Donald Trump - an agent of norm death?

Diana Panke and Ulrich Petersohn

Abstract:

This paper starts from the observation that since his inauguration, the U.S. president Donald Trump has often made news through seemingly violating international and domestic norms. For instance, the multilateralism norm, or the non-discrimination norm. This paper uses theories on norm death in order to examine whether Trump has turned into an effective agent of norm death, pushing the abolition of some domestic and international standards of appropriateness, whilst changing others. It basically argues that this is not the case. Trump’s actions lacked effectiveness. In the domestic realm, checks and balances have mediated and in some instances prevented the death of established norms and policies (e.g. norm of separation of powers). In the international realm, not only the US state department, but also the actions of other state leaders have prevented the end of established norms such as the norms of diplomatic protocols.

1. **Introduction**

Just a few months into Donald Trump’s presidency it becomes apparent, that he is not content with multiple international and domestic norms. Accordingly he has started to challenges norms, previously considered to be cornerstones of the US political system and international society. One of his first acts in office was to withdraw from the Trans-Pacific Partnership, a multilateral trade agreement long in the making. In his comments on international trade, President Trump made clear that he considered ‘one-on-one deals’, i.e. bilateralism, over the established practice multilateralism. Likewise, the President expressed scepticism of the existing international security architecture, in particular NATO ([Gertz, 2017](#_ENREF_5)). Initially calling NATO ‘obsolete’, he now does not question the existence of the organization, yet the nature of the treaty obligation. Since its existence, the obligation under Article 5, which requires members to provide support to the member states in case of an attack, were considered unconditional. However, Donald Trump shifted to a conditional interpretation where support is based on whether member states invest a certain percentage of their GDP for their own defence ([Smith, 2017](#_ENREF_15)). This is accompanied by a different approach to diplomacy. Over decades, states have developed sophisticated diplomatic procedures to signal their intent to partners, competitors and opponents alike, seeking to carefully craft and control their public messages, and speak with a single coherent voice. This has significantly changed under Donald Trump. The president is moving away from established diplomatic practices and is, at times, relying on ‘Twitter-diplomacy’. He does not consult his foreign policy team to develop a well-crafted policy which is then announced through the normal channels, but tends to spontaneously tweet about foreign policy matters, e.g. the foreign relations to Mexico on the border wall issue. Moreover, the coherency of the administration’s messages is often compromised as the President and his team send different signals. For instance, at one point Donald Trump suggested the US would not cover the costs of an Air Defense system in South Korea, which was later then corrected by his National Security Advisor ([Revesz, 2017](#_ENREF_13)).

Similarly, like in the international realm, established domestic norms have been under pressure. At the beginning of his presidency, Donald Trump drafted an executive order, the so called ‘Muslim ban’, which meant to increase the vetting for travellers from seven countries with a majority Muslim population. By his own admission, Donald Trump attempted to target Muslims as a specific group, which violated the principle of non-discrimination([Price, 2017](#_ENREF_12), [Stahl, 2016](#_ENREF_16)). Moreover, on several occasions, the President has challenged the freedom of the press, which is guaranteed under the 1st amendment of the US constitution. Some of the strongest attacks were the threat to extend libel laws so newspapers could be sued more easily, and his attempt to convince the-FBI director James Comey to jail journalists who published classified information ([Cillizza, 2017](#_ENREF_2)). Finally, the principle of separation of powers, also guaranteed by the US constitution, is under pressure by the Trump White House. When the independent judiciary reviewed the Muslim ban and blocked its implementation, Donald Trump challenged the legitimacy of the court by referring to the judge as a ‘so-called judge’. Similarly he disregarded the separation of powers when members of his administration were under FBI investigation for potential contacts with Russian officials. Donald Trump interfered in the ongoing investigation by asking then-FBI director James Comey to ‘let it go’ and eventually firing him over the investigation ([Stein, 2017](#_ENREF_17)). These and similar anecdotes raise the question whether Donald Trump has turned into an agent of norm death. Do his actions have the potential to lead to the abolition of some domestic and international standards of appropriateness?

1. **Theorizing Norm Death**

Norms are standards of appropriate behaviour and an integral part of international and domestic politics and policies. Due to their prevalence, norms have received a lot of scholarly attention in the last decades. Initially, researchers have examined how norms emerge and how they impact actors. For instance, norms can impact rational actors through bringing about costs for unwanted actions and benefits for actions in line with the respective norm ([Axelrod, 1984](#_ENREF_1), [Shepsle, 1989](#_ENREF_14)). Norms can also have a deep impact, changing not only preferences and interests but also identifies of actors ([Keck and Sikkink, 1998](#_ENREF_6), [Wendt, 1999](#_ENREF_18), [Finnemore, 1996](#_ENREF_4)). More recently, scholarship has studied norm violations and contestation ([Downs et al., 1996](#_ENREF_3), [Mitchell, 1996](#_ENREF_9), [Zürn and Joerges, 2005](#_ENREF_20), [Wiener, 2012](#_ENREF_19)) and shed light on conditions under which norms can be abolished ([McKeown, 2009](#_ENREF_8), [Panke and Petersohn, 2011](#_ENREF_10), [Panke and Petersohn, 2016](#_ENREF_11)). The latter strand of work is of relevance to this paper, because it provides insights into the conditions that facilitate norm death and allows, thus, shedding light on the core question posed: Has Donald Trump turned into an agent of norm death and is he effective in this respect? In other words: Does his talk and do actions have the potential to lead to the abolition of some domestic and international standards of appropriateness?

While norms are counterfactually valid and do not cease to exist, simply because they are contested ([Kratochwil and Ruggie, 1986](#_ENREF_7)), norm violations by a powerful actor are the very first step towards norm death, as the examples of the norms of colonial conquest, the permission of slavery or the norm against unrestricted submarine warfare illustrate ([Panke and Petersohn, 2011](#_ENREF_10), [Panke and Petersohn, 2016](#_ENREF_11)). Norm violations can take different forms, they can either manifest themselves in talk and or in action; and they can take place within and outside of institutional contexts. Whether norm challenges trigger norm violation cascades and ultimately lead to the abolishment of a norm depends on features of the norm itself, the relevant actors, and the context.

First, the more precise a norm is, the more apparent norm challenges become and the easier it is for norm proponents to organize resistance. In contrast, the less precise a norm is defined, the more difficult it is to spot challenges and the easier it is to change the norm in a manner accommodating the challenges (e.g. in adjusting its scope of application) ([Panke and Petersohn, 2011](#_ENREF_10), [Panke and Petersohn, 2016](#_ENREF_11)). Second, in contexts in which other actors prefer the continuation of the attacked norm, and also possess competencies and capabilities to turn into opponents, the chances of stopping norm death increases ([Panke and Petersohn, 2011](#_ENREF_10), [Panke and Petersohn, 2016](#_ENREF_11)). Third, norm defenders are increasingly successful, the less rapidly the context in which norm challenges take place is changing, as stable contexts reduce the chances that the norm challenging behaviour is copied by others for opportunistic reasons ([Panke and Petersohn, 2011](#_ENREF_10), [Panke and Petersohn, 2016](#_ENREF_11)).

 The next section sheds light on these three conditions and does so for norm challenges in the international and in the domestic realm. Exploring whether President Trump has turned into an effective agent of norm death during the early months of being in office allows for educated guesses into the prospects for the remainder of Donald Trump’s incumbency.

1. **Discussion**

Based on the competencies of the office and the geopolitical role that the U.S. has played in the past, President Trump is a powerful actor in the domestic and the international realm and in a position to challenge established standards of appropriateness in both arenas. But are his actions likely to lead to the death of some norms? In order to shed light on this question, we examine for each of the six instances presented the introductory section how the three elements triggering norm-abolition cascades are configured.

 First, the President challenged the multilateralism norm, for instance through the withdrawal from a Trans-Pacific-Partnership (TPP). In the post WWII era, the U.S. started to work towards a multilateral world order. Over time, multilateralism became an informal norm, prescribing that cooperation between states to address common problems and advance collective interests is best conducted in a multilateral manner. This norm is vague, as it is not codified and there is neither a clear definition of its scope of application, nor of exceptions to the general rule. Thus, curbing the norm incrementally until it is only an empty shell is potentially possible. However, other countries turned into agents of norm defence: Australia, New Zealand and other signatory states planned moving ahead with the TPP expressing, thus, their continued commitment to multilateralism. For instance the Paris climate agreement or the economic discussion within the G7, are still conducted in a multilateral fashion. This is reinforced by the numerous regional and international organizations and regimes on the international level, which are all based on the principle of multilateralism. Thus the stable context does not invite opportunistic norm-violations by Third Parties. As a result, despite the norm violation through the U.S. President, there is no significant change of how regional or global international negotiations are conducted.

 Second, President Trump challenged the core of the NATO treaty, implying that the U.S. does not take the obligations arising from Article 5 as unconditionally binding. This norm is codified and reasonably precise, as it is obliges states to support other members if they are attacked and does not enumerate exceptions. Accordingly, Trump’s challenge could not incrementally undermine the norm, but was immediately noticed. Not only other NATO members, but also parts of Trump’s own administration, most notably his National Security advisor LtGen. H. R. McMasters, immediately expressed the clear commitment to NATO. This stabilized the norm also since the security context within which NATO operates remained stable. The geopolitical context has not changed and Russia still is NATO’s main rival in Europe. Thus, Trump’s norm challenge did not trigger a spiral at the end of which the collective security architecture unravelled.

 Third, the diplomatic protocol is a collection of informal and unwritten norms on how states organize their interactions, including how they initiate and conduct communication between political leaders. The latter norm on communication has been violated repeatedly for instance through Donald Trump’s usage of Twitter as a means to make foreign policy announcements, or by handing out his personal cell phone numbers to foreign leaders. Although the norm is vague, it was not curbed in an incremental fashion, starting with occasional minor violations that persisted over time. Instead, the violations were visible and massive and did not go unnoticed. This is taking place in a changing norm context in which technological innovations have introduced social media into the business of governments. Instead of participating in a norm-abolishing cascade, however, former foreign leaders (e.g. Mexico’s former president) as well as members of Congress and the U.S. administration turned into agents of norm defence, some of them arguing not to take all tweets by the president seriously. Thus, instead of replacing established rules of state communication, social media is used by governments rather as a supplement, than a means to conduct policy, which stabilized the norms of the diplomatic protocol.

 Forth, banning people form certain countries with Muslim majority populations from entering U.S. territory violates the non-discrimination norm. This norm is precise. Non-discrimination on the basis of religion is codified in the UNHCR’s refugee convention of 1951 as well as the U.S. Immigration and Nationality Act. The anti-discrimination norm is embedded in a stable context, since neither the relevant international, nor the relevant domestic law has been changed. This forms a less likely context for successful norm challenges, if there are norm proponents willing to use their power to defend the norm. Indeed, institutional checks and balances came into play and U.S. courts declared the ban unconstitutional.

 Fifth, using libel laws in order to sue newspapers, allegedly reporting fake news, violates the freedom of speech. Freedom of speech is a very precise norm, which is codified in the 1st amendment to the U.S. constitution and thus, rooted in a very stable context. Accordingly, this norm challenge created an outcry from liberal media outlets and even the American Bar Association called Trump a ‘libel bully’. Instead of triggering norm death, the libel law attack has created a roll-back movement of the press and civil society at large, thereby defending the freedom of speech norm.

 Sixth, President Trump violated the separation of power principle, when interfering with the FBI investigation, for instance by dismissing FBI director James Comey. Since it is codified in Article 3 of the U.S. constitution, this norm is highly precise and also embedded in a stable context. Accordingly President Trump’s challenge to one of the core norms of U.S. democracy did not lead to an incremental unnoticed weakening of the norm. Instead, the norm violation was noticed and immediately answered. The Justice Department appointed a special prosecutor, thereby restoring judicial power and reinforcing the separation of power norm.

1. **Conclusions**

Donald Trump’s challenges of established norms have not been successful. The President was unable to trigger a norm weakening cascade across a broad variety of international and domestic norms. Despite different characteristics, i.e. vague (multilateralism norm) or precise (freedom of the press), stable context (separation of power) or unstable context (diplomatic protocol) the norm violations by President Trump did neither lead to the swift abolition of the norms, nor to their incremental weakening. Instead, due to strong support of relevant actors with capacities to act, such as other states, parts of the US administration, or the US judiciary, the norms remained unscathed. Thus, this paper illustrated that although powerful actors have considerable resources and a higher likelihood of succeeding to change or abolish established international or domestic norms, being a powerful norm opponent is by no means a sufficient condition for norm death.

There is little to suggest that Donald Trump will turn into an agent of norm death in the future on the international level. A majority of crucial actors has demonstrated little appetite to follow his attempt to move from bilateralism to multilateralism, and to change diplomatic protocol – although these norms were vague and in case of the diplomatic protocol even situated in a changing norm context.

However, the prospects of norm change on the domestic level seem to be less restrictive for a presidential norm challenger on the one hand. Although unsuccessful as of now, the President has the ability to appoint and in some cases to relieve personnel. Numerous appointments for the appeals courts and federal courts are coming up during his term. Choosing like-minded judicial personnel, prone to lesser resistance to norm challenges might help triggering norm violation cascades, if norms are codified so that norm challenges ultimately turn into matters of legal interpretation and judgment. On the other hand, norm changes or norm abolitions through revising laws requires the approval of the legislative branch, and is thus subject to a balance of power – especially if the opposition party wins additional seats in the House of Representatives and the Senate in the 2018 midterm elections. Also, if challenged norms are not embedded in legal documents but vague in nature, the fourth estate comes into play. Civil society actors with access to social media can turn into important norm defenders preventing the unnoticed and incremental curbing of domestic norms or their swift abolishment.

In sum, powerful actors challenging norms are necessary for norm death as the examples of the norms of colonial conquest, the permission of slavery or the norm against unrestricted submarine warfare illustrate ([Panke and Petersohn, 2011](#_ENREF_10), [Panke and Petersohn, 2016](#_ENREF_11)). Yet, having a powerful norm opponent is not sufficient for norm death. Even if norms are vague and not embedded in stable contexts, norm violation cascades are not automatically taking place and are not automatically ultimately leading to the abolishing of formerly stable standards of appropriateness. As long as there is a critical mass of norm proponents who act upon the information about norm violations and use their capacities and competencies in order to publicly demonstrate their continued commitment to the challenged norms, norm death can be avoided. Yet, the longevity of domestic and international norms cannot be taken for granted. Once a critical mass of actors is ignorant or ambivalent in their commitment towards the challenged norm, or even starts opportunistic behaviour and violate the norm as well, norm violation cascades can lead to the eventual abolition of formerly established standards of appropriateness.

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