Reus-Smit 2007: 159; Suchman 1995). Therefore, instead of focusing on the differences between legitimacy as a quality and as a belief, it seems more important to focus on the complexity of legitimation processes.

The specification of legitimation strategies for a particular context underlines that processes of legitimation necessarily address questions of power. As Beetham argues, “power is legitimate where those involved in it believe it to be so; legitimacy derives from people’s belief in legitimacy” (Beetham 1991: 8). Consequently, to what extent power can be justified is of crucial importance when analysing normative controversy. Legitimation research refers to the widely held belief that the nature of political power is, at least in modern Western democracies, essentially contested and in need of legitimation. The acquisition of power is inevitably bound to its legitimacy. As power does not come naturally, it requires giving reasons (Barker 2001: 23; Beetham 1991: 3; Hurd 1999: 388). Such an understanding of the relationship between politics and justification in modern democracies is rooted in Max Weber’s concept of authority as a rule that is accepted by the ruled due to his/her belief in the legitimacy of that authority (Weber 1980: 175). Processes of granting legitimacy as well as claiming legitimacy are, therefore, at the heart of politics, and politics can be understood as the argumentative exchange between rulers and ruled through legitimations. A rule or practice becomes powerful because it can be justified with reference to the belief in its legitimacy (Beetham 1991: 11). This not only legitimises the authority of rulers and, thus, their power, but also enables participation by the ruled in political processes. At the same time, power structures how legitimacy claims are explicated, as these social sites are pre-structured by inequalities and domination (*ibid.*: 46). Charles Tilly argues that because of this, any act of giving reasons is simultaneously an act of negotiating relations of equality and inequality (Tilly 2006: 25). Yet, power and legitimacy are often understood as distinctive or even opposing phenomena in IR (Reus-Smit 2007: 160). Such a binary view, however, is not helpful when thinking of legitimacy as the justification of power. Instead, it seems more plausible to consider justifiable rules as the source making power rightful (Beetham 1991: 3). These justifiable rules refer to the role of law, which is, especially in international relations, often an important source for justification (Peevers 2013: 12). Hence, the relationship between power and legitimacy is really bidirectional, as legitimacy enables power and is subject to power relations. This also stresses the complexity of power as a tool for not only domination, but also emancipation, as this incorporates an understanding of power in terms of productive power (Barnett/Duvall 2005; Lukes 2005). Furthermore, it underlines the social productivity of processes of contestation without denying inevitable power struggles (Johnson/Dowd/Ridgeway 2006: 59). Such a view

of power and legitimacy seems especially important for normative controversy, because it emphasises the role of legitimacy for ordering social relations. While the ordering capacity of power for social relations can unfold in various forms, legitimacy in particular emphasises an ordering capacity through normativity, as legitimacy refers to rightful authority and justifiable rules as components of power.

Power also highlights that legitimacy claims are inherently contested. Legitimation cannot be separated from processes of delegitimation, given that any social negotiation of legitimacy is ambiguous and contested (Cipriani 1987: 9). These processes are by no means linear. Rainer Forst and Jürgen Neyer, for example, both argue that questions of justice are usually accompanied by contestation, objection, and resistance (Forst 2011a: 33; Neyer 2012: 86), making notions of legitimacy inseparable from their contestation. Hence, legitimacy claims are not automatically accepted by the legitimacy-granting audiences (Bexell 2014: 293). Contestation over legitimacy claims inevitably relies on the social community within which these processes take place (Clark 2003: 80). As intersubjective processes, legitimation and delegitimation refer to a social constituency. By no means, however, are they linear processes. In fact, processes of legitimation are used by actors to construct “self-images” that are rejected, accepted, or challenged by other actors through similar processes (Reus-Smit 2007: 163). Furthermore, these processes are not limited to rhetorical action. While rhetoric plays an important role, the spirit of procedures is also important for recognising legitimacy claims, refusing them, or challenging them with alternatives (Bjola 2005: 270; Zaum 2013a: 21). The simultaneity of legitimation and delegitimation underlines that legitimacy claims – despite referring to assumptions about normativity, justice, and moral obligations – do not indicate the sincerity of motivations or beliefs. Their purpose is to legitimise an actor or an institution through its social constituency, not to persuade or to achieve consensus within it (Neyer 2012: 87). Actors, therefore, may stress a normative belief for very strategic or rational motivations (Suchman 1995: 576). At the same time, these strategies are limited by factors such as particular forms of institutional design (Biegoń 2013), making legitimacy claims context dependent.

To sum up, legitimacy helps to better understand normative controversy primarily by its emphasis on practices of claiming and rejecting the legitimacy of someone or something. Legitimacy is inherently connected to power, often being an important source for constituting rule-based authority. From a sociological perspective, legitimacy is normatively laden. Legitimacy “does not possess its own separate Richter-scale of values against which an action can be judged, but is necessarily parasitic upon the other norms that are embedded in international society” (Clark 2005: 219–220). Thus, any legitimacy claim becomes meaningful only in its social context, as it is the social context providing the “Richter-scale” needed (Hurd 1999: 387). This, however, allows engaging in normative controversy, as decisions about this “Richter-scale” might be the outcome of competition and dispute. However, although legitimation research focuses on processes of claiming and contesting normative beliefs – and, therefore, directly addresses the process of social interaction

during controversy – the concept of legitimacy is often understood in terms of institutionalised arrangements constituting political authority between rulers and ruled. This frequently leads to empirical analyses of legitimation processes focusing primarily on the macro-level of political structures rather than on particular controversies. Furthermore, many of these processes are understood as formalised processes of political contestation among institutionalised actors, instead of social settings for normative controversy. Approaches to legitimation on a micro-level (Pritzlaff/Nullmeier 2011) especially seem promising responses to this but have only rarely been applied to international organisations so far.⁵

The politicisation of international organisations

Normative controversy also points to the politicisation of international organisations. In recent years, the rise of opposition to and the contestation of international organisations and their decisions has become the subject of intensive scholarly debate (Conceição-Heldt/Koch/Liese 2015a; Zürn/Ecker-Ehrhardt 2013).⁶ By analysing the effects of politicisation, particularly how non-state actors become involved in IO decision-making processes, the literature sheds light on the changing shape of the international order (Conceição-Heldt/Koch/Liese 2015b: 18).⁷ Politicisation is defined by Zürn et al. as “growing public awareness of international institutions and increased public mobilisation of competing political preferences regarding institutions’ policies or procedures” (Zürn/Binder/Ecker-Ehrhardt 2012: 71). Politicisation directly relates to normative controversy because it questions the acceptance of decisions and decision-making processes made by international organisations. The international system and international organisations have faced two different yet related developments in recent years: international organisations have increasingly become transnational and supranational and are simultaneously confronted with growing grievances provoking opposition and contestation (Zürn et al. 2007: 130). Although these processes seem contradictory, they are closely linked. Opposition and contestation towards international organisations arise because their supranational (and to a lesser degree transnational) authority constitutes expectations that are then supposed to be fulfilled, even though they usually lack the actual capacity to do this. As a consequence, controversy in the form of politicisation emerges. This can happen in the form of either horizontal or vertical politicisation. The former describes processes of politicisation where an issue is shifted from one policy area to another: an issue may begin as a security matter but then later be designated to the economic realm. The latter describes the shifting of decision-making up or down a hierarchy of political spheres, such as from the national to the international (Zürn 2013: 21). Since international organisations increasingly face such political grievances, their organisational activities are increasingly assessed by a logic of legitimate global rule instead of a logic of efficient decision-making (Zürn et al. 2007: 150). Politicised international organisations are no longer mere technocratic servants but possess political authority. The concept of politicisation is able to capture the contradictory processes of international organisations, gaining more political

influence, greater autonomy, and greater relevance to the public, while their very successes generate closer attention from external observers, increase opposition to their decisions, and generally expose them to more criticism.

The emergence of politicisation is considered a result of two contextual factors in the politics of international organisations: the often limited access to IO decision-making for other actors and an increase of public attention given to IO performance. Their decision-making processes are perceived as selective and arbitrary, often making access and control by external observers quite difficult. Consequently, from the perspective of legitimate rule, this calls for enhancing transparency and access to their decision-making processes (ibid.: 154–155). Scholars working on politicisation also stress that international organisations face greater public attention than often assumed. The distance between IO decision-making and the lives of ordinary people is often cited to explain the greater indifference citizens show towards international organisations when compared to national governments. However, recent empirical evidence shows that people know more about international organisations and care more about what they do than expected. Various surveys and studies have shown that the idea of an uninformed and uninterested public regarding the work of international organisations is inadequate (Dellmuth 2016; Ecker-Ehrhardt 2012: 496).

One of the aims of studying politicisation is to overcome the common equation of legitimacy with authority. As Zürn et al. argue, legitimacy does not automatically generate authority and vice versa. Before authority can be considered legitimate, it first requires an agreement that it is functionally necessary for achieving a common good (Zürn/Binder/Ecker-Ehrhardt 2012: 83). Such an understanding of legitimacy can be seen in Jens Steffek's work on democratic output legitimacy (Steffek 2015). Steffek argues that the output legitimacy of international organisations should not be understood in terms of organisational effectiveness, but as a means of acknowledging their normative essence. Such an understanding of output legitimacy captures the inherent normative contestation that processes of politicisation point to. Authority evolves from such an understanding because the role of international organisations is to provide "another layer of checks and balances" (ibid.: 283–204) within a global public sphere. Such a focus on the benefits of output legitimacy adds to the politicisation literature, which is primarily interested in increasing input legitimacy. However, it relies on a rather strong cosmopolitan assumption of people's access to IO decision-making processes and the ability of international organisations to minimise potential institutional pathologies (ibid.: 287). Hence, politicisation adds to existing understandings of legitimacy by replacing a binary understanding of legitimacy with a taxonomy of different types of authority that rely on different degrees of legitimacy (Zürn/Binder/Ecker-Ehrhardt 2012: 87).

Politicisation also explicitly addresses questions of changing order and how contestation relates to these changes (Zürn et al. 2007: 136). Research on the opening-up of international organisations towards the public, mostly in forms of non-state actor participation, demonstrates that international organisations do partially include non-state actors. While this can be beneficial for IO decision-making

processes, it is often a highly selective process (Pevehouse 2002; Tallberg et al. 2013). These processes, however, are hard to foresee and might also lead to unintended processes of strengthening the political authority of international organisations. For example, Martin Binder understands the Security Council as both an easy case for politicisation (because of the high degree of controversy regarding its decisions) and a hard case (due to the limited opportunities of non-state actors to participate in the decision-making processes) (Binder 2013: 136). The ordering effects of politicisation are, therefore, two-directional: politicisation can deteriorate order while at the same time leading to processes of re-ordering.

In general, politicisation helps to better understand normative controversy by emphasising the increasing role of external observers in the politics of international organisations. Decision-making processes and the outcome of IO decision-making is increasingly evaluated in terms of legitimacy rather than efficiency. The focus on the ordering effects of these politicisation processes is helpful for understanding the social productivity of contestation. However, the concept of politicisation often implies an understanding of controversy as a deficiency of international organisations. These processes are understood primarily as indicating a lack of legitimacy, instead of pointing to the role of international organisations as a site for negotiating normative meaning. While this helps to critically evaluate the limits of IO legitimisation work in relation to external stakeholder and interest groups, it emphasises one particular dimension of processes of normative controversy. The literature on politicisation is primarily interested in the inclusion of “classical interest groups and associations” (Zürn 2014: 57), such as non-state actors, in IO decision-making processes. The internal dynamics of international organisations and the productivity of controversies for negotiating normative meaning within international organisations is of much lesser analytical relevance due to this externally oriented perspective. Furthermore, the literature on politicisation is often interested in macro-level rather than micro-level changes. Global shifts and structural changes within the international system are at the centre of politicisation research (Zürn 2014: 48; Zürn/Binder/Ecker-Ehrhardt 2012: 72). While this has led to the identification of new emerging structures such as a “legally stratified multilevel system” (Zürn 2007), the macro-level focus of politicisation research shifts away from the analysis of specific controversies on the micro-level.

Justification and moral reasoning

Normative controversy also refers to justification, as processes of legitimisation and politicisation rely on practices of justification. A basic way to define justification is as an act of “giving reason” to others. According to Charles Tilly, human beings can be defined as “reason-giving animals” (Tilly 2006: 8), making justification an essential – if not constitutive – part of any social interaction. Since justification is taken for granted in everyday life, it faces surprising inattention as a distinctive practice compared to other forms of giving reasons such as apologies, persuasion, or argumentation (Kornprobst 2014: 195). A justification is by definition

normatively laden and, thus, necessarily partisan (White/Ypi 2011).⁸ Hence, it can be considered the linchpin of any normative controversy, because it explicates an assumption of normative rightness in situations of discontent.⁹ People give reasons during situations of dispute or disagreement, because it is here they face criticism they consider unjust (Boltanski/Thévenot 1999: 361; Celikates 2009: 17). This, however, implies that justification is necessarily intersubjective or social. Irrespective of whether the reasons given are factually right or wrong, rejected or accepted, justification is always directed at somebody, “whether to an individual or a group, and whether or not the receiver is sympathetic and cognizant of the act” (White/Ypi 2011: 383). This is supported by the fact that language and practices as carriers of reasons are necessarily social. At the same time, justifiers can only *claim* rightness, but their claim is the subject of addressee evaluation (Wagner 1999: 351). Justification thus only unfolds if there is a shared understanding of the normative quality of these arguments, which refers to the role of norms as intersubjectively shared understandings. Notwithstanding the possibility of referring to shared understandings, justification also implies a plurality of frameworks of reference to give reasons. These frameworks underline the contextuality of what counts as a “good reason” as well as the fact that actors are “critical beings who never comply with just one given order of justification” (Forst 2011b: 966). Justification is thus not only an act of giving reasons during controversy but also closely related to politicisation. It opens avenues for explicating critical opinions, grievances, and calls for the response of authorities. Furthermore, justification is directed to a public audience, which again points to its role for processes of legitimation and politicisation. At the same time, according to Erving Goffman, processes of self-representation, such as justification, are acts of *public* display, not a display of sincerity (Goffman 1959). Hence, the motivation for justification cannot be grasped from its display. Whether justification expresses a sincere belief in its truth or simply is a strategic use of a particular argument remains unknown to others. Justification is also contextual, as people are often able to adapt their viewpoints to the situation at stake as they “implicitly carry around elaborate grids of conventions” (Tilly 2006: 26). This stems from the intersubjectivity of these “grids of convention” instantiated in the norms or “cultural scripts” (Swidler 1986) that anchor social practices.

Justification is of crucial importance as a precondition for the legitimation of authority, because it sheds light on the role of moral obligations (Simmons 2000) and the role of (parliamentary) deliberation as a carrier of justice claims (Lord 2013). Of special importance is its role for public deliberation and reasoning in modern democracies (Habermas 2004; Rawls 1971). As Rawls argues, it is through public reasoning that liberal societies sort out their preferences and interests and in doing so solve justice issues (Rawls 1993: 219). Jürgen Habermas emphasises that such processes rely on a particular discourse ethics (Habermas 1981), arguing that norms achieve validity if they can be accepted by all potentially affected actors participating in a rational discourse (Habermas 1992: 138). Justification for Habermas, therefore, results from the conditions of rational discourse and the provision of reasons to affected participants.¹⁰ Habermas’ understanding of

justifications has been used by Rainer Forst to develop a political philosophy about a *right to justification* (Forst 2010, 2012). According to Forst, the basic idea of giving reasons to the potentially affected in a discourse not only addresses matters of public reasoning and democratic legitimacy but also constitutes a fundamental human right. Forst develops a constructivist approach to human rights around the idea that the right to justification not only places responsibilities on authorities to give reasons for their action, but also transcends the boundaries of states. In his view, the right to justification is essentially transnational, since those potentially affected may exist beyond the borders of the nation-state (Forst 2007: 318).¹¹ Forst's concept has been used by Jürgen Neyer to shed light on the legitimacy deficit of the European Union, arguing that the right to justification constitutes a founding principle of the European Union's political system (Neyer 2012). As Neyer argues, the competing competences of the various supranational institutions within the European Union require giving people reasons for institutional action (Neyer 2014). While this cannot nullify the democratic deficit of the European Union, it demonstrates an often missed procedural legitimacy in European decision-making reifying the right to justification.

Furthermore, justification points to boundary frameworks of normative controversies provided most notably by the law. Justification often has a distinctive legal meaning, which is important for the various styles of legal reasoning (Dworkin 1981; Kennedy 1985; Sunstein 1996). However, from the perspective of normative controversy, justification also emphasises the indeterminacy of law. Due to this, there is a necessity of interpreting and justifying the application of law, which bears political consequences (Derrida 1992; Koskenniemi 1989). Some legal scholars, therefore, consider justification evidence for the inherent normativity of legal reasoning (MacCormick 2005; Spaak 2003). Justification is also important when it comes to making validity claims about the law through legal precedents (Levenbook 2000). As we see, the application of legal norms relies on justification as an important part of securing their applicability. Sorting out the validity of legal norms through justification allows identification of a shared understanding about their application (Günther 1989). Others, meanwhile, doubt such a clear separation between the application and justification of legal norms (Alexy 1993; Koskenniemi 1990). Especially in international law, the meaning of law is instead considered a result of legal practices. International law is shaped by the interpretation and application of shared legal understandings within a social community (Brunnée/Toope 2010). Legal justification thus often creates the law. Ingo Venzke makes a similar argument about the politics of legal interpretation when stressing that these processes exist "to implement legal expressions that are aligned with their convictions" (Venzke 2012: 58). Others argue that justification primarily creates interpretive communities but not the law itself (Johnstone 2005, 2010). Nevertheless, in legal theory, justification is often considered a practice exclusively tied to the law itself. This focus is criticised especially by scholars from critical legal studies as omitting the broader societal implications of legal justifications (Koskenniemi 1990).¹²

To sum up, justification, as a practice of giving reasons in situations of dispute, explicitly refers to the tenets and premises of normative controversy. Any justification is a claim of moral rightness in situations of perceived injustice, which helps to better understand how normative controversy unfolds. Justification sheds light on the underlying processes of exchanging these reasons, for example through discourse or deliberation. It also points to boundaries of normative controversy and their dual quality as constraining processes of justification while at the same time being (re)interpreted through justification. This is most evident in the role of international law, which is often a framework for normative controversy while at the same time, due to its ambiguity, the subject of competing interpretations during controversy.

Normative controversy and the benefits of turning to justification

Based on the empirical findings in the previous chapter about the contested meaning of Security Council responsibility, this chapter aims to understand the underlying conceptual tenets of normative controversy by looking at norms, processes of legitimation, politicisation, and justification. International norms can be considered the entry point for conceptualising normative controversy, given the emphasis placed on the prescriptive force of norms and the inherent contestation of their meaning. However, the strong focus on the sharedness of standards of appropriateness, as well as the ontological stability of norms, seems to be in contrast to the assumption of normative contention as dynamic struggle over normative meaning. Legitimation as the belief in legitimacy is much more focused on the procedural dimension of normative controversy and less on the substance of specific norms. Legitimation also reveals the importance of power during normative controversy as well as the authorising force of processes of legitimation and delegitimation. However, legitimation is usually considered a process of identifying and manifesting institutionalised political authority. It is thus closely related to politicisation, which addresses the increasing contestation international organisations face from external actors. Politicisation emphasises that political contest is productive, as it enhances access to and transparency of political decision-making processes within international organisations. It is helpful for conceptualising normative controversy, as it is directly related to the specific characteristics of international organisations. However, controversy is often understood as an institutional pathology rather than a productive process of negotiating normativity. Finally, normative controversy points to the role of justification as a practice of giving reasons during these moments.

Justification can be considered a linchpin of normative controversy, because it combines the role of norms, legitimation, and politicisation. As a claim of moral rightness, justification relies on supposedly shared understandings of appropriateness. It is, thus, norm-referential, but less narrowly focused on specific norms and their ontology. Hence, justification is able to capture processes of norm contestation but with a stronger emphasis on the processes than on the substance. Given

the difficulties of identifying isolated norms in empirical realities, a “performance-centred” approach (Hanrieder 2011: 409) to the inherent contestation of their normative foundation seems to be a promising way for analysing the normativity of controversy. Applying justification also has an explicitly legitimising capacity, as the purpose of any justification is to claim its rightness with reference to external standards of evaluation. Due to its emphasis on the procedural dimension, however, justification primarily stresses the role of belief in legitimacy. In doing so, it avoids a binary, either/or understanding of legitimacy and reveals the intersubjectivity of normative controversies. Similar to processes of legitimation, justification relies on a social constituency or community, which is the addressee of a legitimacy claim. Additionally, this stresses the importance of power relations and asymmetries in these relations. Unlike a more traditional approach to legitimacy, however, justification does not primarily point to the institutional manifestations of these relations. Legitimacy claims are subject to social relations depending on recognition by others and simultaneously are able to affect these social relations through their normative content. Justification focuses on processes of structuration within these relations, which demonstrates their fragility (Reus-Smit 2007: 163). As demonstrated with regard to the role of international law, justification is not ignorant to institutional manifestations, but puts special emphasis on their liquidity. It thus shifts the perspective from the institutionalisation and formalisation of legitimacy to processes of normative ordering and their effects for social relations. Finally, justification also relates to politicisation by its focus on controversy. As an act of giving reasons, it is essentially a public response to situations of injustice. As Forst argues, the necessity of giving reasons for justifying political authority even constitutes a right to justification (Forst 2012). Hence, justification directly relates to grievances and their political consideration. It differs, however, from a traditional understanding of politicisation by its internal perspective. Politicisation focuses on the role of external actors and ways to enhance their access to decision-making processes. Normative controversy from the perspective of politicisation thus takes place between an actor and its outside world constituency. Justification as an act of giving reasons to others certainly focuses on social relations between actors but does not emphasise an inside/outside differentiation. Instead, the social relationship itself is at the centre of analysis, not its formal boundaries. Furthermore, justification differs from politicisation generally in its account of controversy. Here, controversy is considered an indicator of a lack of legitimacy causing political grievances. The purpose of politicisation is to identify possible avenues for coping with these grievances. This, however, implicitly conceptualises controversy as problematic, suboptimal, and in need of a solution. Against such a view, justification simply focuses on the need of giving reasons as an inevitable social practice without problematising its causes or explicating the need of political solutions. A closer focus on justification, therefore, seems to be a suitable approach for better understanding how normative controversy about the meaning of Security Council responsibility becomes socially productive. Justification combines key elements of normative controversy, as discussed in this chapter. It also provides a perspective on the Council’s normative foundation as

precarious and fragile rather than stable and coherent. Such an understanding of contestation allows controversy to be deemed a constituting principle instead of a deficiency of Security Council responsibility.

Notes

- 1 Jürgen Habermas argues that the tense relationship between the facticity and validity of (legal) norms is a constituting principle of modern societies (Habermas 1992: 35). Therefore, norm contestation is considered an important precondition for the foundation of society as it enables reasoning about the validity of formal rules.
- 2 For a discussion of Wiener's concept of contestation and its implications for norm research, see Niemann/Schillinger (2017).
- 3 Normative theories also discuss the role of pathologies for IO legitimacy (Buchanan/Keohane 2011).
- 4 Some argue it is important to differentiate between the purpose of moral philosophy, which is to define legitimacy substantially, and the purpose of the social sciences, which is to study social relations based on processes of legitimation (Beetham 1991; Hurrelmann/Schneider/Steffek 2007b; Nullmeier et al. 2010).
- 5 Schindler (2012) provides an analysis of the effects of contested legitimation on a micro-level in his study of two particular controversies during debates of the World Food Programme for underlining the relevance of power structures and the context-dependency of legitimation strategies.
- 6 Although politicisation focuses primarily on intergovernmental organisations, it is also used to analyse processes of contestation in more informal clubs such as the G8 (Nonhoff et al. 2009) or regimes such as the former GATT (Steffek 2013).
- 7 Lothar Brock (2007) criticises the concept for being ignorant of its own normative premises of making a contribution to the debates on how global order should be structured itself.
- 8 Although justification and apology are often used interchangeably, they differ fundamentally. Studies on the role of apologies within social communities (Smith 2008; Tavuchis 1991) as well as in international relations (Lind 2008; Renner 2011) stress the confession of guilt as the purpose of apologies, whereas the purpose of a justification is to claim the opposite.
- 9 This is apparent in the etymology of the term, which is rooted in a combination of the Latin words *iustus* (just) and *facere* (to make), basically defining justification as "making something just" (Wagner 2004: 423).
- 10 Differences between these concepts of justification have been discussed by Jürgen Habermas and John Rawls extensively in a debate, which was published in the *Journal of Philosophy* in 1995. Habermas argued that the differences of acceptance and acceptability of justification would require greater attention in Rawls' concept (Habermas 1995: 122). Rawls, on the other hand, responded by stressing that his idea of justification as a "reasonable overlapping consensus" indicates an understanding of justice as everyday political challenge to define an agreement as well a principle in itself (Rawls 1995: 145). For an overview of the impact of this debate, see Finlayson/Freyenhagen (2011).
- 11 For a critical discussion of Forst's concept of justice, see Müller (2013).
- 12 Although the indeterminacy of law makes it a preeminent case for studying practices of justification, pragmatist sociology so far has only rarely addressed the law. In one of the few contributions, Rainer Diaz-Bone argues that law as well as justification essentially indicates practices of qualification and evaluation based on normative standards Diaz-Bone (2015: 116). For a similar argument regarding the ambiguity of international (trade) law without reference to pragmatist sociology, see Hartmann (2011).

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4 The moment of justification

Pragmatist sociology and the turn to practice

The previous chapter concluded by arguing that the complexities of normative controversy can be approached by focusing on justification. In this chapter, I discuss Luc Boltanski's pragmatist sociology of critique as an approach for doing so. The chapter discusses its conceptual premises to analyse the relationship between justification as practice and normative order. Emphasis is given to the meaning of justification, the plurality of normative orders, and, finally, the ordering capacity of tests during controversies.¹ This will be helpful for better understanding how controversy shapes the meaning of responsibility in the Security Council.

Pragmatist sociology was developed in the late 1980s by Luc Boltanski in collaboration with colleagues of the *Groupe Sociologie Politique et Morale* (GSPM) at the *École des Hautes Études en Sciences Sociales* (EHESS) in Paris. The book *De la justification: Les économies de la grandeur* by Luc Boltanski and Laurent Thévenot, published in 1991,² initiated an ongoing scholarly debate on the relationship between justification, practice, and order. The widely praised book *The New Spirit of Capitalism* (Boltanski/Chiapello 2005) especially popularised this approach within the social sciences.³ A detailed reconstruction of the changes in contemporary capitalism since the late 1970s towards a network-organised, project-based form of management, the book introduced many readers to the underlying social theory laid out by Boltanski and Thévenot in the early 1990s. With the publication of *On Critique: A Sociology of Emancipation* (Boltanski 2011) Boltanski focused on the political implications of processes of justification and critique, their relations to power and authority, and the role of formal institutions in providing forums for these processes. These main contributions were accompanied by numerous investigations, which furthered the research programme by analysing justification as practice in empirical cases such as abortion (Boltanski 2007), environmental planning of local public administrations (Moody/Thévenot/Lafaye 2000), media coverage of suffering (Boltanski 1999), and economic market relations (Thévenot 2002a).

As a “paradigm in the making” (Scott/Pasqualoni 2014), pragmatist sociology has been shaped by changes and variations over the last twenty-five years. Instead of providing a comprehensible and coherent research programme, its various strands and stages of development require engagement in an almost ethnographic tracing of its premises (Bogusz 2010: 7). The often changing terminology especially leads to

confusion (Annisette/Richardson 2011: 229). The approach has been called “pragmatic sociology” (Blokker 2011) or “sociology of critical capacity” (Wagner 2004), the latter having also been used by Luc Boltanski and Laurent Thévenot (Boltanski/Thévenot 1999) because it directly refers to their conception of agency. Recently, Boltanski has also written about a “sociology of emancipation” (Boltanski 2011) for underlining the critical dimension of the concept. Furthermore, the term “sociology of conventions” – which is more strongly associated with Laurent Thévenot’s contributions to organisational sociology (Thévenot 2002a) – is often used in debates within the sociology of organisations and economic sociology (Biggart/Beamish 2003; Diaz-Bone 2011; Knoll 2015). This book follows others in referring to the approach by using “pragmatist sociology”, as it captures best the intention to develop an approach that relies on a pragmatist concept of capable actors and their ability to explicate normativity during controversy (Basare 2008; Celikates 2008). The various labels underline the attempt to develop a concept that takes seriously the ordering capacities of justification during controversies and emphasises that engaging in controversies has productive rather than destructive effects on normative order. Referring to a *pragmatist sociology*, however, demonstrates the emphasis on developing a distinctive research programme with a practice-theory inspired epistemology, ontology, and methodology.

Especially since the publication of the *New Spirit of Capitalism*, pragmatist sociology has initiated a broad array of studies and empirical investigations either using the concept or further elaborating on its tenets. Much attention is given, for example, to the argument that capitalism has not only faced significant changes, but also has been able to transform neoliberalism through a project-based management principle (du Gay/Morgan 2013; Murphy 2014). Closely related to the question of how neoliberalism has been able to survive are studies focusing on the political implication of justification and critique for the maintenance of contemporary Western democracy (Blokker/Brighenti 2011) and its implications for democratic and critical theory (Blokker 2014). Robin Celikates has developed a theory of critique that not only combines elements of pragmatist sociology with Axel Honneth’s theory of recognition,⁴ but in doing so also emphasises the understanding of critique as a matter of democratic theory apparent in the scholarship of Boltanski (Celikates 2006, 2009). In organisational sociology, there has been a lively debate regarding the differences and similarities between pragmatist sociology and the neo-institutionalist-inspired “institutional logics” approach.⁵ Both concepts discuss how social interaction in organisations refer to underlying (institutional) social orders and to what extent organisational behaviour is driven by these orders (Cloutier/Langley 2013; Diaz-Bone 2014; Jagd 2011; Pernkopf-Konhausner 2014). Empirically, pragmatist sociology has been used to analyse how environmental planning is affected by the value of ecology (Blok 2013) and how activists in ecological politics (Blok/Meilvang 2015) as well as philanthropy (Silber 2011) make use of reference to shared understandings to motivate participation. The efforts to constitute or maintain the institutional legitimacy of the financial service industry and credit rating agencies have been studied through a focus on justification by related actors (Annisette/Richardson 2011; Battilana/

Dorado 2010; Taupin 2012). The approach has similarly been employed in the contexts of political and societal controversies regarding energy politics (Gond et al. 2016; Knoll 2012), nuclear accidents (Patriotta/Gond/Schultz 2011), animal welfare (Thorslund/Lassen 2016), and the spread of genetically modified organisms (Yamaguchi/Suda 2010).

Within international relations, pragmatist sociology has been used to explain the European financial crisis with reference to the changing practices of capitalism (Borghi 2011; Gadinger/Yildiz 2012), the war on terror (Gadinger 2016), and global health governance (Hanrieder 2016a). Furthermore, discussion regarding practices of valuation in research on fair trade (Renard 2003), global health (Hanrieder 2016b), global value chains (Ponte 2009) and the role of human rights in corporate governance discourses (Scheper 2015), rely on an understanding of justification as a practice of normative evaluation or qualification. Markus Kornprobst has also developed an approach for theorising global public communication as a relation between public judgement, public rhetoric, and public justification (Kornprobst 2014), which heavily refers to the idea of justification laid out by Boltanski and Thévenot. Furthermore, in their account of IR practice theory, Christian Bueger and Frank Gadinger consider Boltanski as representing one particular strand of practice theory alongside Pierre Bourdieu, Bruno Latour, Michel Foucault, and Etienne Wenger (Bueger/Gadinger 2014, 2015: 7).

Justification and critique as practices

Pragmatist sociology focuses on the role of justification and critique as social or normative practices. Making claims about the rightfulness of actors' moral evaluations of a situation is considered the driving force of social interaction. Hence, justification necessarily inherits a critical potential: "The moment when he [the actor] realizes that something does not work is, most of the time, the moment when he realizes that he cannot bear this state of things anymore" (Boltanski/Thévenot 1999: 360). In doing so, actors order or coordinate social interaction with reference to normative foundations. Hence, the first important understanding emphasised by pragmatist sociology is to conceptualise justification as practice, which shall be the focus of this section.

In recent years, practices as carriers of meaning have become particularly interesting to scholars due to the so-called "practice turn" (Gad/Jensen 2014; Schatzki/Knorr-Cetina/Savigny 2000). Practices are understood as "socially meaningful patterns of action, which in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge" (Adler/Pouliot 2011: 4). As this definition underlines, practices oscillate between routinised patterns of action on the one hand and the uncertainty of possible breaks from these routines on the other (Reckwitz 2003: 294; Schäfer 2013). Hence, there is a tension: while practices only become socially meaningful through routinised repetition (Swidler 2000: 89), the actors carrying out practices are "no automats" (Joas/Knöbl 2004: 534). Their agency, as well as the particular context, affects how practices are carried out and leads to variation, nonconformity, or breaks within these patterns of

behaviour. Necessarily, there is a degree of uncertainty about whether practices will be applied as expected. Similar to textual artefacts, practices reveal their meaning in a contextually bounded manner. At the same time, practices are distinctive in being temporally bounded (Schmidt 2012: 51).⁶ Therefore, Boltanski considers the social world as “subject to incessant changes” (Boltanski 2011: 58), which constitutes precisely this kind of uncertainty. Pragmatist sociology focuses especially on these temporal and contextual boundaries of normative meaning.

These premises directly point to the concept’s development within French social theory. The main reason for developing pragmatist sociology was, according to the authors, an unease with the traditionally strong role of Pierre Bourdieu’s structuralist sociology in French social theory (Boltanski 2013: 43; Wagner 1999: 348), which also inspired other contemporary approaches, most importantly Bruno Latour’s actor–network-theory (Latour 2005).⁷ Early work, such as Boltanski’s first major book *Les cadres* (Boltanski 1987), was a Bourdieusian-inspired analysis of the *cadres* as a distinct social and economic leadership class in French post-war society. While Boltanski emphasises the shared interest in critique, the epistemological and ontological premises differ heavily between what later becomes pragmatist sociology and Bourdieu’s structural sociology. The heavily structuralising influence of social milieus and the habitus as a source for social interaction (Bourdieu 1986) as well as Bourdieu’s theory of practice (Bourdieu 1977) were understood by him as confining scholarly inquiry and motivated him to diverge from his former mentor (Bogusz 2010: 33). According to Boltanski, Bourdieu’s critical sociology could not adequately grasp the dynamics of social interaction and the ability of actors to consciously deal with their social setting.

Furthermore, because of its focus on the structural effects of social classes, critical sociology artificially separates practices of evaluation by scholars from the ability of ordinary people to do so in their everyday situations (Boltanski 2011: 21; Boltanski/Thévenot 2006: 4). Questioning this structuralist view, pragmatist sociology instead stresses the necessity of adopting an approach inspired by ethnomethodology (Garfinkel 1967; Geertz 1973) and American pragmatism, most notably the work of John Dewey (Thévenot 2011: 40). Everyday practices of reason-giving by ordinary people are important carriers of meaning. And this meaning is not only accessible by scholars from an elevated point of scholarly abstraction. Instead, ordinary people have a capacity to critically evaluate their everyday situations and the ability to reflect on them. Boltanski admonishes critical sociology for conceptualising actors as “critical dopes” (Boltanski 2011: 19). Therefore, it underestimates their critical capacity and ability to evaluate a situation. Instead critical sociology considers them as objects subordinated to the solidified inequalities of their social life.

As these points highlight, pragmatist sociology differs from Bourdieusian critical sociology and its structuralist roots. Critique as both an analytical category as well as a normative postulate, however, matters much for pragmatist sociology, given its motivation to strengthen the role of critique in social interaction and its analysis. Nevertheless, Boltanski’s approach has been criticised for a lack of attention given to contestation, ideological rivalry, and the political consequences

of critique, while overemphasising the capacities of actors and their opportunities to resolve conflict during social interaction (Benatouil 1999; Honneth 2010). Furthermore, his approach has been accused of a too narrow understanding of critical theory's concept of critique (Celikates 2006: 36). In contrast, Boltanski stresses that pragmatist sociology does not question the emancipatory power and political relevance of scholarly critique of existing social realities at all. He acknowledges that providing "tools for resisting fragmentation" (Boltanski 2011: 48) for the subordinated was at the heart of critical theory, giving it a particular authority and competence on the issue. Nevertheless, pragmatist sociology argues that because of the importance and relevance of critique for social interaction, it cannot be reduced solely to a scholarly concept, applied from a hierarchical or elitist position of academic authority. Instead, it needs to be understood as a productive element of social interaction among ordinary people, who carry out justification and critique as inseparable normative practices in their everyday life. Boltanski and Thévenot define these practices as:

critical operations that people carry out when they want to show their disagreement without resorting to violence and the ways they construct, display, and conclude more or less lasting agreements.

(Boltanski/Thévenot 2006: 25)

Justification, thus, is as an expression of disagreement during an intersubjective encounter, which at least temporarily enables the construction, display and conclusion of an agreement. By stressing that it is a "critical operation", the authors underline first the inherent normativity incorporated in these operations and, second, their function as social practice. Therefore, controversies are shaped by an interplay of justification and critique as practices:

The one who criticizes other persons must produce justifications in order to support their criticisms just as the person who is the target of the criticisms must justify his or her actions in order to defend his or her own cause.

(Boltanski/Thévenot 1999: 360)

According to pragmatist sociology, the social world is driven by contingency and controversy (Boltanski 2008: 134). At the same time, however, justification and critique are productive processes, as they carry meaning and ultimately constitute social interaction. As a practice, justification is shaped by three elements according to pragmatist sociology:

- 1 Agency as critical capacity
- 2 Social constituencies as public spheres
- 3 Practices of ordering

First, actors are considered having a *critical capacity*, since justification as a response to a perceived situation of injustice necessarily requires the ability to

critically reflect on the situation (Boltanski/Thévenot 1999: 359). Social interaction is not understood as a situation of constant suffering and domination but rather as a situation driven by the agency of actors “performing the social” (Boltanski 2013: 45). Here, Boltanski’s concept differs from Bourdieu’s concept of agency as well as its understanding of hidden or underlying inequalities and injustices as shaping the ability of actors to deal with the situations they face (Benatouil 1999: 391; Boltanski/Thévenot 1999: 364). It also differs significantly from poststructural theories stressing conflict and dispute as primary modes of social interaction (Mouffe 2007). Pragmatist sociology adopts a middle ground between these strands by emphasising, on the one hand, the ubiquity of disputes and controversies in everyday life and, on the other hand, the possibility of constituting fragile social orders. This, however, is only possible because actors are capable of reflecting on the situations they face and explicating perceptions of justice or injustice in these moments. Pragmatist sociology’s agency conception thereby does not disregard the powerful effects of disputes and controversies in intersubjective social settings but rather stresses their omnipresence and analytical importance for understanding social interaction. Nevertheless, it has been criticised for ignoring the often tacit means of control and power (Blokker/Brighenti 2011: 287).

Second, justification refers to shared understandings of a *social constituency*. This does not presume the existence of a formal constituency, nor does it require members of this constituency to be equal. Justification takes place in everyday situations, not in abstract ideal speech situations and, therefore, reflects the diversities of intersubjective relations in everyday life. Particularly in public spheres, one can expect inequalities of resources, capabilities, education, power, and visibility to affect justification. This matters especially when it comes to political implications, since to whom one is accountable clarifies relations of (formally institutionalised) power, authority, and ultimately legitimacy (Beetham 1991: 69). The reference to an assumed public sense of justice thus bears consequences for social interaction. Not only for the justifier as she/he might face the acceptance or rejection of her/his justification, but also for the social constituency. Furthermore, justification is also a *public* practice (Boltanski 2011: 23). This does not necessarily imply publicity, but rather that in many everyday situations, such as between teachers and pupils or business partners or even among family members, people stress a *public principle* for explicating their sense of justice or injustice. With reference to Ludwig Wittgenstein’s theory of language, one can argue that by definition there is no private language (Fierke 2010: 85; Lord 2013: 248). Hence, actors apply a decontextualised understanding of justice to a specific situation (Celikates 2009: 144). It is this generality, applied in a particular situation, that enables justification to become an intersubjective practice (Boltanski/Thévenot 2006: 35).⁸ It constitutes the very core of justification, which rests upon the assumption of having shared understandings about what counts as normatively valid arguments. A “public appeal” of justification can only be demonstrated by overcoming a particular viewpoint, and instead identifying a “common ground” between the speaker and the addressee(s) (White/Ypi 2011: 385, 389). Furthermore, justification is also public in the sense of not being implicit. Given that the purpose is to give

reason to a social constituency, a “hidden justification”, i.e. its implicit formulation, would prevent its identification (Neyer 2012: 104; White/Ypi 2011: 387). At the same time, not every given situation is a situation of justification. Only those instances where people’s acts address a perception of injustice or are in violation of generalised normative standards can be considered in need of justification (Celikates 2009: 141). As a consequence, pragmatist sociology has developed various so-called *regimes of engagement* for alternative practices of social ordering. These regimes are not explicitly driven by references to an assumed public sense of justice (Thévenot 2000: 58). Boltanski, for example, argues that in many other situations, the driving force of social ordering is emotionality rather than a sense of justice, which explains why people may act altruistically in some situations (Boltanski 2012). Hence, not every public situation is necessarily shaped by justification, but every justification necessarily refers to a public principle of normative evaluation.

Third, justification is a practice of *normative ordering* (Boltanski/Thévenot 2006: 65). This ordering capacity stems from the oscillation between the general and the particular inherent in any justification. If they are to be applied to a specific situation, general principles need to be interpreted, understood, and instrumentalised in context. This demonstrates the ordering capacities of justification, which is a process rather than a state. Ordering can appear in different forms, since justification can either confirm existing relations or establish new relations (Boltanski 2011: 25). The practice of applying general principles to specific situations is a process of selection, because what is stressed during a justification varies from situation to situation. Claiming rightness is not an attempt at persuasion or evidence of consensus within a community but an expression of subjective understandings, making justification inevitably partisan (White/Ypi 2011). Nevertheless, pragmatist sociology does consider actors to have a keen interest in standing the test of justification and considers these actions to be sincere expressions of actors’ moral groundings:

people do not ordinarily seek to invent false pretexts after the fact so as to cover up some secret motive, the way one comes up with an alibi; rather, they seek to carry out their actions in such a way that these can withstand the test of justification.

(Boltanski/Thévenot 2006: 37)

As a claim of moral rightness, what matters is not the sincere belief in the factual truth of justification but its social acceptance (Kratochwil 1989: 42). Its success, therefore, depends on the social constituency’s response, not the justifier’s motivation. Actors deliberately “single out the beings that matter and eliminate those that do not” (Boltanski/Thévenot 2006: 138) when employing a justification. Operations of qualification are the most basic and general practice of social interaction and provide the necessary tools of social interaction, because “social coordination requires a continuous effort of comparison, agreement on common terms, and identification” (ibid.: 1). By not seeking “objective truth” but claiming moral rightness, justification

stresses preferable alternatives and contrasting interpretations (Thévenot 2002a: 190). This process is necessarily a relational one, as people negotiate the social relations among themselves through justification and coordinate their interactions in light of changing contexts and preferences (Boltanski 2011: 69).

Knowledge about the situation as well as about the possible scope of reasons is indispensable for effective justification, as speakers need to know what they can claim in a justificatory statement. Such knowledge is often tacit knowledge, which remains invisible to direct observation while ordering social practices (Loenhoff 2012). From the perspective of pragmatist sociology, however, actors are able to consciously make use of it (Boltanski/Thévenot 2006: 132). These processes are interactive and mutual operations of qualification, which are directed towards a social constituency of addressees. This is not to say that all actors are equally able to access the knowledge available in a situation of justification (Celikates 2009: 155). Instead, it is often the variation in access to knowledge as an ideational resource which might affect how justification is carried out and if it succeeds. While this implies that justification is an open-ended process of ordering, it does not unfold in an unstructured vacuum. Instead, the starting point for pragmatist sociology is the surprising or unexpected emergence of order in a messy world (Bogusz 2010: 9). Although it needs constant reconstitution, everyday interactions are shaped by numerous implicit or explicit agreements among people on how to coordinate and interact, thereby building and maintaining order.

Justification and the constitution of normative order

Pragmatist sociology's understanding of justification as practice relies on references to normative principles of generality in order to transcend the specificity of a situation of dispute. To do so, actors refer to social or normative orders. Hence, from the perspective of pragmatist sociology, orders play a key role in the constitution of social interaction. In order to understand this key role, it seems reasonable to again stress the underlying argument as laid out by Boltanski and Thévenot. As the authors discuss:

Our aim is to describe the actors' sense of justice – or, more precisely, their sense of injustice – and to build models of the competence with which actors have to be endowed in order to face ordinary critical situations.

(Boltanski/Thévenot 1999: 364)

Justification essentially relies on actors being able to stress principles of generality (here labelled as “models of competence”) to claim their sense of (in)justice. Through the interplay of justification and critique, however, these practices also affect the orders themselves. Ultimately, justification is a process of normative ordering.

Boltanski and Thévenot frequently used different terms to grasp order. The subtitle of “On Justification” speaks of *economies of worth* and, in the actual analysis, they make reference to *common models (modèles de cité)* (ibid.) and *polities of*

worth built around a particular order (Boltanski/Thévenot 2006). Furthermore, orders have been defined by pragmatist sociology as *moral grammars* (Blok 2013; Boltanski 2011), and a more literal translation of the French *economies des grandeurs* sometimes refers to them as *orders of grandeur* (Wagner 1999). For reasons of comprehensibility, the term “orders of worth” is used here interchangeably with normative orders. The term captures their distinctive features: first, orders of *worth* indicate the inherent normativity embodied in any social order, which is why they can be used for justification. The term *worth* furthermore demonstrates that justification is a process of qualification or evaluation using certain general standards applied to a situation. Hence, orders of worth do not only explicitly hint at the normative dimension of justification, but also at the pragmatic approach of focusing on the mode of evaluation as the underlying practice. Second, as *orders of worth*, they also stress their consequences for social interaction. They have ordering effects and not only provide the source of justifications but also structure the situation at stake. Therefore, pragmatist sociology does not neglect the idea of structures (Boltanski 2013: 46). However, it considers structure to be subject of change. It is a plurality of social orders that actors can refer to during controversy, and these orders are changed through social interaction. Hence, the social world is driven by a multiplicity of orders and a dynamic process of ordering.

Principles of worth

How do normative orders unfold their ordering capacity and how do they embody normativity claims? As Boltanski and Thévenot argue, every order is built around a particular *principle of worth*, which “spells out the requirements a higher common principle must satisfy in order to sustain justifications” (Boltanski/Thévenot 2006: 66). Hence, the principle of worth defines an order by providing the parameters for generalising a sense of (in)justice and claiming moral rightness (Patriotta/Gond/Schultz 2011: 1809). Therefore, the principle of worth can be understood as the linchpin in every justification process, as it constitutes order. It is through defining which principle of worth might best define the situation at stake that actors are able to establish a fragile agreement of the situation they face and in doing so constitute a momentary order. A principle of worth, therefore, simply implies that actors find a common understanding that can serve as a legitimate or moral criterion for evaluation during the moment of controversy. Hence, it does not represent the substance of a common understanding, but the procedural conditions to identify it.

Boltanski and Thévenot discuss the establishment of a fragile agreement by using the example of a traffic accident involving two drivers (Boltanski/Thévenot 1999). Both drivers may have a number of personal reasons for being upset: private problems, family emergencies, job issues. However, none of these private issues can be brought forward to cope with the social encounter of having a collision. Instead, it is necessary to refer to general principles – such as traffic rules, insurance procedures, or general codes of conduct on how to behave during an accident – to resolve the situation. As Boltanski and Thévenot conclude: “in order to converge

in sorting out relevant and irrelevant items they must share a common capacity to see what fits the situation and under which relation” (ibid.: 361). Sorting out the irrelevant (personal reasons) and the relevant (intersubjective reasons) helps to identify a possible shared principle of worth. If that happens, for example by both drivers agreeing traffic rules would constitute the most legitimate criteria for evaluating the situation, the “equivalence” of their social positions will be established. This, however, is no automatism. It is as likely that one driver stresses traffic rules and the other general codes of conduct as the criterion for evaluation, meaning no agreement can be established. This underlines the pragmatic perspective, since it requires actors to actively reflect on the relevance of disputed issues and their connections to general principles. It is – as Boltanski and Thévenot put it elsewhere – a “situated judgment” (Boltanski/Thévenot 2000) that occurs in specific moments, but is only possible by reference to general criteria of qualification explicated by the principle of worth. Only by these processes are actors able to engage in controversy, articulate critique, and make justificatory claims. It follows that the practice of justification necessarily relies on the existence of social order, but there are many orders and, therefore, actors have to interact to sort out which order or principle of worth they consider appropriate for evaluating the situation at hand.

Justification is more than words. The principle of worth, therefore, also refers to objects, specific practices, or symbols in order to enable justification to be carried out (Boltanski 2011: 28). Law enforcement, for example, is not only justified by the specific authorities given to the policeman, but also by his/her uniform, the badge, and the blue light on the vehicle, which justify particular practices in traffic that others are not allowed to do. The assumption that justification transcends rhetoric underlines the pragmatist premises of Boltanski’s social theory. Only by using actual objects and symbols in addition to rhetoric does justification unfold its ordering capacity. This again underlines the fact that justification is a social *interaction* in relation to others. The principle of worth, therefore, translates the normativity into concrete objects, subjects, or practices. It gathers “the very specific cultural, symbolic, and material resources [. . .] that actors might mobilize” (Cloutier/Langley 2013: 367).

The origins of orders of worth have been an issue of much debate, mostly because the initial approach by Boltanski and Thévenot was surprisingly vague on this. The alleged lack of attention given to the origins and spread of social orders within pragmatist sociology is frequently criticised as inadequate (Bongaerts 2013; Hartmann 2008; Honneth 2008; Wagner 1999). This criticism primarily stems from the fact that in *On Justification* Boltanski and Thévenot present six specific orders rather deductively and without much consideration of their historical contexts. Furthermore, the authors argue that these six orders suffice for an analysis of a broad array of social interactions in a diverse set of social encounters (Boltanski/Thévenot 1999: 369). These orders, as well as the associated subjects, objects, or practices, can be seen in Table 4.1. As the table demonstrates, the underlying idea is to develop complex social orders that not only have various characteristics in different social situations, but also guide specific actions and are expressed through specific material manifestations.

Table 4.1 Orders of worth in pragmatist sociology

<i>Common worlds</i>	<i>Market</i>	<i>Industrial</i>	<i>Civic</i>	<i>Domestic</i>	<i>Inspired</i>	<i>Fame</i>
Mode of evaluation (“normative worth”)	Price, cost	Technical efficiency	Collective welfare	Esteem, reputation	Grace, creativeness	Renown, fame
Test	Market competitiveness	Competence, reliability, planning	Equality, solidarity	Trust-worthiness	Passion, enthusiasm	Popularity, recognition
Form of relevant proof	Monetary	Measurable criteria, statistics	Formal, official	Oral, exemplary, personally warranted	Emotional involvement and expression	Semiotic
Qualified objects	Freely circulating market good or service	Infrastructure, project, technical object, plan	Rules and regulations, fundamental rights	Patrimony, locale, heritage	Emotionally invested body or item, the sublime	Sign, media
Qualified human beings	Customer, consumer, merchant	Engineer, professional, expert	Equal citizens, solidarity unions	Authority	Creative beings, artists	Celebrity
Time formation	Short-term, flexibility	Long-term planned future	Perennial	Customary part	Eschatological, revolutionary, visionary movement	Vogue, trend
Space formation	Globalisation	Cartesian space	Detachment	Local, proximal anchoring	Presence	Communication network

Source: modified from Patriotta/Gond/Schultz 2011: 1810.

The most controversial aspect of the six orders is the attempt to root these orders in canonical texts of political philosophy as ideal types representing higher (normative) principles of worth (Boltanski/Thévenot 2006: 65). This seems in stark contrast to the premises of the social world elaborated above. The deductive application of these orders instead of an inductive empirical approach referring to actual moments of controversy seems to question pragmatist sociology's plea for close empirical observation. Moreover, referring to canonical texts of political philosophy seems to contradict the focus on the everyday situations of ordinary people. While these texts certainly are classics, one might question whether they really represent peoples' senses of justice during everyday situations. Third, having six orders of worth that cover almost all arrays of dispute in everyday life (ibid.: 71) seems rather simplistic. This is especially the case when stressing continuing practices of structuration for the constitution of fragile and precarious social orders; in contrast, the orders of worth laid out by Boltanski and Thévenot are fixed and stable.

Without denying the relevance of these criticisms, these objections in my view do not generally undermine the approach of pragmatist sociology for several reasons. First, one should bear in mind that *On Justification* was the earliest contribution in developing pragmatist sociology. Subsequent publications differentiated the way orders of worth are conceptualised. *The New Spirit of Capitalism* and Laurent Thévenot's work on environmental policy planning (Moody/Thévenot/Lafaye 2000; Thévenot 2002b) reveal in detail how new orders (the order of projects and the green order) emerge, which was obviously a response to these criticisms. As Boltanski and Chiapello demonstrate, orders of worth do have historical origins, emerge in certain social settings, and are subject to (historical) change (Boltanski/Chiapello 2005). Furthermore, in later contributions, Luc Boltanski emphasises the need to understand social order as fragile and fluid (Boltanski 2011). Consequently, he argues for an inductive methodological approach to the study of social orders. Boltanski and Thévenot also illustrate the importance of orders of worth for everyday practices of justification by their empirical analysis of manuals and guidelines for conducting business within firms. While the analysis is still developed quite deductively, their research framework is clearly focused on everyday situations within the social setting of business firms and how certain social orders shape disputes (Boltanski/Thévenot 2006: 153). It is, therefore, strongly focused on the empirical realities of everyday situations.

Second, though Boltanski's and Thévenot's reference to canonical texts from political philosophy can be questioned on methodological grounds (Honneth 2010: 380), but it is not arbitrary. Following their line of argument, the selection was based upon four criteria (Boltanski/Thévenot 2006: 71–73): (1) the text has to be among the earliest representing the respective order; (2) the text needs to have a universalistic perspective for claiming the higher common principle; (3) the text must understand itself explicitly as political; (4) the text must have a practical intention and not depict a "utopia". Boltanski and Thévenot understand the selected authors as major contributors to the development of a certain normative belief that nowadays represents the establishment of a higher common principle.

Nevertheless, they are rather indifferent towards the relevance of the particular authors themselves. These authors, therefore, should be better understood as representing certain ideas without overstating the relevance of the particular authors themselves (Honneth 2008: 92).

Third, besides *The New Spirit of Capitalism*, a number of studies have questioned narrowing the orders of worth down to the six or eight original orders. There is research explicitly identifying references to the set of social orders from *On Justification* (Patriotta/Gond/Schultz 2011; Yamaguchi/Suda 2010). More importantly, however, studies from organisational sociology (Jagd 2011) on competing ecological orders of worth (Blok 2013) and global health politics (Hanrieder 2016b) clearly stress an understanding of the original approach as an exemplification of the general argument about the relevance of a plurality of orders of worth to which actors refer to during justification. In this interpretation, these particular seven or eight orders only demonstrate a general mechanism within social interaction that can generate different orders in completely different empirical settings. Boltanski explicitly understands orders of worth as historical constructs (Boltanski 2011: 31). This supports an interpretation of the role of these orders as a heuristic instrument rather than the narrowed and fixed definition of a limited number of particular orders that cover all possible empirical realities (Hanrieder 2016a: 400). This is also in line with pragmatist sociology's understanding of operations of qualification as necessarily contextual and momentary practices of situated judgement "in which the concern for justice is caught between the circumstances and the reference to principles or rules" (Boltanski/Thévenot 2000: 216).

Although pragmatist sociology initially presented a fixed set of specific orders of worth, numerous studies have underlined the analytical value of using the concept as a general heuristic without adopting the original six specific orders presented in *On Justification*. Given the absence of a single set of definite orders, they should be considered an ordering principle. Orders of worth represent the normative framework actors refer to during moments of controversy. These references stabilise orders, but they also bear the potential for questioning their normative worth. Hence, the plurality of existing orders as well as their contested normative worth require actors to engage in practices of normative ordering. If they are to interact with each other during controversy, actors have to identify and sort out the relevant normative worth. As the next section discusses, the notion of a "test" captures these practices of sorting out.

Tests as normative ordering during moments of controversy

Pragmatist sociology stresses the precarious constitution of orders of worth as they are constantly subject to contestation and change. As a qualification or evaluation of a plurality of competing normative orders, justification is necessarily comparative as different possible claims are tested, applied, or rejected (Boltanski/Thévenot 2006: 141). Hence, justification can be best understood as an encounter of competing interpretations of a situation, an action, or an argument, with

the goal of clarifying the various viewpoints of the actors involved (Boltanski/Thévenot 1999: 361). This underlines the role of moments of controversy as tests of fragile orders. It is this effect of the test in shedding light on the precarious construction of normative order which can be understood as the main analytical value added by pragmatist sociology (Bongaerts 2013: 145).

Pragmatist sociology conceptualises the social world as “the scene of a trial, in the course of which actors in a situation of uncertainty proceed to investigations, record their interpretations of what happens in reports, establish qualifications and submit to tests” (Boltanski 2011: 25). Underlying hidden routines or scripts of social behaviour “are eschewed and human action is always seen as deeply implicated in situations, where the latter are ‘always in need of interpretation’” (Blokker 2011: 252). Consequently, what matters for analysing practices of justification and critique is the specific moment of a particular dispute. Since actors explicate their approval or disapproval of particular principles of worth through these qualifications, moments of controversy are also moments that test these orders (Boltanski/Thévenot 2000: 224, 2006: 130). The test also again underlines the critical capacity actors necessarily obtain to be able to carry out practices of evaluation and qualification:

a test is at the heart of the reflexive process leading to the relativization of observed deviations, the reaffirmation of existing organizing principles, the evocation and integration of new principles into particular situations, or even the framing of new ones.

(Dansou/Langley 2012: 510)

By applying tests, actors are able to evaluate a situation, qualify justifications brought forward by others, and engage in a shared interpretation of the issue at stake in order to discern any possibility of an agreement. The test enables a fragile agreement, which contributes to a “collective ratification” of a momentary or situationally shared understanding of the normative criteria for evaluation (Bogusz 2013: 315). The notion of a test also implies the possibility that it fails, meaning that establishing an agreement among the actors in a controversy is not certain. Furthermore, not every situation of disagreement or dispute is driven by justification and the possibility of a test. First, in many instances people simply escape from the necessity of justification (for example by escaping from the site of a traffic accident) and, thus, avoid an intersubjective encounter. Second, Boltanski and Thévenot also distinguish between a controversy, in which actors have a keen interest in interacting with each other to make justificatory claims, and situations of a clash, the latter being a situation that could end in a violent disruption or outrage without any exchange of claims (Boltanski/Thévenot 2006: 224). Given that the purpose is to understand the establishment of (fragile) social orders, however, these situations are of no analytical relevance for pragmatist sociology.

By applying a test, actors coordinate their competing normative interpretations of a situation. This is seen as a means of coping with the plurality of interpretations of the social world. It also enables actors to reduce ambiguity and uncertainty and

enhance the possibility of establishing a shared agreement on how to evaluate the situation (Knoll 2013: 372). In *On Critique: A Sociology of Emancipation*, Boltanski discusses three ideal types of a test: truth tests, reality tests, and existential tests (Boltanski 2011). These types of tests vary in their purpose and the way they refer to the order at stake. Nevertheless, all three types of tests are conducted by actors to figure out the possibility of engaging in operations of qualification during a controversy. *Truth* tests are distinguished by practices of re-confirming the existing social order. They express consistency and satisfaction with it and thus aim at underlining the fitness of an operation of qualification with the social order at stake (ibid.: 103). *Reality* tests express critique through their reference to the uncertainty of a situation. They underline the differences between the normative expectation of the social order (what should be) and the empirical realities of the moment of dispute (what is) (ibid.: 106). *Existential* tests differ from the previous two types of test by their radical rejection of the order at stake. Unlike the other two types, stronger emphasis is put on the authenticity of individual experience (of humiliation, injustice etc.) rather than a collective institutionalisation through orders of worth. Existential tests, therefore, focus on the boundaries of social order (ibid.: 108). While existential tests are considered radical, they are nevertheless a productive form of social interaction. It is here that the critical capacity to evaluate moments of controversy and explicate moral groundings enables actors to initiate societal – and consequently political – change.

The test stresses the momentary dimension of justification, and indeed, the actual subject of analysis for pragmatist sociology is the moment itself. Narrowed timeframes and sequences as well as the shifts that occur between them are the subject of inquiry instead of long-term genealogical developments or structural and systemic changes (Dodier 1993: 561). Hence, pragmatist sociology stresses the interactivity and the momentary dimension of controversy (Blokker 2011; Wagner 2004). Thus, micro-processes of interaction are of especial relevance. Focusing on moments of controversy, however, raises questions of how mundane or extraordinary these moments are. There seems to be a tension between the analytical value of focusing on everyday encounters and, thus, the relative routine of social interaction, on the one hand, and on moments of controversy symbolising crisis, on the other hand. Boltanski and Thévenot write about “unusual moments” that clearly constitute a specific break in the mundane course of everyday routines (Boltanski/Thévenot 1999: 359). However, due to their pragmatist premises, they understand everyday life as continuously shaped by situations of controversy and uncertainty. Hence, the necessity of engaging in tests and figuring out the possibility of establishing a fragile agreement is inevitably part of everyday social interaction: “the ordinary course of life demands nearly constant efforts to maintain or salvage situations that are falling into disarray by restoring them to order” (Boltanski/Thévenot 2006: 37). Nevertheless, the moment of controversy is both a local moment and, therefore, a micro-level episode and a moment of conflicting interpretations of the social world referring to macro-level orders. Pragmatist sociology offers an analytical approach that takes both instances seriously.

Methodological premises of pragmatist sociology

The previous sections elaborated the tenets of pragmatist sociology. As I have argued, emphasis on the critical capacity of actors, the role of principles of worth, and the fragility of orders contribute to an understanding of justification as a practice of normative ordering. These tenets also point to particular methodological premises, which will be discussed here according to the three core features presented above.

Justification as social practice – a perspective on actors

The first and most important element that pragmatist sociology stresses is to consider justification a social practice of explicating a sense of justice or injustice, an exchange of reasons and, ultimately, the foundation for coordinating social interaction. Given its importance, any empirical inquiry applying pragmatist sociology necessarily needs to centre practices of justification as a subject of analysis. This emphasises the pragmatist roots of the concept, as the analysis shifts away from underlying meaningful structures – as studied by structural theories such as Marxism or Bourdieusian critical sociology – to the ways in which actors creatively make use of these structures during social interaction (Bogusz 2010: 42). By focusing on the processes of social interaction among actors and how they relate to underlying social orders, the dynamics between actors and structures become apparent (Boltanski 2011: 24). Furthermore, structure matters as a frame of reference for social action, but agency is the key for the constitution of the social world since actors make use of structures (i.e. orders) for their purposes. Two implications can be drawn from this: conceptualising actors as conscious and reflective agents of justification and re-locating the focus of analysis to the actual social interactions of the actors themselves. Such a view of the capacities of actors has been subject to criticism. As critics argue, pragmatist sociology ignores the asymmetry often prevalent in social relations and consequently the inequality and power relations among actors interacting with each other (Hartmann 2008: 116; Honneth 2010: 379). Besides, the conditions of social interaction can also affect the actors' capacities, which are only relative to their respective social context (Celikates 2008: 129). These criticisms underline that a too narrow interpretation of the actors' capacities is problematic, but this does not question the fundamental methodological implication. As Boltanski argues, only "making use of the point of view of the actors" (Boltanski 2011: 30) enables analytical access to the actual justifications carried out by actors. Given that they can make use of a plurality of normative orders as possible resources for their claims, which particular order they are referring to during justification cannot be predicted but needs to be studied. This clearly underlines the fact that the methodological implication is to foster an inductive and empirically grounded analysis centering how actors refer to particular social orders during actual social encounters with others. Empirical analyses by pragmatist sociology demonstrates this well, because they are often explicitly focusing on individuals and their actions. In *On Justification* as well as

in *The New Spirit of Capitalism*, the roles of the entrepreneur and the manager play an important role as the central figures of the empirical investigations. In both cases, the empirical resource is a text corpus of manuals or guidelines for managers, which advise on the variety of social orders managers can refer to during controversies. Also, when studying organisational processes, pragmatist sociology emphasises the interactions of specific actors rather than institutional frameworks or structures, as for example Lisa Knoll's analysis of changing organisational practices of emission trading demonstrates (Knoll 2012). Pragmatist sociology, therefore, adopts an ethnomethodological perspective of the actors and closely traces how they constitute the social world.

Orders of worth – a perspective on normativity claims

The second premise argues that actors refer to principles of worth to explicate justification and critique, i.e. criteria for the qualification or evaluation of a situation that indicate a particular normative worth. In referring to these principles, actors rely on as well as shape the underlying orders at stake. Social reality is constituted by interaction and dynamic processes of ordering instead of certainty and stability (Boltanski 2011: 25). Methodologically this premise does not seem to be fully captured by pragmatist sociology as the concept relies on a rather stable set of predefined social orders used for empirical application (Bongaerts 2013: 144). Given the development of its design, this critique is certainly compelling. However, pragmatist sociology does consider orders as changeable and its concept of orders relies at least on an “in-built pluralism” (Blok 2013: 506). This is considered a fundamental shift in conceptualising social interaction, as it moves away from the “Durkheimian emphasis on a homogeneous, shared commonality in society” (Blokker 2011: 253). Therefore, focusing on its potential for analysing how normative ordering unfolds seems more plausible. This allows us to shift the focus away from a definite repertoire of orders to the question how pragmatist sociology's concept of order can be used as a heuristic for analysis.

Methodologically, this implies taking seriously the existence of a plurality of orders as well as a focus on the actual practices of changing these orders through justification. At the same time, and irrespective of the dynamics of changing their meaning, the purpose of these orders is – at least relatively – to stabilise social interaction (Boltanski 2011: 34). Hence, the aim of pragmatist sociology is not to find evidence for the lack of social order or to confirm its absolute instability, but instead to better understand how competing understandings of these orders stabilise social interaction relatively without giving up the premise of flexibility (Potthast 2001: 554).⁹ These processes ultimately point to an understanding of social interaction as subject to structuration processes with actors and structures in mutually dependent dynamic relations (Giddens 1984). Empirical analysis thus needs to focus on observing change and variation in the interpretation of orders of worth, acknowledging their ambiguity and tracing competing interpretations. Since orders of worth cannot be interpreted as coherent

stable artefacts, their incoherence also needs to be taken seriously. Given this, change and variation of order – or more precisely ordering practices – are at the centre of analysis in pragmatist sociology, not long-term structural effects (as for example studied by discourse analysis).¹⁰ This approach is, for example, evident in Yamaguchi's and Suda's application of pragmatist sociology to the changing perception of genetically modified organisms (GMO) in Japanese public debates. As the authors demonstrate, the meaning of GMOs changed from being primarily a matter of promoting biotechnological research in the 1980s to becoming a public health and environmental concern in the 2000s (Yamaguchi/Suda 2010: 390–394).

Moments of controversy – a perspective on situations of normative contestation

The third premise of pragmatist sociology is that the fragility of orders becomes apparent when a test of principles of worth occurs. Consequently, the moments of controversy are the objects of inquiry in pragmatist sociology (Boltanski 2011: 24). The test reveals that justification is essentially about the social coordination of actors and the underlying structures (Bogusz 2010: 42). It brings together the critical capacity of actors, the plurality of orders, and the intersubjectivity of their encounter, emphasising the importance of “agency, relationality and temporality” (Dansou/Langley 2012: 513) within these processes. This also underlines the fact that social orders consist of more than just a principle of worth. Boltanski considers symbols, objects, and subjects as important for constituting an order of worth. During the moment of controversy, the complex relationship between these various actors, symbols, and objects becomes evident as they are used to stress competing principles of worth.

As discussed, pragmatist sociology expects social realities to be driven by uncertainty and ambiguity. In a way, there is always controversy. At the same time, there is also the possibility of successfully coping with it. People face numerous everyday situations driven by routinised social interaction and a relatively stabilised social order. Nevertheless, some moments of controversy are different because they create a break in the routines of social interaction. Boltanski does not provide a clear-cut definition, such as a particular level of disagreement. However, constitutive for a normative controversy is the motivation by somebody explicating his/her disagreement or sense of injustice. People are usually not obliged to make their evaluation of a situation public. If they do so by voicing critique and disagreement and are heard, a moment of controversy unfolds (Boltanski/Thévenot 2006: 32). The methodological implication is to credit the controversy with an epistemic quality, because it is assumed that the course of social interaction can be separated into specific moments (Dodier 1993: 557). Therefore, the moment of controversy, more precisely the test, becomes the unit of analysis (Bongaerts 2013: 136). At the same time, focusing on particular moments is not a casuistic approach. The test in itself bears no analytical value. Instead, the motivation is to study micro-processes of social interaction to better understand

underlying macro-structures of normative ordering (Bogusz 2010: 44). The analysis, therefore, involves zooming in and zooming out of processes of social interaction, which enables the researcher to see the connections between the micro- and the macro-level (Nicolini 2012). Studying particular controversies, therefore, is often an important part of empirical work applying pragmatist sociology. Frank Gadinger and Taylan Yildiz, for example, focus on selected parliamentary debates during the European financial crisis (Gadinger/Yildiz 2012), whereas Benjamin Taupin uses the subprime mortgage crisis to study justification in the credit rating industry (Taupin 2012). In both cases, the subject of inquiry is a specific moment within broader economic developments, and the analysis reveals how the micro-level and the macro-level interact.

Interpretivism as methodological foundation of pragmatist sociology

These elements refer to interpretivism as an underlying methodological foundation of pragmatist sociology. Interpretivist approaches understand the world as a reflection of the meanings people attach to it (Yanow 2006: 11), which directly points to the importance of an empirically grounded ethnomethodological approach to meaning in pragmatist sociology. Interpretivism is a suitable focus, because

the ambiguity and plasticity of meaning-making and of the systems of symbols (e.g. language, visual images, etc.) used to express and communicate meaning to oneself and to others are understood as creating the possibility for multiple interpretations of acts, events, settings and so forth.

(Schwartz-Shea/Yanow 2012: 46)

Interpretation enables access to meaning, because it is assumed that these expressions are meaningful and that they can be understood by researchers. In doing so, interpretivism relies on the *double hermeneutics*, i.e. the (researcher's) interpretation of interpretation (attached by people to the world) (Furlong/Marsh 2010: 185; Yanow 2007: 117).¹¹ Hence, human agency of both the researcher and the research subject is at the centre of any interpretive inquiry of the social world (Jackson 2006: 14; Yanow 2007: 118). While meaning is a subjective view of the world, it differs from individual belief as it carries intersubjective expectations, norms, and morals (Wagenaar 2011: 25). The underlying premise of such an account of the social world is that these beliefs and preferences cannot be grasped by analysing objective socio-economic facts and figures (such as class, race, institutional position) (Bevir/Rhodes 2003: 18–19). Instead, by focusing on how people create and apply meaning, the intersubjective structuration of the social world instead becomes observable.

Interpretivist approaches consider language not only as representing but actively making the social world (Wittgenstein 2009).¹² At the same time, language can be indeterminate and its meaning ambiguous. While this allows it to be used to explicate a broad array of competing meanings attached to the

social world, it also becomes a source of power and control (Bourdieu 1992). Since language is performative, it is “language-in-use”, with the purpose of sense-making during an intersubjective encounter (Wagenaar 2011: 187). This, however, implies that interpretations are provisional and cannot achieve taken-for-granted status (Yanow 2006: 16). Due to the provisional nature of meaning, also taking the role of context seriously is of preeminent importance. Interpretive scholars emphasise that text can only be understood in “con-text” (Wagenaar 2011: 47; Yanow 2006: 16). Meaning might be affected, for example, by prior knowledge, by precedents in similar situations, or by historical ties and linkages (Yanow 2006: 13). Hence, one can only understand meaning by considering how context (and thus intersubjectivity) affects it. As a research strategy, it follows that interpretivism relies on a situation-specific approach of particular encounters or moments (Yanow 2007: 110).

Meaning, however, is embodied not only in text and speech acts but also in specific objects, symbols, and practices.¹³ As Herbert Blumer argues, the way people deal with the objects and symbols they face is affected by their meaning (Blumer 2013: 63). Dvora Yanow gives an example for such an approach by arguing that specific objects, such as housing vouchers, payment practices, and symbolic understandings of “house”, such as “shelter or status, security or investment”, need to be taken into account to fully understand the meaning of social security (Yanow 2000: 69). Similar to language, objects and symbols also face the “double hermeneutics”, as their meaning needs to be interpreted by the actors, and these interpretations need to be interpreted by the researcher. They are also subject to possible ambiguity and change, as the meaning of a particular symbol is an intersubjective construction rather than a natural given. However, it is often through language that symbols and practices gain their meaning and are thus constituted in the first place (Nonhoff 2011: 97).

In order to conduct such an analysis, interpretivism heavily focuses on understanding as the logic of inquiry and emphasises “how” questions rather than “why” or “what” questions (Yanow 2006: 12). Therefore, while the theoretical and philosophical tenets might suggest a high level of abstractness, interpretive methodologies are in fact heavily focused on empirical realities, and research designs need to centre on empirical questions (Wagenaar 2011: 9). Also, interpretive research is experience-near rather than experience-distant (Pouliot 2007: 359), which requires the researcher to be aware of his/her role and situation. Due to the tremendous analytical relevance of context and situations, interpretive approaches do not have a standardised toolkit of techniques applicable in the same way in every possible empirical analysis. Yet, by stressing reflexivity, openness, and problem-driven adaptation of its techniques throughout the entire research process, interpretivism points to standards and criteria of quality in its research process.¹⁴ As Yanow argues, interpretation “does not mean impressionistic” (Yanow 2000: ix). While this corresponds very well with pragmatist sociology’s understanding of close empirical observation of processes of ordering, it also raises questions regarding the actual research design.

Designing the research framework

What are the consequences of these methodological premises for designing a research framework to study justification as a practice of normative ordering in the UN Security Council? The previous section emphasises four methodological premises: first, pragmatist sociology focuses on the capacities of actors to engage in practices of justification and critique. This implies a shift of analysis from abstract “member states” to specific actors engaging in justificatory discourses with each other in the Security Council. Second, instead of one stable order, it reveals dynamic processes of normative ordering. Therefore, the research framework needs to focus on the change of orders through controversy in the Council. Third, the research design needs to capture moments of controversy as tests of principles of worth. Hence, the research design has to focus on specific situations of normative disagreement in the Security Council, which allows scrutinising contestation of the normative meaning of responsibility. Finally, interpretivism is understood as an underlying methodological foundation of pragmatist sociology, which requires the development of a circular research framework around an inductive, empirically grounded analysis of competing understandings of meaning. Consequently, the varieties of meanings of Security Council responsibility are considered as representing different principles of worth. Based upon these premises, my empirical analysis will rely on the following considerations:

First, the empirical analysis scrutinises processes of justification *in public Security Council meetings*. It has been argued that justification is essentially a public practice. Therefore, the choice of public Council meetings as a site of justificatory practices seems reasonable. While there are other venues of controversy, especially the informal negotiations among Council members, the public meeting is the only site where the Council as a whole engages in a controversy accessible to non-Council members and outsiders, including researchers. Expecting the Council to be a site of normative ordering requires an understanding of Council meetings as performative acts. The public Council meeting reveals this performativity, the related symbols and practices diplomats carry out when engaging in justification as practice in the Council. Second, to capture processes of normative ordering during Security Council controversies, the analysis inductively identifies competing principles of worth related to the meaning of Security Council responsibility. It has been argued above that normative ordering is a dynamic process and, therefore, predefined existing orders seem of limited analytical value due to a lack of context. Instead of tracing possible references to the existing set of orders identified by pragmatist sociology, my empirical analysis will, therefore, inductively identify possible principles of worth related to responsibility in the Security Council. Identifying them helps to reveal how processes of qualification or evaluation take place, how the possibility of an agreement is sought by actors, and, finally, how the shared understanding of Security Council responsibility is shaped through controversy. Third, the analysis centres on specific moments of controversies within Security Council decision-making. The moment of controversy is a break within the routines and requires the actors involved to reflect

upon the situation, explicate their underlying social orders, and coordinate these with others during an intersubjective encounter. In doing so, the role of the Council as a site for contesting and constituting the meaning of responsibility becomes apparent. To understand the *dynamics of normative ordering in the Council*, a comparison of two different moments of controversy seems useful. Therefore, two case studies will be used to look at similarities and varieties of normative ordering in the Council. Both case studies will first shed light on the subject of normative controversy and how this constitutes a moment of test in the Council. They will then present results from an analysis of all public Council meetings during the controversy to reveal competing principles of worth associated with Security Council responsibility. Finally, each case study will present an in-depth analysis of one particular meeting to reveal how tests of principles of worth allow engagement in practices of normative ordering.

Security Council meeting records as empirical data

The analytical account elaborated above raises a question regarding the utility and quality of public Security Council meeting records as empirical data. To evaluate their quality, one can refer to Scott's widely used list of criteria for using documents as an empirical resource (Scott 1990: 19–28):

- Authenticity
- Credibility
- Representativeness
- Meaning

Looking at Security Council meeting records, it seems that most of these criteria are fulfilled. They can be considered authentic documents, because they are the official record provided by the UN. Since the meeting records are not only issued for the general public but also constitute an important source of information for UN members, one can expect that these documents present the events of the meetings as authentically as possible for a written record. Credibility of the meeting records is given because the records are verbatim records. What has been said during official statements at the horseshoe table is documented in the meeting records as closely as possible to the original verbal expression. At the same time, meeting records cannot give insights into the many informal conversations happening around the horseshoe table and aside from the official statements. While this seems to question their empirical validity, it primarily underlines their symbolic value as official statements. Council meeting records are also representative of Council action, because there is no comparable other document publicly available covering the events during a public Council meeting in a similar way. There are other documents covering Council action, of course: resolutions document action adopted by the Council; press releases inform the public about Council events. However, these documents are already part of the Council's decision-making and are not primarily focused on the Council meeting itself. Presidential statements

adopt a middle ground as a type of documents. On the one hand, they clearly differ from meeting records, because they represent a Council decision. Usually carefully drafted, sometimes only after intense negotiations, and requiring the consensus of all Council members, they do not summarise a meeting or statements given during a meeting. On the other hand, however, presidential statements are read during a meeting on behalf of the entire Council. Therefore, I consider them being part of the documentation of Council meetings, as the President of the Security Council simply makes one long statement on behalf of the entire Council.¹⁵ Finally, these documents are meaningful as they represent the “official” statement given by the speaker during the Council meeting.

Although statements given during a public Council meeting are meaningful, they do not indicate a sincerity on behalf of the speaker. It remains unknown if the statement given is made because of a sincere belief in what has been said or not. Since Council members are aware of the role of meeting records, this shapes the statements and ultimately the conduct of the meeting. Unlike parliamentary debates, Council meetings are highly formalised and symbolic – and so are the statements published in the meeting records. The statement might be insincere as it does not represent a genuine belief of the speaker (or their government’s belief), while its highly formalised style might demonstrate the speaker’s awareness of the situation of a public meeting. Nevertheless, once a statement is given, it is public and the meaning attached to it – insincere though it might be – is embodied by and accessible through the document. Therefore, these statements are meaningful expressions, precisely because they might be shaped by insincerity or lack of substantial content. Furthermore, the role of diplomats as experts in using language and explicating justification does not question the usability of this kind of data. While pragmatist sociology emphasises the importance of justification as an everyday practice of ordinary people (Boltanski/Thévenot 2006: 4), diplomats certainly are professionals regarding “justification talk”. The situation diplomats face when explicating a justification, however, is indeed an everyday situation for them. Even if Security Council diplomats are better at facing a moment of controversy than other people, they still have to face moments of controversy within a social constituency of other diplomats. Relative to their social setting, justification is thus as much an everyday practice carried out by ordinary people as in any other social setting.

The coding procedure

For identifying competing principles of worth, the two following chapters will present text analyses inspired by grounded theory coding techniques (Glaser/Strauss 1967). The purpose of grounded theory is not to apply theories to the research subject but to “discover” theoretical assumptions from studying the empirical data (Flick 2009: 91). As an act of interpretation, this process is to a certain degree necessarily subjective. Therefore, openness and reflexivity are understood as a quality, not a deficiency, of the research process. The idea of an open and inductive coding enables an analysis that “creates the condition for surprise” (Wagenaar 2011: 243). Furthermore, grounded theory does not imply that there is an absolute

lack of any preconceived understanding of the issue, or any a priori theorisation (Kuckartz 2014: 52). My empirical scope, as well as the theoretical focus of pragmatist sociology, defines a number of preconditions. However, they do not unfold as ex ante defined hypotheses, but continuously interact with the empirical data during the research process. Coding means to “attach annotations and concepts” to a text unit (Flick 2009: 307). It is thus the main interpretive act in the analysis, because it is through the coding process that the underlying epistemological and methodological premises affect the empirical analysis. Coding is not descriptive; it is a conceptual act (Price 2010: 156). Certain ideas about what makes an item relevant for analysis have to exist. To achieve this, a number of principles need to be taken into consideration (Bryman 2004: 408), such as:

- What does the coded item represent?
- What topic is instantiated through the item?
- What is happening at that particular moment?

As grounded theory argues, the main analytical step is to abstract the codes and identify possible overarching categories through processes of so-called axial and selective coding for ordering the data (Strübing 2002: 331). In doing so, coding enables sorting out the relevant from the irrelevant, reduces complexity, and helps us to better understand the empirical case at stake (Kuckartz 2014: 144). Instead of sequencing the various steps of the research process, they are intertwined with continuous reflection and back coupling (Flick 2009: 95).¹⁶ Hence, to ensure the suitability of the codes used, an iterative coding process with a “constant state of potential revision and fluidity” (Bryman 2004: 402) seems necessary. Developing categories aims at a level of generality but does not contradict the interpretivist premises. Interpretive methods aim at revealing ambiguity, complexity, and dynamics, which is precisely why developing typologies is beneficial: they encapsulate a variety of possible codes that nonetheless refer to an overarching larger concept. Such an understanding of typologies or categories seems not only in accordance with the interpretive premises but also captures the purpose of orders of worth as intersubjective categories of reference. Therefore, an open and reflective coding process, which will lead to a typology of competing principles of worth, seems a suitable method for studying practices of normative ordering in the Security Council.¹⁷

Implications for analysing normative controversy in the Security Council

This chapter presents Luc Boltanski’s pragmatist sociology as an approach for analysing practices of normative ordering in the Security Council. Pragmatist sociology defines justification as a claim of moral rightness during controversy; to engage in justification, actors refer to underlying orders of worth. Inherent to any order is a principle of worth, which determines the relation of particular subjects, objects, or symbols related to that order. Since the world is driven by complexity and ambiguity, a plurality of these social orders exists. Consequently,

actors have access to various orders and, when facing a controversy, have to figure out which order to rely on for explicating justification and critique. Intersubjective encounters, therefore, are shaped by actors testing their competing orders of worth for sorting out the possibility of establishing a precarious agreement about legitimate normative principles of evaluation in the specific situation. At the same time, actors inevitably face the possibility of disagreement as to which principle to apply when evaluating a situation. It is a practice of coping with social complexity while at the same time a genuinely social act that aims at a relative stabilisation of social order. Ultimately, practices of justification and critique have a coordinating function for ordering social interaction. Given that references to principles of worth necessarily refer to moral or normative criteria, justification and critique are essentially practices of normative ordering.

Based on these premises, I argue that pragmatist sociology follows the methodological paradigm of interpretivism. Such a methodology centres on the role of meaning attached to the social world as the key for scientific inquiry. Interpretivism strongly emphasises the social construction of reality, the role of context for developing meaning, and the constitutive role of not only language but also practices and symbols. This also points to the methodological implication of empirical proximity. As Boltanski argues, this enables researchers to reveal the normative groundings of actors as clearly as possible. Instead of deductively applying external categories of rightness and appropriateness, an inductive process of identifying the plurality of meanings people apply seems beneficial for understanding how social order is constituted (Boltanski 2011: 30).

How is this helpful for understanding the empirical developments discussed in Chapter 2 of this book? While the meaning of Security Council responsibility has changed over the last twenty years, this change has been both highly inconsistent and the subject of much controversy in the Council. For many observers, this was reason enough to understand the Council as either unable to live up to its responsibility or in dire need of reform in order to optimise its decision-making processes. Pragmatist sociology gives a more nuanced answer, as it acknowledges these inconsistencies not as deficiency, but rather as indicative of the complexities of the social world. Using pragmatist sociology to understand the changes in Security Council responsibility during controversies seems beneficial. It considers the world shaped by a plurality of normative orders, which negates a binary understanding of Security Council legitimacy. By focusing on moments as analytical unit, the approach is able to cope with inconsistency and selectivity in normative developments. A focus on the actual practices of justification shifts the focus of analysis from abstract Council members to actual speech acts and their references to normative orders.

Notes

- 1 I consider social and normative orders alike given that both rely on processes of intersubjective evaluation as constituting the social (Barker 2001: 69; Reus-Smit 2007: 165).
- 2 The book was published as *On Justification: Economies of Worth* in 2006.

- 3 For discussions about *The New Spirit of Capitalism* and its contribution to current sociology, see especially du Gay/Morgan (2013) and Potthast (2001).
- 4 See Hartmann (2008: 118) for comparing Honneth's and Boltanski's social theories, concluding that recognition theory is better fitted to grasp the ideological and hegemonic struggles of competing interpretations of social reality.
- 5 See Friedland/Alford (1991) and Thornton/Ocasio/Lounsbury (2012) for overviews on the institutional logics approach.
- 6 Criticising the framing of a "turn" to practices, Gregor Bongaerts argues that references to the temporality and bodily foundations of practices especially can be seen in a number of classic sociological theories, including symbolic interactionism and Pierre Bourdieu's theory of practice (Bongaerts 2007: 257).
- 7 The connections between Latour's and Boltanski's social theory have been discussed controversially; see Benatouil (1999) and Guggenheim/Potthast (2012).
- 8 A similar argument is made by Forst, who argues that, by definition, justification always includes both the immanence and transcendence of a given situation (Forst 2011: 973).
- 9 This ultimately also includes the possibility of translating implicit or tacit social orders in manifest institutional settings. As Boltanski argues, in many everyday instances it is the task of institutions to provide fixations of meaning, and thus, institutions have an important role in the coordination of social interaction Boltanski (2011: 76). Peter Wagner therefore understands pragmatist sociology as bringing together a sociology of knowledge and a sociology of institutions (Wagner 1999: 342).
- 10 The different focus of discourse analysis can be seen in its distinctive interest in long-term developments rather than the momentary changes of normative orders during particular situations. See for example Epstein (2008); Hansen (2006); Nonhoff (2006).
- 11 Phenomenology and hermeneutics are broadly considered the roots of contemporary interpretive analysis (Bevir/Rhodes 2003: 21; Wagenaar 2011: 41; Yanow 2007: 113). Indeed, they complement each other in providing this background. Phenomenology elaborates on how meaning becomes meaningful through subjective knowledge claims and everyday practices, whereas hermeneutics helps to understand the expression of that meaning through particular artefacts (texts, practices, objects) (Yanow 2006: 15).
- 12 This insight also played an important role in the development of constructivist perspectives in International Relations (Onuf 1989; Zehfuß 1998).
- 13 The Security Council exemplifies the connection between meaning and its material consequences, for example in the famous discussions about the "g-word" during the Rwanda crisis. The decision of whether or not to use the term "genocide" had material implications, such as the lack of commitment of the US government in authorising tangible measures for dealing with the situation (Power 2003: 360).
- 14 This openness, however, does not imply the lack of any theoretical concepts applied to the empirical data. Therefore, some argue that the term *inductive* is misleading given the emphasis put on openness. As they argue, an *abductive* logic captures better that in any research process an underlying theoretical premise is confronted with empirical data generated from studying peoples' views of the world (Bryman 2004: 401; Kelle/Kluge 2010: 21).
- 15 Consequently, presidential statements are included in my text corpus as documents for the respective Council meetings, while press statements about closed Council meetings are left out of my analysis.
- 16 Glaser and Strauss argue that it is the "constant comparison of incidents in this manner" which enables theory development from the bottom up (Glaser/Strauss 1967: 114).
- 17 For further information, see the code manual in the appendix.

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5 Practices of normative ordering during the 2002/2003 Iraq crisis

This chapter presents an analysis of normative ordering during the 2002/2003 Iraq crisis in the Security Council. Infamous for being the most significant failure of the Council to prevent unilateral military action in recent history, it was heavily shaped by competing understandings of Security Council responsibility. The situation in Iraq and potential responses to it were debated at many multi- and bilateral venues and critically observed by the global public.¹ The Security Council, however, was by far the “most important public arena of the pre-war rhetorical bargaining” (Mor 2007: 239). Apart from the popular view of the situation as a failure of the Council’s responsibility (Glennon 2003b), the situation was driven by an exceptionally high level of Council activity. This has led some scholars to interpret the Iraq crisis as strengthening the role of the Council in global politics (Thakur 2006: 224). The chapter starts by discussing how the Iraq crisis can be understood as a normative controversy in the Security Council by revealing its background and major themes. It then presents an analysis of the records of the public meetings that were held during the controversy to identify competing principles of worth related to Security Council responsibility. Finally, the chapter discusses the famous meeting of 5 February 2003 in order to demonstrate how a test of these competing understandings of responsibility points to processes of normative ordering.

Collective security as normative grounding of the Iraq crisis

The Iraq crisis was a normative controversy because the Council’s responsibility to authorise the use of force was challenged by competing views of its role in enforcing collective security. On the surface, the crisis was a dispute about whether Iraq was still in possession of WMDs and under which circumstances this would legitimise military action to enforce Iraqi compliance. As a normative controversy, it dealt with the threat of undermining the Council’s system of collective security by the potential opt-out of the US. Therefore, it directly addressed the Council’s role as the sole authority for legitimising the use of force. Choosing outside options, i.e. to engage in military action without Council approval, could undermine this system of collective security, posing a potential risk to the

Council's responsibility and ultimately its legitimacy. During the 57th session of the UN General Assembly on 12 September 2002, US President Bush stated:

To suspend hostilities, to spare himself, Iraq's dictator accepted a series of commitments. The terms were clear, to him and to all. And he agreed to prove he is complying with every one of those obligations. He has proven instead only his contempt for the United Nations, and for all his pledges. By breaking every pledge – by his deceptions, and by his cruelties – Saddam Hussein has made the case against himself.

(Bush 2011)

These words exemplify an intensified US rhetoric against Iraq, stressing Iraq's lack of compliance with the weapons control regime and the possibility of using military action to enforce compliance. The US had expressed its position on Iraq before, and military action against Iraq was frequently discussed in various public forums. By addressing the entire international community at the UN summit and therefore also addressing the Council as one of the UN's main organs, however, President Bush's words clearly marked a break in the course of action. This speech, therefore, can be defined as the beginning of a particular normative controversy about the meaning of Security Council responsibility during the Iraq crisis.

The role of the Council as the main authority on collective security was contested during the Iraq crisis. The legal framework of the Council does not necessarily oblige the P5 to subsume their individual capabilities under the umbrella of collective security of the UN. Given this, there are good reasons to understand the Council's role as a provider of collective security only as secondary to its function as a venue for the great powers (Hurd 2006: 235). Here, collective security is not understood as delegated to the Council but as something the great powers negotiate among themselves, making the Council "a political meeting place" (Voeten 2005: 552). Such an understanding of the Council nevertheless implies constraining effects on the P5 members. Not because of formal obligations but precisely because the great powers are normatively tied to each other within a system of formal equality. Opting out of this system, then, becomes a matter of legitimacy.² Hence, the argument that the Council is merely subject to great power instrumentalisation does not hold. Even if understood as a meeting place, the Council affects how the P5 members interact, and choosing outside options constitutes a normative controversy and the potential for a lack of legitimacy among them. The Iraq crisis supports such a view, as the underlying shared understanding about the Council's role for collective security was challenged and P5 members especially disagreed on the issue.

The emergence of normative controversy

The issue of Iraq, especially the potential threat of weapons of mass destruction, has been – as David Malone argues – a "staple item" (Malone 2007: 1) on

the agenda of the Security Council since the early 1980s. During the 1980s, the Council's consideration of Iraq largely focused on negotiating a peace agreement between Iran and Iraq. After the invasion of Kuwait and the first Iraq war, the Council's role changed to become a "new world order policeman" (ibid.: 16) by establishing a sanction system in the aftermath of the UN-authorized, US-led military mission to free Kuwait. The sanction system, which was furthered through the adoption of Resolution 687 (S/RES/687), defined a number of coercive measures, such as weapons inspections, economic sanctions, and border demarcations, for ensuring Iraqi compliance. The core of the sanction system was the establishment of the *United Nations Special Commission* (UNSCOM) to oversee the destruction of Iraqi weapons of mass destruction through Resolution 687. Weapons controls were supported by the establishment of no-fly zones, while the humanitarian situation of the Iraqi population was to be improved by the *Oil-for-Food Programme* (OFF). The effects of the sanctions and control regime were highly disputed. Not only did the civilian population suffer heavily from the sanctions, but the OFF also faced a scandal that significantly tainted the UN's credibility. The OFF's failure was instrumentalised by the US to paint the UN as unable to deal with the situation (Gordon 2007). Furthermore, throughout the first half of the 1990s, the US, the UK, and France were engaged in unilateral military action to secure the no-fly zones, "enforcing" Council resolutions without explicit authorisation from the Council (Cockayne/Malone 2008: 392; Malone 2007: 103). Given the severity of these constraints, the Council's Iraq policy at that time is understood as "war by other means" (Cockayne/Malone 2008: 388). Hence, during the 1990s, unauthorised military action by Western states created a situation of continuing crisis and growing dissent on the issue of Iraq among Security Council members. The era was considered by Marc Lynch as driven by the "hypocrisy of almost every actor in the sanction game" (Lynch 2008: 179).³

In October 1998, US President Clinton, pressured by the Republican-led Congress, signed the Iraq Liberation Act, demanding regime change in Iraq. As a consequence, Iraq expelled the weapons inspectors from the country. The US, supported by the UK, launched the aerial bombing campaign *Operation Desert Fox* in December 1998, despite a Memorandum of Understanding between Iraq and the UN. Foreshadowing the situation in 2003, the US justified *Operation Desert Fox* with reference to alleged Iraqi non-compliance with existing Council resolutions, instead of seeking approval through a resolution that would explicitly authorise such military action (Cockayne/Malone 2008: 395). A year later, on 17 December 1999, after intense negotiations among Council members, the Security Council adopted Resolution 1284 (S/RES/1284) establishing the *United Nations Monitoring, Verification, and Inspection Commission* (UNMOVIC). UNMOVIC's mission was to resume weapons inspections, but it significantly differed from UNSCOM in its capacities, the training of its personnel, and its control by the Council (Malone 2007: 167). While UNMOVIC was unable to resume the inspections before November 2002, its establishment demonstrated the continuing political relevance of Iraqi WMDs on the Council's agenda.

The break of 9/11

The events of 9/11 changed the situation and gave the deadlocked back-and-forth between Iraq and the Security Council a new dynamic. So far, considered primarily a potential threat of aggression in the region, US foreign policy linked the issue to the framing of global terrorism as an emerging security threat. Some argue that 9/11 was not the cause of this shift, but simply the most visible turning point (Clarke 2004: 31; Thakur 2006: 227). As discussed, low-intensity military action by the US against Iraq had been an occasional phenomenon of the 1990s. Furthermore, debates on the US's turn to unilateralism date back to the end of the Cold War (Holloway 2000; Krauthammer 1990; Patrick/Forman 2002). Nevertheless, 9/11 constituted an important shift in US foreign policy, which changed the perception of the normative value of collective security and the importance of the UN (Franck 2003: 617). The Bush administration considered 9/11 both “worldview changing and world changing” (Crawford 2004: 685). Military action in Afghanistan under the auspices of *Operation Enduring Freedom* (OEF) since October 2001, the definition of an “axis of evil” in early 2002, and the publication of the new *National Security Strategy* (NSS) with its emphasis on pre-emptive military strikes created an atmosphere defined as “a new and deadly combination” (Clarke 2004: 36). Unlike his predecessors, George W. Bush also faced a significantly changed domestic situation, which was shaped by broad public and political support, as well as a neo-conservative movement that was pressuring in favour of an offensive foreign policy (Cockayne/Malone 2008: 398). This tendency to develop a stronger unilateralist US foreign policy required military action against Iraq (Leffler 2003; Skidmore 2005). Understanding 9/11 as an “alibi” (Thakur 2006: 227) for a decision already made before the event simplifies the complexities of US foreign policy. Nevertheless, it underlines that, to a certain degree, and for reasons beyond the actual situation in Iraq, the US's position during the Council's Iraq controversy was shaped by taking the need for military action for granted.

Still taking the UN route?

One of the main features of the controversy was the US decision to take the “UN route”, i.e. to authorise military action with the adoption of a new resolution on Iraqi WMDs. This resolution would demand Iraq to allow the weapons inspectors to resume their duties (Fenton 2004: 186). The “UN route” had a much greater potential for legitimising action against Iraq than unilateral action, which demonstrates the importance of collective security as normative grounding of the crisis. However, the Bush government had to be persuaded by its allies, especially the British government, to take this route. The Blair government faced severe domestic criticism for its close alliance with the US and depended more on the diplomatic track (Clarke 2004: 45; Geis/Müller/Schörning 2013: 315). A second reason was that linking the Iraqi issue to the question of WMDs made acceptance among Council members more likely. Justifying the threat of military action

with reference to compliance with the long-established weapons control regimes would increase the chances of gaining support in the Council more than overtly arguing for regime change or counter-terrorism (Fenton 2004: 186).

In the autumn of 2002, the Council was therefore heavily preoccupied with the possibility of a new resolution defining the requirements for Iraq to comply with the weapons inspections. There was disagreement in the Council about whether a resolution dealing with the resumption of the weapons inspections could simultaneously include an authorisation of military action in case of an Iraqi material breach or if a second resolution would be required (Fenton 2004: 188; Glen 2006: 314). Although the US pushed hard to convince other Council members of the need to adopt a new resolution, the Council remained deeply divided about the issue, mostly because of the crucial question of whether one resolution would *legally* suffice to adopt military action. France especially insisted on a two-step approach, while Russia and China leaned towards the French rather than the US–UK approach (Fenton 2004: 188–189). The breakthrough came in late October 2002, when the US and UK showed a willingness to abstain from the formula “with all necessary means” in the draft resolution, which is usually considered the legal authorisation for military force. Under these circumstances, France was willing to accept a single resolution approach. A compromise could be reached by simultaneously defining a “material breach” of Iraq’s obligations and crediting Iraq with a final opportunity to comply with its obligations in order to avoid “serious consequences”. Neil Fenton argues that the willingness of the P5 to find a breakthrough was largely motivated by their fear that the continuing stalemate would have devastating effects for the international order (*ibid.*: 189), which again demonstrates the crisis’ underlying focus on the normative tenets of the Council’s system of collective security. As a result, the Security Council unanimously adopted Resolution 1441 on 4 November 2002 (S/RES/1441), stating that the Security Council:

Recognizing the threat Iraq’s non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security [. . .]

- 1 *Decides* that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq’s failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);
- 2 *Decides*, while acknowledging paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council.

(S/RES/1441: 1–3)

On the one hand, Resolution 1441 was understood as an important diplomatic success (Malone 2007: 193). Not only for the Bush government, because the Council defined a “final opportunity” for Iraq to comply with its obligations, but also because the Council was able to overcome the stalemate of the previous months by adopting a resolution. On the other hand, this was only possible because Resolution 1441 was formulated in an intentionally ambiguous manner and at best represented the Council’s members’ willingness to “agree to disagree” (Byers 2004). Resolution 1441 was not as clear and easily applicable as the US government expected when it pushed the Council to adopt the resolution (Clarke 2004: 39). Hence, some emphasise that it primarily reflects the tremendous pressure put on the Council by the US government (Cockayne/Malone 2008: 398). Others argue that it was simply the “onset of a crisis of legitimacy” of the Council, which was already foreseeable (Marfleet/Miller 2005: 333). The lack of definitive consequences in the case of Iraqi non-compliance and possible consequences of a potential failure of the resolution were considered especially problematic (Byers 2004: 170; Malone 2007: 193). This ambiguity significantly shaped the Council’s controversy on Iraq in the following months and allowed the use of the weapon inspector’s reports for competing interpretations of whether Iraq was in material breach of Resolution 1441. Consequently, the debates were largely focused on the question of whether these reports would justify military action.

After the adoption of Resolution 1441, UNMOVIC and the *International Atomic Energy Agency* (IAEA) resumed their weapons inspections, while Iraq submitted a 12,000-page report about the state of its weapons programme on 7 December 2002. The weapons inspectors first reported to the Council in 27 January 2003, but the ambiguity of their findings was foreseeable prior to the report’s publication. Hence the Council’s disagreement about whether Iraq was in material breach of its obligations continued. The situation led to “intense diplomatic manoeuvring that would see both sides working assiduously to build support for their proposals” (Glen 2006: 315). A draft resolution authorising the use of force was negotiated by the US and UK, while an alternative proposal to strengthen the weapons inspectors’ mandate was proposed by France and Germany. The stalemate continued throughout early 2003, when Germany and Spain were elected Council members; both had been heavily engaged in the controversy.⁴ While the US and its allies understood Iraq as being in material breach of Resolution 1441 and argued for the inevitability of military action, opponents – most importantly France, Russia, and Germany – rejected such an interpretation of the findings of the weapons inspectors. They instead argued for the need to continue inspections and put stronger diplomatic pressure on Iraq. To prevent the tabling of a draft resolution that would contain an ultimatum to Iraq and authorise the use of force, France even threatened to cast a veto (ibid.: 316).⁵

Choosing to opt out of the system of collective security

While still debating the possibility of a draft resolution, on 17 March 2003, President Bush delivered an official ultimatum demanding Saddam Hussein and his

sons to leave Iraq immediately, within 48 hours, to avoid military action. At this time, it became clear that the US government had decided to opt out of the Council's system of collective security. The US was not willing to face a French veto of its draft resolution and instead chose unilateral military action. A few days later, *Operation Iraqi Freedom* was launched. The ultimatum – although addressed to Saddam Hussein – also criticised the Security Council by stating, “the United Nations Security Council has not lived up to its responsibilities, so we will rise to ours” (Cockayne/Malone 2008: 401; Mor 2007: 244). As President Bush further clarified, this responsibility implies “confront[ing] aggressive dictators, actively and early, before they can attack the innocent and destroy the peace” (Mor 2007: 244). Hence, the US government justified military action explicitly through reference to an alleged inability of the Council to live up to its responsibility.

Discussions regarding the legality of the US decision continued after military action started on 20 March 2003, as did the Council's disagreement about the legitimacy of *Operation Iraqi Freedom*. Yet, as a normative controversy regarding the Council's responsibility, the situation had changed. On 22 May 2003, a few weeks after military action started, the Council adopted Resolution 1483 (S/RES/1483). The resolution confirmed the US and UK as occupying powers while explicitly acknowledging their governing authority. While this was an important justification for the Coalition's post-war role in rebuilding Iraq (Larrinaga/Doucet 2010), it also underlines that the Council's discourse shifted due to the changing context. Instead of debating the legitimacy of military action, the role and the responsibilities of the occupying powers became the subject of the respective Council meetings. This, however, included shifting the discussions to issues such as humanitarian assistance, administration of a war-torn country, and human security concerns. The Council had not stopped being in disagreement about Iraq, but it clearly marked an end to the *normative* controversy regarding Security Council responsibility in terms of collective security and the Council's authority regarding the use of force against Iraq.

Political asymmetry in normative controversy

The Iraq crisis also points to the role of political asymmetries during normative controversy. As a normative controversy about collective security, the crisis was clearly shaped by the role of the great powers and the Council as their collective forum (Hurd 2006: 235). The entire course of events was shaped by the availability of outside options for the US, which would have been different for other Council members. Although these outside options might have been suboptimal, they nevertheless helped to broaden the scope for political bargains (Voeten 2001: 856). One obvious result of this bargaining power was the adoption of Resolution 1441, which Council members concluded after much pressure from the US. However, other P5 members also wielded their own bargaining power. Most notably, France used the threat of veto to enforce the continuation of negotiations. As Michael Glennon argues, the US's behaviour was not exceptional for a P5 member during a Security Council crisis. Other P5 members would have

acted similarly to the US, while the US, placed in France's position, would also have threatened to use the veto to prevent unilateral action (Glennon 2003a: 102). Hence, major Council members aimed to establish their interpretation as the leading one, with the assumption that the legitimisation stemming from being accepted by others would create benefits (Mor 2007: 245). That being said, the crisis also represents the extraordinary powers available exclusively to P5 members during justification processes. For others, such as the elected Council members Spain and Germany, which were both heavily involved in the controversy, these outside options were not available.

Although the Iraq crisis was shaped by the possibility of the US government using force without Council authorisation, and their ultimate decision to do so, the underlying controversy was a matter of the Council's role for collective security and the consequences of opting out of this system of collective security. The normativity of these discussions is evident in the US's insistence on Council approval, even if outside options were overtly discussed and ultimately chosen. Consequently, the US and its allies stressed the legality of military action. This was claimed legitimate especially by interpreting Resolution 986 (S/RES/986), and Resolution 1441, announcing "serious consequences" in case of a material breach for Iraq (S/RES/1441) as a possible source for authorising military action. The inherent contestation of this interpretation is seen in the fact that Resolution 1441 did not include the usual formula to authorise "all necessary means", although it was still stressed as a source of legalising military action. Occasionally, the right to self-defence was also mentioned, as it was interpreted as implying the legal right to pre-emption. Thus, the US and its allies emphasised the legality of the military option by referring to the normative framework of the Council and its decisions. In doing so, proponents of military action clearly referred to a shared understanding of the Council's responsibility to maintain international peace and security. At the same time, their interpretations of the supposed legality were disputed by many other Council members, which demonstrates that justification, as an intersubjective process, cannot be entirely governed by one party. It entails a degree of uncertainty. The US persistently tried to convince the Council of its interpretation of the situation and had significant bargaining powers available to do so but did not succeed with regard to acquiring Security Council approval: "Despite a long diplomatic struggle to obtain the organisation's support and to win hearts and minds abroad, the United States ultimately failed to get its way" (Mor 2007: 230). And yet, as the following section demonstrates, the Council's debates during the Iraq crisis illustrates that these competing interpretations of the meaning of Security Council responsibility unfold an ordering capacity.

Principles of worth stressed during the controversy

This section presents findings from an interpretive text analysis of the meeting records of all public Council meetings during the Iraq crisis between 12 September 2002 and 20 March 2003. This allows for the identification of patterns of justification and captures the contested meaning of responsibility by revealing

principles of worth stressed by the speakers. The importance of the Council as a public site of normative controversy during the Iraq crisis is demonstrated by the fact that there were a considerable number of meetings on the issue. Moreover, these meetings were shaped by a number of distinctive structural features:

- A number of meetings had an unusual duration, requiring more than one session to be completed. The UN assigns a number to each Council meeting and publishes meeting records for each session. The thirteen meetings analysed here were documented in a total of seventeen official meeting records.
- Briefings by the weapons inspectors were held as public meetings with high attendance by UN members and lengthy discussions on the issue.⁶ Meeting records from this time, therefore, are unusually long.
- Most of the meetings had no outcome, demonstrating that the purpose of these meetings was not primarily to make decisions about particular measures. Instead, the purpose of these meetings was to provide a public space for engaging in the controversy. In two cases, meetings did not include substantial debates (S/PV.4650; S/PV.4656), one meeting was private (S/PV.4708).
- Finally, there was also an unusually large number of meetings on the ministerial level, demonstrating the exceptional political relevance of the Council during the Iraq crisis.

The agenda item was always “The situation between Iraq and Kuwait”, which on the one hand demonstrates the continuing consideration of the situation by the Council from 1990 on. On the other hand, it also illustrates that framing an issue as an agenda item is a matter not only of documentation techniques but also of political struggles in the Council. While the origins of the 2002/2003 crisis date back to the situation between Iraq and Kuwait in 1990, it was nevertheless a distinctive crisis and could have been labelled differently by the Council. Instead, the chosen title underlines the fact that the procedures of the Council often emphasise continuity rather than the exceptionality of a situation.⁷

The text analysis relies on an interpretive approach, and the results presented are the outcome of various cycles of coding and refinement of the coding scheme. The section is structured along the lines of five categories of normative worth related to Security Council responsibility, which result from the coding cycles: procedures, purposes and principles, actors, institutional manifestations and concerns, which subsumes codes capturing the variety of meanings of these categories.⁸ As the following demonstrates, the contested meaning of Security Council responsibility first becomes apparent from the varieties of normative worth attached to responsibility. Second, the various principles identified are also used in quite different ways and for often competing purposes.

The normative worth of procedures

During the Iraq crisis, the normative worth of procedures was of preeminent importance. Such justifications refer to the normative worth stemming from

carrying out responsibility by following particular procedures or practices. It was the most frequently identified category of justifications during the Iraq crisis, and speakers made use of it in a variety of arguments, demonstrating competing understandings of a procedural justification of responsibility.

One important way was to stress the need for *compliance*. Such justifications highlighted the necessity of complying with the existing obligations imposed on Iraq as a way of carrying out Security Council responsibility for arguing either against or in support of military action. Its normative worth stems from the explication of rule-following and a belief in the legitimacy of these procedures. References to compliance were not only frequent, but also diverse. A common way emphasised the oughtness to comply. Speakers explicated a belief that compliance matters not only because of its enforcing capacity, but also because it is appropriate to follow these rules. Some actors, therefore, imposed rhetorical pressure by arguing that Iraq has to comply with its obligations. Failing to do so would necessarily require further action in order for the Council to live up to its responsibility. Given that both supporters and opponents of military action criticised Iraq's reluctant cooperation and mixed compliance record, this was by far the most frequent argument made. References to the obligations and the possible outcomes (an easing of the situation either by lifting the sanctions regime or by preventing military action) were made by the vast majority of speakers, as the two following examples indicate:

Iraq will have a choice. It will have to decide whether to take this last chance to comply. We hope that it will choose to comply. If it does not, we will seek compliance and disarmament by other means.

(Negroponte, USA, 17 October 2002, S/PV.4625(Resumption 3): 11)

It is of paramount importance that Iraq gives, unconditionally and immediately, clear evidence that it has fully changed its attitude to one of proactive cooperation with the inspectors. That is the only way in which the disarmament of Iraq can be brought to a successful end in a peaceful manner.

(Passy, Bulgaria, 5 February 2003, S/PV.4701: 26)

At the same time, compliance was interpreted not only as a constraint of action, but also as an opportunity. Arguments were made that the Council's responsibility to maintain international peace would be ensured by full Iraqi compliance. Resolution 1441 especially was frequently used not only to stress the existence of a clear roadmap for Iraqi compliance, but also to justify that Iraq should have a chance to fulfil its obligations before other measures were taken into consideration. Security Council responsibility is thus constituted through following rules and procedures, which include giving Iraq "a chance to demonstrate full compliance and cooperation with the United Nations" (Hasmy, Malaysia, 17 October 2002, S/PV.4625 (Resumption 2): 6). Such an understanding of compliance was used not only to justify the Council's cautious position towards Iraq, but also to criticise the US for its non-compliance with the resolutions adopted by the

Council. For example, South African Ambassador Kumalo saw a need to continue with the weapons inspections and explicitly criticised the US for violating Security Council procedures in its policy against Iraq:

When the Security Council passes resolutions, those resolutions are binding on all Member States. Security Council resolutions must be enforced without exception. We would hope that a Member State attempting to abide by Security Council resolutions would be encouraged to do so.

(Kumalo, South Africa, 18 February 2003, S/PV.4709: 5)

Hence, compliance embodies a normative worth of procedures by a constraining as well as an enabling capacity. In this line of argument, there was also a discussion that compliance would be essential for protecting the Council's responsibility to maintain international peace from a potential violation through unilateral action. At the very beginning of the controversy, on 17 October 2002, Christian Wenaweser, the Liechtensteinian representative to the UN, argued that "ensuring full compliance with its decisions is indispensable for the Council's credibility". Furthermore, the Council "must do everything possible, and be seen as doing everything possible, to ensure compliance with and implementation of its decisions without resorting to the use of force" (Wenaweser, Liechtenstein, 17 October 2002, S/PV.4625 (Resumption 2): 14). This shows that, Wenaweser explicitly considered untimely military action a threat to the Council's responsibility, as it would violate the obligation to exhaust every possibility for refraining from the use of force.

Besides compliance, *unity* was also stressed to explicate the normative worth of procedures. Unity was of importance during the Iraq crisis, as it pointed to the deep rift among Council members and the potential threat of being unable to carry out collective security. Furthermore, it stresses the socialising power of rules and obligations that help to establish a community of Council members constituted by the shared belief in the importance of these rules. Occasionally not adhering to these rules and obligations was criticised as a potential threat to Council unity (Duclos, France, S/PV.4683: 3). The division of the Council was often criticised by both supporters and opponents of military action. Both parties stressed the importance of unity among all Council members. This was especially the case because Resolution 1441 was adopted unanimously and was, therefore, used as a symbol for competing purposes: to underline the Council's ability to re-unite even in times of deepest controversy and to live up to its responsibility and engage in collective action. Furthermore, the continuity of Iraq as one of the Council's most enduring agenda items was also used to emphasise Council unity as an important procedural element of its responsibility. Germany's Foreign Minister, for example, argued: "As a matter of principle, the unity of the Council is of central importance in this context" (Fischer, Germany, 5 February 2003, S/PV.4701: 36). During the same meeting, the Russian Foreign Minister argued that Council unity is not only a matter of principle but also an important procedural element for ensuring effective Council decision-making, as it would be "the

principal guarantee of the effectiveness of the world's action" (Ivanov, Russia, 5 February 2003, S/PV.4701: 21).

The role of unity as a procedural justification of responsibility also becomes apparent through the fact that maintaining unity in times of an exceptional crisis seemed important for many speakers. It was considered an important precondition for its responsibility by ensuring the Council's procedural effectiveness, as seen in the following example from Dominique de Villepin:

Premature military intervention would call that unity into question, and that would remove its legitimacy and, in the long run, its effectiveness.

(de Villepin, France, 14 February 2003, S/PV.4707: 13)

Such a "crisis talk" represents an understanding of the Iraq crisis as creating a deep divide among the Council members with harmful consequences for the Council's ability to live up to its responsibility. Consequently, unity was also used to indicate that the social community of all UN members would be affected by such a divide. Sometimes speakers explicitly argued that the Council's rift would have implications for not only the Council members but the entire international community. A united Council was, therefore, required to cope with the situation (Ryan, Ireland, 17 October 2002, S/PV.4625 (Resumption 3): 18). However, unity was also used to stress that Council decision-making is an expression of a shared belief about how to respond to a situation. Here, the normative worth of procedures of the meaning of responsibility becomes apparent, as unity is used as a symbol of the Council's strength and decisiveness towards Iraq:

By this resolution, we are now united in trying a different course. That course is to send a clear message to Iraq insisting on its disarmament in the area of weapons of mass destruction and delivery systems, or face the consequences.

(Negroponte, USA, 8 November 2002, S/PV.4644: 3)

Such an understanding of unity is also apparent in statements about the shared burden of the international community regarding the obligations imposed on Iraq by the Council. Unity was thus used to interpret the situation as a conflict between "us" and "them", which seemed especially important for proponents of military action seeking support from other Council members for military action against Iraq.

Finally, references to the importance of *commitment* were also used for stressing the normative worth of procedures. Commitment refers to the willingness to actively cooperate with other UN members to live up to Security Council responsibility. These arguments, on the one hand, accentuate the importance of being eager to carry out responsibility but, on the other hand, demonstrate the underlying intersubjectivity of commitments, as they only become effective in relation to other actors. Consequently, almost every speaker during the Iraq crisis underlined the "readiness" of their country, using rhetorical figures such as "ready to join others in working in this direction" (Tang, China, 5 February 2003, S/PV.4701: 18), stressed that they had made "arduous efforts at all levels to contribute to a

peaceful resolution of the Iraqi crisis” (Arias, Spain, 19 March 2003, S/PV.4721: 15), or as the French Foreign Minister argued, France “always stood upright in the face of history and before mankind. Faithful to its values, it wants to act resolutely” (de Villepin, France, 14 February 2003, S/PV.4707: 13). The ordering capacity of principles of worth becomes apparent in the use of similar arguments by the representative of Iraq, who asserted that the country would be committed to cooperation with the international community:

Our commitment to continue our proactive cooperation with the inspection teams in order to make it possible for them to complete their tasks as soon as possible so as to verify that Iraq is free of weapons of mass destruction.

(Aldouri, Iraq, 5 February 2002, S/PV.4701: 38)

Although the international community disagreed as to whether Iraq indeed fulfilled its obligations, speakers from all parties referred to commitment as a possible criterion for evaluating the situation with reference to the normative worth of procedures.

Besides stressing one’s own commitment, references were also used – predominantly by supporters of military action – to criticise a supposed lack of commitment by Iraq in cooperating with the Council and the weapons inspectors. Iraq was accused by the US and its allies of “halfhearted or evasive cooperation” that did not properly respond to “multilateral mandates that embody the will of the United Nations” (Sevilla Somoza, Nicaragua, 12 March 2003, S/PV.4717 (Resumption 1): 11). A similar critique of Iraq’s behaviour by Colin Powell emphasises not only the lack of commitment, but also the threat of force as cause of Iraqi action:

Whatever they are, Iraq’s small steps are certainly not initiatives. They are not something that came forward willingly and freely from the Iraqis. They have been pulled out – or pressed out – by the possibility of military force, by the political will of the Security Council. These initiatives – if that is what some would choose to call them – have been taken only grudgingly; rarely unconditionally; and primarily under the threat of force.

(Powell, USA, 7 March 2003, S/PV.4714: 14)

This also underlines the importance of the Iraq crisis as a normative controversy about the question of “good membership” (Mor 2007). For many speakers, commitment symbolised the normative worth of procedures and the willingness to follow these procedures as an integral part of such a “good membership”.

Finally, although much less frequent, one can also identify references to the personal commitment of individual speakers. This is interesting, because ambassadors usually speak on behalf of their countries in the Security Council. While their personality matters for negotiating Security Council decisions (Ambrosetti 2010; Barnett 1997), during public meetings their statements often lack direct personal references. Instead, these statements are usually carefully prepared presentations of official government positions. During the Iraq controversy, however, there was an unusually large number of meetings on the ministerial level and one

can find personal statements by politicians. On 14 February 2003, US Secretary of State Colin Powell, for example, argued:

No one worked harder than the United States. And I submit that no one worked harder – if I may humbly say so – than I did to try to put forward a resolution that would show the determination of the international community to the leadership in Iraq so that they would now meet their obligations and come clean and comply.

(Powell, USA, 14 February 2003, S/PV.4707: 20)

Although statements from politicians usually follow the same protocol as statements from diplomats, these references to a personal commitment demonstrate that politicians and diplomats had seemingly different roles in the course of these events.

The normative worth of institutional manifestations

The Iraq crisis also reveals the normative worth of an institutional meaning of responsibility. These arguments were used to underline that the Council's responsibility is often considered as being inextricably linked to its institutional manifestations. Given that the UN and the Security Council faced much criticism during the Iraq crisis and their institutional credibility was often at stake, justifications frequently framed Security Council responsibility in institutional terms. Often the authority and legitimacy of the Council as well as the role of the UN Charter were emphasised.

Stressing the Council's *authority* as an expression of the normative worth of institutional manifestations refers to Security Council responsibility, because Article 25 of the Charter states that UN members are bound to decisions made by the Council. During the Iraq controversy, this was mostly used for highlighting the Council's authority regarding the use of force or by arguing that the Council's authority would require taking the "UN route". These justifications imply that the Council alone would be authorised to decide upon any matter. Security Council authority constitutes an important institutional dimension of its responsibility, as Article 25 "imposes a clear-cut obligation on Member States to implement the decisions of the Security Council without conditions" (Akram, Pakistan, 16 October 2002, S/PV.4625: 18). However, authority was also stressed to argue that it was the sole responsibility of the Council to make a decision. Unilateralism and other outside options would undermine the Council's authority and ultimately its ability to carry out its responsibility:

It is essential for the Security Council to remain in charge of the process every step of the way. This is fundamental for the legitimacy of our action and essential for maintaining unanimous support for our common objectives.

(Levitte, France, 17 October 2002, S/PV.4625 (Resumption 3): 14)

In this statement, the French ambassador justified the support of Resolution 1441 by stressing the importance of adopting a resolution that would strengthen the

Council's position as the primary body responsible for the maintenance of international peace. Despite concerns and different views on the resolution, therefore, he also justified France's support of the resolution with reference to the desirability of the Council remaining the key actor during the controversy (Levitte, France, 8 October 2002, S/PV.4644: 5). Furthermore, references to the Council's authority were used by supporters of military action to criticise the alleged inaction or unwillingness of opponents of military action. They emphasised the potential damage this supposed inaction could do to the Council's authority:

The issue before us could not be graver. It is about the authority of the United Nations and about the responsibility of the Security Council for international peace and security.

(Straw, United Kingdom, 14 February 2003, S/PV.4707: 17)

The quote demonstrates very well that the purpose of any justification is to identify principles others can agree on as criterion for evaluating the situation, irrespective of disagreements about the actual substance of the issue. Although Straw obviously criticises opponents of military action, he refers to an assumed shared belief in the normative worth of the Council's responsibility by referring to its authority. Opponents of military action could disagree on the issue itself, as they would not share Straw's view that refraining from military action would pose a threat to the Council's authority. The Council's authority as one particular institutional feature of Security Council responsibility, however, was a general principle many opponents of military action could accept. Reference to such a normative worth enables the establishment of a fragile agreement about what counts as the normative criterion for evaluating the situation. In this case – despite their principal disagreement on how to deal with the situation in Iraq – the Council's authority seemed to enable such an agreement.

Similar arguments can also be identified regarding the *role of the UN Charter*. Arguments referring to the authority of the Council and the role of the Charter are closely related because the Charter ultimately defines the Council's authority. An institutional justification of responsibility becomes apparent in references to the role of the UN Charter because these statements indicate an assumed "spirit of the law" embodied in the Charter. In a controversy, which was heavily affected by questions of compliance and outside options, the spirit of the law played an important role. The Charter is understood as being the Council's primary source for institutionalising authority and as the legal foundation of its responsibility. This implies that, ultimately, it is the UN Charter "that must give form and legitimacy to all our understandings and to all our collective actions" (Derbez, Mexico, 7 March 2003, S/PV.4714: 13). Consequently, supporters and opponents of military action often referred to the UN Charter in their justifications.

Adherence to international law, as represented by Resolution 1441, was an important argument for supporters of military action. They argued that Security Council resolutions make international law, as according to the Charter the UN members have to carry out Council decisions. Opponents of military action used

references to the Charter to stress its legal constraints on its use of force. Hence, the normative worth of institutional manifestations was stressed by arguing that the Charter fulfils an ordering capacity primarily by setting boundaries through legal requirements:

The alternative to an international order based on law and equity is a Hobbesian world of chaos and conflict, war and terror, poverty and pestilence, which surely no one is prepared to contemplate.

(Akram, Pakistan, 16 October 2002, S/PV.4625: 19)

This also becomes apparent in justifications underlining the equality of all UN members and the necessity to “ensure that the great Powers, as much if not more so than the young countries, show respect for international law, if only to set an example” (Mejdoub, Tunisia, 16 October 2002, S/PV.4625: 24). The Charter does not differentiate between powerful and weak states or great and small UN members; instead, they all have a responsibility to maintain peaceful relations. The Charter also defines the appropriate measures and practices needed to deal with a situation of crisis, which enables an institutional justification. Chapter VII, as the primary legal point of reference, is of special importance in these justifications, arguing for example that only “the Security Council – when the facts and circumstances so require – will thus be able to determine whether or not there are grounds to use force through an explicit resolution that would set forth the conditions for the use of force, if appropriate” (Yépez Lasso, Ecuador, 19 February 2003, S/PV.4709: 15).

Besides authority, Security Council *legitimacy* was also emphasised frequently during the Iraq crisis to assert an institutional justification of responsibility. Legitimacy and authority are closely related to each other. Nevertheless, they represent two distinctive types of justification. While authority primarily addresses the role of the Council in carrying out its responsibility as institutionalised in the formal framework, references to Security Council legitimacy explicate the normative worth of requiring acceptance by the UN members. Legitimacy as a justification appeared in various forms during the Iraq crisis, for example when stressing the Council’s crucial role in the UN’s system as the bearer of a primary responsibility:

All of this will serve to strengthen the credibility of the Security Council as the organ entrusted with the maintenance of collective security and will allow it to achieve the lofty and ultimate objective for which the United Nations was created: to save succeeding generations from the scourge of war.

(Loulitchki, Morocco, 18 February 2003, S/PV.4709: 10)

Arguments, such as the quoted statement from the representative of Morocco, were frequent during the debates. Given the Council’s role within the UN’s system of collective security this is not surprising. However, the centrality of the Council was also sometimes used to stress the burden that legitimacy has placed

on the Council, as its central role requires the Council to be continuously occupied with the matter (Listre, Argentina, 18 February 2003, S/PV.4709: 32).

Most importantly, the normative worth of institutional manifestations allows for problematising outside options as a threat to Council responsibility. This was an argument used especially by opponents of military action to justify the continuation of a UN-led approach to the situation in Iraq against the threat of unilateral military action that undermined the Council's "legitimacy and, in the long run, its effectiveness" (Villepin, France, 14 February 2003, S/PV.4707: 13). Furthermore, when collective action is replaced by unilateral or premature military action "the credibility of this Council as custodian in the maintenance of international peace and security will be at stake" (Zainuddin, Malaysia, 19 February 2003, S/PV.4709 (Resumption 1): 10). At the same time, the use of military action was also justified through references to the Council's legitimacy. Most notably, supporters of military action argued that "the credibility of the Council and its ability to deal with all the critical challenges we face will suffer" (Powell, USA, 7 March 2003, S/PV.4714: 16) when obligations mandated in Resolution 1441 are not seriously enforced. Hence, while opponents of military action argued for caution to preserve the Council's legitimacy, supporters did the opposite. In both cases, however, they referred to legitimacy as a normatively important institutional feature of the Council's responsibility.

The normative worth of actors

While only of secondary importance during the Iraq crisis, references to the role of particular actors and their relation to Security Council responsibility were also apparent in the discussions. The normative worth of actors stems from their agency and its relation to Security Council responsibility. By far the most important actor-oriented justifications of responsibility were made by referring to the Security Council as bearer of the primary responsibility for international peace and security. However, there were also considerable references to the responsibility of Security Council members, as well as to the role of the international community in general terms.

The most frequent justification referring to the normative worth of particular actors referred directly to the *Security Council* and its role as bearer of the primary responsibility. Given that the Iraq crisis was very much a normative controversy about the role of the Council itself, numerous speakers, both supporters and opponents of military action, stressed that the Council bears a responsibility and that it must act accordingly:

In dealing with this and other issues of peace and security, the Council has a grave responsibility to ensure that the international system, based on the corpus of international laws and norms, will be preserved and strengthened. [...] It will be judged as to whether by its decision the Council chooses the path of constructive diplomacy or that of destructive war, with all its implications to regional and international peace and security.

(Hasmy, Malaysia, 17 October 2002, S/PV.4625 (Resumption 2): 8)

Often this responsibility was explicated literally by repeating the wording from the Charter. During the debates on 17 October 2002, for example, the Jamaican representative stated that the Council should “act in a fair and objective manner, bearing in mind its responsibilities for the maintenance of peace”. Accordingly, “the integrity of the system of collective security under the Charter will be endangered by any unilateral action” (Neil, Jamaica, 17 October 2002, S/PV.4625 (Resumption 2): 22). Supporters of military action also stressed that the responsibility of the Council, similar to its authority, placed an obligation on the Council to act. As the representative from Singapore, who supported military action, argued, the Council “must face its responsibilities” (Mahbubani, Singapore, 17 October 2002, S/PV.4625 (Resumption 3): 15). The British Foreign Minister, Jack Straw, argued in a similar way on 5 February 2003, stressing that in case of continuing non-compliance by Iraq the Council “must meet its responsibilities” (Straw, United Kingdom, 5 February 2003, S/PV.4701: 20). Stressing the Council’s primary responsibility explicates a normative worth, as the agency of the Council as bearer of responsibility is emphasised. At the same time, this often happened in highly symbolic forms. Most speakers highlighted the Council’s role to maintain international peace and security as defined in the UN Charter. While this made these statements more formalistic, it also demonstrated the importance of the Charter as a source of Council authority.

Besides the Council itself, speakers also referred to the role of the *international community* more generally. These justifications accentuated a belief that the international community in its entirety would also bear a responsibility for responding to the situation in Iraq. These arguments differ from those referring to “unity”, because the agency of the international community rather than unity as its institutional manifestations is addressed. Speakers frequently argued to consider the issue of WMDs “not as an issue of Iraq versus certain countries, but as one facing the international community as a whole” (Haraguchi, Japan, 16 October 2002, S/PV.4625: 22). Consequently, the international community is also credited with a distinctive responsibility in dealing with the situation. It “has a responsibility to ensure that the process is managed in such a way that does not unleash negative and destabilizing effects” (Grey-Johnson, Gambia, 18 February 2003, S/PV.4709: 17). Its importance in dealing with the situation in Iraq is also apparent in critiques of its failure to accomplish proper crisis management. The ordering capacity of justification is exemplified in competing arguments emphasising the consequences of failures by the international community:

It was not the inspections that failed, but the international community’s ability to enforce its decisions in a sufficiently firm and united manner.

(Levitte, France, 17 October 2002, S/PV.4625 (Resumption 3): 13)

The launching of an attack by the United States and the United Kingdom against Iraq would be proof of the failure of the entire international system.

(Aldouri, Iraq, 18 February 2003, S/PV.4709: 7)

Who exactly represents the international community remains unclear in these references. Its relevance, however, is evident. Although speakers differ in their assessment of the situation, both agree that the “international community” bears a responsibility for the situation in Iraq. More importantly, in both statements, the failure of the international community to ease the situation is criticised. This critique rests upon a normative worth which deems particular actors important for the conduct of Security Council responsibility.

As much as speakers stressed that the Council was the primary bearer of responsibility, they also emphasised that *Security Council membership* comes with its own specific responsibilities. Its importance for a principle of worth related to Security Council responsibility can be seen in how arguments opposed to as well as in favour of military action made references to the responsibilities of being a Council member. This becomes evident when representatives from Council member opposing military action argue “that all the members of the Security Council will remain cognizant of their responsibility” (Akram, Pakistan, 16 October 2002, S/PV.4625: 18), while representatives from member states supporting military action similarly argue that “members of the Security Council have a profound responsibility to ensure that the international community’s recent pressure on Iraq does not go to waste” (Dauth, Australia, 16 October 2002, S/PV.4625 (Resumption 1): 10–11). Surprisingly, explicit references to the special responsibilities of the P5 members were few in number. These were mostly expressed by representatives from countries such as Cuba, Saudi Arabia, and Libya as part of general critiques of the structural inequalities of the Security Council. However, a quite explicit critique of the special responsibilities of P5 members was made by the representative from New Zealand, arguing that:

It is true that under the Charter, the permanent members have certain voting privileges and responsibilities, but substantively they are not distinct from other Council Members. Introducing such a distinction here would be neither constructive nor acceptable.

(MacKay, New Zealand, 16 October 2002, S/PV.4625(Resumption 1): 18)

In criticising the role of P5 members, their agency was linked to Security Council responsibility. However, the special responsibilities of P5 members were not only criticised, but occasionally acknowledged by speakers as an instrument of crisis management. For example, when arguing that “responsibility is particularly awesome for the permanent members who, by virtue of the special power vested in them, will determine, more than others, the final outcome of this issue”, the Malaysian representative explicitly referred to the special responsibilities of the P5. By continuing that “we trust they, and other Council members, will do what is right” (Hasmy, Malaysia, 17 October 2002, S/PV.4625 (Resumption 2): 8), he also considered that they bear a particular role in the outcome of the Iraq crisis, which points to the normative worth associated with their status.

Only rarely, however, can one find statements by representatives from the P5 themselves in this regard. Given that these special responsibilities question the equality of UN members, this seems reasonable. Rare cases include a justification of the Russian support for Resolution 1441 on 8 October 2002 by Sergey Lavrov arguing that Russia's decision was "guided by its special responsibility, as a permanent member of the Security Council" (Lavrov, Russia, 8 October 2002, S/PV.4644: 8). In a similar manner, Minister de Villepin indicates the possibility of a French veto during the meeting on 7 March 2003 by arguing that "as a permanent member of the Security Council, France will not allow a resolution to be adopted that authorizes the automatic use of force" (Villepin, France, 7 March 2003, S/PV.4714: 19). These statements demonstrate that the P5's special responsibilities were used to justify controversial decisions at critical junctures during the controversy. While the privileges of the P5 were often subject to controversy, many Council members agreed to understand Council membership as bearing a burden of being responsible for international peace and security.

The normative worth of purposes and principles

A normative worth of purposes and principles accentuates an understanding of responsibility based on the ideational foundations of the Security Council rather than on particular actors or practices associated with it. In this regard, the Iraq controversy was shaped by programmatic justifications emphasising the primacy of peaceful means, the idea of collective security, and references to the use of force as an *ultima ratio*. Interestingly, multilateralism did not play a central role in these justifications, which is surprising given the public perception of the Iraq crisis as one of multilateralism (Malone 2007: 275). Multilateralism was predominantly stressed by representatives from smaller countries, such as Morocco, Malaysia, and Senegal, or by middle powers such as India, New Zealand, and Mexico. For the main protagonists of the controversy, the concept of multilateralism seemed of lesser importance than, for example, stressing the importance of unity, community, or similar arguments.

The *primacy of peaceful means* was by far the most frequently used argument for emphasising the normative worth of principles and procedures. Since the crisis was heavily affected by the question of military action, this seems unsurprising. Stressing the primacy of peaceful means indicates a normative worth, as it directly relates to one of the core principles laid out in the UN Charter. Consequently, speakers often emphasised the primacy of peaceful means with reference to the spirit of the UN Charter or the principles of the UN by arguing that "we must all uphold the choice of peace" (Aboul Gheit, Egypt, 19 February 2003, S/PV.4709 (Resumption 1): 4) and underlining that actors have "consistently stood in favour of a peaceful resolution of the Iraq issue [. . .] Force should be resorted to only as a last, unavoidable option" (Nambiar, India, 18 February 2003, S/PV.4709: 35). Another way of stressing the normative worth of peaceful means

was to underline that they needed to be exhausted before other options could be discussed. The following quote from the Vietnamese representative demonstrates such an argument:

We would like to take this opportunity to express our view that all peaceful means must be exhausted to find a political solution to the Iraqi issue in conformity with the United Nations Charter and international law.

(Ngo Duc Thang, Viet Nam, 18 February 2003, S/PV.4709: 22)

The dynamic use of such an argument again becomes evident in the Council's final meeting before the Iraq war started. As the debate from 19 March 2003 underlines, there was a controversy among speakers precisely about whether peaceful means really had been exhausted. Opponents of military action, such as the German and Syrian representatives, doubted it, whereas supporters of military action, such as the representative from Bulgaria, used references to peaceful means to argue precisely the opposite. As he argued, his government had done its "utmost to find a peaceful solution" (Tafrov, Bulgaria, 19 March 2003, S/PV.4721: 19), justifying the termination of the search and the decision to initiate military action the day after the debate.

Arguments stressing the importance of the principle of *collective security* as a fundament of the United Nations were equally forceful as they directly addressed the normative core of the Iraq crisis. Any unilateral action conducted by the US and its allies would threaten the survival of the UN's system of collective security, as "beating the drums of war do not serve the principles and purposes to which we have agreed in the United Nations Charter" (Mekdad, Syria, 17 October 2002, S/PV.4625 (Resumption 3): 6). Hence, the opposition to military action was often justified with the potential violation of the principle of collective security, "which lies at the heart of the functioning of our Organization and the international order" (Levitte, France, 17 October 2002, S/PV.4625: 13). The normative worth of the principles of the UN was also stressed as defining the boundaries of legitimate action within the system of collective security, for example, when the Tunisian representative Mejdoub argued that "an ill-advised act of force would undermine all the principles of the United Nations Charter", such as sovereignty, territorial integrity, and the prohibition of force (Mejdoub, Tunisia, 16 October 2002, S/PV.4625: 24). Opponents of military action made similar arguments highlighting a need to uphold the UN's system of collective security by protecting values such as territorial integrity and sovereignty. Finally, as the following quotes from the representatives of Kuwait and Mexico demonstrate, a programmatic justification was often combined with a procedural one, arguing that upholding the principles of the UN would be a matter of compliance:

We hope that the Council will present a unified will and take the same position that it has in the context of previous international crises, in a manner that enhances the role of the United Nations and promotes the realization of the purposes and principles of the Charter.

(Al-Otaibi, Kuwait, 18 February 2003, S/PV.4709: 9)

We emphasize the importance that Security Council decisions taken in this connection must continue to comply with the principles of the Charter and international law on the basis of objectively verifiable facts.

(Aguilar Zinser, Mexico, 8 November 2002, S/PV.4644: 6)

Both speakers posed the argument that the principles of the UN and their importance rely on their continuous application. Thus, consistent Security Council decision-making necessarily requires compliance with the principles of the UN's system of collective security. As the Kuwaiti representative argued, enhancing compliance would be a realisation of these principles. Hence, according to his interpretation, the Council has a responsibility to protect the principles of the UN. Such an understanding of the Council is also apparent when arguing that any action to be taken will be within the "framework of collective security" (Levitte, France 17 October 2002, S/PV.4625 (Resumption 3): 14).

Closely related to these arguments is an understanding of the use of force as *ultima ratio*. Although referring to the use of force as such seems to resemble arguments about the importance of peaceful means, the two differ significantly. While the primacy of peaceful means can be explicitly identified as a principle of the UN Charter, the use of force as *ultima ratio* refers more to customary international law and an implicit interpretation of the limits of the prohibition of the use of force as laid out in the Charter. Although stressed by many opponents of military action to justify the continuity of a cooperative approach towards Iraq, using an argument about the use of force as *ultima ratio* includes the possibility of it eventually becoming a legitimate mean. This ambiguity is evident, for example, when the Algerian representative argued that "we also thought that these developments would have made it possible for us to avoid the spectre of war" (Baali, Algeria, 16 October 2002, S/PV.4625: 15). Algeria officially condemned military action against Iraq in March 2003. In October 2002, however, Representative Baali justified the ongoing pressure on Iraq to resume the weapons inspections by stating that war would be within the scope of possible actions. Although not explicitly mentioned, the idea of an "ultima ratio", therefore, is clearly presumed here. Others, such as French Foreign Minister Dominique de Villepin, especially stressed that due to its "heavy consequences for the people, the region and international stability", it should be envisaged "only as the last resort" (Villepin, France, 14 February 2003, S/PV.4707: 11). More importantly, however, references to the ultimate character of the use of force were used by supporters of military action to highlight the absence of any automatism. As Ambassador Negroponte underlined, when arguing for the adoption of Resolution 1441, "we have said on numerous occasions to Council members, this resolution contains no 'hidden triggers' and no 'automaticity' with respect to the use of force" (Negroponte, USA, 8 November 2002, S/PV.4644: 3). This demonstrates how the adoption of Resolution 1441 was justified with the normative worth of the Council's principles and purposes, and the preeminent relevance of the use of force. Speakers also referred to an understanding of the use of force as a last resort to justify the inevitability of military action. During the meeting on 19 February 2003, such an argument

was used by the representatives from Iceland and Latvia, both countries that supported military action against Iraq. In their statements they stressed that the use of force would always be the last resort, used only if other measures “have proved to be inadequate” (Ingólfsson, Iceland, 19 February 2003, S/PV.4709 (Resumption 1): 28), and that “it is for the Iraqi regime to end this crisis [. . .] only Iraq will be responsible for the serious consequences that may follow” (Jegermanis, Latvia, 19 February 2003, S/PV.4709 (Resumption 1): 32). While the use of force is considered a last resort, in these statements it is anticipated as a legitimate and eventual possibility of Council decision-making based upon the purposes and principles of the Security Council.

The normative worth of concerns

Finally, to a lesser degree, the Iraq controversy was also shaped by justifications stressing the normative worth of concerns regarding Security Council responsibility. These arguments capture justifications that address problems, obstacles or challenges potentially undermining the Council’s responsibility. They point to a normative worth, because raising concerns refers to the consequences of damage of Security Council responsibility.

Most frequently, concerns were raised regarding the question of *disobedience*. This is in line with the course of events during the Iraq crisis, which was heavily affected by disagreements regarding matters of compliance, rule-following, and acceptance of decisions. Stressing disobedience expresses a concern regarding the Council’s responsibility, as it demonstrates the importance of complying with the legal framework of the UN. As argued before, Security Council decisions are binding on UN members and, hence, not complying with this legal framework poses a threat to the Council’s primary responsibility. On the other hand, the notion of disobedience underlines that this not only is a matter of legal compliance but also refers to the normative dimension of undermining the Council’s responsibility. While non-compliance primarily referred to the Iraqi reluctance to cooperate with the weapons inspectors, concerns about disobedience demonstrate that the controversy was really about the normative foundation of the Council as the centre of the UN’s system of collective security.

Concerns about the potential harm of disobedience were accentuated, mostly by supporters of military action, as a justification for the use of force. Often the formula used was either that Iraq was in “material breach of Resolution 1441” (e.g. Kerim, Macedonia, 19 February 2003, S/PV.4709 (Resumption1): 17; Dauth, Australia, 18 February 2003, S/PV.4709: 19) or that Iraq would be in “non-compliance with Resolution 1441” (Negroponte, USA, 19 March 2003, S/PV.4721: 13). In both cases, these phrases directly referred to the question of non-compliance with the resolution. These criticisms not only addressed the content of the resolution requiring cooperation from Iraq but, more importantly, underlined that ignoring a Security Council resolution (irrespective of its content) constitutes a disobedient behaviour, which potentially undermines the Council’s responsibility. Many speakers used similar expressions during the meetings to

express their concerns regarding Iraq's compliance. These speakers stressed their dissatisfaction with the Iraqi record and the importance of compliance and cooperation. At the same time, as the following quote demonstrates, this was clearly not just a matter of legal compliance:

Yet we note with dismay and foreboding that Iraq, even at this hour, has yet to show full, immediate, active and unconditional cooperation with the United Nations weapons inspectors. Regrettably, the course of action Iraq has chosen to follow – disgruntled rather than cooperative – lies at the centre of the present difficulties this Council is faced with, threatening its vital unity at this crucial time.

(Cengizer, Turkey, 11 March 2003, S/PV.4717: 22)

The quote underlines that the disobedient behaviour of Iraq was also considered socially inappropriate. The Council's "dismay" that Iraq had not yet fully cooperated with the UN explicates a concern of undermining of the Council's responsibility. However, it focuses on the inappropriateness of not cooperating with the Council rather than on strict legal non-compliance.

The Iraq crisis was also shaped by arguments raising concerns about the *erosion of order* as a potential risk for the Council's responsibility. These arguments were often used by critics of the US approach to the situation, such as Iraq, Syria, and Cuba, to express their disagreement. The Cuban representative, for example, criticised the fact that the existing international order would be replaced by "the law of the jungle". According to him, this would result in replacing an already "unipolar, unsustainable, unjust and profoundly inequitable international order" with an "even more primitive, unstable, unpredictable and dangerous one" (Rodriguez Parrilla, Cuba, 18 February 2003, S/PV.4709: 11). The statement points to the potential threat to the Council's responsibility, because using military action against Iraq would effectively be in contrast to the rule of law constituted through the UN Charter and framework of action for all UN members. Although for different purposes, opponents of military action also sometimes used similar arguments to stress the consequences of unilateral military action, for example when arguing:

We are talking about the future of the international order, relations between North and South, and notably, our relationship with the Arab world. An action of uncertain legitimacy, one that does not enjoy the support of the international community, would not be understood and could gravely affect these relations.

(Levitte, France, 17 October 2002, S/PV.4625 (Resumption 3): 14)

Given that the Iraq controversy was understood by many as causing a deep rift among the Western community, explicating a concern regarding the erosion of order for justifying the opposition to military action seems a useful way of emphasising a normative principle. As Levitte stressed, "an action of uncertain

legitimacy” would have harmful effects because it “would not be understood” by other actors. This can be interpreted as reference to the Council’s responsibility and its role as guaranteeing the preservation of a particular international order.

Furthermore, concerns were also raised regarding a *selective approach* to the situation. Selectivity indicates a concern as it refers to the damage of Security Council responsibility stemming from an unequal and biased consideration of issues by the Council. During the Iraq controversy, the question of selectivity emerged often in the form of criticising the US for its hypocrisy. Such statements were made most notably by representatives from countries that often felt that an unequal or selective approach had been prevalent in many other Security Council decisions on the Middle East. Speakers from Saudi Arabia, Zimbabwe, Libya, and Palestine often criticised an alleged double-standard regarding the consideration and implementation of resolutions on Israel compared to resolutions on Iraq. As they argued, “double standards and Israel’s lack of commitment to the implementation of the resolutions of international legality diminish the Council’s credibility” (Shobokshi, Saudi Arabia, 17 October 2002, S/PV.4625 (Resumption 2): 19). While these arguments were often only loosely related to the specific situation or even the specific context of the meeting, they nevertheless refer to the Council’s responsibility. By stressing concerns regarding the application of double standards, these arguments underline the importance of coherence and impartiality for fulfilling the Council’s responsibility. Furthermore, these statements were important for the controversy in the Council, as they shifted the criticism away from Iraq to the US. Ambassador Mbanefo from Nigeria argued that “the selective enforcement of resolutions is just as unhelpful as non-compliance” (Mbanefo, Nigeria, 16 October 2002, S/PV.4625 (Resumption 1): 21). Explicating concerns and critique regarding these potential damages underlines the normative worth of concerns attached to responsibility.

Findings

As this section shows, a number of possible principles of worth can be identified which are related to Security Council responsibility in different ways. Most importantly, the controversy was driven by the normative worth of procedures, which underlines the fact that the question of military action as well as the possibility of unilateralism were largely considered as matters of finding the “right” approach in dealing with the Iraq crisis. Resolution 1441, as well as its interpretation, was a cornerstone of the crisis. This also underlines the preeminent role of procedures as an important normative part of Security Council responsibility. Justifying the continuation of weapons inspections and their abandonment demonstrates an understanding of responsibility that stresses the normative worth of procedures. Consequently, responsibility not only possessed different meanings but was also used for various purposes.

Figure 5.1 presents the frequency of references for the various meanings of Security Council responsibility:

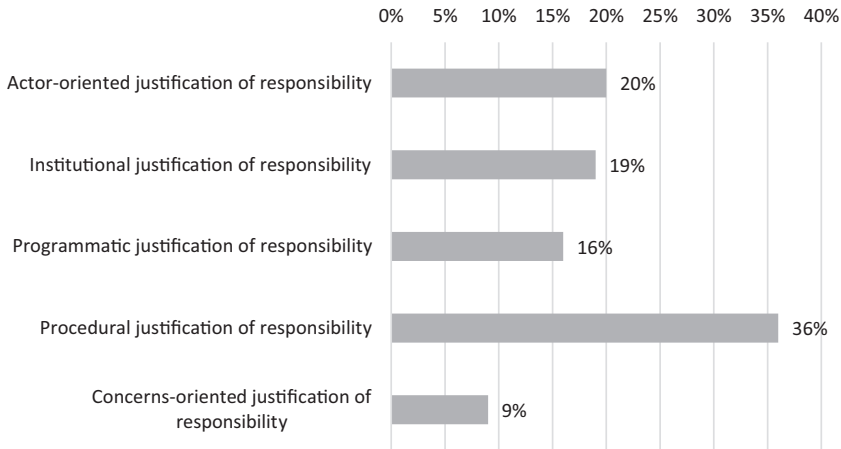


Figure 5.1 Patterns of justification during the Iraq crisis

While frequencies do not indicate the relevance or validity of particular justifications, the overall pattern nevertheless supports an understanding of the Iraq crisis predominantly as a normative controversy about the “right” approach to deal with the potential threat of WMDs. This is evident not only in the extraordinary frequency of references to the normative worth of procedures, but also in the frequencies of other identified justifications. The importance of references to particular actors and their respective responsibility, as well as the references to the worth of institutional manifestations of Security Council responsibility, highlight that the controversy was heavily affected by disagreement about the role of the UN and its various organs during the crisis. This, however, directly addresses the meaning of Security Council responsibility, indicating normative controversy about what this system of collective security implies and how it has to be carried out with regard to the situation in Iraq.

The 4701st Security Council meeting as a test of competing justifications

The previous section demonstrated that during the Iraq crisis both supporters and opponents of military action referred to a number of principles of worth to justify their preferred courses of action. Although speakers disagreed about the issue at stake, similar underlying understandings of the meaning of Security Council responsibility were applied, often as the normative criteria for evaluating the situation. This section builds upon these findings and presents an analysis of the 4701st Security Council meeting from 5 February 2002 to demonstrate how the plurality of competing interpretations of responsibility constitutes processes of normative ordering. Following pragmatist sociology, this meeting is considered

as a moment of normative controversy driven by a test of competing justifications. Pragmatist sociology argues that the test is the smallest unit of action, as it is here that the world becomes the “scene of a trial, in the course of which actors in a situation of uncertainty proceed to investigations, record their interpretations of what happens in reports, establish qualifications and submit to tests” (Boltanski 2011: 25). Consequently, the purpose of this section is to take seriously the emphasis of pragmatist sociology on close proximity to the research object in specific situations of normative controversy (ibid.: 30).

The meeting included a presentation by US Secretary of State Colin Powell in which he laid out the evidence for the existence of Iraqi WMDs based on the findings from US intelligence. The meeting is especially suitable for an analysis of tests of justifications. It is a historic moment that gained global attention, including TV broadcasts in many countries. At the same time, the validity of the findings was already in doubt ahead of the meeting. The exceptional circumstances, as well as the meeting’s political relevance, can be seen in the fact that it was the first of a number of ministerial-level meetings of the Council within a few weeks, which is a rather uncommon frequency.⁹ Furthermore, the meeting demonstrates the material manifestation of principles of worth in particular symbols and objects and their effects on justification. The micro-perspective on this particular Council meeting reveals this materiality and its role for normative ordering.

High-level meetings as everyday Council meetings?

This was one of three ministerial-level meetings on the issue, an uncommonly high number that underlines the salience of the crisis. It also illustrates that the Council was the centre of activity during the Iraq controversy. Given their exceptionality, one could argue that high-level meetings do not represent everyday practices of the Council. During high-level meetings, Council members are represented by politicians and not by diplomats, who do not have the kind of involvement in the negotiations as the diplomatic staff based in New York. They also might not have internalised the rituals and practices of Security Council meetings to the same extent as the diplomats, who meet almost daily in the Council chamber. A number of reasons, however, support the view of treating a high-level meeting as representing everyday practices in the Security Council. First, while rather exceptional, high-level meetings are in accordance with the rules of procedure. Despite their *political* importance, *formally* they are equal to any other public Council meeting. Second, notwithstanding their lack of internalisation of the Council’s practices, foreign ministers act similarly to the diplomatic representatives in the Council chamber. This is partly because they are advised and closely guided by the New York–based staff and partly because their roles do not allow for much liberty when sitting at the horseshoe table. Finally, while politicians can use their personal views better than diplomats for political purposes, this hardly affected the statements on Iraq presented during the Council meetings. Instead, statements presented during high-level meetings

rarely differ in form and style from the statements presented in any other meeting. Consequently, there are good reasons to understand high-level meetings not as exceptional, but rather as particularly important for understanding Security Council practices. It is here that their instantiations and rituals are especially visible because of their political relevance and publicity.

The situation around the meeting

On 27 January 2002, the weapons inspectors presented their first report to the Security Council. Hans Blix stressed evidence of reluctance, unanswered questions, and a general lack of motivation on the part of the Iraqi government to cooperate with UNMOVIC (S/PV.4692: 4). Mohamad ElBaradei was quite optimistic in his assessment of a possible Iraqi nuclear weapons programme (S/PV.4692: 9). Solid facts regarding the existence of WMDs, however, were not presented by the weapons inspectors. At the same time, the US government intensified pressure on them to present solid evidence. The US government urged Hans Blix to “move more quickly and more aggressively” (Thompson 2009: 145), for example, through interviewing expatriated Iraqi scientists, hoping they would present more tangible evidence of WMDs. The results presented by Hans Blix and Mohamad ElBaradei did not meet the expectations of the US and the UK. They nevertheless proceeded to interpret the ambiguous findings as “the beginning of the end of inspections, triggering a process that would lead to the use of force if necessary” (ibid.: 147). During these weeks, the Council was divided into firm supporters and opponents of the US position with some members still undecided (Glen 2006: 315; Malone 2007: 199; Thompson 2009: 152). As the meeting records indicate, African Council members were particularly sceptical. The positions of Council members are summarised in Table 5.1.

The 4701st Council meeting was a direct result of attempts by the US government to convince other Council members about the need for further pressure on Iraq after the findings of the weapons inspectors had proved unhelpful. The US government hoped that intelligence reports presenting evidence of Iraq’s material breach would ultimately make military action the necessary choice for enforcing the disarmament of Iraq. This largely failed, as the evidence presented was perceived publicly as insufficient for military action (Fenton 2004: 198).

Table 5.1 Positions of Council members ahead of the 4701st meeting

<i>Supportive</i>	<i>Undecided</i>	<i>Sceptical</i>	<i>Opposed</i>
United States	Chile	Angola	France
United Kingdom	Mexico	Cameroon	Russia
Bulgaria	Pakistan	Guinea	China
			Germany
			Syria

The meeting convenes – the test occurs

The 4701st Security Council meeting was held on 5 February 2002 between 10.15 a.m. and 2.10 p.m., on ministerial level. Council members were represented mostly by their Foreign Ministers, the monthly Security Council presidency was held by Germany, and the meeting was chaired by the German Foreign Minister Fischer. Despite global attention, the list of speakers included the fifteen Council members only. As was the case in all Council meetings regarding the agenda item, the representative of Iraq requested to be invited to participate in the discussion. Under rule 37 of the Council's rules of procedure, this was decided by the Council. Although Hans Blix and Mohamad ElBaradei were also present at the meeting, they did not participate in the discussion. Instead, Council President Fischer suggested that they might be approached after the meeting during an informal luncheon hosted by the German presidency (Fischer, Germany, 5 February 2003, S/PV.4701: 2). Statements, therefore, were only given by the fifteen Council members as well as by the representative of Iraq.

The meeting started out with a presentation by Colin Powell, a rare but not completely unfamiliar practice for the Council. Given the status of the presenter, as well as the situation, comparisons were made to the Cuban Missile Crisis and Adlai Stevenson's historic presentation at that time (Malone 2007: 197).¹⁰ Powell's presentation consisted of findings collected by US intelligence, which, according to the US government, would support an interpretation that Iraq was in material breach of Resolution 1441 and not fully compliant with the weapons inspections. To reinforce this view and reduce the uncertainty surrounding the situation, Powell presented a diverse body of data. Among the data were recorded phone calls covering conversations between members of the Iraqi military discussing how to hide or remove potentially problematic vehicles or stockpiles, satellite images indicating signature vehicles, special equipment such as centrifuges, and videos of Iraqi test flights with unmanned aerial vehicles. While the images and videos are not part of the meeting record, the phone call records are. Nevertheless, Powell's statement explaining the finding and arguing that this is evidence of the existence of Iraq WMDs constitutes almost half of the entire meeting record (sixteen of thirty-nine pages). Powell made deliberate efforts to claim that there was a broad consensus in the Council about issues that in fact were highly disputed. As the following demonstrates, this allowed him to stress the normative worth of procedures for clarifying the situation and attempting to reduce its ambiguity. As Powell argued, because of a clear and evident material breach, the Council had no choice but to authorise military action against Iraq. Hence, Security Council responsibility was framed by Powell primarily in terms of the normative worth of following particular processes and procedures. This can be interpreted as an attempt to establish a local fragile agreement about the situation.

First, at the beginning of his presentation, Powell stated that Iraq already had been "found guilty of material breach of its obligations stretching back over 16 previous resolutions and 12 years" (Powell, USA, 5 February 2003, S/PV.4701: 2). With this, he framed the highly disputed question of *whether* Iraq really was

in a material breach as settled at the very beginning of his presentation. Consequently, he also argued that his presentation would aim not at presenting debatable information but rather evidence that could only lead to one conclusion. Second, he emphasised that the facts he was presenting were valid, stating:

No Council member present and voting on that day [adopting Resolution 1441] had any illusions about the nature and intent of the resolution or about what “serious consequences” meant if Iraq did not comply.

(Powell, USA, 5 February 2003, S/PV.4701: 2)

Hence, not only did he argue that the evidence was not debatable, but he also claimed that a broad agreement among Council members would exist regarding the interpretation of the meaning of Resolution 1441. Given that this resolution represents only a highly controversial compromise of the Council (Byers 2004), this was an obvious attempt to establish a particular perspective for evaluating the situation. Finally, in order to clarify the situation, Powell also referred to the presentations made by the weapons inspectors on 27 January 2002 in the Council. By quoting selected parts from the statements given by Blix and ElBaradei during the meeting, he framed their overall assessments as confirmations of the US view on the issue. This was a simplification of their assessment of the situation, as the statements clearly stated ambiguous and ambivalent findings. Hence, the situation was shaped by Powell’s attempt to assert that the findings as well as the situation in the Council were unambiguous, while the opposite was *de facto* the case. In his view, the material breach of Resolution 1441, as well as the consequences, would not be questioned by anyone – a view largely in opposition to the view of many others attending the meeting.

Consequently, Powell justified his position with references to the normative worth of procedures, for example by arguing that “Iraq never had any intention of complying with the Council’s mandate” (Powell, USA, 5 February 2003, S/PV.4701: 5) and “I believe that Iraq is now in further material breach of its obligations” (Powell, USA, 5 February 2003, S/PV.4701: 8). Powell also stressed his belief that “Iraq still poses a threat” (Powell, USA, 5 February 2003, S/PV.4701: 5). The supposed certainty of this material breach was supported by arguments claiming that factual evidence would be available for his interpretation of the situation:

every statement I make today is backed up by sources. Solid sources. These are not assertions. What we are giving you are facts and conclusions based on solid intelligence.

(Powell, USA, 5 February 2003, S/PV.4701: 5)

These argumentations were heavily supported by material manifestations of Powell’s claims. The presentation consisted of lengthy descriptions of findings from intelligence. This included playing and repeating the content of observed phone calls, showing satellite images and explaining what would be seen on them as well as arguing how all this would lead to only one conclusion: an overt factual

evidence of Iraq's material breach of its obligations to comply with Resolution 1441. As Powell put it, the crucial question would be "how much longer are we willing to put up with Iraq's non-compliance before we, as the Council, we, as the United Nations, say: 'Enough. Enough'" (Powell, USA, 5 February 2003, S/PV.4701: 8). The utilisation of phone records, videos, and satellite images was intended to strengthen the credibility of these arguments, but it also demonstrated that any justification relied on respective material manifestations. In this case, justifying the need for military action by emphasising factual certainty and the need to uphold procedures of crisis management was only possible by presenting these "facts" materially. In addition, these arguments were accompanied by claims about the facticity of the evidence presented. Powell, for example, justified his evaluation of the Iraqi material breach by arguing that "this is evidence, not conjecture. This is true" (Powell, USA, 5 February 2003, S/PV.4701: 8).

The materiality of justification also becomes visible in Powell's insistence on the spirit of Resolution 1441. An important justification, referring to the normative worth of procedures, was to argue in the logic of consequences, caused by the unanimous adoption of Resolution 1441:

We wrote resolution 1441 (2002) to give Iraq one last chance. Iraq is not so far taking that one last chance. We must not shrink from whatever is ahead of us.

(Powell, USA, 5 February 2003, S/PV.4701: 17)

Such an argumentation referred to an understanding of military action against Iraq not only as logically consequent, given the presented facts, but also as a consequence of a unanimously adopted Security Council resolution imposing legal obligations on all UN members. Powell's justification thus made explicit references to the spirit of the law as well as the role of Security Council resolutions as symbolic documents. While many Council members might have opposed military action against Iraq, they could accept the rule of law and the necessity of compliance with Security Council resolutions. In line with such a view, Powell also highlighted that by not following established procedures, the Council's legitimacy would be undermined:

This body places itself in danger of irrelevance if it allows Iraq to continue to defy its will without responding effectively and immediately.

(Powell, USA, 5 February 2003, S/PV.4701: 8)

In these arguments one can also identify an attempt to address the other Council members in their capacity as members of an in-group. While they might disagree about the appropriate measures for dealing with Iraq, they would certainly rely on a shared understanding of the Council's primary responsibility to deal with a potential threat to the peace. Powell also explicitly stressed that the Council had a responsibility to face such a situation of crisis and that its members as well as the Council as an institution would have to stand firm. Expressing a normative worth

of procedures, he underlined again the inevitability of taking action: “We must not fail in our duty and our responsibility to the citizens of the countries that are represented by this body” (Powell, USA, 5 February 2003, S/PV.4701: 17). A similar strategy to justify military action was also used by other supporters, either by stating that the Council “must meet its responsibilities” (Straw, UK, 5 February 2003, S/PV.4701: 20) or that “we hope the Council will face its great responsibilities with unanimity and will reaffirm its primary role in the crisis” (Passy, Bulgaria, 5 February 2003, S/PV.4701: 27).

Powell’s presentation was backed by statements from other supporters of military action. These speakers often accentuated their agreement about the factual accuracy of the presented findings as well as their relevance as indicators of an immediate threat from Iraqi WMDs. Furthermore, the British Foreign Minister Jack Straw and his Spanish colleague Ana Palacio Vallelersundi strongly supported Powell’s presentation, arguing that this was “a most powerful and authoritative case” (Straw, UK, 5 February 2003, S/PV.4701: 18), “how important it is”, and that the presentation presented “compelling data” (Palacio Vallelersundi, Spain, 5 February 2003, S/PV.4701: 28). They also underlined that Iraq had cooperated insufficiently or not at all with the weapons inspectors and was thus in material breach of its obligations. Therefore, they largely followed Powell’s line of justification in claiming a facticity of the findings for supporting the criteria of evaluating the situation normatively as an Iraqi failure of compliance. Palacio Vallelersundi furthered the argument by explicitly considering these facts the cause of legal consequences, given that “there has been a flagrant violation of the obligations established in resolution 1441” (Palacio Vallelersundi, Spain, 5 February 2003, S/PV.4701: 29). Using legal implications was not only important for underlining the validity of Powell’s assessment regarding an Iraqi material breach, but also contributed to the supporters’ understanding that this would be a matter of consequentialism, thereby stressing a normative worth of procedures. This inevitably inferred that the Council had to authorise military action in order to fulfil its responsibility. As Jack Straw argued, “it would be too easy to turn a blind eye to the wording of Resolution 1441 (2002)” (Straw, UK, 5 February 2003, S/PV.4701: 19). This represented an attempt to remind the audience of its (alleged) legal implications and the responsibility attached to it. Palacio Vallelersundi also underlined the importance of Council resolutions by stressing the need of “respect for international law, of which Security Council resolutions are an essential part” (Palacio Vallelersundi, Spain, 5 February 2003, S/PV.4701: 29).

Hence, Colin Powell deliberately used his presentation as an attempt to clarify a situation of uncertainty by claiming facticity, compliance, and a logic of consequences, which all point to the worth of procedures for the meaning of Security Council responsibility. This interpretation was supported by statements from the representatives of the UK, Spain, and Bulgaria. Powell’s presentation can be interpreted as responding to a test of his justification, as he was explicating his interpretations of the situation, backing his arguments with material evidence as well as rhetorical linkages to the Council’s practices and, thus, presenting a possible principle of worth used for evaluating the situation.

As in any moment of normative controversy, other speakers responded to these statements by presenting their interpretations and explicated the principle of worth they would consider appropriate for evaluating the situation during the meeting. Opponents of military action had a complex position regarding the validity of the facts presented. On the one hand, almost no Council member overtly questioned the normative worth of relying on facts for evaluating the situation and eventually the appropriateness of measures to be adopted by the Council. The only speaker explicitly rejecting their value was Mohammed Aldouri, the Iraqi representative, arguing that the presented findings were “utterly unrelated to the truth and the reality on the ground” and that “mere sound recordings cannot be confirmed as genuine” (Aldouri, Iraq, 5 February 2003, S/PV.4701: 37). While his disagreement about the facts on the ground seems unsurprising, even the Iraqi representative emphasised the normative worth of procedures for Security Council responsibility. This is especially evident in his reply to Jack Straw, who “has ignored intelligence reports from his own Government” (Aldouri, Iraq 5 February 2003, S/PV.4701: 38). Other members of the Council did not explicitly reject the value of the American findings. Nevertheless, many representatives stressed caution and consideration as the way forward when dealing with the information provided. While they did not question the worth of presenting facts overtly, they only partially followed the US interpretation of these findings. Instead, opponents of military action interpreted them as evidence of the need for continuing inspections and argued that Powell’s “presentation has provided new justification of the approach chosen by the United Nations” (de Villepin, France, 5 February 2003, S/PV.4701: 24). They also considered it important to present this information as soon as possible to the weapons inspectors for further investigation (Fischer, Germany, 5 February 2003, S/PV.4701: 36).

This was supported by arguments stressing the importance of external expertise for Council decision-making. The Russian Foreign Minister Igor Ivanov strongly emphasised the authority of the weapons inspectors providing this expertise and the need for the Council to continuously support them: “They alone can help the Security Council work out and adopt carefully balanced decisions – the best possible decisions” (Ivanov, Russia, 5 February 2003, S/PV.4701: 21). Hence, supporters of military action stressed the clarity and facticity of the results and the inevitable consequences in order to conclude that an Iraqi breach of Resolution 1441 required “serious consequences”. Opponents on the contrary, disagreed and had a completely different view on the situation. Instead of certainty, they mostly stressed the preliminary value of the evidence presented by Powell, the need for further consideration of the issue, and the need to continue the weapons inspections. In doing so, they implicitly emphasised the importance of facticity as an important procedural element. For example, they stated that Powell’s report “contained information, indications and questions that deserve further exploration” (de Villepin, France, 5 February 2003, S/PV.4701: 23) and that the “information provided today [. . .] once again convincingly indicates that the activities of the international inspectors in Iraq must be continued” (Ivanov, Russia, 5 February 2003, S/PV.4701: 21). Consequently, opponents also argued that the primacy of political

means had not yet been exhausted (Chikoti, Angola, 5 February 2003, S/PV.4701: 32) and that every action had to be in line with the principles and purposes of the UN (Kasuri, Pakistan, 5 February 2003, S/PV.4701: 28). These justifications directly referred to the Council's responsibility, as shown in the statement of Germany's Foreign Minister Fischer:

The place and timing of this detailed account underline once more that the Security Council is and remains the centre of decision-making on the Iraq crisis. (Fischer, Germany, 5 February 2003, S/PV.4701: 36)

Therefore, opponents of military action justified their opposition quite differently. Powell authoritatively claimed the issue as almost solved and framed the situation as clear and without much factual doubt. Opponents of military action, however, stressed the uncertainty of these findings, the need to further consider the issue, and the exclusive authority of the weapons inspectors. For example, the Mexican Minister argued he "warmly welcomes the contribution of elements that support the work of the inspectors, enhance the accuracy and effectiveness of their mission" (Derbez, Mexico, 5 February 2003, S/PV.4701: 26).

Establishing a local fragile agreement about evaluating the situation based on the worth of procedures seemed to fail with regard to arguments stressing facticity and consequentialism, given the doubts of opponents of military action that the facts available would justify such kind of action. However, the meeting shows interesting results regarding the importance of the Council's unity and the responsibility of the international community understood as representing a normative worth of procedures. Many in the Council did not follow Colin Powell's interpretation and, hence, rejected the implications. Stressing unity as an important precondition for the Council's responsibility, however, is evident in almost all statements. In this view, the fact that the Council convened such a meeting in the first place was described by some speakers as a symbol of success in maintaining the Council's unity. China's Foreign Minister Tang Jiaxuan, for example, underlined that the "Security Council has basically maintained unity and cooperation on the issue" (Tang, China, 5 February 2003, S/PV.4701: 18), even though he was highly critical of the findings. The importance of unity is also visible in the frequency with which members acknowledged the efforts made by Powell personally when presenting his findings. Many speakers, not only fierce opponents of military action, underlined that it was up to the weapons inspectors to actually assess the implications of the US's findings; many speakers acknowledged that Powell had presented them. Angola's Vice-Minister for Foreign Affairs stated:

We welcome the fact that this information was presented directly to the Security Council through the respected and authoritative voice of Secretary Powell. We deem this development to be a very significant contribution that will surely enable the Security Council to take the important decisions which the world expects with an even greater sense of responsibility and of purpose. (Chikoti, Angola, 5 February 2003, S/PV.4701: 31)

This statement also included a direct and explicit evaluation of the situation as one falling under the Council's responsibility. Since supporters and opponents underlined the importance of unity for the continuing occupation of the Council with the issue, this could indicate a fragile agreement about the procedural worth of responsibility understood in terms of Council unity. This view is supported by statements from strong opponents of military action, such as Russia's Foreign Minister Igor Ivanov. While he, again, underlined that a political solution must be the outcome of the Iraq crisis (Ivanov, Russia, 5 February 2003, S/PV.4701: 20), he also explicitly underlined the need to have unity in the Council:

Maintaining the unity of the world community, primarily within the context of the Security Council [. . .] are the most reliable means of resolving the problem.

(Ivanov, Russia, 5 February 2003, S/PV.4701: 20)

It is precisely unity that is essential in our approach to all problems, however complicated they may be.

(Ivanov, Russia, 5 February 2003, S/PV.4701: 21)

Thus, Ivanov overtly argued that the issue should continue to be a matter of Security Council responsibility and not of unilateral US foreign policy. Dominique de Villepin argued similarly, hoping "that today's meeting will enable us to strengthen that unity" (de Villepin, France, 5 February 2003, S/PV.4701: 24) and stressing that continuing the process of weapons inspections "presupposes, today as yesterday, that the international community will remain united and mobilized" (de Villepin, France, 5 February 2003, S/PV.4701: 25). Hence, although the discussions ahead of the meeting were fierce and France threatened to use the veto if the US sought military action, speakers from various positions underlined the importance of unity for the Council's responsibility to maintain international peace during the debates. While the controversy was driven by a deep rift between Council members, the importance of unity indicates that speakers shared a view about the procedural dimension of responsibility, which they considered a legitimate criterion for evaluating the situation.

The moment of justifying outside options

The 4701st Security Council meeting represents a test of competing principles of worth. By explicating their evaluations of the situation, speakers tried to reduce uncertainty and establish a shared understanding of the situation. In doing so, they engaged in practices of normative ordering. As the analysis demonstrates, the meeting first and foremost points to the normative worth of procedures as an important element of Security Council responsibility in various ways. The US and its allies largely failed to convince other Council members to evaluate the situation by a logic of consequentialism, as others did not support such an interpretation. Instead, they insisted that the mixed results from the weapons inspections

and the additional information provided by US intelligence did anything but clarify the situation. At the same time, the role of facticity as an important element of a procedural worth seemed to define a shared criterion for evaluating the situation. As discussed above, Colin Powell's presentation largely relied on claiming the facticity and clarity of the presented findings. This understanding was rejected by many opponents of military action, who tended to argue cautiously that the findings "clearly give valuable information" and "additional elements of judgments" (Derbez, Mexico, 5 February 2003, S/PV.4701: 25). Opponents remained rather hesitant in following Powell's interpretation and certainly did not follow his interpretation of the situation as it was shaped by doubtful evidence of a material breach of Iraq. At the same time, *in principle* they did not refuse to discuss the matter based upon facticity as a criterion for evaluating the situation. As almost every speaker acknowledged the provision of additional information was beneficial for the Council's ability to carry out its responsibility. Facticity thus had an ordering capacity for the entire discussion, even if the implications of doing so were highly disputed. Finally, irrespective of the political positions, Council unity was stressed unequivocally as highly important for any future Council action on Iraq. Unlike the role of facticity, it seems that the overall consensus about its importance points to a more broadly accepted interpretation of the procedural dimension of Security Council responsibility than facticity or consequentialism.

Opponents and supporters of military action heavily disagreed about the situation, the relevance of the findings, and the way forward. Hence, there was no agreement at that time about the course of action. But as the discussion demonstrates, there was a seemingly fragile local agreement that the normative worth of procedures, as an inherent part of the Council's responsibility, would be a sufficient criterion for evaluating the situation. Such a potentially fragile local agreement did not alleviate disagreements about the factual interpretation of the situation, but it demonstrates how justification unfolds in practices of normative ordering. It is precisely the varieties of understandings of a procedural worth – in terms of a logic of consequentialism, the role of facts, and the importance of unity – that enabled these processes.

Furthermore, the meeting analysis also points to the importance of objects and subject positions as constituting an order of worth. This is most apparent in the role of facts, which played an important role as a source of normative worth. The meeting, however, was affected not only by the argumentative importance of facts but also by their materiality. Voice records, videos, and satellite pictures can be interpreted as objects symbolising or embodying the normative worth of facts. At the same time, Council members disagreed about their meaning or at least about the implications of their meaning. Hence, these objects were important carriers of normative meaning, while simultaneously allowing for its contestation. The importance of material manifestations of a principle of worth is exemplified in the role of Resolution 1441. Since the meeting as well as much of the entire Iraq controversy largely dealt with the issue of compliance with Resolution 1441, it can also be considered as symbolising the normative worth of procedures. As the analysis has identified a fragile local agreement, this normative worth was not

only mentioned by supporters of military action, but also implicitly by opponents as they did not question the principle of following established procedures. Instead, they primarily disagreed with the interpretation of the evidence presented and the evaluation of the situation on the ground. These arguments, however, referred not only to procedures as a normative criterion of evolution, but also to Resolution 1441 as its most explicit material manifestation.

To sum up, the meeting was affected by practices of normative ordering in various ways. While the normative worth of procedures seems to constitute a shared principle for evaluation, diverse and competing interpretations of meaning attached to this principle of worth were identified. By some they were understood as a matter of following a logic of consequentialism, by others as a matter of Council unity. Their interpretations of the situation were supported by a respective materiality, such as the manifestation of “evidence” in the form of satellite images and voice records, as well as in the materiality of Security Council resolutions. Principles of worth thus enable engagement in dynamic interactions, shaped by normative controversy and an overall plurality of principles of worth available for justification and critique.

Normative ordering during the Iraq crisis

This chapter discusses the 2002/2003 Iraq crisis to understand how the meaning of responsibility in the Security Council is shaped by normative controversy. The Iraq crisis was an episode of significant Security Council activity, driven by intense deliberations on the issue during public Council meetings. A focus on justification helps to capture the competing meanings of responsibility apparent during this controversy. My analysis of the crisis unfolded in three steps: it started by discussing how we can consider the Iraq crisis a normative controversy regarding Security Council responsibility and then presented the varieties of meanings of responsibility derived from a text analysis of the public meetings records during the crisis before finally concluding with a micro-level analysis of one particular Council meeting to demonstrate the ordering effects of justification on the meaning of responsibility.

The Iraq crisis was factually about the potential threat of Iraqi WMDs and whether a breach of its disarmament obligations could be confirmed. The underlying normative controversy, however, was really about the threat of US unilateral action and its implications for the Council’s system of collective security. Supporters of military action stressed that Council decision-making on Iraq – most notably Resolution 1441 – required considering military action as a serious possibility. On the contrary, opponents of military action argued against such an interpretation, stressing that the Council’s responsibility would require further negotiations and a continued search for a peaceful solution to the situation. The normative controversy, therefore, was very much about how to interpret the Council’s procedural and institutional framework. My text analysis confirms such a view on the Iraq crisis, as contested meanings of Security Council responsibility could be identified primarily with regard to a procedural meaning of responsibility,

an institutional meaning, and an actor-centred meaning of responsibility. These patterns also demonstrate the underlying dynamics of using principles of worth for competing justifications. Similar arguments were used to justify completely different purposes. Unity as an important procedural element, for example, was stressed to justify the need to collectively enforce Resolution 1441 by military means. It was also used to justify the opposite, i.e. the importance of avoiding a division of the Council through unilateral military action. In both instances, the arguments explicated an understanding of Security Council responsibility, which relies on the normative worth of procedures.

To better understand the dynamics of these practices of normative ordering, the last part used a micro-level approach to study the 4701st Council meeting. The meeting was shaped by US Secretary of State Colin Powell's presentation of evidence on an Iraqi material breach of Resolution 1441 to justify the need for military action. This situation demonstrates how normative controversy becomes a "test" of competing justifications, as it was affected by uncertainty stemming from the inconclusive reports of the weapons inspectors. The micro-level perspective shed light on processes of normative ordering, as the meeting was geared towards sorting out possible shared principles of worth among supporters and opponents of military action. The analysis revealed that supporters of military action failed to reach a fragile local agreement, namely that consequentialism and, to a certain degree, the factual validity of the evidence could serve as criteria for evaluating the situation. Opponents of military action rejected both arguments, stating instead the need for further consideration of the issue. They did not agree with interpreting the situation as a violation of the obligations stipulated in Resolution 1441. At the same time, opponents and supporters of military action seemed to agree on the importance of unity among Council members. This might point to a possible fragile agreement, as it seemed that many Council members could agree on the normative worth of procedures, as shown by references to unity in this situation. At the same time, the variety of arguments referring to the various notions of a procedural understanding of responsibility demonstrates the diversity of meanings associated with the normative worth of procedures. Finally, the analysis also demonstrates the role of symbols, practices, and material objects in supporting justification. Powell's presentation heavily relied on the physical materiality of evidence. The meeting was also shaped by playing voice recordings and showing satellite pictures. This demonstrates how principles of worth are related to particular objects, embodying their normative worth. This holds true not only for the evidence presented by Powell, but also for the importance of Resolution 1441 as a document in its symbolic and material importance. The normative worth of a procedural understanding of Security Council responsibility is exemplified in the pivotal importance of Resolution 1441 as a source of normative ordering. Hence, the micro-level analysis not only confirmed the presence of the larger varieties of meanings identified in one actual encounter but also allowed for a closer look of the dynamics of normative ordering and the establishment of – as well as the failure to establish – fragile local agreements on how to interpret the meaning of Security Council responsibility in this particular situation.

Notes

- 1 Geis/Müller/Schörnig (2013: 316) discuss that, except for the United States, public opinion in almost all relevant countries clearly opposed the war.
- 2 Some authors also stress the suboptimal results of choosing outside options within a system of collective security. Achieving Council approval for military action would certainly come with benefits such as lower reputational costs, higher legitimacy, and more efficiency (Clarke 2004: 28; Tharoor 2003: 68). Furthermore, to opt out of a system of collective security relies on the availability of outside options, which were only available to the US because of its status as a great power (Voeten 2001).
- 3 Karin Fierke (2000) discusses the fact that the sanction decade was not exclusively an era of confrontation. Instead, it could also be interpreted as allowing the strategic use of inconsistencies for establishing particular policies. In such a view, the decision to move away from UNSCOM in 1998 and start military action instead was a political decision, not an inevitability implied in the legal framework.
- 4 In addition, Angola, Pakistan, and Chile became newly elected Council members. Elected Council members from 2002 included Cameroon, Guinea, Mexico, Syria, and Bulgaria. See www.un.org/en/sc/members/elected.asp (last accessed 10 February 2018).
- 5 The rhetorical escalation around these negotiations and the deep rift between the Western states in the Council became evident in the famous reference to the rejection of the “old Europe” by Secretary of Defense Donald Rumsfeld during a press conference on 22 January 2003.
- 6 Except the first briefing on 27 January 2002, which was followed by informal consultations afterwards.
- 7 One meeting was a closed meeting, meaning that no record is publicly available. One meeting was a public Council meeting without debates, only briefings by Hans Blix and Mohamad ElBaradei, the heads of UNMOVIC and the IAEA. The Council held informal consultations afterwards, but the meeting record only reports the statements of the weapons observers.
- 9 The other public Council meetings on ministerial level were held on 14 February and 7 March 2003.
- 10 A view that was also stressed by the Foreign Minister of Cameroon during the meeting (Ngoubeyou, Cameroon, 5 February 2002, S/PV.4701: 22).

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6 Practices of normative ordering during the 2011/2012 Syria crisis

The 2011/2012 Syria crisis is the second case study for analysing how the contested meaning of responsibility unfolds practices of normative ordering in the Council. It is of importance because of the unprecedented use of the veto by permanent Council members. Since October 2011, a total of twelve vetoes have been cast by Russia and China, which is unparalleled in the history of the Council.¹ This chapter focuses on the first three of them and argues that they constitute a particular normative controversy about the meaning of Security Council responsibility. While casting a veto is in accordance with the UN Charter, it is simultaneously perceived as an illegitimate privilege of the P5. This chapter starts by discussing the normative groundings of the Syria crisis and the role of the veto. Then, the results of a text analysis of the records of all public Council meetings between April 2011 and July 2012 are presented to reveal possible principles of worth used during the meetings. Finally, a detailed discussion of the meeting of 5 February 2012, when the second double veto was cast, demonstrates how these principles of worth were used for practices of normative ordering during the meeting.

The illegitimacy of the veto as the normative grounding of the Syria crisis

The Syrian civil war started in early 2011 as part of the so-called Arab Spring (Ghohliagha 2015; Hove/Mutanda 2015; Tocci 2014; Zifcak 2012). Despite differences and variations, protests in the entire region were triggered mostly by political grievances regarding poverty, social inequality, the role of the middle class, and the high unemployment rates of the youth (Dalacoura 2012: 67). Syria, like Libya, differed from other Arab Spring countries as it had not developed a “liberalized autocracy pattern” (Joffé 2011: 521) notable in countries such as Tunisia and Egypt. Therefore, the government’s response was directed more towards oppression and the use of violence. This, however, had a counterproductive effect by initiating a “vicious cycle of repression and further protests” (Dalacoura 2012: 66) that spread across the entire country. Since March 2011, the situation has escalated and developed into a full civil war between the Syrian government and its antagonist the *Syrian National Council* (SNC). The conflict has undergone several phases since then, oscillating between military successes of the *Free Syrian*

Army, backlashes by the Syrian government, the transformation into a sectarian conflict including the so-called Islamic State, and a fractionising of Syria into areas controlled by various conflict parties and significant international military involvement (Adams 2015).

Three features of the Syrian civil war seem especially important for understanding the Council's consideration of the issue. First, there was disagreement about the involvement of external actors in the conflict. President al-Assad continuously labelled the conflict as a "conspiracy" by external actors and terrorists (Gifkins 2012: 380). The severity of human rights violations, including systematic murder, torture, and chemical weapons, was important for putting pressure on the Council to decide upon measures to protect the Syrian people (Stahn 2013). Referring to a "conspiracy", however, enabled the regime to argue for an approach that would also address the Syrian opposition. Secondly, the civil war has been shaped heavily by Russia's continuing support for the Syrian government. While there is disagreement whether this is to protect a close ally or simply evidence of changed Russian global politics (Allison 2013; Averre/Davies 2015; Charap 2013), military and political support by Russia was crucial for ensuring the al-Assad regime stayed in power. The strong Chinese support for the Russian position in the Security Council is crucial for the ongoing stalemate on the issue. Finally, and most importantly, the Council's approach towards a similar situation in Libya played a key role as a precedent, especially affecting how Russia and China would understand the situation in Syria and the possible avenues for Council decision-making.

Decision-making on Libya and the role of RtoP

The significantly different response to the situation in Libya in early 2011 played a crucial role for the Council's approach towards Syria. Both crises took place almost simultaneously, with protests in Libya starting in early 2011 and soon developing into a military confrontation between the Libyan government and the *National Transitional Council* (NTC). The Security Council started dealing with the situation in response to the engagement of UN Secretary-General Ban, who argued, on 23 February 2011, that the situation in Libya constituted a problem for the protection of the Libyan people, "reminding both the Libyan authorities (to no effect) and the Security Council (to good effect) of their responsibilities" (Bellamy/Williams 2011: 839). Consequently, the Security Council authorised measures against the Libyan government. On 26 February 2011 the Council adopted Resolution 1970, which recalled "the Libyan authorities' responsibility to protect its population" and authorised measures under Chapter VII of the UN Charter. Resolution 1970 was a quick and unanimous response to the situation in Libya. Nevertheless, the need for additional Council action was conceivable soon thereafter. Three reasons can be identified that motivated further action (*ibid.*). First, the situation on the ground deteriorated because of the intransigence of the Libyan government. Second, the UK as penholder and France as strong supporter of forceful action against Libya were able to use a window of opportunity to successfully promote the need for a stronger approach. Third, and most importantly,

the decisions of various regional organisations to turn against Libya were crucial. The *Organisation of the Islamic Conference* (OIC), the *Gulf Cooperation Council* (GCC), and the *League of Arab States* (LAS) considered the situation in urgent need of action against the Libyan government, making them “gatekeepers by framing the issues and defining the range of feasible international action” (Bellamy/Williams 2012: 841). Under leadership of the US government, another draft resolution was negotiated that would eventually become Resolution 1973 (Chesterman 2011: 282). The resolution was adopted on 17 March 2011, but with abstentions by Russia, China, Germany, Brazil, and India. Resolution 1973 confirmed the failure of the Libyan government to comply with Resolution 1970, reiterated that the Libyan government holds a primary responsibility to protect its people. It argued to consider the “widespread and systemic attacks” as war crimes, authorised the use of “all necessary measures” to “protect civilians and civilian populated areas under threat of attack” by the Libyan government, and authorised member states to use all necessary means to “enforce compliance” with the no-fly zone (S/RES/1973: 3). Immediately following the adoption of Resolution 1973, military action was initiated by the US, UK, and France on 19 March 2012. After controversial negotiations between NATO, EU, and various member states regarding the coordination and control of these military actions, NATO established *Operation Unified Protector* and took control over all military activities at the end of that month (Adler-Nissen/Pouliot 2014: 906). Until 31 October 2011, NATO enforced the no-fly zone as well as the sanctions imposed on the Gaddafi regime through air strikes and missile attacks, effectively supporting the Libyan opposition in its fight against the Gaddafi regime.²

Resolution 1970 and Resolution 1973 were widely perceived as much anticipated historic decisions to reaffirm or revitalise the RtoP (Brockmeier/Stuenkel/Tourinho 2016; Thakur 2013; Weiss 2011; Welsh 2011). However, a number of issues point to a more cautious interpretation of the historic importance of these resolutions, underlining why Resolution 1973 especially was so important for the Council’s controversy regarding Syria. First, unlike Resolution 1970, it was not adopted unanimously. Abstentions by China, Russia, Brazil, Germany, and India demonstrated that there was a remarkable expression of discontent on the issue (Dunne/Gifkins 2011: 523).³ Furthermore, Russia and China interpreted the issue largely *not* as a fundamental decision about RtoP. Instead, given the overt call by regional organisations such as the LAS for military action against Libya, it was understood as indicating a policy preference from the region, which parallels a similar decision to support Resolution 1962 (2010) on Côte d’Ivoire (Hehir 2013: 154). Finally, while the resolutions included references to RtoP, the actual statements during the Council meetings only rarely touched on it. Instead, “the majority of UNSC member states chose not to draw on such language in justifying their approaches to the crisis in Libya” (Morris 2013: 1273).⁴ However, both resolutions noted Libya’s responsibility to protect its people and, therefore, address the question of the RtoP explicitly. Given this, Jess Gifkins argues that the Libya resolutions contributed to normative change in the Council as references to RtoP are much more frequent in Council resolutions since then (Gifkins 2015: 149).

For the Council's decision-making on Syria, Resolutions 1970 and 1973 constitute an important context, as they indicate an unprecedented normative commitment to actively engage in responding to such atrocities. As Susan Rice, the US Ambassador to the UN, underlined: "I can't remember a time in recent memory when the Council has acted so swiftly, so decisively, and in unanimity on an urgent matter of international human rights" (Rice in Dunne/Gifkins 2011: 522). At the same time, the effects were hampered by implementing Resolution 1973 through NATO operations, which would effectively support the Libyan opposition and cause irreparable damage to the concept (Rieff 2011). Russia and China abstained from the votes only because they interpreted Resolution 1973 as not indicating regime change. Given their understanding of NATO's operation as a clear violation of the spirit of Resolution 1973, they were able to use this as a justification to prevent any decision on Syria. Hence, the Council's decision regarding Libya and its implementation by NATO were important factors in the way the Council dealt with Syria.⁵

Security Council developments on Syria

The Council was deeply divided due the disagreement about NATO's intervention in Libya, when the gravity of human rights violations in Syria intensified the pressure to authorise action in April 2011. The Council held a public debate on the situation in Syria on 27 April 2011, after initial attempts to issue a press statement failed due to Russian and Lebanese concerns (Gifkins 2012: 381).⁶ The debate included a briefing by Under-Secretary-General B. Lynn Pascoe, who stressed the occurrence of killings and violence against protesters, as well as iterating Secretary-General Ban's understanding that the Syrian government should meet its responsibility to protect the Syrian people (S/PV.6524: 4). Conducting a public meeting instead of the initially planned closed meeting allowed many UN members to raise their concerns on the situation. At the same time, however, this decision was highly contested among Council members and, therefore, came as a surprise to many (What's in Blue 2011). This demonstrates that, immediately from the beginning, the Council faced a high degree of contestation regarding an appropriate approach to the issue. This is also supported by the fact that it took the Council almost three months before they discussed the situation in Syria again on 26 July 2011.

In the time between these two meetings, the situation on the ground turned into an open civil war. Consequently, diplomatic activities on various levels took place. Against the votes of Russia, China, and others, the *Human Rights Council* adopted a US draft resolution condemning the violence in Syria on 29 April 2011 (A/HRC/RES/S-16/1), and the Secretary-General expressed concerns regarding the situation and the need for action (Gowan/Pinheiro 2014: 439). In May 2011, a first draft resolution, which included references to possible "crimes against humanity", failed to be put to vote due to concerns by Russia and China (Gifkins 2012: 382; Security Council Report 2015). Throughout the summer, the rift in the Council between Russia, China, Brazil, India, and South Africa, on the one side, and the UK, Germany, France, and Portugal, on the other side, deepened because

of their disagreements about NATO's implementation of Resolution 1973 in Libya (Gowan/Pinheiro 2014: 439). The only minor breakthrough was the adoption of a presidential statement on 3 August 2011 condemning the "widespread violations of human rights and the use of force against civilians by the Syrian authorities", while also reaffirming the Council's "strong commitment to the sovereignty, independence and territorial integrity of Syria" (S/PRST/2011/16: 1).⁷ In late 2011, pressure on the Council to adopt measures against the Syrian government intensified because of a decision of the Human Rights Council to establish a *Commission of Inquiry*. Evidence about gross and systematic human rights violations in Syria, presented by the High Commissioner on Human Rights, Navanethem Pillay, motivated the Human Rights Council to establish the Commission against the votes of Russia, China, and others (Gowan/Pinheiro 2014: 441). Negotiations for a possible Security Council resolution were intensified with two competing proposals on the table: a draft resolution by France, Germany, UK, and Portugal calling for an asset freeze as well as an arms embargo, and a Russian draft that reminded Syria of its obligations without mentioning any specific sanctions (Gifkins 2012: 383). On 4 October 2011, more than five months after the crisis escalated, the first serious Council response was put to vote in the form of a European draft resolution mentioning only weak enforcement measures (Zifcak 2012: 77). The draft was nevertheless vetoed by Russia and China, with India, Brazil, and South Africa abstaining.

Hence, in late 2011, it seemed highly unlikely that the Council would adopt any decision at all. At the same time, however, evidence regarding the atrocities, as well as political pressure by the LAS, continued and underlined the growing expectation that the Council at some point should live up to its responsibility in Syria. On 23 November 2011, the Commission of Inquiry published its first report on Syria, finding a "substantial body of evidence" (A/HRC/S-17/2/Add.1: 1) regarding systematic and country-wide gross human rights violations by the Syrian government. Its findings were picked up by the Human Rights Council, which adopted a resolution (A/HRC/RES/S-18/1) on 5 December recommending that all "main bodies of the UN urgently consider the report [. . .] and take appropriate action" (ibid.: 3). It is argued that this would also include the Security Council (Zifcak 2012: 80). A General Assembly vote resulting in a 133 to 11 outcome clearly indicated a broad consensus among UN members that action against Syria would be urgently needed (Gowan/Pinheiro 2014: 444). In addition, the LAS decided to suspend Syria's membership in late November and requested the Syrian government to step down and enable regime change and parliamentary and presidential elections within a few months (Gifkins 2012: 385). After the Syrian government rejected the proposal, the LAS turned to the Security Council, requesting that the Council should finally take action. As Gowan and Pinheiro argue, it was especially the hawkish position of the LAS, mostly driven by a Saudi Arabian hostility against the al-Assad regime, which put pressure on the Council to hastily table a draft resolution (Gowan/Pinheiro 2014: 445). The draft resolution, put to vote by Morocco on 4 February 2012 with support from the US, UK, France, Turkey, and various members of the LAS, was again vetoed by Russia

and China. However, compared to the first veto, the situation had changed. With Lebanon and Brazil no longer elected Council members⁸ and India and South Africa voting for the resolution, Russia and China became isolated in their support of the Syrian government. The second double veto, and especially the disagreement expressed in a highly unusual manner by members of the Security Council, underlined the Council's deep and stable division (Gifkins 2012: 386). Given that the second report by the Commission of Inquiry, published in late February 2012, again clearly underlined the fact that gross human rights violations were taking place, and pressure by the General Assembly and the LAS continued, Council members feared that the Council would be damaged by its continuing stalemate. The P3 members in particular did not "want the Council's authority to be undercut by other parts of the UN system" (Gowan/Pinheiro 2014: 446).

To eventually break the deadlock, former UN Secretary-General Kofi Annan was appointed as a joint UN-LAS Special Envoy and subsequently developed a six-point plan, which became the focal point of discussions within the following months (Tocci 2014: 4). Initially, the Syrian government accepted the peace plan and progress in the Council seemed possible, as Annan proposed not only a ceasefire, but also a Syrian-led peace process (Adams 2015: 12). As it became clear that the ceasefire had not sufficed, the Council adopted Resolution 2042 (S/RES/2042) on 14 April 2012. Deeply divided, the resolution was the first resolution "addressing the situation in Syria, fourteen months after the uprising and violent repression began" (Gifkins 2012: 388). The resolution established a team of thirty observers in advance of a monitoring mission, which the Council established by adopting Resolution 2043 on 21 April 2012 (S/RES/2043) as the *United Nations Supervision Mission in Syria* (UNSMIS). UNSMIS consisted of 300 military observers for a 90-day mission. On 15 June 2012, it announced that it would have to suspend its activities due to the deteriorating situation, which constituted a threat to the observers, although this was interpreted as an official acknowledgement of the failure of Annan's peace plan (Adams 2015: 12). Irrespective of the suspension of all activities, the first 90-day mission of UNSMIS came to an end in late June 2012, and the Council faced the need to decide about a possible extension. While there was a consensus in the Council that UNSMIS should be extended, disagreement about the details prevailed. In the end, the UK tabled a draft resolution that proposed extending UNSMIS for another forty-five days and threatened the Syrian government with sanctions if its non-compliance continued. A competing draft resolution, negotiated by Russia, proposed to extend UNSMIS for three months without any further conditions. Given that Russia was working on a competing draft, putting the British draft to vote in July 2012 was clearly a strategy to push Russia and China into taking a clear standpoint against or for al-Assad (Gowan/Pinheiro 2014: 450). Consequently, the third double veto by Russia and China on 19 July 2012 did not come as a surprise. Compared to the first two vetoes, it did not spur as much controversy. It demonstrated the continuing rift among Council members regarding Syria, though, which was also exacerbated by abstentions from Pakistan and South Africa. The veto also marked a break in the Council's consideration of the Syrian civil war. Although the following day the Council unanimously adopted

Resolution 2059 (S/RES/2059) to phase out UNSMIS (S/PV.6812: 2), “diplomatic initiatives aimed at trying to end mass atrocities in Syria collapsed” (Adams 2015: 13). Despite the continuation of the Syrian civil war and an ongoing occupation of the Council, this can be considered a turning point. It took the Council more than a year until it was again able to adopt a resolution on Syria in September 2013. Since then a total of nine additional vetoes were cast by Russia and China. The discourse, however, shifted after July 2012, making the third double veto a provisional end-point of the Council’s normative controversy on Syria.

The normativity of UN Security Council vetoes

The Syria crisis is an exceptional case of the use of the veto. The vetoes significantly affected the Council’s ability to live up to its responsibility for the crisis and revealed a controversy about the Council’s normative foundations. The use of the veto is in accordance with the UN Charter and is formally, first and foremost, a weighted voting mechanism, such as can be found in other international organisations as well (Koremenos/Lipson/Snidal 2001). Defined in Article 27 of the UN Charter, the veto is an inherent part of the Council’s voting procedures. As UN membership implies adherence to the Charter, it is at least formally accepted by all UN member states. Furthermore, the UN Charter does not define any conditions for casting a veto; Article 27 (3) simply states the need for “an affirmative vote of nine members including the concurring votes of the permanent members”. Hence, there are (almost) no criteria or thresholds for using the veto as well as no sanction mechanisms for veto abuse.⁹ Council members can use the veto, therefore, for very instrumental or strategic purposes. This holds true for Russia and China, who used the veto to prevent Council action against an ally, but also for other Council members. In all three cases, draft resolutions were tabled by Western Council members, who were aware of China and Russia’s reluctance to adopt these drafts. This can be interpreted as a deliberate choice to blame and shame Russia and China for preventing any Council decision on the issue. Hence, Council members were aware of the strategic potential of the veto. This strategy worked because of the perception of the veto as a privilege manifesting the hierarchy and inequality between permanent and elected Council members, which is in need of legitimation. Irrespective of its utility for preventing action against the Syrian government, the gap between formal legality and perceived illegitimacy required Russia and China to give reasons for the use of the veto. As providing a reason is not a formal prerequisite, it underlines the genuinely normative implications of casting a veto. Since it also entails the possibility of reputational costs and rhetorical entrapments, there is – as with any legitimacy claim – no guarantee of its success (Reus-Smit 2007: 172). It is this precarious process of legitimation which demonstrates how the veto is tied to practices of normative ordering. A number of facts of the Syria crisis point to this inherent normativity and the kind of controversy caused by using the veto.

First, the vetoes explicitly questioned the role of the Council as a social community. The veto represents formally institutionalised inequality, which

certainly affects its perception among the UN members. It also expresses asymmetry in access to decision-making and resources of the Council, as only the P5 have the veto power and can make use of it. As discussed in Chapter 2, the Council can be considered a social community. While this does not imply absolute equality of all members nor consensus among them, it nevertheless underlines the fact that the Council relies on a set of shared understandings. Especially among the P5 members, overlapping lifeworlds have emerged (Johnstone 2003: 460). However, the P5 are credited with a far-reaching power to “block almost any action to be taken by the Security Council” (Zimmermann 2012: 931), because their veto power is almost unconditional. Consequently, casting a veto is essentially a political decision based on the rationales of P5 members. The Syria crisis exemplifies this and the Council’s inability to overcome this deadlock for living up to its responsibility has been frequently criticised (Adams 2015; Gifkins 2012; Morris 2013). From the perspective of the Council’s shared responsibility, being able to ignore the common normative framework seems highly problematic. Due to the perceived illegitimacy of such a situation, there have been discussions about a structural adjustment of the veto through a “responsibility not to veto” during situations of gross human rights violations since the final report of the ICISS. These discussions were increased during the Syria crisis. France especially has been a vivid proponent of such an adjustment, although the possible benefits are still being debated (Blätter/Williams 2011; Levine 2011; Reinold 2014). While a voluntary restriction of the veto power in particular situations is understood by many as the only possible structural change regarding the veto, it also underscores how much the Council’s ability to fulfill its responsibility is tied to the veto privilege. These discussions, however, demonstrate that despite their legality, the vetoes were largely considered a normative failure of Russia and China and their turn away from a supposed community of bearers of Council responsibility was criticised.

A second source of the perceived illegitimacy of the veto is that its casting is a public act. Currently, of the fifty recorded post-Cold War vetoes, only one was cast at a private meeting.¹⁰ In all other instances, vetoes were invoked during a public meeting and justifications were provided by the vetoing P5 member. Furthermore, certain practices are associated with the veto and its justification. A veto is only counted if cast during an official vote.¹¹ It also implies literally raising a hand during an official vote to express dissent. By justifying the veto in a public meeting and thereby ensuring it enters the meeting record, the moment of controversy transcends the particular situation and refers to the underlying normative grounding of the Council. This holds true for the formal dimension of the veto, as it is carried out through particular procedures. More importantly, however, this also holds true for the normative dimension, as it is usually combined with arguments claiming that the veto is legitimate. During these moments, the role of the Council as a site of justification practices becomes evident. Following such an understanding, it seems only reasonable that Russia, China, and their allies used the publicity of these meetings for providing reasons about the legitimacy of these three double vetoes. Hence, the Syrian vetoes demonstrate that justification and

legitimation are genuinely public practices and their normative worth stems from being considered reasonable by others.

A third reason for the perceived illegitimacy of these three consecutive double vetoes is their singularity. As Table 6.1 demonstrates, the changing frequencies of vetoes cast since 1990 clearly support an interpretation of the veto as an exceptionality of recent Council decision-making.

Table 6.1 highlights the fact that since the end of the Cold War the number of vetoes cast has significantly dropped. Casting a veto is thus becoming more and more exceptional. In the two decades after 1990, the average number of vetoes cast was roughly 1–2 per year, compared with much higher numbers during the Cold War decades.¹² During the Cold War, the veto represented a largely ritualised practice of the great powers tabling unacceptable draft resolutions in order to provoke a veto (Cronin/Hurd 2008: 13).¹³ The emergence of a “duty not to veto” (Clark/Reus-Smit 2013: 48) since 1990, however, suggests that casting a veto is becoming increasingly understood as inappropriate in normative terms. The frequency as well as the continuity of the Syrian vetoes, therefore, indicates a significant crisis of the Council’s normative groundings as they question the developments since 1990.

To sum up, the Syria crisis can be understood as a moment of normative controversy between 2011 and 2012 due to the novel and unparalleled use of the veto. All three vetoes were cast during public Security Council meetings. Although Russia and China faced harsh criticism for using their veto power, justifying the vetoes during public Council meetings seems surprising and quite costly. However, the public display of arguments for claiming the legitimacy of the veto serves an important function given the perspective of the veto as a privilege undermining the social community of Council membership. Hence, for understanding the Syria crisis as a normative controversy, the public vote can be interpreted as a “scene of a trial” (Boltanski 2011: 25) of the normative reasons brought forward by the vetoing Council members. While this does not undermine the veto’s utility for strategic purposes, it nevertheless underlines how justifications of the veto unfold an ordering capacity during the Syria crisis.

Table 6.1 Use of the veto between 1946 and 2018

	<i>China</i>	<i>France</i>	<i>UK</i>	<i>USA</i>	<i>Russia</i>	<i>Total</i>
1946–1955	1	2	0	0	75	78
1956–1965	0	2	3	0	26	31
1966–1975	2	2	8	12	7	31
1976–1985	0	9	11	34	6	60
1986–1995	0	3	8	24	2	37
1996–2005	2	0	0	10	1	13
2006–2015	6	0	0	3	10	19
2016–2018	2	0	0	2	9	13
Total	13	18	30	85	136	282

Source: Sievers/Daws 2014: 300–310 and www.un.org/depts/dhl/resguide/scact_veto_en.shtml, last accessed 19 June 2018.

Principles of worth stressed during the Syria controversy

This section presents findings from an interpretive text analysis of all public Council meetings between April 2011 and July 2012 to demonstrate the variety of normative meanings attached to Security Council responsibility during these debates. Within this time, the Council held fifteen public meetings on the issue. A considerable number of meetings, however, were only held for the adoption of press statements or resolutions.¹⁴ Furthermore, the issue of Syria was also addressed in three open debates about the situation in the Middle East, especially between Israel and Palestine.¹⁵ The agenda item was usually “The situation in the Middle East”, without any explicit reference to Syria as a particular agenda item. Meetings under the agenda item “The situation in the Middle East, including the Palestinian question” were open debates about the general state of affairs in the Middle East. These meetings were usually used for debating the Israeli–Palestinian peace process but included discussions about a broad variety of regional matters from the Middle East. This included the Syria crisis as well as the situation in Libya and other related events from the Arab Spring. The section again relies on five categories of normative worth related to Security Council responsibility, identified by a circular interpretive coding process. These categories are the normative worth of procedures, of purposes and principles, of actors, of institutional manifestations, and of concerns. The categories subsume codes capturing the variety of meanings of these categories.¹⁶

The normative worth of procedures

References to a procedural understanding of justification were of great importance during the Syrian controversy. Many Council members interpreted the question of how to respond to the situation in Syria appropriately as a normative question about the “right” approach. The normative worth of procedures was often expressed by stressing the commitment to actively engage in the search for a solution to the crisis, as well as by underlining the importance of a constructive manner of all Council members. To a much lesser degree, speakers also stressed the importance of unity and compliance.

Commitment was used most often to accentuate a procedural understanding of responsibility during the Syria controversy. In this regard, it differs from the Iraq controversy, during which the normative worth of procedures was often expressed in terms of compliance. This underlines differences to a controversy about opting out of a system of collective security. Given the legality of using the veto, it cannot easily be framed as a matter of non-compliance. A willingness to actively engage in the situation underscores the fact that overcoming the stalemate was considered a necessity for the Council to live up to its responsibility towards the Syrian people. Hence, overcoming the Council’s paralysis and responding to the criticism of inaction was understood by many as a matter of commitment. In the majority of meetings analysed, most speakers made a reference to their member state’s

commitment and motivation. This usually took place by emphasising that speakers are “working intensively with its international partners” (Lyall Grant, UK, 27 April 2011, S/PV.6524: 5) or that they “work tirelessly to maintain these dynamics” (Loulitchki, Morocco, 12 March 2012, S/PV.6734: 18). The use of adverbs such as “strongly”, “consistently”, “firmly”, and phrases such as “to stand ready” to emphasise the speaker’s commitment was also a frequent phenomenon. Often representatives would underline that this commitment would be apparent in their active participation within the Council’s decision-making process, for example, by stressing that they have “vigorously pushed for consensus” (Li, 19 July 2012, S/PV.6810: 13) or “worked unrelentingly to bring about a response from the Security Council” (Araud, France, 4 October 2011, S/PV.6627: 2).

Since their decisions were largely responsible for the Council’s paralysis, vetoing Council members were particularly emphatic when referring to their commitment in order to justify their dissenting opinions. Underlining their continuous commitment to engage in the search for a solution directly addressed the critique of being responsible for the Council’s paralysis by claiming the opposite to be true. Consequently, vetoing Council members emphasised their willingness for “appropriately resolving the question of Syria” (Li, China, 4 October 2011, S/PV.6627: 5). Using the veto was justified through claims that this would not confirm a lack of commitment to following Council procedures, but rather of making sure it would be able to fulfil its responsibility. Consequently, emphasis was placed on active engagement with other Council members to find a shared solution to the crisis:

If Council colleagues agree with our approach, which is aimed at dialogue and full national reconciliation in Syria, we will continue to work on the Russian–Chinese draft so as to arrive at a balanced resolution containing the vital elements for a settlement. Our draft remains on the table.

(Churkin, Russia, 4 October 2011, S/PV.6627: 5)

The quote from Ambassador Churkin is especially interesting because it refers to a Russian–Chinese draft resolution that lacked the support of other Council members. Although this was probably known to all attendees, Churkin nevertheless used it to demonstrate Russia’s commitment. It was used to highlight a procedural understanding of responsibility that others could hardly reject as a normative *principle*, even if they disagreed on the actual draft resolution itself. Commitment as an important part of a procedural understanding of responsibility is also emphasised in statements criticising the lack of it. This was frequently noted when the Syrian government was told that it must meet “all of its commitments, not only the bare minimum” (Rice, USA, 14 April 2012, S/PV.6751: 9). The Syrian government was thus made responsible for the Council’s difficulties in coming to a peaceful and effective solution due to a lack of cooperation and an unwillingness of doing more than the “bare minimum”. More frequently, however, criticising a lack of (collective) commitment was used to address other Council members or the Council as a whole. This is evident in

speakers explicating their dissatisfaction with the situation by emphasising the insufficient response of the Council as a whole:

We have been discussing Syria for 10 months, and all we have managed to adopt is a mere presidential statement.

(Araud, France, 4 February 2012, S/PV.6711: 3)

We have the resources and capabilities to support those who seek peaceful, meaningful democratic change. We must also have the will.

(Clinton, USA, 12 March 2012, S/PV.6734: 11)

The French representative's reference to the poor results of a "mere presidential statement" after ten months of debate is an especially remarkable critique. Not only because of its frank language, but and more importantly, because of its disregard of presidential statements as outcomes of Council decision-making. While prioritising a strong resolution over a "mere presidential statement" seems more tailored to the situation on the ground, it is an unusual move against the community of Council members and its repertoire of instruments of collective action. Commitment, however, was also stressed to illustrate the members' readiness to collaborate with others to deal with the situation. Speakers, for example, stressed that they "remain committed to engaging with fellow Council members" (Puri, India, 19 July 2012, S/PV.6810: 7) or that they "stand ready to work with every member in this Chamber" (Clinton, USA, 31 January 2012, S/PV.6710: 14). Herewith, speakers demonstrated the normative worth of procedures for Security Council responsibility by emphasising a willingness to actively engage in the collective endeavour of finding a solution and, therefore, living up to their responsibility.

Closely related to expressions of commitment, justifications emphasising a normative worth of procedures often claimed a *constructive manner* – that is, a constructive attitude – in dealing with the situation. Given that the Council was significantly shaped by the rift between its members during the Syria crisis, stressing a constructive manner seems both plausible and surprising. Irrespective of their disagreements, speakers continuously stressed that upholding a constructive manner would be essential for the Council's ability to deal with the situation. Speakers, therefore, underlined that they "worked constructively on ensuring the rapid authorization of the Mission" (Lyall Grant, United Kingdom, 21 April 2012, S/PV.6756: 6) or "undertook intensive, constructive efforts" (Churkin, Russia, 4 February 2012, S/PV.6627: 3). Representatives of Russia and China particularly underlined their constructive manner to justify their dissenting position, emphasising that they "have participated in all of the Council's consultations [. . .] in a positive, responsible and constructive manner" (Li, China, 19 July 2012, S/PV.6810: 14) or that they "have actively tried to reach a decision for an objective solution" (Churkin, Russia, 4 October 2012, S/PV.6711: 9). Similar arguments were also used by the Syrian ambassador, who, for example, stressed the constructive manner in which Syria engaged with Kofi Annan's peace plan. As he

argued, Syria “has interacted [. . .] in a positive and adequate manner” (Ja’afari, Syria, 14 April 2012; S/PV.6751: 10). While Council members continued to disagree on the issue itself, many addressees of these justifications could agree on upholding Council procedures as normative principles.

References to a constructive manner were also used to explicitly address other actors. This included calls that the entire Security Council “should play a constructive role in the process” (Puri, 31 January 2012, S/PV.6710: 28), as well as addressing an unspecified “other”, for example, “all parties to seize the opportunity that today’s resolution represents” (Moraes Cabral, Portugal, 21 April 2012, S/PV.6756: 7). Justifications of the normative worth of Council procedures also highlighted the necessity of a constructive manner with regard to the Syrian parties, for example, by hoping that “the various parties there [. . .] address the current crisis in an appropriate manner, so as to maintain stability and order in the country” (Li, China, 27 April 2011, S/PV.6524: 7). Constructive manners were also used to criticise others for their lack thereof, for example by emphasising “a spirit that was not reciprocated by all Council members” (Wittig, Germany, 19 July 2012, S/PV.6810: 5). Such critique not only underscores the constructive manner of Germany in dealing with the crisis, but also explicitly highlights its importance as a procedural principle for successful Council decision-making. The following quote from the statement of South Africa’s representative Mashabane points to this as the heart of diplomatic procedures in the Security Council:

Differences within the Council should be addressed in a spirit of compromise and mutual respect, and with the Council’s broader responsibility in mind.
(Mashabane, South Africa, 19 July 2012, S/PV.6810: 11)

With this statement, the South African representative explicitly criticised the lack of a constructive manner during the negotiations ahead of the third double veto. At the same time, it is also a statement about the normative worth of Council procedures for negotiating draft resolutions and how diplomatic practices should be carried out during Council controversies.

Unity was also frequently emphasised when referring to the normative worth of procedures during the Syria crisis. Similar to a constructive manner, unity was used to claim that differences in opinion should not undermine a shared understanding about the Council’s collective responsibility in dealing with the controversy. Even if Council members disagreed about certain measures and their implications for the situation in Syria, many speakers stressed that the Council’s unity should not be affected by these measures. Consequently, unity was often considered a most effective strategy of the Council, for example, through speaking “with a unified voice, leaving aside narrow interests” (Menan, Togo, 31 January 2012, S/PV.6710: 27) and noting that “the international community needs to speak with one voice” (Lyall Grant, UK, 27 April 2011, S/PV.6524: 5). Unity was also used to justify the Council’s authority to be responsible for the crisis in Syria, arguing that it would benefit from unity, “for a unanimous message will always be better and essential to promote our objectives and peace in Syria” (Haroon, Pakistan, 31

January 2012, S/PV.6710: 23). Such justifications directly relate to the normative core of the Council's primary responsibility for the maintenance of international peace and security:

It is indisputable that unity and a coordinated approach within the Security Council are vital if it is to fulfil its primary responsibility for the maintenance of international peace and security.

(Muzayev, Azerbaijan, 31 January 2012, S/PV.6710: 26)

The importance of unity was frequently used to justify the necessity of casting a veto. The third double veto, for example, was justified by the Chinese representative arguing that the draft resolution vetoed "jeopardizes the unity of the Security Council" (Li, China, 19 July 2012, S/PV.6810: 14). Similar justifications can also be identified in statements from abstaining Council members, such as the following quote from the representative of Pakistan:

Our repeated calls for a united, consensus approach by the Council were not heeded. We were therefore left with no choice but to dissociate ourselves from the divisive scenario that the Council has been led into, and thus to abstain in the voting on the draft resolution.

(Tarar, Pakistan, 19 July 2012, S/PV.6810: 6)

Unity appears to be an important justification for evaluating not only the Council's divide, but also particular strategies to cope with it. Unity, thus, also ties to the notion of effectiveness as an important procedural condition. As acting Security Council president, this, for example, was stressed by Ambassador Rice when she argued on behalf of the Council for the necessity of an "effective and credible" UN supervision mechanism (Rice, USA, 5 April 2012, S/PV.6746: 2). The importance of unity as an argument during the controversy also points to its importance for the constitution of a social community of Council members. In that regard, unity was stressed sometimes for completely different purposes: to criticise the use of the veto power, thereby undermining Council unity, and to justify the veto as preventing a biased resolution that jeopardises Council unity. Both arguments refer to unity but to justify different interpretations of the situation.

The normative worth of concerns

Given the Council's division as well as the stalemate of facing three consecutive vetoes, expressing concerns regarding the possible damage of the Council's responsibility was also a frequent method of justification. Concerns regarding the effects of human rights violations and the negative impact of unintended consequences therefore significantly shaped the debates. To a lesser degree, criticism of disobedient behaviour was also apparent during the controversy. Other arguments criticising a biased decision-making were only mentioned occasionally. Interestingly, justifications expressing a concern that the Council could be subject

to abuse did not play a crucial role during the controversy, which seems surprising given the vetoes were understood as such by many observers (Sengupta 2014).

Concerns about *human rights violations* were most frequently expressed during the Syria crisis. These arguments pointed to a threat to the Council's responsibility stemming from the continuing toleration of human rights violations in Syria. Given the undisputed existence of gross human rights violations in Syria and the shared belief that the Council's primary responsibility would include the prevention of large-scale mass murder, the importance of this argument seems unsurprising. While these arguments mostly addressed the situation in Syria, their underlying purpose was to problematise the Council's lack of responsibility for the situation. The "default" way of using this argument was to condemn the continuation or scope of human rights violations in Syria by emphasising that the Council should "call attention to the fact that the Syrian Government is nevertheless continuing its violence against its own people" (Al-Mouallimi, Saudi Arabia, 23 April 2012, S/PV.6757 (Resumption 1): 18) or to "condemn the continuing heavy violence in Syria, the murder of peaceful protesters" (Lyall Grant, UK, 26 July 2011, S/PV.6590: 23). Statements also considered these atrocities as "totally unacceptable and must be condemned" (Tarat, Pakistan, 19 July 2012, S/PV.6810: 6), or noted that the speaker's government "condemns and rejects the violent crackdown" (Osorio, Colombia, 31 January 2012, S/PV.6710: 29). The condemnation mostly referred to the Syrian government. However, since one of the main arguments made by those opposed to sanctions was that the Council was applying an unbalanced partisan approach towards the situation, there are references that also mention the atrocities committed by Syrian oppositional forces:

We remain deeply concerned about the ongoing violence by all sides, including the recent spate of car bombings and the resultant loss of life and injuries.
(Ebrahim, South Africa, 24 January 2012, S/PV.6706: 29)

We strongly condemn all violence, irrespective of the perpetrators.
(Puri, India, 4 February 2012, S/PV.6711: 8)

Furthermore, speakers also explicitly raised concerns about the consequences of these human rights violations by arguing, for example, that their governments continue "to be deeply concerned" (Nishida, Japan, 23 April 2012, S/PV.6757 (Resumption 1): 3) or that the situation "continues to be a source of serious concern to us all" (Haroon, Pakistan, 31 January 2012, S/PV.6710: 23). With such statements, speakers not only addressed the problem of threats to human rights. Instead, through elucidating their *concerns* regarding the violation of these principles, they also underlined their normative importance for the Council's responsibility. In line with such arguments is the expression of sympathy with the affected people when arguing "the faces of children tortured, the bodies of women violated and the thousands of human victims of repression should guide our actions" (Araud, France, 31 January 2012, S/PV.6710: 15).

Remarkably, and unusually for the otherwise often calm and polite language in the Council, concerns regarding these atrocities were often stated in strong language, such as “a horrific posture of intimidation and harassment” (Rice, USA, 19 July 2012, S/PV.6810: 10) or that the “scale of the Al-Assad regime’s murderous campaign is shocking” (Rice, USA, 23 April 2012, S/PV.6757: 29), or by mentioning sexual violence against women and children, torture and intimidation (Hague, UK, 31 January 2012, S/PV.6710: 17). Proponents of strong action against the Syrian government especially used this kind of language to remind the Council of its responsibility, arguing that “history has compounded our shame because today is the anniversary of the Hama massacre” (Araud, France, 4 February 2012, S/PV.6711: 3). These statements underlined not only the urgency but also the legitimacy of action. By directly addressing the potential failure of the Council’s responsibility and referring to the commonly shared belief of its importance, these justifications attempted to legitimise measures unacceptable to some Council members.

Concerns were also expressed with regard to the unintended consequences of Council (non)action. The vetoes were criticised especially for their alleged *negative impact*. As the US ambassador argued when criticising the third double veto: “The first two vetoes they cast were very destructive. This veto is even more dangerous and deplorable” (Rice, USA, 19 July 2012, S/PV.6810: 10). At the same time, stressing a negative impact was also used to claim the opposite to be true. Speakers raised their concerns regarding the negative impact of measures favoured by many Western Council members for justifying the necessity of the vetoes:

Western members of the Council, which today made unacceptable statements, could have done something, anything, to promote dialogue between the Syrian parties and prevent the further militarization of the Syrian crisis, rather than fan the flames of extremists, including terrorist groups.

(Churkin, Russia, 19 July 2012, S/PV.6810: 8)

Like many Council members, China maintains that under the current circumstances, to put undue emphasis on pressuring the Syrian Government for a prejudged result of the dialogue or to impose any solution will not help resolve the Syrian issue. Instead, that may further complicate the situation.

(Li, China, 4 February 2011, S/PV.6711: 9)

In these contexts, speakers criticised Western members of the Council for their biased approach to the Syrian conflict, ignoring the responsibility as well as the involvement of the Syrian opposition in conducting atrocities. Their statements expressed concerns that these developments would damage the Council’s responsibility. Irrespective of their positions on the issue, the potential threat of damaging Council responsibility appeared as a normative principle other Council members could agree on.

Finally, concerns were also raised by criticising *disobedience*. Such references, however, were almost exclusively made when addressing the Syrian government. The most typical way was to criticise the Syrian government for violating its legal obligations towards the international community, as demonstrated by Ambassador Araud of France: “The provisions adopted by the Council have been systematically violated by the Syrian regime” (Araud, France, 19 July 2012, S/PV.6810: 4). Similar argumentations are apparent in many other statements, arguing for example that “the failure of the regime to meet its commitments” (Lyll Grant, UK, 23 April 2012, S/PV.6757: 24) qualifies as non-compliance or that “the Syrian Government has repeatedly failed to heed the many calls” (Morales Cabral, Portugal, 4 October 2011, S/PV.6627: 6) to end violence. Council members with a more sceptical point of view, such as India, however, also included the Syrian opposition in their criticisms of disobedient behaviour by arguing that “unfortunately, all parties have failed to comply” (Puri, India, 19 July 2012, S/PV.6810: 7). A notable exception from this largely Syrian-focused stressing of concerns was made by Russian Foreign Minister Lavrov, who criticised the lack of consequences for the disobedient behaviour of NATO members regarding Resolution 1973:

Those organizations or countries that take it upon themselves to implement Security Council mandates must give a full account of their actions to the Council. That also applies to NATO, which, as all members know, offered to secure a no-fly zone in Libya, but in reality engaged in massive bombings. It is sad that there has as yet been no investigation following up information about civilian casualties caused by those bombings.

(Lavrov, Russia, 12 March 2012, S/PV.6734: 9)

This is a rare example of criticising the disobedience of fellow Council members. Interestingly, however, such references could not be identified regarding the vetoes. Criticising Council members for casting a veto is a thin line, especially for the P3 members, given the legality of the veto. It also often impedes overt and explicit critique. Consequently, external actors or events were largely considered as threatening the Council and its responsibility.

The normative worth of purposes and principles

Justifications stressing a programmatic understanding of responsibility refer to the UN’s purposes and principles as an ideational foundation of the Council’s responsibility. During the Syria controversy, this was only of secondary relevance as a potential principle of worth. Nevertheless, sovereignty played a notable role in emphasising the Council’s principles. The programmatic dimension of responsibility was also apparent in references to the principle of collective security and the primacy of peaceful means. In addition, notably for the Syria controversy, the RtoP was one particular way of emphasising the normative worth of Council principles and purposes.

The normative worth of *sovereignty* as an ideational foundation stems directly from the UN Charter and the Council's responsibility to protect the sovereignty of UN member states. Opponents of measures against the Syrian government particularly used such references to justify their position. Upholding the sovereignty of Syria was considered an important element of any action to be adopted by the Council. According to the Chinese representative, this "can be settled only through a Syrian-led political process on the basis of respect for the sovereignty, independence, unity and territorial integrity of Syria" (Li, China, 23 April 2012, S/PV.6757: 23), an argument which is also apparent in statements from Russian representatives, such as the following:

Based on respect for Syria's sovereignty, we have cautioned against destructive attempts at external interference and against imposing any kind of illusory fixes.

(Churkin, Russia, 14 April 2012, S/PV.6751: 3)

Allies of Russia and China as well as UN members with a sceptical attitude towards strong UN-interference in the internal affairs of member states, such as Cuba, Iran, and Venezuela, often used similar arguments and emphasised the Council's responsibility to uphold Syrian sovereignty. Others, leaning more towards supporting Council action against the Syrian government, also referred to a programmatic understanding of responsibility by emphasising that any adopted approach would need to protect "the sovereignty, independence, territorial integrity of sisterly Syria" (Laram, Qatar, 23 April 2012, S/PV.6757 (Resumption 1): 17). The representative from South Africa, who abstained on the first and the third draft resolution vetoed by Russia and China, also underlined that "to pursue self-interest and execute regime change" would violate Syrian sovereignty and could not be "in the interests of international peace and security" (Sangqu, South Africa, 12 March 2012, S/PV.6734: 23). These examples demonstrate widely used references to sovereignty to justify a cautious and reserved approach towards the situation.

Even measures against Syria were justified with reference to sovereignty as a principle of Security Council responsibility, for example when arguing that Resolution 2043, which established the UNSMIS monitoring mission, would reaffirm a

strong commitment to Syria's sovereignty, independence, unity and territorial integrity, as well as to the provisions of the Charter of the United Nations.

(Loulchki, Morocco, 21 April 2012, S/PV.6756: 5)

In a similar way, the adoption of Resolution 2042, establishing the advance mission of UNSMIS, would also be with "full respect for that country's unity, sovereignty and territorial integrity" (Tarak, Pakistan, 14 April 2012, S/PV.6751: 5). These justifications stressed a programmatic understanding of the Council's responsibility by highlighting the protection of Syrian sovereignty. Furthermore, protecting sovereignty was occasionally used to justify interference in domestic politics. Arguing that upholding sovereignty in fact implies not tolerating gross

human rights violations, as this would constitute a challenge to the Council's responsibility, Hague stated:

we cannot dictate change from the outside, nor would we want to [...] But no Government anywhere in the world can justify violence against its people or say that the fundamental democratic principle – the right of citizens to choose and to change their representatives – does not apply in its country.

(Hague, UK, 12 March 2012, S/PV.6734: 4)

Either way, however, measures that were understood by others in the Council as a violation of Syria's sovereignty and territorial integrity were justified with the normative responsibility of the Council to uphold this sovereignty. This ambiguous meaning of sovereignty is evident even in statements made by the Syrian representative. Usually Ambassador Ja'afari condemned any possible action adopted by the Council as a violation of Syria's sovereignty and stressed that the Syrian people would reject "any external intervention". After the adoption of Resolution 2042, which was based on the Syrian government's agreement to negotiate a ceasefire, however, the Syrian representative argued:

Syria [...] has also accepted the concept of a United Nations supervision mechanism that would operate within the limits of Syrian sovereignty, which the Syrian people consider a red line that there can be no justification for crossing.

(Ja'afari, Syria, 14 April 2012, S/PV.6751: 10)

Although with a completely different purpose, this quote demonstrates an understanding that UNSMIS would be within the limits of Syrian sovereignty and considered an acceptable response to the situation despite the concerns of the Syrian government. While one cannot conclude from this event a shared understanding about the legitimacy of UNSMIS, these statements nevertheless demonstrate astonishing similarities in using sovereignty for their justifications.

Collective security was also used to express a programmatic understanding of responsibility. These arguments emphasised the constitutive role of the idea of collective security as one of the foundational principles of the UN. References to the principles of collective security largely followed three distinctive patterns: a first pattern apparent in the statements was to underline the authority of collective security for guiding and constraining Security Council action. Its importance is demonstrated especially when expressed by an acting Security Council president on behalf of the entire Council (S/PV.6736: 2). Such arguments were also often used by the vetoing Council members. To justify their vetoes, they emphasised that the UN's system of collective security would prohibit actions such as externally enforced regime change (Li, China, 19 July 2012, S/PV.6810: 13). This was a pattern often found in similar references, such as the need for actions to be carried out "in accordance with the principles and objectives of the Charter of the United Nations" (Osorio, Columbia, 12 March 2012, S/PV.6734: 25) and that the

“Charter gives it [the Council] no such authority” (Churkin, Russia, 31 January 2012, S/PV.6710: 24), which underlines the limits constituted by the principle of collective security. Based on this interpretation, a second method of reference concluded that the situation in Syria would not justify the use of enforcing measures:

The main thing, in our view, is that the current situation in Syria, despite increasing tension and confrontations, does not present a threat to international peace and security.

(Pankin, Russia, 27 April 2011, S/PV.6524: 7)

Here, Deputy-Ambassador Pankin justified the Russian position against any enforcement measures not by denying their legitimacy in principle, but by stressing that the particular situation at the time would simply not fulfil the requirements that the system of collective security demands. This justification could hardly be rejected by other Council members in principle, because it clearly referred to shared notions of the Council’s collective security. Finally, a third notion used the principles of collective security primarily to refer to the speaker’s adherence to them. This was used by both opponents and supporters of measures against Syria to argue that their action would be guided by commonly shared principles, stressing for example that “Portugal remains fully committed to the sovereignty, independence, territorial integrity and national unity of Syria” (Moraes Cabral, Portugal, 4 October 2011, S/PV.6627: 6) or, in an almost identical statement from the Chinese representative, that “China adheres to the purposes and principles of the Charter of the United Nations and respects Syrian’s sovereignty and the choices of the Syrian people” (Li, China, 12 March 2012, S/PV.6734: 20). Although from completely different political positions, both speakers used almost exactly the same wording to highlight their adherence to the principles of collective security. This is something many other speakers did as well, for example, by stressing that these principles would be “fundamental to my country’s identity and history and to those of many countries” (Clinton, USA, 12 March 2012, S/PV.6734: 10).

Finally, references to the *RtoP* also played an important role as justifications during the Syria controversy. Because of the references to *RtoP* in Resolutions 1970 and 1973 on Libya, as well as the Council’s long-time consideration of the issue in its biannual open debates on the protection of civilians, *RtoP* was a frequent issue on the Council’s agenda. While its status was contested among Council members, at the time of the Syria controversy, the Council clearly had included the idea of protecting people as falling under its responsibility. References to *RtoP* mostly occurred through criticism of the Syrian government’s lack of responsibility to protect its people. This is a frequent argument apparent in many statements from a diverse group of speakers. There are, however, only rarely references that explicitly stress the concept in its formal UN terminology. One notable exception was the following example from the French foreign minister:

In 2005, the evolution of our work led us to recognize that the Council had the obligation to act when the responsibility to protect was not assured and

when gross violations of human rights took place before our eyes, and that Governments were accountable for acts of commission and omission alike.

(Juppé, France, 12 March 2012, S/PV.6734: 5)

Here, Juppé explicitly referred to the *World Summit Outcome Document*, adopted by the UN General Assembly in 2005, to justify his critique of the deteriorating situation in Syria. While this example is unique in its explicitness, many other speakers also implicitly referred to the concept or explicitly highlighted its underlying ideas, for example by demanding that decisions “ensure the protection of civilians during law enforcement operations” (Messone, Gabon, 27 April 2011, S/PV.6524: 8) or by stressing the “importance of the protection of civilians, respect for human rights and the need to uphold the right to peaceful assembly” (Amieyeofori, Nigeria, 27 April 2011, S/PV.6524: 9). Given the contestation regarding the RtoP, one can also identify arguments framing the issue more cautiously, emphasising that the “obligation of all States to observe certain norms of conduct in relations to their own populations” would not question the importance of no-intervention and territorial integrity as “cardinal principles” (Caballeros, Guatemala, 31 January 2012, S/PV.6710: 18). Such an understanding considers protection primarily as the responsibility of national governments and only secondarily one of the Security Council. Similar arguments were made by the Syrian representative when stressing the “exclusive responsibility of the Syrian Government in the preservation of civic peace and security and in protecting its citizens from acts of destruction” (Ja’afari, Syria, 31 January 2012, S/PV.6710: 12). The importance of this kind of interpretation about the meaning of RtoP stems from the relations between the Syrian controversy and the Council’s response to the Libyan crisis. The key claim made by opponents of action against the Syrian government was that any enforcement measures against Syria need to be prevented, because of its abuse of RtoP in the case of Libya:

The international community is alarmed by statements that compliance with Security Council resolutions on Libya in the NATO interpretation is a model for the future actions of NATO in implementing the responsibility to protect.

(Churkin, Russia, 4 October 2011, S/PV.6627: 4)

This quote demonstrates the dynamics of justification very well: instead of rejecting the legitimacy of RtoP in general, the Russian representative criticised the abuse of the concept through NATO’s deliberate misinterpretation of Resolution 1973. Hence, this simultaneously reveals a critical view of NATO’s mission (and thus its application of RtoP) and a normative worth, as the underlying programmatic principle of Security Council responsibility is not rejected in principle. Instead, Churkin argues that the two cases cannot be understood separately from each other (Churkin, Russia, 4 October 2011, S/PV.6627: 4). The negative or unintended implications of NATO’s implementation of Resolution 1973 were a powerful argument to justify the prevention of any further potential damage of the principles and normative foundations of the Security Council.

The normative worth of institutional manifestations

The normative worth of institutions was only of secondary relevance for justifications during the Syria controversy. Such justifications often stressed institutional manifestations of responsibility by referring to the duties of the Council, i.e. the understanding of a matter as falling under the Council's responsibility. Furthermore, the legitimacy of the Council as well as the Council's authority could be identified frequently in the meeting records. Among the arguments referring to institutional manifestations of responsibility, references to the Council's *duties* were most frequent. Speakers stressed that the Council had a duty to consider an issue falling under its responsibility and that this would imply acting decisively on the issue. Given that the Syrian controversy was heavily affected by the Council's paralysis, references to its duties were largely made in the form of criticism of the lack of action. Inaction is a frequent critique of the Council. Asking "what level of horror must be reached for the Council to enforce a stop to human rights violations" (Juppé, France, 31 January 2012, S/PV.6710: 15), therefore, directly points to the normative underpinnings of the Council's duties. Such justifications are distinctive by addressing the Council as a whole rather than individual Council members: "How long will Syrian families have to live in fear that their children will be killed or tortured, before the Security Council adopts a meaningful resolution?" (Hague, UK, 31 January 2012, S/PV.6710: 17). The duties of the entire Council were also addressed by external actors speaking in the Council. Most notably, the Secretary-General urged the Council to "unite strongly behind ending the violence" (Ban, Secretary-General, 12 March 2012, S/PV.6734: 3). His statement not only points to Council unity, but also, more importantly, emphasises the expectation that it fulfils its responsibility as part of its duties.

Besides the Council's duties, its *legitimacy* was also used for justifications expressing a normative worth of the Council's institutional manifestations. Legitimacy highlights an institutional dimension of responsibility because it points to the Council's necessity of being accepted as having the primary responsibility to maintain international peace. Given the course of the controversy, most speakers referred to the Council's legitimacy as a matter of its credibility. This seems reasonable, as the inability to adopt any measures at all was one of the main critiques of the Council. Hence, speakers often stressed that the Council's "credibility is at stake" (Wittig, Germany, 14 April 2012, S/PV.6751: 3) or that it would be "deeply regrettable that the Council has been unable" to play the role it is supposed to (Lyll Grant, 19 July 2012, S/PV.6810: 2). The language of failure, apparent in some statements, is especially intriguing. According to these argumentations, the Council would have a duty to live up to its responsibility and "to fail to do so would be to undermine the credibility of this institution" (Hague, UK, 31 January 2012, S/PV.6710: 17). However, the language of failure also has an enabling capacity, as it was used to justify the authorisation of action against the Syrian government for preventing a loss of legitimacy in case of inaction. These arguments are especially apparent in statements that interpreted the veto as causing damage to the Council's legitimacy, criticising Russia and China for preventing the Council "from responding credibly to the Syrian conflict" (Rice, USA, 19 July 2012, S/PV.6810:

10). The following quote from the French ambassador is particularly interesting because it reveals an overt admission that the third veto was a “blame game” by the Western Council members:

We have gone as far as the veto in full awareness of the situation. We cannot be complicit in a strategy that combines a mockery of diplomatic action with de facto paralysis. To do that would have been to give short shrift to our responsibility as a permanent member of the Council, short shrift to the credibility of this Chamber, which cannot serve as a fig leaf for impunity, and short shrift to the Syrian people.

(Araud, France, 19 July 2012, S/PV.6810: 4)

Although a veto was foreseeable, the draft resolution was nevertheless tabled – and vetoed by Russia and China. However, the justification of this “blame game” did not stress a potential damage of the Council’s legitimacy from enforcing a veto, but instead from *not* tabling the draft resolution. Apparently, tabling the resolution and facing the veto seemed more responsible in the eyes of the French representative than the other way around. Such a view was rejected by representatives from Russia and China, who stressed the inappropriateness of an untimely tabling of the draft resolution. Other Council members also argued for a unified approach “because of its impact on the Council and, in more general terms, on the United Nations, whose prestige has suffered a new blow” (Rosenthal, Guatemala, 19 July 2012, S/PV.6810: 9). Thus, it demonstrates that the meaning of what causes a threat to the Council’s legitimacy was highly contested.

Statements also included references to the normative worth of the Council’s institutional manifestations of responsibility by accentuating its *authority*. Authority differs from legitimacy by a stronger emphasis on the institutional instantiation rather than on the belief in it by other actors. These references, therefore, focused on the Council’s primary role in the maintenance of international peace and security according to the UN Charter. They were used to justify the *primary* role of the Council for dealing with the situation in Syria, for example, by stressing that the “United Nations Charter entrusts to the Security Council the primary responsibility for maintaining international peace and security” (Juppé, France, 12 March 2012, S/PV.6734: 5). As this is almost a paraphrasing of Article 24 of the UN Charter, it was hard to question by any Council member, even if they would disagree with the French position on Syria. Another pattern of justification was to argue that the main purpose of decision-making was to “protect the role and authority of the United Nations and the Security Council, as well as the basic standards that govern international relations” (Li, China, 19 July 2012, S/PV.6810: 13–14). In line with acknowledging that the UN Charter credits the Council with the authority to decide upon matters of international peace and security, arguments were also made that a legitimate right of the Council to authorise certain action stems from this authority:

Who could doubt that these are tangible threats to international peace and security? Who could doubt that this matter falls under the mandate of the Council?

(Rosenthal, Guatemala, 23 April 2012, S/PV.6757: 16)

The resolution sends an important international legal signal, namely, that only the Security Council has the prerogative to take a decision regarding the settlement of a regional crisis, including the Syrian crisis.

(Churkin, Russia, 21 April 2012, S/PV.6756: 2)

Although speakers had very different views on the crisis in Syria, as well as on the question of which measures would be an appropriate response to the crisis, their statements demonstrate similarities. This again demonstrates that justifications stressing the Council's authority referred to an underlying principle of worth, which eventually could be agreed on by actors despite their competing interpretations of the situation. Furthermore, these justifications also exhibit the power inherent in these institutional manifestations of the Council. As the quotes above depict, particular measures adopted by the Council – in this case Resolution 2043 establishing UNSMIS – were justified with reference to the authority of the Council. As Council authority and the decisions made due to this authority matter for all UN members, these constitute powerful justifications with tangible effects.

The normative worth of actors

Justifications focusing on the role of particular actors for Security Council responsibility played only a marginal role throughout the Council debates on Syria. This is surprising, as one would expect the deep rift within the Council to result in a stronger emphasis on the normative worth of particular actors. The role of regional organisations and their responsibility was of special importance during the controversy, whereas the responsibilities of individual UN members and the responsibility of the Council as a whole were mentioned to a much lesser degree. References to external experts, the international community, and the special responsibilities stemming from Council membership did not shape the debates much.

References to the role of *regional organisations* were an important feature during the Syrian controversy, mostly because of the importance of the Arab League for dealing with the situation in Syria. References to the role of regional organisations demonstrated an actor-centred understanding of the Council's responsibility because of their role according to Chapter VIII of the UN Charter and their legitimacy and authority in the region. This is underlined, for example, by referring to “the spirit of Chapter VIII of the Charter” (Rosenthal, Guatemala, 24 January 2012, S/PV.6706: 23) or emphasises on their local knowledge as “more often than not, hav[ing] the relevant insights into the dynamics of a given conflict and often what solutions to employ” (Sangqu, South Africa, 12 March 2012, S/PV.6734: 23). Hence, closer proximity to the region through regional organisations is expected to increase the Council's legitimacy. The tangible political implications can be seen through the representative of the Arab League, who spoke several times in the Council during the crisis and explicitly argued that a Security Council resolution “should adopt the Arab initiative as a basis for resolving the crisis” (Elaraby, Arab League, 31 January 2012, S/PV.6710: 9). Security Council members largely followed this interpretation and often commended the Arab

League for its efforts as well as its representation of regional interests and insights into the debates, for example by highlighting:

My country values highly the role of regional organizations and their contributions to peace and security. We believe that the League of Arab States is best suited to lead the efforts aimed at solving a crisis that entails direct risks and threats to many of its member states.

(Portas, Portugal, 31 January 2012, S/PV.6710: 20)

Although regional organisations play an important role in Security Council decision-making, the broad appraisal of their role during the Syria crisis is astonishing. The decision of the League of Arab States to turn against Syria, which was a crucial trigger for intensifying the negotiations of a draft resolution in late 2011 and early 2012, had a historical precedent. During the Libyan crisis, the Arab League's decision to support the oppositional Libyan forces was an important motivation for the Council to adopt Resolution 1973 (Glanville 2013: 325). The disagreement about the Council's method of handling the situation in Libya, however, cannot be identified in the widely discussed appraisal of the role of regional organisations in general and the Arab League in particular.

Speakers also referred to the *responsibility of UN members* to stress the role of particular actors during the controversy. By stating that "France has assumed its responsibilities at the national and European levels" (Araud, France, 4 February 2011, S/PV.6627: 2) or arguing that "we hope that the Syrian authorities will assume the responsibilities incumbent upon them" (Osorio, Colombia, 21 April 2012, S/PV.6756: 5), speakers underlined that their countries would fulfil their particular responsibility and through this contribute to the commonly shared responsibility of all UN members. These arguments also emphasised a sense of being part of a community that comes with the burden of carrying out particular responsibilities:

But all those good intentions will count for nothing if we cannot stand by our values or meet our responsibility in the most urgent crisis today.

(Hague, UK, 12 March 2012, S/PV.6734: 5)

As Hague argued, living up to one's responsibilities creates a community of "responsible members". Such a view is also supported by interpreting the controversy as a "common challenge we all face" (Li, China, 27 April 2011, S/PV.6524: 8). The role of every UN member in carrying out the collective responsibility was also used to criticise the Syrian government, arguing that "it is the responsibility of the Syrian Government to respect and protect the individual freedoms and fundamental rights of the entire population" (Osorio, Colombia, 27 April 2011, S/PV.6524: 11). Although the statement does not indicate if the Colombian representative considered Syria as part of the community of responsible UN members, he used these responsibilities, such as "individual freedoms and fundamental rights", to criticise the Syrian government.

Besides the responsibilities of UN members, there were occasional justifications referring to the *responsibilities of the Council as a whole*. These arguments refer to the Security Council as an actor rather than as a forum for member-state disputes. Some statements expressed an understanding of the agency of the Council in carrying out its “historic responsibility” (Juppé, France, 12 March 2012, S/PV.6734: 7) for evaluating the Council’s poor performance on Syria. In this regard, critics also drew attention on the “blame game” initiated by the sponsors of the draft resolutions:

As we have said before, this is not and must not be a blame game, as any success of failure [sic] of the Council will always be collective.

(Tarat, Pakistan, 19 July 2012, S/PV.6810: 6)

Since Pakistan abstained from the vote, the Pakistani representative stressed the effects of this “blame game” on the responsibility of the Council as a whole, highlighting that the consequences would be carried out collectively by the entire Council. Such argumentations underline that the Council as an actor is considered to represent a normative worth of Security Council responsibility.

Findings

This section presents the results of an interpretive text analysis of the Council’s on Syria between April 2011 and July 2012 to identify competing meanings of Security Council responsibility. Most notably, the controversy was driven by justifications stressing the normative worth of procedures for Security Council responsibility. The Syria controversy was primarily a discussion on how to cope appropriately with the stalemate caused by the continuing use of the veto power. Stressing the normative worth of procedures directly points to the veto’s ambiguity as a legal principle of the UN Charter, which is often perceived as an illegitimate privilege of the P5. Consequently, commitment or a constructive manner as important procedural elements were mentioned frequently. The Syria debate was also largely driven by concerns of potential damage to the Council’s responsibility. This demonstrates not only the high level of disagreement and division among Council members, but also the importance of Security Council responsibility as normatively valuable. Of special importance in this case was the Council’s response to the situation in Libya, which many speakers referred to when raising concerns about potential damage to the Council’s reputation. Other understandings of Council responsibility were less frequently identified during the Syria controversy. While there are references to a programmatic understanding of responsibility, its institutional manifestations, and the role of particular actors in carrying out responsibility, it seems that they were not considered as crucial arguments for justification.

Figure 6.1 presents the frequency of the identified meanings attached to the Council’s responsibility during the 2011/2012 crisis on Syria. Although frequencies have only limited analytical value themselves, Figure 6.1 clearly illustrates

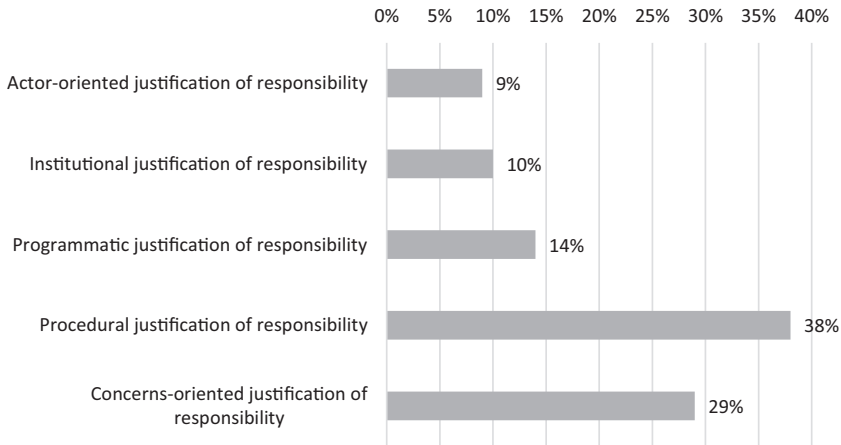


Figure 6.1 Patterns of justification during the Syria crisis

the preeminent role of a procedural understanding and a concern-oriented understanding of responsibility.

This again emphasises the importance of specific understandings of Security Council responsibility, which are linked to the substantial controversy regarding the legitimacy of casting vetoes during the Syria crisis. Given the Council's paralysis stemming from the vetoes, speakers referred to the procedural meaning of responsibility and their serious related to its potential damage. Notably, P3 members were especially cautious in expressing overt critique of the veto as an instrument of Council decision-making, focusing instead on a lack of commitment or constructive manner. At the same time, the prevalence of justifications emphasising concerns underline that a deadlock of the Council was considered problematic. Although parties in the Council sharply disagreed on the proper way of dealing with the issue, their concerns about effective Council decision-making seemed to be a shared normative worth. Seemingly, the normative worth of these understandings of responsibility could be agreed on by many Council members in principle, irrespective of considerable disagreement about the actual situation itself.

The 6711th Security Council meeting as a test of competing justifications

The previous section presented the plurality of meanings of responsibility apparent in public meetings held during the Council's controversy on Syria. To demonstrate how these competing meanings of responsibility enable practices of normative ordering, this section applies a micro-level analysis to the 6711th Security Council meeting, which faced the second double veto cast by Russia and China. In

February 2012, the Syrian conflict had turned into an open civil war, evidence of large-scale atrocities conducted by the Syrian government was available, and political pressure from the LAS demonstrated regional support for action against Syria. Given these circumstances, casting this veto was considered surprising and unexpected by Council members as well as observers. The continuing blockade of any Council action by Russia and China, therefore, was not only heavily criticised but also understood as highly illegitimate. The meeting can thus be regarded as a “test” of the justifications needed to claim the veto was legitimate.

A standard Council meeting?

The 6711th Council is especially interesting, as it was simultaneously shaped by routinised practices of Council decision-making and the exceptionality of a second double veto. As discussed previously, this stems from the dual meaning of the veto. On the one side, the veto can be considered a standardised voting mechanism which is legally codified through the UN Charter and an essential part of the Council’s responsibility for the maintenance of international peace. In that sense, using the veto is a routinised decision-making procedure. At the same time, the voting also represents a legal privilege of the P5 members understood by many as illegitimate because it undermines the formal equality of Council members and prevents the Council from carrying out its primary responsibility. Using the veto therefore comes with reputational costs and a need to legitimise its use in the eyes of other Council members. The occurrence of a second double veto on the same issue within only four months constitutes an exceptional situation of disagreement in the post–Cold War era of the Council.

The 6711th meeting is also interesting for a micro-level analysis, as it was not a high-level meeting. Unlike the 4701st meeting on Iraq, this meeting can be considered a “standard” Council meeting. Thus, Council members were represented by their permanent ambassadors or deputy permanent ambassadors. The meeting lasted from 10 a.m. to 1.25 p.m., which is a common duration for a Council meeting. Furthermore, the size of the meeting record (fifteen pages) underlines that the meeting was, first and foremost, an ordinary meeting, similar to many others held by the Council on an everyday basis. This is also reflected in the way the meeting was convened: after some formalities at the beginning of the meeting, a vote on draft resolution S/2012/77 took place. After the vote, statements were given by Council members commenting on the vote. All this underlines that the meeting represents a standard example of everyday routines of the Council’s business. At the same time, however, the meeting reflected the exceptionality of the situation and the severity of the controversy. The meeting was driven by an unusually heated atmosphere, which is rare and exceptional in the polite world of Security Council diplomacy. Forceful language was used and critics of the veto were unusually explicit in their evaluation of the situation. Although the meeting can be considered a standard Council meeting in many ways, it was driven by ordering effects of justification and momentary attempts to shape the meaning of responsibility.

The situation around the meeting

The 6711th meeting took place almost in the middle of the Council's 2011/2012 Syria controversy. At that time, the situation in Syria had already turned into an open civil war, and criticisms were raised regarding the Council's inability to deal with the situation appropriately. Two developments were important for the meeting: first, the *Commission of Inquiry* was about to publish its second report on the situation in Syria at the end of the month. Since its first report had been published in late November, the situation had deteriorated; the second report would conclude that the Syrian government had largely failed to uphold its responsibility to protect its people. Second, and more importantly, the LAS had become the most vital actor, pressuring the Council to adopt action against Syria. From December 2011, an observer mission of the LAS was established in Syria to support an LAS peace plan. The Syrian government initially accepted the deployment of these observers, and on 22 January 2012, the LAS adopted a resolution to extend the mission for another month. However, the deteriorating situation on the ground forced the observers to leave Syria in late January 2012. Morocco, a member of the LAS and elected Council member, thus took the lead role for negotiating draft resolution S/2012/77, demanding support for the Arab League peace plan (What's in Blue 2012a). A few days earlier the Council had been briefed by the Chairman of the Arab League, Sheikh Hamad Al-Thani, who argued for a strong decision by the Council. Council members supporting the LAS plan (Morocco, France, Germany, UK, US, Portugal, and Guatemala) attended the meeting on a ministerial level, which underlines the importance they gave the meeting. Until the draft resolution was put to vote, Morocco negotiated with Council members about the precise wording. The draft resolution condemned the continuation of widespread violence, demanded an immediate cessation of violence by all parties involved, and demanded that the Syrian government comply with its obligations regarding human rights. It explicitly stated that no measures under Article 42 would be authorised (S/2012/77: 1) but endorsed the Arab League's plan for a peaceful transition of power in Syria. This endorsement, however, was a source of continuing disagreement among Council members. On 2 February 2012, the draft resolution was put "in blue", which means negotiations were concluded and the draft would soon be tabled for a vote. However, several Council members tried to extend the negotiations. The representatives from Russia and China had to get further instructions from their capitals, and to them tabling the draft for a vote seemed premature (What's in Blue 2012b). Nevertheless, the draft resolution was tabled for vote on 4 February 2012. The position of Council members regarding the draft resolution can be seen in Table 6.2.

The meeting convenes – the test occurs

As discussed earlier, this meeting was a regular Council meeting and largely followed standard Council procedures. Kodjo Menan, the permanent representative of Togo to the UN, was the Security Council president in February 2012 and

Table 6.2 Positions of Council members ahead of the 6711th meeting

<i>Supportive</i>	<i>Undecided</i>	<i>Sceptical</i>	<i>Opposed</i>
USA	Azerbaijan	India	Russia
UK	Togo	Pakistan	China
Colombia		South Africa	
France			
Germany			
Guatemala			
Morocco			
Portugal			

opened the meeting. This was the first meeting in February and he first expressed his gratitude to his predecessor, Baso Sanqu, the Permanent Representative of South Africa, for serving as president in the previous month. As this is a widely established practice in the Council, most speakers during the meeting also praised the incoming as well as the outgoing Council president. After the adoption of the meeting's agenda, the Council decided, under rule 37 of its rules of procedure, to invite a number of countries to co-sponsor the draft resolution (among them Egypt, Tunisia, and Qatar) as well as the representative from Syria to participate in the meeting. Then the vote was taken, which resulted in thirteen Council members voting in favour of the draft resolutions, with only China and Russia voting against the draft, and no abstentions. After the vote, the debate started with a statement by the representative of Morocco, the sponsor of the draft resolution. This is a practice long established as a procedural rule in the Council (Sievers/Daws 2014: 260). It was followed by statements from co-sponsors of the resolutions, such as the representatives of France, Germany, the US, Portugal, the UK, Colombia, and Guatemala, before the representative from India made his statement as the first Council member with a sceptical position on the draft resolution.

Ambassador Mohammed Loulichki of Morocco set the tone for the debate by basically providing five arguments criticising the use of the veto. He started first by referring to the normative worth of concerns regarding the Council's responsibility: in not adopting the draft resolution, the Council would fail in assuming its responsibility, and this would increase the risk of a "dangerous backsliding in the humanitarian situation" in Syria (Loulichki, Morocco, 4 February 2012, S/PV.6711: 2). Furthermore, Loulichki recalled that, during the meeting on 31 January 2012, the Chairman as well as the Secretary-General of the LAS explicitly requested support from the Council for an LAS-led peace plan. As this would be impossible in light of the veto, the Security Council also failed in its responsibility with regard to its support of regional security organisations. Second, Loulichki underlined Morocco's commitment to the situation in Syria, pointing to a procedural understanding of Security Council responsibility. He argued that by "assuming its responsibility as the Arab member of the Security Council" (Loulichki, Morocco, 4 February 2012, S/PV.6711: 2), Morocco had a special responsibility for supporting the LAS plan and would continue to do so. Third, he also

stressed the normative worth of procedures by arguing that “we duly appreciate the spirit of consensus” in the Council (Loulichki, Morocco, 4 February 2012, S/PV.6711: 2). In addition, he also noted his admiration of the fact that the draft resolution was sponsored by so many other Council members. In that regard, Loulichki also emphasised the Council’s institutional framework by referring to the UN principles and their possible damage through the Council’s failure:

Through our efforts, we have endeavoured to live up to the firm principles demanding an immediate and complete end to all hostilities and acts of violence, and to encourage political dialogue in order to enable the Syrian people to establish its national political institutions, preserve Syria’s territorial integrity and social, pluralistic unity and, equally important, to forestall any external military intervention.

(Loulichki, Morocco, 4 February 2012, S/PV.6711: 3)

Fourth, Loulichki raised concerns regarding the atrocities occurring on the ground in Syria, stating that “we are terribly pained by the horrendous events unfolding before us” (Loulichki, Morocco, 4 February 2012, S/PV.6711: 3). Hence, the line of arguments used by Loulichki drew a clear connection between the importance of upholding Council procedures, the Council’s failure to fulfil its responsibility due to the vetoes, and the occurrence of further atrocities in Syria. These arguments were largely supported by other speakers supporting the draft resolution, but often in much stronger language.

Criticism of the failure to adopt measures on Syria was used by many supporters of the draft resolution to point to the harmful consequences of the double vetoes. The French representative argued that the veto threatened the Council’s ability to carry out its responsibility. He faced the vetoes “with great sadness” and criticised the double vetoes by emphasising that “this is a sad day for the Council” (Araud, France, 4 February 2012, S/PV.6711: 3). The Portuguese Ambassador stated that “again, the Council has failed to meet its responsibilities towards the Syrian people and to fulfil its role as the primary body entrusted with the maintenance of international peace and security” (Moraes Cabral, Portugal, 4 February 2012, S/PV.6711: 6), but it was especially the US representative, Susan Rice, who used language seldom heard in the Council chamber when qualifying the use of the veto:

The United States is disgusted that a couple of members of this Council continue to prevent us from fulfilling our sole purpose here, which is to address an ever-deepening crisis in Syria and a growing threat to regional peace and security. For months, this Council has been held hostage by a couple of members. Those members stand behind empty arguments and individual interests, while delaying and seeking to strip bare any text that would pressure Al-Assad to change his actions. That intransigence is even more shameful when we consider that at least one of those members continues to deliver weapons to Al-Assad.

(Rice, USA, 4 February 2012, S/PV.6711: 5)

Her statement is a remarkable case of critique, not only because “disgusting”, “held hostage”, and “intransigence” are strong expressions of disagreement. Instead, she also interpreted the failure of the Council to live up to its responsibility not as an abstract threat, as many other Council members did in expressing their concern, but as the direct result of Russia and China preventing the Council from carrying out its responsibility. This illustrates how emphasising concerns about the potential damage to Security Council responsibility explicates specific understandings of its normative groundings.

Supporters of the draft resolution also referred to the atrocities occurring on the ground and explicitly highlighted a connection to the veto. This was an expression of concerns about undermining the Council’s responsibility for justifying their support of the draft resolutions. This was often done through unusually explicit language. Members referred to the “abhorrent brutality” (Rice, USA 4 February 2012, S/PV.6711: 5) of these atrocities, the duration of “11 months of brutal violence” (Wittig, Germany, 4 February 2012, S/PV.6711: 4), and criticised that the “Syrian regime has ferociously escalated its already brutal repression” (Lyall Grant, UK, 4 February 2012, S/PV.6711: 7). The French ambassador Gérard Araud was especially explicit when he linked the atrocities to the occurrence of the veto:

We cannot and must not overlook the harrowing conclusion that two permanent members of the Council have systematically obstructed all its action. They do so in the full knowledge of the tragic consequences of their decisions for the Syrian people. And in so doing, they are making themselves complicit in the policy of repression being implemented by the Damascus regime. Whatever they may claim, they have de facto taken the side of the Al-Assad regime against the Syrian people.

(Araud, France, 4 February 2012, S/PV.6711: 3)

With this statement, Araud overtly criticised the vetoing Council members for (implicitly) accepting the atrocities conducted by the Syrian government. Thus, Araud’s critique directly referred to concerns regarding the negative implications of the vetoes for the Council’s ability to carry out its responsibility by “systematically obstructing all its action”.

Furthermore, speakers also underlined the importance of their own commitment when stressing a procedural understanding of Security Council responsibility towards Syria. Supporters of the draft resolution, such as the British representative, argued that despite the Council’s paralysis, the UK “will continue to support the Arab League’s efforts” (Lyall Grant, UK, 4 February 2012, S/PV.6711: 7). The importance of being committed to the Council’s mission, however, was also combined with stressing the necessity of being unified in this mission. As Peter Wittig, the German ambassador, underlined:

Let me reassure members of the Council that Germany remains ready to work with all of them to overcome our division.

(Wittig, Germany, 4 February 2012, S/PV.6711: 5)

Wittig's statement expressed a normative worth of procedures because of its overt emphasis on Germany's motivation to continue the search for a solution to the crisis. The statement also demonstrates that a procedural meaning of responsibility links commitment to the normative importance of unity among Council members. Unity was also stressed, for example, to underscore "the effectiveness of the Security Council in adequately responding to the challenges facing it" (Rosenthal, Guatemala, 4 February 2012, S/PV.6711: 8). This was also supported in various forms by reminding the audience that the draft resolution was co-sponsored by many countries from the region and initiated at the request of the Arab League. Finally, speakers often highlighted that the vetoing Council members faced a largely unified front of supporters of the draft resolutions. Hence, unity played an important role during the meeting for justifying support for the draft resolution. While this underlines the normative worth of a procedural understanding of responsibility, it also demonstrates the perceived illegitimacy of the veto as a formal decision-making procedure. As these statements demonstrate, the vetoes cast by Russia and China were largely considered inappropriate by the supporters of the draft resolution. As they argued, the veto indicates irresponsible behaviour that threatened the Council as a community and would cause the continuation of atrocities in Syria.

Representatives from Russia and China, on the other hand, justified their vetoes through references to a particular set of arguments that directly responded to the allegations made by the supporters of the draft resolution. Hence, the ordering capacity of justification becomes visible in the interplay between these competing interpretations of the situation. Russia and China stressed their continuing commitment as members of the Security Council, highlighted the constructive manner in which they responded to the situation, and finally questioned the approach of the draft resolution. In stressing their continuous commitment, they also emphasised a procedural understanding of responsibility. The notion of being active in the negotiations was a key element of claiming the veto as legitimate, arguing that they had "undertaken active diplomatic efforts" (Churkin, Russia, 4 February 2012, S/PV.6711: 9) and "actively tried to reach a decision" (Churkin, Russia, 4 February 2012, S/PV.6711: 9). Speakers also pointed out that they actively participated in consultations of the draft resolution (Li, China, 4 February 2012, S/PV.6711: 9). This was also backed by sceptical Council members, such as Pakistan, which shared the understanding that both Council members were active and not passive in the course of events (Haroon, Pakistan, 4 February 2012, S/PV.6711: 10). Hence, they provided arguments that were aimed at rejecting the notion of the veto as the source of paralysis and failure by emphasising their compliance with Council procedures. In doing so, opponents of the draft resolution referred to a principle of worth, which apparently was of great importance for supporters of the draft resolution.

Furthermore, opponents of the draft resolution also underlined that they had acted constructively during the course of events. Given that the vetoes were understood by many as indicating a paralysis of the Council and were explicitly mentioned as a cause of the continuation of atrocities in Syria, this seems

especially important for justifying the veto. Ambassador Churkin, for example, argued with reference to the inevitability of the veto that

we greatly regret such an outcome of our joint work in the Security Council. We believe that intensive efforts by the international community will be continued.
(Churkin, Russia, 4 February 2012, S/PV.6711: 9)

Interestingly, however, no argument was presented by opponents of the draft resolution about the legality of casting a veto, either as a legal privilege of the P5 or as a principle of Council decision-making defined in the UN Charter. Instead, by expressing “regret” in using the veto, its inappropriateness is indirectly admitted yet framed as an inevitable consequence. By stressing the constructive manner adopted by Russia and China in this situation, Churkin expressed a procedural understanding of responsibility. Hence, against the supporter’s critique of the decision as a failure with disastrous results, Churkin justified the veto by highlighting that it would not undermine Russia’s and China’s constructive role as reasonable Council members. Consequently, the veto could not be understood as a violation of Council procedures. On the contrary, the veto would be evidence of a shared understanding about the normative worth of procedures that supporters and opponents of the draft resolution could agree on as principle. Nevertheless, the criticism of the veto’s illegitimacy by supporters of the draft resolution was not explicitly rejected by representatives from China and Russia. This demonstrates, on the one hand, the widely held belief that using the veto is inappropriate. On the other hand, it also underlines how justification and critique unfolded their ordering capacity during the meeting. Instead of simply referring to their legal right to use the veto, or its compliance with the Council’s decision-making procedures, representatives from Russia and China implicitly confirmed the inappropriateness of the veto by stressing that the veto should not be understood as indicating either an unwillingness to cooperate with fellow Council members or a sign of unconstructive behaviour.

Despite justifying the veto by emphasising continuous cooperation and commitment, both representatives also explicitly criticised the draft resolution and the way it was put to vote. Ambassador Churkin, for example, criticised the draft resolution as follows:

The draft resolution put to the vote (S/2012/77) did not adequately reflect the true state of affairs in Syria and sent a biased signal to the Syrian sides. The sponsors of the draft resolution did not take into account our proposed amendments to the draft resolution to the effect that the Syrian opposition must distance itself from extremist groups that are committing acts of violence, and calling on States and all those with any relevant opportunity to use their influence to stop those groups committing acts of violence.
(Churkin, Russia, 4 February 2012, S/PV.6711: 9)

What is apparent in this quote is a different understanding of which approaches would suffice for coping with the situation in Syria. An important argument raised

by Russia and China during the meetings was to prevent the Council from adopting a biased resolution that would impose sanctions on the Syrian government but not on the oppositional forces. As Churkin argued, the draft resolution represented such a biased approach: it would only require government forces to stop using military means, not the oppositional forces. In contrast to the Iraq crisis – there was no fundamental disagreement among Council members that atrocities were being conducted in Syria. Neither Russia nor China denied their occurrence. Instead, there was disagreement over how to cope with the situation. The representatives from Russia and China justified using the veto with a different understanding of how to appropriately approach the situation instead of questioning the factual validity of these atrocities.

Another critique apparent in Churkin's statement is that of a lack of dialogue when the sponsors of the draft resolution responded to the Russian position. As he argued, several Russian suggestions for amending the draft had been ignored, which he understood as a source of the failure of the draft resolution (Churkin, Russia, 4 February 2012, S/PV.6711: 9). A similar argument was made by the Chinese representative Li Baodong, arguing that

the request by some Council members for continued consultations on the draft resolution is reasonable. It is regrettable that these reasonable concerns were not taken into account. To put through a vote when parties are still seriously divided over the issue does not help maintain the unity and authority of the Security Council nor help to properly resolve the issue. In this context, China voted against the draft resolution.

(Li, China, 4 February 2012, S/PV.6711: 10)

Hence, the veto was also justified by the inappropriate behaviour of supporters of the draft resolution in pushing a decision forward without upholding the Council's procedures. According to Li Baodong, this would have included continuing consultations in a constructive manner among all Council members.

The moment of justifying the veto

The 6711th meeting represented a test of competing justifications, because a draft resolution put to vote was vetoed by Russia and China. This was the second double veto during the Council's 2011/2012 Syria controversy. The micro-level approach applied in this section demonstrates the dynamics of normative ordering through justification during the meeting. Unlike the 4701st Council meeting on Iraq, this meeting was a regular Council meeting without a presentation or the attendance of high-level politicians. The meeting was driven by competing interpretations of the legitimacy of casting another double veto. Given the clear evidence of large-scale atrocities in Syria, hindering the adoption of a resolution was considered by many in the Council as a blunt violation of the Council's responsibility. At the same time, as the analysis demonstrates, the meeting was shaped by attempts to interpret the situation with references to possibly shared normative criteria of evaluation.

This was primarily the case with a procedural understanding of responsibility. Many speakers from both sides referred to the normative worth of procedures by emphasising commitment, a constructive manner and dialogue as important procedural understandings of responsibility. Of special importance was the notion of unity as a precondition for being able to follow Council procedures. The ordering capacity is demonstrated by the fact that despite their different positions regarding the legitimacy of the veto, many Council members shared an understanding that maintaining unity and the Council's responsibility for the situation in Syria would be legitimate criteria for evaluating the situation. However, what precisely would suffice as a legitimate procedure for maintaining the Council's responsibility on the issue was interpreted differently. While there was an agreement about the central role of the Council, there was no consensus on whether casting a veto would damage or secure this role. Notably, however, the veto itself as a principle of Council decision-making was not explicitly discussed. Neither opponents nor supporters of the draft resolutions used references to the general role of the veto in Council decision-making as a justification.

At the same time, attempts to establish a fragile local agreement about the normative worth of concerns regarding the Council's responsibility seemed to fail. Although references to the failure of the Council in living up to its responsibility were used by numerous supporters of the draft resolution to criticise the inappropriateness of casting the veto, opponents did not follow such a line of argument. This does not question the potential benefits of emphasising the responsibility of Russia and China for the continuation of atrocities and human rights violations in Syria by using striking language for addressing other audiences or to create international public awareness. However, it underlines the purpose of a test, as not every expression of normative worth becomes the foundation of a shared understanding of a situation.

The analysis also emphasises that normative controversies do not only point to particular principles of worth but also point to practices, symbols, and materialities related to these principles. While the 6711th meeting was not as affected by the role of objects as the 4701st meeting, it nevertheless was shaped by the ordering capacity of non-verbal references. This holds true, first and foremost, for the veto itself and its symbolic importance. As mentioned previously, the veto oscillates between its formal legality and the perception of its illegitimacy. It therefore represents, on the one hand, the routines of procedures and, on the other hand, an interruption of these routines due to its oddity and singularity in Council decision-making. Furthermore, the practice of literally raising hands in a public Council meeting emphasises not only the symbolic act of expressing opposition, but also visibilises opposition by a bodily motion. The discussions during the 6711th meeting demonstrate this ambiguous meaning of the veto: while it was harshly criticised as causing the continuation of atrocities in Syria, the right to cast a veto as well as the role of the veto as an instrument of Council decision-making was not discussed. This also underlines that the meaning of objects and symbols associated with particular principles of worth might not always be clear and unambiguous.¹⁷ Furthermore, the micro-level analysis also

reveals the importance of temporality for practices of normative ordering. The Chinese ambassador criticised the vote as untimely, as Council members would have needed more time to negotiate its content. He used this opportunity to raise concerns regarding the negative impact of such a vote. As he argued, this was largely what caused the failure of the draft resolution and produced a division of the Council (Li, China, 4 February 2011, S/PV.6711: 9–10). His critique underlines a particular understanding of the normative worth of procedures related to specific time sequences. This also points to the inherent temporality of practices (Nicolini 2012: 62).

To sum up, analysing justification on a micro-level reveals how principles of worth enabled practices of normative ordering during this meeting. While the normative worth of procedures was used by speakers from both sides of the conflict to justify their position, the actual meaning of it and how it relates to Security Council responsibility differed. Supporters of the draft resolution especially emphasised the Council's division and the need for unity, whereas representatives from China, Russia, and others focused on the constructive manner and the commitment demonstrated by actively participating in the negotiation process. Despite the considerable rift among Council members, the normative worth of procedures for Security Council responsibility appeared as a criterion for evaluating the situation upon which both parties could agree. Disagreement about the actual meaning of this procedural worth, however, was also apparent in the role of symbols, such as the veto itself, as well as the temporal configurations of the meeting. This again underlines that principles of worth unfold their (ambiguous) meaning through various avenues. Practices of normative ordering therefore not only reveal the plurality of meanings associated with principles of worth, but also take place in socially ambiguous situations. As pragmatist sociology argues, the purpose of engaging in tests is to cope with this ambiguity. The importance of non-verbal elements related to principles of worth add to a better understanding of the situation at the 6711th Council meeting. However, it also shows challenges to the analytical approach chosen in this chapter. Unlike the meeting record of the 4701st meeting, the meeting record of the 6711th meeting included only implicit references to symbols, time, and space formations or to objects. While this nevertheless enabled the identification of non-verbal elements related to normative worth, the explanatory power is affected by limitations that point to the benefits of combining multiple sources of empirical data.

Normative ordering during the Syria crisis

This chapter analyses the Security Council's 2011/2012 Syria crisis to better understand the normative controversy regarding the meaning of its responsibility. The Syria crisis was heavily affected by a stalemate between supporters and opponents of sanctions against the Syrian government. In a historically unparalleled situation, Russia and China cast three double vetoes to prevent the adoption of measures against the Syrian government. The analysis of the case study on Syria was carried out in three analytical steps: discussing how the crisis can be

interpreted as a normative controversy; revealing competing interpretations of the normative meaning of Security Council responsibility through a textual analysis of all public Council meetings on the issue; and, finally, analysing the 6711th Security Council meeting at the micro-level to demonstrate how practices of normative ordering affect the meaning of responsibility.

The Syria crisis can be considered a normative controversy in the Security Council because of the role of the veto for the Council's normative foundation. Using the veto is formally in accordance with the legal framework of Council decision-making. Given the widely held belief that the veto is an illegitimate privilege, however, casting a veto can be considered as violating the implicit "duty not to veto" in the Council. The unique occurrence of three double vetoes between 2011 and 2012¹⁸ was most notably affected by the Council's response to the similar situation in Libya. Through the adoption of Resolutions 1970 and 1973 on Libya, the Council demonstrated a quick and united response, authorising the use of all necessary means to protect the Libyan people. NATO's air strikes, however, were interpreted by Russia and China as violations of the "spirit of Resolution 1973", as they supposedly supported regime change in Libya. A primary policy goal of Russia and China, therefore, was to prevent such a violation of resolutions on Syria. Consequently, the Council's Syria crisis can be considered a normative controversy, because it primarily dealt with the appropriateness of using the veto and its potential damage to the Council's responsibility.

Findings from my text analysis largely confirm this view of the Syria crisis. As I argued, references were made mostly to the categories of a procedural justification of responsibility and concern-oriented justification of responsibility. Numerous references could be identified which stressed a motivation to engage in the situation and in a constructive manner. The analysis also reveals how competing justifications made use of similar principles of worth and thus entailed an ordering capacity: references to a normative worth of procedures were made both by criticising the untimely tabling of the draft resolution and the vetoing of the draft resolution. The deep rift and the stalemate are reflected in the importance of arguments expressing a concern regarding the potential damage to Security Council responsibility. Reports about human rights violations as well as the suspected negative impact of the stalemate for the Council's ability to live up to its responsibility demonstrate that the situation was affected by many concerns regarding the Council's responsibility.

The dynamics of these competing justifications are also apparent at the micro-level when looking at the records of the 6711th Council meeting. The meeting faced the second double veto and proved especially insightful because of the unusually explicit language used to criticise the veto. It demonstrates that even the strict protocol of the Security Council becomes fragile and subject to unexpected practices under special circumstances. While this was certainly an unusual situation, it nevertheless demonstrated that public Council meetings are indeed social encounters. It seemed that during the meeting there was no large disagreement about how to interpret the situation on the ground. The occurrence of large-scale human rights violations was not questioned by the different parties in the Council.

Instead, disagreement revolved around the question of which appropriate measures should be adopted to cope with these atrocities. The basic disagreement was, hence, whether or not the draft resolution should only condemn violence carried out by the Syrian government or – as Russia and China argued – should also address atrocities conducted by the Syrian opposition. This led to competing understandings about the procedure of carrying out Security Council responsibility. Supporters of the draft resolution interpreted casting the veto as inappropriate due to the gravity of the situation in Syria and the intensive negotiations of the draft. Representatives of Russia and China also used a procedural argumentation but to reverse the critique. As they argued, the sponsors of the draft resolution would have to be blamed for tabling an untimely draft not yet ready for vote. This again illustrates the importance of a procedural understanding of responsibility during the Syrian controversy. It also underlines the importance of non-verbal elements associated with a principle of worth. At the same time, an analysis of the meeting records can only partially access these elements, as the meeting record is solely a record of the oral statements. While this proved to be insightful, the micro-level analysis also points to challenges to the approach chosen. An analysis of documents is insightful for identifying competing principles of worth, but it makes it difficult to relate these principles to associated elements that contribute to practices of normative ordering. This raises questions how to develop a practice theory perspective on justification in the Security Council.

Notes

- 1 For historical accounts to the veto, see Schindlmayr (2001) and especially Patil (2001).
- 2 The implementation of Resolution 1973 through NATO military action became a controversial issue. In a commentary for the journal *Foreign Affairs*, Ivo Daalder and James Stavridis (2012) argued that this would be “the right way to run an intervention”. Others disagreed, either because they understood NATO’s intervention as overstepping the mandate of Resolution 1973 (Ulfstein/Christiansen 2013) or that the situation in Libya might not have reached the necessary scope of atrocities to legitimise the use of force as last resort (Biermann 2014).
- 3 Germany’s abstention especially faced much controversy and was widely perceived as indicating a failure of Westerwelle’s foreign policy decision-making (Biermann 2014; Hansel/Oppermann 2016; Miskimmon 2012).
- 4 A similar argument was made by Loisel (2013) questioning whether Council members actually felt obliged to carry out their responsibility to protect the Libyan people.
- 5 For a different view on the relationship between these two cases, see Ralph (2014), who argues that given the geopolitical situations, decision-making on Syria would have differed anyway.
- 6 Press statements are considered informal Council practices, and thus, their release is subject to the Council’s willingness to do so (Sievers/Daws 2014: 431).
- 7 Although the statement highlighted the sovereignty and territorial integrity of Syria as well as the necessity of having a Syrian-led political process, Lebanon disassociated itself from the statement. This was a highly unusual practice underlining the significant problems Lebanon had with any condemnation of actions by the Syrian government (Security Council Report 2015).
- 8 On 1 January 2011, Azerbaijan, Morocco, Togo, Pakistan, and Guatemala resumed the position of elected Council members, while Gabon, Lebanon, Brazil, Nigeria,

- and Bosnia and Herzegovina left office. See www.un.org/en/sc/members/elected.asp, accessed 17 March 2018.
- 9 There is one important limitation, though, which is that the veto can only be applied in votes on substantial matters, not on procedural matters. Defining an issue as procedural or substantial, however, is a highly political question, because it ultimately defines which issues fall under the Council's responsibility and which do not. This question had a substantial impact on early Security Council decision-making in the 1950s. Since then, however, the Council seems to have informally agreed upon defining a number of issues as procedural, for example adopting the agenda, scheduling of meetings, invitation of non-Council members, or the establishment of subsidiary bodies (Zimmermann 2012: 909).
 - 10 The 5418th Security Council meeting on 13 July 2006 was a private meeting for debating the situation in the Middle East.
 - 11 Although the Charter's indirect definition of the veto as an "affirmative vote [. . .] including the concurring votes" of the P5 could be interpreted as considering practices such as abstention, non-voting, or the absence of a P5 member during the vote as representing a veto, legal scholarship largely agrees that this is not the case (Bailey/Daws 1998: 250; Patil 2001: 102–104; Smith (2006: 174; Zimmermann 2012: 912).
 - 12 The sheer frequency of vetoes cast, however, is misleading without taking the respective contexts into consideration. The great number of Soviet vetoes in the early periods of Council activities largely results from vetoing numerous membership admissions from states such as Italy, Japan, South Korea, or South Viet Nam.
 - 13 This development was in contrast to the original spirit of the veto as a mechanism for uniting the great powers and distinguishing them as a whole from the other UN members (Hurd 2007: 97; Schindlmayr 2001: 230).
 - 14 During these meetings, the Council only convened for a vote or the statement given by the Council president, but usually not for a debate. They were included in the text corpus, as public Council meetings, although they usually had only one or two speakers (S/PV.6598; S/PV.6736; S.PV/6746)
 - 15 These meetings were included in the corpus, because the agenda item allowed for a discussion on the situation in Syria. However, only those parts of the statements were coded that explicitly dealt with Syria.
 - 16 For further information, see the code manual in the appendix.
 - 17 A similar point is made by Lisa Knoll discussing the role of hybrid objects by reference to the role of complaint boxes (Knoll 2013: 373).
 - 18 The current total of twelve vetoes, often double vetoes, makes Syria an exceptional case of paralysis of the Security Council ever since (Niemann 2018).

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7 Public Security Council meetings from a practice theory perspective

In previous chapters, I discussed how the 2002/2003 Iraq crisis and the 2011/2012 Syria crisis constituted normative controversies about the meaning of Security Council responsibility. After “zooming in” on these two cases, in this chapter I will switch the analytical lenses and “zoom out” (Nicolini 2010: 1392) to gain a broader understanding of public Council meetings as sites for practices of normative ordering. In doing so, this chapter shows that the findings of the case studies call for a different perspective on public Council meetings to access the material manifestations and symbols of the Council.

I argue that the Iraq crisis was driven by the potential threat to Security Council responsibility posed by a P5 member opting out of the Council’s system of collective security. The Syria crisis was shaped by three consecutive double vetoes, both of which prevented Council action against Syria and triggered a normative controversy regarding the role of the veto with regard to the Council’s responsibility. Both cases were situations of testing and coordinating competing normative understandings of Security Council responsibility. The variety of meanings attached to Security Council responsibility points to the “justification work” (Jagd 2011: 343) which actors have to carry out during social interaction. A text analysis of all public meeting records during these two controversies showed the varieties of meanings attached to Security Council responsibility. They also showed that both cases were driven by competing normative understandings which point to the different dimensions of responsibility.

In Figure 7.1, we see that there is a similar frequency of references to a procedural and to a programmatic understanding of responsibility in both controversies. Frequencies do not necessarily indicate the validity of arguments, but they do show the prevalence of particular meanings of responsibility over time and context. During both crises, for example, many speakers seemed to consider procedures a key normative element of Council responsibility. In Chapters 5 and 6, substantial variation was identified as to what precisely a procedural understanding of responsibility implies. Nevertheless, speakers during both controversies seemed to consider a procedural justification to be a principle of worth for claiming the legitimacy of competing positions. A principle of worth does not indicate consensus, but its use reveals the ordering capacity of justification. And

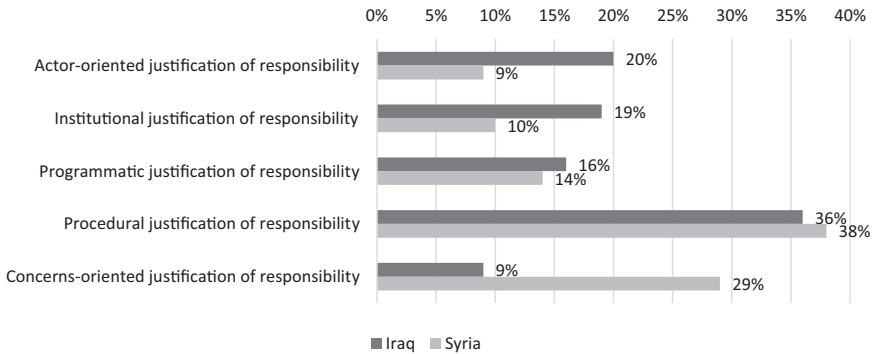


Figure 7.1 Comparison of the frequency of justification types in the Iraqi and Syria controversies

its intersubjectivity underlines the inherently productive effects of justification for the constitution of the social world.

At the same time, both case studies also show the context-dependent and situated meaning of responsibility. In both instances, some justifications are clearly related to the specific circumstances of the cases. Since the Iraq crisis was primarily a controversy about whether Iraq was in material breach of Resolution 1441 and the potential consequences of such a breach, the relevance of specific actors as well as of institutional manifestations of the Council were important normative elements related to Security Council responsibility. Compared to the Iraq crisis, the Council's controversy about Syria was driven by a much greater agreement about the situation on the ground. The existence of mass atrocities was not denied by any party in the Council. Due to this apparent agreement about the factual situation, the controversy was much more about the question of what an appropriate response by the Council would be. For some Council members, this included casting vetoes to prevent what they considered biased Council responses; for others, the vetoes were the cause of the ongoing stalemate and hindered any substantive Council response. Consequently, justifications during the Syrian controversy often expressed a concern about the negative impact of the Council's paralysis and its devastating effect on the Council's ability to carry out its responsibility.

Finally, the analysis of two specific meetings also demonstrates how justification can order social interaction on a micro-level. Both meetings show that, in addition to argumentation, justification also makes use of related symbols, practices, and objects to advance a principle of worth. Colin Powell's presentation during the 4701st Council meeting was widely interpreted as a farce. Yet, his argument that the mass of information he presented, including recorded phone calls, were valid facts affected the course of the debate, even though the majority of the Council was sceptical. His justification relied heavily on the normative worth of procedures. He argued that the issue was not about the US opting out of

the Council's system of collective security but about following established Council procedures in identifying a threat to the peace.

The 6711th Council meeting on Syria also demonstrates that Council meetings are dynamic social encounters. The outrage about the double veto was also related to the vetoes being cast in public meetings and in awareness of the undeniable large-scale human rights violations taking place on the ground. However, despite controversy about the legitimacy of the second double veto, the principle of a weighted voting mechanism was not questioned. Instead, the symbolic value of the veto, as both an instrument of great powers to uphold Security Council responsibility as well as a privilege instrumentalised by great powers to pursue national interests, shaped the discussion.

Both meetings demonstrate that justification is a way of coping with ambiguous situations. Speakers stressed supposedly shared principles of worth, seeking to establish a fragile local agreement about the situation. These justifications were tested by other actors to figure out the possibility of a "fragile local agreement". While these practices are apparent in both meetings, the results differ in their representation of different kinds of test. In Chapter 4, we saw that there were three forms of tests developed by pragmatist sociology: reality tests, truth tests, and existential tests. A comparison of the two meetings shows that the 4701st meeting was arguably a reality test, that is, a test underlining tensions between different interpretations of what the situation is and what it should be (Boltanski 2011: 106). As it was driven by disagreement about whether the facts confirmed an Iraqi breach of Resolution 1441, Council members presented competing interpretations of the reality of the situation. The 6711th meeting on Syria was a truth test, that is, a test of competing understandings of what an appropriate response to the situation should be. Compared to the 4701st meeting, there was little disagreement about the situation. However, there was considerable disagreement about what an appropriate response would be. While Russia and China considered the casting of a veto a legitimate response to prevent an untimely and biased resolution, their opponents argued the opposite, claiming a legitimate response would be a resolution authorising measures against the Syrian government. The controversy, therefore, was about the appropriate means and not about the general assessment of the situation. This approximates a truth test, as both parties came to different conclusions on how to respond to a situation they interpreted similarly (*ibid.*: 103). The notion of a test helps us to understand the course of events. In pragmatist sociology, reality tests call into question an underlying normative order, whereas truth tests confirm or disconfirm an existing order (*ibid.*: 104). Consequently, justifications which take the form of reality tests are better suited to generate social change than truth tests.¹ The case studies seem to confirm this observation. The Syria controversy led to a stabilisation of the situation rather than its change. Despite widespread criticism of the vetoes, it took the Council another year before first measures against the Syrian government were authorised. During this time, the criticism of the Council's failure to live up to its responsibility did not result in any change. The Iraq controversy, on the contrary, led to the decision by the US and UK to go outside the

mechanisms of the collective system of security and start military action without Council approval. This decision undoubtedly had devastating effects for the Iraqi people and regional stability in the Middle East. However, it also strengthened the Council by demonstrating the importance of its primary responsibility for maintaining international peace, and so this decision also initiated social change within the UN system (Thakur/Sidhu 2006).

From the perspective of pragmatist sociology, the case studies reveal that practices of justification in the Security Council represent normative ordering. At the same time, the case studies also show the key role of practices, objects, and symbols in embodying specific normative understandings of responsibility. However, the use of non-linguistic elements in justifications raises questions about the approach being used in this study. In Chapter 4, I discussed why an interpretive text analysis seemed to be the most useful approach to identifying competing principles of worth related to Security Council responsibility and to shedding light on dynamics of normative ordering. However, limiting the analysis to meeting records narrows our view of the dynamics of normative ordering in the Council.

Practice theories take as their starting point that the constitution of social meaning is an open and unfixed process. They also emphasise the analytical value of things and objects as well as configurations of time and space. Practice theories involve a variety of methods, such as participant observation, interviews, or shadowing during fieldwork (Bueger/Gadinger 2014: 89). This requires considerable resources as well as access to the field. It also points to the importance of time and space for empirical analysis. Hence, if studying practices *in situ* is impossible, then document analysis may be the best possibility to gain access to practices (Reckwitz 2008: 200). In the case of the Security Council, meeting records provided the best opportunity to gain access to public Council meetings. They are publicly available and provide a verbatim protocol of the statements issued during their meetings. However, the exclusive focus on meeting records presents only a partial view of practices of normative ordering. Other activities during a public Council meeting are not recorded: neither the role of symbols nor how they are realised in practice is captured in this analytical approach. As discussed at the end of Chapter 6, this presents a challenge if we seek to relate particular objects or symbols to principles of worth.

For broader considerations about the role of public meetings for practices of normative ordering in the Security Council, additional sources are necessary. The following discussion relies on literature from three sources: former diplomats giving insights into public Council meetings; ethnographic research from scholars with access to Council decision-making processes, for example by serving on permanent missions to the UN (Schia 2013a); and field research conducted in the autumn of 2012. This field research included semi-structured interviews with diplomats, present and former UN staff, and representatives from academia and civil society as well as (participant) observation of public Council meetings. These sources provide data for a practice theory perspective on public Council meetings.

Public Security Council meetings as sites of normative ordering

A first finding from the case studies is that the public Council meeting is a fruitful site for justification processes. In both cases, public meetings were shown to be a key site for engaging with the crises. They demonstrate how much public Council meetings matter for the contestation and coordination of the Council's normative foundations. This conclusion is far from obvious given that the conduct of public Council meetings is, according to Ian Hurd, often criticised as a “pro forma affair” (Hurd 2002: 43). It calls for greater attention to be given to the role and the conduct of these meetings.

Public meetings are considered the “standard” model of Council meetings. They are usually held in the Security Council chamber, an official agenda is published ahead of the meeting, and a meeting record afterwards (Sievers/Daws 2014: 20–21). Public meetings are open to all UN members, who have, according to Article 32 of the UN Charter, the right to request participation in the discussions. Furthermore, representatives from international organisations and observer states, the press corps, and civil society representatives are also able to attend public meetings as visitors. These meetings are also covered by the UN media, such as UNTV and UN Webcast. Therefore, public Council meetings are only to a certain degree public. Access to them is limited in various ways; however, meeting records and public broadcasts enable a broader audience to follow their discussions. As Figure 7.2 shows, however, public meetings are only one of several meeting formats.

Figure 7.2 illustrates that in addition to public meetings the Council also occasionally convenes in private. These are official Council meetings which are not open to the participation of non-Council members or public observation. Their

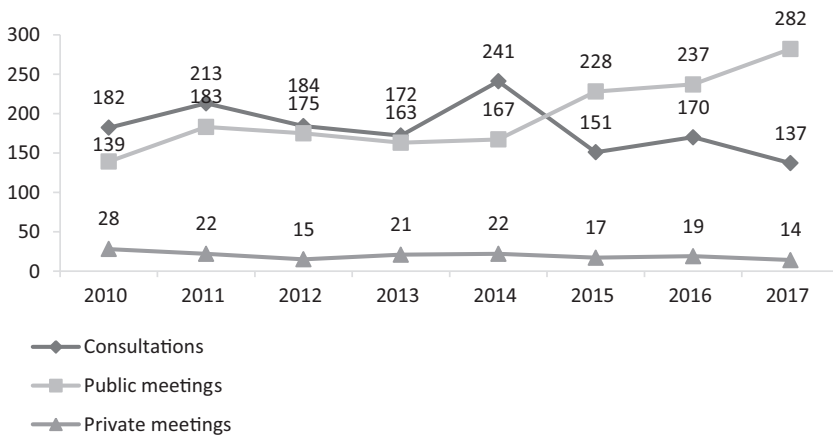


Figure 7.2 Frequency of different Council meeting formats between 2010 and 2017

Source: Compiled from United Nations 2014 and United Nations 2017.

number is constant over the timeframe, but on a rather low level. More important are the so-called informal consultations the Council frequently holds. These consultations are usually held in the small adjacent consultation room outside the Council chamber, and access is limited to Council members only. There is no official agenda, nor are meeting records of these consultations published (*ibid.*: 65). These consultations emerged out of daily practices and are not mentioned as a formal meeting format in the Council's rules of procedure. As a result, they are often seen as an obstacle to Security Council legitimacy.

There are other informal and semi-formal meeting formats as well. The P5 members especially form an "overlapping lifeworld" (Johnstone 2003: 460), which includes informal coordination, especially among the P3, and plays a tremendously important role in decision-making processes (Prantl 2010: 204). The increased consideration of cross-cutting issues has made informal "groups of friends" and informal contact groups on particular policy issues (such as children in armed conflict) important agenda setters in the Council (Prantl 2006; Whitfield 2004). Council members regularly hold so-called Arria-formula meetings as a venue for the exchange of views among interested Council members and with non-governmental organisations (Martens 2006; Niemetz 2014). Finally, informal personal networks among diplomats, subject to their personal sympathies and antipathies, influence Council decision-making (Smith 2006: 228) as much as working relations in the Council (interview DEL01, interview CSO01, see also Ambrosetti 2012; Bosco 2014). Diplomats "believe in the face to face" (Neumann 2007: 186). Loie Feuerle also notes that diplomats appreciate talking *to* each other in the Security Council instead of talking *at* each other (Feuerle 1985: 292).

The rise of informality as Council practice is widely considered a threat to the Council's legitimacy because it also means lack of stakeholder access, non-transparency of decision-making processes, and asymmetry among Council members in informal negotiations (Binder/Heupel 2015: 539; Buchanan/Keohane 2011: 47; Thompson 2006: 27; Voeten 2005: 528). More importantly, however, the rise of informality is also understood by many as undermining the role of public Council meetings as the key site of decision-making. This view is shared by Council diplomats. Susan Hulton writes that in 1994 the French permanent representative commented that

everyone knows that when the Council goes in to public meeting everything has been decided in advance [. . .] Informal meetings are not even real Council meetings at all; they have no official existence, and are assigned no number. Yet it is in these meetings that all the Council's work is carried out.

(Hulton 2004: 242–243)

Hulton's comment illustrates that tensions between informal and public Council meetings change the way the Council works. However, the turn to informality does not question the relevance of public meetings for the Council's decision-making processes so much as it highlights the changing purpose of these meetings. While the actual decision-making processes might be carried out in informal settings, they

are still legitimated in public Council meetings. Moreover, since public meetings are still the most frequent type of Council meeting, they seem to fulfil an important role. Taking this role seriously changes the perspective on public Council meetings from meaningless pro forma affairs to dynamic sites of social interaction.

This shows that public meetings are neither the only nor the most important meeting format for the Council's decision-making processes. However, since consultations and other informal meeting formats lack clear criteria of access and transparency, public Council meetings are important for the legitimation of Council decision-making by enabling the participation of a broad spectrum of actors in their debates. Public Council meetings serve a purpose beyond formalised decision-making processes among Council members. They turn the Council into a forum for a variety of actors involved in Council decision-making processes. From a practice theory perspective, the various opportunities of non-members to interact in and with the Council demonstrate that *the* Council is in fact a permeable institution. This does not nullify legal provisions, but points instead to the fact that together with UN member state representatives, others, including experts, UN bureaucrats, and the media, also participate to varying degrees in Council debates (Johnstone 2011: 60). Taking these dimensions seriously is important for understanding the role of public Council meetings as a site for justification processes and their ordering capacities.

Normative ordering through rhetorical repertoires

A second finding from the case studies is that the plurality of meanings attached to Security Council responsibility has an ordering capacity. Ultimately, the findings show the importance of rhetorical repertoires available to speakers for practices of normative ordering during public Council meetings. These repertoires of arguments unfold their meanings because they are geared towards the perception of normative "rightness" of potential audiences (Halliday/Block-Lieb/Carruthers 2010: 85). This, however, raises questions about the conditions needed for these repertoires to unfold their shape and relevance.

In the case of public Council meetings, these rhetorical repertoires rely on the importance of diplomatic cultures in the Council. Ian Hurd defines diplomacy as "providing rule-following explanations for the choices of the state" (Hurd 2011: 589), and this influences how diplomats present their arguments. The ordering capacity of rhetorical repertoires is thus related to the specific social contexts of diplomacy, which shape how justification and critique are expressed in the Council. Courtney Smith notes that diplomatic speeches are carefully crafted to match their objectives:

Delivering an effective speech at the United Nations requires certain abilities and much practice [. . .] Comments must be carefully tailored to meet the intended purpose of the speech and be delivered in a style that is conducive to persuading other parties of the correctness of one's position.

(Smith 2006: 264)

In other words, the style of reasoning used by diplomats values polite and unemotional language, especially in the absence of consensus. The social context of diplomacy also sheds light on why these speeches appear so different from speeches by politicians or parliamentary debates on the same subject.² Statements delivered in the Council are depersonalised reifications of government positions rather than personal expressions of opinion by an individual speaker. Often, there are few differences between two statements on the same issue made by two different diplomats representing the same Council member. As Iver Neumann discusses with reference to the drafting of a speech in a foreign ministry, there is a reason why these statements usually appear to be meaningless. They are usually summaries of well-known positions put in carefully structured rhetorical phrases, as their main purpose is not to make a political statement but rather to act as institutional self-confirmations (Neumann 2007: 199). They are drafted in intense negotiation processes in and between the permanent missions and the domestic foreign ministries, and as such they are well structured argumentations rather than impulsive expressions of opinion. The precise wording matters, and the negotiations of these statements were described by interviewees as an important part of their job (interview DEL02; interview DEL04). They have also been called “battles of narratives” (interview DEL04). Political statements in the Council are understood, then, as having a primarily representative purpose. It therefore does not come as a surprise that the content of these statements is often known ahead of the meeting. Frequently, the text of a statement is circulated as a copy for Council members shortly before or during the meeting so that Council members can read them. This illustrates the deliberate processes involved in “carefully tailoring” statements for public Council meetings, taking the various audiences and the purpose of these speeches into consideration.

Three elements of the social context of diplomacy seem especially crucial for the conduct of public Council meetings and their role as a site for justification: appropriateness, consensus, and the legal framework. Appropriateness refers to the type of language used in public Council meetings. These meetings are a site of diplomatic culture which is driven by an indirect style of speaking, as overly direct expressions could be interpreted as inappropriate. At the same time, diplomats are employed to send a message, and failing to do so could weaken their political mission (Neumann 2007: 190). Therefore, diplomatic language makes use of not only such indirect devices as periphrasis, understatement, and disguised language, but also more expressive devices including superlatives, repetitions, and metaphors (Faizullaev 2014: 278; Wesel 2003: 600–601). One interview partner considers appropriateness a condition of success for diplomatic negotiations as it ensures the success of diplomatic reasoning (interview CSO03).

An example of the importance of appropriateness can be seen in the way diplomats introduce their statements during public meetings. An interesting example of this was given by Mohammed Aldouri, the Iraqi permanent representative to the UN, during the Council meeting on 5 February 2003. The meeting was notable for

a long presentation by US Secretary of State Colin Powell, who presented various artefacts as evidence of an Iraqi breach of Resolution 1441. He also used unusually overt and direct language. Aldouri began his response as follows:

My delegation congratulates you, Sir, on your assumption of the presidency of the Council for this month. We wish you success in your work amid these extraordinarily difficult international circumstances [. . .] I shall be polite and brief.

(Aldouri, S/PV.4701: 37)

In congratulating the Security Council president for assuming the position for the month of February, Aldouri followed one of the prevalent patterns of rhetorical legitimization in the Council. Congratulating incoming presidents and thanking outgoing presidents for their service to the Council is one of the most frequent structuring elements of Council statements. It is habitual to the extent that even representatives from relatively isolated states, such as Iraq, Syria, or Libya, usually follow this protocol. This demonstrates the purpose of the opening as an important “ritualized communicative behavior” (Groth 2012: 64) in multilateral diplomacy. An omission of this behaviour would be noted as highly unusual and inappropriate.

While the structure of opening Council statements is the most common shared feature, there are other examples of appropriateness as a form of expressing political preferences or opinions. Canadian representatives, for example, usually start their statements by speaking French and then switch to English after a few sentences. Many representatives of Arab states, when making a statement on the situation in the Middle East, include a passage criticising US hypocrisy towards Israeli compliance with human rights. Mohammed Aldouri’s opening statement exemplifies appropriateness in the social context of diplomacy. By stating that he “shall be polite and brief”, Aldouri not only confirmed his adherence to the diplomatic protocol, but also indirectly points to the inappropriateness of Colin Powell’s statement. How justification and critique unfold in public Council meetings relies heavily, then, on appropriateness as an important ordering element of the social context of Security Council diplomacy.

Another important element of the social context of Security Council diplomacy which influences the rhetorical repertoire is the role of consensus. This is not to say that diplomacy aims for the most part at seeking consensus. Instead, diplomats often claim the existence of consensus to maintain a sense of community and to ease multilateral negotiations (Kappeler 2003: 64). Consensus is a constitutive element of the social community of diplomats because it emphasises reciprocity and maintains social interaction irrespective of the actual position in a diplomatic dispute (Faizullaev 2014: 292). The importance of claiming consensus was stressed by one interviewee as even shaping Council decision-making in general. The interviewee argued that seeking compromise would be the core of any Council negotiation (interview DEL06). For Vincent Pouliot, the

need to claim consensus points directly at the ordering capacities of diplomatic reasoning:

The multilateral practice of reaching out, which combines a moral imperative with an instrumental incentive in producing a functional good, is a great illustration of how practice typically weaves together various social logics. (Pouliot 2011: 552)

Although constitutive of the practice of diplomacy, references to consensus are not without problems. In the case of the Council of the European Union, Dorothee Heisenberg argues that decision-making has become increasingly consensual because of a shared identity developed over the last forty years which has effectively “personalised” negotiations in European institutions. As a result, arguments which might violate these personal relations and the collective spirit of unity have become almost impossible (Heisenberg 2005: 68). Consequently, failing to reach some kind of agreement is effectively excluded as a possibility in European Union negotiations (Adler-Nissen 2009: 130). While this need not necessarily apply to the Security Council, it nevertheless demonstrates the effects of consensus on the rhetorical repertoire available for justification. References to consensus have a legitimising capacity because of their function of maintaining a social community. However, they are also ordering in an enforcing way. The persistence of “dominant symbolic codes” (Doerr 2011: 523) demonstrates the near impossibility of not appealing to consensus. The astonishing politeness of statements in the Council, even in situations of great dispute, can therefore best be understood not as evidence of an existing consensus or a sincere belief in it, but as a reflection of the ordering capacity of rhetorical repertoires in the Security Council.

Justification during public Council meetings is also affected by the importance of legal frameworks, which points to the constitutive role of rule-following for diplomacy (Hurd 2015: 45). The indeterminacy of the Council’s legal framework has led to a “culture of justification” (Koskenniemi 1998: 35). While the contribution of the legal framework to coherent Council decision-making might be questionable, its success as a source for justifying military action with reference to Council resolutions or the UN Charter is not (Peevers 2013; Pigman 2010: 163). References to the legal framework also allow actors to stress their impartiality and appeal to collective interests rather than self-interest, irrespective of whether or not that really holds true (Johnstone 2003: 454). This also draws our attention to the role of arguments addressing the collective agency of the Council. At the same time, however, the existing legal framework also narrows the possible scope and “affects how decision makers frame the choices available to them and how they explain and justify those choices” (Johnstone 2010: 180).

The legal framework is of special importance for justifications because it allows Council members to appeal to a presumably shared understanding by fellow members. It is seen as a source of rhetorical strength (interview DEL02). Moreover, reference to the Council’s legal framework in formal documents relates justifications to

particular objects, such as drafts put “in blue” (reports giving background information for Council decision-making) or the so-called Repertoire of the Practice, which serves as the Council’s institutional memory. This does not resolve the indeterminacy of the Council’s legal framework, and the importance observers of the Council give to the actual practices compared with the legal framework (interview CSO03). Nevertheless, it is fixed in documents as an assumption of a shared understanding. As my analysis of the role of Resolution 1441 in Chapter 5 and of the veto and its legal manifestation in the UN Charter demonstrate, this does not prevent contested interpretations of their meaning. The reference to legal frameworks, however, has an ordering capacity because it also serves as an evocation of community.

Normative ordering through procedures

A third finding is the reference to procedures in justification as a practice of normative ordering, which give Council meetings their appearance as ritualised performances. Murray Edelman argues that especially during disputes, rituals have a legitimising capacity. He observes that although rituals cannot solve conflicts, they can channel them (Edelman 2005: 83). The importance of the certainty and predictability provided by ritual becomes apparent in conflict as it allows social interaction to continue. This is precisely what can be observed during public Council meetings, where Council members often refer to routinised patterns of interaction in the Council when expressing justification and critique. By following formal procedures, public Council meetings also comply with the legal framework of the UN, most importantly the UN Charter and the Council’s rules of procedure. They define how the Council’s agenda is adopted, how to determine whether issues fall under the Council’s consideration, and what forms of decision-making are available to the Council. For routinised decisions such as the renewal of a long-established peacekeeping mission, the Council only meets briefly for the vote without any further discussions of the item.

The Council’s work is therefore “often routine” (interview DEL07). These routines have an important ordering effect, for example by shaping how discussions are held in the Council. Security Council discussions consist of the presentation of statements in an order usually prepared the day before the meeting convenes. This speaking order is rarely altered during the meeting, and there is usually no direct response to the statements by other members. Therefore, the performance of public Council meetings appears highly structured and makes unexpected or spontaneous interaction difficult. “There are rules on everything – from where the delegates shall sit to when they may speak. [. . .] There is little room for improvisation” (Schia 2013b: 287). There have been occasional attempts to make public Council meetings more spontaneous to enhance the quality of debates, including avoiding a pre-established list of speakers, hearing non-members first, and allowing for interruptions and responses to questions. Ultimately, none of these practices succeeded (Hulton 2004: 247). Thus, the general impression is that public Council meetings are bound to a rigid structure, instead of being encounters for the exchange of views on a contested issue. Former British diplomat Carne Ross

gives a striking example which also demonstrates that diplomats themselves suffer from these structural boundaries:

I hadn't thought the UN Security Council would be boring, but it is. I sit, I take notes, I take more notes. I crave a cigarette. We and the other diplomats in other delegations occasionally grin at one another or pass witless jokes on scraps of paper. The day's agenda is the usual roster of unsolved conflict and human misery: Burundi, Iraq, East Timor, Congo.

(Ross 2007: 152)

This is how many would expect a Council meeting to be: boring and pointless. Interview partners confirm this understanding, stressing that it is often frustrating to listen to the statements because of their banality (interview DEL07). Even rare exceptions, such as Colin Powell's presentation on 5 February 2003 or the participation of celebrities, do not change the performance of these meetings considerably. In this regard, the social setting of the Council differs significantly from other venues. Unexpected disturbances of these routines – for example, sit-ins which have been successfully used to influence multilateral negotiations or summits – are almost unthinkable in the Council (Doerr 2011: 523).

However, despite the impression that there is very little room for improvisation during public Council meetings, the rules of procedure actually do permit a considerable amount of creativity and flexibility. This stems from their vagueness and the necessity of interpreting their meaning for the actual performance of a meeting. As one interviewee commented, there is only one procedure which really matters: namely, the vote. Everything else is subject to interpretation (interview DEL03). Since their adoption in 1945, the Council's rules of procedure have been revised only marginally and no longer sufficiently respond to contemporary Council decision-making (Sievers/Daws 2014: 11). Consequently, a number of unwritten habits and practices have evolved which are difficult for outsiders to assess. It seems, however, that Council members have adapted quite well to this situation, as it allows the Council to deal flexibly with the formal requirements of the rules of procedure (Prantl 2010: 189). Therefore, the formal rules appear as a "skeleton" which needs to be padded with the everyday informal practices of Council members (Schia 2013b: 280).

Political asymmetry and power also affect procedures and the conduct of public Council meetings. The limited tenure of elected Council members and the necessity of their becoming acquainted with the rules of procedure often put them at a disadvantage with the P5 members, for example, in shaping the Council's agenda (interview DEL01; interview DEL03; interview DEL05). The public meeting is therefore a situation of social positioning among the Council members (Ambrosetti 2012: 65). The informal practice of assigning so-called penholders demonstrates this very well. After the increase in Council activities in the early 1990s, an informal system of negotiation leadership, the penholders, was established. Negotiations on particular crises are usually led by France, the UK, or the US (and in some instances by Russia). These Council members take the lead role in formulating draft resolutions

or draft statements, while the elected members usually obtain penholder positions on thematic issues and in the Council's subsidiary bodies.

This informal system responds directly to the legitimacy of the Council's formal structures. Crises often last much longer than the tenure of elected members, and only P5 members have the capacity to serve for many years as penholders for persistent crises. At the same time, by implicitly differentiating between the important core issues and marginal ones, it increases the inequalities among P5 and E10 members (Ralph/Gifkins 2017). This also has structuring effects by ascribing particular roles to the different groups of Council members. Besides the differences between P5 and E10, this also holds true within the P5, as Russia and China are much less likely to lead negotiations on draft resolutions. This also affects the performance of public meetings because penholders usually take a lead role in justifying draft resolutions. This demonstrates how an informal practice ultimately orders social relations by manifesting the different social positions of Council members and their formal interactions.

Either before or after a public meeting, the Council often holds informal consultations on the tabled issue. This again shows the purpose of procedure in public Council meetings to publicly demonstrate and legitimise its decisions. Council members are very much aware of these different purposes, as Niels Schia reports:

By switching between different levels of formality, actors in the UNSC manage to resolve conflicting processes and internal paradoxes without fragmenting the external continuity and unity of the Council.

(Schia 2013b: 288)

The practice of switching levels of formality shows the Council members' awareness of the respective social situations and their ability to adapt to them. The change of different levels of formality also fulfils a function for the Council as a whole. Council members have a collective interest in the smooth performance of public meetings, because they are well aware of the attention given to them by domestic and international audiences. Disturbances could affect the perception of the Council's capacities and ultimately undermine its legitimacy.

The ordering capacity of procedures during public Council meetings is a matter of not only the formal rules of procedure but also the activities carried out by the diplomats in the Council chamber. Courtney Smith uses the metaphor of a "dance" to describe what happens at diplomatic sites. It requires

understanding both the written and unwritten rules of the dance, knowing which other attendees represent potential dance partners, and possessing the ability to feel the rhythm so that you can tell in what direction the process is moving.

(Smith 2006: 5–6)

This metaphor captures the necessity of having access to local knowledge, but it also shows how these gatherings are shaped by physical activities. Practice theory

emphasises that these activities are more than just bodily motions. They represent norms and cultures as they literally constitute the social world (Nicolini 2012: 214; Schmidt 2012: 55). Such a view of public Council meetings reveals the flexibility in interpreting the rules of procedure and how interpersonal activities during a Council meeting represent practices of procedural legitimation work. Again, former diplomats give vivid accounts of these activities when describing movements in and around the Council chamber during a public meeting:

I would march around the formal chamber, gossiping with my friends and colleagues, collecting intelligences on the moves of other Council members, passing notes to my ambassador and chatting with the Secretariat staff.

(Ross 2007: 3)

Delegates from many non-members hover around in the south or the Security Council lounge, using their contacts, which they would have cultivated over a period of months, both among member states and Secretariat, to acquaint themselves with the activities of the Council.

(Gharekhan 2006: 35)

The Council chamber thus becomes a meeting point for diplomats, which is an opportunity frequently used during public meetings for informal discussions, networking, and an exchange of views. Richard Hiscocks defines the Council as simultaneously an intergovernmental forum of member states and a rendezvous site of diplomats (Hiscocks 1973: 249). Informal interactions are especially important for non-Council members. While they attend public meetings for various reasons, the main one is to gain inside knowledge they otherwise would not have due to the limited access to the informal Council decision-making processes. This shapes the performance of public meetings, as they often begin later than scheduled, intentionally providing time for these informal interactions ahead of the meeting (Feuerle 1985: 281).

Public Council meeting procedures are also observable at the Council's table. The rules of procedure require every Council member to be continuously present at the table during a meeting. Nevertheless, there is much fluctuation, even after a meeting starts. Sometimes ambassadors leave the chamber after giving their statements, and their deputies take over the seat at the table. Often, however, they only leave briefly for further negotiations with fellow diplomats or their capitals and then return to the chamber. Feuerle observes that this allows diplomats to informally gather information or sometimes even continue the negotiations before returning to the meeting with new insights that could ease decision-making (*ibid.*: 281). This also demonstrates that, even at a very late stage in the decision-making process, change can occur. Irrespective of the importance of informal negotiations and the often routinised accomplishment of public Council meetings, they are contingent situations which show that politics in the Security Council does "not stem from well-defined strategic plans but from practical adjustments entrenched in the day-to-day interaction among the UNSC delegations" (Ambrosetti 2012:

81). However, they build on the formal procedures in claiming to be legitimate expressions of Council decision-making.

The purpose of public Council meetings to publicly legitimise Council decision-making implies the presence of an audience. Diplomacy usually addresses multiple audiences simultaneously (Pouliot 2011: 554). In the case of public Council meetings, this includes other Council and non-Council members, the UN bureaucracy, and the global civil society. At the same time, each statement in the Council is also an expression of a national government's foreign policies which address national audiences, including domestic political opponents (interview DEL03). The Council as a whole might also have an institutionalised audience, for example, the UN Secretariat, other UN organs, and other international organisations. Many of these audiences do not directly attend Council meetings; instead, much of the diplomacy in multilateral international organisations takes place "in front of other delegates" (Pouliot 2011: 546). Open debates, therefore, provide important opportunities, especially for smaller countries, although their conduct is considered too inflexible (interview DEL06). Nevertheless, public Council meetings are often attended by various audiences: non-Council members, civil society representatives, or other diplomats often sit in their respective seating areas in the Council chamber. Non-Council members, having full access to the entire site, especially interact with Council members. Observers sitting in the gallery, however, have only marginal opportunities to engage with Council members. Open debates on cross-cutting issues are often particularly well attended by NGO delegates because they are either involved in or closely following the policy process.

For many delegates, note-taking is a crucial practice when attending these meetings. The quote from Carne Ross cited above refers to this practice as part of his duties as a junior diplomat. For observers, taking notes is even more important. As only Council members have access to the official records of the statements made during a public meeting, others have to take notes on their understanding of the positions Council members take on an issue at a specific time. This demonstrates that despite their structured form, the wording of statements made during a public Council meeting are followed closely and matter for many observers (interview CSO02). After a meeting concludes, many observers try to get more information by approaching Council members during the press conference or when leaving the Council chamber. This "outside interference" (Kappeler 2003: 64) is an important part of the public Council meeting. Despite the ritualistic appearance of public Council meetings, the role of the diverse audiences reflects the ordering capacities of the Council's legitimisation work.

Normative ordering through symbols

The fourth finding is that in public Council meetings its members use symbols, rituals, and other forms of "cultural baggage" for justification (Hurd 2002: 37). Symbols are an important non-verbal manifestation of normative worth. In referring to them to claim legitimacy, actors make use of common knowledge about the meaning of these symbols (Swidler 1986: 283). This is reflected in the use of

particular symbols stressing the purpose and principles of the UN. Symbols such as the peace dove, the blue UN flag, and the blue helmets of UN peacekeepers all refer to the UN as an institution representing the international community's will to maintain international peace (Wesel 2004: 141–143). Symbolic politics at the UN have been studied primarily with a focus on the General Assembly because of the especially important role it plays there (*ibid.*). The General Assembly is the most ceremonial UN body and the most deliberative. The annual General Assembly meetings, introduced by ringing the peace bell, are understood by diplomats and observers as the climax of the annual cycle at the UN and are laden with symbolic value (Becker 2014: 112).

The Security Council and the General Assembly differ in many ways, as do their meeting formats. Given that the Council's authority depends on its legitimation by the UN members, however, the use of symbols might be of even greater importance here. The role of symbolic politics is also apparent in the fact the Council is often credited with a certain spirit. This is visible in descriptions of the Council in spiritual or even religious terms. The Council is described as a "kingdom of words" (Hurd 2007: 167), the place of "sacred dramas" (O'Brien 1971), or the site of "crusades" (Wesel 2004: 150). Supporting this view, Niels Schia observes that many diplomats in New York describe the underlying rationale of Council politics as "faith based rather than rational" (Schia 2013c: 9). Similar assessments are also made by personnel from the UN bureaucracy, who characterise the UN not as a Weberian-type bureaucracy but as a church imbued with a particular spirit that motivates its members (Barnett 1997: 565).³

The different forms of Security Council documents also play an important role for symbolic legitimacy in public Council meetings. Draft resolutions are negotiated by Council members, presidential statements define the Council's view of an issue, and resolutions can become milestones in the development of a policy agenda. At the same time, these documents also embody great symbolic value for public meetings, as Resolution 1441 clearly demonstrates. Their value stems precisely from the fact they do not reflect the controversies of their negotiation processes. On the contrary, "the politically charged nature of the debates [. . .] is made invisible" in the final document (Eastwood 2006: 184). Former diplomat Karel Kovanda describes that having successfully lobbied for the adoption of a document is considered a sign of success by many Council members, even if its content is significantly watered down. It demonstrates the ability to bring something through the negotiation process and is of high symbolic value, especially for non-permanent members (Kovanda 2010: 207).

Ordering by symbols take place through documents but also through other means. Putting an issue on the agenda is a symbolic act and evidence of the ordering capacity and the normative worth of symbols. The Council's agenda represents its understanding of what falls under its responsibility (Hurd 2002: 39). Successful agenda-setting thus not only affects the developments of the Council's normative order but is also of high symbolic value because it represents the political struggles of defining an agenda. As we saw in Chapter 2, the Council's increasing consideration of cross-cutting issues as falling under its responsibility

is often criticised as inconsistent. This is also the result of the symbolic value of agenda-setting. Non-permanent Council members push certain policies during their tenure which afterwards are often neglected by the Council.

The symbolic value of the agenda, however, is more than a matter of prestige. It also has tangible political implications which are demonstrated by the role of the so-called summary statement (*ibid.*: 39). The summary statement is the list of open issues currently under consideration by the Council. It defines the current agenda of the Council and includes not only the topics recently discussed, but also topics still on the Council's agenda. These items might have been on the agenda for years without actual consideration, but keeping in the summary statement is a highly contested political struggle, directly involving the political preferences of UN members. At the same time, it has almost no material payoff. The purpose is primarily to keep an issue on the agenda, not to induce the Council to actively consider it (*ibid.*: 40). The importance given to keeping an issue in the summary statement, however, underlines its power as a symbol for Council decision-making.

The ordering effects of symbols also become apparent in the design of sites of political contestation (Manow 2008; Vismann 2010). This holds especially true for diplomatic venues (Berridge 2010: 153). The conduct of public Council meetings is affected by the design of the Council chamber. Its symbolic value can best be seen in the shape of the temporary chamber used during the renovation of the Council chamber between 2011 and 2013. I first attended a public Council meeting in August 2012. Although I knew I was not sitting in the Security Council chamber – which is located on the second floor of the conference building, while I was sitting in a conference room in the General Assembly building – the room in front of me looked almost identical to the original Security Council chamber. In the middle of the room was the horseshoe table, above it was Per Krogh's famous mural, at the Council table were two rows of seats for Council members, in front of the table were seats for UN members, and there was the visitor gallery, where I was sitting. Only minor differences, such as the colour of the seats in the gallery and the design of the chamber ceiling, indicated that this was not the original Council chamber. The fact that the temporary Security Council chamber looked almost identical to the original chamber is probably the strongest evidence for the importance of the symbolic value of the chamber's design for public Council meetings. Even during a temporary move, signature symbols such as the mural or the horseshoe table were considered to be symbols of too much importance for representing the Council to forego them.⁴

These observations illustrate the role of material manifestations in constituting normative order (Boltanski/Chiapello 2003: 153). The metaphor of the theatre, which was notably used by Erving Goffman to illustrate how roles are used by people in social interaction (Goffman 1959), is helpful for analysing the Council chamber. With the purpose of Council meetings being the public legitimisation of Council decision-making, the Council chamber becomes a theatre, with the table the centre stage and the Council members the actors in a drama. Diplomats

perform their roles, address speeches to each other and the audiences watching them, and then leave the stage through a curtained back door, where they interact in private backstage before returning to the stage: official representatives addressing the chamber become informal negotiators in a backroom; permanent representatives of the Security Council become agents acting on behalf of their foreign ministries.

Furthermore, the chamber represents the complex structure of the Council with the formal equality of all Council members symbolised by the round table and the central role of the UN Secretary-General, as the only non-Council member, by a seat at the head of the table next to the Council president. Non-Council members usually sit at one of the ends of the table or, if there is a long list of speakers, on both ends of the table. This also prevents unwanted pictures of representatives of conflict parties sitting next to each other (Sievers/Daws 2014: 249). The layout of the Council chamber reflects the various roles of the audiences, with specific seating areas designated for different audiences: blue seats for Council members, red seats for UN members, and green seats for observers and visitors. These different audiences enter the chamber by different doors. Papers circulating on the floor of the Council chamber are not distributed in the gallery, and visitors have no immediate access to UN members or Council members. UN members, on the other hand, are able to move freely around the chamber and interact both formally when speaking at the table and informally when speaking to each other. The height of the gallery above the chamber floor, on the other hand, underlines the distant role of spectators and visitors as observers, while UN members move around on the same level as Council members.

Practice theory and public Security Council meetings

This chapter built upon the findings from the empirical analyses of case studies on Iraq and Syria in the two previous chapters to present a broader understanding of normative ordering as the practice of public Council meetings. Given the largely informal decision-making processes in the Council, the purpose of public meetings rests primarily in their capacity as publicly legitimising Council decisions. Practice theory emphasises that this questions a widely shared belief about the emptiness of their ritualistic and symbolic character. These ordering capacities stem mostly from rhetorical repertoires, procedures, and symbols. Taking the public Council meeting as a site for these processes seriously not only presents a different perspective of a supposedly pro forma affair, but also demonstrates how justification links arguments, practices, symbols, and ultimately objects. The conduct of public Council meetings, the form of the statements, the symbols and rituals, and the invitation of special guests all express practices of normative ordering. While the Council's rituals certainly make the meetings less spontaneous, they enable the confirmation or questioning of shared interpretations, the expression of criticism, and the establishment of principles of worth used for evaluation. In this view, the Council chamber is not simply a conference room: it has a symbolic function for legitimation processes. It is not only symbolically but

also normatively laden, and of such importance for the Council that the temporary chamber used during the renovation was almost identical in many details.

A practice theory perspective gives us important insights for understanding the Council. Despite the many limitations in access to public Council meetings, their genuine purpose is to provide a stage for presenting justifications. Consequently, its design resembles a theatre stage, with the diplomats acting in front of and behind the curtain.

The formalities of public Council meetings affect the structures of Council meetings, and these in turn affect the interactions among its members. This can best be seen in the inequality among Council members. The importance of local knowledge about the formal and informal rules of procedure privileges the permanent members. Elected Council members and non-Council members do not have the same level of access, which affects their capacities in social interactions. This is evidence that membership in the supposedly equal social community of UN diplomats does not negate relations of power and asymmetry. Yet the prevalence of inequality does not undermine the existence of a shared normative framework. It simply demonstrates that processes of normative ordering are driven by inequality and complexity.

Public Council meetings are important as *the* site of justification for the Security Council. This does not mean that there are no other venues for justification. On the contrary, Council members most likely also engage in justifications during informal negotiations and in interaction with the press corps and civil society. The difference, however, is that it is especially in public Council meetings that the underlying normative foundations of the Council are revealed through their material manifestations and the dynamics of confirmation and contestation. From the perspective of practice theory, this is what makes them meaningful and analytically relevant for understanding the Security Council. Practice theory emphasises that it is in these situations that the macro-level of normative orders and the micro-level of their situated application coalesce in processes of ordering and structuration.

Methodically, however, this poses a number of challenges. Access to the Council is limited, which affects the possibility of collecting data by ethnographic methods such as participant observation, interviews, or the collection of data in the form of pictures or recording videos. Even if access is granted, it might be – as in my case – limited to public meetings and without entry to informal negotiations. Therefore, besides data from my own fieldwork, I also made use of scholarly literature, autobiographies from former diplomats, and other sources. These are useful sources of information and support the claim that practice theory does “not constitute a rigid framework and should rather be considered as a palette of ethnographic sensitivities and sensibilities” (Nicolini 2009: 122). While there is certainly a risk of making tales and anecdotes out of the data, when handled with caution they are valuable sources for analysing practices of normative ordering and lead to a better understanding of the purpose and conduct of public Council meetings.

Notes

- 1 Norm research holds similar arguments regarding the potential productivity of various forms of contestation; see Deitelhoff/Zimmermann (2013) and Wiener (2017).
- 2 For a discussion of the roles of parliamentary debates, see Finlayson (2017).
- 3 Although I am not applying the orders of worth identified by Boltanski and Thévenot, this is a striking example for the relevance of the normative worth of faith. Religious symbols and objects are also used to claim legitimacy in secular situations. For a similar conclusion with regard to global health, see Hanrieder (2016).
- 4 Personal conversation at the *Office of the Capital Master Plan*, which managed the renovation of the UN headquarters, confirmed that the Council itself decided to initiate the multi-million dollar reconstruction of the temporary Council chamber.

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8 Conclusion

The purpose of this book is to examine how the contested meaning of Security Council responsibility unfolds an ordering capacity. The primary responsibility of the Council is to maintain international peace and security, and its authority and legitimacy are bound to this responsibility. The meaning of responsibility is, however, inherently ambiguous and contested. What precisely falls under the Council's responsibility and how this responsibility is properly implemented often causes controversy among Council members. Instead of viewing these controversies as an incoherent or dysfunctional implementation of Council responsibility, and as evidence of the need for greater legal clarity of its meaning or the lack of a stable normative order, my approach takes seriously the productive effects of having a plurality of competing interpretations of the meaning of Security Council responsibility. The core argument is that these interpretations require and allow engagement in processes of normative ordering. To study these processes, I focus on justification as a practice of claiming normative rightness during controversies. This approach allows me to account not only for the plurality of meanings of Security Council responsibility, but also for the search for shared understandings in situations of normative dissent and the role of non-linguistic elements of justification, such as symbols and objects. Generally speaking, this account demonstrates that justifications in the Security Council are not meaningless diplomatic phrases. Instead, they represent the coordination of competing normative interpretations and so enable processes of normative ordering.

The starting point in Chapter 2 is my observation of how the meaning of Security Council responsibility has changed since the late 1990s through developments such as a new understanding of sovereignty entailing a responsibility to protect; the emergence of various protection agendas for groups affected by violent conflict, including civilians, women and children; and the increasing attention paid to cross-cutting issues and transnational security threats seen as falling under the Council's responsibility. The consequences of these processes were twofold. On the one hand, they furthered the normative foundations of the Security Council as a social community in the post-Cold War era and increased the importance of deliberation and collective legitimation. On the other hand, however, these processes did not ensure that Council decisions were more consistently and coherently implemented. This is puzzling because a growing sense of

community among Council members should lead to the establishment of shared understandings, while incoherent decision-making would call its prevalence into question. The developments therefore point to the productivity of normative controversy in the Council as they require Council members to engage in processes of actively negotiating and renegotiating the meaning of the Council's normative foundations.

In search for possible accounts of these observations, in Chapter 3 I look at the underlying theoretical foundations of normative controversy: first by highlighting the importance of international norms as shared understandings of appropriateness before turning to the role of norm contestation. Although a focus on norm contestation is especially helpful to better understand normative controversy, research on norms often seems more focused on their stability and ontological quality rather than on the underlying processes of controversy. Second, I discuss processes of legitimation as an inherent part of normative controversy. In order to understand normative controversy, the interplay of legitimation and delegitimation – that is, the interplay of competing legitimacy claims – proves especially fruitful. However, legitimacy research often addresses institutional manifestations of legitimacy within polities, instead of micro-level processes of particular processes of legitimation or delegitimation. Third, normative controversy also points to politicisation as a currently much debated outcome of the politics of international organisations. Although politicisation recognises the importance of legitimation strategies for decision-making processes in international organisations, it primarily focuses on the inclusion of non-state actors as a means of enhancing international organisation legitimacy. The focus of analysis, therefore, is much more on the external relations of international organisations with other stakeholders rather than on the internal dimension of legitimation processes. Finally, I discuss justification as a practice during normative controversy. The conclusion of Chapter 3 is that justification, as the act of giving moral reasons, is a linchpin of normative controversy. Justification takes place in situations of perceived injustice and draws attention to the actors' normative foundations, which are used for giving reasons. This perspective helps us to better understand how normative controversies unfold. Justification also subsumes the role of international norms, legitimation strategies, and politicisation processes while shedding light on the boundaries of normative controversy, for example as set by international law.

In Chapter 4, I present a particular concept of justification by turning to Luc Boltanski's pragmatist sociology of critique. Pragmatist sociology seems especially useful for this study because it conceptualises normative orders as precarious and as affected by justification and critique. Three premises demonstrate why this approach is beneficial for understanding normative controversy in the Security Council. First, actors are considered as having a critical capacity to evaluate everyday situations by applying normative criteria. They are able to evaluate the situations they face and express their agreement or disagreement with these situations. Justification and critique are thus social practices which allow actors to coordinate their relations. In doing so, they deal with the uncertainties of social

order. Second, normative orders are subject to constant change and contestation. Actors are never certain about their meaning, and they need to engage in coordination efforts with others to cope with these uncertainties. This has implications, as the social world is now seen as a vibrant site shaped by a multitude of justifications and references to competing interpretations of the underlying normative order. Third, as actors seek to coordinate their competing interpretations of the situation, social interaction is driven by “tests”. Justifications refer to “principles of worth” and express a general sense of justice or legitimacy when evaluating the specific situation of controversy. During a test, actors discuss the possibility of referring to a shared principle of worth. If there is an overlap, they establish a local agreement about the situation. This does not, however, imply that they have settled their disagreement or established consensus about the subject of controversy. They only agree on shared understandings of what can be considered a legitimate principle for evaluating the competing justifications in a particular situation. These justifications both question and constitute normative orders, shifting the emphasis from the stability of orders to practices of ordering a situation. This process occurs not only in the form of a specific rhetoric, but also by using symbols, objects and practices related to the normative order. It is against this background that I argue for an interpretive methodology with the openness of the research process and meaning as key concepts of empirical analysis. Interpretivism sees the social world as a reflection of the meanings people attach to it. It also implies a research framework focusing on the social construction of meaning, its changing nature due to context, and the constitutive role of language and practices for its construction.

Pragmatist sociology provides a different perspective on the Security Council, revealing that many practices of the Council which are often ignored or taken for granted are in fact meaningful expressions of justification. This changes our perspective on the Security Council, as it is now seen as a site for testing competing interpretations of normative orders by actors engaging in justification and critique. By emphasising the plurality of these orders instead of focusing on the stability of normative order, pragmatist sociology helps to overcome the binary understanding of responsibility as an either/or quality of the Council. Instead, the meaning of Security Council responsibility appears as inherently ambiguous and subject to controversy.

Key findings from the empirical analysis

Against this background, in Chapters 6 and 7 I present an empirical analysis of two normative controversies in the Security Council: the 2002/2003 Iraq crisis and the 2011/2012 Syria crisis. Both chapters are structured along three analytical steps. First, I demonstrate that both case studies represent controversies about the meaning of responsibility. They were moments of normative controversy, as contestation over the meaning of Security Council responsibility formed the core of the crisis in both cases. During the Iraq crisis, the Council was divided over the potential threat of having permanent Council members opt out of the system

of collective security and turn to unilateral action instead. The Syria crisis was driven by a controversy about the appropriateness of using the veto. While some Council members considered its use necessary to prevent an instrumentalisation of the Council and an abuse of its primary responsibility, others argued that, on the contrary, casting vetoes would undermine the Council's ability to live up to this responsibility. These crises were also moments of normative controversy, as at some point the course of events started to differ – in Iraq after military action started, in Syria after the third double veto – changing not only the situation, but also the subject of the controversy. This does not imply that there was agreement about the meaning of responsibility after the situations changed, but it underlines the context-dependency of normative controversies and the temporal and spatial limitations of practices.

Second, a text analysis of all public Council meetings during the two crises reveals, in both cases, a multiplicity of meanings of Security Council responsibility used for justification. These competing meanings point to the normative worth of responsibility by stressing its understanding from a number of different perspectives: an actors-oriented, an institutional, a procedural, a programmatic, and a concerns-oriented one. The commonalities and differences of these patterns of justification identified in both cases demonstrate, on the one hand, that justification is bound to a specific context and, on the other, supports a view of responsibility as inherently contested in the Security Council. How context shaped the meaning of responsibility is demonstrated by the difference between those justifications concerned with the potential damage to the Council's responsibility and those stressing the responsibilities of specific actors. The Iraq crisis was much more affected by justifications regarding the responsibility of particular actors than the Syria crisis. This reflects the fact that the Iraq crisis was normatively about the role of specific Council members and the potential damage of them opting out of the system of collective security. The Syria crisis, by contrast, was not so much driven by disagreements about the facticity of the situation. While in the Iraq crisis a potential material breach of Resolution 1441 by Iraq remained highly disputed, in the Syria crisis most Council members had little doubt that the atrocities and human rights violations occurring on Syrian ground were devastating. Consequently, in the Syria crisis the justifications primarily stressed a concern about the potential damage to the Council's responsibility by not responding properly to the situation. While there was a broad agreement about the illegitimacy of casting the three double vetoes, the controversy was nevertheless not about the veto as an institutional feature, but rather its application in a specific situation. Given that the veto is legally grounded in the UN Charter and so the P3 members were not able to easily criticise the veto in general, China and Russia's vetoes were criticised much more for preventing the Council from fulfilling its responsibility in this particular situation. At the same time, my analysis also reveals a number of commonalities in interpreting the Council's responsibility in both controversies. There are commonalities especially with regard to a procedural understanding of responsibility and a programmatic understanding. In both controversies, the normative worth of Security Council responsibility was often seemingly considered

a matter of upholding specific procedures, such as unity or commitment, as well as particular principles and purposes of Security Council responsibility, such as the primacy of peaceful means or multilateralism. The prevalence and relevance of these justifications, as well as their frequency in both cases, point to their role as potential principles of worth. However, because of this, precise understandings of what exactly a procedural or programmatic understanding of the Council's responsibility implies differed significantly. Nevertheless, in both cases, speakers from all involved parties seemed to agree that referring to a programmatic or a procedural understanding of responsibility would allow the establishment of a shared understanding about their applicability as normative criteria for evaluation.

Third, to look at how justification enables normative ordering and how tests of competing justifications occur, I analysed two particular Council meetings in greater detail: the 4701st Security Council meeting on 5 February 2003, at which US Secretary of State Colin Powell gave a presentation, and the 6711th Security Council meeting on 4 February 2012, which was shaped by the second double veto cast by Russia and China. These micro-level analyses enabled a thorough study of the processes of normative ordering and the social context of justification. During both meetings, actors presented their interpretation of the situation and stressed particular understandings of the Council's responsibility in order to reduce uncertainty and to clarify the situation. The two meetings varied in their results: the 4701st Security Council meeting can be interpreted as a "reality test", while the 6711th meeting represents a "truth test". The former meeting was heavily affected by controversies about how to interpret the situation, while the latter meeting was driven by controversies about the appropriate measures to deal with a more or less broadly accepted situation in Syria. This affected the meetings and the justifications presented at those meetings. Claiming factual validity, for example, was a crucial part of Colin Powell's presentation because it directly addressed the ambiguity about the situation. The identification of different forms of tests in both meetings not only confirms a theoretical concept developed by pragmatist sociology but also helps to explain how these controversies affected the Council's social order. As Boltanski argues, a reality test is much more focused on initiating social change, whereas a truth test tends to stabilise existing social realities. Given the outcome of the crises – unilateral military action in Iraq and a continuation of the Council's paralysis on Syria – this seems a suitable description. The paradoxical result, however, is that the Syria controversy ultimately stabilised the existing order of the Council rather than undermined it. Given the historical exceptionality of the vetoes, this seems surprising, but according to the premises of pragmatist sociology it seems only consequential.

The purpose of my empirical analysis was not to identify a coherent understanding of Security Council responsibility. On the contrary, it is to highlight its ambiguity and to shed light on its contested meaning. However, by identifying patterns one can also see the possibility of momentary fixtures of its meaning, even as the need for intersubjective negotiations of its meaning in particular situations prevails. Therefore, these findings raise the question of whether one can consider these varieties of meaning as contributing to *one* core understanding of

responsibility or whether the plurality of meanings of responsibility could also be interpreted as a reflection of the inevitability of normative ordering as a constitutive element of the Security Council.

Based upon this empirical analysis, in Chapter 7 I discuss the implications of these findings for practices of normative ordering in the UN Security Council. I follow the idea of complementing the process of “zooming in” by a necessary analytical step of “zooming out” (Nicolini 2012) to better understand the broader implications of my findings. The chapter relies on a critical reflection of the method I chose for studying justification during public Council meetings. Making use of fieldwork as well as ethnographic literature and biographies of former Council diplomats contributes to a “thick description” of public Security Council meetings. The main finding of the chapter is to take seriously the role of public Council meetings as one distinctive format providing public collective legitimation for the actual informal decision-making processes. The chapter also shows that practice theory is able to account for how non-linguistic elements are employed in practices of normative ordering. The findings of my analysis especially point to the role of rhetorical repertoires in defining boundaries to justifications, created for example by specific legal frameworks or diplomatic cultures. Symbols and objects, such as the setting of the Security Council chamber and the different forms of social interaction among people in the Council chamber, are also seen to be important. Finally, the importance of procedures, which seem so ritualistic and meaningless but in fact point to the numerous activities and practices constitutive for the conduct of public Council meetings, play an important role. They also underline the inherent inequality of actors involved in public Council meetings, and how power and asymmetry especially among permanent and elected Council members are important elements of practices of normative ordering. This book, therefore, not only points to the necessity of understanding competing interpretations of Security Council responsibility as a source of practices of normative ordering but also emphasises the constitutive role of public Council meetings as a site of engaging in these processes.

Contributions to current debates

The findings of such a perspective on justification and the Security Council contribute to the existing literature in a number of ways. Notably, my approach avoids a narrow legal understanding of Security Council responsibility and stresses its constitutive normative dimension. Moreover, by focusing on competing meanings of responsibility during controversy, it also avoids a binary understanding of responsibility as either fulfilled or not, which is often prevalent in criticisms of the Council. While the meaning of responsibility appears more complex and potentially diffuse, it actually serves to clarify processes in the Security Council which are otherwise puzzling. The inherent ambiguity of responsibility explains why an increasingly shared normative understanding of what falls under the Council’s responsibility does not automatically lead to a more consistent and continuous application of it in actual decision-making processes. Instead, interpreting

responsibility is a matter of normative controversy. Paradoxically, this is productive as it leads to interaction in sorting out a multitude of competing interpretations of responsibility. Ultimately, this requires actors to engage in processes of evaluating, confirming, rejecting, or sorting out the plurality of meanings, which results in processes of normative ordering.

This also helps us to better understand the internal dynamics of politics in the Security Council. The purpose of my analysis is to show that the highly ritualistic public Council meetings and the frequent use of symbols and rhetorical phrases in the Council are in fact meaningful. This provides a novel perspective on many Council practices often taken for granted, revealing that they have a purpose which needs to be taken seriously if we are to understand the Council. The justification of the veto demonstrates this best. The veto remains an almost unconditional privilege, and the Syria case demonstrates its far-reaching consequences. Nevertheless, it is almost impossible to cast a veto without justifying it. The importance of justifying the veto demonstrates that a purely instrumentalist understanding of it is an oversimplification. The veto is more than a voting procedure, as there is normative controversy about it, and vetoing members have an interest in giving reasons why they find using the veto appropriate in this situation. By means of these justifications, the normative dimension of the veto is constituted through controversy, thus acknowledging that justification as a practice in the Security Council directly relates to its normative foundations and to our knowledge. More importantly, this also draws our attention to the preeminent role of public Council meetings in embodying these normative foundations. The Council is more than what happens during public meetings, but these meetings constitute the Council's legitimacy and ultimately its authority. It is here that the Council comes into being.

Focusing on processes of justification and critique provides important insights for studying normative controversy in international organisations and international relations. Much of the existing literature on the cultures of international organisations (Barnett/Finnemore 2004; Weaver 2008) and ambiguity in international organisations (Lipson 2010; Park 2006) often focuses implicitly on the role of justification processes and we have seen its relevance for understanding organisational cultures in this book. By emphasising how justification contests, rejects, and confirms the underlying social order of international organisations, pragmatist sociology has proved itself to be a valuable theoretical lens for current research investigating the legitimation of international organisations (Symons 2011; Zaum 2013) and their self-legitimation (Gronau/Schmidtke 2016; Halliday/Block-Lieb/Carruthers 2010). Furthermore, a focus on normative controversy seems to offer a promising contribution to international relations by its emphasis on the momentary fixture of meaning. This could be beneficial, for example, for studying the contestation of international norms. The relationship between the inherent ambiguity of norms and their intersubjectivity as shared understandings is addressed quite differently in norm research. While some scholars argue for a differentiation between different types of norm contestation (Deitelhoff/Zimmermann 2013), others propose questioning the hegemony of particular (Western)

interpretations of the meaning of norms and the necessity of turning to marginalised knowledge instead (Engelkamp/Glaab 2015; Epstein 2012). Pragmatist sociology could provide a third way by stressing that while norms are essentially contested, momentary fixtures of their meaning allow them to act temporarily as shared understandings.

This book also contributes to the growing body of research on pragmatist sociology by applying it to a novel field of empirical inquiry. This adds to our knowledge since there have been calls for more empirical studies of actual “justification work” to contribute to our understanding of the analytical value of pragmatist sociology (Jagd 2011: 343). My approach is a contribution in two ways. First, I was able to show the role of justification in an international organisation highly structured by diplomatic protocols, in contrast to the everyday practices that pragmatist sociology often studies. Second, the analytical framework of pragmatist sociology was not only applied but also adapted to the specific empirical setting of the Security Council. In this regard, it corresponds with research done by Tine Hanrieder on global health governance (Hanrieder 2016). Instead of using the fixed set of normative orders originally identified in pragmatist sociology, I was able to identify its underlying conceptual premises and use them to account for the empirical characteristics of justification in the Security Council. This approach avoids an over-interpretation of the original normative orders. For example, industrial efficiency (one of the original principles of worth identified by Boltanski and Thévenot) could be used for studying justifications of the conduct of peacekeeping missions. However, this approach would ultimately face the question how far these orders of worth can be universally applied without distorting the contextual conditions of research subjects and empirical fields of analysis. The alternative approach of inductively searching for variations in the meaning of Security Council responsibility to identify competing principles of worth is thus more promising. Moreover, it also ensures that the method is suitable for the empirical field of study. Consequently, the findings presented here should not be interpreted as merely adding a new normative order to the original set. Instead, their value is in demonstrating the applicability of pragmatist sociology in empirical settings that differ significantly from its original focus on social and economic policies. In this regard, it also points to the benefits of continuing in the development of an international political sociology as an interdisciplinary approach to understand the social underpinnings of global politics.

Implications and avenues for further research

A number of implications and avenues for further research follow from these findings. First, the analysis is of contested meanings during the negotiation of decisions, not their implementation. Second, a focus on the Security Council as bearer of the primary responsibility ignores, or at least brackets, the responsibility of other actors. Third, the analysis focuses on the role of the Council as a site for member-state interactions. Fourth, my approach disregarded the role of social communities.

First, I focused on the process of negotiating Security Council decisions, but how the implementation of Council decisions affects the meaning of responsibility was not part of this study. This was an intentional choice, but it also narrowed the frame of analysis. A focus on the negotiations surrounding a decision seems reasonable because it is during the negotiation process that competing meanings of responsibility define whether or not an issue falls under the Council's responsibility. However, neither responsibility nor controversy about its meaning stops once the Council adopts a decision. Instead, implementing these decisions can also be affected by competing interpretations of responsibility. Furthermore, as I have discussed, the normative controversies identified in both case studies were only situations or episodes. Within the course of events in both crises, other controversies emerged. This is seen, for example, in the Council's ability to adapt immediately to the new situation of military action against Iraq. After months of heated discussions about the appropriateness of the use of force, it took the Council only a few days to adopt a resolution to remind the war parties to comply with international humanitarian law. This demonstrates, on the one hand, the pragmatism in the Council's engagement in controversies. When the situation changed, so did the Council's consideration of the issue. On the other hand, this also underlines the fact that normative controversies emerge at different stages of ongoing crises. Therefore, future research could focus on the often difficult implementation of Security Council decisions and how this shapes the meaning of responsibility. We could learn much about the meaning of Security Council responsibility by studying the implementation stage, as this could reveal differences between the meanings of responsibility during the decision-making process and the implementation process. One possible outcome could be that during the negotiation process a more fundamental interpretation of responsibility prevails, whereas during the implementation phase a more pragmatic interpretation of how to appropriately apply responsibility emerges. Another possible avenue of further research would be to focus explicitly on the moment when the decision-making process turns into the implementation process. Studying such critical junctures – for example, the moment when the Council adapted its understanding of the situation in Iraq – could generate insights into how the meaning of responsibility is shaped by contextual change. In general, future research would benefit if the analysis was not limited to the negotiation process surrounding a decision, as it would contribute to a more complex understanding of responsibility and its ties to context.

Second, this book focuses on the primary responsibility of the Security Council for the maintenance of international peace and security. However, other actors also have responsibilities, most importantly the members of the UN, other UN organs, and regional organisations. As Anne Peters reminds us, “a space for responsibilities of other organs remains, and there can be overlap” (Peters 2012: 767). Hence, the UN principle to maintain peace is a responsibility borne by many actors. For the Security Council sharing this responsibility is of special importance, even if it holds the primary responsibility, because the Council depends on these other actors to implement its decisions. Therefore, focusing solely on the Council narrows the analysis to the responsibility of only one actor in a broad field

of actors with responsibilities. Broadening the scope of analysis to include the responsibilities of other actors would allow for closer scrutiny of overlaps as well as of possible incompatibilities between different responsibilities. In the Syria crisis, the League of Arab States, for example, played a crucial role because it explicitly claimed responsibility for the situation. At the same time, it would also be insightful to examine moments where actors refuse to take on responsibility for a crisis. This could help us to better understand how the Council decides which issues are placed on its agenda and which are not. Understanding agenda-setting processes could be furthered by analysing possible rejections or incompatibilities of responsibilities. Another approach would be to focus on the relationships between the Council and other actors for approaching interorganisational struggles for responsibility, as well as relations within the UN system. These relationships matter for the Security Council, as the notorious example of how the UN bureaucracy assessed the situation in Rwanda in 1994 demonstrates. The Department of Peacekeeping Operations did not frame the conflict as genocide when briefing the Council (Barnett/Finnemore 2004: 147) but as “just another civil war in Africa”, which led to a specific interpretation of the Council’s responsibility and the belief that it would suffice to apply standard procedures of conflict management. NATO’s intervention in Libya also underlines that it matters for the Council how other actors interpret their responsibility. If NATO had interpreted the authorisation given it by Resolution 1973 differently, it would have been more difficult for Russia and China to justify their vetoes, because they could not have argued that the implementation violated the spirit of Resolution 1973. This example shows how our understanding of the contested meaning of Security Council responsibility is sharpened by a focus on the responsibilities of other actors and the relationships between their various responsibilities.

Third, I studied the Council’s role as a forum for interaction among Council members. This was a reasonable choice because ultimately it is the Council members who define its responsibility. At the same time, this approach should not diminish the other roles of the Council. As Jennifer Welsh and Dominik Zaum write, “the UNSC’s Janus-faced character, defying easy characterization as a coherent, supranational body or as a framework for intergovernmental cooperation, complicates the question of who claims legitimacy” (Welsh/Zaum 2013: 67). Security Council members have different roles, and these roles coalesce during a Council meeting. My analysis focuses on the Council as the assemblage of all Council members and on the role of Council members as the audience for these justifications. However, Council members are also UN member states with national interests. Therefore, their justifications are necessarily also directed to national audiences. Finally, *the* Council as an institutional entity is constituted by all the individual Council members collectively. In this capacity, the Council also addresses other institutional audiences, such as the General Assembly and the UN secretariat. These roles overlap, compete with, or support each other; and a more complex understanding of the meaning of responsibility could be gained by looking more closely at the interplay of these various roles and the different audiences being addressed. This would broaden our understanding of responsibility

and emphasise that justifications can serve different purposes. The US justification of authorising the use of force against Iraq demonstrates this very well: one particular justification stressed by US representatives was based on the consequences and legality of using force as an implementation of Resolution 1441, thus emphasising a procedural meaning of responsibility. Other Council members eventually agreed on the normative worth of this justification in principle because they deemed complying with Security Council decisions important. At the same time, the US rhetoric accusing the Iraqi government of misleading the Council by providing falsehoods can be seen in this perspective as addressing a national audience by “othering” Iraq as an outsider of the community of liberal states. These justifications demonstrate that Council members use different justifications to suit their various roles. Another example would be the pressure from the League of Arab States on the Council to adopt Resolution 1973 on Libya. Given the abstentions of Russia and China, this action by the Council could be interpreted as a collective response to the plea of a regional organisation. Future research investigating the variety of roles of the Council and the different audiences addressed by justification in the Security Council would help to open up the “black box” of the Council and to acknowledge the importance of these roles. This would also provide more insight into possible motivations for why certain justifications are brought forward and others are not, and ultimately help us to better understand the origins of particular interpretations of Security Council responsibility.

Finally, I turn to a conceptual issue, namely, the role of social communities in processes of justification and critique. While they are constitutive for justifications, social communities have only been implicitly addressed here. This may seem surprising, as the importance of communities is visible in the simple fact that any justification in the Security Council directly addresses a community of fellow Council members. During public Council meetings, this community becomes literally visible as it is gathered around the Council table. As we have seen, justification by definition always means justifying something to somebody. My analysis, however, was primarily interested in underlying normative orders and how justifications shaped their meaning. Thus, I only implicitly considered the relationship between order and community. This mirrors, in a way, the surprising lack of attention given to the role of communities in pragmatist sociology. In fact, one can hardly find any reference to the role and importance of community in pragmatist sociology, even though any given social or normative order only exists because it constitutes the community of actors applying it (Vetterlein/Wiener 2013: 82). Pragmatist sociology is not ignorant of this relationship. Its starting point is, after all, to argue that the purpose of justification is to stress a general principle which others can understand. At the same time, however, the inattention given to the role of communities remains surprising. Therefore, studying the role of communities in justification processes in greater detail seems a promising avenue of future research. Ties to other practice theory approaches, such as the concept of “communities of practice” (Wenger 1998), could contribute to a broader practice theory concept of community. Moreover, this would also allow pragmatist sociology to be combined with existing community concepts in international relations such

as security communities, which stress the role of shared norms (Adler/Barnett 1998), or epistemic communities (Haas 1992), which emphasise shared knowledge. Although these two approaches differ from pragmatist sociology, they conceptualise communities by the constitutive role of social interaction among their members. A stronger emphasis on the role of communities also seems useful, as social orders are applied in communities and the two are empirically inseparable. Given that much critique focuses on how Boltanski and Thévenot conceptualised their original set of social orders, this would be of much value in making the theoretical framework of pragmatist sociology more accessible.

John Law argues that the belief in order is one of the foundational elements of modern society, maybe even of modernity itself. According to Law, “we are attached to the idea that if our lives, our organizations, our social theories or our societies, were ‘properly ordered’ then all would be well” (Law 1994: 4–5). The understanding that there has never been and never will be the *one* stable order, but only incomplete processes of social or normative ordering, can therefore be frightening (ibid.: 7). According to pragmatist sociology, this is not a dysfunction of modern society nor should it be frightening. Instead, it shows us the astonishing accomplishment of establishing ordering many everyday situations. This does not guarantee that a just order will emerge, or that the attempt to establish an order will not end in chaos. However, as fragile as order may be, we see how engaging in processes of normative ordering is constitutive for the social itself. My analysis demonstrates that this applies to the Security Council as well. Since the meaning of Security Council responsibility is contested, its members must engage in practices of normative ordering. This engagement may be challenging and fraught with difficulties, but it shows that responsibility as normative foundation matters for the Security Council because of – and not despite – its contested meaning.

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Appendix

The text analysis applied in this book follows the idea of an open and critical coding process. As an interpretive act, it relies on reflexivity and a circular understanding of the research process instead of one that is sequential and linear. The code manual was adapted throughout the coding process, and coding, interpretation, and categorisation of the data were interwoven steps of the analysis. This is neither an arbitrary nor an unordered approach. On the contrary, such an iterative process is constitutive for interpretive analysis. Furthermore, as in any empirical analysis, the coding process was guided by premises and assumptions derived from my conceptual framework.

Pragmatist sociology considers the social world as being driven by dynamic processes of establishing and questioning order, and these orders are defined by principles of worth. The implication for the coding process is to search for representations of these principles of worth in the meeting records of the Security Council, irrespective of whether this worth is stressed for confirming or contesting a particular meaning of responsibility. Therefore, I coded text segments expressing a notion of legitimacy/illegitimacy, normative appreciation or disapproval, qualification or evaluation of responsibility. The codes subsumed under the categories are understood as the potential variation in the meaning of these principles of worth. Hence, I was able to simultaneously capture the intersubjectivity of principles of worth (as they represent shared understandings of responsibility) and their contested meaning (represented by the variation of codes subsumed under a category). Therefore, justifications could refer to very different codes and still assume a shared worth attached to a particular dimension of responsibility. At the same time, the plurality of categories identified underlines the fact that during these Council meetings, speakers referred to a variety of meanings of responsibility. With reference to pragmatist sociology, it is argued that normative controversy is socially productive and a focus on justification processes helps us to understand the contested meaning of responsibility. The coding process led to the following list of categories.

Categorising Security Council statements is an act of interpretation, which takes context into account. Consequently, not everything said in the Council during the analysed meetings was coded – only those parts of the statements that were actually identified as an expression of “worth”. Furthermore, no formal boundary was applied to the length of the expression, such as specific words, entire sentences, or paragraphs. Instead, the meaning of its content defined the length of a coded text

segment. Sometimes this was conveyed by a sentence, sometimes by an entire paragraph. Furthermore, given that Council statements are often limited to a couple of minutes and speakers try to convey as much content as possible in their statements, the language is often overloaded with meaning. Therefore, sometimes text segments were coded with different codes, as speakers made references to different kinds of worth within one sentence or expression (for example by simultaneously stressing the legitimacy and the authority of the Security Council). Since the categories are the result of an inductive research process, there is a variety in the amount of codes subsumed under them. Their frequency only mirrors the coding process and does not have any statistical significance in itself. Frequencies nevertheless have a meaning as they indicate relevance. This, however, should not suggest that the frequency of identified codes and categories only become meaningful in context.

Category: Actor-oriented justification of responsibility

This category subsumes justifications that express the normative worth of particular actors carrying out responsibility. Their normative worth for Security Council responsibility stems from the roles or capacities these actors obtain in coping with a situation falling under the Council's responsibility. Actor-oriented justifications therefore emphasise that the Security Council requires specific actors for realising its responsibility.

<i>Code</i>	<i>Description</i>	<i>Example</i>
External experts responsibility	The code captures justifications referring to the normative worth of external expertise for Security Council decision-making. Such statements argue for special consideration of the assessment of external actors when discussing an issue under the Council's responsibility. External experts gain their worth from being understood as neutral experts or knowledge brokers who present factually valid knowledge to the Council affecting its ability to decide about matters falling under its responsibility.	"Their reports constitute the essential basis on which the Council would be required to take decisions on a matter of international peace and security. We wish to convey our appreciation for the work of those two bodies and their heads" (Nambiar, India, 18 February 2003, S/PV.4709: 35).
Regional organisations responsibility	The code captures justifications referring to the normative worth of regional organisations for Security Council decision-making. Statements referring to regional organisations underline that their involvement in decisions falling under the Council's responsibility is particularly important either because of their role as regional systems of collective security (Chapter VIII of the UN Charter) or their local legitimacy.	"My country values highly the role of regional organizations and their contributions to peace and security. We believe that the League of Arab States is best suited to lead the efforts aimed at solving a crisis that entails direct risks and threats to many of its member States" (Portas, Portugal, 31 January 2012, S/PV.6710: 20).

UN members responsibility	The code summarises justifications referring to the particular responsibility of the UN members. The worth apparent in these statements stems from the responsibility all UN members bear as part of the community of UN members, which requires sharing the fundamental purposes and principles of the UN to maintain international peace and security.	“Nepal has always worked hard and responsibly, be it on the Security Council, on which she has had the honour to serve twice, or elsewhere within the United Nations system, including in United Nations peacekeeping operations, or outside it, in the interest of peace and security around the world” (Bhattarai, Nepal, 17 October 2002, S/PV.4625 (Resumption 2): 26).
International community responsibility	Statements referring to this code stress a particular responsibility of the entire international community. It often remains unspecified, who exactly constitutes this international community, but its normative worth stems from its socialising force as a community. Such references indicate the shared social community of actors living up to the responsibility of maintaining international peace and security.	“The subject of today’s meeting has engaged the whole world for a very long time now, and all peaceloving nations sincerely wish that it may be speedily brought to closure, peacefully and for the greater good of all. In striving towards that objective, the entire international community has a responsibility to ensure that the process is managed in such a way that does not unleash negative and destabilizing effects on our security, our economies, our societies and our political systems” (Grey-Johnson, Gambia, 18 February 2003, S/PV.4709: 17).
UNSC responsibility	The code refers to the particular normative worth of the UN Security Council itself as bearer of the primary responsibility for international peace and security. This code captures the Council as a whole and its responsibility as an actor within the international system.	“It is up to the Security Council – and its responsibility under United Nations Charter – to realize the hopes of the Syrian people” (Sheikh Al-Thani, LAS, 31 January 2012, S/PV.6710: 2).
UNSC member responsibility	The code captures justifications referring to the normative worth of Security Council membership for carrying out responsibility. Unlike the code “UNSC responsibility”, this code does not capture the Council as a whole but rather the single Council member and its particular responsibility stemming from Council membership.	“We are all fully aware of the exceptional responsibility placed on us by the international community in accordance with the United Nations Charter. Our energies today must therefore be directed not to competing against each other, but rather to uniting our efforts” (Ivanov, Russia, 14 February 2003, S/PV.4707: 22).

Category: Institutional justification of responsibility

This category subsumes codes referring to the normative worth of institutional manifestations of the UN and their relation to responsibility. This category does not capture references to particular institutions, but to certain institutional manifestations, which affect Security Council responsibility. In doing so, this category captures a normative worth pointing to the institutional framework of the Council.

<i>Code</i>	<i>Description</i>	<i>Example</i>
Duty UNSC	The code captures justifications referring to the Council's duty to consider a situation or matter as falling under its responsibility. It captures a normative worth of the Council's institutional manifestations by its focus on the inevitability and necessity of becoming acquainted with a particular situation or matter as justification for employing Security Council authority.	"It is the bounden duty of the Security Council to support the inspectors – whose mandate, by the way, is not to find fault but to verify Iraq's disarmament" (Muchetwa, Zimbabwe, 19 February 2002, S/PV.4709 (Resumption 1): 33).
Role of UN Charter	The code summarises justifications, which refer to the role of the UN Charter as indicating a particular normative worth. The Charter defines the Council's responsibility and indicates the potential means available for carrying out this responsibility. Therefore, referring to the role of the Charter captures an institutional dimension of responsibility, as the Charter defines the framework of Council action.	"The Charter imposes the obligation on the Council to exhaust all non-violent means of conflict resolution before authorizing the use of force and the Council must live up to this obligation in connection with the present situation. We also recall in this context that all resolutions of the Council, regardless of their status under Chapter VI or Chapter VII of the Charter, are legally binding and that non-implementation in all cases undermines the role of the Organization, especially when it is mainly due to a lack of political will and the absence of political pressure" (Wenaweser, Liechtenstein, 19 February 2003, S/PV.4709 (Resumption 1): 17).
Authority UNSC	The code subsumes justifications referring to the Council's authority for carrying out its primary responsibility. Justifications stressing the Council's authority refer to an institutional worth of responsibility, because they directly refer to the institutionally fixed superior role of the Council within the UN system.	"It is the Council that can express authoritatively the will of the international community" (Juppé, France, 31 January 2012, S/PV.6710: 15).

Legitimacy UNSC	The code summarises justifications referring to the Council's legitimacy for carrying out its primary responsibility. These arguments differ from justifications stressing the Council's formal authority. Justifications referring to the Council's legitimacy instead claim an institutional worth, as the Council depends on the UN members' willingness to carry out its decisions. Hence, the Council is only able to fulfil its responsibility if considered legitimate by the UN members.	“The Security Council must always act in order to preserve the legitimacy and authority of the United Nations. For that reason it is essential to achieve the peaceful disarmament of Iraq” (Stagno, Costa Rica, 19 February 2003, S/PV.4709 (Resumption 1): 5).
Role of UN	The code subsumes justifications stressing a worth of the UN's institutional framework for carrying out responsibility. This code differs from “role of the UN Charter”, as the political rather than the legal dimension of the UN's institutional framework is captured.	“Cameroon, a ward of the United Nations, has faith in our Organization. The United Nations is the framework, the only framework, which reassures and protects us” (Belinga-Eboutou, Cameroon, 19 March 2003, S/PV.4721: 15).

Category: Programmatic justification of responsibility

This category subsumes codes which refer to the purposes and principles of the Security Council. The normative worth represented by these codes thus stems from an understanding of responsibility as rooted in these principles and purposes. Unlike the category “institutional justification of responsibility”, this category focuses on the ideational foundation rather than the institutional instantiations of Security Council responsibility.

<i>Code</i>	<i>Description</i>	<i>Example</i>
System of collective security	The code accentuates justifications stressing the idea of collective security as the most fundamental principle of the UN and the normative foundation for Security Council responsibility.	“France attaches importance to the principle of collective security, which lies at the heart of the functioning of our Organization and the international order. The Iraqi question cannot be an exception” (Levitte, France, 17 October 2002, S/PV.4625 (Resumption 3): 13.
Primacy of peaceful means	The code captures justifications using the primacy of peaceful means to stress a programmatic dimension of responsibility. Here, a normative worth of responsibility is expressed by referring to the prohibition of the use of force as a constituting programmatic principle of the United Nations.	“We believe that the problem of Iraq can be resolved peacefully through the United Nations. That view is held by the majority of the members of the Security Council, permanent and non-permanent members alike, a fact that best reflects the views of the global community. The Council must strive to find a peaceful solution to the current crisis. We believe that this is possible without resorting to war” (Zainuddin, Malaysia, 11 March 2003, S/PV.4717: 8).
Multilateralism	The code includes references to multilateralism as an important feature of dispute settlement in the United Nations. Multilateralism explicates a programmatic worth related to responsibility, as it stresses the underlying idea of the UN as a forum for cooperation and multilateral action.	“Likewise, we are firm in our conviction that multilateralism is the only acceptable path to ensuring collective global security. Unilateral action, however pious its objective may be, undermines the integrity of international law and flouts the fundamental principles of the rule of law, causing uncertainties and the loss of hope, especially among the weak and vulnerable Members of the Organization” (Bhattarai, Nepal, 17 October 2002, S/PV.4625 (Resumption 2): 27).

Sovereignty	The code captures justifications stressing the importance of sovereignty as a constituting principle of the UN. This includes not only justifications stressing the necessity of respecting the sovereignty of member states but also the responsibility of protecting this sovereignty.	“Of vital importance is the fact that at the heart of the Russian and Chinese draft was the logic of respect for the national sovereignty and territorial integrity of Syria as well as the principle of non-intervention, including military, in its affairs” (Churkin, Russia, 4 October 2011, S/PV.6627: 3).
RtoP	The code identifies statements using the concept of the responsibility to protect to stress a programmatic worth of responsibility. This code differs from other references to the necessity of protecting people by its distinct connection to the particular concept of the Responsibility to Protect.	“Every State has the responsibility to protect its civilian population. Not content with not protecting its civilians, the Syrian regime shamefully massacres them without restraint” (Juppé, France, 31 January 2012, S/PV.6710: 15).
Use of force as ultima ratio	The code captures arguments that refer to the use of force as ultima ratio for justification. This refers to a programmatic dimension of responsibility as the exceptionality of using force only under certain circumstances is stressed as an important programmatic foundation of the UN.	“Are we really in a situation that absolutely necessitates the ultima ratio, the very last resort? I think not, because peaceful means are far from having been exhausted” (Fischer, Germany, 7 March 2003, S/PV.4714: 10).

Category: Procedural justification of responsibility

This category subsumes codes which refer to the normative worth of a procedural understanding of responsibility. Justifications related to these codes therefore stress the normative worth stemming from particular procedures constituting Security Council responsibility. Unlike the ideational foundations or institutional dimensions of Security Council responsibility, this category focuses on processes and practices of carrying out this responsibility.

<i>Code</i>	<i>Description</i>	<i>Example</i>
Commitment	The code refers to the commitment of actors as a source for carrying out responsibility. A procedural dimension of justification is stressed, because commitment underlines that responsibility is tied to the willingness of actors living up to it.	“It remains firmly committed to the virtue of dialogue and to exhausting all possible avenues under the United Nations Charter to resolve all disputes by peaceful means. Our defence of international legality and the system of multilateral diplomacy, as embodied by the United Nations, is founded on the established principles of the foreign policy of the Kingdom of Morocco and on our belief in the relevance of the United Nations” (Bennouna, Morocco, 12 March 2003, S/PV.4717 (Resumption 1): 16).
Compliance	The code refers to the crucial necessity of compliance for fulfilling responsibility. This can be used either for claiming compliance with certain requirements or by justifying the necessity of particular practices as a consequence of compliance.	“It was, and remains, the responsibility of the Iraqi Government to fulfil its obligations as determined by the Security Council in the interest of maintaining international peace and security” (Heinbecker, Canada, 16 October 2002, S/PV.4625 (Resumption 1): 22).
Unity	The code captures justifications stressing the need of unity among actors to fulfill responsibility.	“The Security Council has basically maintained unity and cooperation on this issue. That is of crucial importance to its appropriate resolution and represents the desire of the international community” (Tang, China, 5 February 2003, S/PV.4701: 18).
Consequentialism	The code captures arguments stressing the consequences tied to responsibility. This code refers to a procedural dimension of justification, because of the implicitly assumed automatism of consequences.	“The Security Council has to send a clear message that it considers that the time has come to stop being a hostage to those, who in seeking their own objectives, mistakenly interpret our aspiration to peace as a sign of weakness. [...] And if such cooperation is lacking, Iraq alone will be responsible for the consequences” (Palacio, Spain, 7 March 2003, S/PV.4714: 24).

Constructive manner	The code refers to participation in a constructive manner as a ground for fulfilling responsibility. It captures a procedural worth because it stresses that a constructive matter is considered important for carrying out responsibility.	“Syria, as all are aware, welcomed Mr. Annan’s mission from the very beginning and has interacted with it, and the Special Envoy, in a positive and adequate manner” (Ja’afari, Syria, 14 April 2012, S/PV.6751: 10).
Effectiveness	The code captures justifications stressing effectiveness as a worth associated with responsibility.	“While we fully agree with the need for the effectiveness of the United Nations as the sole universal Organization, we cannot accept that the priorities of one Power should provide the criteria for the effectiveness or relevance of the United Nations” (Zarif, Iran, 18 February 2002, S/PV.4709: 12).
Dialogue	The code captures justifications stressing dialogue as an important procedural feature for Security Council responsibility.	“Dialogue is the one and only way to ensure a peaceful outcome to the crisis in Syria. Violence and repression can never be the answer” (Moraes Cabral, Portugal, 4 October 2011, S/PV.6627: 6).
Context sensitivity	The code captures justifications stressing context sensitivity as an important feature of a procedural dimension of responsibility. It is argued that context needs to be taken into account when carrying out the Council’s responsibility.	“The security of Lebanon is bound up with that of Syria, and vice versa. What takes place in Lebanon affects Syria, and what takes place in Syria affects Lebanon” (Salam, Lebanon, 27 April 2011, S/PV.6524: 9).
Facticity	The code captures arguments stressing an assumed facticity of information or opinions presented for justification. It relates to a procedural dimension of responsibility, as facticity is assumed to represent neutrality and impartiality.	“My colleagues, every statement I make today is backed up by sources. Solid sources. These are not assertions. What we are giving you are facts and conclusions based on solid intelligence” (Powell, USA, 5 February 2002, S/PV.4701: 5).

Category: Concerns-oriented justification of responsibility

This category subsumes codes expressing concerns related to Security Council responsibility. These codes stress either negative implications of particular actions or worries regarding certain practices that potentially undermine responsibility. The normative worth expressed in this category points to the importance of Security Council responsibility and the danger of undermining it.

<i>Code</i>	<i>Description</i>	<i>Example</i>
Human rights violation	The code captures argumentations stressing the conduct of human rights violations in the form of atrocities, misbehaviour, or lack of humanitarian assistance as a concern regarding responsibility. The continuous engagement in these violations is seen as a violation of responsibility.	“I had hoped not to have to go through this ghastly list. By 4 October 2011, repression in Syria had already claimed 3,000 lives and Russia and China vetoed the Council’s action for the first time (see S/PV.6627). By 4 February, 6,000 Syrians had been cut down by the regime, and Russia and China exercised their second veto on the Council’s action (see S/PV.6711). Today, 19 July, we now count 17,000 men, women, and children dead. We mourn their memory alongside the Syrian people, and Russia and China have just exercised their veto of the Council’s action for the third time” (Araud, France, 19 July 2012, S/PV.6810: 3).
Disobedience	The code captures justifications stressing the potential threat of disobedience as a source of concern regarding justification.	“It is the view of my Government that the Iraqi Government has not actively cooperated with the inspectors and is thus in violation of resolution 1441(2002). The international community has tolerated the relentless obstruction of inspections for 12 years now. It is therefore high time for the United Nations to show determination; the credibility of the United Nations is at stake” (Ingolfsson, Iceland, 11 March 2003, S/PV.4717: 27).
Negative impact	The code refers to argumentations stressing the negative or unintended impact of action, which could undermine responsibility.	“The request by some Council members for continued consultations on the draft resolution is reasonable. It is regrettable that these reasonable concerns were not taken into account. To put through a vote when parties are still seriously divided over the issue does not help maintain the unity and authority of the Security Council nor help to properly resolve the issue. In this context, China voted against the draft resolution” (Li, China, 4 February 2012, S/PV.6711: 10).

Selectivity	The code summarises justifications stressing the potential risk of a selective or biased approach to a situation as undermining the Council's responsibility.	“We wish to place on record our conviction that the work of the Security Council must be transparent and must abandon selectivity and double standards. We also wish to place on record our belief that the United Nations should not offer certain countries special treatment while it insists on the implementation of international resolutions” (Al-Nasser, Qatar, 19 February 2003, S/PV.4709 (Resumption 1: 3).
Abuse of instruments	The code captures justifications stressing a concern that the potential abuse of certain instruments of Security Council decision-making can be harmful to the Council's responsibility.	“Those parties have repeatedly abused the Council, using it as a cover-up for implementing their interventions in the domestic affairs of Member States” (Ja'afari, Syria, 4 October 2011, S/PV.6627: 12).
Erosion of order	The code captures justifications stressing the erosion of order to express concerns regarding potential damage to Security Council responsibility.	“We are talking about the future of the international order, relations between North and South, and notably, our relationship with the Arab world. An action of uncertain legitimacy, one that does not enjoy the support of the international community, would not be understood and could gravely affect these relations” (Levitte, France, 17 October 2002, S/PV.4625 (Resumption 3): 14).
Irresponsible behaviour	The code identifies arguments referring to an irresponsible behaviour to express concerns regarding possible damage of responsibility.	“Inaction is not only unacceptable but also irresponsible. It is high time to live up to our responsibilities and to address the legitimate demands of the Syrian people and the expectations of the countries of the region” (Portas, Portugal, 31 January 2012, S/PV.6710: 20).
Political rationales	The code captures argumentations which refer to political rationales supposedly undermining responsibility. This code summarises concerns that a decision or action which is not grounded in facts but in “political” choices could be potentially harmful to responsibility.	“Thus, we cannot doubt the meaning of the veto against this text today. This is not a matter of language, it is a political choice. It is a veto on principle, which means that it is a refusal of all Council resolutions against Syria” (Araud, France, 4 October 2011, S/PV.6627: 3).

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