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Normfare: Norm entrepreneurship in internet governance

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ABSTRACT

This special issue is the first to systematically address the activity we call “normfare” - the assiduous development of norms of very different character (public and private, formal and informal, technically mediated and directly implemented) by different actors (platforms, standard-setters, states) as an answer to the wide range of challenges facing internet governance. We bring together contributions from leading anthropologists, technologists, political scientists, legal and communication scholars exploring how norms underpin the new ordering of the internet, whether in explicit or implicit forms. Through various theoretical lenses, contributions analyze the impact of platforms, states, civil society, expert groups and key individuals on restructuring the normative order of the internet, and present empirical evidence for instances of norm creation, legitimation, contestation and opposition. Valuable new insights for norm development processes come from case studies, ethnographies, legal and discourse analysis and interdisciplinary approaches locating agency and power plays. In this introduction, we define the key concepts applicable to norm entrepreneurship and discuss their interplay in internet governance debates, followed by an overview of the articles included in the special issue. In the final section, we reflect on the implications of our new research agenda.

As the second year of COVID-19 starts, the full impact of the internet on national and international politics becomes ever more prominent. We meet friends online, and children go to school virtually, we work and vote and voice our thoughts and share our worries via the internet. In early January 2020, the US President, arguably one of the world’s most powerful figures, was kicked off (‘deplatformed’) social media, and his followers and organizations off mailing providers and financial services companies, App stores and corporate clouds. This came after a year in which platforms had increasingly started to scale up their content governance efforts to weed out health-related disinformation and attacks on the integrity of the electoral process (Marsden, Meyer, & Brown, 2020). Much of this happened without a corresponding legal duty, but as a reaction to societal and political pressure. Existing legislation has started to come under increased pressure to respond to digital challenges, and regulatory practices are progressively scrutinized as to their ability to address the dangers of platform-mediated speech to both individual rights and social cohesion.

While private power continues to dominate the digital ecosystem (DeNardis & Hackl, 2015; Gillespie, 2018; Mansell, 2019; Moore & Tambini, 2018; Radu, 2019; Zuboff, 2019), a certain level of state control is reasserted on issues as diverse as technology exports and

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network shutdowns. Digital nationalism, digital sovereignty, reterritorialization are on the rise (Ang & Pang, 2012; Gagliardone, 2019; Haggart, Tusikov, & Scholte, 2021; Rugge, 2019; Schneider, 2020) and acquire different meanings in various global communities (Claessen, 2020; Couture & Toupin, 2019; Möllers, 2020; Mueller, 2020; Pohle & Thiel, 2020). Between self-regulation and heavy-handed state intervention, normative discussions have emerged as a middle ground to address pressing concerns such as intermediary liability, disinformation, responsible state behaviour, more prominently in the spotlight in global pandemic discussions. This special issue focuses on the strong commitment to advance new norms and values in distinct fora, dissecting - in an interdisciplinary manner - the drivers, constraints and mechanisms behind normative change as internet governance takes a new turn.

This special issue is the first to systematically address the activity we call “normfare” - the assiduous development of norms of very different character (public and private, formal and informal, technically mediated and directly implemented) by different actors (platforms, standard-setters, states, etc.) as an answer to the wide range of challenges facing internet governance. We bring together contributions from leading anthropologists, technologists, political scientists, legal and communication scholars exploring how norms underpin the new ordering of the internet, whether in explicit or implicit forms. Through various theoretical lenses, contributions analyze the impact of platforms, states, civil society, expert groups and key individuals on restructuring the normative order of the internet, and present empirical evidence for instances of norm creation, legitimation, contestation and opposition. Valuable new insights for norm development processes come from case studies, ethnographies, legal and discourse analysis and interdisciplinary approaches locating agency and power plays. In this introduction, we define the key concepts applicable to norm entrepreneurship and discuss their interplay in internet governance debates, followed by an overview of the articles included in the special issue. In the final section, we reflect on the implications of our new research agenda.

1. Normative change in perspective

Asking what an adequate internet ordering should be and how it could be achieved is by no means a new debate (Goldsmith & Wu, 2006; Zittrain, 2009; Mueller, 2010; Radu et al., 2014). Its recent reverberations do not come in a normative void, they land in a charged norm space (Finnemore & Hollis, 2016). Fifteen years after the creation of the Internet Governance Forum (IGF) - where specific roles and responsibilities for adequate governance were openly discussed for the first time -, the norms and values needed to guide internet governance have become part of every discussion about this ever-expanding policy field (Shahin, 2018, DeNardis, Cogburn, Levinson, & Musiani, 2020). In response to threats of digital fragmentation and polarization, this new phase of internet governance builds on a deeper understanding of ‘digital cooperation’ (UNSG 2020) and on the current momentum for strengthening trust in online activities via cyber norms, an interest shared by governments, industry and non-for-profit actors alike. It is characterized by a wide proliferation of normative discussions, covering topics as diverse as the application of international law to cyber operations and the development of artificial intelligence tools.

These normative efforts add to the wide plethora of governance instruments that exist for ruling the global internet, which include legally binding mechanisms, institutional support systems and modelling mechanisms, either discursive or operational (Radu, 2019). Using modelling, the framing of normative expectations can be done via high-level statements, codes of conduct and guiding principles or declarations, or be applied in recommendations, toolkits, model laws or frameworks. These non-binding resolutions and soft law instruments serve both as incentives and justifications in the search for new standards of behaviour and legitimacy. Regulatory and legal changes thus follow such commitments when accepted by the community, but not without confrontation with other visions of normative orders or their contestation.

Building on Kettemann (2020), who draws on foundational work by Forst & Günther (2011) we understand the normative order of the internet to be “a complex of norms, values and practices that relate to the use and development of the Internet, and with which the activities of, and relationships among, states, private companies and civil society, with regard to the use and development of the Internet are legitimated.” It does not imply a certain hierarchy of norms, but incorporates entrepreneurship as a role-specific influence that may vary in time or according to the circumstances. For the normative development of the internet, norms constitute strong commitments that influence the behaviour of influential actors in the order and incentivize adherence.

In the international relations literature, a norm is generally understood as a standard of appropriate behaviour for actors with a particular identity (Finnemore & Sikkink, 1998; Finnemore & Hollis, 2016). The end goal in normative change processes is to define the *new normal* until it is taken for granted. Norm-conforming behaviour is the result of a process of internalization, often accompanied by discursive practices of legitimation to avoid “social sanctions” (Sunstein, 1996). In governing the internet, the ability to frame the responses of others (Kavalski, 2013, p. 250) by defining the conditions of appropriate behaviour is not only a ‘common good’ undertaking, but also a direct means to influence what communities can rally behind (Radu, 2019). Katzenstein, Keohane, & Krasner (1998) distinguish between regulative norms (which order and constrain behaviour) and constitutive norms, underlying broader interests or categories of actions like institutional design. Community-oriented action is thus part of the second subset, but philosophical scholarship employing this terminology suggests that they should be seen as rules and differentiated according to their capacity for guiding normative reasons for action (Raz, 1999; Searle, 1969).

Beyond scholarly legal, philosophical, and international relations literature, other (sub-)disciplines also bring together reflections on how norms emerge, are accepted, and subsequently internalized. For example, anthropological studies help us understand how rules and norms are interpreted by indigenous locals, and encourage us to look towards ‘mētis’ institution building (Scott, 2020). Geographers Peck & Theodore (2015) integrate discussions of norm entrepreneurship into what they call “fast policy”, which highlights the emergence of transnational communities that defer to global pragmatic and experimental policy frameworks. Political scientist Maarten Hajer (2003:176) refers to how norm entrepreneurs “negotiate new institutional rules, develop new norms of appropriate behavior, and devise new conceptions of legitimate political intervention” when deliberating new rules. European Studies literature

has often drawn on understanding how different norms get to be ‘accepted’ in the diverse policy making environment of the EU both inside its borders (see Simpson, 2000) and beyond. This previous work leads us to a broader understanding of the impact of norm and regime change by addressing the role of contestation in developing common institutional frameworks. Whereas for many observers, norm entrepreneurship emerges in institutional voids, we see the process of normative restructuring in internet governance taking place in a space where overlapping institutions, regimes and pre-existing norms have been present for some time.

Important recent work has laid the foundations for examining norms related to cybersecurity from multiple perspectives (Finnemore & Hollis, 2016; Tikk-Ringas, 2016; Dai & Gomez, 2018; Hurel & Lobato, 2018; Pawlak & Biersteker, 2019; Broeders & van den Berg, 2020). On this basis, more extensive analyses that go beyond disciplinary lenses are beginning to emerge, but we continue to lack a comprehensive understanding of the normative impetus for processes-in-the-making. Grasping who has the means and the capacity to stimulate, promote, and sustain normative change, and under what conditions this process takes place, is central to taking forward debates on governance reform in the digital environment. Scrutinizing governance practices in light of normative aspirations has thus become an imperative in many internet policy processes, but is yet to acquire the attention it deserves in academic literature. How ideas about appropriate digital behaviour emerge and get socialized within various internet communities, as well as the role played by various norm promoters and their interactions remain underexplored.

We aim to fill this gap and complement existing perspectives with a novel take on normative restructuring, focused on the constant search for altering behaviour in solidified policy domains like the internet. A multitude of discursive efforts and rhetorical tools, coupled with regulatory instruments, are deployed to reign in or add new levers of control over the network of networks. Normfare is, of course, not independent of a specific setting in time and in the development of technology. Technology historian Melvin Kranzberg’s First Law of Technology confirms as much: technology, we read, is “neither good, nor bad, nor is it ever neutral” (Kranzberg, 1986). This non-neutrality of a platform’s use of technology is progressively being discussed from a normative standpoint. This, also, is what we understand as an element of normfare, which has to be studied from an interdisciplinary perspective.

The contributions to this special issue show that the quality of norms is not measured against any “political constitution” (of states), against which it would fall short (but so does the international legal order). Rather the normative yardstick must be the normative order of the internet’s *Eigenverfassung* (Teubner, 2003) as instituted by practices. We thus find a new category of norms online, and a new role for certain actors - that of norm entrepreneurs. Throughout the contributions in this collection, we find that the perceived legitimacy of a norm plays an important role (Townes, 2012). Thomas Franck defined legitimacy as a property of a rule or institution (or, it could be added, an order) “which itself exerts a pull towards compliance on those addressed normatively because those addressed believe that the rule or institution has come into being and operates in accordance with generally accepted principles of right process” (Franck, 1990). Right process is one way of formulating demands regarding the processes related to the genesis of norms.

2. Norm entrepreneurship and internet governance: from ideas to practices

The internet is often presented as a space for entrepreneurs, whether profit-driven or socially-minded. What ideas and actions are put forward to shape the behaviour of the key actors governing this global network? Who is taking the lead on building a “normative order” (Kettemann, 2020) for the internet and according to what principles? What role does technical expertise play on issues such as human rights focus or privacy by design? In this special issue, we move beyond the articulation of high-level principles in intergovernmental fora and investigate the mechanics of norm crafting and implementation, zooming in on structural factors affecting norm change (Wunderlich, 2013) and conflicting interpretations (Krook & True, 2012; Sandholtz & Stiles, 2009; Sandholtz, 2008).

While we draw on the constructivist approach in International Relations (IR) to define norm entrepreneurship, we have a keen interest in expanding the understanding of norms as dynamic processes in internet governance and as components of a wider, tension-laden normative order. As certain principles may take precedence as devices of status quo contestation, the power of ‘entrepreneurs’ to engage in active expansion or restriction of legitimation tools comes into sharper focus. Recognizing the differences of ideas, interests and interpretations specific to actors in this field allows us to better capture dynamics that disciplinary perspectives have missed so far, in particular with regards to (1) how change happens (Levinson, *this issue*; Gorwa, *this issue*; Tjahja et al., *this issue*), (2) how it shapes the anchoring practices of various internet communities, from voluntary commitments to regulation (Palladino, *this issue*; Nanni, *this issue*; Cath, *this issue*), and (3) how these practices reinvigorate the continuous dynamics of norm contestation and ordering (Rossi, *this issue*; Horne, *this issue*; Haggart and Iglesias, *this issue*).

As a key concept in the social constructivist research paradigm, norm entrepreneurship is a useful framework for understanding change in internet governance, by zooming in on the interactions between the power of the norms themselves and the constraints imposed by the role and identity of their promoters. Most of the contributions do not present brand-new norms (though they might focus on new social actors), but rather longer processes of normative internalization or ordering. Some discuss the international dimension of normative participation and the role of agenda setting in tackling new concerns such as misinformation in the IGF or the EU. Others address dominant mechanisms in top-down processes at the national level or globalized bottom-up decision-making specific to the internet, for example in the Internet Engineering Task Force (IETF) or the World Wide Web Consortium (W3C).

Once proposed by entrepreneurs, norms get socialized within broader communities and can be observed by analyzing their custodians’ participation in various forums, but also in connection with various forms of resisting change. Finnemore and Sikkink’s (1998) spiral norm cycle enlists three phases: emergence, acceptance and internalization. Entrepreneurs - be it state or non-state actors - define and establish standards of behaviour that become influential within the community mostly by adhering to relevant networks. As Wiener and Puetter (2009: 5) argue, “who is involved in international encounters, where and how often, are the key questions which allow a more specific assessment of the role of norms in international relations in an increasingly globalized world.” Framing the values that drive a new normative order relies on legitimation techniques that enlist further followers at the norm cascading stage, until the

norm is fully internalized. Replacing an old standard of behaviour with a new one is a multi-stage process whose end goal is to establish new practices that are taken for granted by the target communities.

In this special issue, we distinguish between different forms of entrepreneurship, based on actors' leadership and ideas in relation to internet governance, as they solidify over a longer period of time. Instead of seeing internet governance as a largely fragmented space for political, technical and economic disputes, we look at how norms underpin the formation of an international community with transnational and cross-sectoral links. We aim to demonstrate variance in the strength, legitimacy and diffusion of various norms and the extent to which their source is subject to contestation. While not all entrepreneurs desire change, some may achieve their objectives by adopting the language of multistakeholder practices or embracing the call for reforms without substantially altering their behaviour. Determining the strength and direction of change, taking into account both successes and failures, is not an easy task.

We propose opening up a new research agenda around the power of *normfare*, by highlighting the mechanics of norm contestation and the salience of particular conditions for entrepreneurship as well as the essential role of custodian actors in building and shaping internet governance. From the monitoring of rhetorical efforts to building legitimate discourse and driving regulatory practices, researchers interested in internet 'normfare' have a wide menu to choose from. The flavours abound too, as the many case studies and empirical investigations included in this collection show.

3. Overview of the special issue

The papers included in this special issue were first presented at the 2020 symposium of the Global Internet Governance Academic Network (GigaNet), where senior and junior scholars from various academic traditions meet annually to present their cutting edge research ahead of the United Nations-led IGF. This international association of researchers was founded in 2006 to support multi-disciplinary scholarship in the field of internet governance and to engage in relevant debates at the local, regional and international level. The diversity of perspectives inside the GigaNet community, much in the spirit of the IGF itself, allows for interrogating assumptions and methods in order to disentangle relations of power, governance structures and day-to-day practices.

As the articles in this special issue reveal, the debates over which norms are important to the community, and how to integrate and internalize them into a broader institutional framework is not a simple task. Technical expertise, civil society, industry and states all have a stake in the functioning of the internet, and all of these actors (who are by no means homogenous groups) bring their own ideas on how internet governance should be carried out.

Levinson furthers our conceptual understanding of norm entrepreneurship through a cross disciplinary exploration of literature on norms, power, governance (international relations and political science), knowledge transfer and innovation diffusion (communication science) and policy transfer and entrepreneurship/policy learning (public administration). Levinson applies this enriched understanding of idea diffusion to debates within the United Nations Open Ended Working Group (OEWG) on Developments in the Field of Information and Communication Technologies in the Context of International Security, revealing a "culture kaleidoscope", key divides among actors and their vocabularies, but also the pandemic as a catalyst for idea emergence.

Cath provides an ethnographic analysis of recent efforts in the Internet Engineering Task Force (IETF) to consider human rights values in the development of internet networking standards and protocols. Her anthropological inquiry gives welcome insight into the practices and mindsets of the participants in the standardization process, revealing that the shared view about the non-prescriptive nature of technology serves as a barrier for the inclusion of human rights values in this field. Cath proposes that internet governance research could benefit from including critical social science frameworks that consider the impact of organizational cultures on norm entrepreneurship.

Rossi investigates how laws and standards on web privacy interact in technical bodies, such as the World Wide Web Consortium. Rossi contributes a detailed case study on how the societal norm of privacy is perceived, debated, shaped, and even strategically used in discussions on the technical development of the internet, and sheds light on the interactions between members within these close-knit technical communities. The result is a convincing picture of the complex and fluid hierarchy of laws and standards and insight into how norm entrepreneurship works in practice.

Gorwa provides insight into the German Network Enforcement Act (NetzDG) from a regulatory politics perspective, highlighting how both domestic politics and transnational institutional factors have an important role to play in debates around the regulation of multinational technology companies. Gorwa draws attention to the political and regulatory constraints, often under-explored in current debates, that influence the development of new policy standards, and thus norms, for content moderation and intermediary liability.

Palladino adds perspectives from digital constitutionalism and epistemic communities to the special issue. Through an analysis of the European Commission High-Level Expert Group on Artificial Intelligence (HLEG-AI) as an epistemic community, Palladino provides a compelling narrative on how norms are formed, where they are projected, and how that projection is done. Palladino argues that epistemic communities are a crucial factor for the constitutionalisation of digital technologies, since they have the necessary technical expertise and policy commitment to translate normative provisions into architectural design.

Horne analyzes the terminology used most frequently to discuss mis/disinformation at the IGF between 2016 and 2019. Her text analysis shows how discussions have shifted away from the use of the broad and politicized term of 'fake news' to more precise conversations on platforms, governments and data. Horne places these findings in the context of a post-truth era and provides understanding of the de/refining of the causes and vectors of and remedies to the ongoing information crisis, demonstrating norm entrepreneurship in active and pure form.

Tjahja, Meyer and Shahin classify civil society representation at the Internet Governance Forum. They point to the heterogeneity of civil society, both in definition and in practice, in internet governance and show how actor entrepreneurship in an emerging

normative space is subject to contestation. Their contribution speaks to the broader need to understand who participates in global fora and how opening up engagement with various stakeholders strengthens participation norms and introduces new values.

Nanni explores the actions of Chinese stakeholders in mobile Internet standards setting from an international relations perspective (cognitivist regime theory). He demonstrates how the more China and Chinese stakeholders grow economically and politically, the more they engage in multistakeholder fora (on mobile standards setting). Indeed, as norm entrepreneurs, Chinese stakeholders have accepted the norms and institutional architectures that allow them to participate fully and cast their power globally. Nanni sheds new and nuanced light on China's role in internet governance and calls for incorporating technologists' views and actions in internet governance subsets, such as mobile internet standards setting, into the analysis.

Finally, **Haggart and Iglesias** argue for the application of Vivian **Schmidt (2013)**'s democratic legitimacy framework to platform governance initiatives. They shed light on how existing platform governance proposals emphasize throughput (process) legitimacy to the detriment of considering how legitimacy can be attained at the input and output stages of platform governance as well. This resonates with the heavy focus on multistakeholderism in internet governance, providing a timely and original contribution to our understanding of legitimacy as a norm in internet governance.

Together, these contributions open up a new research agenda that combines insights from the norm creation and diffusion literature with normative and regulatory dynamics specific to internet governance. We leave behind the material power and capabilities of states, on the one hand, and businesses, on the other, to engage in a broader discussion around the power and value of new standards of behaviour in reshaping power constellations. We are able to observe the statist dynamics in the contributions of **Levinson (this issue)**, **Nanni (this issue)**, and **Gorwa (this issue)**, but also reflect on the role of industry in contesting new norms in the articles of **Rossi (this issue)** and **Cath (this issue)**. To take this further, we complement this focus on the ideas promoted with an in-depth look at the role of the technical community and civil society in resisting to change or endorsing new standards. In this special issue, we shift attention to the key role played by NGOs and communities of experts and volunteers in advancing a new normative agenda in international fora (UN OEWG, IGF, EU). Who is part of the movement and how that changes participation norms in **Tjahja et al. (this issue)** ties in with the question of legitimacy, addressed by **Haggart and Iglesias (this issue)**.

4. Normfare: a turning point in internet governance?

This collection of articles sheds a new light on the process of assiduously developing norms in the field of internet governance. This extended research agenda reveals the complexities of normfare, recommending ways to fine-grain the assessment of norm effectiveness, transposition, social learning and legalization. The contributions show, in aggregate and individually, how the internet's forces of normative (dis)order can be identified and countered. To many, the internet appears to be under-regulated. In part, it is, though most of the problems in ensuring rights can be traced back to challenges of enforcement. But in areas where agreement is needed, norm acceptance and implementation are worth a closer academic scrutiny. Contributors to this special issue show how processes of norm-making and norm-legitimation, norm-contestation and norm-renewal take place.

By focusing on a variety of theoretical perspectives and a range of different actors in each of the articles, we show that internet governance is not being shaped by one sole actor, but that norm contestation and continuous interaction between different norm entrepreneurs is, actually, the *normal* process driving the field. The collective expectations and shared beliefs guiding praxis, in particular in situations of crisis, can be aptly explained by reference to the sustained efforts to build a normative order for the internet. To adequately capture these dynamics, the research on internet governance gradually moves from multidisciplinary to interdisciplinary and new insights emerge from the prolific interaction of diverse communities of scholars. This special issue facilitated by the GigaNet annual symposium stands proof for that, enlarging the complex discussion on normative change, new values put forward and the critical role of entrepreneurs. It does so by mapping developments over more than a decade, providing longitudinal analysis and contextualization for old and new power configurations.

Debates on how to determine dominant norms in internet governance will not be concluded anytime soon, but we can expect them to become more refined over time. The COVID-19 pandemic provides the momentum for it, as it pushes us toward an even more critical view of the infrastructures and platforms that facilitate our personal and working lives. Indeed, discussions about agreement, adoption and internalization of norms will continue to challenge many related fields, like artificial intelligence, as the actors that participate in these communities try to come to terms with emergent policy fields (**Jobin et al., 2019**; **Feijóo et al., 2020**). But this special issue lays the foundation for addressing the core dynamics amongst norm entrepreneurs and value-laden action in internet governance, in order to map out a future research agenda for normfare.

Our ambition is to move the scholarly debate on norm entrepreneurship forward by critically examining current normative directions. Although, as **Vidarthi and Kazakova (2020)** state, "we cannot exactly predict or control the entire norm development process," we can start to set out the lines for contemporary and future engagement between various internet governance actors. Entrepreneurs in this space are emerging from different social, economic, and political spheres, and the norms that are being created, adopted and contested are built on new ground, which makes them fragile and susceptible to influence. It is against this background that normfare will continue.

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