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The Power of Persuasion

Are norms-based approaches more helpful than enforcement-oriented ones? Or are those who favor persuasion simply trying to escape regulation and accountability?

Prepared by: [ISN staff](#)

Several months ago we looked at how international institutions and organizations [are struggling to adapt](#) themselves to a 21st century world. In our investigation, however, we left one major question unanswered – if the international system is indeed transforming itself, what impact is the process having on the way power is distributed and exercised, particularly by international actors?

Our intention this week is to answer the above question. We will not only look at how international organizations (IOs) are accruing and wielding old as well as new forms of power, we will also look at the barriers that complicate their ability to exercise these powers properly. Such barriers, of course, raise additional questions. How should IOs approach problems that are increasingly beyond the scope of the nation-state, and that challenge traditional forms of sovereignty in complex ways? Are informal, norms-oriented approaches more effective than enforcement-oriented approaches? If not, do those who favor persuasion over enforcement simply want to escape regulation and accountability? And so the questions begin to accumulate.

Explaining enforcement

In [Explaining Costly International Institutions](#), Darren Hawkins examines why states both create and empower agents such as the International Atomic Energy Agency (IAEA) to act on their behalf. According to Hawkins, these “third parties” are created “to take adversarial, compulsory action against states or state agents that are violating international rules, or are suspected of such violations.” The action can include the imposition of enforceable norms, treaty-based sanctions or punishments, and the use of force, all in the name of maintaining the rule of law.

Reliance on third party mechanisms had a spotty history during the Cold War, but with the demise of the Soviet Union the enforcement of international law by these parties became more prominent. This is notable because, when seen from the perspective of the nation-state, third-party enforcement is costly. Contracting and agency costs aside, the delegation of enforcement authority to third parties imposes on states high implicit costs, particularly in terms of limitations on their sovereignty. The latter often impedes domestic actors from making independent policy choices and increases their reputational costs if they decide not to comply with externally imposed norms and regulations. So the question arises: why do states do it?

The answer, according to Hawkins, has its roots in persuasion, communication and argumentation.

Mainstream realist and liberal explanations of international institutions inexorably focus on power, domestic politics or cost-benefit calculations. While these approaches help explain a portion of a state's behaviors and interests, they fail to account for changes in its stance on specific issues. Drawing on constructivist theories that suggest that state interests are unstable, and formed socially over time, Hawkins stresses the importance of processes such as 'rhetorical action' and 'complex social learning' as inducements to change one's policies.

Fair enough, but what is rhetorical action and what fuels it, especially when it applies to states? Well, the fuel can be shame - i.e., states can be shamed into adopting new positions when the gap between what they say and what they do becomes too obvious. In turn, social learning occurs in those cases where an actor is convinced to do something that is not clearly in his interests, often through "arguments ... that a different position is logically or normatively superior." In both cases, Hawkins argues, it is the content of the argument that jolts a state to embrace shame-based or social learning behaviors. Indeed, three specific types of arguments that are especially compelling - 1) the belief that individual physical suffering is bad and should be prevented, 2) the parallel belief that precedent matters, especially in the decision-making and problem resolution mechanisms you use, and 3) a concluding belief that international cooperation is an appropriate method to resolve social problems.

Anyone in favor of torture?

Do we have an example of the above process readily at hand? Consider, as Hawkins does, the negotiations surrounding the [United Nations Convention Against Torture](#) (the Convention). Though far from inventing universal jurisdiction, the Convention represented the first time that international law was applied to crimes that were sponsored by a state. In other words, states were handing over power to a third-party to potentially prosecute their own citizens.

Unsurprisingly, the proposal was at first strongly opposed by democracies and authoritarian regimes alike. Yet, within five years they adopted the convention. What happened? By repeatedly invoking the three types of arguments previously described, supporters of the convention gained the upper hand in the "discursive give-and-take" of the negotiations. On the matter of state-inflicted bodily harm, for example, a pro-torture position was untenable. Hence, states with a track record of torture were forced to begin from discursive positions that already conceded ground to their opponents. Indeed, throughout this process no state tried to justify torture or value sovereignty more highly than bodily integrity.

Moreover, to achieve consensus regarding the controversial inclusion of universal jurisdiction, proponents pointed out that creating 'safe havens' for torturers in essence meant sanctioning torture - a connection states did not want to be identified with. Once again, what we had here were preexisting 'understandings' which conferred proponents of universal jurisdiction irresistible persuasive power, with opponents struggling to find convincing counter-arguments. As a result, states that were originally opposed to the treaty changed their official positions in due course and consensus became possible. And yet, this change in position did not mean a private change of heart. Many of the states that ultimately supported the convention did so while remaining (in everything but their 'official' positions) pro-torture. Accordingly, the adoption of the Convention cannot be explained without also understanding the constructivist logic of persuasion, communication and argumentation that Hawkins cites - a form of logic, through the catalytic effects of rhetorical action and complex social learning, which inspires states to turn their backs against their own interests.

So do we still need enforcement?

The effect of persuasion on how states see and act on their interests might well apply to a host of international organizations as well. But if states can be persuaded to the point of giving up their

treasured sovereignty, why do we still need enforcement mechanisms? Why can't persuasion, communication and argumentation reign supreme.

Here, we need to consider two points. First, norms-creation is not the same as norms compliance, and the jury is still out on the influence of argument and persuasive on the latter. As Hawkins freely admits, the persuasion model does not suggest that other variables, such as coercive power or state interests, are irrelevant – merely that communication and persuasion also matter. Second, as Hawkins admits, the power of persuasion is much clearer in some cases, such as the Convention on Torture, than in others, like the UN Security Council, where rational argument (as the Syrian people know too well) only gets you so far.

Despite these caveats, one would have to be a political dolt to deny that persuasion has become an important mechanism in the international system in recent decades. In general, a shift toward more informal, fluid and norms-oriented institutions that work purely by the power of example are likely in all walks of international life. But in our view, they are not likely any time soon.

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ISN, Center for Security Studies (CSS), ETH Zurich, Switzerland