Constructing Deviance in International Politics

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Abstract
The key to understanding the construction of deviance in international relations is to understand the interplay between international norms, international law, and the systemic hegemon. This paper argues that the hegemonic power of the international system is central in the creation of the international normative order. Pointing out that deviance is thus an exercise in the maintenance of stability within the normative order, in which the hegemon seeks to maintain both legitimacy and compliance. Anchoring the norms which are supposedly violated by the ‘rogue’ in international law gives hegemon’s actions legitimacy and universality, supporting the hegemon’s position, but also restraining it simultaneously. This paper demonstrates this model using the probability probe of Iran’s nuclear program, where Iran’s image as a ‘rogue’ arose not because of the country’s human rights record, but as a result of Iran’s behavior within the non-proliferation regime.

Keywords
Deviance, international relations theory, hegemony, international law, Iran.

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Michal Onderco
Max Weber Fellow, 2014-2015
Introduction

Rogue states have attracted the considerable attention of scholars of international relations (Caprioli and Trumbore 2005, Litwak 2000, Dueck 2006, Brookes 2005, Parachini 2003, Schwartz 2007, Litwak 2012, Kim and Hundt 2011, Nincic 2005). The majority of scholars interested in rogue states focus on their policy-related aspects – the danger they pose (or not), and how to influence their behavior. This line of scholarship tends to be oriented towards the policy audience, and tend to treat rogue states as given. While the values of the derived policy prescriptions may be up for discussion, this scholarship fails to appreciate rogue states as socially constructed, and hence overlooks an important aspect of the phenomenon. Scholars who prefer to focus on the process of labeling certain states as ‘rogue’ try to remedy the shortcoming of the policy-related research. Such scholars look at the origin of processes of labeling in domestic political process, and the role of political leaders or parties in it (Nincic 2005, Homolar 2011, Lake 1994, Litwak 2000, 2012, Geldenhuys 2004). Yet, this research still cannot explain a simple question – what is it that makes some labeling of ‘rogue’ states successful?

To socially construct ‘a rogue’ is more than labeling an actor as such, because being recognized as ‘deviant’ confers a specific social quality upon an actor. This point, although accepted by most authors, is not followed by a deeper explanation of how this construction emerges. At best, the accounts provide a set of core norms, which violation of may lead to the label of deviant (Geldenhuys 2004, Nincic 2005, Litwak 2001, Homolar 2011). ‘Roguing’ is more than mere castigation of opponents of the hegemon, for there are more states who oppose neo-liberalism, human rights universalism, or Western capitalist intervention than there are rogue states. This leaves the existing literature deeply unsatisfactory, because it cannot explain what makes labeling attempts successful, and what are the elements of such a successful ‘construction’ of a ‘rogue’.

Rogue states are constructed as violators of notions of proper behavior in the international community. In such a setting, there must be a notion of what is proper behavior\(^1\). Already Carr has argued that ‘there is a world community for the reason (and for no other) that people talk, and within certain limits behave, as if there were a world community’ (Carr 1939 [2001], p.147). The existence of norms of proper behavior alone, however, does not explain whether an actor is recognized as a ‘rogue’. Some authors resort to measuring violations of the positive rules of international law (Chomsky 2000).\(^2\) Such authors, however, miss the point that being ‘rogue’ is more about transgressing norms than about violating positive legal rules, for deviance is always, in one way or another, socially constructed.

There is a profound difference between the world where the logic of consequences applies, and the world where the rules of appropriateness apply. The logic of consequences applies to law; the logic of appropriateness applies to significantly more vague norms (March and Olsen 1998, Finnemore and Sikkink 1998). It therefore makes no sense to equate law-breaking with the construction of rogue states. At the same time, international law remains indispensable for the construction of rogue states. This paper seeks to explain how states come to be portrayed as deviant members of the community of states, and how law makes it possible to label states as norm violators. As opposed to other accounts, however, this article argues that there are ways to study the ‘construction’ of rogues from the outside; it is not a process accessible purely through interpretative process.

The construction of ‘rogue’ requires three elements to be realized: an act, an audience, and an accuser. All three of these elements are interconnected in some way, but none of them is a sufficient condition for the label. There cannot be any deviance without a deviant act, but as deviance is a social quality, there must be a receptive audience and there must be an accuser, who draws attention to the violation of norms.

\(^1\) Even Waltz observes that states are socialized when they become ‘like units’. Cf. Waltz (1979) This – often overlooked – aspect of Waltz’s work has been discussed by Thies (2010), Resende-Santos (2007), Halliday (1994b).

\(^2\) In International Relations, a prominent example of this approach would be (Caprioli and Trumbore 2005, 2003).
An act is the deed, a transgression of the fundamental social norms of the international community. For reasons I will explain below, transgression also requires a widely-recognized violation of international law, but not every violation of international law per se may be considered as an act.

An accuser is the party that can call a certain act ‘deviant’. This is usually the actor who is specially vested with maintenance of the social order within the international community, and is powerful enough to have its voice heard. The systemic hegemon is most suited for the role of the accuser, as I will explain later in the paper.

An audience consists of the members of the international community. Their purpose is two-fold. First, the audience creates and maintains the social order, exists in its midst, and through its actions perpetually reinforces it. Second, the audience recognizes the act (and its perpetrator) as ‘rogue’, and hence confers a certain status on one of its members.

What is specific about this argument is that international law provides a crucial role for the construction of a ‘rogue’, for it both enables and constrains the hegemon at the same time. It enables the hegemon, because it provides a language, tools, and legitimate rules which can be used to pinpoint, accuse and evaluate the rogue states behavior. But international law also constrains the hegemon, because it makes it impossible for the hegemon to successfully label any state it wishes to. If the link to legal transgressions is not strong enough, the label will not stick; the audience (the international community) will not accept that label.

In short, my argument is that for the labeling of an actor as a rogue state to be successful, there needs to be a widely-recognized violation of the fundamental norms of the international community, but that these norms must be at least partially codified. Rogue states are not merely violators of international law, because there is a social quality of deviance that distinguishes them from mere violators of law. Yet without an appeal to international law, the recognition of an actor as a ‘rogue’ is not going to be successful – international law thus constrains the systemic hegemon, as I will argue in subsequent pages.

In the following three sections, I explain the three fundamental elements of successful construction of the ‘rogue’, discuss the inherent selectivity of the construction of ‘rogues’, and conclude by illustrating my argument with an example of the construction of nonproliferation ‘rogues’.

An act
What actions lead to states being labeled as ‘rogue’ has long been disputed, so that even seasoned scholars tend to sidestep the question by mere enumeration of some of the ‘sins’ of rogue states, such as the violation of human rights, the proliferation of weapons of mass destruction, or aggression against other countries (Geldenhuys 2004, Nincic 2005). The enumeration, however, does not provide a deeper analytical look at why it is these actions that makes countries ‘rogue’ – it remains descriptive, without a deeper argument about what makes any of these actions special in the eyes of the international community.

Deviance as law-breaking?
As argued before, deviance is a social quality conferred upon an actor that violates the norms of the community (Becker 1963). Violation of the norms of the international community should not, however, be mistaken for the violation of international law.

There are two prominent arguments about the role of law for the construction of rogue states. The first comes from Noam Chomsky. Chomsky, in his Rogue States, develops a clear check-list, then applies it using the logic of consequences and arrives at a list dominated by the United States (Chomsky 2000). If it were the violation of international law which makes countries deviant, we would be living in a world of rogue states. The European Commission’s Legal Service own statistics show that the European Commission lost 43% percent of cases before the WTO Dispute Settlement Body (WTO DSB) in which it acted as defendant (European Commission Legal Service 2011). This statistic tells us that in 43% of situations where other parties to the WTO Agreement bring the European Union to the DSB for violating the international trade law, the DSB actually finds the EU in
non-compliance. If one follows Chomsky, the EU is a rogue body. After all, these norms are expressed in international law and their violations recognized by a respected international organization (WTO through its DSB). Yet we have not seen any depiction of the European Union as a deviant actor on the international scene.

Similarly, while compliance with the rulings of international courts is generally high (Paulson 2004, Raustiala and Slaughter 2002, Huneeus 2013) – meaning that once states are found to be not in compliance, they tend to correct their behavior – there are still numerous cases of non-compliance. Even within the European Union, patterns of non-compliance exist (Börzel, Hofmann, and Panke 2011). In numerous cases, states openly defy the rulings and orders of the International Court of Justice – for example: Iceland ignored the ICJ orders in fisheries cases; Morocco ignored the ICJ order to decide the future of the Western Sahara by ‘the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory’ by conducting the ‘green march’; Nigeria continues to reject the ICJ ruling in case of the Bakassi peninsula in a dispute with Senegal.3

Chomsky falls for the fallacy of the logic of consequences, when he considers a social quality (rogue-ness, deviance) to be attached on the basis of a technical violation of law. Given that deviance is about violating the social norms of the society (the international one, in this case), the recognition of deviance must be a matter of social undertaking. If deviance was only a matter of non-compliance with legal community rules, it would be hard to find a country which would not be deviant. If we wanted to limit ourselves only to grave violations of international law, we would not be much better off, given that the hierarchy of positive international legal rules is still unclear (Risse and Sikkink 1999). The profound importance of society for the conferral of the property of deviance has long been recognized in sociology (starting from Erikson 1962, Durkheim 1973) and must be recognized in the study of deviance in international relations too, towards the understanding of deviance as a selective quality conferred by the society of states. We thus need to move beyond the understanding of deviance as an automatic consequence of violating the law.

The second prominent argument, about what constitutes an appropriate norm and a reference point for shaming, was recently laid out by Ayse Zarakol. Zarakol argues in her work on stigmatization that the basis for the stigmatization of states (a broad category where the construction of ‘rogues’ may be subsumed) has been in civilizational standards – what is considered appropriate is defined on civilizational grounds, and therefore entities are stigmatized for their failure to live up to the standard of (Western) civilization (Zarakol 2014). Zarakol’s argument is that stigmatization on the basis of civilizational standards (blindness to the reality that norms are not natural, that they always come from somewhere, and that somewhere tends to be the geographical West) exposes a gap in the constructivist research on the norm-cycle. I do not contend with this argument, it is a fairly standard critique of constructivist research (Hobson 2012). However, Zarakol’s complete ignorance of international law as a relevant factor underscores why the argument about civilizational standards is fallacious.

This is very surprising, because Zarakol’s thesis echoes the argument about the standards of civilization in the study of international law. In brief, the standards of civilization refer to Art 38(1) of the ICJ statute, which enumerates the ‘principles of international law recognized by civilized nations’ (1945) as one of the sources of international law, harking back to earlier eras in international law. As Fidler correctly argues, the standard of civilization has been a vehicle for the transformation (and oppression) of non-Western states, given that it required them to conform to Western standards to be allowed to engage in international politics as equals (Fidler 2001). In other words, international law was the basis for engagement with the non-Western parties. The unequal behavior between the West and the rest happened because the law allowed it. By the same token, non-Western states used international law (including the standard of civilization) to gain equal standing with the West (including their colonial masters) (Becker Lorca 2012).

These brief observations pinpoint that law-breaking is not automatically associated with deviance in international politics, but also that the perception of law-breaking must be a part of the construction of deviance. There can be no rogue state without law-breaking; but not all law-breakers

are rogue states. What is needed to construct a rogue state is the breaking of international norms, with strong legitimacy. I will argue in the following section that this legitimacy comes from international law.

**International law for hegemonic legitimacy**

International norms reflect how ‘legitimate states should, or should not, act’ (Reus-Smit 1997, p.564). Norm compliance is then not a matter of rational cost-benefit calculation, but of norm internalization accompanying the socialization of actors (Checkel 2001 provides a useful overview of the basic arguments, Finnemore and Sikkink 1998, Keck and Sikkink 1998), when compliance becomes normal and natural (Finnemore and Sikkink 1998, Risse and Sikkink 1999, Koh 1997, Schimmelfennig 2000, Schimmelfennig, Engert, and Knobel 2006). This makes compliance with legal obligations a demonstration of socialization, and an act of belonging to a group of legitimate states (Hirsch 2004).

The boundaries of norms are far more flexible, with an intrinsic social element (such as recognition or acceptance). While the essential qualities of norms (social recognition and legitimacy) are beyond the letter of the law, they are primarily stated through international law (Risse and Sikkink 1999, p.8, Krasner 1983, Kratochwil 2011b). International law is crucial when pinpointing ‘rogueness’, because it provides the need to appeal to the international community as a whole, not to a part of it. An appeal to universally accepted norms, which are reflected and written down in international law, provides an escape from the charge of geographical/civilizational bias, such as the one levelled by Zarakol, described above. This is not to deny that the law may have contributed to the spread of particular ideas, or that it continues to favor Western-liberal aspects of international norms (Jouannet 2012). However, once adopted by states, it provides a universal language to which all actors can relate, and the spread of which can be a rough measure for the universality of some norms.

Pointing out the deviance (and a deviant) is a result of striving for the maintenance of the legitimacy of the normative order. Compliance with legitimate norms makes system management easier, because it elicits compliance not out of coercion or self-interest, but out of social acceptance (Clark 2011). The language of deviance provides a vehicle towards legitimacy. This includes, inter alia, the defense of the existing norms in the international order, for it provides an easier short-cut to the system management. At the same time, the application of the label of deviant is extrinsic to the behavior (norm non-compliance), because the label is applied from the outside, during a process of (hierarchical) social interaction.

This account of how power matters for the creation of normative consensus is quite different from that provided by Miroslav Nincic in his study of renegade regimes (2005). Nincic essentially argues that states higher in the hierarchy of the international system exhibit more solid commitment to the international norms and this commitment ebbs away as we move down the pyramid. Such an observation is, however, misleading, for what would follow is that permanent members of the UN Security Council would have comparable normative commitments which are stronger than those of middle and lesser powers. Such an observation is factually wrong and at odds with existing theoretical literature. Factually it is wrong because the permanent members do not share the same normative commitment – think about how they balance norms of state sovereignty and human rights when it comes to the issue of humanitarian intervention. Equally, we cannot say that middle powers are less committed to international norms as a function of their hierarchical position – as ample literature on middle powers in the human security agenda or disarmament demonstrate (Bolton and Nash 2010, Jouannet 2012).

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4 It is important to note that some lawyers, such as Marco Roscini, raise the issue of the evidentiary standards for the evaluation of the claims of breaking international law (see Roscini’s intervention at the conference summarized by Franco (2015)). This is unnecessary, given that societies do not function according to the rules of a court of law, as the likes of Anthony Weiner, or Christian Wulff could testify.

5 Such a view is similar to how neorealists see the violations of the non-proliferation regime – not as a military risk, but as a threat able to cause the erosion of the regime and the hegemon’s position. See Waltz (1981).

6 A quality which Nincic does not further specify, but later approximates by the permanent membership in the UN Security Council.
Beeson 2011, Behringer 2005). If anything, the standard literature on middle powers considers them to be the champions of international norms (Manners 2002, 2006).

An accuser and an audience
The accuser, the deviant, and the audience must be part of the same community, tied together by shared norms. If this were not so, the accuser would have no basis for establishing a shared basis for calling an act ‘deviant’, the audience would not have a shared basis for reflecting such calls, and there would be no norms against which to call the ‘rogue’ to be accountable.

Hegemon the accuser
While within the international community it is clear that some norms have a better resonance than others, it is not clear why some of them matter more.

We do not really understand why some norms gain more international prominence than others. For example, we know from the research on NGOs that the adoption of an issue by high-profile NGOs (such as the International Committee of the Red Cross or Human Rights Watch) greatly improves the chances of the issue to transform into a norm (Bob 2005, Carpenter 2011, Bob 2012). Similarly, in the international system, the norms which matter most are those which have the most powerful proponents. By power, in this respect, I do not mean competence (as would be understood by lawyers) but centrality within the international system, coupled with demographic, economic and the military might necessary (Mearsheimer 2001). Carr reasoned more than seven decades ago that ‘any international moral order must rest on some hegemony of power (1939 [2001], p.151), and that law cannot be understood ‘independently of the political foundation on which it rests’ (Carr 1939 [2001], p.167).

The central actors (great powers) are of prominent importance for two main reasons. First, the central actors have the power to shape the norms and discourse by virtue of their centrality and importance. This does not mean that outcomes are pre-determined – other discourses could have been present had the hegemon been different (Guzzini 2005), different norms can emerge if the hegemon is different⁷. The hegemon’s ideas and norms shape the international system (Reus-Smit 1999). The hegemon’s ideas about proper conduct become not only accepted by others but also institutionalized through international organizations and law. The ideas about the international order are thus hegemonic ‘not because they are the only conceptions […] but because, in a narrow sense, they are embraced by the dominant coalition of states’ (Reus-Smit 1997, p. 578).

Second, within a system without a clear hierarchical order, hegemonic power fulfills the role of the manager of the system, ensuring its workability (Schroeder 2009, Gilpin 1981). The hegemon enjoys the power to ‘name things’ (Kratochwil 2011a). Such management of the international system goes far beyond coercion. When a hegemon observes an act which trespasses the agreed norms of behavior and challenges the established order, it may use the language of international law to act legitimately, to base its actions on a widely-acknowledged system.⁸ This is not because of the lack of outside options – as the US invasion in Iraq showed, the hegemon has plentiful outside options – but because using these outside options is an excessively uphill struggle.

In the case of violation of international norms, the hegemon thus develops into the accuser, whose purpose is to defend the existing normative order against the deviant's actions, by pointing out the deviant’s acts, calling actors ‘rogue’. International law, in this case, provides avenues to both an appeal to universality and an appeal to legitimacy.

⁷ Kupchan provides an extensive discussion of this within the framework of multipolarity, cf. Kupchan (2012).
⁸ Reich also argues that hegemonic power ‘“must not be seen as […] major proponent [of global norms]”’ (p.15), because only then would it look as though it reflected only hegemonic power’s self-interest. I do not think that the latter necessarily follows from the former, because part of the persuasive process is to make others adopt the norm. It may be better to say that hegemonic power must not be seen as the only or overwhelming norm proponent. Equally, if a single country depicts certain behavior as deviant for its parochial interests only, such deviance would be “non-consensual” and its relevance would be questionable, for more extensive discussion see Geldenhuys (2004).
The audience

Pointing out deviance is therefore an exercise in the maintenance of the international normative order, by pinpointing the violators. Naturally, the addressee of the construction of ‘rogueness’ is the audience, because the audience needs to be persuaded a) that the ‘rogue’ is truly ‘rogue’ and the need to act towards it accordingly follows and b) that the normative framework is legitimate. The accuser, the hegemon, acts towards the audience – the international community. The hegemon needs the audience, because the failure to build a consensus that a certain actor is ‘rogue’ means that it is impossible to castigate, punish or isolate such an actor legitimately (Geldenhuys 2004).

Such a consideration is close to the treatment of international society in the English School accounts of ‘rogue’ states. Here, however, there are two important differences. While it may come closer to the previous treatments of rogue states in the English School literature, two important differences should be pointed out. Tanya Ogilvie-White argues that rogue states emerge within a solidarist international society, and that is the reason why international institutions are crucial as actors of identification of ‘rogue’ states. My argument does not assume there is a solidarist international society where states cede part of their ‘sovereign authority and power’ (Ogilvie-White 2007, p.460). Ogilvie-White’s argument would be distorting the role of international institutions. While states may share norms and create institutions, the central role in addressing non-compliance is with the states, since they are the ultimate actors. Institutions may provide the stage, but states are the actors. Elizabeth Saunders’ argument claims that ‘rogues’ are outside international society (Saunders 2006). Such an argument is superfluous. Being a rogue is about being recognized by a hegemon as violating norms which are considered crucial by the hegemon. An extension of the expectations about compliance with these norms towards the ‘rogue’ only underscores that the rogues are within international society. They cannot be outside, because then the norms would not apply. This comes back to the argument about the standard of civilization advanced earlier – precisely because norms (and law) are universal they can be used to pinpoint ‘rogue’ actors.

Inherent selectivity

This argument, however, leaves completely open the question of which international law matters more. Clearly, breaking environmental law is different to the development of nuclear weapons. Why so? I will try to answer this in the following section.

Deviance is inherently selective, because not all norms are equal and not all violations are likely to attract the construction of ‘rogueness’. As I argued above, the hegemon is crucial in pinpointing deviance, and therefore the preferences of the hegemon are the key to determining the violations of which norms count as ‘rogue’ and which ones do not.

It could be argued that the economic benefit is the primary one for the interests of the hegemon; the economic benefit is important but it is still only the side effect of a much more important concept, that of security, because security is necessary as a background condition for the conduct of economic transactions. The international political and legal framework for security affairs has been created with the vested interest of the hegemonic power in the international system and it is only understandable when that power is interested in maintaining a say in the system (Ikenberry 2001, Keohane 1984, 2012). Such deviance is therefore selective in its core – because it never touches issues irrelevant for the hegemon and it hardly ever touches issues other than those of a security nature.

This should not be read as suggesting that the core security of the hegemon needs to be threatened (which would, in fact, be quite difficult). Quite the opposite, it is the idea of the hegemon about how states ‘ought to behave’, connected with the hegemon’s international security interests. The hegemon will be much more concerned when the rules with the potential to disrupt the system as a whole are violated, as opposed to the ‘mere’ oppression of a domestic population. Therefore, if the dominant idea of the hegemonic power(s) is that states should stand by their military allies and democracy is, in the mind of hegemon(s), inherently tied to the malperformance of such duties, then it does not take much of a leap to the conceptualize democracy as deviant (Kupchan and Kupchan 1995, Bucher 2012). When the main perceived threat to the hegemon’s position comes from the proliferation of weapons of mass destruction or international terrorism, the deviance will be constituted by an engagement in these activities (Geldenhuys 2004).
Nuclear weapons figure prominently in the debate on the weapons of mass destruction and have been present in the debate on the norms in international security from very early on. Nina Tannenwald, in her research on the non-use of nuclear weapons, argued that we can best explain the absence of the use of nuclear weapons in the post-World War II world by normative rejection thereof (Tannenwald 2002, 1999). By a similar token, an argument has been advanced that, by virtue of the near-universal membership of the Non-Proliferation Treaty, a norm of non-development of nuclear weapons has by now been not only established but also observed by a majority of states (Ogilvie-White 2007, Rublee 2009). The existing non-proliferation regime provides strong normative guidelines, even beyond the legal scope of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Moreover, it has helped to create and shape the thinking of foreign policy officials even in countries originally skeptical towards the NPT, and contrary to the economic interests of these countries. The status of nuclear weapons is reinforced by their non-use, either as a result of tradition (Paul 2009) or taboo (Tannenwald 2002), and gives the normative (and legal) basis an additional layer of legitimacy.

Nuclear weapons have occupied a special place in US security thinking, differently to biological or chemical weapons. Chemical weapons are generally seen as useless by the military, because of their operational difficulty and uncertain strategic value (much of their strategic value depends on environmental conditions which are hard to influence, see Brown 1968). Similarly, biological weapons’ non-use is often connected to a normative opposition (Cole 1998, Moon 2008), very often connected to the similar origins existing in case of chemical weapons (this is likely due to the fact that chemical and biological weapons are often treated together, cf. Guillemín 2004). The existing record and the statements made by officials, however, suggest that rather than a taboo proper, it is the uncertainty about their strategic value which may explain their lack of use (McCaulley and Payne 2010). Nuclear weapons stand out, however, because of their continued relevance for policymakers, even if their military use has been doubted by scholars (Mueller 1988, 2009). Some analysts even suggested that nuclear weapons are the only ‘real’ weapons of mass destruction, for other types of weapons are not able to wreak such massive devastation (Klotz and Sylvester 2009).

Nonproliferation rogues
This explains why, at the end of the 21st century, the violations of non-proliferation norms are most likely to attract the label of a ‘rogue’. Indeed, the states most associated with the term ‘rogue’ state are Iran and North Korea, and their norm-breaking is in both cases related to their nuclear behavior. Other examples could include Iraq or Libya. At the same time, Israel, India and Pakistan are not such good cases, because these countries have never signed the NPT and hence the normative (and legal) hold is weaker. Of the two prominent examples, Iran provides a suitable plausibility probe into the theory outlined above.

The case of Iran is interesting – the animosity between the current Iranian regime and the United States (as a hegemon) has lasted since the 1979 Islamic Revolution (Panah 2007). It was added to the list of state sponsors of terrorism in 1984 and successive US administrations have repeatedly tried to isolate the Iranian regime, making it one of the biggest examples of a rogue state (Nincic 2005, Geldenhuys 2004). During the Clinton Administration, Iran was associated with rogue states in 29% of cases where the term was used (Hoyt 2000). At the same time, the image was not shared by the international community at large, not even by the allies of the United States in Europe, despite Iran’s support for terrorism, human rights record, or assertive regional foreign policy (Cordesman 2000, International Institute for Strategic Studies 2005, Chubin 1995, Shahak 1993). In fact, during the 1980s and 1990s, Iranian agents and agents of terrorist groups supporting Tehran assassinated a

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9 Both Perkovich (1999) and Sagan Sagan (1996) provide an image of the Indian nuclear program, where the internal discussion was between moral antagonism towards building nuclear weapons and recognition of the enhanced status resulting from holding them.

10 Harald Muller analyzes the German regime for trade in sensitive goods and traces the gradual tightening of the regime to the adoption of the norm by Foreign Ministry officials Müller (2000, 1993).

number of opposition figures in European countries (Halliday 1994a, Bahgat 1999, Pluchinsky 1991). Great Britain had no diplomatic relations with the Islamic Republic from 1980 until 1990 (due to security concerns and later when Iran broke off relations in response to the publication of Rushdie’s *Satanic Verses*) and France temporarily broke off relations from 1987 to 1988 as a reaction to the kidnapping of its diplomats by Iran-sponsored agents in Lebanon (Markham 2013 [1988], BBC News 2013). Obligations related to the Iranian nuclear program, contracted before the Islamic Revolution, remained unfulfilled, citing the US sanctions (Kibaroğlu 2007). Western Europe supported Iraq in war with Iran and was critical towards Iran during the hostage crisis. However, European governments were reluctant to sever their economic relations, let alone use tools of coercive diplomacy towards Iran (Hoffman 1999).

Germany, for example, enjoyed strong economic, political and social ties with Iran, including an agreement on intelligence sharing. France, on the other hand, pursued a policy which considered Iran too important to have bad relations with. In 2002, the EU and Iran started negotiations on the Trade and Cooperation Agreement (Dryburgh 2008, Fürtig 2004, Tarock 1999, Mousavian 2008).

Europe started to buy into the image of Iran as a ‘rogue’ in 2002, when the opposition organisation, the National Council of Resistance of Iran12, presented evidence that Iran had secretly pursued nuclear capabilities with a potential weapons use for two decades. In June 2003, the International Atomic Energy Agency (providing the stage) declared that Iran had failed to disclose all its nuclear activities. All in all, the IAEA declared that Iran violated its obligations fourteen times (IAEA 2003). The United States persuaded its friends internationally that Iran was pursuing the capability to produce highly enriched uranium, suitable for bombs (Fitzpatrick 2006, Heisbourg 2007). This provided an act within the triad act-audience-accuser outlined above.

The language of Western officials turned more confrontational thereafter. At the 2006 Munich Security Conference, Angela Merkel stated that the Iranian nuclear program was ‘suspicious’ and dangerous (Presse- und Informationsamt der Bundesregierung 2006). After the Iranian case was sent to the UN Security Council, Catherine Colonna, French Minister-Delegate for European Affairs, stated in her address to the Senate that there was ‘no [confidence] any longer’ between the West and Iran (Point de Presse 2006). A year later, German foreign minister Steinmeier stated that the ‘Iranian government did not show itself […] as a partner for cooperation – neither towards us, nor towards the region’ (Presse- und Informationsamt der Bundesregierung 2007, 22, p.22). The position of Europeans has been summed up by Nicholas Sarkozy’s statement that ‘the same are the leaders, in Iran, who say that their nuclear program is peaceful and that their elections were honest. Frankly, who believes them?’ (Barluet 2009). By this point, we see that the label of ‘rogue’ has been successfully transformed from the accuser – the United States – to that of the audience – the Europeans.

Iranian nuclear norm-breaking was, in the eyes of Europeans, distinguished from the other norm-breaking because it challenged the international security order. This non-compliance, coupled with potential catastrophic outcomes, allowed the United States (as the hegemon) to successfully construct Iran as a ‘rogue’. As we have seen, the European states not only began to see Iran as a problematic country, but as a norm-breaker, a deviant who cannot be trusted. Iran could hardly be seen as a direct military threat to Europeans, it has not developed a nuclear weapon and, even if it did, its delivery mechanisms do not permit it to deliver it to Europe, which is still living under the American nuclear umbrella (Council on Foreign Relations 2012).

To understand the importance of portraying Iran as a norm-breaker, we need to come back to the discussion on hegemony and power. Pressuring Iran is important, not only because it openly castigates a norm violation as deviant, but because it also serves for international society. The hegemon is heavily vested in the existing non-proliferation regime, both as one of the five nuclear-weapon states permitted by the Non-Proliferation Treaty, but also by having been an architect thereof. The protection of the regime is therefore a protection of its own position within the international system. Once the issue at hand concerned nuclear weapons, it was easier for the hegemon not only to rally countries, but also to successfully apply the tag of deviant. This was not because there was a

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12 Interestingly enough, NCRI has been at times considered by the US Department of State as a front organization for the Mojahedin-e-Khalq, an organization on terrorist blacklists of both the US and the EU (until recently).
sudden change of heart in international society, but because upsetting the non-proliferation norms impacts others, which makes them different from violations of human rights, for example.

**Conclusion**

In this paper, I have explored why some behavior is portrayed as deviant in international relations, and why law is the crucial part of this process.

The argument advanced in this paper starts with the assertion that when we want to think about deviance in international relations, we should think about violations of international norms firmly rooted in international law. Expressions of expectations about proper conduct, international norms codified in law represent at the same time social quality and a legitimate basis for action. Yet, given the inequality of international norms translates into the fact that not all norm violation are marked as deviant, since not all violation of norms brings about the same effect.

Understanding the violation of which norms are most likely to be labeled as deviant requires a return of the centrality of power and actor in international relations. The dominant state (hegemon) in the international system has the power to point out norm violations and to wield discourses about norm deviance. This power comes from the hegemon’s dominant position in shaping the norms of international society and in the maintenance of the international normative order. What is important for the success of applying the tag of a norm deviant in international relations is not only the power, but also the legitimacy of the norm. When deciding about which norm-breaking then matters, we should come to understand that the norms related to the core interests of states (and of the hegemon, by implication) are those related to security. Therefore, challenging the hegemon’s ideas about the international security order is a fast-track way to be tagged as a deviant.

From this observation, another conclusion can also be drawn. If the hegemon were reluctant (or even isolationist), his unwillingness to enforce international norms would translate into an end to naming norm-breakers in the international community. Yet, norm-breaking in international politics may become less visible, because there may be nobody to draw attention to it, and label it successfully. Some argue that the current hegemon is a reluctant one. If this is the case, the theory outlined above may be tested in the years to come.
Bibliography


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