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**Civilising Globalism:
Transnational Norm-Building Networks—
A Research Programme**

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Abstract

Decentralised, self-organised cross-border activities are increasingly shaping global policy-making. While state actors have lost ground, policy and economic networks have emerged as key actors, transforming international relations as well as national spheres. Academic discourse is following their activity, often focusing on "advocacy networks" and on the role of transnational actors within the transformation of the world economy and world polity. In contrast to these research activities, the approach proposed here extends the scope of inquiry to include the role of transnational networks in norm-building and norm-implementation. The networks under scrutiny here do not confine themselves to the articulation of particular interests, the resolution of particular conflicts, or compliance with legal norms. It is presumed here that a variety of networks which are fundamentally concerned with the creation of norms have emerged. The predominance of the nation-state, one of the main characteristics of modern democratic thinking, has eroded to the point where the fundamental nexus of voice (democratic participation) and entitlement (legal and social rights and duties) has been weakened or even broken. We presume that this decentration has fundamentally changed the option of voice as one of the most important responses by citizens to crisis and change. This comes to the fore with the emergence and effectiveness of transnational norm-building networks. The article develops a research programme, the outcome of which will shed light on this new resource for the development of a democratised world polity.

Keywords: networks, norms, world polity, globalisation, global civil society

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Zusammenfassung

Zivilisierte Globalisierung:
Transnationale Normbildungsnetzwerke – ein Forschungsprogramm

Dezentrale selbstorganisierte, grenzüberschreitende Aktivitäten gestalten zunehmend die globale Politik. Während Staaten an Bedeutung eingebüßt haben, sind politische und ökonomische Netzwerke zu Schlüsselakteuren geworden und transformieren sowohl internationale Beziehungen als auch nationale Politiken. Der akademische Diskurs konzentriert sich bei der Verfolgung von deren Aktivitäten oftmals auf "Advokaten-Netzwerke" und die Rolle transnationaler Akteure bei der Umgestaltung von Weltökonomie und Weltpolitik. Die hier vorgestellte Forschungsinitiative erweitert demgegenüber den Untersuchungsrahmen auf die Rolle transnationaler Netzwerke bei der Normbildung und -durchsetzung. Die hier untersuchten Netzwerke erschöpfen sich nicht in der Artikulation von Partikularinteressen, der Lösung besonderer Konflikte oder dem Normgehorsam. Angenommen wird vielmehr, dass eine Vielzahl von Netzwerken entstanden ist, denen grundsätzlich an Normschaffung gelegen ist. Die Vorherrschaft des Nationalstaates, ein Charakteristikum modernen demokratischen Denkens, ist soweit erodiert, dass der grundlegende Nexus zwischen "*voice*" (demokratischer Beteiligung) und "Berechtigung/Verpflichtung" (hinsichtlich sozialer und rechtlicher Rechte und Pflichten) geschwächt oder gar gebrochen ist. Wir nehmen an, dass diese Art von Dezentrierung die *voice*-Option – als eine der wichtigsten Antworten von Bürgern auf Krise und Wandel – von Grund auf verändert hat. Dies kommt im Entstehen und Wirksamwerden transnationaler Normbildungsnetzwerke zum Vorschein. Der Artikel entwickelt ein Forschungsprogramm, das im Ergebnis Licht auf diese neue Ressource für die Entwicklung einer demokratisierten Weltordnung werfen wird.

Civilising Globalism:

Transnational Norm-Building Networks—A Research Programme

Ulrich Mückenberger

Article Outline

1   Introduction: Chances of a New Linkage between Voice and Entitlement under the Conditions of Decentration

Globalisation—the political, economic, and cultural trends and their interdependencies—is a never-ending issue in the current debate on the future of the world polity (cf. the variety of fields and positions in Lechner & Boli 2004). In the following we shall concentrate on this phenomenon—however, according to a very specific perspective: that of fundamental changes and upheavals in the developed nation-states and their impact on less developed countries and regions of the world. It is true that globalisation has a long history which goes back to long before the emergence of the modern nation-state (Held et al. 2005; Sassen 2006). What we are starting with here is the particular relationship of decision-making power and competency

between the currently changing nation-states and supra-, inter- or transnational actors and units. The global shift Peter Dicken diagnoses for the world economy (2007) is taking place in all fields of decision making. Some scholars call the process "de-nationalisation," but this does not seem to go far enough. We prefer the term "decentring" or "decentration," a process encompassing not only centralisation and decentralisation but also different spheres of everyday life other than states—namely, firms/enterprises and households/families/individuals. With this process of decentring, we argue, new actors emerge on the transnational scene—actors who network without and with states and who are actively engaged in establishing or fostering new "rules" for the worldwide game.

New transnational norm-building actors and actor constellations are to be observed in a great variety of fields and within a great variety of forms of action. They appear in the fields of human rights and global health, in private rules for the world's market, in the codes of conduct of multinational enterprises, in social standards, in environmental stances, in Internet regulation, etc. They have in common that they do not want to leave globalisation in the hands of political and economic experts and specialists—states and firms—but rather want to allow for the voice of those who are confronted with the outcomes of decision making. This is what we call "transnational norm-building networks," the emergence, effectiveness, and legitimacy of which are the subject matter of the research initiative presented here.

But let us first clarify what we mean by "decentring." We interpret and reconstruct globalisation, for the purposes of this research initiative, as a far-reaching process of decentration. The term decentration refers to a multifold process of a shifting of both meaning and power away from former social "centres" of meaning, power, and decision making. The concept of decentration shows similarities with analytic approaches working with the ideas of "de-nationalisation" (Zürn 1998, Sassen 2003, 2006), "glocalisation" (cited by World Bank 1999), or "fragmegration" (Rosenau 2003). Decentration does not primarily refer to a loss, however, but rather to a comprehensive understanding of the emergence of new global governance structures from the old ones. Castells (2000), who investigates the idea of the network society and does not merely by chance use the terms "centre" and "de-centre," comes closest to this kind of understanding: "Networks de-centre performance and share decision making. By definition, the network has no centre. It works on a binary logic: inclusion/exclusion." Decentration deals with the shifting of meaning and power from former centres to newly emerging networks—political, economic, civil, social, cultural networks—in a rather comprehensive sense.

Decentration raises serious challenges for democratic theory (among others). Within the research context presented here, a specific nexus between rights and opportunities of articulation; organisation and participation ("voice"); and related secured advantages, guarantees, and rights ("entitlement") is emphasised as a constitutive element of democracy. Such a nexus (which is surely rich in variation), in the developed democracies, has been secured through the nation-state. This nexus has not been just a political one pertaining to the relationship between the state and the citizens; it has also been an economic nexus influencing the relationship between Capital and Labour as well as a social nexus relating to the lifeworlds of people—family, generation, and gender relationships.

Decentration—and this is investigated within globalisation research only in a quite selective manner, if it is investigated at all—challenges this very nexus, not only politically but also economically and socially. There is an abundance of examples in the related literature of

transnational activity which may be interpreted in terms of categories of "voice." Also, the emergence of new cross-border advantages/disadvantages and entitlements/deprivations, to which the notion of "entitlement" can be applied, is investigated. However, the transformation of the described nexus is not examined—systematically and with democracy theory intentions—nor does the discussion (because of this!) focus on the fact that along with the political nexus the economic as well as the social nexus become unstable. In their entirety (as "social bond"/"*lien social*"/"*sozialer Zusammenhalt*"), these nexus previously secured stability in a situation of change within ("centred") democracy.

This research gap is investigated by the research initiative outlined here. It examines a multitude of newly developed and developing global transnational norm-building initiatives and reconstructs the network- and hybrid-shaped actor constellations that exist in them as well as the normative patterns and forms pursued by them. The mode of investigation will initially consist of a phenomenological approach, with a systematic view to transversal relationships. Thereupon, it will turn to the effectiveness of the norm-building processes pursued by these networks. And based on the intermediate research results it will then reconstruct if, to what extent, and in which form the emergence of new nexus of voice and entitlement can be detected on the level of global governance and how they relate to each other and to the traditional and also emergent international organisations and relationships.

This is why the initiative differs from those which have as their starting point primarily states and their crises and which, therefore, are guided in their research interest by the assumption that the activities observed by us can be interpreted as a crisis of statehood itself and/or would sooner or later have to undergo a process of reintegration into the system of state law or the law established by international organisations. The diagnosis of decentration—if taken seriously—calls for more radical perspectives. If the described comprehensive social nexus—as a constitutive element of democratic nation-statehood—is challenged by decentration, the fundamental question is raised as to whether voice and entitlement can find a new nexus beyond the boundaries of nation-state. In order to establish such research questions, decentration has to be made a focal point and has to be examined, both as a *crisis* of the centrality we were accustomed to and as a multifold *transformation* towards possible new forms of nexus of voice and entitlement. Perhaps intellectual games regarding a "world democracy" or even only a "global social contract" are pointless at this time. However, one has to ask whether the voice-entitlement nexus—in the form of a multifold and multitiered driving force—is not currently at work in a cross-border transnational fashion, which is manifesting itself in new forms and shapes and which is either created by civil society actors themselves or in cooperation with state actors and/or organisations.

Transnational norm-building networks seem to us to be a suitable field for investigation in order to examine this perspective critically. On the one hand, a new and undoubtedly globally advancing type of actor and action is outlined through them, which does not thrive within "international" state action but takes place—"transnationally"—completely on its own accord or with states. On the other hand, "norm-building" depicts a form and an objective of action which—in the shape of conventions, social or legal norms, etc.—lets general—even "universal"—claims of validity/"justification" emerge. Transnational norm-building networks, therefore, may be seen as being paradigmatic for a research initiative that focuses on the voice-entitlement nexus under the conditions of decentration.

This research initiative does not limit itself geographically to Europe or the OECD area—and cannot limit itself to these regions. Of course, the diagnosis of decentration (and the presumed preceding "centring" processes) is considered and justified from a perspective coming from the developed world. The emergent transnational norm-building networks are also (however, already less obviously) dominated by the developed world. The new voice/entitlement mechanisms, however, tend to be global. Therefore, the analysis of them must also be global.

The focus on network analytics enables the research initiative to conduct a selection of methods covering all participating projects and making visible the axiomatics of each assumed theoretical construction. The discipline-specific methods are joined by aspects of a shared methodology which contributes to the integration of the Co-operative Research Centre (CRC) by making different theoretical and methodical approaches mutually interpretable. The methodology that has been taken into consideration ranges from the use of block models and *graphs* for network analysis to the analysis of modes of interaction between macro and micro processes developed in the recently developed "*socionics*" to the method of *agent-based simulation* which follows, models, and visualises the inventories of knowledge of different actors and their development within the observed networks. The establishment of a methodological competence centre also represents an aim of the research initiative. From this methodological claim of the research initiative, no meta-theory that is obligatory for all members will be "deduced." Rather, findings shared by several participating projects will emerge and will make visible how the effects desired by the research initiative become accessible when starting from different disciplinary inventories of knowledge and methods.

Since a comparable degree of methodological self-reflexion cannot be found with other subject-related research initiatives, innovation can be expected from the transnational norm-building networks research initiative in this respect.

2   "Voice" and "Entitlement" under Conditions of Decentration

Decentration seems to be a more adequate concept for globalisation because it stresses the loss of democratically legitimised power and influence which the former "centre" nation-state had (Zürn 1998, Sassen 2003). I deal with this development and its conceptual framing elsewhere (Mückenberger 2008). There it is also made clear that the concepts of centration and, as a counter-development, decentration are not only useful in the case of the nation-state in the situation of transition into a globalising world, but that they are also equally apt for describing similar processes at the enterprise level and even at the family level which take place simultaneously (ibid.). However, even though the three areas state/community, economy/company, and family/individual share the process of decentration, they do differ in form. The tension between autonomy and regulation is more prevalent in the two latter areas than in the first—from which they are, after all, derived in the centred system. What is even more important is that decentration is to be perceived and presented as a process of transition/emergence (and not as a "loss"). This is why we shall first explain decentration and then locate its implications in current debates on the "emergence" of new societal and global systems.

2.1 Decentration

The interest in transnational norm-building networks has its origin in the crisis of the old governance mode brought about by decentration. Decentration—to be differentiated from decentralisation as well deconcentration—stands for the simultaneity of the globalisation as well as the localisation of important economic and political decision-making processes. So far, society has shown itself to have "gravitation centres" (simply referred to as "centres" in the following) with a layered and defined legitimate decision-making authority—centres with regard to which subjects could draw on "voice" and , accordingly, have "entitlements" (see 2.2). Decentration has caused/causes the reciprocity of "voice" (representation) and "entitlement" (clearly defined right/duty constellation regarding the access to services and protection, etc.) to lose its former material basis, either in part or entirely. The gravitational points or, as they are called here, "centres" of the old mode of governance (nation-state, and derived from that companies, family) at which voice aims continue to exist. But they no longer (or only partially) have their former factual and legitimate decision-making power. Therefore, they are no longer—or no longer entirely—capable of reacting to voice with the effective awarding and guaranteeing of entitlement. Clear right and duty constellations have been decoupled entirely or partially from the mechanisms of voice and representation (Mückenberger 2004).

Because of this, voice, on the one hand, is no longer regarded as an effective part of the polity by those exercising it. On the other hand, entitlements and duties are no longer perceived of as belonging to those exercising them, as an element of their public acceptance ("recognition"). For both of these legitimacy crisis phenomena there are numerous examples within recent European history. However, they are not limited to the OECD world and certainly not to Europe; they have global, albeit differentiated, manifestations.

The crisis of the old mode of governance brought about by decentration leaves—and this is the core area of interest here—a vacuum with respect to the nexus of voice and entitlement. What is important with regard to research strategy is the question, guided by democracy theory, of whether a governance system with a new nexus between voice and entitlement is either developing or can be developed under the conditions of decentration, and which part of the new polity and what significance can be attributed to transnational norm-building networks in this context. In this respect, the scientific information and communication media obviously play a dialectical role: they add considerably to the crisis of the old governance mode in the form of decentration; but they also support the rise and the (virtual) action radius of transnational norm-building networks as a sign of the constitution of a new mode of governance.

2.2 The Nexus of Voice and Entitlement

It seems to be necessary to scientifically examine not only the modern socio-economic changes that challenge the system of voice and entitlement, but also conceivable ways in which voice and entitlement could reach a new nexus—be it in the outdated or a new form—under these conditions. With respect to this examination, one should start with political concepts and the building of institutions which have their origin in the industrially developed countries of the world, but which have had different consequences globally. Transnational networks, with their significance in norm-building, seem to be one possible new configuration of voice and entitlement—in areas in which the old configuration has either been eroded or has never existed.

"Voice" has a double influence: a person with voice is better protected against the given socio-economic environment and is therefore better integrated in that environment. The growing importance of voice, with the definition of the term provided by Albert O. Hirschman (1970), can be observed in modern society in the form of the dualism of "substantial" and "procedural" rules (Clegg, 1979: pp. 1/2) as well as in the change from substantial into procedural regulation. Procedural rules "settle the ways in which substantive rules are made, and the ways in which they can be challenged, changed, interpreted and applied" (ibid.). Voice—mostly in the form of the representation of an interest—plays a decisive part in procedural regulation.

A modern, discursive society—regarding rational social decisions—depends on voice and the public debate, and this is the case not only within the spheres of politics or the media but also in the supposedly "private" spheres of the work place, the family, the neighbourhood, and gender and generational relations. Moreover, from a systemic point of departure, voice provides an early-alert system in the case of imminent social risks as well as the related problem-solving capacity.

"Entitlement" refers to the rights and duties to which the owner of voice within a given community is entitled. "Entitlement"– unlike "rights"(see also Miller 1979, p. 58)—includes duties in addition to positive rights. In the English language it refers to the allocation of rights as well as the acceptance of these rights by the legal representative.

"Voice" and "entitlement" are of interest here in their democracy theoretical nexus. For John Locke, the voluntary and consensual building of the state (therefore voice) had been linked from the very beginning to the securing of "properties" (therefore entitlement). According to the *Second Treatise on Civil Government* from 1688 (Locke 1962), the natural state with unlimited freedom is left "for the preservation of the property of all the members of that society, as far as is possible" (Locke 1962, p. 159). For this, the norm-building impact of the legislative, the voice of the "civitas," is needed. There has to be a bond of "trust" between the government and those who are governed, in which case the "trustors" are also "beneficiaries" in relation to the "trustees." The "fiduciary power" of the legislative can therefore be revoked by the people as the "supreme power" (Locke 1962, p. 189/192). As in the American revolution motto "no taxation without representation," the nexus of voice and entitlement constitutes not only rights but also duties.

In the democracy theory by Robert N. Dahl (1997 a and b), for instance, this nexus between voice and entitlement is no longer present. The category voice is expanded systematically; regarding the category of entitlement, on the other hand, there are merely occasional hints. This leads to the conclusion that their nexus does not play a significant part. "Polyarchy" is a subcase of democracy for Dahl; it is shaped by two criteria: "citizenship is extended to most adults, and the rights of citizenship include the opportunity to oppose and vote out the highest officials in the government of the state." "Polyarchy is a political order identifiable by the presence of seven political institutions, all of which must be present": 1) elected officials; 2) free and fair elections; 3) inclusive suffrage; 4) right to run for office; 5) freedom of expression; 6) alternative information; 7) associational autonomy. Dahl is interested in the input side of democracy, not in the output side. The "rights of citizenship" only include rights that constitute and secure voice, not entitlements which could be reconstructed from voice. With this he adheres to a procedural and also functional concept of democracy which depends heavily on the form of the nation-state. He does not provide an answer to internationalisation—or even de-

centration. "But the political institutions that would make it possible to apply democratic ideas on an international scale had not yet developed" (Dahl 1997 a, p. 105).

If and how democratic legitimacy is possible under the conditions of global decentration is a controversial question. Whereas Robert Dahl (1997 a) considers the democratisation of the transnational field impossible (and therefore offers democratisation in the nation-state as compensation for globalisation losses), David Held (2005) wants to meet the interest with a "new global social democratic covenant;" this is a suggestion that is answered by Meghnad Desai (2005) with a ridiculing remark which points to the crisis in social democracy. Among this group of authors, the view on the state remains fixed; however, those within this group differ in terms of what they consider international statehood to be capable of.

The approach of further developing the idea of voice and entitlement under the conditions of decentration leads out of this trap. With voice and entitlement, reference points are formulated for the democratic legitimacy debate which actually originate from the tradition of the nation-states but can also be considered separately from them; this makes it easier to include the countries and regions in the world that do not meet the criteria for modern nation-states. Both concepts belong to the context of normative thinking in categories of participatory democracy (Schmidt 2006).

2.3   Decentration as a Crisis of the Old Mode of Governance

First, let us look at the crises of the old governance system with respect to the former systems of voice and entitlement. Traditionally, governance refers to a set of regulations and autonomies (non- or self-regulation) in which three types of actors and agencies are involved:

1) the nation-state—and to a certain extent the communities with their, somewhat limited and derived, competencies—as an authority that sets rules directly or indirectly (be they of a regulatory and/or a distributive manner);

2) actors and agencies (companies) that are responsible for the production of goods and services; and

3) actors or agencies (families) that are in charge of the reproduction of the human basis of the society.

The two latter actors relate to the first in two ways: as subjects of its regulation and as those who are granted autonomies by it. Within the triad "state/city—company—family" the state strives to achieve two goals. It regulates in order to ensure public order and cohesion, but it also gives the companies and families autonomy and self-reliance so that they are able to conduct their activities in accordance with their own specific logic. In the case of the companies, this is to be efficient and profitable, and in the case of the families, it is to act successfully within the field of socialisation and care. Both goals can be summarised in the following imperatives: regulate as little as necessary and grant as much autonomy as possible.

Which socio-economic conditions does this mode of governance need in order to function? A first condition would be that the state is capable of both regulating the relevant matters in production and reproduction and granting and guaranteeing autonomy to the actors and agencies involved. This requires the sovereignty of the state and complementarity between the state sovereignty and the fact that the relevant actors and companies/organisations are

subjects to the law. The fact that both requirements are no longer fully met is one reason for the current changes in governance. A second condition is that the private actors and agencies have to observe the rules and can actually observe, and do observe, them, and that they are actually able to master a situation of non- or self-regulation in cases in which they are granted autonomies. The fact that these two requirements are also no longer met completely represents a second reason for the current changes in the field of governance.

The implication of the old governance models is a nexus between voice (participation, representation) and entitlement (rights, duties, protection, etc.), viewed schematically for three groups of "centres": political (e.g., state, community), economic (e.g., work place, company) and socio-cultural (e.g., family, household, neighbourhood). The outdated governance structure results from their interaction (Mückenberger 2001; 2004).

Decentration partly corresponds with what Michael Zürn (1998) and Saskia Sassen (2003) have termed "denationalization" and what James N. Rosenau (2003) has referred to as "fragmegration," but it has a broader field of application. The term not only targets the nation-state and its relationship to globalisation on the one hand and localisation on the other, but also includes other decision-making centres that lie within the state and derive their rights and autonomies from it: the company and the family. It is true of all these "centres" of the old governance mode that parts of the decision-making power/capacity reserved to them so far are moving away from them in both directions—upwards and sideways to higher or neighbouring levels ("supra-") and downwards onto levels subordinate to them ("infra-"). The knowledge society and the information and communication technologies on which it is based seem to play a central role in this process (Castells 2000; 2001—2003).

The power of the national state is shifting and thereby benefiting supranational agencies—and this implies a partial loss of sovereignty. And this power is shifting to subnational actors and agencies, from which results—if not a loss of sovereignty—at least a decrease in central regulatory power (and law-enforcement power) (Telò 2001).

Like the state, the communities are also experiencing the process of decentration. They are losing their purpose and significance in two contrary directions—centripetal and centrifugal (see Sieverts 1997). The trend towards decentration—in the double sense of globalisation and localisation—has an impact on the regulation centres of the companies and even more so on those of factories (cf. Littmann/Jansen 2000). On the one hand they are more and more subject to the growing control of—frequently multinational—conglomerates and associations. On the other hand, a process of decentration is gaining ground within institutions and companies. In some instances the economic activities reach beyond the territory of state law and therefore escape its monopoly of power. In some cases, globalisation leads to competition among legal systems (Scharpf 1996: 17).

The result of the second decentration trend—the decentration of economy, occupation, and work—influences governance in two ways. The regulatory power of the state over the economic actors is systematically weakened through the internationalisation of economic power. And the self-regulating power, a fundamental prerequisite for the autonomy of the social partners, has lost many of its "centres": centralised companies and company-based industries as agents in charge of negotiations with respect to their employees and unions are being replaced more and more through the individual "regime shopping" of corporations or through individual negotiation results within the company—both of which are incompatible with tra-

ditional governance. This draws attention to the necessity of investigating the possibility of implementing basic universal rights and securities (Somavia 2001).

The traditional governance of socialisation and care used to be based, roughly speaking, on gender and generational contracts (see the classic studies by Shorter 1975; Donzelot 1977). These contracts ensured a relatively high level of autonomy and a relatively low level of state regulation. The concept of "decentration," it seems, can also be applied here. On the one hand, individualisation has constituted itself with respect to lifestyles, fertility, and intergenerational contacts and is leading to the erosion of the multigenerational family as the prototype of socialisation and care (Bertram 2002). On the other hand, more and more activities regarding socialisation and care/education—in cash and in kind—have been taken over by the state or other public and/or intermediary institutions and mediations; therefore, they have been centralised (education, communication, health, welfare, old age, etc.). Although these trends are derived from Europe, they might have equivalents in other regions of the world (compare the classic studies by Gould 1963; Hajnal 1965). The balance between regulation and autonomy—as it used to be implied by traditional governance—is here as well no longer intact.

2.4   Not Just an OECD Phenomenon

The assumption of decentration cannot be transferred mechanically to the non-OECD world. The different constitution of statehood and civil society activity has to be considered. In many cases, the democratic constitutional and intervention state of the industrial countries has served as a role model but has been modified under normative and socio-economic conditions that have not allowed for the large-scale redistribution of resources. The modified orientation based on the models of industrial countries has been influenced by national elites on the inside and by structural adjustment programmes from the outside. With the decentration tendencies and the resulting decoupling of voice and entitlement in the OECD states, the normative orientation based on them as role models becomes less plausible within the non-OECD states.

As a preliminary result of decentration, an increase in the importance of transnational norms for development processes can be perceived. The changed modes of governance and the norm-building networks working within them seem not only to dissolve outdated normative orientation but also to provide new possibilities for gaining influence to non-OECD countries. The latter need to be examined. In this way, new participation and inclusion processes in the generation of norms become possible. The decentralised structure of norm-building networks apart from state and market enable a proximity to the needs and realities of those affected which would be hardly conceivable with pure state policies. In addition, the effectiveness of the new governance system could be superior to the traditional hierarchical forms of regulation in some respects. Like the previously mentioned general tendency, the possible impact of transnational norm-building networks on the non-OECD world is ambivalent. It is possible that networks are dominated by powerful actors on the inside or influenced by external (state) actors. One also has to consider that national institutions that have been incompletely developed are weakened by transnational norm-building networks (boomerang effect), and that fragmented governance structures may eventually prove to be ineffective.

Since transnational networks and their norm-generating methods are the focal point in our research, new findings regarding the way networks function in contexts of inequality (North-

South) can be expected. These will go beyond the level of what has been examined in the analysis of Southern NGOs as a difference between proclaimed goals and those actually pursued (DeMars 2005). The transnational contextualisation of NGOs of the South (Ferguson 1998) is not an additional question alongside the analysis of civil society institutions, but rather stems directly from the question of how the internal structure of transnational networks can be linked to the quality of their results. The answers to this question are meant to make it easier to assess whether the differences between the OECD and non-OECD world are a break from or rather differences within a continuum.

2.5   The Interest in Transnational Norm-building Networks

The starting point of the research into transnational norm-building networks lies in the acknowledgement of the crisis of the old mode of governance. The reciprocity of voice (representation, etc.) and entitlement (protection, etc.) inherent in the old governance system has lost its former material basis entirely or partially—or is losing it. The gravitational centres of the outdated governance mode (nation-state, company, family) to which voice or representation refer do continue to exist, but they do not or only partially possess their former legitimate decision-making power. Because of this, they are not, or are not entirely, capable of reacting to voice by granting and guaranteeing entitlement. Entitlements and services have been decoupled entirely or partially from the mechanisms of voice and representation. With respect to research strategy, the question, guided by democratic theory, is whether a new type of polity with a new nexus between voice and entitlement is developing or can be conceived of under the conditions of decentration.

3   Why Does Decentration Provoke the Investigation of Transnational Norm-building Networks?

3.1   Introduction

The consequences of decentration may be explored in different ways. The global actions of an economy without a corresponding global state can be examined. The conditions of the development of a world state can be investigated. Research can concentrate on the question of which negative results are linked to decentration and how they can be minimised. All this is possible—and is done frequently.

However, for focusing on decentration as hypothetically formulated in Section 2, these general questions do not suffice. This focus is guided by the democracy theoretical observation that decentration challenges the nexus of voice and entitlement promoted by the nation-state, a nexus that was to be interpreted politically as well as economically and as pertaining to life-worlds. The research interest of the initiative introduced here concentrates on this nexus. Two preconditions have been established.

1) Through decentration, a nexus of voice and entitlement—that exists in diverse forms— has been disturbed, and a restoration of this nexus on the level of the nation-state(s) is not to be expected.

2) Such a nexus, however, seems indispensable with respect to democracy theory.

Under these two preconditions, a fundamental question is raised: Can the search for the emergence of such a nexus pertain to transnational cross-border activities that are in progress in the globalising world? This, then, can be regarded as the central question of the research initiative, which aims to investigate transnational norm-building networks.

The existence and the influence of such networks are not regarded as "the" answers to the phenomenon of decentration, but certainly as an essential and so far hardly examined contribution. As will be shown in detail in the following discussion, networks of the described kind are experiencing an epochal increase globally. The fact that they sometimes appear in a pure form but more frequently in mixed or hybrid forms does not make difference with regard to this finding. The research interest is directed towards these networks because, and as far as, they point to the development of new nexus between voice and entitlement—within a wide diversity of fields, on very different levels, and in different forms, but all involved in norm-building. There are four specific reasons for this interest, as *summarised* here:

1) Such networks articulate the concerns and interests of civil society actors. This aspect alone generally turns them into a potential object of voice-related analysis, which, in fact, has already been conducted a number of times as well.

2) The interesting aspect of the networks observed here is that they do not simply pursue one particular issue or interest—which in the case of "advocacy networks" may very well be altruist, third-party interests. Rather, with their intention of norm-building they aim for something *general/universal* that they want to support in achieving a breakthrough. An individual case may have acted as a trigger for the development and/or the influence of the networks, but the influence does not stop with the solution of the individual case. The goal is rather to establish a rule that is to be valid and applied in an unknown number of future cases, independently of the individual case that was the trigger.

3) Through their norm orientation, these networks pursue goals which can found/build entitlements/obligations. It is not necessary to go into considerations about implementation and effectiveness here. The logical structure of what these networks aim for is that norm addressees—given validity and made effective—are entitled to rights and/or obligations, the enforcement of which can be supervised and controlled intersubjectively.

4) Therefore, new forms of a *voice-entitlement nexus* on a global societal level can become scientifically accessible within the outlined instances and processes of norm-building. How these then relate to the nexus built through the nation-state is initially of no interest.

Should the assumption that the sum of the activities of multifold transnational norm-building networks is generating a great variety of forms of nexus of voice and entitlement, and that the norms created by them become totally or partially effective, be confirmed, then an important building block of the theory interest pursued here will have been constructed. After that, there are consecutive questions, the answering of which will constitute a conclusive contribution to the theory of the upcoming global governance. The questions will then be how the different norm-building processes relate to each other and to the traditional ones; whether the identified nexus of voice and entitlement remain issue-related or show a consistency of some kind; and whether and how voice and entitlement can be thought of—upheld or reformulated—as constituents of an emerging world society.

3.2   Networks Caused by Decentration with Multifold Hybrid Structures

The very focus of the transnational norm-building networks (TNNs) research initiative is on networks—as both a research area and a method. The network category has experienced an epochal spread over the last seven decades (if one takes Moreno and Jennings as the starting point: 1934; 1938) and extends to various disciplines (mathematics, sociology, social psychology, anthropology, economic and social geography, legal and state science, physics and biology, political science, etc.). Even if one limits oneself—like the CRC initiative—to social networks, the definitions remain highly general and meaningless: "a number of social units linking relationships" (Pappi 1987, 17) or "a number of (individual or collective) actors and the relationships existing between the actors" (Trappmann et al. 2005, 246). The representation of social networks in charts ("graphs"), with the actors being the nodes and the relationships being the edges (ibid.), corresponds methodologically with this generality.

The CRC initiative uses a specific term shaped by the thesis of decentration and following the paradigm of "reflexive modernisation" (Beck/Giddens/Lash 1996; Beck/Lau 2004). The concept of network from the first modernity still presupposes centrality. It views social networks—with respect to social differentiation—as "bridges" linking the structural framework and individual action (Mitchell 1969; Granovetter 1973). The concept of network from the second modernity acknowledges decentration in the sense described above (see Section 2.2 above; see also "fragmegration" in Rosenau 2003). It looks for new constellations of actors that are created or brought about by decentration (here there exists a close link to what James N. Rosenau refers to as "distant proximities" <2003>) and attempts to identify and analyse a new element of nexus of voice and entitlement based on these constellations' transnational norm-building and implementing activities. The actor constellations created here cannot be captured only by applying traditional network analysis—in the form of *graphs* with nodes and edges describing networks of friends among first-year students—something which was conducted paradigmatically by T.M. Newcomb with the "Newcomb Fraternities" (1961). They link actors—public/private, individual/collective, economic/civil—whose logic of action may seem incompatible at first glance, but who nevertheless cooperate with respect to common purposes.

These hybrid creations require a methodology of representation and modelling that is much more complex than graphs. The present research initiative will attempt to pursue them using methods that depict constellations of actors together with their individual inventories of knowledge, interests, and power (as well as the changes that these undergo or can be expected to experience in the course of cooperation). It will adopt methods from the modelling of the representation of paradigm changes between the micro and the macro level ("*Sozionik*;" v. Lüde et al. 2003) as well as the simulation of knowledge with respect to interaction in networks (agent-based simulation; Ahrweiler 2006), and also from the depiction and analytic methods determined by chaos, complexity, and emergence theory (Prigonine/Stengers 1986; Kauffman 1996; Holland 2000). However, since these up-to-date methods of depicting and modelling reflexive networks and hybrids are still very much in the beginning stages (the "handbook" by Hollstein/Straus 2006 also does not live up to its own claims in this respect), the CRC initiative will place a methodological developmental emphasis on depicting and modelling networks.

The analysis of the social networks of the first modernity usually aims exclusively at the internal part of the network: prestige, centrality, centralisation (Trappmann et al. 2005, Chapter 2).

Since the networks and hybrids of the second modernity come into existence under the condition of decentration and then become and have become building elements of a new governance model, the scientific interest is—not rather, but also—directed towards the external impact of the network or its connection with the internal constellation. The transnational norm-building networks research initiative is capable of finding its place on a continuum of relationship contents—constituted by Bernard and others (1990)—which is virtually on the cusp between the network analyses of the first and second modernities. They divide networks according to their relationship contents into "emotional support networks" (serving the exchange of norms, values, and attitudes), "social support networks" (with primarily functional support capacities or exchange relationships), "informational support networks" (for the distribution of information), and "advocacy networks" (defining themselves as plaintiffs for the elementary organisational resources of groups or goods lacking representation).

Transnational norm-building networks connect with this continuum of internal and external functions by making a qualitative leap. In a decentralised, "rule-vacant," tendentiously anomic (É. Durkheim) delimited space, they aim to introduce rules or to work toward the introduction of rules. In this vacuum they strive—according to the leading hypothesis to be examined—towards a new set of regulations, a new polity, bearing a new nexus of voice and entitlement. They are—in that respect—creators of their environment (cf. Estlund 2005). At the same time, however, they have to be questioned and analysed regarding the legitimacy of the norm-building conducted and its effectiveness, which is necessarily linked with their internal dimensions, the actor constellation, as well as the network and hybrid structure.

The qualitative leap by the field of research introduced here regarding the continuum established by Bernard et al. consists of two aspects.

1) One is basically able to imagine this continuum within the secured framework of a centred nation-state—as a continuum of self-assurance and the demanding articulation of social groups. Under the condition of decentration, however, transnational norm-building networks no longer exist only as "fillers" of centred space, but rather as creators of a framework that was previously vacant. Together with the *contents* of the norms they aim to generate, they simultaneously establish the *forms* of I) the norms themselves, ii) norm generation, and iii) processes making norms effective within a complex network in both cooperation and conflict with other actors.

2) Therefore, the scientific interest is directed less towards the actors within networks—with cores and edges—and more towards the *network as actor*. The research objective is no longer only the analysis (quantitative or qualitative) of networks, but rather the analysis of *relationships* that networks have: with other networks, with states and international organisations, and with transnational corporations. "Networks of the second order," resulting from networks or the relationship of networks, therefore present a conceivable research objective; this can be examined based on the constitution of state networks in developing countries through Western political and financial networks. One can imagine conflicts among networks as the result of decentration, as in the case of the relationships between city/regional networks and economic networks or states and international organisations. Transnational norm-building networks as actors thus show a clear tendency to challenge the monopoly—if not the primacy—of hitherto developed forms and agents of internationalisation.

3.3   Decentration-generated Target Programmes with Varying Validity Order and Sanction Armouring

Norms—norm-building and implementation—represent the object-related focal point of this research initiative. Unlike the network category, the norm category seems to be of a virtually timeless nature. From antiquity through the Middle Ages up to the modern era the concept of the norm has always been regarded as a social or legal one (for instance Krüger 1964: § 28), and validity order as well as sanctioning mechanisms have been linked to it—this has been done, of course, in a differentiated way according to the nature of the norms. Heinrich Popitz, in his recently republished writings (2006), has formulated an extensive anthropological concept of social norms which is meant to be global as well as empirically applicable and has four features. "A sort of behaviour that we can expect to be a *future behaviour*; a behaviour that meets certain *behavioural regularity*; an approved, desired behaviour; a behaviour that comes with the *risk of sanction* in the case of deviation: Obviously, these are the four features commonly associated with the concept of *social norm*" (2006: 85, transl. UM). For the purpose of empirical social research, he reduces the concept of the norm to features two and four—behavioural regularity and (actually conducted) sanctions—because these may be verified intersubjectively (2006: 86).

Assuming this generality exists, the concept of the norm can be traced back to pre-modern times and is only differentiated according to the level of the geographic spread of its validity (city laws in antiquity and the Middle Ages; national law and international law in the modern age), the extent to which it existed in writing and the level of codification (with a tendency towards the dominance of legal norms as opposed to social norms, the development from oral distribution to set law, from case law to statute law), and the development of a separate educated legal class with the competence to professionally and methodically use and interpret the law (Merengo 1999; Bader/Dilcher 1999; Sassen 2006). The concept of the norm itself, however, seems to be of an invariable nature. This is the reason why literature through the centuries has been full of interpretations and definitions of "norms" that are interchangeable with the ones by Popitz quoted above: by John Locke, Immanuel Kant ("Law comes with the justification to use force"), Max Weber, Hans Kelsen, J. Clyde Mitchell (1973), Peter Katzenstein (1996; Norms "describe collective expectations for the proper behaviour of actors with a given identity"), and H.L.A. Hart (primary and secondary norms).

Similarly, general definitions also determine the international relations (IR) literature—for instance, when Finnemore/Sikkink (1998: p. 891; also Keck/Sikkink 1998: p. 3; Buzan 2004: p. 163), following Katzenstein, define a norm as "a standard of appropriate behaviour for actors with a given identity" and differentiate according to "regulative norms, which order and constrain behaviour;" "constitutive norms, which create new actors, interests, or categories of action;" and "evaluative or prescriptive norms," that is, the "oughtness," "the standards of 'appropriate' or 'proper' behaviour" "that sets norms apart from other kinds of rules." Along similar lines, IR sociologists speak of "institutions" in this respect: "a relatively stable collection of practices and rules defining appropriate behaviour for specific groups of actors in specific situations" (March/Olsen 1998: p. 948).

This general perception of norms shows a complete lack of historical specification regarding the period of decentration. This is why it is not sufficient for the research initiative introduced here. A first intermediate step towards the concept of the norm necessary here is represented

by the argumentation criteria for norms during the phase of the formation of the republic and the national state. The genesis of norms is increasingly linked to contractual constituting elements or metaphors. These extend from the "social ties" between those who are governed and the ruler in Lorenzetti's depiction "Buon governo" of 1338 (Mückenberger 2008a) to societal interpretations and fictions of governance building in the works of Locke, Kant or Rousseau (Mückenberger 1971) up to the "basic norm" adopted by Verdross and Kelsen from international law: "*pacta sunt servanda*" (critically H. Heller 1963).

The contractual category for the justification of norms—be it historical or fictitious, connoted either as of natural law or in a positivistic way regarding law—is in some ways immediately related to the voice-entitlement nexus used by the research initiative. The contract is, in fact, the hinge between voice and entitlement: Kelsen writes (opposing the natural law teachings of social contract theory),

> Behind the fact of the contract there exists a basic norm: 'You are supposed to have do only what you want to do'. The order of the state is tied to the idea of contract, because it is supposed to be based on the approval of those subjected to the norms. (1925: 251, transl. UM)

The person who gains entitlement through a personal act of intention or takes on obligations has used voice and has therefore achieved entitlement: "*volenti non fit iniuria.*" This is what makes the category of contract so attractive, especially for the explanation of social units such as the republic and the state which defy the immediate experience of reciprocity due to their size and differentiation.

This, however, also shows that this use of the voice-entitlement nexus with respect to the building of norms within the national state loses its impact on a qualitative level with the process of decentration. Kelsen writes, "The idea of the normal state is based on the simple assumption that all norms bringing about state order apply to all parts of the state in the same way […], that one single authority rules the entire territory of the state from one central position" (1925: 163, transl. UM). It is precisely this premise of centralisation, and the voice-entitlement nexus linked to it, which is challenged by decentration.

The research context introduced here already systematically links the concept of the norm with the thesis of decentration. The timeless general norm definitions mentioned above simply ignore the fact that norms had already experienced significant transformation during the first modern age, a process which has become more radical in the age of decentration and requires precise analytic instruments as well as terminology. This can be exemplified in the case of legal norms. Legal norms are seen as general; however, in their nexus of action and related legal results, they are also seen as precise normative orders. Logically, they can be termed "*if-then statements*" or *conditional programmes* in the sense of Hegel's "*determined* generality" (Hegel 1972: 299 and the like). However, significant intrusions into this idea of norms had already occurred during the first modern age; they have deepened during the period of decentration and, qualitatively, have taken new forms. Norms have increasingly taken on "*undetermined* generality." On the one hand, the long-observed advance of general clauses has punctured the codification character of the law and has replaced set law to the benefit of case and case group law (as already diagnosed in 1937 by Franz Neumann <1967>). On the other hand, so-called "purpose programmes" have been established next to conditional programmes (Luhmann 1972: Vol. 2, p. 240 pp.); these follow an "in-order-to logic" instead of an "if-then logic." Purpose pro-

grammes formulate targets that are to be reached, but they do not conclusively define the steps towards reaching these targets; the problem is known from the distinction between "social" and "liberal" fundamental rights.

Conditional programmes may be viewed as being largely self-implementing, with the judge's perception as the "*bouche de la loi*." With purpose programmes on the other hand, norm-building only begins with the process of interpretation, the choice of methods and tools; therefore, the implementation process is complex and controversial. By incorporating purpose and means into a complex appropriateness assessment, the strict separation of the first modern era of legal and other—ethical, moral, and social—norms becomes blurred. The border between legal and social science is becoming less strictly defined, just as Hermann Kantorowicz diagnosed rather presciently in 1911: "The research of purpose in the legal sense presupposes certain activity in the field of legal sociology, of sociology" (1911: 7, transl. UM). The role of the third party in deciding a conflict (E. Friesenhahn) is transferred from that of the "*bouche de la loi*" into that of a social engineer who has to adhere to certain substantial and procedural rules of the trade but who within that role also exercises autonomous regulatory power. The process of norm implementation here becomes an independent addition to norm setting. "Norm-building" therefore—if viewed in terms of effectiveness—becomes a complex interaction of legislative and implementing action. It includes a variety of actors and actor constellations, motives, interests, and techniques of argumentation; this, then, makes the real-life effect of a norm—if not unpredictable—at least harder to predict.

If the loss of importance of a certain generality of norms had already become detectable in the past, the process of decentration would imply a qualitative reinforcement of this process. Transnational norm-creation networks can also be seen here as paradigm, in a threefold way.

1) They operate within a space that has neither its own norm-establishing sovereignty and authority nor jurisdiction, so that connecting factors and, to a certain extent, the incentive to create conditional programmes do not exist.

2) Frequently—not exclusively—they pursue a type of norm that sets up target programmes and the validity order and the sanction armouring of which is of such a nature that the implementation process creates completely new obstacles for actual effectiveness. It is not a coincidence that more and more "advocacy networks" appear in the context of norm compliance or norm effectiveness (see Keck/Sikkink 1998; Rosenau 2003; also Tarrow 2005). With "advocacy"—as it is commonly understood—legal representation is linked under the conditions of a determined "law." Within the context of transnational norm-building processes, however, it is particularly this condition that does not exist. This is why "transnational advocacy networks" could often be referred to more exactly as transnational norm-building networks: they do not usually "utilise" existing norms, but rather "create" them by placing target programmes of *undetermined* generality ("the right to health," "the right of transparency," "transitional justice") on the level of concrete fields of conflict, thereby attempting to give them *determined* generality in the form of a norm that can actually be applied and enforced.

3)   And finally, TNNs—in addition to their role in determining norms—are actors within norm-implementation processes (see Tarrow 2005: 150, 189). The conditions for a self-implementation process do not exist, neither regarding the structure of institutions nor considering the type of norms.

Therefore, transnational norm-building networks are—if successful—creative producers of norms as well as enforcers and "norm entrepreneurs" ensuring "compliance beyond the nation-state" (Zürn/Joerges 2005; cf. Estlund 2005; Joerges 2005; Zumbansen 2006b). Their products are target programmes caused by decentration with simultaneous, varying orders of validity and sanction armouring. They radically challenge the "unity" of the legal order achieved by the first modern era and postulated within legal positivistic theory by, for instance, Hans Kelsen. Not only multilevel but also hybrid private-public orders of norms are now taking the place of this order. They demonstrate and give reason to anticipate synchronies, contradictions, and inconsistencies (see Fischer-Lescano/Teubner 2006) historically known best from the particular orders of the pre-modern era (Merengo 1999; Bader/Dilcher 1999; Sassen 2006).

3.4   Norm Creation Caused by Decentration within the Context of Global Change Theory

The research initiative introduced here, with its network and norm analytics as well as their terminology, maintains a critical distance from the predominant, allegedly timeless but in reality dehistoricised analyses of the transnational norm-creation dynamics that can be observed at present. If it is true that we are living in a period of decentration, transformation, and emergence—not unlike that which James Rosenau refers to as "fragmegration" (2003)—then this historic particularity must shape the analytical and terminological instruments of research. This is what has been accomplished in the two preceding sections: there—based on the transnational norm-creation networks—the terms "network" and "norm" were reformulated in a manner specific to decentration.

It is only based on this reformulation that the research initiative and its partial projects are enabled to contribute to a global change theory as is currently being discussed in international relations. Theories that remain attached to the focus on statehood—be it merely the attempt to re-tie the activities of transnational networks to the activities of the state—have chosen to ignore the phenomena of transformation and emergence (Rosenau 2003). Only those projects founded on structural theory (Giddens 1984; Rosenau 2003; Mückenberger 2004) are able to grant space to the analysis of emergence and transformation. They avoid neo-realism, which, for instance, highlights state structures in an objectivist way (as criticised by Rosenau 2003: p. 24). What is necessary instead is an orientation which is objective as well as subjective and places the interactions between structures and individuals within a dynamic relationship in which both can take on a new form. With this the relation between micro and macro processes is determined systematically in a way that is not based on the assumption of one-sided "determination" but rather on mutual "influencing" and therefore "structuring." As Rosenau writes, "We do not have any viable IR theory that anticipates how individuals will vary in response to varying macro inputs or how the structures and policies of macro collectivities might be undermined, redirected sustained, or otherwise affected by new patterns at the micro level" (2003: p. 23).

Due to the lack of such a set of questions, theories that are merely objective—such as neo-realism, structuralism, and previously materialism—lead to a hasty affirmation of supposedly invariable structures, such as, for instance, the state. There certainly remains an element of indeterminacy within the structural theoretical efforts by Anthony Giddens and his successors as to which level of significance is to be placed on either subjective or objective factors in bringing about change. Therefore, the reserved statement by Rosenau seems plausible:

> Analysts do, of course, differ on whether the micro or macro forces are the more powerful in the never-ending interaction between the two, but here no position is taken on their relative strength other than that the empowerment of the individual is a dynamic of the emergent epoch that cannot be ignored. (2003: 22)

In any case, the relationship between both factors is of interest in several related disciplines, for instance, in international relations (Collins 1981, Wendt 1987; Carlsnaes 1992), the social sciences (apart from Gidden for example the authors with Huber 1991), and political science (mainly Eilau 1996). The fact that it does not play a significant role in legal science and possibly also in economic science is due to subjects and methodological premises which cannot be discussed here but which will be subject to more in-depth observation within the research initiative.

The research interest described is tied to the theory of change (for instance, Holsti 1991 and 1998; Rosenau 2003, Buzan 2004). It is not so much concerned with the decline of existing structures (and the possibility of stopping or reversing this process), but rather perceives and investigates the existing crises as a turning point towards the transformation and emergence of a new order. In this respect it is expected to identify ambivalence within the finding of decentration as well: namely, that decentration involves crisis and transformation at the same time. Rosenau admits vividly,

> Ascribing change to such sudden events is easy, but tracing slow, evolutionary transformations, assessing the durability of rapid changes, and discerning the early indicators of collapsing regimes, alliances, markets or communities are where our conceptual equipment is rudimentary, if not altogether lacking. This is why all too often we are surprised by the turn of events. (2003: 20)

Rosenau, following Holsti (1998), outlines four concepts of "change": "change as replacement, change as addition, dialectical change, and transformation." Whereas the first two that concepts tend to declare neo-realistic structures invariant and the third has a tendency to romanticise, the assumption of transformation allows space for structural theory assumptions and analyses. The research initiative introduced here—with the initial approach based on decentration theory and the subject embracing transnational network and norm creation—is able to make a considerable contribution to global change theory. As has already been pointed out, the study of the interaction between micro and macro levels is essential to the analytics of structuring. Both subject features, networks and norm creation, as well as their analytical context, decentration, can enrich global change theory. Networks, even when still in their hybrid structure, represent links between the micro and the macro level. It is in these links that voice can articulate itself and is also frequently articulated. Norms—in their variety of forms, such as conventions and social and legal norms—may also be seen as links between micro-cultural normative patterns and macro-structural normative orders. Therefore, they too show a connection with voice. At the same time, however, they also contain the nexus of entitlement, represented by differentiated arrangements of validity and sanction armouring, which is the theoretical starting point of this research initiative; norms, when they come into effect, entail (formally or informally) rights and duties. If one manages to reinterpret both categories—networks and norms—within the context of decentration, they lose their limitations in terms of national states or any geographic border and become suitable tools for analysing and investigating global societal change.

4 Working Notion of Transnational Norm-building Networks

As a working notion of TNNs we propose, based on the considerations delivered above, the following definition, with 18 elements which will be explained afterwards:

Transnational norm-building networks are 1) purposeful connections 2) of current or formerly novel actor constellations 3) between and within politics, economy and civil society. These purposeful connections are 4) to be regarded as being linked to decentration, are 5) not primarily governmental, 6) reach beyond the nation-state level towards the supra- or intranational, and 7) show a certain longevity. They attempt 8) to set up and 9) standardise 10) behavioural imperatives, norms and/or conventions 11) in their particular field that 12) either reduce the transaction costs among the parties involved and/or are 13) supposed to 14) bind 15) outsiders who are not involved. With the help of these norms, 16) transnational nexus comparable to the 17) nation-state voice-entitlement nexus challenged by decentration 18) may be reconstructed (see Figure 1).

Figure 1: Transnational Norm-building Networks—18 Elements in Context

TNN Properties:	TNN Activities:	TNN Objectives:
1) purposeful connections 2) current or formerly novel actor constellations 3) between and within politics, economy, and civil society 5) not primarily governmental 6) beyond the nation-state level 7) certain longevity	8), 9), 10) set up/standardise imperatives, norms, and/or conventions 11) in their particular field	12) reduce the transaction costs among the parties involved 13), 14), 15) bind outsiders

Premise:

4) erosion of centred voice-entitlement nexus (decentration)

Perspective:

16), 17), 18) new nexus of voice and entitlement?

Source: Author's compilation.

The elements of the working notion are characterised briefly as follows:

1) TNNs are "*purposeful connections*": This is an approach to the concept of the network that is not very restrictive but does in fact keep its contours due to the fact that it is linked to decentration (see element 4). The fact that the network follows a certain purpose leads to three implications. The network is not purely contemplative or analytical but is rather geared towards having an active impact on its relevant surrounding conditions. The network has a determined purpose that differs from others; its purpose as such is not the common benefit, even if this can be causative for the purpose of "advocacy." It is a voluntary network: parties, of their own accord, seek to connect with other actors regarding the selected purpose.

2) Connections "*of current or formerly novel actor constellations*": The assumption is that networks gain ground wherever international relationships or those based on international law are either incapable of dealing with problems reaching across borders or handle them in a merely suboptimal way (cf. Hilf/Oeter 2005). A further assumption is that such non-

state connections never remain as they were originally established. Experience has shown that they are either pushed back or ("and/or") institutionalised. The current research interest focuses on the constellations that are currently changing due to the effects of decentration; this is the reason for the emphasis on novel actor constellations. Since both assumptions mentioned might also be approached from a historical angle, former network formations which used to be novel[1] could also become the subject of investigation—including how they changed (when they were pushed back and/or institutionalised).

3) Actor constellations "*between and within politics, economy, and civil society*": It can be assumed that the network-like connections mainly occur within the triangle between states, economy, and civil society—in fact, between the three components as well as within them. Our concept of civil society is based on Cohen and Arato (1992), and was also adopted by Habermas (1994). According to this definition, the term civil society refers to (mostly collective) actors who do belong to the lifeworld (in contrast to the subsystems) but who are also its "representatives" in a certain way and therefore have already acquired the capacity as well as the preparedness for articulation ("voice"), or have even already become institutionalised.

4) The development of networks that "*are to be regarded as being linked to decentration*": This excludes those networks that already existed during pre-modernity or the first modernity. It focuses on network formations that can be traced back to the fact that on a supra- or intranational level the necessity emerges to creatively shape networks across borders—for which there are no centres of meaningfulness, power, or decisions—and that, therefore, nexus comparable to the voice-entitlement nexus achieved on a national level do not exist.

5) Networks are "*not primarily governmental connections*": This element of our working notion excludes state interactions across borders with respect to international policy and international law (in the sense of the formula "governance by governments"). Similarly, it excludes *intergovernmental* networks such as those analysed by Anne-Marie Slaughter (2004).[2] It does not exclude the interaction with the participation of states if economic and/or civil actors are involved as well ("governance with governments"). It also explicitly includes interactions across borders on the part of actors who only represent the economy or civil society ("governance without government"). It is evident that the lines between these three types of interaction are blurred and are subject to historical change.

6) Connections "*that reach beyond the nation-state level towards the supra- or intranational*": This places the necessary focus on the thesis of decentration in the sense that the nation-states are forced to give up some parts of their norm-building monopoly to supranational levels of norm-building and other parts to intranational levels.

7) Connections "*showing a certain longevity*": Merely momentary "ad hoc" transnational movements are to be excluded as they may exert voice but completely lack the capacity for the agglomeration of interests or for norm-building of any kind.

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[1]   For instance, one might consider the "Gent system" of unemployment insurance.

[2]   At first glance the two approaches—Slaughter's and ours—seem highly incompatible. Despite some similarities, Slaughter does not elaborate on the weight of non-state actors and therefore comes to conclusions concerning the "new world order" which are linked with her particular subject—intergovernmental networks.

8) The "*setting up*" of norms is a critical point. The civil society will hardly ever or never be able to enforce norms. It requires the support and cooperation of at least economic and probably in most cases political actors. Therefore, the specific "contribution" of the civil component within the norm-building process has to be determined (compare Finke 2005). Some questions of importance are: How is civil society undertaking agenda setting? How does it formulate standards of justice, even drafts? What is its role in information, scientific lecturing, and the linking of decision makers? How does it mobilise public power for thematisation, for agenda setting, and for the adoption of such norms? How does it spread, support, or even enforce adopted norms? The concept of "norm-building" has to be specified with respect to these differentiations. The focus on norm-building remains unaffected by them.

9) TNNs attempt "*to standardise*" behavioural imperatives, norms, and/or conventions.

10) The connections, in their particular field, set up "*behavioural imperatives, norms, and/or conventions*": This criterion marks the line that separates TNNs from transnational activities that are merely constituted by campaigns, support measures, advocacy, or negotiations.[3] It is much more about norm-building activities, which not only include the previously mentioned forms of action, but generally even regard them as prerequisites. It is irrelevant what kind of behavioural imperatives, norms, or conventions these are—ethical/technical/legal, hard or soft. However, the norms have a certain sanction armouring. It is of decisive significance to the working notion that the "purposeful connections" do not pursue the solution of individual cases (not even collective ones) but in fact strive to identify general rules following criteria of justice that can be generalised for an uncertain and undetermined number of current and future case constellations. This criterion is linked to the fundamental leading question of whether transnational networking is capable of generating nexus of voice and entitlement under the conditions of decentration which are comparable to those of the "centred" system.

11) Connections that become active "*in their particular field*": These are issue-related connections (aiming to address, for instance, social issues, legal security, human rights, environmental protection, etc.), the objectives of which are not the establishment of norms and institutions of general importance (such as, for example, political parties). It is interesting, however, to discover whether the argument of being issue-based follows a universal *rationale* or whether this is at least asserted. With respect to this question, possible voice-entitlement nexus could be discovered and reconstructed.

12) One possible purpose for the establishment of behavioural imperatives, norms, and/or conventions is "*to reduce the transaction costs among the parties involved*" (cf. Coase 1936; Williamson 1975). According to current findings, there is an area of transnational norm formation that aims mainly to address the expectations of all parties involved and which,

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[3] Trubek et al. (2000), following Keck und Sikkink (1998), define "Transnational Advocacy Networks" as being "made up of actors in such organizations as NGOs, social movement organizations, national governments, international organizations, and foundations linked together in a voluntary network that operates across national borders on behalf of such principled issues as human rights, women's rights, or environmental protection. These networks may cut across geographic borders, include actors from the public and the private sector and from multiple levels of government, and operate simultaneously in various political arenas and legal forums [...]."

because they meet the interests of all parties involved, do not require any validity or sanction measures in order to become effective. For instance, some "market-making" conventions and bodies of regulations are to be interpreted in a way such that norms in the transnational state-free sphere are basically set up and also observed by the economic actors themselves (see Strand 1). They make business across borders easier by reducing transaction costs.

13) Behavioural imperatives, norms, and/or conventions "*are supposed*" to bind. This expresses a wish regarding the effectiveness of the norm—or the instruments for it. This constitutes a set of questions to which an answer will be found mainly in Phase Two of the CRC.

14) The question regarding norm validity ("*bind*") becomes especially prevalent in the case of the previously mentioned constellation. With respect to validity, one has to discern whether the binding capacity of a normative statement is undisputed and accepted or not; how disagreement regarding its interpretation is handled; who is in charge of its implementation and has been equipped with the respective tools; whether there are sanctions for non-compliance; and whether all these questions are of an ethical, conventional, technical, or legal nature. Further issues regarding this question/issue can be found in the section explaining the norm concept (Section 3.3).

15) Another possible purpose for the establishment of behavioural imperatives, norms, and/or conventions can also be to bind "*outsiders who are not involved*." In this case, the norms do not meet the interests of all parties involved. Therefore, the free-rider problem raises questions regarding validity and compliance. Probably, this is regularly the case with norms that attempt to settle conflicts among parties with colliding interests. Presumably, in the case of this type of norm, the norm-building processes already display a broader and more oppositional spectrum of actors than in the case mentioned under element 12.

16) "*Comparable transnational nexus*" means that one cannot expect to find the same nexus at the global-society level as at the nation-state level. It is assumed, rather, that the voice-entitlement nexus has developed a historically specific form at the level of nation-state democracies. As long as the global society has not yet been constituted as a global democracy, this mechanism will not exist at the level of the global society. Can TNNs make it possible to identify this nexus in different forms for specific individual issues?

17) Through the activity of TNNs, nexus of voice and entitlement can be discovered that are comparable to the "*nation-state voice-entitlement nexus challenged by decentration*." This presupposition basically represents the research objective of the comprehensive research initiative—see element 1 above.

18) "*May be reconstructed*" here means that the confirmation of a comparable voice-entitlement nexus is not obvious, but does always require a meaning-related interpretative approach by the party conducting research.

5   Transnational Norm-building Networks—Strands and Work Periods of the Research Programme

In the following discussion, the research field is transferred into a typology, which allows for the allocation of prospective individual subprojects. Subsequently, the planned sequence of the entire project is outlined.

5.1   Considered Strand Concepts

Input-related Strand Concept

TNNs can be distinguished according to an input logic or an output logic. The input logic emphasises the examination of actor constellations that contribute to transnational norm-building. It typologises according to the mode of institutionalisation of the TNN and corresponds with well-established classification patterns by Rosenau/Czempiel (1992): "governance by governments," "governance with governments," and "governance without governments."

This then brings the focus to the next typing factor, which refers to the level of institutionalisation of transnational networks. This factor can also be considered an indicator of validity with regard to the results of TNNs. In the case of our research it seems to be appropriate to develop a typology according to the extent to which the TNNs are institutionalised, that is, the extent to which they are linked to other actors who provide their ambitions with positive authorisation and authority as well as instruments. This is what was referred to by the three types of governance (see Table 1).

Table 1:   Governance by/with/without Government(s)

Type of Governance	Mode of Institutionalisation	Norm Building	Norm Implementation
Governance by government(s)	International/governmental cooperation	Without self-organisation	Via nation-states
Governance with government(s)	Global policy networks	With self-organisation	With nation-states
Governance without government(s)	Transnational network organisations	Via self-organisation	Without nation-states

Source: Author's compilation based on a table by Kristine Kern (2004), with the addition of governance-related terminology by Zürn (2005).

Kind and Level of Institutionalisation in Transnational Norm-building Networks

Governance by government does not allow for any norm-building function of non-state or not-exclusively-state networks. It is the most intensive form of institutionalisation of governance that exists only on the level of the nation-state, in supranational form or as exclusively intergovernmental cooperation. This type of governance will not be part of the research initiative. Governance *with governments* includes—along with nation-states and their governments—other actors who are either not institutionalised or are less institutionalised. The economic and/or civil society actors are either represented in organisations or institutions created through intergovernmental action (such as the social partners in the ILO or in the European Social Dialogue) or moderated or supported by such organisations (such as Global Compact).

In both forms they are—at times—very much involved in norm-generating, norm-watching and norm-modifying processes. With this type of governance, however, the states and/or their international organisations maintain primacy over the in any case juridical execution and monitoring of the norms that are created in this way. This can strengthen these states because they gain a radius of influence extending beyond their territory of sovereignty—without losing their monopoly on decision-making authority. At the same time, this is where the field of cross-border networks begins. States are embedded here with non-state actors in actor constellations in which they do not act on the basis of sovereignty, but of equal order—at least of the plurality of opinion development processes. This is the reason why one can find numerous cases of hybrid development situated between that which is categorised as sovereign within the state and that which is categorised as pertaining to private law. The field of transnationality also begins here, because cross-border rule-setting cooperation is no longer limited to states. Governance with governments, therefore, is an essential part of the research initiative. Governance *without government,* then, represents the "pure" type of transnational norm-building networks.

Within the research compound, the typology of institutions is used not to detect separating features between TNNs but rather to identify the transitional and mixed forms among them. As a matter of fact—if one assumes a historically comparative perspective—the same networks can be categorised within their different stages of development as belonging to different types of institutionalisation, and that is precisely the dimension of development that is of interest. In the field of social policy, transnational initiatives in the form of networks "without government" have changed into such networks "with government" (e.g., ILO, Social Dialogue) or exist within dynamic correlations with them (e.g., CSR, see Moreau 2005). In the reversed case, within a field with market proximity such as accounting, they have changed from "governance with" into "without governance" (Botzem/Quack 2005) due to privatisation. With net-shaped simplifications of the market and contract law (compare e.g. Callies 2005), such tendencies are not any more clear than CSR-related codes of conduct (Appelbaum et al. 2001). This is exactly what makes these research topics especially interesting for the research into transnational norm-building dynamics.

Output-related Strand Concept

The output logic examines the products of TNNs more closely. It types according to the fields of regulation or the entitlements which are linked to the impact of TNNs. The variety among TNNs initially seems to allow only for a mere listing of their objectives. Some TNNs attempt to create reliable contract and market conditions within a cross-border setting. Some are concerned with social standards and others with ecological ones. Some deal with corporate conduct and its ties to ethics. In the broadest sense, TNNs can be classified as working for the creation and "civilisation" of markets. TNNs that deal with the protection of human rights or of peace and in this respect pursue the historical revision of the past injustices of regimes are of a very different significance. In the broadest sense, they are concerned with the generation, acceptance, and validity of political norms within a democratic community. What TNNs have in common is that they utilise the means of the knowledge-society, information and communication technologies, for their internal and external communication, thereby virtually extending their range of action as well as their communicative power.

Human rights. Within the context of this research initiative—which is dedicated to the question, guided by democracy theory, of whether a new global polity with a new nexus between voice and entitlement can be developed under the conditions of decentration—the TNNs targeting the rules of democracy play a specific part. In some cases TNNs protect human rights by publicly challenging and scandalising the violation of human rights. In doing so, they act within a sphere of relationships between international organisations, science, and new jurisdictions that are in the process of formation—all of which are still in a phase of self-assertion with respect to their efforts regarding transnational institutionalisation and legal standards due to the fact that they exist legally (established by international law) but do not have their own power or instruments of enforcement. This places them in a position where they have to have authorities sensitive to the legitimacy of their aims and the media on their side in order to be successful in their norm-building and enforcement intentions.

TNNs dedicated to "transitional justice" are a complement to these efforts towards the establishment of global standards regarding human rights and democracy. In the cases of historical revision of past injustices by regimes, the main purpose is usually merely the compensation of individually suffered injustice. However, such compensation is always linked to the assessment of collective and institutional statutory violations. These instances of injustice then always carry—as a basis and a complement—a claimed, significant legal condition with respect to democracy and human rights, the existence and validity of which is asserted by the TNNs.

Market-making, market-braking and market-correcting. For market-related TNNs, the systematics developed by Streeck (1995) and Leibfried/Pierson (1995) following Lange (1993) and Majone (1993) for the European integration dynamics, which already exceed the building of norms within the national state, present a suitable typological point of reference. *Market-making* refers to the regulation activities that constitute a common market in the first place. This means not only doing away with customs duties and trade limitations, but also the standardisation of certain product features and qualification features as brought about by labour, marketability, and mobility in the sense of commensurability. Under scientific conditions, this also entails the creation of framework conditions for the globalisation of intellectual abilities in market form. It is evident that this aspect—which has already had to be reconstructed on a nation-state level—cannot be limited to European integration but can be extended to each and every global integration. Many norm-building activities developed for the CRC –initiative, then, would be related to this aspect.

Market-braking represents the securing of markets against malfunctions or market failures. In this case, markets have been established and exist, however, they produce market disruptive external effects that work against their functioning (e.g., limitations to competition, discrimination based on power or environmental damages) or are founded on conditions that have to be regarded as competition distorting (e.g., child labour or gender or racial discrimination). "Market-braking" is conducted through the artificial creation of market-conforming conditions (e.g., through the reinternalisation of external effects or through the creation of market-adequate competitive conditions). Market-braking differs from market-correcting in such a way that the social-state intervention is based only on a functional scale—namely, the creation of the ability of markets to function, which would be at risk without this intervention—but not (yet) on a standard of justice that exists externally to what goes on in the market. For this ,too, there are many links to be found in the field of TNNs.

Market-correcting assumes(with market-making and—if need be—market-braking) the existence of functioning markets, but does, however, make changes to their results for value-related reasons. Market development—without being fundamentally questioned itself—is confronted with a correctional mechanism that re-evaluates the primary results of market development according to non-market standards and brings about secondary results meeting these non-market standards (or aims to create these) through correctional intervention. Market-correcting primarily represents the field of social redistribution (compare primary and secondary distribution), however, relating to the intervention of the welfare state within the healthcare or educational system. Typically, market-correcting is found in communities such as "social market economies" whose constitution shows a tension between market-economic autonomy and political authorisation—the tension between capitalism and political democracy. In the context of this tension the above-mentioned primacy of political democracy, as opposed to value-related market-correcting interventions, becomes apparent. This is also significant for the dynamics of TNNs. Within the given research context, the market-correcting mechanism can mainly be applied to TNNs aiming to achieve social standards.

Transnational citizenship rights: civil, political, and social rights. The differentiation between "civil," "political," and "social citizenship rights" established by T.H. Marshall (1950) and perceived by him as historical stratification—in effect up to this day and overlapping—has been mentioned frequently. Several attempts to make these systematics useful for the level of European integration have been made (compare Strath/Magnussen 2004; Liebert 2004; Mückenberger 1996, 2001 and 2004). Therefore, it is worthwhile to examine the extent to which the concept of citizenship may provide new insights with respect to the analysis of a typology of TNNs' dynamics.

Civil rights, in this respect, describe the sum of those rights and granted elements which established civil status (see Macpherson 1969) in what was regarded as "civil society" in Hobbes and Locke. Substantially, these were the freedom of self-disposition, property, and the law of inheritance as well as the freedom of contract, that is, the right of disposal over one's own property. Procedurally, civil rights included the state's monopoly on the legitimate use of force, the guarantee of closed contracts by the state, and the correction of incorrect contracts through the state along with the according jurisdictions and sets of regulations. Together, these procedural provisions summarise the "rule of law" (compare Neumann 1967). The sum of these rights correlates with what the "owner-market society" or "ownership-individualism" requires to function. It is obvious that the existence of these function conditions is also necessary in transnational cooperation (Appelbaum et al., 2001). Therefore, one finds in this layer of civil rights a reflection of the same forces and dynamics that were the driving and enforcing agents in the process of market-making or are still at work in that respect. Civil rights do not necessarily entail the existence of political rights. Looking at historical and current conditions, Marshall's assumption that markets—at least in principle and over certain periods of time—can in fact exist without political rights on the part of participating and correlating forms of state is confirmed. This experience is what often triggers the actions of TNNs. It is also the continual trigger of the controversy regarding whether transnationalisation or globalisation should remain basically a market-constituted occurrence—in the form of free trade areas or economic communities—or whether they should include dynamics aiming towards the development of political rights. If one perceives political rights mainly as "voice" and "representation," they ba-

sically constitute two sets of laws: a) the rights to constitute the community permanently (in the form of a constitution) and its representatives temporarily (through elections); b) the rights of either individual or collective articulation within the established community (freedom of opinion, press, coalition and political parties, etc.) and the possibility to, if need be, assert these rights (petitions and referendums, etc.).

Since the existence of political rights is of central significance in the generation of *social rights*, this topic will play a considerable part within the research initiative. Social rights, in Marshall's conception, are the rights to participate within a community which are not limited to formal freedom of action and which are not directed at the political constitution of the community, but are instead geared towards the material prerequisites for freedom of action. These rights can never be taken for granted and are always the result of a creative process which occurs through the state and/or the social actors. Whereas in former times equal material rights for all members of a community were claimed (socialism, social democracy), social rights entailing material freedom point towards the establishment of the real conditions for freedom of choice through 1) basic material support and 2) support appropriate to individual abilities and skills. This can already be detected in T.H. Marshall and has recently been put into concrete terms by Amarty Sen (1999) with the concept of "capabilities." This rather procedural view of social rights also becomes apparent: They increasingly do not, or less, grant material rights but rather forms of collective assertion of interests (e.g. Mückenberger 1980).

5.2　　The Strands of the Research Initiative

The input- as well as the output-related concepts and research experiences are included in the work of the research initiative. However, each one taken individually would meet neither the requirements of the initial question (see 1) nor the historic culmination of the network or the norm category brought about by decentration (see 2).

1) The search for a/several new voice-entitlement nexus requires a system of strands which in itself already hypothetically represents a possible linking of input and output. Typing the strands to one side at a time bears the risk of neglecting the basic initial question.

2) Typing according to fields of regulation and/or entitlements is also dubious, because this could generally be done for every historical phase—the pre-modern era, the nation-state, etc. Therefore, such a typology would obviously not meet with the specifics of network and norm-building brought about by decentration. The TNNs specified in that way do not have any constants—either on the input side or on the output side—to which the other side could be applied as a variable factor. There are no definable factors on the *actors'* side, as the "state" or the "government;" the actors' side is rather fluid and is frequently or even permanently undergoing recomposition. There are no clear contours on the side of the *produced norms*, such as "validity," "obligation," "effect," or "sanction armouring." The variability of both sides—input as well as output—does not allow for a research-strategic isolation of the questions regarding the possible effectiveness of legitimate norm-building processes or the possible legitimacy of effective norm-building processes.

This is the reason for the development of a different strand system. The intention is to link the voice and entitlement relation, the input and output logics, and therefore the questions regarding the legitimacy and effectiveness of transnationally created norms as co-variable factors

with each other. It considers a typology focusing on the entire process of transnational norm-building. This approach entails occasions/motives for the formation of and for selected activities of the TNNs; the actors/actor constellations that appear; their goals; the methods/procedures selected for the norm-building activities; the type of rules created as well as their form; and, of course, the effectiveness and legitimacy of the built norms as well as the relationship between them. These elements of the entire process have a double function: they allow for the identification of *basic types* of TNNs which can be traced with the strand system, and they enable the establishment of basic patterns of *comparison*, which is to conducted between the different strands.

Strand 1: Transnational Self-legislation, Global Private Ordering

We are currently witnessing rapid global norm-building processes conducted by non-state—mainly economic—actors themselves, where the norms do not undergo any transformation into state law and also do not require such a transformation. They can therefore occur quickly and flexibly, but are not in fact subject to any public monitoring or deliberation (Estlund 2005). In addition, their actual effectiveness is often largely unclear. These can be codes of conduct, CSR-based supply chain-related norm-building and standardisation (Ortmann 2003), global civil constitutions (Fischer-Lescano/Teubner 2006; cf. Zumbanssen 2006 a and 2007) acting in the form of "private ordering" and dealing with contractual justice, human rights, minimum work conditions, copyright, rights to Internet usage, and non-competition clauses. Transnational global networks are their origin, and the lowering of transaction costs and the avoidance of opportunism are their goals. It is also possible that these instances of norm-building simply follow what has already become a common standard in the economy. Because of the way in which these norms are executed, there is often no need for formalisation or official sanction armouring. The transnational networks—at the same time—are guarantors that the norms will into effect, without any third-party intervention. Private ordering gains validity through three mechanisms: "repeated play" (the desire for repeated transactions leads to an adherence to norms without the formal threat of sanctions), "reputation" (the desire to maintain a certain reputation), and "network effects" (the advantages that come with belonging to a network outweigh the advantages of norm-deviating, opportunist actions) (Aviram 2003: 113 pp.). Very often in these cases, a voice-entitlement nexus is not the aim—or it is limited to a small circle of economic interests and ignores third parties affected by the norm-building ("stakeholder"—subjected to norms) consciously or unconsciously. This input constellation raises problems for the output constellation regarding the legitimacy and the voice-entitlement nexus for the norm built. There are, however, attempts to take a larger circle of stakeholders into account in the process of norm-building. The radius and the effectiveness of such attempts particularly deserve to be matters of research interest.

Strand 2: Transnational Norm-building Movements

In opposition to the above, there are publicly conducted, often tough global norm-building processes in which numerous non-state—civil rather than economic—actors are active. They strive (as described e.g. by Finke (2005)) to transform norms that are perceived to be just into state law—the law of single states or of international organisations—and are therefore active within the functional and/or geographical environment of these norm-setting actors. These

processes occur in the field of human rights as well as those related to social, ecological, and cultural matters. They occur in the form of public debate, may utilise illegal forms and become violent, and therefore are frequently tough. However, when a norm experiences a formal breakthrough because of or with the help of transnational networks, the claim to validity of the TNN has achieved a certain formalisation. But it has to be kept in mind that the norms built in this way are international (not transnational) and usually consist of target programmes (not conditional programmes) (see Section 3.3). Therefore, their implementation here means a complex and at least threefold process:

1) The target norm of undetermined generality needs transformation into national law.

2) The norm of undetermined generality requires, on a national level, concretisation into "determined" generality, that is, an operational conditional programme.

3) The concrete national norm, again on the national level, requires enforcement in every-day life.

This complex sequence makes the actual implementation of the new international norm a multistage part of the activities of transnational networks, for example, "advocacy networks" (see Keck/Sikkink 1998; Rosenau 2003; also Tarrow 2005). The execution of these norms requires a high level of formalisation and official sanction armouring. There has been very little research regarding the consistency between TNNs and advocacy networks over the sketched sequence of implementation of the built international norms—and there is by far no such systematic and apparent consistency in the norm-creating and norm-implementing functions as that of the transnational networks in Strand 1. The mechanism "repeated play" is likely to play only a subordinate part in the implementation, as are the "network effects." On the other hand, "reputation" might play a more important role (Aviram 2003).

The voice-entitlement nexus, however plays a significant role in this strand. The networks of stakeholders that are affected by the norm to be built play a part as norm producers as well as norm addressees which is often enhanced through the morally, ethically, or politically motivated "advocatory" behaviour of parties that are not directly affected by certain norms. This input constellation raises problems for the output constellation, particularly with respect to the effectiveness of the norms built but also regarding legitimacy, because representation in the sense of the voice-entitlement nexus may be questionable in all cases of self-selected representatives. Regarding this, there are also attempts to increase, during the process and procedure of norm-building, the value of truly representative transnational network actors. The scope and effectiveness of such attempts deserve to be matters of particular research interest.

Strand 3: States as Catalysts of Transnational Norm-building

Within the first two strands, one initially notices (civil-) societal activity, which is followed by the norm-building activity, either entirely or partially. In both the following strands, the state actors[4] entitled to norm-building react differently to social activity. They create it in the first place or encourage norm-building through it (Strand 3). Or, in contrast, they avert norm-building or participation in it and stop it (Strand 4). In both cases, problems regarding the voice-entitlement nexus occur which did not exist in the two previously mentioned strands.

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4   In this context, we understand international organisations (such as the UN, WHO, and also the EU) equally as state actors.

Lately, we have been observing cross-border norm-building processes in which networks which are not directly state networks—civil society, economic, or political—might become active. The initiative for these networks, however, can be traced back to states and international organisations, and possibly also to expert networks surrounding them ("epistemic communities"—Adler/Haas 1992). Since the norm-building networks in this case do not yet exist but are generated—possibly again through networks—we refer to these as "*networks of the second order*." Here, the activity of networks in terms of transnational norm-building exists within the context of an impact exerted from the outside which may be wanted or enforced; sometimes; this network building of the second order can also be linked to the rigid institutionalisation of the networks. The ILO, in which representatives of employers and employees participate on equal terms along with representatives of states in the building of international labour norms, may be considered an early example of the latter. Lately, one has also been able to detect such networks of the second order, in a rather different form, in the cases of the UN Global Compact and the European Social Dialogue as well as the European "Open Method of Co-Ordination." State actors—in the first instance the UN General Secretary, in the last instance the fathers of the Treaties of Maastricht and Amsterdam—encourage or authorise social/economic actors to conduct a paradoxically autonomous/para-state norm-building process. The most acute cases are norm-building processes in non-OECD states that are conducted through political networks that, in turn, have been generated by networks built around international organisations themselves (WTO, World Bank).

The connection to the voice-entitlement nexus is extremely complex in this case. The state's role as catalyst can lead into a transnational self-legislation process, as pointed out in Strand 1. However, it can also establish a mechanism of interest representation along with the institutionalisation; this mechanism of interest representation and the resulting norm-building may be perceived and described as voice-entitlement nexus. But the decisive factor—which in the cases dealt with in this strand is often completely unclear—is the question of whether this mechanism of interest representation actually matches the "voice" of those who are represented. Here again, the input constellation raises problems for the output constellation regarding the legitimacy and, if need be, effectiveness of the norms built. In this case there are also attempts at considering a larger circle of stakeholders which require further research.

Strand 4: Regulation as an Exclusive State/intergovernmental Monopoly

After all, we are witnessing global norm-building processes today in which states and international organisations are working towards a strict exclusion of non-state—civil society and/or economic—participation. Transnational norm-building networks do not play any role at all or their role is limited to being affirmative (cf. Chomsky 2006). This can be identified in two forms. Either the decision-making process is strictly limited to the state officials and the transnational networks are not involved at all or only for the network to obtain of legitimacy, or the strategic decision-making processes are precisely limited to the state officials on a central level with transnational networks involved in a top-down implementing function on a decentralised level. The discursive involvement of non-state actors does not occur in either case. The monopoly of state actors and organisations, according to the current status of research, rules the norm-setting processes in the fields of national and international financial constitution, migration, and security. It seems to be a "core" of the political and economic foundations of

statehood which is not open to any further participation processes. However, transnational norm-building in the area of human rights and in economic, social, ecological, or cultural matters does not seem to belong to this core.

Regarding the voice-entitlement nexus, this constellation exists within the tradition of hitherto usual international relations. The voice-entitlement nexus remains wholly linked to the nation-state—an extension to the transnational or cosmopolitan approaches is not desired in these fields. The fact, however, that this input constellation creates problems for the output constellation regarding legitimacy and the voice-entitlement nexus with a view to the built norm has been shown by recent confrontations in each of the three fields mentioned. Attempts to consider a larger circle of stakeholders, however, rarely exist in this case. Therefore, the legitimacy and effectiveness of this exclusion of transnational networks are of particular research interest.

Strand 5: Method and Theory

This "cross-section strand" contains three elements. One methodological aspect is based on the following goals (Ahrweiler 2006):

- "To identify the structural properties of empirical […] networks;"

- "To model structures of complex networks;" the modelling of the interplay between the structures and functions of complex networks represents a key aspect within the research interest;

- "To develop new quantitative, network-based evaluation criteria and evaluation tools;"

- A trade-off between "control" and "realism" with respect to "empirical analysis," "phenomenological theories," "fundamental theories" and "rigorous mathematics."
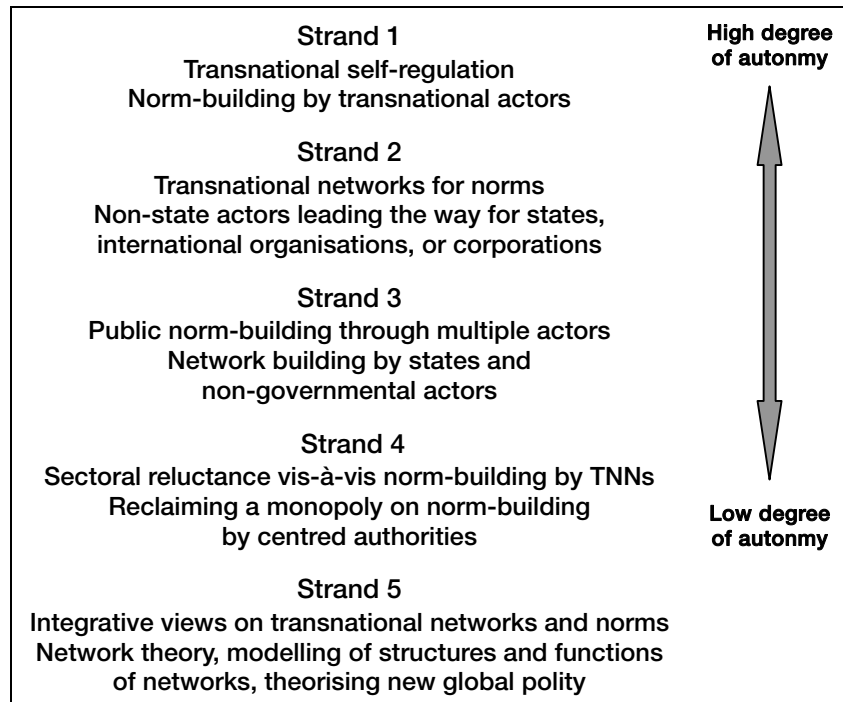
The targeted analysis instruments range from *graph* theory and micro-macro modelling to agent-based simulation. The second aspect is a meta-theoretical one. This entails examining the interplay of the micro and macro level following the previously conducted groundwork in the field of socionics (Lüde et al 2003)—in which the emotional level of appreciation also plays a significant role. How are paradigmatic changes—which imply changes in norms and which grant them legitimacy on the one hand (surely also in an affective sense) and effectiveness (in the sense of norm compliance) on the other—to be understood and modelled? The third aspect is related to network theory. Is it possible to speak of our society as a transnational network society, thereby following Manuel Castells (2000)? How does it differ from the nation-state society that is divided into markets and hierarchies? Which economic logic and which logic regarding power are behind the production of collective goods such as norms and standards (Ortmann 2003)? How can transition be explained? How does it affect societies in less developed parts of the world? How do reciprocity, "voice," and "entitlement" re-group in this context? Do "transnational norm-building networks" gain a structuring role, and if so, which role?

Of the aspects in this strand, each is envisaged as an independent participating project. However, they do make use of the work and data assembled by the other projects, thereby supporting themselves as well as the others.

5.3   Intended Work Programme

With the four described strands and the methodological-theoretical cross-section strand, this research initiative will first turn to a phenomenology of transnational norm-building networks and at the same time create the methodological and theoretical basis for the subsequent work phases (see Figure 2).

Figure 2: TNN Components, First-phase Phenomenology—Extent of Autonomy of TNNs in Norm-building

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┌─────────────────────────────────────────────────┐
│              Strand 1                  High degree│
│        Transnational self-regulation   of autonmy │
│    Norm-building by transnational actors          │
│                                           ↑       │
│              Strand 2                     │       │
│       Transnational networks for norms    │       │
│   Non-state actors leading the way for states,    │
│     international organisations, or corporations  │
│                                           │       │
│              Strand 3                     │       │
│   Public norm-building through multiple actors    │
│          Network building by states and   │       │
│           non-governmental actors         │       │
│                                           │       │
│              Strand 4                     │       │
│  Sectoral reluctance vis-à-vis norm-building by TNNs│
│      Reclaiming a monopoly on norm-building│      │
│           by centred authorities          ↓       │
│                                        Low degree │
│              Strand 5                   of autonmy │
│  Integrative views on transnational networks and norms│
│   Network theory, modelling of structures and functions│
│      of networks, theorising new global polity    │
└─────────────────────────────────────────────────┘
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Source: Author's compilation.

Methodologically, the participating projects of strands 1 to 4 will utilise a comparable grid of criteria for the analysis of norm-building networks. The transnational norm-building networks considered are to be evaluated in such a way that the state-of-the-art of the research objective for every single one is presented, as well as the research gaps and interests, thereby adhering to the "grid" that is suggested here. This enables a double analysis level.

Firstly, the single TNNs themselves are to become the object of intensified knowledge and reflexion ("case-study work"), which, due to the TNNs' diversity, already has a strong transdisciplinary character.

Secondly, it becomes possible, due to the identical structure of the presentations, to follow single features of the grid through the different TNNs and to even them out ("cross section"). This will make it possible to reconstruct—based on the networks and their effects—the extent to which a nexus or even a reciprocity of voice-like influential factors and entitlement-like results is developing within them. A nexus which, because it is similar or related to that of the old (national) governance system, could be the basis of a new (but transnational) global polity. In this respect, the networks under examination are to be compared, based on the research criteria, and conclusions are to be drawn as to which constellations generate or could generate a comparable reciprocity (see Table 2).

Table 2:   Schematic Depiction of the Lengthwise and Cross-section Analyses

	1	2	3	4	5	6	7	8	9	10	11	12
Reason building/activities												
Actor constellation												
Goals												
Procedure/processes												
Type of regulation content												
Forms of regulation												
Effectiveness												
Legitimacy												

Source: Author's compilation.

Explanations

The criteria for the examination of TNNs explained in the following represent a certain schematisation which is conducted for the purpose of comparison. Within each criterion a historicisation of the object may become necessary. The reasons for the building of TNNs or their goals can change over time, as has already been observed during the conference in a number of examples. These changes, however, will be of particular relevance to the research initiative and will pose a particular need for explanation.

Triggers for the Building/Selected Activities of the TNNs

There are plausible assumptions which state that these norm-building networks do not always result from the positive standardisation interests of some sort, but can also result from the negative experience of non-standardised external effects (risks, dangers) (compare Beck/ Holzer 2004), especially when these are linked with global development gaps.

So far, the following aspects have been identified as triggers: the need for reliable rules in order to build markets and to make goods marketable (CO_2-emmission rights, trademark, accounting standards); the need for a change from public to privatised work (LASB); a standstill reached by public actors (European Social Dialogue); the increased visibility of crises and risks (environmental and social standards).

Actors/Actor Constellations

Since TNNs lack statehood, the question regarding the relevant actors is important. Is the actor constellation narrowed down so far that, for instance, economically interested parties try to set norms on their own, for themselves (and for others)? Or are stakeholders added to the actor constellation (which one? how are they defined?), or does it expand in a triangular manner (economy—politics–civil society)? There is a thesis that TNNs do not weaken the power of the state at all but in fact actually presuppose its effectiveness and strengthen it as a result (Grande).

Goals

The individual actors have interests and formulate and/or pursue goals with the norm-building attempt. A triage and an evaluation of the explicit and implicit goals seem necessary. In many cases, the goals will be congruent with the interests (and then want to tie in "free rid-

ers"). In certain cases, actors will, however, use a formulation of their goals that attempts to make them acceptable to other interests. This will be true especially in multi-polar norm-building networks. However, there will also be constellations in which the symbiosis with the "other" interest or with the "common interest," however it is defined, cannot be maintained. Which goal is then more important, and how do argumentation parameters change?

Procedure/Processes

The rationality of state norm setting is usually determined by the procedure. The procedure is not only a possibility for the acting and goal-pursuing actors but is also in most cases actually stated in the constitution or something similar. The question is whether TNNs represent a substitute—so to speak—to a constitution in the form of a polity which has similar or even more extensive guarantees of social rationality. What determines the procedure? Is it formalised/informal? What degree of representativeness/openness of actors, discourse ability, publicity, influence beyond power and money, conflict management skills, and ability to learn does the network have? What is its reaction to failure?

Types of Regulations

The results observed in transnational negotiation processes may already differ in form. Frequently, they are solemn and general declarations. They formulate goals (in-order-to sentences) and not duties (if-then sentences). Whether the generality of these goals and duties is determined (Hegel) or undetermined represents an important condition regarding the actual possibility of their implementation. Letters of intent, charter form, conditional/purpose programmes will provide for undetermined rather than determined generality.

Forms of Regulations

This, however, also depends on the question of whether the "regulations" are legally binding or not. They may have a "hard law" character, like regulations within the supranational EU law. They may also just trigger a purely discursive expectation. They can be "soft law," which refers to law that allows for generous discretionary power and undetermined margins. The tendency towards soft law is not an invention by TNNs but rather precedes them. There is also a possibility that this tendency is strengthened by TNNs because the problems to be regulated are so complex, the means for solution are so uncertain, and the actors involved in the solution are so diverse. Norms may contain legal obligations, be immediately valid, and require no implementation. They may consist of purely procedural demands, of "soft law," or of moral obligations, with no legally binding properties.

Effectiveness

The term effectiveness of norms, unlike efficiency, refers to whether they are actually observed ("norm compliance"). This does not necessarily have to do with their legal character and the existence of sanctions. Compliance for moral or even purely economic reasons may in some cases be more effective. However, if morals lose their uniformity and/or their effectiveness when, under certain circumstances, economic reasons provide arguments for as well as against compliance (prisoner's dilemma), the legal character with sanctions may become necessary. In this context a variety of questions is raised: Is there transparency and monitoring of

compliance? Are formal or informal sanctions provided in case of non-compliance? How independent are evaluation procedures or committees?
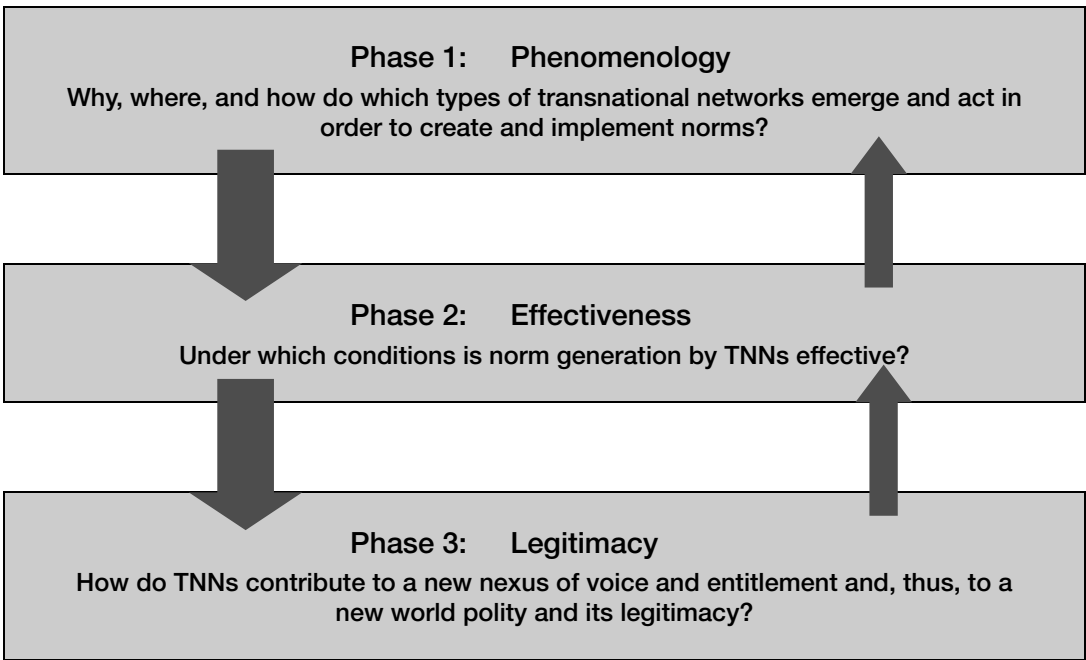
Legitimacy

The legitimacy of norms, unlike legality, does not merely refer to the adherence to valid rules of conduct (as mentioned). It becomes topical whenever there is a discrepancy between proper legal settings and a common or spreading awareness of values. This can represent legitimacy as well as illegality or future legality. The TNNs do not exist within unlegislated spaces, but rather in spaces in which some legal status is valid but is, however, either unknown and not transparent or unsatisfactory or even outrageous (ocean dumping, child labour) and is therefore supposed to be changed by the TNNs. In view of this tension between legality and legitimacy, the TNNs themselves sometimes operate on the fringes of legality (more frequently the ecological networks? less frequently the social networks?). Other TNNs, however, may try to defend the existing legality against an imminent loss of acceptance and legitimacy through norm and compliance evidence and to avert legality changes that are based on that loss.

Some participating projects will already be working with the prototype of a set of analysis instruments that enables the quantitative comparison of data between different networks during the first CRC phase. This prototype will be developed so much further during the first CRC phase that it will be possible to use it in a comprehensive fashion during the second CRC phase, as the second phase will focus on the investigation into the effect/effectiveness of the norms. This comparative approach is based on the development and distribution of a comprehensive methodological procedure for a comparative empiricism of transnational norm-building networks. Based on the second phase, the third phase will examine the influence of TNNs on the developing global governance system.

The CRC will work in three work periods, each four years in duration (see Figure 3).

Figure 3: Research Agenda

Phase 1:   Phenomenology
Why, where, and how do which types of transnational networks emerge and act in order to create and implement norms?

Phase 2:   Effectiveness
Under which conditions is norm generation by TNNs effective?

Phase 3:   Legitimacy
How do TNNs contribute to a new nexus of voice and entitlement and, thus, to a new world polity and its legitimacy?

Source: Author's compilation.

5.4   Possible Results of the Research

TNN research can be regarded as a part of research efforts which attempt to assess the chances of civilising globalism. Civilisation in this context means governing globalisation with democratically legitimate and effective rules. Whereas research has hitherto focused either on economic efficiency or on intergovernmental norm-building ("international relations"), our research interest is actors and actor constellations beyond markets and states: networks.

This interest in networks needs to be explained. One initial reason is what we have called decentration: Traditional political and economic decision makers (such as nation-states, enterprises) are losing if not power then democratically legitimate autonomy in decision making. This challenges, above all, the voice-entitlement nexus which under conditions of the prevailing nation-state guaranteed the legitimacy and effectiveness of norm-building and norm implementation. The main research interest in transnational networks, therefore, is whether or not they can contribute to such a worldwide nexus under conditions of decentration.

Voice-entitlement nexus, in this context, means a simplified but basic condition of a democratically legitimate and effective mechanism for norm-building and norm implementation which can be thought of as a worldwide policy. Concepts of democracy beyond nation-states have to start from elements of form, representation, and decision making which were developed by and a property of the nation-state, but they then have to proceed to considerations regarding which of these elements can equally be thought of (modified in form and dimension) as democratic basics beyond the nation-state. As such basics we assume:

a)   that people/groups/civil society actors possess capabilities and instruments for articulating their views and interests and allowing them to enter into public considerations and decision making;

b)   that they possess transparent and certain entitlements and obligations, the recognition and enforcement of which are guaranteed by impact, power, and procedure;

c)   that their entitlements/obligations are not a direct outcome of their articulation, but are connected with it in a legitimate manner.

This democratic theory-related assumption cannot be linked with the constitutive elements of democracy which presuppose the existence of the nation-state (such as the constitutive elements of polyarchy in Robert A. Dahl's work). Rather, it can be linked with approaches concerning the origin of democracy, for example, Charles Tilly's definition of democracy as "broad, equal, protected, mutually binding consultation" or his relationship between "trust(-networks) and rule." And it can be linked with philosophical, social psychological, and anthropological approaches concerning the "roots" of democracy, for example, Alfonso Catania's or Emanuel Richter's category of "recognition." The latter approaches always transcend the nation-state framework from the very beginning.

The voice-entitlement nexus sketched in this simplified but essential way can be regarded as a founding element of an emerging worldwide polity—even if a world state or a world society cannot be imagined. From this assumption follows the research interest in TNNs, which leads to our hypotheses. Networks as novel transnational actors and actor constellations can be observed in a great variety of important fields which require norm-building. And they seem to provide important elements of the named nexus:

- The fact that they operate beyond markets and states allows for the consideration of whether they articulate voice.

- The networks studied here, however, do no restrict themselves to supporting a particular interest in a highly efficient way. Rather, they strive to build transnational norms—that is, to establish rules and standards which can provide universally applicable and enforceable entitlements/obligations. This effort seems capable of transcending particularist interests.

- Simultaneously, these networks can be investigated according to the question of whether they are willing and competent to (help to) implement the norms fostered by them.

All these hypotheses seem to make it worthwhile to study the actions and outcomes of these TNNs with a view to identifying their contribution to a new global polity.

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