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Gender equality, law, and social norms in development: Moving beyond the limits of existing debate

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Abstract

Development institutions are increasingly interested in the role of social norms. This article asks what that interest means for law's role in gender equality. Using seven leading examples of social norms measures, I identify i. a tendency to use state law as a proxy for social norm change, despite conceptual confusion about why or how law should function in this way ii. a failure to adequately measure or analyse the role of contentious politics and collective action in fostering law reform and social norm change; and iii. a largely uncritical celebration of the private sector's progressive role in shifting social norms and laws, even in the face of compelling counter-evidence. I then explore how social norms, governance standards, and laws were framed in a recent investigation into the World Bank International Finance Corporation's role in child sexual abuse. I argue that social norms have become such a dominant concept in gender and development that they risk crowding out discussion of the *governance standards and laws* by which development actors can be held accountable. To avoid this, we need to hold on to the key role that law can play in allocating accountability for gendered injustice.

Key words

Social norms, gender and development.

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Resumen

Las instituciones de desarrollo muestran un interés cada vez mayor por el papel de las normas sociales. Este artículo analiza qué implica ese interés para el derecho en la igualdad de género. A partir de siete ejemplos destacados de medidas relacionadas con las normas sociales, identifico: i. una tendencia a utilizar la legislación estatal como indicador del cambio en las normas sociales, a pesar de la confusión conceptual sobre por qué o cómo debería funcionar así el derecho; ii. una incapacidad para medir o analizar adecuadamente el papel de la política conflictiva y la acción colectiva para impulsar la reforma legislativa y el cambio de las normas sociales; y iii. una celebración, en gran medida acrítica, del papel progresista del sector privado en la transformación de las normas sociales y las leyes, incluso ante pruebas contrarias convincentes. A continuación, analizo cómo se enmarcaron las normas sociales, los estándares de gobernanza y las leyes en una investigación reciente sobre el papel de la Corporación Financiera Internacional del Banco Mundial en casos de abuso sexual infantil. Sostengo que las normas sociales se han convertido en un concepto tan dominante en el ámbito del género y el desarrollo que se corre el riesgo de desplazar el debate sobre las normas de gobernanza y las leyes mediante las cuales se puede exigir responsabilidades a los agentes del desarrollo. Para evitarlo, debemos aferrarnos al papel clave que puede desempeñar el derecho a la hora de atribuir responsabilidades por las injusticias de género.

Palabras clave

Normas sociales, género y desarrollo.

Table of contents

1. Introduction 4
2. What are social norms, and why is a sceptic researching them? 6
3. Proxies, protests, and the private sector: three problems with how social norms measures understand law 9
    3.1. State law as proxy for social norm change 10
    3.2. The absence of contentious politics 13
    3.3. Private sector celebrations 14
4. Social norms and laws — An accountability lesson from global governance debates and the IFC 16
5. Conclusion 22
References 23

1. Introduction

Development institutions, including the World Bank, the Organization for Economic Co-operation and Development (OECD), the United Nations Development Programme (UNDP), and UN Women, are increasingly interested in the role of social norms in gender equality. In a general sense, social norms are defined as aggregated beliefs and attitudes about what is considered socially appropriate or required in a reference group.[2] A vast range of international programing is now oriented to changing social norms understood to inhibit gender equitable development. Examples include efforts to reduce gender-based violence; prevent child marriage; increase women's entrepreneurship; and reduce sexual transmitted diseases. Interventions range from short term, community-based projects, to large scale programs involving state actors, corporations, and multilateral donors (UN Women 2023a, Cookson *et al.* 2023).

As I outline below, social norms work has evolved from being overwhelmingly focused on measuring and shifting individual attitudes or beliefs, to identifying and changing what is considered appropriate or required in a reference group (whether the individual being asked holds that appropriate belief or not). It has also evolved from focusing mostly on unwritten rules of behaviour, to considering how formal law — and other institutional drivers such as state policy, religion etc. — influence collective understandings of appropriateness. This institutional lens offers enormous potential, but it also raises a number of questions about law.

In this piece, I seek to understand and critique how law is framed within proliferating social norms debates about gender equality. I focus on how social norms are concretely measured and operationalised by specific development organisations, rather than on how they are abstractly or theoretically conceived in a general sense. My narrow aim is two-fold:

1. to summarise key commonalities and limitations in how a range of development organisations measure and conceptualise law's role in gender equitable social norm change, and
2. to examine a key example of how social norms are operationalised when groups harmed by a development organisation, and its private sector partner, seek remedy for gendered injustice.

To that end, in section 2 I briefly outline the rise in social norms work within gender and development (GAD), and the existing critiques thereof. In section 3, drawing on previous research on measuring social norms (Bedford and Brosio 2024), I summarise some key commonalities in how development agencies working on gender and social norms approach law, and I suggest three key limitations of that approach. Using seven leading examples of social norms measures, I identify i. a tendency to use state law as a proxy for social norm change, despite conceptual confusion about why or how law should function in this way ii. a failure to adequately measure or analyse the role of contentious politics and collective action in fostering law reform and social norm change; and iii. a largely uncritical celebration of the private sector's progressive role in shifting social

[2] For useful overviews see, *inter alia*, Connell and Pearce 2014, Mackie and Moneti 2014, Bicchieri 2017, Cislaghi and Heise 2018, Gupta *et al*. 2019, Piedalue *et al*. 2020, Legros and Cislaghi 2020, Wazir 2022, Cookson *et al*. 2023.

norms and laws, even in the face of compelling counter-evidence. These lessons confirm that law's power and promise to positively shape social norms are poorly understood, and that there is an urgent need to ground law reform recommendations in better evidence.

Having briefly laid out this critique, in section 4 I suggest that we need to move beyond identifying the limits of social norms *measures*, to also explore how social norms are *operationalised* when development agencies are themselves challenged. Here I am concerned with what invocation of social norms, versus global governance norms, and laws, means for who is held accountable for gendered development harms. By asking this question, I hope to bridge the currently disconnected interest in law shared by international relations /international law experts, who focus on global norms, and social norms scholars.

As I outline below, social norms efforts within development are primarily concerned with *ordinary people's understandings of what is appropriate within their reference groups in everyday life*. International law/relations scholars are more interested in the emerging informal norms shaping interaction within *elite* networks of governance actors, and at the relationship of those global norms to codified legal obligations.[3] The two realms of norms expertise have largely developed in isolation from each other.[4] However, both realms are interested in the role of formal law as a tool for enforcing gender equality norms (whether those norms are understood to be social, or embedded in elite global governance networks). Drawing the debates closer together is thus an overdue exercise. This will improve clarity across disciplines and subfields about how global norms, social norms, and law interact, and — more importantly — it will help maximise the potential of the current interest in institutional drivers of social norms change.

To unpack this, in section 4 I explore how social norms, governance standards, and laws were framed in a recent investigation into the International Finance Corporation's (IFC). The IFC is the private sector lending arm of the World Bank group. Between 2014 and 2020 it invested in a private school chain wherein some children were subjected to abuse. I show that a range of laws and standards placed clear obligations on development institutions to prevent gender-based violence (GBV) and child sexual abuse (CSA). However in responding to Kenyan allegations about its multiple failures to adhere to those obligations, the IFC framed CSA in schools as a localised social norms problem stemming largely from biased attitudes in poor communities and poor countries. Its own role as a causal agent — including by investing in a business that used untrained teachers — was decentered. Notwithstanding the growing centrality of law reform to social norms debates, then, social norms have become such a dominant concept in GAD that they risk crowding out discussion of the *governance standards and laws* by which

[3] See e.g. Keck and Sikkink 1998, Hein and Moon 2013, Jurkovich 2020. Krook and True, drawing on Wiener, define global norms as "ideas of varying degrees of abstraction and specification with respect to fundamental values, organizing principles or standardized procedures *that resonate across many states and global actors, having gained support in multiple forums including official policies, laws, treaties or agreements* (cf. Wiener, 2009: 183ff.)" (2012, 18, emphasis added). The term does *not* refer to ordinary people's understandings of collectively enforced rules, standards, and conduct requirements in their communities.

[4] Further, each has developed in isolation from other conversations about social norms that are outside the scope of this paper, such as stemming from law and economics, and legal theory.

development actors can be held accountable. To avoid this, we need to hold onto the key role that law can play in allocating accountability, and identifying duty-bearers.

I conclude by drawing together the lessons, from the synthesis of measures and the case study of accountability, to suggest that social norms work within development has a multi-faceted and somewhat contradictory law problem. Formal law is central to many recommendations of how social norms can change, and to many social norms measures, retaining a pivotal conceptual role despite poor evidence. However when development actors encounter complaints about gendered harm stemming from their work, articulated in the language of legal obligations, law is de-centered, and social norms take its place. This can result in an over-focus on law in the measures, and a sidestepping of law when accountability is demanded.

In response, I suggest that social norms measures need to improve, especially to avoid state law centrism. Law reform would hereby become *less* prevalent as a proxy indicator for gender equitable social norm change. Simultaneously, however, we must be attentive to the distinct power that law can hold to identify relevant duty-bearers for gender equality within global governance networks. Law may emerge as more important in opposing the tendency of development actors, and corporations with which they increasingly partner, to use social norms to sidestep accountability for gendered harm.

2. What are social norms, and why is a sceptic researching them?

Within and across development organisations, the definition of social norms remains somewhat confused.[5] However in a basic sense they are used to refer to aggregated beliefs and attitudes about what is considered **both** typical, **and** socially appropriate or required, in a reference group, along with some level of collective, institutionally-sanctioned enforcement, however informal. Social norms are therefore distinct from individual attitudes, instead referring to what individuals believe that **most people in a community or broader reference group should or would do or think, and requiring collective positive or negative sanction**. Hence departing from a social norm results in individuals losing social approval, being ostracised or otherwise sanctioned (Heise and Manji 2016). Drinking coffee is not a social norm, even if it is done by most people in a society: not doing it will not be treated as deviant behaviour that makes a person vulnerable to violence or shaming (Jurkovich 2020). In this light, drawing from the work of leading academics working on social norms from health sciences and philosophy, the World Bank asserts that "social norms are informal rules of behavior that dictate what is acceptable or appropriate to do in a given situation within a given social context" (World Bank 2022a, 112). In turn, UN Women define gender social norms as underpinning "those forms of institutionalised behaviours that are defined by gender roles and

[5] See Bedford and Brosio 2024. In one case (UN Women's *Gender Equality Attitude Survey*), there is no definition of social norms, and the indicators chosen conflate social norms and other concepts (i.e. beliefs or attitudes). UNDP's *Gender and Social Norms Index* defines biased social norms as involving the undervaluation of women's capabilities and rights in society, but the measure relies on aggregating individuals' attitudes about gender equality within a country. The OECD's *Social Institutions and Gender Index* focuses on norms as "the established set of formal and/or informal laws, norms and practices that govern behaviour in society" (OECD 2023, n.p.), but as I explain in section 3 in reality the index uses formal laws as proxies for social institutions.

relations and which reflect an 'entire community's beliefs and actions.'" (UN-Women 2023b., p. 5, citing Mackie *et al.* 2015).

Avant la lettre, there had long been social norms work in GAD, but it tended to be in health and education (e.g. about stereotypes in curricula; norms regarding family size, condom use, etc). Anti-poverty interventions had also targeted social norms, including to encourage women into paid work (Connell and Pearce 2014). In turn, experts attuned to structural explanations for gendered disadvantage, and interested in institutional solutions, had long objected when social norm change was positioned as a priority (Wazir 2023).[6] As Shantha Sinha and Rekha Wazir (2024) explain, social norms initiatives have tended to prioritise individual attitudinal change interventions. This can result in culturalized explanations for inequality, inattentive to the role of powerful actors such as states, or to how gender norms relate to factors such as macroeconomic policy, or provision of infrastructure that reduces the burden of domestic labor on women (e.g. water, elder/child care). Projects also often misunderstand a short-term reported shift in participants' expressed beliefs after a talk or workshop as a sign of having successfully shifted social norms in a way that will improve longer-term equality outcomes. My previous encounters with development interventions that invoked social norms as explanations for gender inequality — in ethnodevelopment projects and in more recent Uber-sponsored research on how ride-hailing can empower women drivers — had made me highly sympathetic to this critique.[7]

Given that I had published research sceptical of such social norms projects, I was therefore exceptionally surprised to get an email from UN Women asking me to be part of an expert group meeting on social norms. The context to that email was that UN Women had adopted a focus on tackling discriminatory social norms, and promoting positive social norms, as key to advancing gender equality and empowerment in its 2022-5 strategic plan (UN Women 2021, para 72-76). It is comparatively late to the social norms party; other UN agencies such as the UNFPA, UNDP, and UNICEF had already established their own approaches to addressing social norms (since at least 2010). However, UN Women approached the issue in a distinctive way. It sought to decentre social norms frameworks developed in Global North contexts, and it explicitly prioritized work on how institutions (state, market, religion, community, family) are implicated in perpetuating and changing social norms about gender (UN Women 2023a, 2026). Under the leadership of gender and development expert Paro Chaujar, its

[6] See also earlier literature critiquing assumptions about cultural backwardness holding back development progress, especially as manifest in efforts to empower women via liberating them from culture (e.g. Mohanty 1984 and further discussion in Piedalue *et al*. 2020).

[7] In previous research on the World Bank's GAD lending in Latin America and the Caribbean I examined a number of projects aiming to shift what were framed as traditional norms about gender roles, including by introducing legislation that penalised family desertion (Bedford 2009). It seemed to me that such efforts to change kinship norms distracted attention from the structural causes of women's disadvantage. They were also supercharging a racialized narrative of men's irresponsibility. In a more recent example of social norms work within Bank GAD lending, the IFC's research on ride hailing as empowering to women — sponsored by Uber — focused in part on how social norms limit women's participation as drivers, notwithstanding poor evidence to substantiate that focus (IFC and Uber 2018). Here social norms seemed to play a role as a cultural residual. The failures of the "sharing economy" to empower women were blamed on backwards attitudes (Bedford 2024b).

'guidance note' on addressing discriminatory social norms explicitly rejects an individualistic, attitudes-focused approach. It frames social norms as:

> embedded rules, standards and practices that prescribe relationships between people and the social institutions of the state, market, community and family […]. Discriminatory social norms are often framed as an attitudinal and behavioural issue, but feminist scholars and practitioners emphasize that these norms are embedded in broader social, economic and ideological structures (UN Women 2026, 7).

As part of the background research that informed this framing, a colleague and I undertook a review of how social norms about gender were being measured by a range of development organisations, and how such measurements were influencing policy recommendations (Bedford and Brosio 2024). We examined seven key examples (see text box 1).

TEXT BOX 1

- The Organization for Economic Co-operation and Development (OECD) **Social Institutions and Gender Index (SIGI)** (2023) — the fifth wave of one of the best known efforts to measure "gender-based discrimination in social institutions" at a global level, with a strong focus on the law.
- The United Nations Development Programmme (UNDP) **Gender Social Norms Index (GSNI)** (2023) — the second iteration of an indicator that captures "biased gender social norms" globally using secondary data from the World Values Survey.
- The World Bank **Reshaping Norms about Gender** report (2022a) — a study that attempts to explain why female labour force participation rates in South Asia remain low, using the World Values Survey and the Facebook 2020 Survey on Gender Equality at Home to examine gender norms in the region.
- The UN Women **Gender Equality Attitudes Survey** (2020; see UN Women 2022) — the second iteration of a 20-country survey, developed in partnership with several private sector actors. The study collects primary data across areas such as education, health, access to physical property, and control over personal finances.
- The YouGov **Social Norms, Attitudes and Practices (SNAP) Survey** (2022) — the third wave a survey evaluating gender norms among urban millennials in Indonesia, Philippines and Vietnam, focusing on childcare and housework, breadwinning and earning family income, job segregation, and leadership at work.
- UN Women (Nepal) **Measuring Social Norm Change through Storytelling** (2021) — a study using mass storytelling as a mechanism for measuring social norm change and identifying what contributed to this process.
- The **Global Early Adolescent Study and the Growing Up GREAT! (GEAS/GUG)** program (GEH *et al*. 20222022) — a multi-level intervention for adolescents, their parents/caregivers and other influential community members in Kinshasa, Democratic Republic of Congo. The initiative identifies the social norms that underlie and drive health behaviors, and supports the diffusion of new ideas that will encourage norm change.

Text box 1. Examples of social norms measures in gender and development.

Our report identified several cross-cutting lessons from the seven examples, including one — about the role of law — that I wish to develop here. Put simply, there is widespread acknowledgement of the need to address *formal institutional levers* for social norm change. In contrast to early measures of social norms, focused on assessing and changing individual attitudes, the current generation of social norms work frequently mentions institutional factors, referencing comprehensive policy frameworks, strengthening social protection and care systems, or investing in gender-responsive institutions.[8] However, with the exception of recent work in UN Women (2026), done after our study of leading measures, there is a common failure to prioritise between institutional levers, and/or explain the conceptual or empirical grounds for any prioritisation. Relatedly, the measures result in especially poorly-evidenced recommendations relating to legal reform as a social norm change lever. In the following section I seek to develop this lesson, examining what the measures claim about law and social norms, and why those claims warrant critique.

3. Proxies, protests, and the private sector: three problems with how social norms measures understand law

Law is positioned as a key lever of social norm change for almost all of the examples we studied. Law is understood — sometimes explicitly but often implicitly — as both a reflection or outcome of social norms (discriminatory laws are a sign that a society has discriminatory norms), and as a tool for norm change (reforming laws will help bring about a collective shift in gender-equitable attitudes and practices).[9] The underpinning assumption here draws on theories that law has an expressive function with regard to norms — that law communicates about standards of (in)appropriate conduct, motivating people to change their behaviour (Htun and Jensenius 2022, 2).

The focus on law in part reflects the growing centrality of law reform, and legal experts, within international development in general, and GAD in particular (Bedford 2020, Htun and Jensenius 2022, Brosio 2023). However, the measures we examined provide insight into a distinctive set of claims about law's relationship to gender and social norms that are worth unpacking. In particular, given the relatively common use of philosopher Cristina Bicchieri's definition of social norms as influencing behavior through "unwritten rules of social conduct" (e.g. World Bank 2022a, 112, quoting Bicchieri 2017), there is a need to robustly interrogate how publicly promulgated and codified state laws interact with other rules (written and unwritten) in changing social norms. Currently,

[8] E.g. UNDP positions policy interventions and institutional reforms as one of two sets of levers in changing norms. Examples include policy measures to increase women's labour force participation; initiatives to correct gender biases in educational materials; investment to strengthen social protection and care systems and reduce women's social reproduction labour burden; and improving women's access to finance (UNDP 2023, 13). See also Center on Gender Equity and Health *et al.* (2022, 6) on health providers and social norms.
[9] See also Sharafeldin on the "dialectic relationship between laws and social norms" (2026, 4). Writing about family law in Egypt, she argues that laws provide "some of the most concrete manifestations of how gender relations are to be shaped and regulated in any given context using the powerful arms of the state" (4). Some authors suggest that even poorly enforced equality law has value in shifting norms, including by symbolically re-casting certain discriminatory behaviors as unacceptable (e.g., Htun and Jensenius 2022). See also Heise *et al*. (2019) on law as a key structure influencing the restrictive gender norms that result in health inequalities.

however, law reform is often used simplistically as an indicator of social norm change, without such deeper thinking.

Three limitations emerge particularly prominently from these measures: i. a tendency to use state law as a proxy for social norm change, ii. a neglect of contentious politics and collective action; and iii. a largely uncritical celebration of the private sector. These confirm that law's power and promise to positively shape social norms are poorly understood, and that there is an urgent need to ground law reform recommendations in better evidence.

3.1. State law as proxy for social norm change

Some measures use formal law as a straightforward proxy for social norms, resulting in very law-centric approach to gender equality. Via the Social Institutions and Gender Index (SIGI) the OECD attempts to provide a composite index that can account for the level of gender-based discrimination in social institutions by examining "the gaps that legislation, attitudes and practices create between women and men in terms of rights, justice and empowerment opportunities" in 180 countries (OECD 2023, n.p.). However in practice the index relies very heavily on law: the majority of the variables used to construct the 2023 SIGI (15 out of 25) are legal in nature. Attitudes (and/or norms — the terms are used interchangeably) only play a very minor role in the calculation of the index: there is only one "attitudinal variable" (percentage of women aged 15 to 49 years who consider a husband to be justified in hitting or beating his wife). Consequently, there is a slippage between what the indicator claims to be measuring (social institutions) and what is actually measured (mostly, legislation).[10] This narrow focus risks inflating the role of state law as an attitude/norm change instrument, and misunderstanding a legislative change as indicative of a wider shift in social expectations about gendered behaviour.

Further, the legal framework operative in a country is understood in a formalistic, state-centric way: laws are recognized by states, and lawyers, as such, and legal experts are best placed to ascertain whether discriminatory laws exist. To the extent that other forms of law are acknowledged, they pose a threat to women's equality. For example, the SIGI legal survey methodology involves examining whether "customary, religious or traditional practices *or laws*" discriminate against women (OECD 2023, n.p., emphasis added), including in countries where "the legal framework" (understood as separate from customary or religious law) provides for equal rights. SIGI's coding manual for scoring legal equality (table 1) has no scope for scenarios in which state laws discriminate, but customary, religious, or traditional laws do not: that cannot be measured. There is a recognition of legal pluralism here, but it is limited, and it positions

[10] The prominent role played by the law in the SIGI is not explicitly communicated to its users; reaching this conclusion requires a review of the methodology section. However it is recognized by those who produce the index: the instrument's designers consider that it is precisely in the collection of legal data where "[t]he SIGI's main value-added lies" (Ferrant *et al*. 2020, p. 23).

state law as the key to norm change: customary, religious and traditional laws are not even conceivable as positive or progressive influences.[11]

TABLE 1

The legal framework provides women with the same rights as men, with no exceptions, and applies to all groups of women. There are no customary, religious or traditional practices or laws that discriminate against women.	0
The legal framework provides women with the same rights as men, with no exceptions, and applies to all groups of women. However, some customary, religious or traditional practices or laws do discriminate against women.	25
The legal framework provides women with the same rights as men. However, it foresees exceptions or does not apply to all groups of women.	50
The legal framework restricts some women's rights.	75
The legal framework fully discriminates against women's rights.	100

Table 1. SIGI Legal survey scoring methodology.
(Source: OECD 2023.)

SIGI may be unusual in its extended and explicit attention to state law, but even indexes that do not include law as a *measure* of norms position it as central to *intervention recommendations*, and use examples of legal reform to indicate norm change. For example, the UNDP's GSNI (which measures gender biased attitudes via the World Values Survey) used Bolivia's 2012 criminalization of political violence and harassment against women as an example of how states could intervene via law to help shift social norms relating to the acceptability of such violence (UNDP 2023, 18).

To be clear (and fair), not all organisations treat the strengthening of criminal law penalties for gendered rights violations as signs of broader norm change. At times, a social norms lens allows a more nuanced, critical approach to law to emerge. For example, the World Bank's well-known index on *Women, Business, and Law* (which does not use a social norms lens) has long used criminalisation of harassment as evidence that a jurisdiction is more gender-equitable.[12] However the Bank's *social norms work* is more reticent about using the existence of laws in this way. Its study of gender and South Asian social norms notes that high rates of intimate partner violence exist across the region notwithstanding legal provision in all countries (except Afghanistan) addressing domestic violence (World Bank 2022a, 109). Such legislative interventions, alone, are rarely enough to shift bargaining power within households, and they may provoke resistance, or simply be unenforced (World Bank 2022a, 128).[13] There is a need to reform

[11] For alternative approaches see e.g. Musembi (2013) on the gendered complexities of customary law; Sharafeldin (2026) on religious law; and the recent Oñati special issue on gender, Indigenous and customary law (Araújo 2025).

[12] E.g. the 2022 index praised Angola and Lebanon for increased criminal law penalties for sexual harassment (World Bank 2022b, 23). For further discussion of Women Business and the Law see Bedford (2010, 2024).

[13] Similarly, an OXFAM evaluation of a norm-transformation intervention aiming at reducing violence against women in the Solomon Islands found that the adoption of the Family Protection Act 2014 (which

other parts of the legal system to enable women to leave abusive men (such as ensuring that women have rights to divorce, and that their non-monetary contribution to the household is recognized).[14]

This is a more inter-connected approach to state legal reform than offered by *Women, Business and the Law* (or by SIGI), less likely to result in rankings that exaggerate the significance of isolated pieces of legislation. However, conceptually speaking *social norms* per se are only minimally relevant as an explanation for gender equality outcomes. Laws are understood to influence bargaining positions within households, but there is a confusing silence about the specific relationship of social norms to legal change and vice versa.

The failure to think more deeply about how formal law can be a *reflection* of society's unequal gender norms, and also a *solution*, is to a large extent sidestepped via reference to a time lag that explains why regressive social norms persist as outdated laws. The Bank posit that traditional norms grounded in "long ago economic relationships" — including women's traditional specialization in home production and men's advantage in physically demanding tasks (World Bank 2022a, 127) — were codified into gender unequal laws about women working which have never been reformed, even though income growth and technological progress have rendered them irrelevant (2022a, xviii). This analytic fudge — where a time lag is used to explain why markets (sometimes) do not deliver equality — endures even in the face of considerable counter-evidence. Experts commissioned by the Bank to explain the role of law in gendered disadvantage repeatedly centre the negative impacts of colonial law, for example,[15] and multiple social norms measures show a rise in gender unequal attitudes in recent years.[16]

In summary, while a few contemporary measures of social norms still use individual attitudes as proxies (see especially UNDP's 2023 gender and social norms index), some have shifted to also or instead using formal laws as proxies. However there is a generally poor understanding of how state law, and other legal orders (such as customary law, and religious law) relate to social norm change and equality measures, both conceptually and empirically.

The key exception, among the measures we studied, is UN Women's Storytelling initiative in Nepal. This used narrative methodology to identify individual and collective stories of social norm change about harmful gender practices. Essentially, it asked ordinary people about the role that state law plays in ensuring adherence to collective social norms about gender. Overall, the research confirmed that "legislative change can prompt behaviour change, if enforced", but "the legal route to challenging

criminalized VAW) "had some impact on community attitudes and behaviors. Anecdotally, men now think twice before beating a woman" (Homan *et al*. 2019, 6). However the study notes that it is unclear whether this is due to an individual fear of punishment, or a wider social shift in gender equality norms.

[14] See e.g. the Bank's earlier work on how family law reforms, such as India's Hindu Succession Act (2005), can shift women's bargaining positions, increasing their "voice and exit" (Hallward-Driemeier and Gajigo 2013, 5).

[15] See especially Htun and Weldon's 2011 background study for the World Bank's 2012 World Development Report on gender, which found British colonial law to have a significant and negative effect on egalitarian family law.

[16] For example, the World Bank's own research shows that in some countries the "shares of people agreeing with conservative attitudes have […] even increased in younger cohorts" (World Bank 2022a, p. 115).

discriminatory social norms (is) both challenging and risk-filled for these vulnerable individuals" (UN Women 2023, 42). In particular, the study notes that all of the harmful practices identified in the stories were illegal, but it was rare for storytellers to report use of legal routes when contesting those practices, in part because law itself often exposed people to additional harm.[17] Legal reform is very far from a 'silver bullet' that can be measured as a proxy for norm change in this study, even if it can be — in limited circumstances — a tool for "disrupting embedded social norms" (42).

3.2. The absence of contentious politics

Another key law-related lesson from current GAD initiatives to shift social norms is that they systematically ignore the role of collective action, especially when that involves illegality. Feminist research shows that social norms around gender change, in part, as a result of long-term collective and sometimes contentious forms of politics.[18] One example discussed in UN Women's expert group meeting on social norms involved campaigners for girls' education staging a sit in at a government office (Wazir and Sinha 2024). Furthermore, state legal reform lagged behind social norm change and social practice in examples ranging from contraception in Ireland; abortion in Mexico; and sodomy in the US.[19] While restrictive laws related to these practices were eventually overturned, this occurred in part because social movements had worked to render them unenforceable, including by decades long "social decriminalization" strategies that sometimes involved law-breaking as a social change strategy (Sutton and Vacarezza 2023). Yet *none* of the measures we examined as part of the UN Women review asked about the perceived social acceptability of law-breaking in situations where laws "lagged" norms, or when state law was widely understood to be morally unjust and illegitimate. None measured public manifestations of contentious politics: the protests, strikes, and insurgent social media campaigns in which survivors of violence seek redress, the strategic cases brought by activists seeking to challenge unjust laws, etc.

That is not to say that there are no references to feminist movements. Civil society is identified a key norm change agent (though sometimes — as I outline below — it is grouped together with the private sector). For example, the SIGI recommends improved support for civil society organizations and activists. The UNDP's GSNI suggests amplifying feminist movement messages. UN Women's storytelling initiative states that

[17] In the example of menstrual isolation, for example, "there were no cases of storytellers using legal routes to challenge the practice" (UN Women 2023b, 17). Participants who experienced domestic violence did not report it to police due to fears of reprisals and the belief that they had no viable means of escape (UN Women 2023b, 35). Men and women who experienced caste-based discrimination and violence were similarly reluctant to report it, in part because of fears of reprisal and in part because of fears of the police (UN Women 2023b, 19). The report also notes that Dalit storytellers described taking legal action against caste-based discrimination "in a few isolated cases" (20), persisting to higher courts despite the failures of the police, and lower courts, to take the discrimination seriously. This confirms the need to centre expertise about how law works that is held by those directed affected by discrimination (rather than relying solely on the views of legal professionals).

[18] Tarrow defines contentious politics as collective action relying in part on non-institutional forms of interaction with elites, opponents, or the state (1996, 874),- including demonstrations, direct action, etc. Some work on global governance and norms also notes the role of non-compliance and contestation; see Wiener (2018), Hansen-Magnusson *et al.* (2020).

[19] See discussion in Bedford and Brosio (2024). See also Htun and Jensenius' (2022) claim that anti-violence legislation impacts outcomes when "bundled" with feminist activism.

changes in consciousness are often underpinned by "transformative social mobilisation programming in triggering critical reflection and behaviour change" (UN Women 2023b, vii).Feminist movements are understood to be relevant in terms of increasing social awareness of inequalities, and providing alternative, more equitable models of practice. But they are not central to the conversation about *law reform* as a key strategy for norm change, even though many feminist social movements have engaged law centrally, including to resist it or render it unenforceable. State law reform is hereby increasingly used as a proxy for norm change, but the actors and strategies that account for that law reform and its occasional successes are decentred. The potential of social movements and contentious politics to reduce discriminatory social norms is minimised, while the power and promise of law is exaggerated.[20]

3.3. Private sector celebrations

The absence of contentious politics in development discussions about law and social norm change contrasts sharply with the prominent role given to private sector actors. In line with the wider trend towards greater involvement of the private sector in GAD interventions (summarized in Bedford 2024b), profit-making corporations are celebrated as gender equitable norm- and law-change agents. In fact some of the measures rely on corporate partners, such as Facebook, which did a survey for the World Bank's Social Norms work, and UN Women's Gender Equality Attitude Study, which was conducted in partnership with AT&T, Johnson and Johnson, Kantar, Procter & Gamble, and Unilever. Perhaps unsurprisingly, such studies position corporations as allies in efforts to instill more progressive gender norms. For example, the UNDP's GSNI considers (in one conjoined discussion) how firms and civil society organizations shift norms. To this end, it notes both the Grameen Bank's work in providing access to finance that may empower women, and the initiatives of top companies to increase the number of women in leadership positions (UNDP 2023, 14). The report claims that such company initiatives can have "a catalytic effect, driving more women to have higher professional and education aspirations" (UNDP 2023, 15), although the index itself does not provide any evidence for this.

While corporations are positioned as allies in efforts to instill more progressive gender norms, they tend to not be identified as agents with a causal role in incentivizing, or institutionalizing discriminatory norms. This gap is especially glaring with respect to media and social media companies. Such companies are framed as crucial partners in information-provision, and in some cases (e.g. Facebook) they are research partners in GAD efforts. There is little attention to their negative role in harmful social norms, and even less to recommendations that might tackle this problem via legal reform. For example, the Growing Up Great! Study found that most adolescents indicated that

[20] Some indexes have attempted to capture the magnitude and strength of feminist movements, including the Feminist Mobilization Index (FMI). The UNDP's Human Development Report 2021/2022 linked this measure of movement activism to norm-shifting: the average GSNI value for countries with different FMI scores was compared, and an inverse relation was identified (in other words, countries with lower aggregated bias scores have higher scores for feminist movements). However, these attempts to link measures of movement density, including around particular topics, to norm change have been inconsistent. For instance, the UNDP connected the level of the FMI with the GSNI, but it did not consider feminist mobilization as a variable or dimension of the GSNI itself.

television and radio were their primary sources of sexual and reproductive health information, but the programmatic implications of the project did not address the various entities running TV or radio (Center on Gender Equity and Health *et al.* 2022).[21] Participants in UN Women's storytelling initiative noted the ambivalent role of social media in norm change, but this did not result in recommendations that targeted social media firms.[22] The SNAP study, in turn, prioritized media campaigns that expose and positively model non-traditional gender practices. Aside from echoing the problematic approach to tradition identified above, this social marketing approach to norm change is disconnected from urgent debates about how globalized media conglomerates are crucial actors in the spread of misinformation and avowedly anti-feminist content.[23]

Companies — but not unions — are also frequently positioned as progressive partners for social norm change on gender, notwithstanding significant evidence in contemporary development practice showing that employers, collectively, have tried to weaken women's rights protections. The discussion documents related to ILO Convention 190 on eliminating violence and harassment in the world of work (which explicitly includes gender-based violence and harassment) expose how employers' representatives tried to reduce the instrument's scope, for example.[24] In contrast, workers' representatives consistently argued for stronger coverage, so that sub-contracted workers (including home-based workers) would receive greater protection from violence and harassment. Yet the indexes and studies we examined paid almost no attention to unions as potential allies in overcoming deeply entrenched norms about the acceptability of gender-based violence and harassment, or in forging legal instruments to combat those norms, while frequently praising corporations.

The key exception to this common failure to address the negative influence of private sector actors on gender norms is the UNDP's GSNI, which recommends regulating gender misinformation and disinformation and addressing hate speech and online violence as part of efforts to achieve transformative change in gender norms (UNDP 2023). However the recommendation itself — while welcome — is not actually grounded in the index. The GSNI does not capture information about how gender attitudes (as expressed in the World Values Survey) are embedded in and influenced by the media/social media. Moreover the report also recommends taking advantage of social media to amplify feminist social movement messages, notwithstanding the role of social media platforms in amplifying violent and misogynist content. Overall, then, development organisations working on social norms have not provided a robust account

[21] State-run radio and TV channels exist alongside private sector and Church-run stations, some promoting extremely conservative gender norms. See, e.g. Williams and Tkach (2022) on how both the state and the Catholic Church exert pressure on radio journalists in the Eastern DRC.

[22] Social media could "expose communities to competing attitudes, behaviors and worldviews beyond those that were deeply rooted locally and carefully policed by community gatekeepers, such as elders and religious leaders", but there was also a backlash against its use by husbands and parents, including because young people were using it to conduct relationships which sometimes ended in elopement (UN Women 2023, vii).

[23] On gendered violence and misinformation on social media see e.g. Park *et al.* (2023), Suarez Estrada *et al.* (2022). On gender bias in AI, see van Niekerk *et al.* (2024).

[24] E.g. by insisting that the Convention not extend to all workers — only those accepted by employers to be their employees (International Labour Organisation — ILO — 2018 para 16) — and by limiting the meaning of "world of work" to places with a direct connection to the workplace (para 80).

of the role of corporations — including technology and media/social media companies — in harmful gender norms, positioning the private sector as an equality ally despite an abundance of evidence to the contrary.

4. Social norms and laws — An accountability lesson from global governance debates and the IFC

In the remainder of this article, I wish to move beyond critiquing the limits of existing measures (for how they simplistically use state law as a proxy for social norm change, decentre collective action, and celebrate the private sector), to suggest that the growing emphasis on *social norms* within GAD risks crowding out discussion of the *legal norms* by which development actors can potentially be held accountable for gendered harms. There is a deep irony linking the two sections here: the often simplistic understanding of law evident in the social norms measures results in an exaggerated sense of law's importance, whereas here I chart how law's *actual* potential to hold an institution to account is undercut by the invoking of social norms. To that end, in this section I draw out some general insights about the relationship between law and norms that emerge from global governance debates, before turning to a case study of how social and legal norms feature in a key example of gendered injustice.

As noted above, the developmental interest in social norms is distinct from the concern that international law/international relations experts have in customary or informal norms within global governance networks. Social norms efforts within development are primarily concerned with *ordinary people's understandings of what is appropriate within their reference groups in everyday life*. Law is a reflection of, and tool to change, such social norms. International law/relations scholars are more interested in global norms shaping interaction within elite networks of governance actors, and in the relationship of those global norms to codified legal obligations.[25] In particular, they explore whether such global norms need to be translated into law.[26] In development the interest tends to be more the other way round: how formal law can nudge change in the social norms collectively held and practised by ordinary people.

Given that these two literatures start from very different premises, they have evolved in parallel rather than in conversation. However, now that social norms work is so resolutely centering law (see section 2), they urgently need to be brought together. Specifically, to improve understanding of law as a social norm change mechanism, social norms work needs to draw on insights from global norms literature about accountability.

As Michelle Jurkovich (2020) explains, norms (unlike beliefs) require a collectively shared moral sense of "oughtness" about what is "proper" or "appropriate", *and* a

[25] Some international law/international relations scholars use the term "global social norms" to refer to informal norms understood to be emerging in areas such as access to essential medicines (e.g. Hein and Moon 2013, 31). Scholars working this seam are interested in the interaction between these informal norms, and formal, codified norms recognised by states, treaty monitoring bodies and international legal experts as binding. The "social" in this understanding is comprised of global governance actors — states, human rights NGOs, transnational pharmaceutical companies, formally legitimised bodies with monitoring or enforcement power, etc. Again, the term does not refer to ordinary people's understandings of collectively enforced rules, standards, and conduct requirements in their communities.

[26] See, *inter alia*, Jurkovich on the common assumption in international relations and international law scholarship that norms need to precede law if law is to be effective (2020, 10).

defined actor or group to which that sense of oughtness applies. For Jurkovich, much work in international relations (and, I'd add, development) conflates vaguely shared moral principles with norms, even though the former may lack identifiable actors who are to be held accountable through social and/or legal sanctions for not behaving in accordance with the perceived obligation. Norms, for her, refer to sufficiently widely shared collective expectations about **required** standards of behaviour, alongside identifiable actors who are — at least in theory — accountable for not acting in accordance with any perceived obligation. Hence 'sustainable development' is not, in her understanding, a norm: it does not allow for 'focused shaming of a violator' (2020, 7).[27] She argues for a more boundaried understanding of norms, distinguishing them from beliefs or moral principes generally, from supererogatory standards (where compliance is optional, and cause for praise, rather than being understood as obligatory), and — crucially for our purposes — from formal law. Laws do not require a widely shared social consensus to exist, whereas norms, by her definition, do. Many global and social norms scholars agree on this point, although the extent of the consensus is debated.[28] However global norms scholars also centre the specific role that law — compared to norms — plays in improving accountability: in bolstering a shared understanding that specific institutional actors (e.g. development agencies, governments, companies, NGOs) have hard-edged obligations with regard to specific, widely shared norms.

When social norms work in GAD focused on project-level interventions to shift individual attitudes, the allocation of accountability to wider political, economic, and legal actors for adhering to a collectively shared sense of "oughtness" about what is required was largely moot. But as social norms work has shifted, to increasingly centre institutional levers for social norm change, and *especially* to privilege formal law (section 2), the governance and social norms conversations have overlapped, but without appearing to learn from each other. As a result, we need to ask what invocation of *social* norms means for who is held accountable for gendered harms, including by analysing concrete examples of how social norms, global governance norms, and laws, are invoked by development agencies working on gender equality.

To develop this point, a brief case study of the IFC is instructive. The IFC has become increasingly prominent in GAD (Bedford 2024a, 2024b). Aside from the Uber-sponsored research noted above (which identified social norms as barriers to women driving for ride-hailing companies), it has also worked with leading companies to promote gender equality in stock markets, banking, insurance, and mining. Indeed the Bank's 2021 mid-term review of its gender strategy made especially "positive recognition" of the IFC's commitment to, and record on, GAD (World Bank 2021, xix). The review also claimed that the Bank overall "has been a leader among multilateral development banks both in

[27] Further, "one of the greatest challenges to norm construction around economic and social rights in particular has been the struggle of determining from whom society expects a particular behavior such that that actor could be held accountable through social sanctions if they deviated from the behavior society expected from them" (Jurkovich 2020, 5).

[28] E.g. UN Women's social norms framework argues that discriminatory social norms rest on unequal power, not on social consensus, and that resistance to them entails a challenge to that unequal power (2026, 8).

terms of mitigating the risks of sexual exploitation, abuse, and harassment (SEAH) and embedding broader GBV prevention and response in operations" (xviii)

Three years before this review praising the IFC and the Bank was published, the IFC's internal accountability mechanism, the Compliance Advisor Ombudsman (CAO), received a complaint from EACHRights, a Kenyan human rights NGO, about the IFC's investment in Bridge International Academies (Bridge), a chain of low-cost private schools (EACHRights 2018). In 2014 the IFC invested £13.5 million in Bridge's US-based parent company (New Globe Schools), eventually gaining a 5.3% equity stake. This and other investments from corporate funders supercharged the company's growth, in Kenya and elsewhere.[29] The EACHRights complaint was part of a long global activist campaign against development funding for Bridge and other for-profit schools, involving leading NGOs, unions, international agencies, and academics working on the right to education.[30] EACHRights' specific complaint to the IFC covered failures to prevent or adequately respond to CSA, GBV, and preventable deaths and injuries to students due to unsafe schools; failures in oversight related to registering the schools as required by Kenyan law; illegal labor practices (such as not paying minimum wages, and requiring staff to work excess hours); intimidation of union members; and poor sanitary conditions (EACHRights 2018).[31]

Given the focus of this article — on gender equality — I concentrate on the Compliance Advisor Ombudsman's (CAO) investigation into EACHRights' complaints about CSA and GBV (CAO 2023a),[32] and the IFC's response (IFC 2024). Specifically, I examine how social norms and legal obligations were framed in this discussion, to suggest that the IFC localised the causes of CSA to social norms embedded in communities, and hereby minimised its own accountability. It did not claim immunity per se (as it has done in some other instances when those harmed by its projects have sought redress).[33] But the

[29] Other investors included the Gates Frontier LLC, the UK's Commonwealth Development Corporation, and the Chan Zuckerberg Initiative.

[30] Fredman 2021 and Oduor-Noah 2021. See e.g. the 2015 civil society letter disputing Bank claims that low fee private schools achieved better results than public schools, and noting concerns about lack of access provided to poor and disabled children (Initiative for Social and Economic Rights 2015). Two years later, 174 civil society organisations, from 50 countries, signed another joint letter calling on investors to stop supporting Bridge. This pointed to concerns about exclusion of the poor, poor labour conditions, violations of minimum education standards, and negative impacts on educational quality and equity (Right to Education 2017). In 2017, the UK's International Development Committee held an inquiry into the UK's development aid to education, with its Chair concluding that UK development agencies should stop further investment in Bridge (Twigg 2017). A range of UN agencies had also raised concerns about poor oversight of low-cost private schools being funded by development budgets. See e.g. Fredman's discussion of the CESCR's concluding observations to Uganda in 2015, to Kenya in 2016, and to Ireland and the UK in 2016 (given both countries' use of ODA to support for-profit school chains). CEDAW's 2017 general recommendation on the right to education had also emphasized that "privatization has specific negative consequences for girls and women, and in particular girls from poorer families, namely, their exclusion from education" (Fredman 2021, 123-3, citing CEDAW General Recommendation No. 36 (2017) on the right of girls and women to education, paras 38–39).

[31] E.g. Bridge engaged in a sustained campaign against the head of the Kenyan National Union of Teachers, suing him and the union for defamation over his criticisms of their company (EACHRights 2018, p 14).

[32] A separate CAO investigation (2023b) was also conducted into labour and working conditions, and health and safety issues related to the school environment.

[33] On the international law debate about the immunity of development agencies, including in relation to violations of human rights, see the UN's successful invocation of immunity in response to claims brought

invoking of social norms functioned to download institutional accountability for gendered injustice onto the economically disadvantaged communities most harmed by development malpractice.

The CAO's investigation of the Kenyan allegations found that the company had inadequately handled multiple allegations of CSA, and that the IFC had failed to adhere to its obligations to evaluate or monitor Bridge's policies and procedures to prevent and respond to CSA. For example, the IFC's performance and sustainability standards require clients (in this case, Bridge) to identify, evaluate and where necessary manage environmental and social risks, and community health, safety, and security risks, to protect people and the environment from harm related to IFC investments (CAO 2023a, 26). To comply with these rules IFC clients are required to ensure specific protections for vulnerable groups, including children (CAO 2023a, 26). Clients are also required to comply with national laws and regulations, including those pertaining to any international law commitments, and to recognised good international industry practice (CAO 2023a, 7).

When the IFC's investment in Bridge started, in 2014, Kenyan law explicitly addressed child sexual abuse, including in school settings. Several relevant international conventions (including the UN Convention on the Rights of the Child) are binding under the Kenyan constitution (CAO 2023a, 26). A 2010 national survey and a 2011 UN country report showed high prevalence of CSA and GBV, including in schools (CAO 2023a, 37). In April 2015 the Bank published an education sector brief which highlighted risks of sexual violence in schools (World Bank *et al.* 2015). In 2016 it created a taskforce to mitigate GBV risks and impacts, in response to an investigation into a Ugandan transport project which found that the Bank had failed to adequately address such risks (World Bank Inspection Panel 2016). UNICEF published a *Child safeguarding toolkit for businesses* in 2018,[34] the same year that the Bank itself issued *Good Practice Notes* on addressing sexual exploitation, abuse, and harassment risks for public works projects (World Bank 2018).

Moreover, the IFC was aware from the outset of its investment that Bridge was relying on unregistered teachers in Kenya (CAO 2023a, 35), and that a teacher it employed had been convicted and sentenced for abusing a student in 2013.[35] Yet even after the IFC had been notified of further CSA incidents (in 2016, and 2017), it failed to assess, minimize, mitigate, or remedy project-related CSA risks. The IFC's project team had no expertise relating to CSA and GBV during most of the investment.[36]

The IFC took some responsibility for these failures, as the Bank had done previously in the Ugandan transport project, and many of the CAO's recommendations were

by victims of the Haitian cholera epidemic caused by its negligence (discussed in, *inter alia*, White 2020), and the IFC's unsuccessful invocation of immunity in the *Jam v IFC* case (139 U.S. 759 (2019)). In the latter, the US SC found that the IFC, as an international organization, was not immune from being sued in the US by claimants — Gujurati farmers and fishers — alleging that they had been harmed by pollution from an IFC-funded coal power station (White 2020, Okeke 2023).

[34] See UNICEF (2018) and discussion in CAO (2023a, 22).

[35] The conviction was subsequently overturned in 2015, but when the IFC investment with Bridge was signed in December 2013 the teacher had been convicted.

[36] Two specialists were brought on, in 2020 and 2021, over a year after the CAO's field mission for an earlier investigation had identified 2 CSA incidents involving 15 survivors (CAO 2023a, 11)

accepted. For example the IFC funded a remediation program for survivors of CSA in the places where Bridge operated or operates, although it refused to provide financial compensation on a 'no fault' basis, as the CAO recommended (IFC 2022a, 2024). After pausing new investments in private K-12 education in 2020, the IFC decided, in 2022, to end them completely.[37]

It is instructive to examine how social norms surfaced during this complaint process since, via reference to social norms, the violence to which children had been subjected was mostly localized by the IFC, to a national and community context. EACHRights' complaint about Bridge mentioned norms twice, once in relation to international human rights norms about education and the state duty to regulate private providers (EACHRights 2018, 16) and once in relation to the Kenyan safety standards manual for school buildings and infrastructure (18). These are global norms and national standards. There was no discussion of *social* norms. In contrast the IFC's response to the CAO's report on CSA foregrounded social norms. It stated that "With hindsight, we can say that upon considering an investment in a chain of private K-12 schools in low-income communities in Kenya, *a national context where violence against children is a widespread and deeply rooted problem*, we should have better anticipated the risks to children" (IFC 2024, 3 emphasis added). It also committed to a prevention programme "aiming to engage local communities and services in target counties in Kenya to strengthen prevention and outreach to populations at risk of child sexual abuse and GBV, and *to facilitate community discussions around harmful gender norms and behaviors*" (4, emphasis added).

In addition, beyond the specific complaint about Bridge, the wider response to Bank and IFC culpability for GBV in projects has been to issue toolkits, tips, guidance, and good practice notes for businesses (e.g. IFC 2020, 2022b). Many of them reference the ubiquity of social norms around the acceptability of violence against women, and frame GBV as deeply rooted in unequal gender norms entrenched in economically disadvantaged communities. In 2014, a 'resource guide' on violence against women and girls co-developed by the Bank claimed that gender norms and roles were part of the sociocultural context that impacts interventions intended to support equality (World Bank *et al.* 2014, 7), and that IFIs could positively shift those local norms:

> Because of their global influence, IFIs are uniquely positioned to promote evidence-based good practices. Not only can they leverage partnerships with governments to create a space for policy dialogues on addressing VAWG, they can also act as pioneers in promoting integrated and multisectoral approaches to addressing this issue (World Bank *et al.* 2014, 2).

A year later, the Bank co-wrote an education sector brief on Violence Against Women and Girls which highlighted risks of violence in school environments, given that such environments "could reflect characteristics of the communities that surround them, including gender norms and violence" (World Bank *et al.* 2015, 1). It also recommended that projects in the sector consider whether "there any traditional practices, norms, or dynamics that may increase girls' vulnerability to violence in the school context" (3). A 2020 IFC 'good practice' guide for the private sector in addressing GBV and harassment

[37] See Independent Evaluation Group (IEG) 2022, and IFC 2022a. The IFC continues to invest in ancillary profit-making educational services (such as food preparation in schools); in ed tech and digitalization; in private higher educational institutions; and in public-private partnerships related to school construction.

recommended that companies use indices to identify country-specific GBV risks: one of two examples provided was the UNDP's *Gender Social Norms Index*, which is an attitudes-based survey of gender bias (IFC 2020, 41). The reinforcing circuit of social norms works is clear here: measures of biased attitudes are used to identify social norms, which are then used by corporate entities (including the IFC and companies in which it invests) to identify risks that are perceived to lie in local contexts, rather than in their own practices.

To be clear (and fair), the Bank group's wider guidance does not position social norms of the community as the *only* driver of CSA or GBV. It also recommends training for teachers and other school staff, and improvements in teacher certification requirements and curricula. For example the educational sector brief on VAWG highlighted the need for improved staff training "to build their capabilities to promote gender equitable norms as well as to detect and prevent sexual abuse" alongside "curricular reform to update textbooks with content that promotes gender-equitable norms and nonviolence among students and educators" (World Bank *et al.* 2015, p 5-6). In 2020, several development organisations (including the IFC) issued short guidance on *Addressing Gender-Based Violence and Harassment in the Education Sector* (European Bank for Reconstruction and Development — EBRD — *et al.* 2020). This identified several relevant risk factors, including "Inadequate pre-employment checks of teachers and school staff for suitability and ability to work with children and young people; A lack of clear child safeguarding policies and codes of conduct in educational settings; Poorly designed and supervised spaces, where students and staff are or feel unsafe" (2).

Some of the wider structural determinants of CSA were known to the IFC, then, and indeed referenced in wider Bank guidance. Crucially, however, not only did the IFC fail to put in place systems to mitigate those risks, but *the risks were amplified by the Bridge investment*. The business model of low-cost private education involved reliance on poorly qualified and poorly vetted teachers, not using a national curriculum, and highly selective use of ed tech surveillance (to disempower professionals, but not to follow up on allegations of assault).[38] The CAO's 2023 report shows that all of these risks were known to the IFC.

To some extent, this example is another chapter in the long story of the Bank's 'amnesia' about its own role in gendered development harms.[39] In addition, however, it is instructive for what it reveals about how gendered harms, social norms, and law, are understood in current development practice. Social norms were not mentioned by Kenyan human rights activists in their complaint about the IFC's role in Bridge. The CAO's investigation into that complaint only mentioned social norms when it was quoting Bank guidance on the need to take them into account as risk factors for GBV in projects. Like EACHRights, the CAO was overwhelmingly focused on broader national

[38] Bridge's business model was and is rooted in ed-tech; it provided a licensed cloud-based education management system that used digital data to increase "oversight and transparency" of teachers and students (IFC 2024, 7). The initial complaint to the CAO detailed how "BIA's teachers — who are mostly secondary school leavers without formal teaching qualifications — receive scripted lesson plans on an e-tablet, which they must follow word for word… Bridge's model of instruction which is deeply reliant on teacher-computers, has rendered pedagogy automated, mechanized, and computerized" (EACHRights 2018, 5).

[39] On the Bank's "historical amnesia" about its role in women's poverty see Razavi (2011, 8). See discussion of this amnesia as it relates to contemporary Bank practice in Bedford (2024b).

and international law obligations, global norms, accepted standards of good practice for the education sector, and the IFC's own rules. However the IFC's response – to the investigation and to the wider issues of CSA and GBV – amplified social norms as a key causal factor, and suggested that companies use measures of community or national gender attitudes to help identify risks.

The additional lesson, beyond the three discernable from social norms measurements, is thus that social norms can be used to obfuscate accountability for gendered harm attributable to corporations and international development agencies supporting those corporations. In such moments, (re)articulating complaints in the language of legal obligations (rather than social norms) is an important counterweight. For all its limitations as a gender equality tool, law specifies duty bearers. Hence it is critical to identifying those areas where vaguely shared moral principles, or supererogatory standards, have become entrenched as hard obligations, not just on individuals but also on institutions (Jurkovic 2020).

5. Conclusion

My aim in this article has been two fold: i. to draw out commonalities and limitations in how a range of development organisations measure and conceptualise law's role within social norm change in relation to gender and ii. to examine a key example of how social norms are operationalised when groups harmed by a development organisation seek to hold it accountable. This dual focus stems from a wider interest in what the turn to social norms means for gender equality efforts within development, especially given that the current generation of norms measures increasingly centre institutional levers of norm change.

I have suggested that leading measures of gendered social norms share i. a poorly justified tendency to use law as a proxy for social norm change; ii. a failure to adequately measure or analyse the role of contentious politics and collective action in fostering social norm change; and iii. a largely uncritical celebration of the private sector's progressive role in shifting social norms and laws, even in the face of compelling counter-evidence. In pointing out these limitations, I am not arguing that development institutions should jettison law reform as part of their social norms work, but rather that they need to improve understanding of when law reform is likely to be effective as an intervention tool. This in turn requires better methods (such as those used by UN Women's storytelling initiative), attentive not just to plural forms of law but also to ordinary people's expertise about the role of state law in gendered injustice. In short we need a greater curiosity about law as part of the wider institutional architecture of sanctions that underpin collective understandings of social norms, but not in a form that uses state law as a proxy indicator, that over-states the impact of law reform while minimising the role of social movement actors, or that fails to hold corporations to account.

Beyond critiquing measures of social norms about gender for their incomplete and confused approach to law, we also need to clearly identify how social norms are being *operationalised* by development organisations when those organisations are criticised for failing to adhere to their own gender equality obligations. In this light, the investigation into the IFC's 2014-22 investment in Bridge is instructive. It shows that national and international law, global norms, and good practice standards, required the IFC to act in

accordance with widespread consensus about the unacceptability of CSA in schools. The key result of introducing social norms into the conversation (done by the IFC, not the Kenyan human rights activists who raised the complaint) was to deflect accountability onto local communities. Law did not function as a proxy for social norms here; rather, invoking social norms helped displace the legal obligations to which a powerful multilateral development organisation was subject.

Together, these lessons suggest that social norms work within GAD has a somewhat contradictory law problem. Formal law is central to many recommendations of how social norms can change, and to many social norms measures, retaining a pivotal conceptual role despite poor evidence. However when development actors encounter complaints about gendered harm stemming from their work, articulated in the language of legal obligations, law is de-centered, and social norms take its place. This results in an over-focus on law in the measures, and a sidestepping of law when accountability is demanded.

To move beyond this contradiction, and to better realise the potential of the current generation of institutionally-aware social norms approaches within GAD, we require greater empirical and conceptual clarity about when formal state should be prioritised within social norms change efforts, alongside a (re)centring of the legal obligations that already exist on development institutions, including in their collaborations with private sector actors. Clarifying existing accountability in this way could help avoid the tendency to localise social norms, to communities. It could also help prevent law reform from being imagined as a tool to change the attitudes of ordinary people, and instead support wider initiatives to reduce the impunity of development funders, and corporations, for the gendered harms caused by their interventions.

Finally, I have suggested that there is a pressing need to better connect development work on social norms with international relations work on global norms. The former is largely proceeding in parallel to (rather in conversation with) the latter, even though both are now increasingly characterised by an interest in formal institutions, power dynamics, and law. While a comprehensive explication of the relationship between social norms, global governance norms, and law is beyond the scope of this article, I have suggested that the shared emphasis on contestation central to some work on social movements and social norms, and to some work on global norms, is a useful starting point which might help us recentre contentious politics and the need to challenge power inequality. Moreover, as they reach for law as a lever, social norms scholars could learn from the emphasis on *accountability* within some global norms scholarship. This learning could in turn help prevent complaints about organisational failures to adhere to gender equality obligations being deflected onto communities, via the language and frameworks of social norms.

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