

## Arguing Deep Ideational Change

By Markus Kornprobst and Martin Senn

**Abstract.** How do actors come to contest previously uncontested background ideas? This is a difficult question to ask. On the one hand, deep backgrounds seem to be too foundational for actors to transform. Their political efficacy appears to end where ideas constitute their efficacy in the first place. On the other hand, ideas must not be reified. Even deeply taken-for-granted ideas do not always stay the same, and agents have a lot to do with these changes. In order to answer this question, we draw from social theory and rhetorical studies. We conceptualize the deep background as *nomos*, and the more easily accessible background as *endoxa*. We then proceed to identify three sets of conditions that make nomic change possible. These relate to opportunity, message, and messenger. Nomic change becomes possible when the need for something new has become widely established and a supply of new nomic ideas is easily available (opportunity); new nomic ideas are ‘smuggled’ into more orthodox and widely resonating arguments (message) as well as rhetorical encounters in which these arguments are made; and advocates are widely recognised as interlocutors (messenger). A plausibility probe of nomic contestation about nuclear governance provides evidence for this framework.

Key words: argumentation, change, governance, justification, rhetoric, nuclear weapons

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## **Introduction**

How do agents change the deep background in which they are embedded? This is an important question to ask. Since the so-called Third Debate (Lapid 1989), International Relations scholars have grown accustomed to addressing the background knowledge that scholars hold. Frequently, the discipline is understood as a field of competing paradigms. Scholars look at the social actors they study through different lenses (Hollis & Smith, 1990; Waever, 1996; Herrmann, 1998). Scholars, however, often shy away from inquiring into the lenses through which the social actors they study make sense of the world. For all the talk about ideas in the discipline, most students of global politics focus on knowledge that is situated in the foreground of social actors.

Research on norms, for instance, has proliferated in the last two decades. This literature made major contributions to our understandings of the salience of ideas as well as how they are reproduced and changed (Kratochwil, 1989; Finnemore & Sikkink, 1998; Acharya, 2004; Tannenwald, 2005; Wiener, 2007). But the bulk of the norms literature conceptualizes norms as standards of behaviour that are all out in the open. Actors experience little difficulty in spelling out in detail what these standards are. The deep background remains largely unaddressed. This is something akin to writing about the discipline of international relations without inquiring into the meta-theoretical assumptions of scholarly perspectives that come so naturally to scholars that they hardly ever make them explicit and do not reflect upon them.

In this article, we develop a conceptual framework to address a particular kind of deep ideational change. How do decontested deep background ideas come to be contested? Our framework is eclectic, borrowing from research on communication conducted by social theorists and students of rhetoric. The former provide us with important clues for how to

conceptualize the deep background while the latter put together a reservoir of insights on how to conceptualize change. We conceptualise the deep background as nomos and contend that three interrelated forces – rhetorical opportunities, the power of a message, and the authority of the messenger – explain how a decontested nomos comes to be contested.

Rhetorical opportunities are constituted by the widely shared understanding that the old ways of doing things cannot continue as well as by the supply of new nomic ideas in related fields of governance. The power of a message arises from familiarity. A message capable of carrying new nomic ideas to an audience is very familiar to the audience. Substantively new nomic ideas are ‘smuggled’ into familiar justifications of an already well established idea. Procedurally new nomic ideas travel as rhetorical practices associated with powerful arguments. They remain implicit. Authority makes sure that a powerful message is heard.

We probe this theoretical framework by applying it to current contestation on nuclear governance. After decades of far-reaching agreement on the deep ideational background of this field of governance, disagreements pitting state security and human security as well as exclusive (state) governance and inclusive (state and non-state) governance against one another have developed. Inquiring into the processes through which this change from decontestation to contestation has become possible, this case-study generates evidence for our theoretical framework.

Our argument unfolds in four steps. First, we review the literature on background ideas in International Relations and, more generally, the Social Sciences. Second, we outline our theoretical framework. Third, we present the findings of our case-study on nuclear governance. Finally, we summarize our argument and propose an agenda for further research.

### **The Analytical Challenge: Agency and Deep Ideational Change**

This section reviews the scholarly literatures on the deep ideational background and ideational change. The former conceptualises the deep background in compelling fashion but struggles to explain change. The latter generates important insights on change but, focusing on foreground ideas, sidelines the deep background.

There are several conceptualizations about the deep background in the scholarly literature. The usage to some of these is more or less confined to a particular author. Gramsci, for instance, writes about ‘conceptions of the world’ (Gramsci in Murray and Worth 2013, 731), Mehta (2011) about ‘public philosophies’, Culpepper (2008) about ‘common knowledge’, English (2000) about ‘philosophical beliefs’, Burke (1965) about a terministic screen, and Schmidt (2008) about ‘background abilities’. May (1962) labels deeply seated ideas ‘axiomatic’. Other conceptualizations have spread much further. They are widely used in the literature. This applies especially to paradigms, epistemes, and, more recently, also the nomos.

Hall (1993) introduced Kuhn’s research on paradigms and scientific revolutions to the study of politics. Hall’s agents are political actors rather than scientists. He makes a convincing argument that it is not just scientists who look at the world through a particular lens but political actors, too. Under normal circumstances, this lens is taken for granted. It is so deeply seated in the social background that there is no reflection about it. Following Kuhn, research on policy paradigms assumes that there is always one dominant paradigm at a time. Change is a shift from one paradigm to the next (Hall, 1993; Campbell, 2004, pp. 90-123; Berman, 2013, Béland & Cox, 2013). Research on policy paradigms is not all-encompassing. Instead, it focuses on issue areas and specifies the communities who hold the paradigms rather carefully. Hall’s seminal research, for instance, is about the political economy paradigm in the pre-Thatcher United Kingdom (Keynsianism).

While Kuhn's work features very prominently in writings on policy paradigms, scholars addressing the episteme draw considerably from Foucault (1972; 1970). The episteme was introduced to the study of international politics by Ruggie (1975; 1983). In Ruggie's thought, too, there is only one dominant episteme at the time. Looking at the world through the episteme, the world becomes intelligible to us. Following Foucault, Ruggie's thought on the episteme is all-encompassing. The episteme explains how it was possible for actors to imagine an international order that was based on the sovereignty of nation-states. More recent research on the concept deals with somewhat more circumscribed dimensions of world politics, too. The epistemic community literature deals with taken-for-granted knowledge in particular issue areas, ranging from ozone depletion (Haas, 1992) to arms control (Adler, 1992). Legro (2000) writes about foreign policy epistemes in the United States, and Kornprobst (2005) on epistemes constituting national identities.

More recently, there has been a renewed scholarly interest in the concept of the nomos. This concept has been around for a long time. It originates with ancient rhetoric. To the Sophists, the nomos was an axiomatic ontological convention. It underpinned rhetorical encounters by delineating what is (Jarratt, 1991).<sup>1</sup> In today's social theory, this definition of nomos as ontological lens remains very much in place. Chopra (2003), for instance, defines the nomos as a 'meta-valuation system'. The concept is closely associated with the work of Bourdieu. He, too, defines the nomos as an underlying ontology (Bourdieu, 2001b, p. 51). Bourdieu links the nomos closely to other, somewhat less foundational kinds of taken-for-granted ideas. The former constitutes the latter (Bourdieu, 2000; 2001a, p. 32). The renewed scholarly interest in the concept keeps some of the linkages with Bourdieuan social theory but also moves again more closely to rhetorical studies (Epstein, 2013; Kornprobst & Senn, 2016). This is where Bourdieu borrowed the concept of nomos from in the first place.

Ideas must not be reified. The social world is a becoming and not a being (Adler, 1997). This puts the onus on scholars interested in ideas to explain how they change. But the literature on deep background ideas struggles to explain change. It remains unclear how actors, deeply embedded in social context, can still assert meaningful agency, including their ability to affect this deep background. Among the social theorists discussed above, Bourdieu is among those that are still somewhat more agency-focused. Yet a standard criticism of Bourdieu is that his conceptualization of the deep background is too heavy as to allow for agents to change this background, especially the *nomos* (Battilana, 2006; Friedland, 2009; Beckert, 2010, pp. 612-613). This criticism is difficult to disperse.

There is a much more agency-focused literature on ideational change. It provides three clusters of clues for how to make sense of ideational change. First, the time has to be ripe for change. Rhetorical studies refer to this as *kairos* (De Certeau, 1984). The social movement literature uses the label of opportunity structure (Tarrow & Tollefson, 1994; Kriesi, 1995; Benford & Snow, 2000). *Kairos* can have material and/or ideational dimensions. When it comes to the former, many authors allude to the importance of exogenous shocks. These drive it home to actors that the old ways of doing things have become obsolete. Shocking events provide a ‘cognitive punch’ (Adler, 1991) that makes actors embark on something radically new. When it comes to the latter, a number of authors write about the supply of new but nevertheless familiar ideas. Willard (1989) makes this point very forcefully. Actors can import new ideas from one field of argumentation to a related one. Given the crisscrossing among orders, the ideas are familiar to the actors. But they are, nevertheless, new in the field to which they are imported. Some authors refer to this kind of importing as transposition (Mehta, 2001).

Second, the power of the word makes a difference. The framing literature writes about the power of frames (Snow et al, 1986; Tarrow & Tollefson, 1994; Farrell and Drezner, 2008).

Narrative theory identifies powerful modes of story-telling (McGee & Nelson, 1985; Fisher, 1987; Ringmar, 2006). Argumentation theory dissects arguments, providing important clues as to what kinds of messages resonate with what kinds of audiences and what kinds do not (Warnick & Kline, 1992; Prakken, 2005; Walton & Sartor, 2013). These perspectives diverge on how to study messages. Formal argument analysis (Alker, 1996), for instance, tends to do this more rigorously than narrative theory. But they also agree upon an important insight. Familiarity makes for a powerful message. To put this into the vocabulary of rhetorical theory, *loci (topoi, commonplaces)* are key components of powerful messages (Aristotle, 1995; Cicero, 2003; Quintilian, 1953).<sup>2</sup> In order for a message to resonate with an audience, it has to appear familiar to an audience. This still leaves room for agency. Not all elements composing an argument need to be familiar. But many have to. They need to be taken from a well established repertoire.

Third, the authority of speakers makes a difference. Even arguments that emphasize the power of words allude to the importance of the status of advocates. Some actors are more entitled to be communicators than others (Finnemore & Sikkink, 1998; Crawford, 2002; Kornprobst, 2008). Some dimensions of this authority are more easily acquired than others. On the one hand, there are dimensions that are readily affected by the performance of a speaker in a rhetorical encounter. When Aristotle (1995) writes about *ethos*, for instance, he refers to furthering authority by finding the right words about one's expertise and trustworthiness as a speaker. On the other hand, there are also aspects of authority that are less malleable by performance. Actors enter rhetorical encounters with a particular standing. If they do not have any standing, they do not get access to the discourse. Their performance does not matter.<sup>3</sup>

These three clues are important. But they go only thus far in helping us to explain deep ideational change. Research on exogenous shocks is geared towards explaining deep change.

But the change to be explained is a peculiar one. It is a shift, for instance a shift from one policy paradigm to another (Hall, 1993). The exogenous shock is less helpful in explaining evolutionary change. Yet deep ideational changes often occur through evolutionary processes (Carstensen, 2011a; 2011b). These kinds of changes are particularly pertinent for the research task at hand, i.e. to explain how a decontested deep background comes to be contested. Research on transposition usually does not deal with deep ideational change. It focuses on foreground ideas, especially norms (Dimitrova & Rhinhard, 2005; Toshkov, 2007). The same applies to research on the power of the word. This kind of research generates very important insights on how well-crafted messages can come to make a major difference. There are numerous studies on how advocacies strengthened particular human rights, for example (Risse, Ropp and Sikkink, 1999; 2013). But deep ideational change remains sidelined. It also remains neglected in studies that address the standing of communicators. This standing tends to enter as an additional social force to explain how a message comes to resonate, alongside the power of the message itself. But where this standing comes from – how it waxes and wanes – is not systematically examined, especially not the kind of authority required to get access to a discourse in the first place.

### **A Rhetorical Framework for Studying Deep Ideational Change**

This section develops an explanatory framework for studying the evolution from a decontested to a contested deep background. We draw heavily from social and rhetorical theory. This makes it distinctly eclectic. We first discuss how backgrounds, arguments and rhetorical encounters are related. Then we identify three sets of social forces that foster deep ideational change from decontestation to contestation. These relate to opportunity, message and messenger.

The social background in which actors are embedded consists of different layers. Some of these layers are more accessible to reflection than others. The deepest layer is so much taken for granted that it is hardly made explicit any more. It only appears in discourses explicitly in times of heightened contestation. In line with rhetorical theories and Bourdieu, we refer to this deepest level as *nomos*. The *nomos* is the ontological foundation of reasoning and communicating. Rigotti and Morasso (2010, p. 494) define this social ontology very well. It provides answers to ‘questions concerning what entities exist or at what conditions they can be said to exist, and how such entities can be grouped, related within a hierarchy, and subdivided according to similarities and differences.’

Other layers are more easily accessible to actors. We refer to them as *endoxa*.<sup>4</sup> Ideas located at these layers are more frequently made explicit and they are also less abstract. References to certain rules and norms, for instance, or metaphors and historical analogies, are frequently found in arguments. The Munich Analogy, for instance, is such a historical lesson. In debates on war and peace in the United Kingdom and the United States, this analogy often becomes a justification for war. Appeasement did not work in 1938. Appeasement never works. Not to intervene would amount to appeasement. Thus, intervention is necessary (Kennedy-Pipe & Vickers, 2007; Daddow, 2009). *Endoxa* are taken-for-granted, too. To stick with the appeasement illustration, the Munich analogy is deeply ingrained in the British and American identity narratives. But it is specific – about the resort to war – and tends to be made very explicit in debates about war and peace.<sup>5</sup>

*Nomic* and *endoxic* layers contain substantive and procedural ideas. The above illustration about appeasement is an example for a substantive *endoxic* idea. Whether to intervene into a conflict militarily or not is a substantive political question. Appeasement is an anchor that arguments dealing with this question can employ to figure out to do. Substantive

ideas enable actors to compose their own arguments and evaluate the arguments put forward by others. Procedural ideas, by contrast, are clues that circumscribe the positioning of actors in rhetorical encounters. Some have access to the encounters while others do not. On matters of peace and war, to return to the above illustration, some actors have more access to political debates than others. Leaders of powerful states are much more likely to be heard than leaders of less powerful states or sub-state and non-state actors.

Arguments never feature the entire background. Actors select, partly habitually and partly reflectively, aspects of this background in order to cope with a given situation. They do so in order to make a situation intelligible to themselves (substantive ideas) and to distinguish those with authority to speak on this matter from those without (procedural ideas). The argument assembles substantive ideas. At a minimum, an argument consists of explicit commonplaces (*loci*), implicit commonplaces (*habitudines*), and an advocated idea (*conclusio*). The *loci* and *habitudines* justify the *conclusio* (Wright, 2001; Frazer & Hutchings, 2007; Betz, 2012). Implicit commonplaces are important (Green-Pedersen, 1987, p. 415; Purcell, 1987, p. 400; Rigotti & Morasso, 2010, p. 494). Not everything is made explicit in an argument. Some ideas remain implicit but, nevertheless, support the *conclusio*. These ideas have sunk so much in that they no longer require to be made explicit. The audience can, so to say, fill in the gaps (Aristotle, 1995: 1357a; Kienpointner, 1986: 340). When it comes to explicit commonplaces, some are more general (*loci communes*) and others more concrete (*loci prorii*). The same applies to implicit commonplaces. Some are more abstract (*habitudines communes*) and others more concrete (*habitudines prorii*). Actors select the more general commonplaces from the nomic layers and the more specific ones from the endoxic layers.

In addition to *loci* and *habitudines*, some arguments also feature ideas other than the *conclusio* that are not commonplaces (yet). Rhetorical theories are rather skeptical about their

rhetorical force. Commonplaces, being familiar to actors, are seen as powerful justifications for advocated ideas. Less familiar ideas (*nulli loci*) are considered to weaken justifications (Aristotle, 1995; Cicero, 2003; Quintilian, 1953). Nevertheless, such less familiar ideas often feature in arguments. What may be familiar to the speaker, for instance, may not be familiar to the audience. Such *nulli loci* may be general or concrete. But, being *nulli loci*, they are not taken out of the widely shared context. They are non-commonplaces.

Rhetorical encounters are deeply relational. The relations among those who meet in these encounters are arranged in various horizontal or vertical shades. Habermas's counterfactual thought experiment of an ideal speech situation notwithstanding, equal relations are the exception (Habermas, 1991, p. 132). Hierarchy is the rule. Some participants of a communicative encounter have more authority than others. There are two different dimensions of authority. First, authorship reaches deeply. It is situated in the nomic layer. This is how Heinze (1925) interprets Cicero's concept of *auctoritas* (authority) and it comes close to Bourdieu's authorized spokesperson. Some categories of actors are entitled to speak whereas others are not. For instance, a Prime Minister is entitled to speak at general debates at the United Nations General Assembly. Authorship is the equivalent of *habitudines communes* in an argument. Understandings of who is entitled to be a speaker and how is not are so deeply ingrained in the background that they do not have to be made explicit.

Second, there is credibility. Rhetorical theory is full of insights about how actors can produce and reproduce their credibility. As Aristotle (1995) explains over and over, speakers use rhetorical tricks to augment their own personal authority. They reserve parts of their messages to drive it home to an audience that they are knowledgeable, of good character and full of goodwill. Speakers have to appeal to these qualities. They have to make them explicit. When Aristotle writes about establishing *ethos*, he instructs the speakers to appeal to ideas about

their credibility that are already somewhat familiar to the audience. In other words, Aristotle recommends them to reach into the endoxa, and reproduce and augment ideas about credibility that are already there. Having credibility in a rhetorical encounter is the equivalent to a *locus prorius* in an argument. It is explicit and specific. Note that credibility is more malleable than authorship. Credibility can be augmented by successful performance.<sup>6</sup> But producing credibility presupposes authorship. The latter is the foundation upon which the former can develop.

Under normal circumstances, the *nomos* is uncontested. Residing deeply in the background, it orders the interactions of actors with them hardly being aware of it. The *nomos* comes too natural to them as that it would allow for much reflection. There are circumstances, however, in which the *nomos* becomes contested. This destabilizes the order that the *nomos* constitutes. How does such a change from decontestation to contestation come about? In light of the above conceptualization of argumentation, it is possible to build upon the conditions for ideational change identified by the literature. These pertain to opportunity, message, and messenger.

*Opportunity* is about a particular endoxic idea and the supply of new nomic ideas. *The obsolescence of the old ways of doing things has become a widely shared endoxic idea.* It is established that a given order has to change (Detienne and Vernant, 1974: 295-296; De Certeau 1984). At the same time, *related fields of orders have experienced nomic change.*<sup>7</sup> Actors can borrow from this nomic change and import it. To put this differently, the borderlands of orders are places that are important for ideational innovation. This is an insight that hermeneutic theorists have elaborated on in compelling fashion (Gadamer, 1972, p. 279; Bakhtin, 1986, pp. 137-142; Bernstein, 1991, p. 65).<sup>8</sup>

Compelling *messages*, capable of transforming *nomoi*, are composed in particular fashion. New nomic ideas are not *conclusiones*. A new nomic idea cannot be justified by something else. It is too abstract and all-encompassing for such a straightforward advocacy.<sup>9</sup> But actors can advocate for a new – or, more precisely put, not that new – nomic idea more indirectly. They can ‘smuggle’ a new substantive nomic idea into a more orthodox argument. A nomic advocacy does not argue for a new *conclusio*. Instead it argues for a *conclusio* that is taken from the *endoxa (locus prorii)*, supports this with other *endoxa (loci prorii)* and adds to this the new nomic idea, which fulfills the function of a *locus communis* in the argument. Thus, the novelty of the new substantive nomic idea is counterbalanced with the familiarity of the rest of the argument, including its *conclusio*. Furthermore, the new substantive nomic idea is actually not all that new. It is taken from a related field. Diplomats, for instance, routinely move back and forth between different fields, say environment and economics. It may be unexpected for them to encounter an idea that is foundational in the economics field in the environmental one (or vice versa). But the idea is not entirely new to them. It is merely transposed (Campbell, 1998).

Opportunity and compelling messages alone are not sufficient for nomic change. Such a change also requires actors with plenty of authority. Actors endowed with authorship and credibility – and the skills and talents required to augment this credibility further – need to be present from the very beginning of the process through which nomic decontestation moves to contestation. This ensures that the new substantive nomic ideas are heard by the audience. Successful advocacies can even develop a momentum that makes it possible for actors who entered an advocacy without widely recognised authorship to acquire such authorship, and, once they have done so, credibility as well. New procedural nomic ideas can travel with successful arguments. But these ideas, too, are, at second glance, not all that new. They are also

transposed from a related field. New procedural nomic ideas, therefore, are ‘smuggled’ into a field from an adjacent or superordinate field as well. Furthermore, they are not smuggled into the argument. They can only be smuggled into a rhetorical encounter through rhetorical practice.<sup>10</sup> If such a foundational change through simply doing speaking differently happens, it provides additional momentum for contesting the old nomos. More advocates with the authority to be heard diffuse the successful argument.

### **Nuclear Weapons: From Nomic Orthodoxy to Nomic Contestation**

The remainder of this article puts this framework to use to explain the recent change from nomic decontestation to contestation in the nuclear weapons field. For decades, this field was based on a three-fold and uncontested nomos. (a) Nuclear weapons are immensely destructive (ordering imperative). (b) Nuclear order is about safeguarding the security of states. (c) The governors, in charge of making the rules for this safeguarding, are states. The first part of the nomos remains very much in place. It continues to be uncontested. The remaining ones, however, have become contested. The Humanitarian Initiative (HI) succeeded in countering state security with human security, and state governance with inclusive governance (state and non-state actors). How did this change from decontestation to contestation possible?

The focus on nuclear weapons makes for a difficult plausibility probe for the theoretical framework. It is often assumed that somewhat amorphous social forces such as rhetoric do not matter when it comes to the ultimate weapon. All that matters are material capabilities (Waltz, 1990; Powell, 1991; Bracken, 1999). Furthermore, the agreement on the orthodox three-fold nomos held for decades. The 1970 Nuclear Non-proliferation Treaty (NPT), for instance, is very much based on this nomos. So were the quinquennial Review Conferences (RevCons) and debates in the First Committee of the UN General Assembly. In the past, there were a host of

debates, especially about disarmament, nonproliferation and technological transfers for peaceful use. The debates often pitted nuclear weapons states (NWS) and non-nuclear weapons states (NNWS) against one another. When it comes to the latter, the Non-Aligned Movement (NAM) was a particularly outspoken grouping of critics. These debates could be very controversial, even making it impossible for the parties to agree on a Final Document of a Review Conference. But the nomos remained uncontested. This has changed in the last five years. Now, there are two competing lenses to look at nuclear weapons: the old nomic ideas of state security and state governance (embraced by NWS and allied states), and the new ones of human security and inclusive governance (embraced by most NNWS).<sup>11</sup> What has happened since 2010?

Our analysis starts in 1995, when the Review and Extension Conference of the NPT debated about the post-Cold War nuclear order and extends to today. We rely on a number of primary sources. These include the proceedings of Preparatory Committees (PrepComs) for RevCons, RevCons, First Committee debates (all 1995-2015), and the HI conferences in Oslo (2013), Nayarit and Vienna (both 2014). We participated in the latter, and conducted 12 interviews with proponents and opponents of HI in Vienna and New York.

Our argumentation analysis follows a key insight of Perelman's and Olbrechts-Tyteca's *New Rhetoric* (1958). We are not after assessing the logic of arguments according to stringent rules. We trace how actors come to assemble and diffuse arguments that are intelligible to them. Following our analytical framework, we put under scrutiny the opportunities for advocacies for new nomic ideas, dissect the contents of the arguments being exchanged by actors, and uncover the relationships among interlocutors and between interlocutors and audiences.<sup>12</sup>

## **Opportunity**

There was an opening for new nomic ideas because of the endoxon that the old ways of doing things cannot continue and the supply of new nomic ideas was present due to post-Cold War moves to re-invent global order in related fields.

The end of the Cold War fueled hopes that long-standing disagreements on nuclear governance could finally be resolved. For many NNWS, these hopes focused, first and foremost, on Article 6 of the NPT. With the Cold War being replaced by much more conciliatory relations among great powers, NWS would finally honor their disarmament obligations. They would disarm. At the 1995 Review and Extension Conference, the NPT was extended indefinitely. NNWS agreed to this step under the condition of a strengthened review process.<sup>13</sup> RevCon Final Documents would specify clear targets for implementing treaty provisions. The 1995 Final Document, for instance, contained a provision on the creation of the Comprehensive Test Ban Treaty Organization (CTBTO). The 2000 Final Document lists 13 steps towards nuclear disarmament to be honoured by NWS. The 2010 Final Documents extends this to 22 steps.

The envisaged disarmament, however, did not happen. This caused major frustration among many NNWS. As a senior European diplomat puts it, the NPT has ‘lost credibility’. It has become mere ‘occupational therapy’ for states. ‘The legitimacy of the regime is more and more questionable.’ NWS make nothing but ‘pro forma concessions’, from which they withdraw again soon after the ink has dried on the final documents of review conferences.<sup>14</sup> The tone among protagonists of the Non-aligned Movement (NAM) is even harsher. Seeming concessions made by the NWS, for instance the disarmament steps agreed in 2000 and 2010 amount to little more than ‘blabla’. There is a ‘serious implementation deficit’. There is a ‘series of broken promises – that’s all.’ Future prognoses of the NPT regime are ‘bleak’. ‘I would not be surprised if, one day, the regime would fall.’<sup>15</sup> This is a very strong formulation. But the

frustration about the perceived failure of NWS, sometimes expressed more diplomatically and sometimes less, to honor their disarmament obligations has become widely accepted. It is an endoxon that many NNWS share.

In the mid-1990s, two documents challenged nomic ideas on international politics. This challenge occurred not in the more narrowly confined nuclear field but in the adjacent and broader economics field as well as the superordinate diplomacy field. In 1994, the Human Development Report juxtaposed 'nuclear security' and 'human security'. Nuclear security was branded as old style security. During the Cold War, security was state security. States sought to safeguard their security by nuclear deterrence. Human security was identified as the new security concept for a new era. What really matters is that human beings are safe. They ought to be safe from internal and external threats. They also ought to be free from want (United Nations Development Program, 1994). A year later, the Commission on Global Governance (1995) issued its report entitled *Our Global Neighborhood*. This report was highly innovative as well. This report juxtaposed state governance and global governance. State governance was portrayed as the kind of governance of a bygone era. Addressing the challenges of the new era requires global governance, i.e. the inclusion of multiple actors. States and their representatives (diplomats) are very much part of this multitude of actors. But so are non-state actors, sub-state actors, international as well as supranational organisations, and many more.

These two reports encapsulate important developments in international relations in the mid-1990s. Most importantly for the purpose at hand, they proposed alternative nomic ideas: human security and inclusive governance. From the mid-1990s onwards, these ideas left their mark in several policy fields, including arms control. The campaigns to ban landmines and cluster munition put human security to use. Seen through the lens of human security, these kinds of weapons are no longer tolerable. They may not threaten states. But they do threaten

human beings. The campaigns also put inclusive governance to use. They very much practiced it. The campaigns started with non-for-profit organizations. These aligned with groupings of states, and, thus, were successful in making their ideas enter the diplomatic realm. Both campaigns were about prohibiting these kinds of weapons. They were concluded successfully. In 1997, the Anti-Personnel Mine Convention was signed in Ottawa. In 2008, the Convention on Cluster Munitions was signed in Dublin. Ratification levels for both agreements are good (with the Ottawa Convention doing somewhat better than the Dublin Treaty).

### **Message**

HI made the most out of these opportunities. Its message is composed of a number of ideas taken from the social background. This includes the *conclusio*. The need for prohibiting nuclear weapons is an endoxon for the majority of parties to the NPT. But HI successfully ‘smuggled’ a substantive nomic idea into this argument, i.e. human security. Delivering this message became a rhetorical practice. Through this practice, a new procedural nomic idea has sunk in with many actors as well, i.e. inclusive governance.

The *conclusio* of the message is the prohibition of nuclear weapons. The demand for nuclear disarmament, sometimes even in the sharp formulations of ‘prohibition’ or ‘ban’, has been around since the beginning of the nuclear age. In the NPT, it is, albeit in somewhat ambiguous language, expressed in Article 6. HI formulations tend to reiterate the 2012 *Joint Statement on the Humanitarian Dimension of Nuclear Disarmament* of the original 16 participating states when they call for nuclear disarmament: ‘All states must intensify to outlaw nuclear weapons and achieve a world free of nuclear weapons’ (2012b). The 2015 Humanitarian Pledge uses stronger language. It postulates ‘effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons’.<sup>16</sup>

This *conclusio* is justified in elaborate fashion. The destructiveness of nuclear weapons is a *locus communis*; in some formulations of the argument it is also a *habitus communis*. Again, this linkage between the destructiveness of nuclear weapons and the need to get rid of them can be traced back to the dawn of the nuclear age and the development of the NPT, especially its Preamble. The linkage can be found in arguments presented by NWS, too. Obama's much celebrated Prague Speech, for instance, was all about the connection of the catastrophic consequences of nuclear weapons and the need for disarmament (Obama, 2009). There is also a *locus prorii* that had been well established before the advent of HI in 2010, i.e. the failure of NWS to disarm. In other words, thus far, the argument looks rather orthodox.

The novelty is provided by the notion of human security. This notion fulfils the function of a *locus communis*, although – at least at the beginning of the advocacy – it had not assumed the taken-for-granted quality that makes it a *locus* yet. It was too new an idea for the nuclear field as that it would have been part of the social context already. At the beginning, human security was still a *locus nullius*. The ideas closely linked to this quasi-*locus communis*, however, were already very familiar to actors. They were *loci prorii* that had been used for discussing nuclear weapons for quite some time. A string of *loci* addresses the humanitarian catastrophes that nuclear weapons cause. These range from the terrible suffering of the civilian population in Hiroshima and Nagasaki to the consequences of nuclear testing for populations living nearby testing sites. Another string of *loci* is about international humanitarian law. While this body of international law is based on the distinction between combatants and non-combatants and vows to protect the latter, nuclear weapons simply cannot make this distinction.

<sup>17</sup> As an interviewee puts this, '[i]f you are aiming at something with a 50 megaton bomb, you simply cannot differentiate between combatants and non-combatants.'<sup>18</sup>

The HI argumentation has become a rhetorical practice. It is remarkable how similarly the proponents of HI answered our interview questions and it is equally remarkable how strongly these answers mirror key statements. This includes the Kellenberger speech and the joint statements of the original 16 at the 2012 PrepCom (2012b), and 35 states at the First Committee of the General Assembly a few months later (2012a), both delivered by Switzerland. It includes the joint statement by 78 states at the 2013 PrepCom (2013b) delivered by South Africa, and 125 states at the First Committee again a few months later (2013a) delivered by New Zealand. The same country delivered the 2014 HI statement at the First Committee. Again the same overall argumentation is repeated. The Humanitarian Pledge (2015) echoed the broad consensus on the argumentation as well.

In procedural terms, the Humanitarian Conferences in Norway, Mexico and Austria introduced new practices for debating nuclear disarmament. The conferences were organized in very similar ways. They first gave the word to victims of nuclear weapons attacks or nuclear testing, to scientists, lawyers and representatives of non-for-profit organisations. State representatives were present. But they merely commented or asked questions. Only after these discussions did state representatives make more elaborate statements. Through these practices, these Humanitarian Conferences enlarged the group of interlocutors. Through practicing authorship for previously marginalized non-state actors, HI came to endow these actors with authorship. Successful non-state actors include the International Committee of the Red Cross (ICRC), Mayors for Peace as well as, on a more general level, to the International Campaign to Abolish Nuclear Weapons (ICAN).

The substantive and procedural nomic novelty is imported. The proponents of HI are acutely aware of the successful campaigns to ban landmines and cluster munition.<sup>19</sup> Looking at these experiences taught them the importance of these nomic ideas. To HI advocates, nuclear

governance is anachronistic. While global governance has moved towards human security and inclusive governance, nuclear governance still holds on to state security and state governance. Linking these new nomic ideas to established ideas made for a powerful argumentation. As one interview put it, ‘what counts are good arguments (...) Nobody can tell us that we say something wrong; naïve perhaps but not wrong.’<sup>20</sup>

### **Messenger**

For all the strengths of this message, it would have gotten nowhere without the backing of actors with plenty of authority in nuclear governance. Some entered with authorship, others acquired it through practice. Out of the former and latter group of actors, some played their cards more skillfully than others to augment their credibility.

In the mid-2000s, a number of precursors of HI can be identified. 2007 was a particularly important year. The New Agenda Coalition circulated a draft resolution in the First Committee. A year later, it introduced this draft resolution to the PrepCom for the 2010 RevCon.<sup>21</sup> The draft refers to human security. ICAN formed in 2007. Its arguments stressed human security from the beginning and it sought to practice inclusive governance from the start.<sup>22</sup>

On 20 April 2010, Jakob Kellenberger, President of the International Committee of the Red Cross (ICRC) but also an experienced Swiss career diplomat, gave a speech to the diplomatic corps in Geneva (Kellenberger, 2010). This speech formulates the full argumentation as discussed in the previous section for the first time. Being a Swiss career diplomat, he was recognized as an author in the nuclear field who should be listened to. He made use of this recognition to practice authorship for the ICRC. Furthermore, he forcefully appealed to the ICRC’s credibility. He dedicated no less than half of his speech to highlighting this credibility in the nuclear field. He emphasized that the ICRC does not have an interest to

defend in this field, except for the humanitarian one. When it comes to the latter one, the ICRC has a lot of expertise. It is worth quoting him at length:

The ICRC has a legitimate voice in this debate. In its 150-year history, the organization has witnessed immeasurable human suffering caused by war (...). The ICRC also brings to the debate its own direct testimony to the consequences of the use nuclear weapons and their potential to render impossible the mission of humanitarian assistance that this organization exists to fulfil. Dr Marcel Junod, an ICRC delegate, was the first foreign doctor in Hiroshima to assess the effects of the atomic bombing and to assist its victims (Kellenberger, 2010).

The Kellenberger speech inspired many diplomats in the audience. It ‘gave us the final punch’ to launch HI.<sup>23</sup> Sixteen states were part of the original HI: Austria, Chile, Costa Rica, Denmark, Holy See, Egypt, Indonesia, Ireland, Malaysia, Mexico, New Zealand, Nigeria, Norway, Philippines, South Africa and Switzerland. Within this group, six states have been particularly active. Swiss diplomacy was the conveyer belt through which the Kellenberger speech made it into the halls of traditional diplomacy. Diplomats from Austria, Mexico, New Zealand, Norway<sup>24</sup>, South Africa and Switzerland were repeatedly the voice of HI, being very active advocates and delivering joint statements

Their advocacy frequently appeals to their ‘in between status’. They occupy what Roman rhetoric labeled the *aurea mediocritas* (golden middle). These states emphasise that they have a history of positioning themselves in between radical NNWS on the one hand and the NPT on the other. Instead of demarcating themselves from NWS due to the lack of meaningful progress on disarmament, they vow ‘to work with them’ towards nuclear disarmament. The words in between the quotation marks appeared twice in two independently conducted interviews.<sup>25</sup> This positioning in the middle lends credibility to these states. As a

diplomat put it: ‘We have legitimacy in this regard. We are concerned about the cause and nothing else, and others perceive us that way.’<sup>26</sup> Among these states, South Africa has a special status. Not only has post-Apartheid South Africa a history of positioning itself in the middle, but it is also one of the very few states ever to disarm. It is no coincidence that South African diplomats repeatedly read HI statements at multilateral fora.<sup>27</sup> This is a strategic move, trying to maximize credibility as much as possible.

Within three years, HI became the ‘largest cross-national group of states ever to deliver a joint statement on a matter concerning the NPT’ (Johnson, 2013). By now, 123 states have signed the Humanitarian Pledge, which is the outcome of the Vienna conference. More states are expected to join in the near future.<sup>28</sup> Thus, the advocacy has gained momentum, producing more and more persuadees and messengers. Even now, most of the states signing and advocating the Pledge are those with a history of situating themselves somewhere in the middle between radical critics of the NPT and outspoken defenders of the status quo. In their advocacy, they flag this middle position in their attempts to highlight their credibility. As an interviewee put it, ‘we have legitimacy. It is clear that we have no selfish motives. This is how we are perceived.’<sup>29</sup> This helps to produce credibility.

Within HI, a number of non-state actors have secured authorship, and building on it, credibility. At the Vienna Humanitarian Conference, for instance, Setsuko Thurlow gave a very powerful speech on her experiences as a survivor of the nuclear attack on Hiroshima. Almost all her speech was about her shocking experiences. But there was also something about credibility. Hibakusha are dedicated to ‘baring our souls with painful memories over the past 69 years to warn people about the hell on earth we experienced in Hiroshima and Nagasaki.’<sup>30</sup> This is a worthy cause, indeed. Sub-state actors such as Mayors for Peace echo this emphasis on credibility. Keeping the remembrance of Hiroshima and Nagasaki alive and advocating for

taking the lessons from these disasters seriously, they are simply concerned about the ‘safety and welfare of citizens’ (Mayors for Peace, 2014). There are no ulterior motives, and they know very well what they are talking about. This makes for credibility.

## **Conclusion**

This paper contends that changes from nomic decontestation to contestation come about through a communicative process involving rhetorical opportunities, compelling messages and the authority of speakers. Endoxic ideas that the old ways of doing things cannot continue as well as a supply of new nomic ideas in related governance mechanisms make for rhetorical opportunities. Messages seize upon these opportunities by including these endoxic ideas as *loci prorii* and the imported substantive nomic ideas instead of *loci communes*. With the exception of the latter, they are composed of already taken-for-granted ideas, some being out in the open (*loci*) and others remaining implicit (*habitudines*). Even the *conclusio* is not a new advocated idea. It is already firmly established. New procedural nomic ideas, changing the recognition of authorship, travel as practices that are associated with successful arguments.

This contention makes at least two noteworthy contributions to the existing literature. First, it navigates a middle path between social theorists that put heavy emphasis on social context on the one hand and rhetorical theorists that tend to underline agency at the expense of context. It is difficult for agents to change the nomic layer of the social context. But there are rhetorical processes that make it possible. Second, our contention adds an interesting insight to literature on justification. Successful arguments cannot only bring new ideas into being if these ideas are actually argued for. In the case of nomic change, nomic ideas are, strictly speaking, not argued for. They are not *conclusiones*. Instead, they are ‘smuggled’ into an argument, fulfilling the function of a *locus communis* (substantive nomic novelty) and/or through

rhetorical practices forming in association with such a successful argument (procedural nomic novelty).

Although our case-study provided evidence for our theoretical framework, a lot of work remains to be done. Three areas of further research come immediately to mind. First, we only conducted a plausibility probe of a single case. More empirical research is required to reach firmer conclusions about the strengths and weaknesses of the theoretical framework. This should include cases in which nomic change is not confined to a move from nomic orthodoxy to contestation. It should, for instance, include cases in which one nomos came to replace another one. Second, it would be interesting to adapt this theoretical framework to the study of sudden nomic shifts. There are political situations in which many taken-for-granted ideas are put into question. European leaders faced such a situation after the Second World War, for instance. It made West European statesmen embark on a process of cooperation and integration. But how can they anchor their thinking in something that appears natural to them when so many formerly taken-for-granted ideas come to be dismissed or at least questioned? Third, more research is required on how governance mechanisms are related to one another. There is crisscrossing, subordination, superordination and so on. Field theory offers an intriguing avenue to conceptualise this. Fligstein and McAdam (2012), for instance, contend that fields are only semi-autonomous. The overlap of fields makes it possible to import new ideas from one field to the next. But further research is required to conceptualise the relationships across fields and how these relationships facilitate or hinder importing and exporting innovative ideas.

Exploring these research avenues amounts not only to an important theoretical endeavour. At a time when world politics seems to rush from crisis to crisis (intra-state conflicts, inter-state conflicts, sovereign debt, refugee flows) and established actors find it more and more difficult to manage these crises together, improving our understandings of how the

deeply taken for granted comes to be disputed and hopefully re-invented in constructive fashion is particularly important.

## Notes

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<sup>1</sup> For these strong ontological connotations, see also Bourdieu (2001b, p. 51) and McComiskey (1994).

<sup>2</sup> *Locus* (pl. *loci*) is the Latin translation of the Greek *topos* (pl. *topoi*). We use the Latin term because we draw more from Roman than Greek rhetoric in this article (see also our conceptualisation of authority along the lines of *auctoritas* below).

<sup>3</sup> Bourdieu's notions of symbolic power and the 'authorized spokesperson' (Bourdieu, 1991, 109) allude to this kind of constitution of communicative authority.

<sup>4</sup> This is very close to Aristotle's use of the term (1995). See also Renon (1998) and Haskins (2004).

<sup>5</sup> We developed a related distinction in Kornprobst and Senn (2016).

<sup>6</sup> On the malleability of credibility, conceptualized as *ethos*, see also Oliensis (1998) and Goodwin (2001).

<sup>7</sup> The *nomos* is usually uncontested. This status makes it possible for the *nomos* to constitute a field in the first place. *Endoxa*, by contrast, are much more contested in a field. There are many communities embracing different clusters of *endoxa* (Senn & Kornprobst, 2016).

<sup>8</sup> On the porous boundaries of orders, see also Boltanski and Thévenot (2006) as well as Fligstein and McAdam (2012).

<sup>9</sup> Even formal logicians hold that the foundations on which reasoning is based cannot be proven (Gödel, 1931).

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<sup>10</sup> On rhetorical practices, see De Certeau (1984). On practices more generally, see Adler and Pouliot (2011).

<sup>11</sup> Judging by the signatories to the 2015 Humanitarian Pledge, there are more HI parties to the NPT than non-HI parties (about two thirds versus one third).

<sup>12</sup> This resembles informal argumentation analyses as developed by Crawford (2002) and Kornprobst (2008).

<sup>13</sup> Interview with a diplomat representing a North American state, conducted in Vienna, 6 March 2014; interview with a diplomat representing an East Asian state, conducted in Vienna, 21 February 2014.

<sup>14</sup> Interview with a diplomat representing an EU member state, Vienna, 4 April 2013. Interview with a diplomat representing a European state, Vienna, 31 January 2014.

<sup>15</sup> Interview with diplomat representing a lead NAM state, Vienna, 15 April 2013.

<sup>16</sup> The Humanitarian Pledge (2015) originates with the 2015 HI Conference in Vienna, where it was introduced as Austrian Pledge.

<sup>17</sup> All of these components featured in much detail at the 2014 HI Conferences in Nayarit (<http://www.sre.gob.mx/en/index.php/humanimpact-nayarit-2014>) and Vienna (Federal Ministry for Europe, Integration and Foreign Affairs, 2015).

<sup>18</sup> Interview with Bernhard Schneider, Head of Department of the Legal Office, ICRC, Vienna 4 February 2014.

<sup>19</sup> Interview with a diplomat representing an EU member state, Vienna, 4 April 2013. Interview with a diplomat representing a European state, 31 January 2014.

<sup>20</sup> Interview with a diplomat representing a European state, 31 January 2014.

<sup>21</sup> NPT/CONF.2010/P.C.II/WP.26.

<sup>22</sup> Interview with John Loretz, Program Director, IPPNW, New York, 3 March 2015.

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<sup>23</sup> Interview with Luis Alfonso de Alba, Permanent Representative of Mexico to the United Nations in Vienna, 6 March 2014.

<sup>24</sup> Currently, there is a domestic battle in Norway, pitting the government against parliament, about whether Norway should sign the Humanitarian Pledge or not. The government, concerned about its NATO commitments, shies away from this step because the Pledge calls for a legal ban on nuclear weapons. This sharpening of the disarmament formulation made it a recalcitrant actor.

<sup>25</sup> Interview with Luis Alfonso de Alba, Permanent Representative of Mexico to the United Nations in Vienna, 6 March 2014; Interview with Alfredo Alejandro Labbe Villa, Permanent Representative of Chile to the United Nations, Vienna, 4 June 2013.

<sup>26</sup> Interview with a diplomat representing an EU member state, Vienna, 4 April 2013.

<sup>27</sup> For a detailed overview, see International Law and Policy Institute (2014, 188).

<sup>28</sup> A list of the signatories can be found at <http://www.icanw.org/pledge/> (accessed 13 February 2016).

<sup>29</sup> Interview with a diplomat representing a European state, Vienna, 31 January 2014.

<sup>30</sup> <http://www.icanw.org/campaign-news/powerful-statement-of-setsuko-thurlow-in-vienna/>

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