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Understanding norm erosion: Australia's challenge to the rules-based order

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Abstract

Australian foreign policy makers increasingly place an emphasis on the importance of rules and norms. These foreign policy statements reflect concerns about China's growing assertiveness combined with the belief that a 'thick' anarchy is safer for middle powers. Yet while Australia has been fixated with how China poses a threat to the international order, at times, Australia has actively challenged that order itself. Such was the case when the Prime Minister gave an address on 'negative globalism' at the Lowy Institute in October 2019. This article advances a theoretically grounded framework for understanding how these performative challenges arise and come to cause norm erosion. The framework draws together three elements: the rule or norm in question; representational strategies; and domestic audiences. The article illustrates this framework using the example of the Prime Minister's Lowy Institute address.

Key Words

constructivism, foreign policy, rules-based order, representational strategies, norm erosion

Introduction

When Prime Minister Scott Morrison gave an address at the Lowy Institute in October 2019, he criticised the growth of an international tendency he termed 'negative globalism'. According to Morrison, while states were obligated to cooperate independently on global issues, international institutions had overstepped their authority and begun to 'demand conformity'. In doing so, they were infringing upon the principle of sovereignty (Morrison 2019). The speech was clearly influenced by the US President's Address to the UN General Assembly the previous week. Trump had declared (as quoted in Day 2020, 319) that the 'globalists' of the world were at war with the 'patriots'. The Lowy Institute address generated a wave of interest within Australian foreign policy circles. Allan Gyngell (2019) described the speech as 'anxious and inward looking' and George Megalogenis (2020) wondered

whether the Prime Minister was ‘trolling the left at home’. Meanwhile, former Prime Minister Malcolm Turnbull ventured that Morrison had been temporarily influenced by his most conservative advisors and was also trying to ‘curry favour’ with senior editors at *The Australian* (Galloway 2020).

While Turnbull’s observation may very well be true, we have good reason to believe there was a target audience beyond political elites on the right. In the Lowy Institute address, Morrison (2019) deployed one of the most electorally successful themes from the Howard era by declaring that Australia would ‘decide our interests and the circumstances in which we pursue them’. Historically, the phrase appealed to and sought to constitute an electorally significant segment of the Australian population which Howard called the ‘battlers’ and Morrison dubs the ‘quiet Australians’ (Brett 2019, 25). The tabloid press coverage from the time lends additional support to this conclusion (Credlin 2019; Markson 2019; Blair 2019). Daily Telegraph writer Tim Blair (2019) said the speech was ‘giving voice to the quiet Australian majority’. Similarly, Peta Credlin (2019) told her Courier Mail readers not to ‘underestimate how much Morrison’s message will resonate with everyday Australians’. Morrison may well have been attempting to subdue a rift among elites, but the speech also appeals to a disulliosioned and nationalist aspirational class of Australians.

The ‘negative globalism’ speech can be contrasted with the Launch of the 2020 Defence Strategic Update. Here, the Prime Minister’s outlook was pessimistic, but his choice of words aligned more closely with themes already apparent in the Defence (2016) and DFAT White Papers (2017). According to Morrison (2020), Australia faced an increasingly challenging international context;

> [P]atterns of cooperation that have benefited our prosperity and security for decades, are now under increasing - and I would suggest almost irreversible - strain….State

> sovereignty is under pressure, as are rules and norms and the stability that these provide.

The international order had served Australia well, but its constituent elements were coming unstuck. Australia needed to be ready for a more dangerous existence.

The Lowy Institute speech and the Defence Strategic Update address are interesting when put alongside one another because the Prime Minister is at cross-purposes. When Morrison briefed press at the launch of the Defence Strategic Update, he warned of a time where rules and norms would cease to affect the conduct of international affairs. By contrast, in the Lowy Institute speech, he was prepared to mount his own challenge to that order. In this instance, and as the paper will argue, the Prime Minister's remarks can be understood as a challenge to the norm of sovereign equality. Additionally, because the Prime Minister pitted his domestic audience against the norm of sovereign equality, the Lowy Address can be understood as a particularly acute variety of performative challenge.

While it is true that Australia may not possess the clout to cause a significant degree of norm erosion, these kinds of challenges do undermine Australia's credibility. In turn, a lack of credibility limits the Australian government's ability to execute a proactive foreign policy. In this instance, by performatively challenging core features of the rules-based order, the government undermines the chances that their emphasis on rules and norms will cut through to affect the conduct of other states.

This article advances a theoretical approach for understanding how political leaders come to challenge the rules and norms of the international system. The framework draws attention to those instances where political leaders face a temptation to pit their publics against the international order. In these circumstances, where political leaders exploit this potential cleavage and contest the norm's legitimacy, they perform a particularly acute challenge to the

norm. Domestically, they set a precedent for further norm contestation or norm non-compliance. Internationally, they signal that the norm's standing is less important to them than an immediate political pay-off at home.

This article proceeds in five sections. In the first section, the paper shows how the government's emphasis on rules and norms is linked to its fears about the integrity of the current international order. Section two draws on existing constructivist literature to detail how rules and norms come to be challenged in representational strategies. This section provides a platform for the third section to set out the paper's framework. The fourth section illustrates the paper's framework using the example of the Prime Minister's negative globalism speech at the Lowy Institute. The fifth section concludes the paper's findings and touches on its implications. If Australian foreign policy makers are interested in the integrity of the international order, it seems counterintuitive that they would challenge its constituent elements. This paper can shed light on how such challenges arise and what they mean for international norms.

The 'rules-based order': Australia's growing concerns

Among Australian foreign policy makers, the prevailing view is that revisionist powers are challenging the international order (Bisley and Schreer 2018, 310; DoD 2016, 45). Consequently, Australia has made a conspicuous effort to upgrade its defence capabilities. In addition, Australian foreign policy makers have been explicitly endorsing the idea of a rules-based system (Bisley and Schreer 2018, 310; Strating 2020, 1).

When Australian foreign policy officials talk about the rules-based order, they are referencing the post-1945 Liberal International Order (LIO). In the conventional account, the LIO is a set of practices and values such as 'open markets, international institutions, co-operative security, democratic community, progressive change, collective problem-solving, shared

sovereignty, [and] the rule of law' (Ikenberry 2011, 2).[1] For their part, Australian foreign policy makers have settled on the term 'rules-based order' out of a desire to increase defence cooperation with non-democratic Asian states such as Singapore and Vietnam (Bisley and Schreer 2018, 312).

There is a considerable volume of literature which grapples with the question of how the so-called international 'powershift' will alter the post-1945 order. Will a rising China seek to revise the rules, norms and strategic relationships of the international system? To what extent are they capable of generating such change? (Acharya 2011; Clark 2014; Mearsheimer 2006; Schweller and Xiaoyu Pu 2011). In these debates, claims about the resilience of the international order are underpinned by contending accounts of what binds or stabilises it in the first place. For instance, hegemonic realists attribute the preceding period of stability to US hegemony and consequently forecast a pattern of great power confrontation (Mearsheimer 2006). Liberals like John Ikenberry (2018, 18) view the LIO as a constitutional order of rules, norms and institutions which will exert an influence notwithstanding a decline in the authority of the chief architect. English School theorists such as Ian Clark (2014, 320) emphasise the socialising effect of 'international society'. An increasingly assertive China can revise the terms of the society, but only if they also adapt to some of its elements (338). While these accounts accept that there is a change in the 'brute facts' of the material power distribution, they disagree on what that means for the international order itself.

For their part, Australian foreign policy makers have settled on the view that the international order is indeed under threat. The 2016 Defence White Paper (45) clearly makes this case;

> The framework of the rules-based global order is under increasing pressure and has shown signs of fragility. The balance of military and economic power between

> countries is changing and newly powerful countries want greater influence and to challenge some of the rules in the global architecture established some 70 years ago.

As this passage conveys, the government thinks rising powers pose a threat to the international order. Of course, we have good reason not to take Australia's account at face value. Not least, a considerable range of literature details how the US and allies like Australia have pursued their own revisionist approaches to the international order (Clark et al. 2018, 333-34; Ikenberry 2003; Ikenberry and Milibank 2017; Hurd 2007). For our purposes, Australia's assessment of the international order is noteworthy because it corresponds with a new emphasis on rules.

Bisley and Schreer (2018: 300) pinpoint Australia's turn to the language of rules and norms. As they note, the 2003 DFAT White Paper gave no discussion of the importance of rules or norms or the state of the broader international order. The Rudd government's 2009 Defence White Paper (43) then listed the 'rules-based global security order' as one of Australia's four strategic interests. By 2016, the Defence White Paper mentioned 'rules-based order' 56 times. Bisley and Schreer (2018, 310) also give us this insight into the mindset of Australian foreign policy makers when it comes to this shift in language;

> [T]here is a self-interested reason why a country of 24 million inhabitants on a richly endowed island continent prefers an order in which rules and institutions exert some hold on the behaviour of states in international politics.

From where foreign policy makers stand, Australia lacks the capabilities of a superpower and its geography makes it vulnerable to coercion. While we do not have to accept that Australia is *necessarily* vulnerable, it is worth noting that this form of anxiety is well-established in Australian policymaking (Burke 2008). In turn, this anxiety has driven Australia to emphasise the benefits of the international order.

Australian foreign policy makers see particular merit in the language of rules and norms when it comes to the South China Sea. In this context, they believe the approach allows Australia to indicate that it does not support China's actions while avoiding the appearance of singling China out (Bisley and Schreer 2018, 309; Strating 2020, 1). For instance, in 2020, the Australian government moved to reject the legal basis of Chinese maritime claims. While this meant that Australia revised a longstanding position of neutrality, it could argue that insofar as it was taking sides, it was only siding with the Law of the Sea Convention (Thayer 2020). Foreign policy makers somewhat optimistically hope that the language of rules and norms can influence the way China engages with institutions in the region while minimising the risk that China will think it has been targeted.

Representational strategies and the international order

Having identified Australia's fears about the international order, we can begin thinking about the ways that it is 'hollowed out' by a range of actors including those states that see themselves as core members. This section draws on insights from classical realism and constructivism to detail the role of representational strategies in the erosion of rules, norms and institutions. Representational strategies are those strategies which attach meaning to the 'brute facts' of the material world (Goddard and Krebs 2015, 13). Typically, this occurs through rhetoric, but visual representation and practice also clearly matter. Importantly, representational strategies are rarely if ever politically neutral. In representing the world, some ways of acting come to appear more logical than others. Put differently, representational strategies have a performative function - they do things (Goddard and Krebs 2015, 13). In this paper, we are interested in how representational strategies challenge or endorse international rules and norms as well as appeal to and constitute particular audiences.

Paradoxically, the classical realists were among the earliest IR theorists to alight upon the political ramifications of rhetoric. Typically, IR theorists have looked to E.H Carr to

categorise the classical realist view of language. Carr (1939, 111) famously saw rhetoric as a mere tool by which states would deceive themselves and others of the nobility of their actions. Yet Tjalve and Williams (2015) highlight a strand of classical realist scholarship concerned with 'responsible rhetoric'. For instance, Morgenthau worried that political leaders could use their positions of authority to generate public support for causes that would ultimately undermine international order. Enflamed publics would make it challenging for political leaders to produce sensible foreign policy (39). Even the classical realists saw connections between rhetoric and the international order. Already, we have reason to be interested in the origins and effects of a speech lamenting a so-called 'globalist bureaucracy'.

Where classical realists expressed a general desire for political leaders to be responsible with their rhetoric, constructivists have homed in on what representational strategies do to rules and norms. To understand constructivist claims about the relative effects of a given representational strategy, it is necessary to grasp how rules and norms come to influence actors in the first place. Rules and norms exert effects when they have legitimacy. Under such conditions, actors perceive that they have a social obligation to abide by them. Put differently, a legitimate rule or norm has a compliance pull (Reus-Smit 2007, 161). An actor might choose to violate that rule or norm but if it retains some sense of standing, it can survive. Indeed, the compliance pull often causes the offending actor to craft a justificatory strategy to account for their behaviour. It will also induce actors to comply with the rule or norm in the future even if someone else has transgressed it.

If legitimacy underpins the integrity of rules and norms, different representational strategies will cause different degrees of harm. To illustrate this point, consider the strategies of justification and secrecy. In these circumstances, the strategies are *not* doing considerable damage to the rule or norm. Let us examine why that is the case starting with the act of justification. There are two common approaches to a strategy of justification. First, actors

might maintain that the practice *conforms* with a rule or norm (Reus-Smit 2013, 1067). Justifications for intervention made in the name of the Responsibility to Protect (R2P) framework are an example. The organising principle of sovereignty is interpreted to include a state's capacity to protect civilians from the four key crimes; genocide, war crimes, crimes against humanity and ethnic cleansing (Bellamy and Williams 2010: 137). Therefore, by the terms of R2P, intervention is seen as *consistent with* sovereignty. Second, actors may argue that they face an extenuating circumstance (Reus-Smit 2013, 1067). This second kind of strategy is often associated with the politics of exceptionalism. Consider Michael Walzer's concept of the *supreme emergency* and the laws of war. In a condition of supreme emergency such as the Nazi occupation of Europe, Walzer suggests there is grounds for actors to suspend the laws of war (Brown 2018, 209). In both examples, the justification implicitly and often explicitly acknowledges the legitimacy of the norm or rule in question. In other words, the rule or norm largely retains its intersubjective standing.

A second common representational strategy is secrecy. Rather than providing an excuse for non-compliance, a political actor will try to cover-up their transgression. Secrecy typically occurs when actors do not want to be understood as transgressors but see no plausible justification. Kennedy's disastrous 'Bay of Pigs' campaign in Cuba is one such example. As Poznansky (2019, 72) details, the Kennedy administration did not believe they could attain a legal exemption to the non-intervention principle, and they were concerned about the US' international standing if discovered. Actors such as the Kennedy administration find that they are not in a good position to justify their decision publicly or to openly challenge the standing of the associated rule or norm. They open themselves up to an obvious question; if you were so certain you were doing the right thing, why hide it? Therefore, the practice of secrecy alone does not create an acute challenge to the standing of rules and norms.

Justifications and secrecy differ substantially in character from representational strategies which challenge the standing of rules and norms. When transgressions are accompanied by questions about the 'righteousness' of the norm, non-compliance becomes an acute challenge (Deitelhoff and Zimmerman 2013, 51). For instance, in the context of the international ban on whaling, Iceland and Norway have challenged the validity of the norm on the basis that it conflicts with their right to sustainably use domestic resources. While these states have not brought about the demise of the whaling ban, they have succeeded in radicalizing the discourse of contestation. For instance, African and Caribbean states have also voiced objections to the whaling ban on the basis that it could impede their ability to overcome food scarcity issues (69). By challenging the righteousness of a rule or norm, states perform an attack on its standing.

Attacking the foundational principles of a rule or norm is also more damaging than non-compliance alone (Clark et al. 2018). Such representational strategies do not need to be characterised by outright rejection. For instance, in the case of law, actors can revise the meaning of a law's categories or they can seek to redefine the scope of its applicability. In the so-called global war on terror, US lawyers deployed a 'revisionist' approach to International Humanitarian Law (IHL). They described their captured adversaries as 'unlawful combatants' in place of the accepted legal term 'former combatants'. In devising their new category, the US was seeking to avoid their legal obligations to 'former combatants' under the Geneva Conventions (Clark et al. 2018, 34). In their 'denialist' approach to IHL, Russia simply refuted allegations that they were backing rebel groups in Ukraine. These rebel groups are linked to a string of IHL violations. With this denialist approach, Russia invented a reality which presented no opportunities for the international community to assess their conduct by the terms of IHL (Clark et al. 2018, 335). These are examples of indirect, acute challenges to the standing of the law.

A challenge to a rule or norm might start out as an act of secrecy and then become a performative challenge over time. This is the subject of McKeown's (2009, 11) account of the Bush administration's attacks on the torture norm. In contrast to the Kennedy administration and its Bay of Pigs fiasco, when the Bush administration's 'enhanced interrogation' practices became public, they moved from a strategy of secrecy to a narrative of 'a few bad apples' to a legitimating discourse. In this discourse, the torture norm became seen as an impediment to American security (17). Crucially, the act of secrecy only became a performative challenge when the Bush administration supplied its practices with a legitimating discourse. To summarize, if representational strategies entail fundamentally attacking or altering the character of the rule or norm, they transfer a loss of standing to that rule or norm.

The preceding discussion raises an important question about what is meant by 'international' in this context. In the Waltzian conception of politics, states are understood as the unit equivalent of a black box. This conceptualisation will not suffice for an analysis of how actors come to challenge rules and norms. As Reus-Smit (2007, 44) points out 'crises are often rooted in social forces and processes that exist at a domestic or transnational level'. When this paper uses the term 'international', like Reus-Smit (44), it refers to the constellation of relationships between states, non-state actors and institutions. These relationships transcend and constitute territorial boundaries. This paper argues that to assess the nature and effects of a particular performative challenge, it is useful to open up the black box of the state.

At this point in the discussion of rules, norms and representational strategies, we also need to add a caveat about transformation in international politics. Based on the preceding discussion, the reader could be forgiven for forming the view that existing rules, norms and institutions are all inherently desirable or just. As Evers (2017, 791) reminds us, actors sometimes

performatively violate rules and norms with the express purpose of transforming the international order. Evers is interested in the origins of these acts and not necessarily whether they are normatively desirable. However, his framework *does* open up the possibility that performative transgressions can be in the service of just ends. While it is undoubtedly true that many international rules and norms do desirable work, this article should not be read as a comprehensive endorsement of the status quo.

This section has detailed how representational strategies are implicated in norm regress. Non-compliance might be bad for a rule or norm. However, because rules and norms derive their compliance pull from legitimacy, representational strategies that challenge those rules and norms are particularly damaging.

The ‘fit-rift’ framework

If existing constructivist literature shows us how some claims come to be particularly corrosive, this section adds another axis along which we can see how these challenges arise and exert effects. Here, the argument revolves around the concepts of *fit* and *rift*. A potential *fit* is an instance where actors can easily frame norm compliance in a manner that domestic audiences will find compelling. The term *rift* describes a circumstance where no such easy ‘sell’ appears available. In fact, where there is a potential rift, political actors have an incentive to portray the international order as inconsistent with their public’s values. If they do so, they inflict acute damage on the norm. It is important to note that the fit-rift framework can direct the analyst to understand which political incentives exist, but it cannot tell analysts exactly why a political leader chooses one course of action over another.

Where there is a comfortable ‘fit’ between a rule or norm and the cultural terrain of a domestic audience, political leaders can more readily ‘sell’ norm compliance to their constituents. Consider the example of Australia’s intervention in East Timor following the

violence of the referendum result. When they made the decision to intervene, Australian foreign policy makers undoubtedly faced a complex set of problems. Notably, intervention would surely damage Australia's highly valued relationship with Indonesia (Reeve 2006, 72). However, when it came to the task of 'selling' such action to the Australian public, the Howard government was on relatively safe ground. DFAT (2001, 29-30) had already identified growing public support for East Timor's self-determination claims. This can be contrasted with the Australian public's general attitude of distrust towards Jakarta (Lowy Institute 2019). The government was under domestic pressure to 'do something' (Wheeler and Dunne 2001, 812). Supporting the principles of self-determination and human rights was an easy 'sell' because it had a comfortable fit with the expectations of the public.

Where there is a potential rift, political leaders are presented with the temptation to performatively transgress a rule or norm. Potential rifts often arise when communities are shamed by external actors. For instance, the Morrison government experienced an episode of shaming when Pacific Island states and the UN Human Rights Commissioner criticized Australia's climate and asylum seeker policies (Bachelet 2019; McDonald 2019). Adler-Nissen and Zarakol (forthcoming) give us a path to understanding how this shaming experience opened up a potential rift between Australia and the international order. In self-described Western states, publics are liable to taking the view that they are the creators and backers of the international order. On this basis, it does not make sense for them to be the subject of criticism (Adler-Nissen and Zarakol, forthcoming, 9). In the Australian context, this kind of sentiment coalesces around the topic of foreign aid. The average Australian not only has an inflated perception of how much Australia gives, they believe that Australia gives too generously (Pryke 2018). When Australia is shamed by international bodies and Pacific Island states in particular, it evokes the view that the 'rest' are behaving ungratefully. When Morrison came under criticism from the UN Human Rights Commissioner and Pacific Island

states, he would have felt a strong temptation to performatively challenge features of the international order that would otherwise compel him to listen to those voices.

In the first case, there was a fit between the domestic cultural terrain and the norms of self-determination and human rights. In the second case, there was a potential rift and the Morrison government had an incentive to perform a transgressive approach to the international order. At this point, we need to add three qualifications about the circumstances which lead to potential rifts. These concern the public's values, the audiences, and political leaders themselves. First, rifts are most likely to occur around a state's settled beliefs, identities and symbols. These settled features of the cultural terrain provide actors with the resources to readily 'sell' political action. Often, they also provide tools for political actors to wedge their opponents (Krebs and Jackson 2007, 45). For instance, John Howard appealed to the Australian concept of a 'fair go' when he described asylum seekers as 'queue jumpers' (McDonald 2005, 318). In framing the issue using the cultural resource of 'a fair go', he limited Labor's room to sustainably challenge the government's policy. Unlike other beliefs or ideas which may coalesce in a political system, the settled features of the cultural terrain provide political leaders with resources to construct a compelling rationale for action and limit opportunities for their opponents to construct effective rebuttals.

Second, neither fits nor rifts have to concern the public in its entirety. In the case of the negative globalism speech, Morrison appealed to his 'quiet' Australians and if anything, he was prepared to take a reputational hit among more regular foreign policy commentators (Gyngell 2019; Megalogenis 2020).

Third and finally, potential rifts tempt political actors whose position depends in some way on the public's support. Elected officials fall into this category although securing public support also matters in settings without competitive elections. For instance, Russia's

campaign in Ukraine is not just driven by hardnosed geopolitical factors. Putin is also communicating his strength and resolve to his domestic constituents (Cormac and Aldrich 2018: 479). In contrast to these actors, Australian public servants will be less tempted to pit domestic constituents against the international order. These employees have an institutional position affording them a measure of fortification from political upheaval and even encouraging them to 'take the long view'. Additionally, foreign policy public servants spend a considerable portion of their time communicating with peers from other states. As Mitzen (2015, 76) explains, this routine engagement exerts a psychological effect on participants, making them feel more accountable to their international commitments (Mitzen 2015, 76). It is therefore unsurprising that when political leaders seek to challenge the international order in pursuit of a domestic political pay-off, public servants can find themselves sidelined. Indeed, Scott Morrison did not seek DFAT's input before giving the Lowy Institute speech (Galloway 2020). To summarise, potential rifts tempt political actors who depend on public support. They typically arise around the settled beliefs, identities and symbols of a cultural terrain but this process does not have to involve the population in its entirety.

This paper argues that in circumstances where there is a potential rift, political leaders seeking to take advantage of this rift perform a particularly acute challenge. There are two reasons this is the case. The first reason concerns the domestic level of politics. Here, political leaders undermine the likelihood that the public will attach importance to the rule or norm in the future. International norms are rarely irrevocably fixed to a state's identity. McKeown's (2009, 8) work on US politics and the torture norm is illustrative. The revisionists made 'the costs of *not* torturing – measured in threats to national security – seem higher to many Americans than the shame of doing so' (18). Consequently, the anti-torture norm became dis-embedded from the US cultural landscape. Such processes of dis-embedding reduce the likelihood that a state will comply with the norm in the future because

violation no longer appears inherently wrong. For our purposes, where political leaders seek to capitalize on a potential *rift*, they foster the creation of a domestic culture that will be more hostile to the norm in the future.

The second immediate aspect of this process takes place beyond the domestic realm. To explain this point, consider what the concept of a *costly signal* can tell us. In the bargaining literature, signal costliness affects the credibility of threats (Sartori 2005, 50). A threat is costly when issued publicly. Under these circumstances, political leaders run the risk of inducing a negative public reaction or 'cost' if they are seen to back down (50). In the framework offered in this article, the government has technically already incurred a domestic 'cost' by abstaining from the temptation to performatively transgress the international order. It is their willingness to risk incurring the domestic 'cost' which signals their desire to prioritise the health of a given rule or norm. Such signalling enhances the international intersubjective standing of that rule or norm.

So far this discussion of performative challenges has taken place without reference to the role of power. When powerful actors engage in acute attacks on a rule or norm, it can presage an international crisis for the norm in question. For our purposes, this point raises an obvious question; to what extent does it matter if Australian leaders performatively challenge the international order? While such challenges are unlikely to usher in an international crisis of legitimacy, they do raise another set of considerations. Already, this paper has noted that by attacking a norm to capitalize on a potential rift, political leaders are reducing the likelihood that the public will value the norm in the future. For political leaders, there is a potentially *constraining* dimension to this process. Leaders can become entrapped by their own transgressive language, finding that they do not have the latitude to make constructive international policies when they may otherwise want to.

Performative challenges also undermine the credibility of Australia's own foreign policy branding strategy. Successive governments have branded Australia as a proactive international player. For instance, Labor Foreign Minister Gareth Evans famously insisted that Australia would 'punch above its weight'. Subsequent Labor Ministers might have distanced themselves from this metaphor but only on the grounds that it invokes a combative air. They have not rejected Evans' vision of an ambitious Australian foreign policy agenda (Hartcher 2008). The Liberal party is typically associated with the ANZUS alliance, but they too have stressed that Australia should aim to shape its regional and international context (Morrison 2020). Notably, the current government announced it would seek election to the UN Security Council in the 2029 term (Nadin 2015). George Megalogenis (2020: 15) touches on the particular credibility problem arising from Morrison's Lowy Institute address; 'it invites the conclusion from our neighbours that we will never grow up as a nation'. Australia has been branding itself as an active and engaged member of the international community. The act of turning domestic constituents against a facet of the rules-based order does little to complement that branding strategy. It raises the spectre of a state that will turn into itself and away from the international order in the face of relatively mild criticism.

Finally, as noted in the first section of the paper, the Australian government has emphasised the importance of rules and norms in a bid to affect the conduct of rising powers such as China. According to DFAT's (2019) own performance measures, Australia's efforts to 'strengthen the international rules-based order' are 'on track'. Similarly, in 2020, UK Think Tank the *Policy Exchange* awarded Scott Morrison the inaugural *Grotius Prize* 'in recognition of his work in support of the international rules-based order' (as quoted in Connolly 2020). An acute challenge to the norm of sovereign equality is surely one way to undermine this purported progress.

To summarise, existing constructivist accounts indicate that in instances where political leaders seek to performatively challenge an international norm, they can cause norm erosion. This section of the article has described how potential rifts create incentives for political leaders to mount these challenges and it outlined their particular consequences for the norm in question. In doing so, the section drew together the three elements of the theoretical framework; representational strategies, domestic audiences and the norm.

Reconstruction of the Morrison government's approach

Having provided a general account of the article's novel claim about norm transgression, we can illustrate how the framework operates using the example of the Prime Minister's Lowy Institute speech. The first part of this task involves identifying the relevant norm. The second part involves outlining the spectrum of opportunities available to the Morrison government. The purpose of this section is to illustrate that the Morrison government could have managed its electoral priorities in a manner that did not generate a challenge to the international order.

To understand the effects of a representational strategy, we need to identify the threatened rule or norm. During the Lowy Institute address, Scott Morrison framed his address primarily as a defence of the principle of sovereignty. Indeed, Alan Gyngell (2019) remarked that he could not recall an instance in which an Australian Prime Minister had referred to sovereignty so many times. Yet while Morrison explicitly invoked sovereignty, the remarks are better understood as a repudiation of the norm of sovereign equality. This is because of the context of the Lowy Institute speech and the meaning of the norm in contemporary international politics. In his criticism of the 'globalist bureaucracy', the Prime Minister did not mention any particular institution or actor. However, the Lowy Institute speech did occur in a year when the UN Commissioner for Human Rights, Michelle Bachelet (2019) publicly expressed concern about Australia's asylum seeker policies and Pacific Island leaders rebuked Australia for failing to adopt an emissions reductions commitment beyond 2030 (McDonald 2019).

Morrison was not outlining a concrete concern with a particular facet of global governance. Instead, he was being sensitive to criticism. This brings us to the role and nature of sovereign equality in contemporary international politics.

Unlike previous iterations of international order, the UN system is explicitly predicated on the principle of equality for its state members (Reus-Smit 2005, 73). There is a strong normative prohibition against hierarchy. Of course, the contemporary international political system contains a series of practices which contradict the terms of sovereign equality. The Permanent 5 privileges at the UN Security Council are the most conspicuous example of such a tension. In that instance, the formal system of sovereign equality is combined with the recognition that some states have different material capabilities and are therefore better placed to manage and solve problems (Bukovansky et al. 2012, 10; Dunne 2003, 306). Another commonly asserted defence is that the international system is more robust if it acknowledges the existence of great powers (Finnemore 2005, 197). Even today, we could say Emmerich de Vattel (as quoted in Dunne 2003, 306) was optimistic when he asserted that 'a dwarf is as much a man as a giant is: a small republic is no less a state than the most powerful kingdom'.

Notwithstanding these practices, the norm of sovereign equality clearly structures the course of international politics. Bukovansky et al. (2012) provide a useful illustration of its effects in their work on 'special responsibilities'. As they point out, states often seek to justify the pursuit of rights and privileges by arguing that their capabilities endow them with 'responsibilities'. They appeal to the concept of 'responsibility' and not 'rights' precisely because they cannot legitimately state that the weak will have to accept their fate. The conflict with the norm of sovereign equality is too overt. 'Responsibility talk' can in turn trap materially powerful states (50). They might find themselves burdened with duties like the Common but Differentiated Responsibilities of the UN Framework Convention on Climate

Change (UNFCCC) (129). Crucially, we see these contests over the meaning and scope of 'responsibilities' because the norm of sovereign equality appears as a social fact. It prevents materially powerful states from simply claiming privileges.

In contemporary international politics, the norm of sovereign equality has two implications. First and most obviously, it buttresses the non-interference principle. All states are legally protected (Reus-Smit 2005, 73). Yet while states have a legal entitlement to non-interference, this does not equate to a carte blanche for them to conduct their affairs as they see fit. If it did, we could end this analysis here and Scott Morrison's Lowy Institute address could be read as a defence of Australia's sovereignty. This brings me to the other implication of the norm of sovereign equality.

Second and less obviously, the norm of sovereign equality has implications for what Ian Clark (2005, 6) calls the 'inward looking' practices of contemporary international politics. Inward-looking practices are those international practices which concern the *domestic* affairs of states. These practices arise from prudential considerations. States accept that they have to collectively manage the global commons. They might contest the terms of their obligations under the UNFCCC, but it is less common for them to assert that the framework should have no bearing on their domestic policy. They would be rejecting their obligation to participate in the management of a global issue. The inward-looking practices also concern shared normative commitments. For instance, 'members' of the international community are expected to submit to the Universal Periodic Review at the UN Human Rights Council. They have an obligation to make their domestic affairs available for critique. Because of the norm of sovereign equality, theoretically, if not always in practice, *all* states can be subjected to international scrutiny.

Australia routinely participates in the inward-looking practices of international politics where they concern other states. As a member of the UN Security Council, Australia chaired three sanctions committees and had 'pen holder' status on resolutions concerning Afghanistan (Farrall and Prantl 2016, 604). As a member of the UN Human Rights Council, Australia assessed other states in the Universal Periodic Review, drafted joint statements on other states' internal matters and voted on those issues (DFAT 2020). These practices sit uncomfortably alongside the Lowy Institute speech where the Prime Minister complained of a 'negative globalism that coercively seeks to impose a mandate from an often ill-defined borderless global community' (Morrison 2019). Having just incurred criticism in relation to its asylum seeker policies and its emissions reductions action, the Prime Minister wanted to challenge the legitimacy of the inward-looking practices of international politics. Morrison's message was not 'how dare the international community undermine the principle of sovereignty?' it was 'how dare they come for us?'

Having outlined the norm in question, we can illustrate the range of representational strategies available to the Prime Minister. The strategies align on a spectrum of consequences. At one end of the spectrum, there are representational strategies which identify themes where the government is prepared to incur domestic costs. This approach would potentially invite opportunities for criticism from domestic constituents. For instance, having heard the UN Human Rights Commissioner's findings, the Australian government could have publicly acknowledged that the Commissioner did have the right to scrutinise their policies. As a signal, this approach does the most to entrench the international intersubjective standing of the norm but potentially invites a domestic backlash.

In the middle of the spectrum, there are political strategies which seek to avoid staking out an obvious stance on the value of the norm. For instance, the Morrison government may have found itself tempted to hit out at its global critics, but it is not clear that Morrison's Lowy

Institute audience ever actually prompted him to address these criticisms. If anything, the Prime Minister promulgated the ‘globalist bureaucracy’ narrative to the surprise of the foreign policy elites who had gathered to hear him speak (Galloway 2020). Had he discussed another topic of interest, he would not have capitalised on an opportunity to exploit a potential cleavage between domestic audiences and the norm of sovereign equality. Nor would he have performed a challenge to that norm. Therefore, the effect of this approach is neutral.

At the final end of the spectrum, there are representational strategies which seek to exploit a potential cleavage between an international rule or norm and domestic constituents. In responding to international criticism by invoking the notion of a ‘globalist bureaucracy’, Morrison’s approach can be situated at this end of the spectrum. The Prime Minister managed the process of international shaming by performing a challenge to the principle of sovereign equality.

It is important to note that this reconstruction exercise is not intended to preclude more ambitious approaches to legitimation. Put differently, political leaders can still aim to draw on the cultural resources of their domestic constituents to *reconcile* the differences between the international order and their publics. Barnett (1999) explores this idea in his account of how Israeli Prime Minister Yitzhak Rabin generated enough public support to negotiate the Oslo Accords. Rabin’s rhetoric appealed to an Israeli identity that was *simultaneously* liberal and Zionist (Barnett 1999, 17-18). This account opens up the possibility that political leaders have more room for creativity than they may immediately recognise. However, it is worth noting that Rabin’s approach entailed a sustained strategy of legitimation. By contrast, the framework advanced in this article is meant to guide analysis and decision making in the immediate moment where political leaders confront the temptation to engage in a

performative transgression. Theoretically, political leaders could pursue both a long-term and a short-term strategy. In this sense, the paper's framework complements Barnett's insights.

This section of the paper used the proposed framework to re-imagine the Morrison government's approach to the October 2019 Lowy Institute address. When Pacific Island States and the UN Human Rights Commissioner criticized Australia, the Morrison government encountered a potential rift between the norm of sovereign equality and the constituents he calls the 'quiet Australians'. Morrison would have been tempted to engage in a performative challenge. He acted on that temptation and sought to capitalise on the potential rift. However, by conceptualising the possibilities for rhetorical action as a spectrum, this section of the article showed that Morrison could have managed his electoral priorities differently. For instance, by pursuing a 'neutral' approach, he would have avoided performing an acute challenge to a feature of the rules-based order *and* mitigated the risk of incurring a backlash from his most valued domestic audience.

Conclusion

Australian foreign policy elites have become increasingly concerned with their regional and international context. Prime Minister Scott Morrison (2020) has expressed a desire to increase Australia's defence spending and his government routinely emphasises the value of rules and norms (DFAT 2019; Morrison 2020). Yet despite its concerns, in the Lowy Institute address, the Prime Minister performed a challenge to the norm of sovereign equality.

This article advanced a theoretically grounded framework for understanding the relationship between foreign policy rhetoric and the integrity of rules and norms. This framework drew together three elements: the rule or norm in question; the representational strategy; and the domestic audience. The paper tested the framework on the Prime Minister's Lowy Institute address. However, the 'fit-rift' tool could help explain other instances of performative

transgression such as the Abbott government's approach to international climate change negotiations or the Howard government's management of the Tampa affair (McDonald 2015, 658). The framework could also assist in predicting instances of performative norm transgression. When political leaders are in a position to realistically portray an international norm as inconsistent with national values, performative norm transgression is more likely. Beyond this, and as this paper shows, if the domestic beliefs, identities or symbols belong to a constituent that a political leader thinks is valuable (eg aspirational-middle class Australians), they will find the rift particularly tempting. Should Morrison continue to see foreign policy as a means to cultivate his audience of 'quiet Australians', it is likely he will perform more challenges to international rules and norms even if he avoids language from the Trump administration.

While this paper focussed on rifts, the framework may also help explain behaviour in instances of 'fit'. For instance, Scott Morrison recently reacted angrily after a Chinese diplomat re-posted a doctored image of Australian defence personnel. While most analysts agreed that the post breached diplomatic protocol, some wondered whether Morrison's response was appropriately calibrated (Bagshaw and Galloway 2020). Given the cultural significance of the 'digger' in the Australian political landscape, it is possible to see how Morrison would have been tempted to 'overdo' his reaction.

Finally, the paper's framework also opened up avenues for understanding the process of norm erosion. Analysts should consider how each potential rhetorical strategy will affect the integrity of the rule or norm *and* resonate with domestic audiences. These possibilities were conceptualised as a spectrum. Prudent political leaders will locate a point on this spectrum that enables them to avoid corroding a valued rule or norm without incurring a politically unsustainable domestic cost. Overall, if Australian political leaders are worried about the

future of rules and norms, they would do well to take a leaf from the book of classical realists and abide by an ethic of responsible rhetoric (Tjalve and Williams 2015).

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[1] For differing or critical accounts of the LIO see Jahn (2018), Friedman et al. (2013), Adler-Nissen and Zarakol (forthcoming), and Zarakol (2017).