

Gregorio Bettiza and [Filippo Dionigi](#)

Beyond constructivism's liberal bias : islamic norm entrepreneurs in a post- secular world society

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Entrepreneurs in a Post-Secular World Society

Gregorio Bettiza and Filippo Dionigi

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Abstract

This paper aims to broaden the scope of constructivist theory on norms diffusion by considering the case of religious normative action by non-Western international actors. Drawing on Habermasian normative debates about the post-secular, the paper conceptualizes world society as a post-secular global public sphere where the process of institutional translation acts as a social mechanism of norm contestation and international diffusion. Institutional translation is empirically investigated through two case studies in the normative activity of the Organization of the Islamic Conference (OIC) at the United Nations (UN). The first case looks at the dialogue of civilizations norm promoted by the OIC. This norm, after going through a successful process of translation into the secular liberal language, garnered international support and was finally institutionalized in the UN's Alliance of Civilizations. The second case focuses on the principle of defamation of religion. This norm, facing ample translation barriers, was largely opposed by international actors at the UN and eventually failed to become an internationally recognized norm. We conclude that the mechanism of institutional translation is central to explaining how norms diffuse internationally across different cultural and normative contexts.

Keywords

Constructivism; diffusion; translation; norms; Post-secular; religion; Islam.

Gregorio Bettiza

Max Weber Fellow, 2012-2013 and 2013-2014

European University Institute, Florence (Italy)

gregorio.bettiza@eui.eu

Filippo Dionigi

The London School of Economics and Political Science, London (UK)

f.dionigi1@lse.ac.uk

1. Introduction

Until relatively recently constructivist scholarship on norms diffusion in international relations (IR) has focused overwhelmingly on ‘good’ (Checkel, 1998: 339) norms, which are diffused in local, often non-Western, contexts, by principled and liberal norm entrepreneurs – such as, international non-governmental organizations or international organizations.¹ As a result, constructivist literature has increasingly been criticized over the years as suffering from a Western-centric ‘liberal’ (Adamson, 2005), ‘cosmopolitan’ (Acharya, 2004) or ‘secular’ (Kubáľková, 2000) bias, which neglects non-Western agency and the wide variety of norms present in the international system.

These biases, in many respects, indirectly play into the triumphalist ‘end of history’ (Fukuyama, 2006) narrative within the discipline of IR. Such a narrative skirts around the fact that the international sphere is both replete with normative contestation and inhabited by a wide variety of non-Western actors and norm entrepreneurs, who seek to promote and internationalize their own beliefs, values and principles. This normative competition and complexity is becoming all the more apparent as world politics turns increasingly multipolar as well as post-Western, as scholars from across theoretical paradigms seem to agree. (Acharya and Buzan, 2010; Kupchan, 2003; Tickner and Wæver, 2009; Weber and Jentleson, 2010; Zakaria, 2011).

The process of contestation and interaction between Western and non-Western norms² and their entrepreneurs in international society needs to be understood better. This paper seeks to theoretically and empirically broaden constructivist theoretical and empirical research by looking beyond the diffusion of liberal and secular norms in international society. A number of scholars have started to push constructivist thinking along similar lines (Adamson, 2005). We aim to advance this emerging scholarly debate, by exploring the processes and mechanisms through which non-Western actors promote norms within the secular structures of the ‘international liberal order’ (Deudney and Ikenberry, 1999; Ikenberry, 2009).

It is possible to think of several non-Western norms and structures of meaning that interact critically with this liberal international normative context. We limit our focus to religious-based norms, promoted by actors anchored to an Islamist tradition and in the context of liberal global institutions, such as the UN. A focus on political Islam is particularly warranted for a number of reasons. We believe that what Fiona Adamson pointed out nearly ten years ago on the ‘relative silence’ (Adamson, 2005: 565) among social constructivists on political Islam, still largely stands today. This neglect is also particularly egregious since concerns about the role of Islam and Islamists of all types have dominated international relations practices and debates for over a decade.

The paper contends that non-Western, religious-based actors³ have the greatest chance of successfully diffusing norms within international society, when their norms can be *translated* into secular liberal norms. When using the concept of translation to explore the dynamics of norm diffusion across different institutional and cultural contexts – in particular between a secular and a religious context – we draw from debates on the ‘post-secular’, spearheaded by Jürgen Habermas. (Habermas et al., 2010; Habermas, 2006; Habermas, 2008; Habermas and Mendieta, 2010)

¹ The literature on norm diffusion is vast. For important examples see the following pioneering work by leading constructivist scholars: Barnett (2010); Finnemore and Sikkink (1998); Reus-Smit (2004); Risse et al. (1999); Simmons (2009).

² We understand norms along the lines of Nina Tannenwald’s (2005: 16) definition which, building also on Goldstein and Keohane’s (1993) definition of principled beliefs, argues that: ‘Normative (or principled) beliefs are beliefs about right and wrong. They consist of values and attitudes that ‘specify criteria for distinguishing right from wrong and just from unjust,’ and they imply associated standards of behavior’.

³ We prefer the notion of ‘religious-based actor’, rather than ‘faith-based actor’ most commonly used in the IR literature. The concept of religion captures more comprehensively the institutional structures, normative frameworks and power relations that are typical of the worldly relation of the human with the sacred, whereas faith refers more strictly to belief in god.

Given the political salience of religions over the past decades,⁴ Habermas has increasingly been concerned with revisiting how secular liberal democratic states ought to appropriately accommodate and include religious voices in their domestic public spheres and state deliberations. Habermas relaxes the conditions that contemporary liberal theory asks of religious citizens who want to publicly articulate their political positions through religious semantics. He introduces an institutional translation proviso. The proviso requires that religious idioms be translated into universally acceptable secular language when entering the legislative, executive, and judicial deliberations of the state.

We contend that much of the learning and deliberative process between secular and religious actors that should, according to Habermas, take place in post-secular liberal domestic settings, are, in many respects, already occurring in the global public sphere. We are in a post-secular world society. Thus, the Habermasian concept of ‘institutional translation’ can be understood not solely as a *normative requirement* for religious arguments to be included in the political deliberations of secular institutions, but also as an analytical *social mechanism*⁵ through which norms that do not belong to the liberal tradition can be diffused in liberal international settings and within secular institutions of global governance.⁶

We define translation as the process of normative transmission between differently situated international actors whose principles originate from diverse cultural and ethical backgrounds, whether religious, secular, national or ethnic. Within this process, the norm’s meaning is contested and negotiated and, when translation is successful, it establishes an open hermeneutic margin for its interpretation. The open margin of the translated norm provides it with a higher degree of vagueness and malleability, which facilitates agreement between a norm’s promoters and receivers over the meaning of the norm, even if the parties differ over its ethical justification. A successful translation will converge towards a norm that transcends particularism and hence enjoys legitimacy beyond the context in which it originated.⁷

We see the mechanism of translation as part of the ‘life cycle’ of norms – emergence, cascading, and internalization – conceptualized by Martha Finnemore and Katherine Sikkink (1998). However, differently from the mechanism of *persuasion*, which is central to much constructivist scholarship on norm life cycle, *translation* puts greater stress on cross-cultural normative contestation. It highlights how the original norm promoters do not always socialize receiving agents in adopting norms exactly as intended. While the norm entrepreneur uses one language and set of meanings rooted in a particular cultural and normative milieu, the receiving agents, *when* and *if* they become socialized in the new norm, tend to internalize it in their own language, set of meanings, and knowledge structure.

Our understanding of translation builds and expands upon the conception of international agency prevalent in the norm life cycle literature, by bringing in – as Acharya (2004) and Sally Engle Merry (2006) do respectively with their emphasis on mechanisms of norm *localization* and *vernacularization* – the role of culturally-situated agency in the process of norms diffusion. However, we do not limit the concept of translation to a center-periphery transmission of norms, still present in, for instance, the notion of localization. Translation subsumes localization, but also includes de-localization, a process in which the particular norm becomes international.

The mechanism of translation is illustrated empirically through two case studies on the normative activity of the Organization of Islamic Cooperation (OIC) within liberal international

⁴ For important entries and debates on the ‘return’ or ‘resurgence’ of religion in IR see: Barbato and Kratochwil (2009); Hatzopoulos and Petit (2003); Haynes (1998); Hurd (2008); Philpott (2002); Thomas (2005); Toft et al. (2011)

⁵ For an influential recent statement on the use of social/causal mechanisms in IR see Bennett (2013)

⁶ This analytical perspective leads us to sidestep the normative questions and debates surrounding whether Habermas’ post-secular proposal goes too far, or not far enough, in opening contemporary politics and liberal thought to religious ethics and perspectives. For comprehensive overviews of these debates in political philosophy and IR, see respectively the special forum on Constellations (2007) and the special issue of the Review of International Studies (RIS, 2012)

⁷ We build here on a growing interest among IR scholars in processes of norm ‘translation’, especially: Boesenecker and Vinjamuri (2011); Brake and Katzenstein (forthcoming); Zwingle (2012). More on this, in Section 3.

settings. The OIC is an institution that legitimizes much of its normative activity with reference to Islamic ethics, values, and identities. We concentrate on two norms that the OIC has vigorously sought to promote at the UN, since the late 1990s. The first norm is that of a 'dialogue of civilizations', seeking to generate cross-cultural and religious understanding and cooperation to prevent an alleged clash of civilizations.⁸ The second norm regards the enactment of measures to internationally prevent and criminalize cases of 'religious defamation'. Processes of cross-cultural norm diffusion and translation are complex and wide-ranging phenomena in international relations. These case studies are not intended to be exhaustive, but simply to shed some initial light on these international dynamics and point the direction for future research.

We think these cases are particularly relevant for two reasons. First, because they epitomize the promotion of norms that originate outside the liberal tradition that commonly informs much of the normativity of international society. Second, because they have contrasting outcomes. The dialogue of civilizations norm has become progressively institutionalized from the mid-2000s onwards, while the norm prohibiting religious defamation never enjoyed such success in international society. We claim that the successful diffusion of the former norm is due to an effective process of translation from a norm originating in the Islamic tradition, to a principle also adopted by non-OIC states, by virtue of its compatibility with liberalism's emphasis on tolerance, equality and pluralism. The latter norm, instead, faced significant challenges of translation into the liberal and secularized framework of the UN. As such, it was relentlessly opposed by Western states, non-governmental organizations, and UN representatives, leading only to minor normative changes and a vague initiative, largely outside the UN's purview, in 2011, the Istanbul Process.

The paper is structured as follows. The next section discusses the limits of constructivist theorizing on the diffusion of non-Western and non-liberal norms internationally, with a particular reference to religiously-motivated agency. Section 3 brings together debates on the resurgence of religion across the social sciences with constructivist theorizing on norm dynamics. We take the Habermasian normative concept of 'translation', articulated in his post-secular writings, and conceptualize it as a key social mechanism through which religious norms diffuse in liberal secular settings. The fourth part looks at the two case studies of norms diffusion by the OIC at the UN. In the conclusion we highlight how translation explains the variation in their outcomes. Here we also explore how translation may enrich the debate on the diffusion of international norms diffusion by expanding the focus of constructivist research towards the agency of non-Western actors and by highlighting the mechanism that renders more effective the diffusion of norms originating in non-liberal contexts.

2. Religious Norms in IR and the Limits of Constructivism

Over the past decades empirical and theoretical investigations into the causes and consequence of norms diffusion in international society has become a thriving research program in IR. This development has been spearheaded by the emergence of constructivism, in general, and agent-oriented thin/modernist variants of constructivism in particular.⁹ Despite this exponential growth, scholars have concentrated mostly on a specific type of normative structure and certain types of actors. In particular, research has overwhelmingly focused on processes of 'good' liberal norms – whether human rights, gender rights, international law, good governance, and so on – being diffused internationally and transnationally in local non-Western contexts by 'principled' norm entrepreneurs – such as international non-governmental organizations or international organizations – often of Western origin or closely tied to the structures of the liberal international order.¹⁰

These shortcomings have not been overlooked. A number of scholars have critiqued the current mainstream literature on norms diffusion for suffering from 'liberal' (Adamson, 2005),

⁸ On dialogue of civilization as a norm see: Dallmayr and Manoochchri (2007); Kayaoglu (2012a); Lynch (2000); Petit (2011).

⁹ Thin/modernist agent-centered variants of constructivism are those mostly concerned with the role of 'norm entrepreneurs' (Finnemore and Sikkink, 1998) and 'epistemic communities' (Adler and Haas, 1992) in promoting international ideational change.

¹⁰ See footnote 1

‘cosmopolitan’ (Acharya, 2004), or ‘secular’ (Kubálková, 2000) biases. Such biases are problematic for a number of reasons. Most importantly, because they underpin a research agenda which tends to overlook the fact that the international sphere is replete with normative contestation – for instance between cosmopolitan and communitarian, liberal and non-liberal, progressive and conservative, secular and religious values and principles – and inhabited by a wide variety of non-Western norm entrepreneurs, whether states, secular or religious civil society actors, or regional organizations.

We argue that, what has generally been called, the ‘return’ or ‘resurgence’ of religion in both the social world and in scholarly thinking, provides underexplored empirical phenomena and novel conceptual tools for broadening IR research on the dynamics and change of international norms. Indeed, the spread of *Jihadi* ideology and movements (Mendelsohn, 2012), the diffusion of Sharia Courts in the UK (Williams, 2008; Jucan and Georgia, 2011), the turn towards Confucian values as an instrument of Chinese soft power (Paradise, 2009), the turn towards faith-based approaches to poverty reduction and development (Clarke, 2007), the articulation of transnational Muslim or Sikh identities and political projects (Shani, 2008) and the diffusion of Islamic finance (Lai, 2013) all constitute important emerging alternative conceptions of how to structure domestic and international orders.

As scholars from across the social sciences have noted, modernity has not ushered in the complete secularization of the world and the ineluctable demise of religions as often assumed in earlier periods. Not only do religions seem to have survived in most parts of the world (Finke and Stark, 1992) but their political salience and presence in the public sphere has also grown over the past decades. From the 1990s onwards social theorists have increasingly talked about the ‘deprivatization’ of religion (Casanova, 1994), the ‘deseccularization’ of the world (Berger, 1999), or the turn towards ‘post-secular’ societies (Habermas, 2006).

A growing literature on religion in IR has emerged in parallel.¹¹ This has deeply challenged the secular premises of international relations as a practice and as a body of scholarly output. A key debate animating this literature has revolved around the extent to which IR theory can be accommodated to investigate religion. There has been an implicit and explicit consensus that constructivism provides one of the most appropriate frameworks for capturing the dynamics and impact of religious actors and factors in international society.¹²

Here, Vendulka Kubálková’s (2000) formulation of an ‘international political theology’ stands as one of the most comprehensive attempts to integrate religious actors, norms, ethics and identities within a (thick) constructivist framework. Others have successfully applied an explicit thin/modernist constructivist style of reasoning, to investigate religion’s influence in international politics. Daniel Philpott (2001) has shown the central role that ideas, especially those stemming from the Protestant Reformation, have had in bringing about the system of sovereign states following the Peace of Westphalia in 1648.

Nukhet Sandal (2011) has expanded the ‘epistemic community’ framework beyond its application to highly secularized scientific communities, to include religious actors and their agency in the peaceful transformations of conflict in South Africa and Northern Ireland. Fiona Adamson (2005) has explored how different norm entrepreneurs situated in distinct ideological structures, one of ‘global liberalism’ and the other of ‘political Islam’, compete for the hearts and minds of post-Soviet Central Asians. Aaron Boesenecker and Leslie Vinjamuri (2011) have explored the role of faith-based organizations in adapting international accountability norms and embedding them in local practices.

While representing new avenues of research, this literature overall tends to borrow and adjust constructivist frameworks to the specificity of religious agents and ideational dynamics. It is less explicitly geared towards importing social and political theories from scholarly debates about religion into constructivist research on norm diffusion. We argue instead that a more self-conscious approach, bringing the social scientific and normative study of religion into constructivism, rather than mostly constructivism into the study of religion, has important empirical and theoretical payoffs. Empirically,

¹¹ See footnote 4.

¹² This is not to say that attempts at integrating religion in other modes of IR theorizing – for example realism (Huntington, 1996; Sandal and James, 2010), liberalism (Sandal and James, 2010), or the English School (Thomas, 2001) – have not been explored.

it broadens constructivist literature to include dynamics that are heavily under-researched, namely processes of religious-based norms diffusion in liberal international contexts by non-Western norm entrepreneurs.

Theoretically, such an approach widens our knowledge of the mechanisms through which norms diffuse. Attention to religion pushes constructivist research to think further about the cultural/normative context of *both* the norm promoter as well as that of the receiver. A focus on the dynamics of religious norms, we argue, brings to the fore alternative mechanisms other than persuasion – which is central in both older (Finnemore and Sikkink, 1998: see table in p.898) and newer (Börzel and Risse, 2012: see table in p.7) mainstream constructivist literature – that help explain the life/death-cycle of norms as they are promoted, contested, re-negotiated, and re-interpreted across different international cultural/normative milieus. As the next section unpacks in greater detail, we draw from Habermasian theorizing on the post-secular to highlight the alternative mechanism of translation as key to understanding the success or failure of the diffusion of religious-based norms in liberal secular settings.

3. Institutional Translation: From Post-Secular Normative Theory to Analytical Social Mechanism

In response to religion's revival, Jürgen Habermas has increasingly revised his assumptions about the place of religion in the domestic public sphere of constitutional liberal democracies. He has engaged in a self-reflective process about the 'aggressive secularist' (Kuru, 2009; see also Connolly, 1999) assumptions underlying much contemporary liberal political philosophy, which often appear to confine religion exclusively to the private sphere. Within this context, Habermas has come to articulate a normative ideal structured around the possibility of a 'post-secular society', open and inclusive of religions in the public sphere, which facilitates engagement between religious and secular citizens (Habermas, 2006; Habermas, 2008; Habermas and Mendieta, 2010; Habermas et al., 2010)

Contemporary liberal thought, Habermas (2006: 9) argues, often asks too much of religious citizens, who are expected to provide secular reasons for their religiously inspired political mobilization in order to be legitimately admitted to the democratic public sphere. Such a state of affairs, imposed on the political participation of religious citizens, robs contemporary debates of the critical voices and moral intuitions that religious traditions can bring to the table, while also unduly excluding from public debate persons who may be neither willing nor able to split their moral convictions and their vocabulary into profane and religious strands. By distributing 'cognitive burdens unequally between secular and religious citizens' (2006: 13), much contemporary liberal thought seems to go against liberalism's own ethos of guaranteeing equality in pluralist societies. Habermas' objective is then to provide an updated liberal normative framework under which religious arguments and perspectives can reasonably reenter the public sphere, while simultaneously seeking to salvage the strict impartiality of the institutions of the liberal state and its corollary norm regarding the separation of church and state.

To overcome these problems, Habermas narrows the scope of aggressive secularism over politics by introducing an 'institutional translation' proviso. According to this formulation, the duty of providing secular translations to religious reasoning in liberal politics does not apply to all citizens, but only to state officials. Indeed, for Habermas, 'the state's neutrality does not preclude the permissibility of religious utterances within the political public sphere.' (2008: 28). It does however demand that, in order to maintain the separation of church and state, religious norms and linguistic formulations be ultimately translated into secular language when included in the formal processes of legal deliberation and political decision making (2008: 28). Habermas' institutional translation proviso, hence, would allow religious citizens not 'to split their identity into a public and a private part the moment they participate in public discourses', giving them the chance instead to 'express and justify their convictions in a religious language if they cannot find secular 'translations' for them.' (Habermas, 2006: 10)

For Habermas, 'the contents which reason appropriates through translation must not be lost for faith.' (2006: 17). Put differently, the process of institutional translation from religious into secular language is designed to allow the moral intuitions of faith to be accessible also to 'non-believers

through the universal language of reason', while at the same time keeping 'the boundaries of knowledge and faith firmly in place.' (Mavelli and Petito, 2012: 936; see also Cooke, 2011: 483). A successful translation then becomes a precondition for the substantive content of religious voices to be taken up in the agendas and negotiations within political bodies and in the broader political process (Habermas, 2006: 11).

For effective translations to occur, both religious and secular actors need to adopt a self-reflexive stance that opens up space for mutual learning and cooperation. Religious citizens ought to recognize, according to Habermas, that at the level of state institutions and practices 'only secular reasons count therein' (2006: 10) and, hence, they should accept that their arguments be translated. For Habermas this is necessary because of the possible threat to democratic legitimacy if religions are admitted into formal processes of legal and political deliberation, given their resistance to argumentative interrogation rooted in the 'inviolable core of infallible revealed truths' (Habermas, 2006: 9) on which they rest.

Secular citizens, on their part, should change their cognitive mental maps, recognizing that they 'live in a post-secular society that is *epistemically adjusted* to the continued existence of religious communities.' (2006: 15) They ought to abandon both secularist readings of modernity, where religions are seen as 'archaic relics of pre-modern societies' with no 'justification to exist', as well as laicist understandings of church-state separation, which 'confuse the neutrality of a secular state in view of competing religious worldviews with the purging of the political public sphere of all religious contributions' (2008: 28). Secular citizens are hence required to move beyond 'mere tolerance' (Habermas, 2006: 15) and remain 'agnostic' *vis-à-vis* religious truth-claims in the public sphere (Habermas, 2006: 17), in order to enter into genuine dialogue with religious citizens and take religious contributions to politics seriously.

This brief survey of Habermas' proposal is not designed to make a further intervention in the contentious normative debates that his views on post-secularism have generated.¹³ We instead wish to employ part of his conceptual toolbox to *explain* international social change. A central premise of this paper is that much of Habermas' normative proposal, which he admits is explicitly directed at European laicist states and societies, is already an empirical reality of sorts around the world. Eduardo Mendieta, for instance, points out that much of what Habermas advocates is already taking place in countries like the United States (Habermas and Mendieta, 2010: 9).

Following Mendieta, we argue that processes of translation that Habermas posits ought to take in post-secular domestic settings, are already taking place at the international level. We are in a 'post-secular world society',¹⁴ structured around an increasingly pluralist global public sphere, which includes a wide range of religious-based actors, and the liberal institutions of global governance.¹⁵ More specifically we contend that the two presuppositions for effective institutional translations to occur – mutual reflexivity and a desire to learn on the part of secular and religious actors – are generally present within the United Nations system, whose legal and policy framework is embedded and constitutive of the 'liberal international order' (Deudney and Ikenberry, 1999; see also Adamson, 2005: 554).

The United Nations is a secular institution, but not an aggressive secularist one. It is secular in the sense that its goals, activities, and organizational structure are neither religious in character nor do they subscribe to any public religious ethic. It is not aggressive secularist, however, because its underlying mission and norms are not anti-religious. In fact, the UN has generally been neutral and open towards the public participation of religious groups and communities in its debates and activities.

¹³ See footnote 6.

¹⁴ We adopt the term 'world society' not solely because Mendieta uses it. We ground our understanding of this concept also in English School theory, which conceptualizes world society as the domain of political activity that captures the complexity of transnational non-state and human relations that exists alongside, and overlaps with, that of the 'international society' of states (Buzan, 2004).

¹⁵ Here we also build on scholarship which has sought to investigate the normative dilemmas (Barbato and Kratochwil, 2009; Mavelli and Petito, 2012) and social and political dynamics (Wilson and Steger, 2013) associated with Habermas' notion of post-secularity at the international and global levels.

Religious actors and voices have competed and dialogued with secular and secularist actors since the organization's founding moments and, as noted by many, in ever-growing numbers from the 1990s onwards (for an excellent overview see Haynes, 2013).¹⁶

By taking an analytical perspective, rather than a normative one, we seek to investigate processes where institutional translations – based on a genuine exchange between secular and religious perspectives – are leading to new normative frameworks in secular international institutions such as the UN. We move beyond understanding institutional translation as a *normative requirement*, conceptualizing it instead as a key *social mechanism* that explains why and how certain religious norms acquire greater traction, becoming institutionalized within the secularized milieu of global governance institutions, while others do not.¹⁷

We see translation as a central mechanism explaining the success or failure in contentious cross-cultural norm diffusion dynamics. As Susanne Zwingel (2012) highlights, normative translations require both 'the cultural concepts and the transmitters of these concepts such as language and customs' of the norm promoter, to be converted into 'the language and customs' of the receiving agent's 'system of meaning to enable cross-cultural understanding' (124). This process is rarely a one-sided endeavor, but rather 'complicated and open-ended' (124). This uncertainty in outcomes is evident also for Benjamin Brake and Peter Katzenstein (forthcoming), who explore the transnational movement of American procedural law through processes of translation. 'Translation', Brake and Katzenstein (forthcoming) argue, 'evokes the uncertainty of the outcome and the notion that a law's actual practice depends in part on the receiving country's legal language and the decisions of the legal translator' (730).

The concept of translation, hence, underscores the centrality of interaction processes between the norm that particular agents are promoting and the receiving 'context relevant for the action of translation, as this context often determines strategies and outcomes.' (Zwingel, 2012: 125). As norms move from one cultural/normative context to another, processes of translation help '[combine] new, imported with old, established concepts and practices' (Brake and Katzenstein, forthcoming: 730). In particular, we argue that a norm that is successfully translated beyond the situated context in which it originated is characterized by an open hermeneutic margin for interpretation. As we shall see below, this means the norm must acquire a degree of vagueness and malleability that enables an agreement between the norm promoters and the recipients over the norm's meaning and legitimacy, regardless of their cultural/normative divide.

Power dynamics often underpin translations. Indeed, as Zwingel (2012) frames it, while there is an 'enriching dimension of the encounter with the other in which change of one's own mindset is possible and desirable', there is also a 'manipulative potential of translation where the language and culture into which something is being translated forms the standard to which the other is being adapted.' (124). Put differently, while norm translation allows for 'different avenues of cross-cultural encounters and transmissions of meaning', the term also includes an element of 'unevenness—mutual enrichment is possible as much as sub-ordination.' (124)

The social mechanism of translation complements and broadens the standard constructivist focus on *argumentative rationality* and *persuasion*, articulated in the norm life cycle literature (Börzel and Risse, 2012; Finnemore and Sikkink, 1998; Risse, 2000). Mainstream constructivist scholarship on norm life cycles tends to explore one-way, core-periphery – from Western to non-Western and from global to local – norm dynamics. Here the norms in question, which overwhelmingly tend to be of a secular, liberal and cosmopolitan nature, are seen as pristinely moving from persuasive norm promoter to passive socialized norm receiver. This occurs mostly thanks either to the norm's

¹⁶ For example, during the UN's inception several Christian and Jewish groups contributed to the drafting of the organization's charter, with a particular focus on the UN Declaration of Human Rights (Glendon, 2001: see chapter 5). In recent years, many have noted, there has been an exponential growth in the organization of conservative religious actors (Bob, 2012; Buss and Herman, 2003)

¹⁷ The analytical shift we make here with Habermas' post-secular concept of translation, mirrors Thomas Risse's (2000) efforts to turn the German philosopher's theory of communicative action into a particular kind of social mechanism to explain international (liberal) norm diffusion.

‘principled’ quality or to the ‘entrepreneurial’ character of the norm promoter, which may also include its ability to ‘frame’ international norms to appropriately ‘resonate’ or ‘fit’ with local contexts (see for instance Price, 2003: 596).

Yet, in this picture, the agency and the normative/cultural context of the actors that are socialized in the new norm – that is, situated and contextualized agency – tends to be discounted. Moreover, a focus on persuasion – particularly when it pays greater attention to issues of ‘resonance’ – , generally sidesteps the politically contentious element of norm diffusion whereby norms are not just wholeheartedly received, as they are across social and cultural spheres, but go through processes of contestation, reinterpretation, adaptation, and negotiation (see also Boesenecker and Vinjamuri, 2011). Arguably, what we are pointing at here may be more the rule rather than the exception. Norms are to a large extent ‘cross-culturally negotiated [...] rather than imposed’ (Zwingel, 2012: 126). The concept of translation – we argue – helps to capture the process through which norms may eventually de-localize and then transcend their cultural, religious or anyway particularist character.

The mechanism of translation, hence, differs from persuasion to the extent that the receiving party does not always adopt norms exactly as formulated or intended by the norm entrepreneur. While the norm entrepreneur uses one language and set of meanings rooted in a particular cultural milieu and structure of meaning, the actors that become socialized tend to be socialized in their own language, set of meanings, and knowledge system.

Moreover, the notion of translation stands somewhat differently from, though not in contrast to, similar mechanisms of contentious cross-cultural norm dynamics, increasingly identified by constructivists. Scholars like Amitav Acharya and Sally Engle Merry have explored the ways in which international norms are diffused in domestic contexts by being re-adapted and re-constituted through mechanisms of ‘localization’ (Acharya, 2004) and ‘vernacularization’ (Merry, 2006) by local agents, in order to fit pre-existing indigenous beliefs and practices. We understand translation as a more far-reaching mechanism however. While localization and vernacularization do open greater space for non-Western agency and cross-cultural normative contestation and re-adaptation, these still capture a process of diffusion from global to local and from dominant liberal to culturally specific norms.

We see translation as a more generalized process that not only interests the cross-cultural diffusion of norms from the Western core to the non-Western periphery, but also applies to those particularist norms that local non-Western actors may attempt to de-localize, with varying degrees of success. In other words, translation captures the contested cross-cultural dynamic of norm diffusion across all levels of analysis – from global to domestic, from domestic to global, from regional to global, from domestic to domestic, and so on –, including norms that are not just adapted locally, but also actively promoted, by non-Western actors internationally. Put differently, translation captures dynamics where norms can and do ‘[percolate] upward, downward, and sideways among different arenas and actor types’ (Brake and Katzenstein, forthcoming: 729).

We empirically investigate processes of norm diffusion through translation in two case studies. These explore how the same international organization sought to promote two religious-based norms at the UN with different outcomes. We unpack the role, using process-tracing,¹⁸ that successful and unsuccessful institutional translations played in leading to this variance in cross-cultural norm diffusion under otherwise similar conditions.

4. The Case of the OIC Normative Action

Islam and political Islam have become an important ethical background on the basis of which much international political and military activity has taken place in the past decades. The Organization of Islamic Cooperation (OIC) is one of the international multilateral actors that have often sought to promote international norms reflecting its Islamic inspiration. Founded in 1969 and based in Saudi Arabia, the OIC gathers together 57 Muslim majority states and defines itself as ‘the collective voice of the Muslim world’, seeking to ‘safeguard and protect’ its interests. It understands itself as having ‘the singular honor to galvanize the Ummah into a unified body’ and to ‘actively represent the

¹⁸ As Daniel Maman (2006: 116) observes: ‘Examining the translation process is only possible via a detailed case study that engages in thick description and process tracing.’

Muslims by espousing all causes close to the hearts of over 1.5 billion Muslims of the world.' (OIC, n.d.). Among the OIC's key aims, as presented under its charter, is to: 'Protect and defend the true image of Islam, to combat defamation of Islam and encourage dialogue among civilizations and religions'(OIC, n.d.).

In its efforts to promote dialogue of civilizations as well as religious defamation norms in international society, the OIC has focused on the UN. As we shall see, the religious character of an organization (whether it is the Catholic Church, the OIC or any other example) and its norms does not *necessarily* conflict with the principles that regulate international society. Yet the accommodation of a religious-based organization's normative agenda within secular liberal institutions such as the UN can easily produce frictions and ambiguous results. This, we claim, is not because the UN is an aggressive secularist organization, to the contrary. We explore OIC's activism at the UN because liberal global governance institutions, in fact, satisfy the empirical and normative conditions at the international level that allow for processes of institutional translation and mutual learning between the secular and the religious to occur, conditions which Habermas posits are necessary for post-secular societies to emerge.

4.1 The Diffusion of Dialogue of Civilizations

After the end of the Iran-Iraq war, the collapse of the Berlin Wall and in the aftermath of the Iraqi invasion of Kuwait, Iranian foreign policy changed significantly; after decades of outright antagonism it adopted stances which signaled the will to reconcile with Western powers (Ehteshami, 2002). With the election of Mohammad Khatami as president in 1997, these changes became even more evident. One of the most indicative signs of change was Khatami's interest in promoting the norm of dialogue of civilizations within the framework of the OIC.

In December 1997, the OIC held its eighth Islamic Summit in Teheran, and the Final Communiqué of the meeting mentioned at various points the will to encourage 'dialogue among civilizations' and facilitate the opening of the Islamic Ummah 'to the rest of the world within the framework of dialogue among civilizations', starting from the recognition of religious principles justifying the initiative. (OIC, 1997) The announcement was not an exercise in empty public rhetoric but a tangible sign from the assembly, and in particular from Iran, of the intention to establish an innovative international practice among different political actors going well beyond orthodox diplomatic channels.

OIC's Teheran declaration was in direct opposition to 'theories of clash and conflict' of civilizations, emphasizing instead the 'imperative of positive interaction, dialogue and understanding among cultures and religions' (OIC, 1997). The declaration relied on an Islamic justification to make its case for dialogue, claiming that, 'the need to establish understanding and interaction among various cultures, [is] in line with the Islamic teachings of tolerance, justice and peace' (OIC, 1997). Based on these discussions, a more tangible Dialogue among Civilizations initiative was being put forward. The initiative was thought necessary to re-qualify the image of Islam internationally 'in order to leave the 'painful state of passivity vis-à-vis the ostentatious dominant civilization of the time.''(Khatami quoted in Kayaoglu, 2012a)

From a localized norm, situated in the Islamic discursive framework of the OIC, the initiative of the Dialogue among Civilizations was then promoted in the international sphere. In 1998, President Khatami proposed to the UN General Assembly (UNGA) that the year 2001 be designated the 'United Nations Year of Dialogue among Civilizations'. He gave a passionate speech at the General Assembly in which he spoke 'as a man from the East, the origin of the brilliant civilizations and the birthplace of divine prophets – Abraham, Moses, Jesus and Mohammed'¹⁹ and contextualized his proposal in a thick religious framework. Following Khatami's address, Iran and other countries began to draft a resolution to be submitted to the UNGA. But the draft's text does not include any explicit reference to Islam, nor to religion in general, and, rather, refers to 'civilizations', 'nations', 'cultural pluralism' or 'creative human diversity'. Already at this early stage, the translation process is underway.

¹⁹ UN Doc. A/53/PV.8 p. 4.

The normative action of Khatami and the OIC is specifically designed to gather international consensus,²⁰ and in particular the consensus of the pluralist assembly of states that sits at the UN; this was probably the incentive for the drafters of the resolution to adopt an idiom consistent with the dominant secular and liberal language of UN resolutions. It is not a coincidence that Western states later expressed gratitude to the drafters for their ‘constructive approach’²¹ in the drafting process. The first draft²² was then slightly revised into a second version,²³ which added more emphasis to the principle of tolerance as a foundation for dialogue, before submitting it for discussion to the UNGA in November 1998.²⁴

The UNGA debate is a telling example of a successful translation that establishes an open hermeneutic margin. The resolution was presented by Iran, but sponsored also by a number of non-OIC states, thus already signaling a degree of diffusion. In the debate that followed, each country representative articulated their endorsement by presenting the particular reasons of their state’s decision to adhere to the norm. Senegal mentioned, for example, the national and cultural tradition initiated by its founder Leopold Sedar Senghor.²⁵ Austria (speaking for the EU) justified its support by saying that, ‘The countries of the European Union know from their own historical experience that societies and cultures must not be seen as isolated entities, especially in an increasingly globalized world’.²⁶ Egypt referred to its historical and multi-civilizational tradition (including Islam) as the justification for its support.²⁷ The UN observer for the OIC reiterated the importance of Islam as a foundation for civilizational dialogue and, similarly, Malaysia, India, Syria, Solomon Islands, Japan and New Zealand all brought their own perspectives to the forum converging on the legitimacy of the norm, but differing on the source of its foundation.

The norm of dialogue of civilizations, once translated into the generally accepted UN idiom of a General Assembly resolution, enjoyed an open hermeneutic margin because its wording and reformulation allowed for a consensus on its legitimacy that stemmed from different situated perspectives. In subsequent years the same resolution was debated and approved by consensus from the assembly with no need for vote.

In November 2001 Khatami again addressed the General Assembly, and the resolution establishing the Agenda for Dialogue among Civilizations was sponsored by 110 states and then approved by consensus.²⁸ The number of states adhering to the proposal is an indicator that the dialogue of civilizations norm was, at this point, ‘cascading’ and diffusing internationally through the OIC sponsored initiative of Dialogue among Civilizations. The 2001 initiative established a pattern of dialogical activities, culminating in the Vilnius International Conference on the Dialogue among Civilizations of April 2001. These initiatives established a basis for the continuation of this process at a later stage, demonstrating that civilizational dialogue was not a short-lived experiment but a norm progressively internalized by state actors. Following the approval of the norm and its diffusion, multiple UN resolutions at the UNGA and the UN Human Rights Council would refer to the dialogue

²⁰ An important question, which would deserve a separate discussion, is how institutional translation relates to the Rawlsian concept of overlapping consensus. We think that overlapping consensus is different from translation, with institutional translation resembling more closely a renegotiation of fundamental principles of justice, described in Rawlsian terms as resulting in a form of ‘reflective equilibrium’. (Rawls, 1999: 43 and 340)

²¹ UN Doc. A/53/PV.53, p. 7.

²² UN Doc. A/53/L.23.

²³ UN Doc. A/53/L.23/Rev. 1.

²⁴ UN Doc. A/53/PV.53.

²⁵ UN Doc. A/53/PV.53, p. 4.

²⁶ UN Doc. A/53/PV.53, p. 6.

²⁷ UN Doc. A/53/PV.53, p. 5.

²⁸ For the list of sponsoring states see UN Doc. A/56/L.3/Add.1.

of civilizations, or specifically to the initiative of the Dialogue among Civilizations, as an authoritative normative source.²⁹

In 2005, as America's war in Iraq raged on, the Prime Minister of Spain, Luis Zapatero, and the Prime Minister of Turkey, Recep Tayyip Erdoğan, jointly proposed the institutionalization of an Alliance of Civilizations at the UN. The Alliance of Civilizations gave new momentum to Khatami's and the OIC's original Dialogue among Civilizations initiative, confirming how the promotion of the norm of inter-civilizational dialogue had progressively become an institutionalized pattern of behavior in international relations, transcending its particularist origins. In the same year, the UN Secretary General appointed a High-Level Group for the Alliance of Civilizations, which included Khatami among its members, and thus established further direct continuity between the various initiatives.³⁰ The group had the role of drafting reports and recommendations promoting the objectives of the Alliance. The OIC Secretary General took part in the high level meeting of the Alliance of Civilizations for the first time in Doha in 2006.

The Alliance of Civilizations was acknowledged by consensus at UNGA in 2009³¹ and, at the time of writing, is a fully operational institution with an expanding record of activities. Its Group of Friends counts 138 members among individual states and international organizations (UNAOC, N.D.-b) and its action has been subsequently endorsed by several UNGA resolutions. The Alliance sponsors a number of different projects, such as campaigns to promote religious tolerance and diversity, grants and competition for cultural innovation through electronic media, on-line platforms for debate, and regional as well as national strategies for the implementation of the objectives of the Alliance.³²

In almost fifteen years of history the idea of a dialogue of civilizations has become a diffused practice in international society; in other words, it has become a norm towards which the great majority of states has shown receptiveness, notwithstanding the particular ethical context in which it originated. Starting from the initiative of Iran and the OIC, framed in the religious discursive context of Islam, the norm soon cascaded among UN member states, becoming recognized and endorsed almost universally. The creation in 2005 of the UN Alliance of Civilizations represents the later development and institutionalization of this process. The Alliance corroborates the idea that a norm of inter-civilizational dialogues has become increasingly 'settled' (Frost, 1996: 105-112) in the institutions and practices of international society.

4. 2 The Failed Diffusion of Defamation of Religion

When Salman Rushdie's novel *The Satanic Verses* was published in 1988, Islamic leaders and heads of states of Muslim majority countries protested and accused the British Indian author of blasphemy. Ayatollah Ruhollah Khomeini issued a *fatwa* in 1989, calling for the death of Rushdie. This was the first major international episode of what has become a key contemporary grievance for Islamic and Islamist actors. That is, the perception that Islam, as a religion, and Muslims, as a community of people and believers, have been increasingly negatively and unfairly stereotyped, and discriminated against, in Western countries and by Western publics and elites. Such feelings have grown stronger with time, especially in the aftermath of the 9/11 terrorist attacks and the ensuing War on Terror.

From the late 1990s onwards, Islamic and Muslim heads of states have progressively voiced their concerns through legal means, and within international venues, about what they believe are growing anti-Islam sentiments in the West. They have sought to advance, in coordination with the OIC, a normative claim to interdict the defamation of religions within the UN system by sponsoring a number of resolutions. The OIC has become the leading Islamic norm entrepreneur insisting that the international community actively combat the defamation of religions, understood by the OIC mostly as 'a claim of damage and disrepute being done to Islam.' (Alfandari et al., 2011). The OIC's general aim

²⁹ For example, all the resolutions on religious defamation (see below) refer to the Dialogue among Civilizations Agenda as a legal precedent.

³⁰ UN Doc. SG/SM/10073/Rev.1

³¹ UNGA Res. 64/14, UN Doc. A/RES/64/14.

³² (UNAOC, N.D.-a).

has been to submit defamation of religions draft resolutions in various UN institutional contexts, with the hope that this body of resolutions would become, over time, a source of international law.

The earliest articulation of this normative agenda occurred when Pakistan, on behalf of the OIC, introduced a draft resolution on combating the ‘defamation of Islam’ in the UN Commission on Human Rights (UNCHR) in 1999.³³ The resolution intended to counter ‘new manifestations of intolerance and misunderstanding, not to say hatred, of Islam and Muslims,’³⁴ and to oppose portrayals of Islam as a religion hostile to human rights. The draft resolution’s exclusive focus on Islam prompted suggestions by Western secular countries to broaden its scope to include all religions. In the words of the German representative, the amendments aimed ‘to broaden the issue and deal equally with all religions’.³⁵ After some negotiations, OIC representatives introduced a revised draft resolution that encompassed religions in general in the title, while still emphasizing the particularly vulnerable situation of Islam in the text.

This new draft resolution, now titled ‘Defamation of Religions’ instead of the earlier ‘Defamation of Islam’, was adopted by consensus in the UNHRC, without a vote, in 1999.³⁶ This process of reformulation of the resolution was an attempt to institutionally translate the norm of non-defamation of Islam into a norm that could have been considered legitimate from a neutral, secular, liberal perspective. In other words, international actors were trying to formulate a norm with a more open hermeneutic margin, rendering it more vague (i.e. not only Islamic-specific) and malleable so that its meaning and legitimacy could have been accepted more broadly. Notwithstanding this bland adjustment, the resolution retained substantial reference to Islam as an exceptional case deserving protection from defamation. The mention of Islam in the resolution’s text was an issue which many Western states continued to find problematic.

From 1999 to 2005 the OIC promoted the same resolution every year in the same assembly. However, from 2001 the strategy of Western states changed, reflecting an increasing concern over the approval of a norm with which they fundamentally disagreed. For instance, the Belgian representative, speaking on behalf of the EU, criticized the OIC’s resolutions for wishing to protect religions rather than the rights of individuals. Since 2001, Western states have requested an individually recorded vote over the OIC-proposed resolution, which allowed them to convey their dissent over the norm, although the OIC – also thanks to the hefty number of states that are its members – was still able to have the resolution approved (see Table 1).

Western states and other allies proposed an alternative formulation of the norm that was defined as a resolution for the ‘elimination of all forms of religious intolerance’³⁷ and was regularly approved by consensus of the UNGA.³⁸ This formulation of the norm did not contain reference to a specific religion and was firmly rooted in the liberal principles that inform Western states as well as the UN charter. We see then how two concurrent and competing formulations of a norm, either aiming at punishing religious defamation, or fostering greater appreciation for religious tolerance, were being put forward at the UN from 2001 to 2005 (Alfandari et al., 2011: 7).

The year 2005 was a turning point. At the height of the War on Terror, a series of Danish cartoons depicting the Prophet Mohammed became a major controversy across Western and Muslim-majority countries. In the aftermath of these events, the OIC stepped up its campaign against defamation of religions as well as, increasingly, against Islamophobia. The OIC started raising its concerns in a growing number of venues.

³³ There is a growing literature on this case, which this section draws upon. See in particular: (Langer, 2010; Kayaoglu, 2012b; Alfandari et al., 2011).

³⁴ UN Doc. E/CN.4/1999/SR.61

³⁵ E/CN.4/1999/SR.61

³⁶ See: CHR Res. 1999/82, 22 March – 30 April 1999, UN Doc E/CN.4/1999/167; and CHR Res. 200/84, 26 April 2000, UN Doc. E/CN.4/RES/2000/84.

³⁷ CHR Res. 2001/42.

³⁸ Apart for 2003 when the vote on the resolution was recorded, 51 states were in favour and no contrary vote was registered. UN Doc. E/2003/23 p. 413.

From 2005, the OIC campaigned at the UNGA, sponsoring religious defamation resolutions identical to the one that was presented at the UNCHR from 2001.³⁹ Western countries regularly voted against it and proposed their own formulation of the norm under the slightly revised form of 'elimination of all forms of intolerance and of discrimination based on religion or belief.' Each time the OIC put on the agenda a resolution for defamation of religion, Western states approved by consensus their version of the norm.⁴⁰

As Table 1 shows, from 2005 to 2010 the OIC, which could count on the backing of its member states along with, initially, the solidarity of most developing/emerging states, experienced a steady erosion in the support for its resolution. By 2010, Western countries still had a full consensus over their formulation of the norm, but the OIC normative activity on defamation was on the verge of collapse. In 2009 and in 2010, OIC representatives from Syria⁴¹ and then Tajikistan⁴² had voiced their disappointment over an allegedly non-cooperative stance of Western states on the issue.

The opposition to the defamation of religions norm within UN bodies, voiced by Western states, centered on two main translation problems the norm encountered in order to become legally binding and UN policy. First, the OIC's concerns for the preservation and integrity of 'religions', and especially Islam, clashed with liberal standards, which assign priority to individual rights over those of religions and belief systems per se. Second, the OIC's concerns with countering 'defamation' clashed with fundamental secular-liberal principles of freedom of expression and opinion. In other words, the approach pursued by OIC member states was deemed to clash with and undermine fundamental principles of human rights law: the centrality of the individual and freedom of speech norms.

When the OIC presented the resolution in 2010 at the UNGA, the restrictive terminology of 'combating religious defamation' was dropped in favor of a softer – yet not less controversial for many – 'combating religious hatred and vilification of religions'. The hope was to re-gain momentum and votes. Since earlier attempts had been losing support, in part also because of their lack of appropriate translations, the OIC sought to reframe its normative concerns using liberal idioms. This was not sufficient and the 2010 resolution passed by the lowest margin of votes up until that point. A growing number of developing/emerging states either abstained or voted with Western states against the norm. At the same time, a parallel process of norm contestation and re-negotiation was taking place at the UNHRC, with the same procedures and outcomes.

A pivotal role in delegitimizing the OIC's proposals among the wider international community within the UNHRC, the UNGA, and other UN venues⁴³, was played by a number of UN Special Rapporteurs. The UN Special Rapporteur on Freedom of Religion, the UN Special Rapporteur on Contemporary Forms of Racism, and the UN High Commissioner for Human Rights were in those years all increasingly called upon to draft reports and comment on the issue of defamation of religions (Alfandari et al., 2011: 21-26; Kayaoglu, 2012b: 14-19; Langer, 2010). Their work contributed to building an influential body of opinion on the subject of defamation, consistently arguing against the need for new legal standards.

All three Rapporteurs expressed apprehension at the norm's intent to protect belief systems over individuals, and its potential threat to freedoms of expression. Sensitive to the OIC's concerns about Islamophobia, the Rapporteurs also tended to advance proposals on how to combat such phenomena. They would call on OIC states to replace the focus on 'defamation' with the legal concept of combating 'incitement to national, racial or religious hatred', a concept grounded in international

³⁹ All these resolutions particularly refer to Islam as the specific target of defamation and discrimination on several occasions. See UNGA Res. 60/150, 61/164, 62/154, 63/171, 64/156, 65/224.

⁴⁰ UNGA res. 60/166, 61/161, 61/157, 61/181, 64/164, 65/211, 66/168, 67/179 (this latter resolution goes under the title 'freedom of religion').

⁴¹ A/64/PV.65 p. 15-7.

⁴² A/65/PV.71 p. 16-7.

⁴³ In particular the OIC would seek to include – between 2008 and 2009 – its normative concerns on defamation into the proceedings of the Ad Hoc Committee on the Elaboration of Complementary Standards to the Durban Declaration and Programme of Action, penned in the aftermath of the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

legal instruments. Furthermore, they jointly called for states to take a more holistic approach to the discouragement of hate speech and discrimination, and to draw on inter-faith dialogue, education and media initiatives to reduce negative stereotypes, rather than on legal measures to criminalize criticism.

With a dwindling majority in both the UNGA and UNHRC, and having failed to incorporate references to the defamation of religion in other UN normative venues, the OIC decided to drop its campaign, fearing a negative vote on the resolution in 2011. As a result, the OIC abandoned its 12-year effort to turn the defamation of religions, and its criminalization, into an international norm. In its place consensus resolutions were adopted at the UNHRC, in 2011 and thereafter, on 'combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.'⁴⁴

These resolutions have fully sanctioned the shift towards protecting individuals from discrimination or violence, instead of protecting religions from criticism. Furthermore, there were no longer any references to Islam and any other specific religion. Entire sections of the resolutions proposed by Western states in previous years were introduced in this new resolution.⁴⁵ Moreover, unlike past defamation resolutions, no calls were made for legal restrictions on expression, but rather for positive measures – such as education and awareness-building – to address intolerance, discrimination and violence based on religion or belief.

Such an initiative was the Istanbul Process⁴⁶, launched by former Secretary of State Clinton in collaboration with the OIC. At the present stage, the Istanbul Process is in progress but this is only a small result; it has not produced significant normative implications, if we consider the effort made by the OIC to promote its version of a norm against defaming religions and specifically Islam. Furthermore, the states that have successfully opposed an anti-defamation norm in the past decade continue to propose resolutions on the protection of religious tolerance, as an alternative to the OIC proposals.⁴⁷

The idea of a norm against the defamation of religion, as originally proposed by the OIC, has failed. The case above shows how the inability to rephrase the norm into a language disentangled from its Islamic communitarian original formulation, determined the norm's untranslatability. The process of norm contestation of defamation of religion did not produce an open hermeneutic margin and different states could not rely on a vague and relatively malleable meaning of the norm so that they could agree on it from different ethical perspectives. Quite the contrary, Western states and the OIC clashed over alternative normative formulations and commitments on which they would stand firm and make few concessions. In this process, liberal normative actors enjoyed a favorable position determined by the fact that the dominant normative framework of the UN is fundamentally liberal. In this context, Western states were capable, over time, to influence the balance of votes in the UNGA in their favor. The process of institutional translation is then characterized by an asymmetry of balances that favors, in the context of the UN, liberal norms and states that can mobilize a greater number of allies.

⁴⁴ A/HRC/RES/16/18

⁴⁵ See for examples the sections dedicated to education in UNGA Res. 66/167 and UNGA Res. 66/168. In this and many other respects the resolutions use the same language and concepts though they differ in other minor aspects.

⁴⁶ See for example US State Department (2011).

⁴⁷ See UNGA Res. 66/168 and 67/179.

Table 1: Support for the OIC resolutions on Religious Defamation at the Commission for Human Rights, UN General Assembly, UN Human Rights Council

Commission on Human Rights Religious Defamation Norm Votes - until its dissolution							
	1999 ⁴⁸	2000 ⁴⁹	2001	2002	2003	2004	2005
Favour	All	All	28	30	32	29	31
Against			15	15	14	16	16
Abstain			9	8	7	7	5
Human Right Council Religious Defamation Votes - until new norm of 2011							
			2007	2008	2009	2010	
Favour			24	21	23	20	
Against			14	10	11	15	
Abstain			9	14	13	2	
General Assembly Religious Defamation Votes - until new norm of 2011							
	2005	2006	2007	2008	2009	2010	
Favour	101	111	108	86	80	79	
Against	53	54	51	53	61	67	
Abstain	20	18	25	42	42	40	

Conclusion: Institutional Translation and the Diffusion of Religious Norms

Constructivists have largely focused and explained the dynamics of liberal norm diffusion from a Western center to a non-Western periphery through mechanisms of persuasion, argumentation, localization or vernacularization. The aim of this paper has been to expand constructivist research on processes of contentious cross-cultural norms diffusion in international relations, by focusing on the dynamics of religious norms sponsored by non-Western actors in liberal contexts. In order to unpack these processes, we turned to the mechanism of institutional translation borrowed from Habermasian post-secular theorizing.

Through an analytical – rather than normative – post-secular lens, we explored attempts by the OIC to implement an international normative agenda, informed by its religious background, at the UN. We explored two cases of normative action, one geared towards institutionalizing the dialogue of civilizations norm and the other focused on achieving an international legal framework outlawing the ‘defamation of Islam/religions’. Both these cases represent instances of a religious-based actor interacting with the liberal and secularized global governance institutions in the international system.

In both cases, we traced how religious normative claims had to undergo a process of translation to be successfully diffused within UN venues. We have seen this in the case of the dialogue of civilizations norm, where the norm promoters initially framed their agenda informed by, and consistent with, the cultural and religious background of Islam. As Kayaoglu notices ‘According to Khatami, the dialogue of civilizations was imperative for Islamic revival in order to leave the “painful state of passivity vis-à-vis the ostentatious dominant civilization of the time.”’ (Khatami in Kayaoglu, 2012a: 132).

Even if Iran and the OIC justified their normative stance with reference to Islamic principles, UN authorities and institutions, along with their member states, did not prejudicially dismiss the proposal. Notwithstanding its particularist foundations in Islam, non-OIC states engaged in a process in which the meaning of the dialogue of civilizations as a norm was at stake.

The norm, from its localized meaning, was reformulated, i.e. translated, into the vocabulary

⁴⁸ Resolutions in 1999 and 2000 were approved by consensus with no vote held.

⁴⁹ Resolutions in 1999 and 2000 were approved by consensus with no vote held.

and institutional grammar that informs the UN normative structure. Khathami's proposal to designate a UN Year of Dialogue among Civilizations, was rephrased in subsequent resolutions. Progressively, the dialogue of civilization norm abandoned explicit references to a particular ethical and religious view, to adopt a vaguer and more malleable formulation that referred to already settled UN principles, such as peoples' self-determination, universal peace, equality, and human rights. We have highlighted that this process produced an open hermeneutic margin in the norm's meaning that enabled all interested parties to acknowledge the legitimacy of the dialogue of civilization norm from different ethical perspectives.

Different culturally situated actors engaged constructively in a process of interaction and self-reflection, achieving a consensus over the shared meaning of the dialogue of civilization norm that transcended particularist sensibilities. The initiative was not emptied of its original purposes; it maintained the focus on the need for inter-faith and inter-cultural dialogue and emphasized the need for an egalitarian approach to all civilizations, which included religious tolerance and the protection of holy sites. More importantly, its effective practice was inclusive of states and international non-state actors, such as the OIC, with a manifest religious identity.

Note, nonetheless, that the institutionalization of dialogue of civilizations required a more interactive and complex process than simple persuasion. When Western states and the international community, more broadly, adopted the norm within the structures of the UN, they did not also adopt its Islamic background. Indeed, states would all acknowledge the norm's legitimacy from their distinct ethical or cultural perspectives and this was possible because its successful institutional translation granted the norm's meaning sufficient vagueness and malleability. Consequently, the norm was widely adopted and cascaded successfully.

Turning comparatively to the case of religious defamation helps to clarify further the role of translation as a central mechanism of cross-cultural norm diffusion. In this case, the OIC proposed a religious-based norm to grant special protection for Islam and subjected the right of free speech to a novel duty not to defame. Differently from the dialogue of civilizations norm, defamation of religion led to over a decade of contentious debates within the UN. At the end of this period, the OIC obtained very little compared to its original project. In the process of norm contestation – largely between agents embedded in and constitutive of the secular-liberal international order (Western states and UN Rapporteurs) and the OIC – the defamation agenda encountered a number of fundamental translation problems.

Whereas the dialogue of civilizations was quickly translated into the UN vocabulary of rights, tolerance and international peace, the diffusion of religious defamation could not equally be translated into the liberal and secular language of international society. Despite numerous debates and resolutions, the defamation norm appeared irremediably entangled with the particular ethical and religious perspective in which it originated. The process failed to lead to the formation of an open hermeneutic margin in the definition of the norm, which by virtue of increased vagueness and malleability would have facilitated its international diffusion. During the process of discursive interaction and normative contestation at the UN, the OIC's capacity of coalescing consensus on this norm progressively faded and the original substance of its normative proposal became increasingly difficult to salvage.

First, the OIC's agenda clashed with liberal norms of equality – by initially focusing on one particular religion (Islam) –, individual rights – by focusing on religions and belief systems in general –, and freedom of expression – by focusing on defamation. Second, when a consensual resolution put forward by Western states was adopted in 2011 (resolution 16/18), this was distant in its normative content from the OIC's original purpose to immunize Islam from criticism, libel or mockery.

In fact, the defamation norm was diluted into established norms against intolerance, discrimination and incitement to hatred. These reflected only minimally the original concern of the OIC and did not modify the already institutionalized norms of tolerance and respect of pluralism. This said, a partial learning process occurred among secular-liberal actors and OIC members. The consensus on 'combating intolerance', also based on religious affiliation, present today within the UNHRC and the Istanbul Process initiative, would not be on the international agenda were it not for a lengthy campaign by the OIC.

Similarly to international norms, which are more successfully *localized* when 'fitted [...] into indigenous traditions and practices' (Acharya, 2004: 244), religious norms become de-localized in international society when they are effectively translated into the 'macrolevel ideological structure of liberalism' (Adamson, 2005: 548). In today's post-secular world society, successful institutional translations of norms (i.e. consensus over a norm's shared meaning owing to its open hermeneutic margin) constitute a necessary condition for non-liberal and religious instances to acquire legitimacy within the global governance institutions of the liberal order.

Our cases also reveal the ambivalent dynamics, highlighted also by Zwingel (2012: 124), inherent in processes of translation between the diffusion of new norms (in our case religious) and the hegemonic power exercised by previously existing ones (in our case liberal). While unforeseen international ideational and material changes can occur within the institutions of global governance, thanks to the mobilization of non-Western norm entrepreneurs, these same institutions exercise a powerful force delimiting and structuring the rules and language through which this normative contestation may occur and shaping the process in an ineluctably asymmetrical form.

As the case of religious defamation shows, not satisfying the condition of institutional translation may lead to the death of a norm rather than projecting it into its life cycle. Yet, as the case of the dialogue of civilizations shows, through institutional translation religious actors have a transformative power over international institutional and normative structures. They raise issues and debates over the need to address normative gaps, such as promoting intercivilisational dialogue or greater concern for religious sensibility.

Several other cases may be explored through the prism of this mechanism. The OIC has been criticized for its convention on terrorism that, according to major international actors, misrepresents the concept of terrorism.⁵⁰ The Arab Charter for Human Rights has undergone a ten year process of reformulation to become more consistent with UN human rights treaties. But the UN Office of the High Commissioner for Human Rights has raised concerns over the success of this operation as the new version is still characterized by dubious wording and the influence of certain religiously motivated concerns that clash with international human rights standards (Rishmawi, 2005).

An analogous process to religious defamation is under way with regard to emerging norms protecting individuals discriminated against on the basis of their sexual orientation. These norms are being challenged by a coalition of religious actors at the UNHRC trying to promote an alternative approach that allows for the criminalization of homosexuality in domestic legislation (O'Flaherty and Fisher, 2008). Similarly, the rise of Islamic finance in the international political economy has posed questions on the possibility of integrating this norm within the international financial order; one wonders whether Islamic finance can institutionally translate into a diffused financial global practice, notwithstanding its religious foundation (Lai, 2013).

We believe that a focus on mechanisms of institutional translation can help to understand and explain these and many other cases in which religious and, generally, non-liberal norm entrepreneurs act. The more common constructivist focus on liberal norms diffusion not only overlooks these phenomena, it also indirectly plays down the agency of normative actors only apparently marginal in what looks like an increasingly post-western and post-secular world society.

⁵⁰ See Human Rights Watch (2008).

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