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## STATE-CENTRISM IN INTERNATIONAL RELATIONS: EXAMINING THE CONSTRUCTION OF NON- STATE COLLECTIVE ACTORS IN HUMAN RIGHTS SCHOLARSHIP\*\*

*Abstract. This article addresses the deficiency in the area of human rights scholarship in International Relations (IR) by examining the theoretical advancements in IR theory that have led to the emergence of non-state collective actors as a pertinent research topic. It provides a review of the trajectory of the constructivist theoretical approach, which has brought major advancements in how international non-state actors are conceptualised in the human rights IR literature. This considers the limitations and implications of side-lining collective non-state actors within IR theory, arguing that expanding the theoretical understanding of how different collective actors are constituted and attributed with agency can enrich IR human rights scholarship. The article also proposes a potential way forward with respect to non-state collective actors in human rights in IR by identifying a research programme based on practice-oriented approaches to help broaden the ability of scholars to foster interdisciplinary conversations. Expanding along these lines would bridge the existing boundaries within scholarly and disciplinary contexts.*

**Keywords:** *non-state actors, state-centrism, collectives, international relations, human rights, international actors, constructivism*

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### Introduction

In the last 30 years, international relations (IR) scholars have been increasingly challenging the state-centrism of the discipline (Keyman, 1994; Finnemore and Sikkink, 1998; Keck and Sikkink, 1998; Lacher, 2003; Barnett

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and Finnemore, 2004; Bauman and Stengel, 2014; Dingli, 2015). The reification of state and interstate relations as fundamental topics in the study of IR has been highlighted as problematic, especially by scholars from the critical theoretical tradition (Cox, 1999; Enloe, 2004), which helped broaden the scope of scholarly concern to inter-relations on all “levels” of social organisation (Edkins and Vaughan-Williams, 2009: 3). However, critical scholars are not alone in their calls to expand the selection of relevant forces, actors and issues in international politics (Hirst, 2022: 2–3) because they have found key allies in constructivist human rights scholars equally discontent with the rationalist and (thin) constructivist approaches dominating IR who have decided to also challenge this limitation (Davies and Peña, 2019).

Therefore, the constructivist human rights scholars’ agenda emerging from the 1990s onwards rapidly contributed to expanding the understanding of entities capable of influencing international politics in IR (Berger et al., 2022) by emphasising the transformative potential, relevance and power held by transnational non-state actors in IR, while placing human rights on the research agenda (Dunne and Wheeler, 2019: 339). Yet, as the constructivist literature in IR on human rights proliferated, the issue with the setup of this developing inquiry became ever more visible. Scholars noted that the internalisation of the “object of human rights” and possible products of the concept were “black-boxed” (Madsen, 2011: 261), leading to subsequent inquiries beginning at the point when non-state actors have already settled on the frame of a particular problem (Risse et al., 2013). The way normative change was conceptualised made it impossible for scholars to observe potential shifts occurring in the meaning of human rights (Berger et al., 2022: 15) given the assumption that the content of human rights norms remained stable (Risse, 2016: 13). Moreover, discussions on the relevance and power of transnational non-state actors proved too narrowly focused on a specific type of non-state actor (Berger et al., 2022: 9): the prototypical advocacy non-governmental organisation (NGO).

Expectedly, the second generation of IR human rights scholarship turned to the concepts of the contestation and translation of international human rights norms to explain how non-state actors transform the meaning of human rights so that they resonate with the specific local contexts in which norms are promoted (Wiener, 2014, 2018; Berger and Esguerra, 2018; Draude, 2020) to address the shortcomings of the original framework. While this approach claims that turning to the constitutive dimension of the appropriation, contestation and translation of human rights can make more visible the strategic engagement of those generally assumed to be inactive ‘recipients’ of international norms (Zwingel, 2016, 2017), it nevertheless remains chiefly interested in researching the changing substance of international human rights norms.

Many similarities between the two generations of constructivist scholarship have emerged as they share the common objective of capturing the presence of “nontraditional actors”, as previously overlooked in IR (Draude, 2020; Sikkink, 2022: 326). Moreover, both generations seek to shed light on how non-state actors contribute to the realisation, localisation and diffusion of human rights standards. These shared goals have not only prompted human rights scholars from each generation to draw on terminology and conceptual tools from neighbouring social science disciplines to update their frameworks, but also motivated them to present arguments based on the engagement of various non-state collectives with international human rights norm processes.<sup>1</sup> However, even though these contributions have importantly helped advance the research agenda on non-state actors in IR, the discussion on how non-state collective actors are conceptualised continues to be surprisingly ambiguous. This is because scholars of international norms in IR rarely engage in depth with the theoretical and conceptual advancements that have assisted with new non-state collectives becoming recognised as political actors in IR. In addition, there is a lack of scholarly discussions with respect to the capacities or qualities that enable a non-state collective entity to be attributed with the title of an international actor. Such enquiry could help scholars of human rights in IR better understand the extent to which the observed practices indicate these groups are acting in their own right and to what extent collective actions can be generalised to other discussed non-state actors (Braun et al., 2019: 790).<sup>2</sup>

Considering the long-standing critique of the lack of recognised non-state actors in IR theory and the key contribution made by IR human rights scholarship to this issue, this article takes on the task of critically unpacking the implications held by different approaches for the conceptualisation of the mentioned non-state actors for IR, specifically in the context of human rights scholarship in IR. In its goal of aiming to identify socially embedded patterns of meaning and the implications and effects they bring, it thereby remains methodologically grounded on a reflexive thematic analysis as a method that is used to map and decompose the state of knowledge when it comes to human rights and collective non-state actors – via their mutual reflexivity – to spotlight the need for a different agenda for further research

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<sup>1</sup> Most notably, “transnational groups of affected persons”, grassroots movements and activists, women and youth movements, and indigenous organisations (Berger and Esguerra, 2018; Holzscheiter, 2018; Bayer, 2020; Knappe and Schmidt, 2021; Kotze and Knappe, 2023).

<sup>2</sup> In this scholarship, an actor is generally considered to be “an identifiably human or collective subject that in principle can gain agency and thus become an agent”; an “agent” denotes an entity that can act, and “agency” the corresponding ability to act. In turning away from problematising the constitution, the question of how non-state collective actors act is therefore frequently prioritised by scholars, whereas how they become agents is sidelined (Braun et al., 2019: 788).

(Ward, House and Hamer, 2009; Braun and Clarke, 2022). In doing so, we aim to address the ambiguity surrounding international non-state collective actors in this scholarship.

The article is arranged in four sections. The first section reviews the advancement of key theoretical debates that have influenced the development of constructivist scholarship on human rights in IR. The second section describes the advancement and limitations of the conceptualisation of the international non-state actors most prevalent in the human rights literature in IR: NGOs. The third section takes a closer look at the limitations of the literature on normative contestations, with particular attention to contributions engaging with groups of affected persons given the contemporary relevance of this agenda for research on international organisations. The fourth, concluding section discusses how this research agenda could be beneficially enriched with insights from more practice-oriented approaches, thereby identifying a possible research programme to help broaden the academic community's ability to foster interdisciplinary conversations.

### **Efforts to advance the position of non-state actors on the IR agenda**

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Although non-state actors were advocating for rights long before the establishing of a comprehensive system of international human rights protection or the modern global order in the 1940s, with notable examples being the campaigns against the slave trade and the women's suffrage movement, it is only in the past four decades that human rights have become profoundly intertwined with both the practice and study of IR. Early IR theorists attempted to understand the nature of human rights and their significance in global politics by associating human rights with state sovereignty and a universal moral order, focusing primarily on the roles of state actors in their analyses of world politics (Dunne and Hanson, 2009; Dunne and Wheeler, 2019). Further, the dominant perspectives within the analysis of human rights in IR, which emerged from the Great Debates in IR (Lake, 2013), hold limited explanatory power and fail to comprehensively account for the past and emerging dynamics of human rights. The story of human rights in IR may hence be said to begin with the influence of (political) realist assumptions, which have guided much of the IR scholarship since its emergence. Yet, tracing the advancement of new theoretical approaches used to examine human rights in IR within this story also helps to highlight the theoretical limitations caused by realist-influenced state-centrism in the way collective non-state actors are conceptualised. After all, realist assumptions are also shaped by international law, conventional images of international relations, and states' claims to exclusive authority in their domain (Gilpin, 1984: 300–301).

According to realists, human rights are often seen as nothing more than “a polite fiction” (Dunne and Hanson, 2009: 62), while non-state actors have a small role in the realist narrative of international politics (Polizzi and Murdie, 2019: 254). Unsurprisingly, the strengthening of rationalist approaches during the Cold War did not bring significant changes to this view because rationalist accounts of international politics also provide little consideration for actors beyond the state in their analysis of the international system’s functioning. Namely, rationalist perspectives also prioritise great powers, national interests, and foreign policy factors, while leaving minimal room for the inclusion of non-state actors (Arts, 2000; Cutler, 2001; Johnston, 2001). It is, however, surprising to observe that even as human rights were gaining international attention as part of the United Nations’ (UN) agenda (Dunne and Hanson, 2009: 61), IR scholars continued to disregard the significance of non-state collective actors: “Waltzian structuralists” chose to safeguard the epistemology of IR from “the autonomous influence of democracy, ideology, economic integration, law and institutions on world politics” (Legro and Moravcsik, 2014: 6); institutionalists (Drezner, 2008a, 2008b) remained apprehensive about civil society potentially equating visibility with causality, with this concern causing an overemphasis on the secondary role of civil society actors in international processes (Davies and Peña, 2019: 69). Therefore, the “epochal moment” occurred came in the 1990s when the Cold War ended and authoritarian regimes collapsed, giving rise to new opportunities for a world characterised by “freedom, rights and equality” (Eckel, 2022: 11). These circumstances provided fertile grounds for the flourishing of liberalist scholarship, which aligned well with the prevailing international developments of the time, where states were pursuing policies in rational accordance with human rights principles (Moravcsik, 1997: 516).

In addition, during the 1970s and 1990s, significant growth and formalisation of the UN’s international human rights system and affiliated institutions played a crucial role in monitoring compliance. The emergence of human rights NGOs and activists, along with the greater prioritisation of human rights in the diplomatic practices of Western states, further added to the popularisation of liberalism in IR (Dunne and Hanson, 2009). It is not surprising then that these trends led to the widespread acceptance of the regime’s conception of human rights in the early 1990s (Donnelly, 1986), which today forms an established part of the legal, political and moral landscape in IR (Alston and Goodman, 2013; Roter, 2016).<sup>3</sup> Yet, even as human rights came to be seen as neutral and impartial standards that all governments should

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<sup>3</sup> *An international regime is formed by “norms and decision-making procedures accepted by international actors to regulate an issue area” (Haas, 1980: 358).*

be held accountable to within international regimes, sovereignty remained the fundamental ordering principle, and states remained the central actors (Goodhart, 2020) because regimes necessitated “limited renunciations of sovereign national authority in an issue-area to limit the expenses of international anarchy” (Donnelly, 1986: 601).

The end of the Cold War drew attention to the role of non-material factors and norms in international relations since it led to considerable political changes that could not be adequately explained by rational interests alone. This moment resonated deeply with constructivist scholarship, which sought to provide a sociological perspective on world politics (Reus-Smith, 1996: 2) and stressed the importance of norms (Katzenstein, 1996: 26). Constructivist scholars thereby argued that neglecting normative dynamics was hindering the study of international relations (Klotz, 1995) and thus sought to expand the research topics addressed by IR scholars by exploring previously unstudied phenomena (Klotz, 1995; Risse et al., 1999). They were confident that, in light of the end of the Cold War, constructivism could “shake up” the research agenda in IR (Finnemore and Sikkink, 1998). This new avenue of constructivist inquiry made significant progress by providing an explanation that world politics is socially constructed, whereby power constellations, rules and institutions are the products of social interactions and their meanings are inseparable from the interpretations of the actors involved (Onuf, 1989; Wendt, 1992). Although constructivists recognised the limits of structural determinism and reductionism, they conceptualised agency and structure as being mutually constitutive (Wendt, 1987: 350–351; Dessler, 1989: 451). However, despite these advancements, early constructivists often continued to stress states’ role as “the dominant political actors in the international system” (Wendt, 1992: 424).

Nevertheless, dissatisfaction with the “very top-down structural constructivism” (Kratochwil and Ruggie, 1986; Onuf, 1989; Wendt, 1992, 1995, 1999) was also what motivated scholars like Finnemore and Sikkink to “tell a more agentic piece of this” story (Sikkink, 2022: 327). This decision significantly transformed the human rights research in IR scholarship by causing a significant increase in contributions by constructivist scholars who theorised the formation of state interests (Finnemore, 1996) and developed conceptualisations and models to examine human rights change and the creation and diffusion of norms (Brysk, 1994; Finnemore and Sikkink, 1998). The most noteworthy contribution in terms of scholarly influence was the “spiral model”, which scholars and practitioners still use today (e.g., Naglič, 2016),<sup>4</sup> since it sheds light on the vital role played by non-state actors (Willets,

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<sup>4</sup> *The spiral model demonstrates how those experiencing oppression can appeal to sympathetic state actors to exert pressure on their governments (Risse et al., 1999).*

1982; Price, 1998; Keck and Sikkink, 1998; Risse et al., 1999; Peter and Brglez, 2007).

Moreover, the ground-breaking “boomerang model” (Keck and Sikkink, 1998) helped scholars explain the unexpected influence of transnational advocacy networks (TANs) in countries of the Global South (Risse et al., 1999), which became central to the interpretation of transnational activism within the literature on human rights and social movements in political science and IR scholarship (Waites, 2019: 388). As the conceptualisation of the influence of transnational non-state actors on world politics was developed further, scholars argued that these actors can fundamentally change domestic and international structures (Berger et al., 2022: 3–4), not merely influence individual governmental policies (Keohane and Nye, 1974), while the power of transnational non-state actors became understood as being derived from a particular type of agency based on their persuasive force (Berger et al., 2022: 3–4).

This breakthrough proved useful for breaking the state-centric framing within the discipline “at just the right time” (Sikkink, 2022: 325) because it broadened the scope of actors acknowledged as legitimate research objects in IR to include non-state actors, particularly highlighting TANs that promote human rights (Reus-Smit and Zarakol, 2023: 20). Still, from a contemporary perspective, the three decades of research that built on or stemmed from these seminal contributions also reveal the limitations of this research agenda in terms of methodology and research focus, challenging many of the fundamental assumptions made in early constructivist scholarship. Scholars have noted that the research has exhibited unwavering confidence in liberalism as a positive force in world politics, leading to the adaptation of an approach that is somewhat idealistic and normative when explaining the progressive potential of human rights (Berger et al., 2022: 9; McCourt, 2022: 113). In addition, scholars have highlighted the existence of the lack of reflection on the problematic reproduction of Western cultural hegemony (Epstein, 2012; Epstein et al., 2014; Mende, Heller and Reichwein, 2022), which forms a central part of the liberal victory narrative (Moyn, 2010) and is extendable even to the link between theorising relations in a homogenising manner (DeMars and Dijkzeul, 2015; Hofferberth and Weber, 2015).<sup>5</sup>

<sup>5</sup> This is because of the tendency to categorically separate norms from actions and the methodological commitment to a framework that posits a unidirectional or linear causal relationship between independent and dependent variables (DeMars and Dijkzeul, 2015: 291; Hofferberth and Weber, 2015). Scholars have argued that constructivism’s “dedication to a neopositivist research methodology” in a demonstration that norms matter led to norm research having a structuralist bias (Hofferberth and Weber, 2015: 81). This isolation of norms as independent variables relegates actors to the status of “throughputs” for pressures located in the structure of the international system (Jackson, 2003: 231–233), with lacking theorisation of the relationship between norms and action not taking the interpretive performances of human actors into account (Goddard and Nexon, 2005: 37).

Thus, all of these findings importantly contributed to the constructivist setup and the conceptualisation of human rights NGOs becoming a topic of concern among scholars, for example, researching the agency of subaltern actors participating in normative processes (Dunford, 2015, 2017) and trying to better understand normative socialisation (Acharya, 2008, 2009).

### *The pitfalls of researching human rights NGOs*

The limits of seminal constructivist scholarship are clearly illustrated while examining the favoured non-state actors of IR scholars: human rights advocacy NGOs. In the IR scholarship, NGOs are commonly defined as the “secular, professionally run, and transnationally involved segment of civil society” (Götz, 2019: 19). While human rights NGOs are generally conceptualised in a similarly broad manner, for instance, as “any” NGO “with a human rights-related mission statement” (Polizzi and Murdie, 2019: 252), it is the global nature of international human rights that makes NGOs which work in this area also global in their very essence. Thus, to understand the research inclination towards broad conceptualisations of NGOs in the IR scholarship, it should be first noted that NGOs gained broader recognition in international relations through the UN system (Götz, 2019: 19). As research objects directly linked to the IR apparatus, human rights NGOs therefore form part of the thinking tools that help establish disciplinary borders instead of just imports of neighbouring social sciences.<sup>6</sup>

Second, although scholarly engagements with NGOs within IR continue to be a highly popular and valuable endeavour, as shown by the considerable output on this topic in key IR journals, scholars have nonetheless become ever more mindful that “non-governmental” is by no means an empty signifier but instead a catch-all phrase. Namely, in the traditional state-centric perspective of IR, “non-governmental” indicates minor significance (Götz, 2019: 20). Considering the concept of an NGO as mutually constituted by the global norms that they enforce or implement and by the representative rights claims articulated by marginalised groups calls for recognising that it also carries a strong affective element, one that has indeed enticed IR scholars to examine this agenda (DeMars and Dijkzeul, 2019). Further, it is by acknowledging the affective dimension of this research agenda that we can also start to gain a deeper understanding of how strongly the theoretical inclination towards idealist constructivism has influenced human rights research in IR. This is because putting underlying the theoretical

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<sup>6</sup> Still, other disciplines use their own, often conceptually more precise, terminology to refer to the overlapping phenomenon, which includes for example social movement organisations, voluntary agencies, think tanks and pressure groups (Götz, 2019: 20)



tenets of idealist constructivism under examination reveals the simultaneous presence of pluralist and globalist insights, which are further reinforcing the legitimating discourse surrounding human rights NGOs (DeMars and Dijkzeul, 2015:11; 2019: 86).<sup>7</sup>

As an illustrative example of these dynamics, the most prevailing perspective on NGOs in IR serves well, which follows Keck and Sikkink's (1998) concept of the 'boomerang pattern', due to its clear-cut use of the combination of a pluralist approach, emphasising the bottom-up power of NGOs, and a globalist constructivist understanding of top-down power dynamics, as visualised here through the imagery of a boomerang's rotary path (DeMars and Dijkzeul, 2019: 75-76).<sup>8</sup> With this type of approach, NGOs derive their influence from the representative claims they articulate and the global norms they enforce. Accordingly, this portrayal of NGOs not only resonates with the ideals of cosmopolitanism, but also contributes to the legitimisation and moral authority ascribed to NGOs within IR.<sup>9</sup>

While it is crucial to recognise the inherent complexities of the political landscape within which NGOs operate, the different manoeuvres used by human rights NGOs to evade strict accountability to specific principals, norms, citizens or 'affected' communities, such as working children (see, e.g., Holzscheiter and Hahn, 2013; van Daalen, 2023), whom they claim to represent, have however been relatively omitted from this scholarly discussion. A recent illustration of this deficiency arose when Amnesty International (AI) published a 'legally questionable' press release about the war in Ukraine in August 2022 without engaging with the Ukrainian authorities or considering "the lived knowledge of people of Ukraine" (Tsymbalyuk, 2023). In response, the accuracy of the information in AI's document was loudly questioned online and offline by the wider public along with the Ukrainian authorities and scholars (Beaumont, 2023; Schmitt, 2023).<sup>10</sup> To deal with the

<sup>7</sup> DeMars's (2005: 36) review of the nature of global NGOs divides the NGO literature into three main approaches: pluralist, globalist and realist. In "pluralist constructivist" views, NGOs empower and advocate for societies against repressive states, representing a bottom-up power dynamic that originates from the grassroots. On the other hand, in "globalist constructivist" perspectives, NGOs enforce global norms on states and corporations, embodying a top-down power trajectory that stems from an international normative authority.

<sup>8</sup> The boomerang model of TANs entails domestic NGOs seeking international allies to exert pressure on their own states. As the boomerang gains momentum and gathers international allies, such as states and intergovernmental organisations, it applies normative and material pressure on the original state. This model combines the representative claim of pluralist theory with the normative enforcement of globalist theory (DeMars and Dijkzeul, 2019: 75-76).

<sup>9</sup> Cosmopolitanism embodies a belief in universal reason and human emancipation, rejecting particularistic attachments (Goodhart, 2023: 33-34). However, the formation of cosmopolitan human rights opposes local contexts and can be perceived as a hostile response to egalitarian politics because of its cosmopolitan nature (Goodhart, 2023: 40).

<sup>10</sup> The document was for example also instrumentalised by Russia's ambassador to the UN who

rising criticism, AI appointed a panel of five seminal experts in international humanitarian law to provide a legal review of the document to determine what had gone wrong. Yet, it took months for it to publicly release the final report, which criticised the language AI had used; the report was finally leaked by the *New York Times* in April 2023 (Schmitt, 2023).

Even though scholars of human rights and international law engaged in important analysis of AI's understanding of international norms in the document (van Dijk, 2022; Wright, 2022, Schmitt, 2023), their analysis of AI's usage of language primarily focused on the deconstruction of the rigorous documenting and impartiality mentioned by AI in defence of its actions. However, scholars were mostly focused on knowledge production practices, largely overlooking 1) how the way in which representatives of AI emphasised the hierarchy between supposedly 'objective' and partial knowledge that is extremely deeply embedded in academic and legal thinking made invisible the "knowledge coming from the passions of our bodies that mobilises us to bring justice", as stated by Tsymbalyuk (2023); and 2) how AI's engagement with this language contributed to a change in semantic infrastructure, which in the end helped state actors redraw the limits of what is legally permissible while discussing violations of human rights (dos Reis and Grzybowski, 2023). This incident thus illustrates the need for a more critical examination of the work of human rights NGOs not just through a political but also a sociological lens because their actions may sometimes align in unexpected ways with the expectations established by their stated mandates and the global norms they are supposed to espouse.

Insisting on the adaptation of more nuanced perspectives that acknowledge both the positive contributions and potential limits of NGOs in shaping world politics, while also capturing the politics of rights and human rights that take place in "most of the world" (Madhok, 2022: 6), should thus be an imperative for IR scholars. Hence, although the work of Keck and Sikkink (1998: 1-6, 29-37, 209-217) has significantly contributed to advancing the theoretical discussion of human rights NGOs and TANs within IR, their reading of the "logic of appropriateness" problematically relies on a determinist concept of actors that does not allow for a full reflection on human rights norms (Hofferberth and Weber, 2015: 83-84). In their perspective, actors merely internalise roles and rules without conscious choice, conforming to what they consider is appropriate behaviour (Finnemore, 1996: 29). Still, doing this neglects the agency of the collective actors engaging with human rights and fails to account for acts that may contradict the global structures embodied by the international human rights regime.

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*claimed that, "We don't use the tactics Ukrainian armed forces are using - using the civilian objects as military cover - (...) what [AI] recently proved in a report" (Schmitt, 2023).*

It must also be pointed out that deeper analysis shows that a significant discrepancy even exists in this approach regarding agency, which remains ambiguous but has to be further clarified (DeMars and Dijkzeul, 2015, 2019: 76) since it attributes agency to activists or the NGOs they run or sometimes to the TANs that activists and NGOs form and participate in. However, the authors of the boomerang model initially only assigned agency to NGOs because it is they that throw the boomerangs. Namely, the key contribution of their work is the model that provides insights into NGO agencies actively contributing to human rights campaigns.<sup>11</sup> In addition, in this approach NGOs suffer from homogenisation tendencies since authors assumed that actors automatically share common global human rights and principles, which they visibly and publicly signal through the everyday discourse they use while pursuing a shared goal. In contrast, scholars studying patterns of global organising around women's rights and environmentalism (Smith et al., 2021), for example, stress the need to distinguish different types of organising. They find that only multilateralist organisations are strongly connected with international human rights agencies, pragmatists maintain selective ties, and rejectionists completely discard the international arena. This means the issue lies not simply in the fact that NGOs do not engage in this practice, but also in the theoretical assumption that the global human rights norms articulated by NGOs are constitutive of their existence (Hofferberth and Weber, 2015: 82).

Nonetheless, the identified leap in theory also obscures other dynamic aspects of rights politics and political practices that go beyond the idealised pluralist representation of society against the state or the globalist enforcement of human rights norms on the state (DeMars and Dijkzeul, 2019: 77). As a result, this causes the scholarship to overlook the centuries of social struggle that have led to the formalisation of international human rights (Chowdhury, 2011; Goodhart, 2020: 36) and, more significantly, contemporary political struggles on the ground, with their particular political "imaginary and subjectivities" that contest and challenge oppressive practices and relations, generating new visions of human rights (Madhok, 2022: 16). When considering the consistency in the dominant positioning of contemporary advocacy within the spiral model, it is however almost unsurprising that scholars continue to fail to adequately account for the diverse ways in which local contexts shape the role of TANs in human rights activism, the convergence and disintegration of different actors within networks, and the movement of actors and ideas within them (Hertel, 2016; Goodhart, 2023).

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<sup>11</sup> Keck and Sikkink (1998: 2, 7) define TANs as "actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services" and campaigns as compositions of "members of a diffused principled network" that develop "visible ties" and "mutually recognized roles" and "consciously seek to develop a 'common frame of meaning'".

## **Moving forward: paradigm of affectedness and contestations of international human rights norms**

Despite a considerable portion of human rights scholarship in IR continuing to focus on the international human rights regime, the diffusion of global human rights norms and providing new empirical insights concerning the dynamics of global human rights NGOs (Dancy and Sikking, 2017; Sikking, 2017; Brysk, 2018), a new branch of IR scholarship has emerged. Known for its critical constructivist approach (Wiener and Puetter, 2009; Wunderlich, 2013; Lantis and Wunderlich, 2022), this branch aims to address the limitations of previous norm scholarship and offer an alternative approach. Equipped with improved tools, these scholars delve into the multidirectional and interactive processes of norm change, emphasising the contingent, ambiguous and indeterminate nature of norms. Their research programme sheds light on the evolving landscape of international human rights norms, challenging traditional perspectives and opening new avenues for understanding normative dynamics in IR.

By posing inquiries regarding the agency of a broader array of actors, their relationships and capacities (Wunderlich, 2013), scholars have progressed from the constrained view of actors presented in early constructivist norm research to examining “normative contestations”. Scholars attuned to contestations have become interested in the (de)stabilising effects of ostensibly static norms and their potential for normative change (Lantis and Wunderlich, 2022: 4). As a result, they scrutinise challenges to the diffusion, localisation, contestation and even erosion of norms (Acharya, 2004; Wiener, 2007, 2009; Panke and Petersohn, 2012; Deitelhoff and Zimmermann, 2013, 2019), underscore their fragility, and the diverse forms of resistance linked to their legitimacy and applicability (Deitelhoff and Zimmermann, 2013).

Scholars studying normative contestations exhibit the distinct trait of more thoughtfully conceptualising the relationships between agents and structures while designing their conceptual and empirical frameworks (Acharya, 2011; Wunderlich et al., 2013; Wiener, 2014; Müller and Wunderlich, 2018). They recognise that contestations and resistance can serve as sources of (normative) agency for governed actors (Zimmermann et al., 2020). Still, it is equally important to note that they also emphasise that their conceptualisation of contestation does not inherently represent a critique or rejection of norms, but instead aims to foster mindfulness about engaging with the content of international treaties and regulations (Holzscheiter, 2018: 648). The scholarship on normative contestation, with its focus on the translation and enactment of norms into discursive and social practices, thus offers potential for revealing the agents and actions involved in realising and localising human rights standards. First, this is due

to the fact that critical constructivism acknowledges the “high flexibility’ of international norms”, and therefore enables scholars to better capture the normative insecurities of actors and the situations in which different international norms are perceived as conflicting, contradictory or difficult to reconcile. Second, critical constructivism also stresses the importance of observing their “contemporary meaning and productive effect” in global discourses, policies and practices. By examining how norms are utilised in discursive interactions and studying how actors frame specific issues based on normative expectations, scholars can hence better determine whether the meaning of the norm is shared or contested among actors with different identities (Holzscheiter, 2018: 648).

Interestingly, simultaneous to the growth of critical constructivist scholarship in IR we were able to observe the rise of another human rights non-state actor, which was actually caused by the growing doubts of scholars regarding the effectiveness of the public interest paradigm that NGOs implement. Namely, it was becoming increasingly clear after the turn of the century that the public interest paradigm limits the representation of public interests in decision-making (Nanz and Dingwerth, 2016), which prompted discussions on the need for more democratic forms of international participation (Falk and Strauss, 2000, 2001). Unsurprisingly, the normative contestation scholars enhanced human rights research in IR, particularly on this intersection with the literature concerned with those social groups affected by international policies. The concept of affectedness in IR, however, must be highlighted here for two reasons. First, due to its importance in allowing individuals affected by international regulations to voice their concerns and lodge complaints with international organisations (Jokubauskaite, 2020). Second, because this approach is based on the recognition and codification of individuals’ rights to meaningful political participation in the international arena (Peters, 2009, 2021; Maisley, 2017).<sup>12</sup> Taken together, the two factors help clarify the rising importance of the concept of affectedness in IR, and why the affectedness paradigm is starting to replace the public interest paradigm as the central foundation for including civil society organisations in intergovernmental decision-making processes (Sändig et al., 2020).

This scholarly overlap, which focuses on the positioning of the individuals and groups affected by international regulations, therefore took centre stage in the analysis of norm contestation, where it calls for scholars to pay more attention to the question of agency in international human rights politics, especially for social groups (Holzscheiter, 2018: 650). This

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<sup>12</sup> Although UN institutions and agencies have already begun introducing formal rules that connect civil society participation to affectedness, case studies and research on this trend remain mostly isolated (Von Bernstorff, 2007; Abbott and Gartner, 2012; Tramontana, 2012; Fraundorfer, 2015; Vandenbogaerde, 2017; Sändig et al., 2020).

is an outcome of the fact that in the past 30 years a salient criticism of IR theory has been its tendency to overlook and ignore instances of corporeal and epistemic violence, particularly concerning marginalised social groups such as women, postcolonial actors and those disempowered by neoliberal globalisation (Dingli, 2015; Haglund, 2023). Scholars have consequently become more responsive to this critique, leading human rights scholarship to adopt a more nuanced understanding of agency as both tangible and contested. In response, today normative contestation and translation scholarships highlight the significant overlap in examining the participation and human rights practices of non-state actors within international human rights organisations and institutions, and in the broader context of global governance and IR (Holzscheiter, 2018, 2020; Braun et al., 2019; Hofferberth, 2019; Zimmermann et al., 2020; Hofferberth et al., 2022). With these discussions recognising and emphasising these practices as contentious and shaped by relations, the key contribution of this scholarship lies in providing insights regarding how non-state collective actors, such as groups of affected individuals, challenge international human rights norms by pushing the boundaries and recontextualising them. This process, in turn, brings normative inconsistencies and ambivalences to the surface, leveraging norm conflicts that are present within international human rights treaties (Holzscheiter, 2018).

However, even though the human rights contestation scholarship has considerably helped to advance our understanding of the role and effects of human rights norms in IR, it still faces many limitations (Niemann and Schillinger, 2016; Wolff and Zimmermann, 2016; Dunford, 2017; De Almagro, 2018; Blouin-Genest, 2019; Georgi, 2019; Linsenmaier et al., 2021). It falls short in establishing a clear relationship between human rights and the transformative potential of human rights practices for non-state actors by privileging “normative orders that reshape rejection into /.../ status quos” and neglecting “the violent tension that characterizes the relation between the abstract standards and norms of global civil society, and the multiplicities of difference that trouble its narrative” (Chua, 2017: 89; Epstein, 2017). This aspect remains under-theorised given the intense focus on normative contestation practices directly related to the global governance of human rights or codified globalised human rights norms. As a result, the conceptualisation and self-agentification of non-state actors also take a secondary role (Hofferberth and Lambach, 2022), becoming surrounded by ambiguity, despite critical constructivist scholars’ general intention to promote an approach that increases the visibility of human rights practice by highlighting the actors that are not states.

## Discussion and conclusion: identifying the IR (human rights) research agenda

Today, scholarship on human rights constitutes a broad interdisciplinary field of inquiry that began as a branch of international law focused on monitoring the development of intergovernmental agreements to address cross-border abuses (Brysk, 2020). However, within the field of IR, the inclusion of human rights in scholarly discussions was triggered by the growing importance of human rights in foreign policy, global governance and social movements. This expansion led to a broader scope of research in IR, one encompassing topics like political violence, democratisation and the involvement of new non-state actors such as human rights NGOs (Brysk, 2020; Sikkink, 2022). The rapid recognition of the relevance of social groups and movements for transnational human rights advocacy by IR scholars of human rights (Keck and Sikkink, 1998; David, 2007; Appiah, 2011; Schmitz and Sikkink, 2013; Davies, 2014) has nevertheless brought unintended negative consequences for IR scholarship. Constructivist scholarly accounts of human rights actions by non-state collective actors participating in international politics often rely on conceptual approaches that are inadequate for capturing the complex agendas, dynamics of exclusion and inclusion that define their presence in international relations and for best showing their agency. These conceptual shortcomings were caused by the dominance of legal studies in the development of human rights research in IR, along with the state-centric nature of IR as a relatively new discipline, and led to the methodological and implicit normative implications embedded in the conceptual frameworks of both generations of constructivist scholarship on international human rights norms. Scholars were thereby influenced to mostly examine the normative ambiguities related to international law and human rights regulations and binding documents while neglecting those ambiguities related to non-state collectives actively engaging in international human rights practices, which leads to development of biases and homogenising tendencies (Haglund, 2023: 49).

IR human rights scholarship accordingly seemed to have missed an opportunity to advance its insights when sociology, anthropology and history entered the human rights discussion at the start of the 21<sup>st</sup> century. The growing globalisation at the time motivated scholars to join in the conversation and bring a critical perspective with them, shedding light on global, collective and interdependent struggles, abuses and power relations relevant to human rights (Dudai, 2019; Brysk, 2020). Yet, the lack of interest in an interdisciplinary conversation led to the creation of a parallel body of work (Wilson and Mitchell, 2003; Morris, 2006; Hunt, 2007; Goodale, 2009; Moyn, 2010; Madsen and Verschraegen, 2013), defined by a different view

of the ontological and epistemological grounding of rights (Goodhart, 2020: 40) while maintaining disciplinary boundaries (Banai and Chase, 2020: 46). Especially within IR scholarship, which is intensely focused on examining the spread, diffusion or contestations of human rights norms, there is a strong dependence on more traditional lenses that prefer global or macro perspectives when it comes to analysing human rights (Dudai, 2019).

This means it is not surprising that critical insights (Kennedy, 2002, 2005; Moyn, 2010, 2018; Hopgood, 2013, 2017) challenging the usefulness of human rights or viewing it as part of a hegemonic discourse intertwined with power deployments have increasingly gained popularity. Still, within much of the IR scholarship it seems as if little ground has actually been gained (Acharya, 2010; Chase, 2012); and scholars seem to be stuck singing the same tune of defending the normative foundations, legitimacy and effectiveness of human rights (e.g., Sikkink, 2017; Brysk, 2018). They nonetheless simultaneously lack conceptual tools capable of capturing the dynamic and transformative potential of the practice and politics of human rights, as evident even in examinations of normative contestations that chiefly focus on the impact of practice on shaping the content of international human rights, thus providing a narrative centred on the reshaping of international human rights norms.

The key takeaway from this article, in which the state of knowledge of major conceptual developments in IR human rights research and the limits of non-state actors is decomposed and mapped, is to suggest that there is a pressing need to more closely engage with a sociological perspective on human rights (Hynes et al., 2012, 2016). Scholarly attention to the lived experiences of those claiming human rights and their real-world interactions (Dudai, 2019) is essential. In this inquiry, it is contended that “due attention must be paid to the social actors involved in the creation of rights if we are to fully understand rights regimes” (Short, 2009: 96; Dudai, 2023) alongside prioritising rights and regulations. Recognising a broader range of actors that encounter, resist, strategically employ and engage with human rights theories and practices in their various activities (Merry, 2006) aligns with the practice turn observed in wider IR scholarship. Reliance on a social constructionist understanding of human rights, which concentrates on human rights praxis and sees it as constitutive of human rights, can help IR scholars move towards a grassroots and emancipatory conception of human rights.<sup>13</sup> Human rights, when understood in this way, are not merely rules but also tools that social movements can use for emancipatory social critique and political transformation (Goodhart, 2020).

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<sup>13</sup> This would bring social movements and activists to the forefront as actors shaping and deploying rights in political and social struggles (Stammers, 1999; Dudai, 2019).



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