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LISSILLOUR (Raphaël), FULCONIS (François), PSARAFTIS (Harilaos N.), « Une perspective *nomos* des industries de services de transport maritime »

RÉSUMÉ – Cet article propose une compréhension sociologique du champ des services logistiques, notamment dans le contexte de la pandémie de COVID-19. Le cas des services logistiques utilisés par l'industrie du transport maritime pour gérer la sécurité maritime (services statutaires et de classification) est analysé. Ces services logistiques vérifient la conformité des navires aux normes de sécurité privées et publiques. Le concept bourdieusien de *nomos* est développé selon trois dimensions : un cadre normatif, un principe de vision et des divisions structurelles. Les résultats mettent en évidence un ensemble complexe de normes industrielles et réglementaires qui donnent lieu à des obligations complémentaires. Certains acteurs, comme les sociétés membres de l'IACS, imposent leur *nomos* dans le champ et bénéficient d'une légitimité incontestée pour fournir ces services, alors que d'autres en sont exclus.

MOTS-CLÉS – Bourdieu, services de classification, Pandémie de Covid-19, Association internationale des sociétés de classification (IACS), Organisation Maritime Internationale (OMI), services logistiques, sécurité maritime, industrie du transport maritime

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ABSTRACT – This article seeks to provide a sociological understanding both of the logistics service field and of the impact the COVID-19 pandemic has had on this field. To address this issue, we analyze the case of logistics services used by the shipping industry to manage maritime safety, namely statutory and classification services. These services verify the compliance of shipping vessels with private and public safety norms. We develop the Bourdieusian concept of *nomos*, according to three dimensions: a normative framework, a legitimate vision, and structural divisions. The findings highlight a complex set of industrial and regulatory norms which give rise to complementary and sometimes overlapping obligations. *Nomos* materializes as some actors, typically IACS member societies, benefit from an uncontested legitimacy to deliver such services, whereas other actors are excluded for a variety of reasons.

KEYWORDS – Bourdieu, classification services, COVID-19 pandemic, International Association of Classification Societies (IACS), International Maritime Organization (IMO), logistics services, maritime safety, shipping industry

A NOMOS PERSPECTIVE OF SHIPPING SERVICE INDUSTRIES

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INTRODUCTION

International maritime trade has quadrupled in the past 50 years and now accounts for over 80% of world trade (UNCTAD, 2020). At the same time, the intensity of maritime traffic has increased considerably with an ageing maritime fleet which has gradually included ships of ever-increasing sizes. The Ever Given accident, involving a container ship loaded with 18,000 containers, 400 meters long and weighing 222,000 tons, which, between March 23 and 29, 2021, blocked the Suez Canal in both directions and caused a major disruption of international trade, is an example which justifies the current need to better understand the standards which underpin maritime safety and how powerful actors can

impose their normative preferences on the industry. In recent years, a growing interest in how norms shape the logistics industry has generated extensive empirical research (Wong and Boon-Itt, 2008; Kornilaki and Font, 2019). Whereas prior studies focused on logistics services from a strategic perspective, highlighting the ways in which these services can generate competitive advantage, they have also tended to overlook the dynamics of power within which they are designed and delivered (Cox, 2004; Filser and Paché, 2006; Fulconis *et al.*, 2016). The focus of research on logistics services has been both on individual behavior (Merminod *et al.*, 2019) and on inter-organizational dynamics (Roveillo *et al.*, 2012), thus often drawing on resource- or competence-based views (Allègre *et al.*, 2014). At the same time, these studies do not provide a clear understanding of how “*conflict and complementarity between public and private standards structure the practice of private regulation*” (Bartley, 2011). Most studies arguably fail to provide an understanding of which actors dominate the creation of such standards and how this dominance is developed and sustained.

In order to better understand the power struggles inherent to the establishment and reinforcement of these norms, the present study relies on a practice perspective based on Bourdieu’s approach (Bourdieu, 1985 and 1994). Bourdieu has studied the international economy (Bourdieu 2005) and the phenomena of globalization (Bourdieu 1998) and European integration (Bourdieu 2001). Since the beginning of the 2000s, Bourdieu’s influence in field of management sciences has continued to grow (Golsorkhi et Huault, 2006). Various studies have looked at supply chain management from Bourdieu’s practice perspective, but these have so far mostly focused on one sole theoretical concept from Bourdieu, namely that of “*social capital*” (Majumdar and Nishant, 2008; Min *et al.*, 2008; Prasad *et al.*, 2012; Hung *et al.*, 2014) and/or “*habitus*” (Bakker and Kamann, 2007; Lissillour and Bonet-Fernandez, 2020; Lissillour *et al.*, 2021). The authors of one study added the concept of information, economic, and symbolic “*capital*” in their analysis to explain the exclusion of certain actors from the field of supply chain governance (Lissillour and Bonet-Fernandez, 2018). However, Bourdieu’s concept of “*nomos*” provides alternative ways of understanding normative phenomena by focusing on the underlying normative “constitution” which shapes and structures a field of practice

(Bourdieu, 2000; Epstein, 2012). Bourdieu's concept of nomos enables an analysis centered around the practices embodying power relations which characterize the field within which agents compete in the logistics services market.

Acknowledging a growing number of reported shipping casualties and incidents, balanced by a decline in total losses (Allianz, 2020)¹, and in a context in which the COVID-19 pandemic imposed new types of stress on insurance companies and banks in the shipping industry, we analyze the strategic case of the logistics services used to manage maritime safety, namely statutory and classification services. In the context of the COVID-19 pandemic, the International Maritime Organization (IMO) has actively communicated with its stakeholders, highlighting, among other things, the fact that *“flag state authorities, port state authorities and control regimes, companies and shipmasters should cooperate, in the current context of the outbreak, to ensure that, where appropriate, passengers can be embarked and disembarked, cargo operations can occur, ships can enter and depart shipyards for repair and survey, stores and supplies can be loaded, certificates can be issued and crews can be exchanged”* (IMO, 2020a).

Indeed, the pandemic has had strong repercussions on maritime transport, far beyond the control of the shipowners, notably generating higher freight rates especially in the container sector and for a variety of other factors related to the overall disruption caused by the pandemic. Port administrations have introduced restrictions preventing shore leave and crew changes, and implementing quarantines which have caused delayed port clearance (Belgian Maritime Inspectorate, 2020). Additionally, the pandemic has had deeper impacts on the maritime industry since shipbuilders have had to slow down their operation to respect sanitary measures, which has further impacted their associated supply chains thus leading to difficulties in resuming normal production (IACS, 2020a). Maritime administrations sent circular letters providing guidance to cope with pressing complications including *“restricted access to shipyards and ports for inspectors, auditors, surveyors and crews, which could result in delays in conducting statutory surveys, audits, inspections, crew changes, etc., to maintain validity of certificates and compliance with regulations”* (Liberia Maritime Authority, 2020).

1 Professional references cited in this paper are listed in a table in the appendix.

This exploratory study focuses on the case of statutory and classification services delivered by “inspectors, auditors, surveyors” and which take the form of “statutory surveys, audits, inspections”, attesting the compliance of the ship to the specific standards in force in the field of maritime safety. The first section herein develops the theoretical framework for this research with a description of the field of statutory and classification services, and presents the prior theory of practice for the study of shipping service industries. The second section then outlines the methodology which has enabled the study of nomos with a focus on a practice-based approach to textual analysis. Subsequently, the third section develops an analysis of nomos, characterizing the social field in which statutory and classification services are delivered according to the three dimensions of nomos: a normative framework, a legitimate vision, and structural divisions. We conclude with a theoretical contribution to the study of logistics services and set out practical implications of this contribution².

1. THEORETICAL FRAMEWORK: THE CONCEPT OF NOMOS TO STUDY THE SHIPPING SERVICE INDUSTRY

In this first section, we describe the main actors in the field of statutory and classification services, followed by an introduction of the concept of nomos so as to propose a specific analysis grid for the study of shipping service industries.

1.1. THE FIELD OF STATUTORY AND CLASSIFICATION SERVICES

The field of statutory and classification services is characterized by four main actors which can be divided into two groups, namely: the IMO and states on one side, and classification societies and shipowners on the other.

2 The authors are very grateful to two anonymous reviewers of *European Review of Service Economics & Management* for their constructive comments and suggestions on a previous version of this paper.

1.1.1. *The IMO as both a forum and a key interface with states*

According to Article 1 of the IMO Convention (established in 1958), the purposes of the IMO are “to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships” (IMO, 2021a). The Organization is also empowered to deal with administrative and legal matters relating to these purposes. In this framework, the French government recalls that “*The IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping*” (French Government, 2019).

Consequently, at the supranational level, the IMO intends to reinforce its monopoly through the issuance of legal instruments able to internationally govern and safeguard maritime safety, notably by creating statutory duties with which member states must comply, in particular via audits. These audits more often than not take the form of statutory services operated by Recognized Organizations (ROs), which, for the IMO, are classification societies acting on behalf of Flag Administrations. According to the IMO, the international shipping industry “*can only operate effectively if the regulations and standards are themselves agreed, adopted and implemented on an international basis. The IMO is also the forum at which this process takes place*” (IMO, 2020b). Thus, the IMO defines itself both as an actor and as a forum. The IMO is the forum in which agents struggle for influence on regulations which is, according to some, “*dominated by the interests of the oil and shipping industries*” (Greenpeace, 2017). Consequently, the field of statutory and classification services is not limited to the locations in which these services are delivered in practice, namely by classification surveyors located in ports, but also include the supranational level.

1.1.2. *Classification societies: a central actor in the field of maritime safety*

The role of a classification society can be summarized as follows: “*a classification society sets standards for the quality and integrity of vessels and performs surveys to determine whether vessels comply with the classification society’s*

rules and regulations, national laws and international conventions” (Walker, 1996). Historically, the classification societies were created to provide independent technical expertise to insurance companies regarding the ships insured by these companies. Consequently, they are involved in both standard setting and standard implementation. The standard setting function occurs both internally, in the development of the rules of a classification society, and at the supranational level, as they contribute to the development of international conventions.

The classification societies have been quick to understand the benefits they can derive from forming a Non-Governmental Organization to facilitate communication between their members and the different actors of the industry and those at the supra-national level. According to Sadler (2013), an accredited observer at the IMO for the International Association of Classification Societies (IACS), in the maritime arena *“it is often stated that the International Maritime Organization can be seen as the reason why IACS was formed”*, but arguably *“SOLAS 60 with its new all-embracing strength regulation, which entered into force in 1965, was the main trigger for the formation of IACS”* (Hormann, 2006). This very phrase indicates the early maturity of the classification societies and their ability to develop in a complex global economy. But classification societies could be relying on lobbying efforts already set in motion by the 1930 Load Line Convention, as the second recommendation issued at the conference mentioned: *“As, under the Rules attached to this Convention, ships which comply with the highest standard laid down in the rules of a classification society recognized by the Administration are regarded as having sufficient strength for the minimum freeboards allowed under the rules, the Conference recommends that each Administration should request the Society or Societies which it has recognized to confer from time to time with the Societies recognized by other Administrations, with a view to securing as much uniformity as possible in the application of the standards of strength on which freeboard is based”* (IMO, 2021c).

These early institutional efforts marked the beginning of the classification societies’ extension to the supranational level, conferring on them a recognized voice at the IMO, as IACS was granted consultative status by the IMO shortly after its creation in 1969. The classification societies decided to establish headquarters for IACS in London in order to strengthen its link with the IMO. Nowadays, classification societies are implementing standards in two ways: first, by classifying

ships according to their own standards, and second, by surveying ships according to the statutory requirements of the states. Consequently, the classification societies have close cooperative connections with the states which delegate their statutory obligations to them. According to the Charter of IACS, the purpose of classification societies is “*to provide classification, statutory certification and services as a Recognized Organization acting on behalf of a flag Administration, and assistance to the maritime industry and regulatory bodies as regards maritime safety and pollution prevention, based on the accumulation of maritime knowledge and technology*” (IACS, 2021b).

Consequently, the classification societies define their purpose as being to provide assistance to regulatory bodies. By so doing, they indicate that their interests depend on the policy-making of regulations at the supranational level, and ensure that they are recognized and associated with the IMO. The key motives which triggered the creation of classification societies are “*the demand by interested parties for information on ships plying the seas and, resulting from this, the fact that impartial information required – and, of course, still requires – a basis against which the subject of such information can be assessed, or “classified”*”. These are already the roots of the main qualifications, for which the classification societies in our modern world stand: *impartiality and technical competence*” (Hormann, 2006). It is interesting to note that nothing equivalent to class exists in other transportation modes. Indeed, this concept has evolved only in shipping and can be traced back to historical reasons (Lissillour, 2017).

1.2. AN ANALYSIS GRID FOR THE STUDY OF SHIPPING SERVICE INDUSTRIES

Bourdieu’s concept of “nomos” is mobilized to propose an analysis grid for studying the shipping service industries. This grid is based on three dimensions of nomos which are successively explained.

1.2.1. *Understanding logistics services in maritime safety through theory in practice*

The social space in which supply chain evolves is an arena in which agents struggle for domination over resources, or capital, which are both a means of action and influence in the field. The low endowment in capital of given actors in the field of supply chain can lead to their exclusion from the negotiation tables and from the overall governance (Lissillour

and Bonet-Fernandez, 2018). The field is characterized by implicit norms that are tacitly accepted by the actors and which result in shared practices. This conceptualization allows for an analysis which is neither focused on actors nor on the structures but rather on how both mutually constitute one another (Lissillour *et al.*, 2019). The administration of specific aspects of supply chain such as maritime safety implies the establishment of codes and routines that recall and institutionalize norms. These norms are not neutral, and they contribute towards defining and sustaining the structure of domination in the field (Lissillour, 2017). Indeed, the supply chain does not evolve in a neutral field characterized by consensus among equal actors, but rather in the context of a power struggle among actors with unequal resources. The everyday practices enacted by professionals throughout the supply chain contribute to reproduce the domination of the most powerful actors in the field (Lissillour and Bonet-Fernandez, 2020).

The main assumptions of the theory of practice are that the social sphere is constituted of continuous rivalry for power and for means to legitimize prominence, notably by defining and imposing norms in the field. These norms are embodied by actors socialized in the field and leads practitioners to act intuitively following their commonsense and instinct. Indeed, the repeated practices of a community within a field develops a shared identity. Such community of practice is sustained by non-reflective actions following a “*logic of habit*” which is not thought about but rather implemented pre-reflexively by the agents (Hopf, 2010).

The study of nomos makes it possible to emphasize the historical perspective which resulted from struggles around what constitutes the legitimate way of organizing the field. Beyond determining the boundaries of the field, developing the topography implies apprehending the actors and understanding how they are relatively positioned in the field depending on their endowment in resources. Depending on their position, groups of actors share common dispositions and means for action. A founding father of the concept of nomos stressed the necessity for a society to develop a strong but tacit nomos for members to share a common vision: “*whenever the socially established nomos attains the quality of being taken for granted, there occurs a merging of its meanings with what are considered to be the fundamental meanings inherent in the universe*” (Berger, 2011). Bourdieu’s contribution was to conceptualize nomos at the level of the field, rather than at the level of society, in his analysis. Bourdieu

(2015) describes “*nomos*” as the monopoly of legitimate symbolic violence, namely the principles of vision and imposed division in the field.

A major issue in the field is thus the establishment of a legitimate vision and the imposition of structural divisions in the field. Indeed, the shipping service industry has been described as a highly political environment in which actors compete to protect their interests (Fulconis *et al.*, 2021). Therefore, previous studies of this field using Bourdieu’s conceptual toolbox, such as habitus and capital, have led to a better understanding of the power relations among actors, divided between highly influential and marginalized actors (Lissillour and Bonet-Fernandez, 2020). These studies have shown that symbolic capital is very empowering in this field, and that the use of symbolic violence can even lead to the relative exclusion of some actors from the field (Lissillour and Bonet-Fernandez, 2018). In addition to imposing their principles of vision and division, dominant players impose their “*normative framework*” onto other actors, thus converting those who do not conform into deviant actors (Lissillour, 2021). In this paper, we argue that the most powerful actors have successfully imposed their *nomos* in the field. By imposing their representations of the world, the other actors adopt and develop a similar vision and thus act in concordance with this vision. Thus, the three dimensions of *nomos* are listed in Table 1 below and constitute the basis of an analysis grid for the study of *nomos* in shipping service industries.

TABLE 1 – The three dimensions of “*nomos*”.

Dimension of <i>nomos</i>	Definitions
<i>A normative framework</i>	The field is characterized by historically-developed norms and result from past and current power relations. The set of norms which constrain while enabling action are tacit or explicit.
<i>A legitimate vision</i>	Actors compete to impose their vision of the world in the field. By legitimating their vision, the dominant actor ensures that the others perceive the world in a way that is aligned with their interests.
<i>Structural divisions</i>	The powerful actor has the legitimate authority to demarcate the field and establish the categories according to which actors are classified as being included or excluded.

Source: Authors.

1.2.2. *A normative framework*

Nomos is the tacit “*law of perception and practice which is the foundation of consensus on the meaning of the social world [...] the foundation of common sense*” (Bourdieu, 1994). It is not only the hard-and-fast law enforced by the states but encompasses all normative dimensions specific to the field and which contribute to the development of a common social understanding of the world. Despite the semantic proximity, normative approaches used to explain interorganizational relationships in the supply chain differ considerably from Bourdieu’s nomos which is laden with power (Cai and Yang, 2008; Lavastre *et al.*, 2016; Fulconis and Paché, 2020).

Nomos broadens the analytical scope by emphasizing the plurality of norms which characterize the normative order of a given field. The field is thus characterized by normative pluralism, which means that actors compete to impose a normative order aligned with their own interests (Lissillour, 2021). Understanding a field as powered by a single norm with an analytical focus on its effects in the field would be reductive, since social control can rely on a normative universe composed of formal norms but also informal and taken-for-granted norms (Cover, 1983). Unlike Cover (1983), according to Bourdieu (2000), norms rarely operate in a vacuum and are the products and stakes of power struggles between actors in the field.

1.2.3. *A legitimate vision*

Bourdieu conceptualizes the field as a social space where actors compete to impose their vision of the world. This vision is linked to both their own position in the field and to their intrinsic interests. This struggle to make their own vision of the world become the legitimate vision of the field is a major stake: “*if my nomos becomes the universal nomos, if the world sees the world as I do, then I will be backed up by all those who share my vision*” (Bourdieu, 2000). Nomos is thus the fundamental organizational principle of coherence according to which the field functions and is organized (Bourdieu, 2000). Nomos constitutes the underlying structure according to which actors understand and perceive the world. It contributes to creating social representations of the world, namely a shared understanding of what is conceivable and believable. The publication of text explaining a vision transforms the social representation

of the world and makes the existence of actions conforming with this vision possible.

This world view includes assessment criteria which are specific to the field. In addition to this cognitive influence, nomos conditions the practices of actors as it includes the rules according to which actors can act in the field. These rules are tacitly imposed upon actors for them to be accepted and able to act, or else be in danger of failure, sanctions and, ultimately, exclusion. All actors in a given field have the nomos they hold in mind conveyed to them through socialization in a field which was itself really organized according to a specific principle of division (Bourdieu, 1994).

1.2.4. Structural divisions

The principle of vision leads to that of division, namely the power of the legitimate authority to demarcate the field, thus defining the inside and outside and have those boundaries be accepted by others. What becomes the official vocabulary found in the authoritative texts is only the materialization of a prior definition imposed by those in power, which includes social classifications, categories, ranking, and a sense of the legitimate boundaries of the field. The influence of the categories according to which a dominant group thinks of itself and represents its own reality is disseminated throughout the field. Imposing this category system is a major stake in the field. The action of publishing authoritative texts makes the vision of dominant players explicit, and thus contributes to exclude possibilities which are not in line with this vision. *Nomos* is the unspoken law that sets out the rules for inclusion and exclusion specific to that field (Bourdieu, 2000). Drawing from a practice perspective, prior research has exposed the underlying reasons for the exclusion of Logistics Service Providers in the governance of maritime safety, and the reasons why other actors could become more influential (Lissillour and Bonet-Fernandez, 2018). Indeed, the normative process is the locus of a power struggle, being the line between what is recognized as normal and abnormal.

This principle of division also includes the dimension of hierarchy and the power of imposing categories in the field. Indeed, according to Bourdieu: “*knowledge of the social world and, more precisely, the categories that*

make it possible, are the stakes, par excellence, of political struggle, the inextricably theoretical and practical struggle for the power to conserve or transform the social world by conserving or transforming the categories through which it is perceived" (Bourdieu, 1985). Exclusion occurs so that this normative framework can gradually be normalized, i.e., accepted by all remaining actors in the field so it can effectively function as a regulatory structure. Unlike a theory centered on the rational agent and conceptualizing norms as an instrument available to the agent, nomos allows the analysis to be extended to power structures. The notion of the field raises the question of the limits of the field which can be conceptualized as the boundary beyond which the norms of the field are no longer effective (Bourdieu and Wacquant, 1992).

2. CASE ANALYSIS: NOMOS FOR A BETTER UNDERSTANDING OF THE FIELD OF MARITIME SAFETY SERVICES

In this second section, we present the adopted methodology to carry out a preliminary case study constituting a first step in a larger research program. The results obtained are then presented according to the three dimensions of nomos. These results highlight a complex set of industrial and regulatory norms which give rise to complementary and sometimes overlapping obligations, both generally and more specifically in the case of the COVID-19 pandemic.

2.1. METHODOLOGY

This programmatic study is mainly based on secondary data collected in the context of the COVID-19 pandemic. Because of their official and binding nature for the actors in shipping services industries, these data have historical value and are useful for making comparisons (Thiétart *et al.*, 2014; Denzin and Lincoln, 2017) between the period prior to the COVID-19 pandemic and the current period. These data are mainly "external secondary data" such as official communications from classification societies, the IMO, IACS and other stakeholders (see Appendix). The data collection and analysis process was developed using methodology

which corresponds to the requirements of theory and practice (Lissillour and Bonet-Fernandez, 2018, 2021). More precisely, this study relies on textual analysis according to the principles described below.

Textual analysis was conducted as this method provides indirect access to practices. Discourse analysis in Bourdieu's sociology is best understood as a sociological study of domination with a focus on verbal practices which have an impact on the extent to which actors are included or excluded from a field. In this respect, discourse analysis in a practice theory framework shares ground with the post-structuralist perspective of Foucault (1970). Indeed, Bourdieu and post-structuralists agree on the importance of language and of a deep analysis of discourses rather than a mere textual analysis. Bourdieu is quite aligned with the "*linguistic turn*" promoted by structuralists and post-structuralists alike. They agree on the importance of an understanding of the linguistic system which underpins the definitions of words and concepts. However, they disagree on how to study discourses. According to Foucault (1970), discourses are analyzed "*as practices that systematically form the object of which they speak*" (Foucault, 1970) and constitute the object of study. Bourdieu's sociological approach places the emphasis on the different items of language which can indicate social positioning and power, such as the power to define and classify (Bourdieu and Wacquant, 1992). A textual analysis has to take into account the wider social and political frame of the author and the context of the creation of the text to have scientific value (Fairclough, 1998).

A key discourse produced by Koji Sekimizu, the Secretary-General of the IMO during the IACS meeting in 2014 has been selected for an in-depth analysis (IMO, 2014). Handbooks published for practitioners and students of maritime transport are also a useful source of normative prescriptions, which arguably reflect common practices in the sector. For example, Stopford's "*Maritime Economics*" book (Stopford, 2009) is quite a known reference in the sector. This book (first edition published in 1997) won the 2005 Chojeong Book Prize for making a significant contribution to the development of maritime transport both academically and practically. The publication of academic articles by and about the work of classification societies can also be analyzed politically, or at least socially, as such publications portray a certain image of classification societies depending on who is the sponsor or author of the article. A good example is the

article published by Hormann (2006), a retired employee of the former German Classification Society Germanischer Lloyd, in the WMU Journal of Maritime Affairs, about the goal and future of the classification system. This publication can be analyzed from the perspective of the practices of classification societies, as their prestige depends partially on publications which legitimize their existence, safeguard their good image, and make up for the loopholes of the classification system. Brochures can also legitimize the strategies of the agent who publishes them, indeed: they “*are not only used to communicate, but also to register certain concepts and priorities in the bureaucratic machine*” (Bourdieu and Wacquant, 1992).

The unit of analysis encompasses classification societies and IACS since they are the major actors in charge of the design and delivery of certification and classification services, but also includes the IMO as both a forum and a key actor in negotiating norms. Data analysis was based on open coding. We compared each instance from the transcript for similarities and differences to form themes which reflected informants’ practices regarding certification and classification services. Our coding was then refined to focus on themes specifically related to the nomos. During the axial coding phase, we put the coded data back together in new ways by considering theoretical perspectives which could shed additional insights into our data. Axial coding resulted in the reclassification of data into three larger categories which correspond to the three dimensions of nomos.

2.2. A NORMATIVE FRAMEWORK: PAST AND CURRENT POWER RELATIONS

Over the years, private, public and international regulations have built a demanding normative framework for the actors involved. Nevertheless, in response to the COVID-19 pandemic, IACS has modified its procedural requirements leading to the creation of new norms, thus demonstrating responsiveness and flexibility in a highly uncertain context.

2.2.1. *Private, public and international regulations*

The certification and classification of services delivered by classification societies attest to the compliance of vessels with the standards of maritime safety. Classification services include many types of technical

survey over the course of the construction and operation of vessels. These services culminate in the delivery of classification certificates which attest to their compliance with the classification standards of the issuing society. These standards are the result of up to two centuries of experience and are continuously updated as a result of technical research. Each society has its own body of standards, but IACS members share a common set of standards called Common Structural Rules, which are openly published and can also be used by non-IACS members and administrations for benchmarking purposes: “*The Rules and Regulations developed by the Society on a global basis are sometimes regarded as an asset to some of the developing countries who may not have the resources and the expertise to develop such elaborate Rules and Regulations on their own*” (Chowdhury, 2015). The classification rules of IACS member societies became “recognized technical standards” by IMO member states, enabling their governments to refer to IACS members’ standards to indicate compliance with their new statutory duties. IACS and its members are thus setting out, publishing and promoting their standards to the entire field.

Statutory services include auditing of ships to verify their compliance with the International Safety Management Code (ISM Code), the International Ship and Port Facility Security Code (ISPS Code), and the International Load Line Certificate, all of which confirm that the vessels are equipped according to the International Convention on Load Lines (CLL 66/88). This certification is done on behalf of participating states to help them comply with their statutory duties. Indeed, the international regulations on maritime safety generate statutory duties for flag states and port states. These duties imply technical surveys on vessels which in general are completed by classification societies (acting in their capacity as recognized organizations).

The IMO may contribute to diffuse standards and ideas which may influence the preferences of states and shape their interests. The classification societies may be considered as entrepreneurs upholding standards (Finnemore and Sikkink, 1998), as they initiate change which generates both regulatory and constitutive standards through a sustained contribution to determining the outcomes of political debates. As historical actors, they have generated rules which define what constitute normality in terms of maritime safety. Indeed, they also generate constitutive rules, as the existing mechanism which the

classification societies have implemented throughout the industrial chain has provided space for further rules to be generated, such as Common Structural Rules, which have made them appear more able to provide equal treatment worldwide. Classification societies are also engaged in strategic social construction, as they generate standards and not only encourage compliance from the industry and the states by issuing relevant and precise technical rules, but also by having them identify with maritime safety as the right thing to engage in. Indeed, the lobbying activities of the classification societies are partly undertaken to diffuse the idea that standards have to be coherent and applicable worldwide in order to be valid.

2.2.2. The locus of new norms in the context of the COVID-19 pandemic

For a classification society to become a Recognized Organization (RO) and thus be legitimate to deliver statutory services, it must demonstrate that the requirements of the IMO RO Code have been satisfied. The IMO RO Code and the requirements of ISO 9001 have been integrated into the annual audits that each IACS Member must go through. For members to keep their status of RO despite the disruptions caused by the epidemic and thus be able to continue delivering statutory services to maritime administrations, IACS has negotiated new auditing standards for its member societies, thus enabling the use of remote auditing techniques (IACS, 2020b). Classification societies undertake regular surveys following rigid standards, schedules and procedures to verify that ships comply with Class Rules and the requirements of the international Conventions, and issue class certificates so that ships can remain in service.

To remain active during the COVID-19 crisis, IACS changed its Procedural Requirements to allow for survey postponements and certificate extensions, thus creating new standards for all member societies which strengthen their status in the field (IACS, 2020c). Under certain conditions, classification societies were able to issue interim class certificates or short-term certificates, thus providing ad-hoc services to their clients which were recognized by other stakeholders (IACS, 2020d). Statutory services also follow strict norms as per contractual obligations

agreed with flag administrations. In the context of the COVID-19 pandemic, classification societies (in their capacity as ROs) were allowed to issue Interim certificates for ISM and ISPS Code surveys valid for a duration of 6 months (ADOMS, 2020).

2.3. A DOMINANT AND GROWING VISION

The legitimate vision in the field of maritime safety is that of a liberal space in which some actors, especially classification societies, have a central responsibility. The result is a dominant and growing vision that is reinforced in the context of the COVID-19 pandemic.

2.3.1. *A liberal vision relying on the industry*

The division in the level of member states' economic development implies a significant difference in the national interests they define and defend at the IMO. This inequality results in a qualitative gap between the political products and technical requirements of the industry. Indeed, according to the perspective of classification societies: *"typically, there are new regulations which are promulgated and that we don't know very well how to implement. This creates a problem for the shipowners who are to implement the regulations, and the classification societies who are to verify compliance with the regulations. This results in regulations which remain in force"* (Lissillour, 2017). Consequently, more often than not, in practice, not only can shipowners be represented as members of national delegations, but classification societies can do the same. Indeed, they have the power to establish a new convention to *"remain in play"* and stay pending if it is not defined according to the requirements of classification societies or of their clients, namely the shipowners.

To enhance this inclusion at the supranational level, classification societies must agree on how to uniformly implement the rising number of international instruments. This is indeed crucial if the classification societies want the flag administrations to trust the value of their certificates, *"because evidently they could not accept that the application of any regulation to comparable ships was different, simply because owners had chosen two different societies for the classification of these ships"* (Hormann, 2006). Classification societies could ensure the very continuity of the classification system by enhancing their legitimacy at the supranational level *via*

IACS. They could, in this way, guarantee their existence and their role in the maritime safety regime. But their role was then limited to their core activity, which is to provide a commercial service to shipowners which allows them to operate their ships in accordance with the rules of the industry. Supranational organizations such as the IMO have significant power since they “*construct the social world in which cooperation and choice take place. They help define the interests that states and other actors come to hold and do so in ways compatible with liberalism and a liberal global order. These are important exercises of power*” (Barnett and Finnemore, 2005). Thus, the legitimized vision in the field of maritime safety is that of a liberal space in which the industry, especially classification societies, have a central responsibility.

Classification societies implement efficient practices to impose their vision with the IMO. In a paper analyzing influence and transparency at the IMO, Psaraftis and Kontovas (2020) argued that the role of classification societies in IMO decision-making is far greater than it appears at first glance. Indeed, employees of classification societies are allowed to participate not only under IACS delegation, but also under national or other delegations. As an example, at the landmark session of IMO’s Marine Environment Protection Committee (MEPC 72) which adopted the Initial IMO Strategy on the reduction of GHG emissions, the classification society DNV-GL had four delegates with the German delegation, four with the Norwegian delegation, and two delegates under IACS (a total of 10 delegates). Also, the Korean Register of Shipping had five delegates with the Republic of Korea delegation, plus five under IACS delegation (again a total of 10 delegates).

Staff of classification societies can also come wearing various other “hats” (which they can actually interchange from one meeting to another) and can thus influence IMO decisions via multiple parallel channels. This means that classification societies are extremely well represented at the IMO, far beyond their official representation, which is IACS, and this situation constitutes a major weakness in IMO governance (Psaraftis and Kontovas, 2020). Classification societies can also impose their vision upon the shipping world in other ways. For instance, in addition to their regulatory activity, most major classification societies have substantial research departments which produce ship designs, undertake studies and publish papers. That a classification society can

produce a ship design which will have to be certified by a (the same or another) classification society is something that arguably defies any reasonable sense of fair governance in shipping (Psaraftis and Kontovas, 2020). The same is true by the fact that the regulating party (class) is being paid for by the regulated party (the ship owner). However, these standard facts of life in shipping constitute the vision which is commonly shared in the field and nobody in the shipping community or elsewhere has yet raised any flag of concern.

2.3.2. The reinforcement of the dominant vision in the context of the COVID-19 pandemic

In the context of the pandemic, IACS highlights its central role in the field as the hub between the industry and the states: “*in response to the calls from Industry and several Member states, IACS has developed a set of guiding principles to assist flag states in determining the approach to ships, statutory and classification certificates which have reached their already extended expiry dates*” (IACS, 2021a). This central position provides the means to establish the vision to be shared by stakeholders which materialize as guiding principles to deal with classification certificates which could not be renewed because of the pandemic. Since the class certificates are central in many processes throughout the supply chain, for instance, PSC regimes required guidance and support in their implementation (IMO, 2021b). The influence of classification societies is further institutionalized, given that “*IMO has incorporated IACS documents into their advice which was issued as Circular Letter N° 4204/Add.19*” (IACS, 2021a) concerning the way to deal with expired statutory and classification certificates during the pandemic.

While the IMO has the overall power of setting the official vocabulary and classes to be used in the field of maritime safety, classification societies are actively reinforcing their definitions via the influence IACS exerts over the IMO. For instance, together with China, IACS submitted to the IMO a “*unified interpretation of SOLAS regulation II-1/3-10 concerning the term ‘unforeseen delay in delivery of ships’ (MSC 102/7/5)*” (IACS, 2020a). Indeed, because of the COVID-19 pandemic, shipbuilders encountered delays in ship delivery for vessels which had to be delivered before the SOLAS regulation II-1/3-10 was to be reinforced, thus creating a problem

at the moment of issuing the class certificate. By sponsoring this unified interpretation, IACS positioned itself as a key partner for shipbuilding states, especially, in this case, Chinese shipbuilders. Meanwhile, China also benefitted from a submission prepared by experts giving this member state quality content to participate in the debate of maritime safety and play an active role at the IMO. In the same way, the contractual term “*force majeure situation*” has been redefined to allow shipowners to sail vessels for which the classification certificate has expired for a period of three months if it is not located in a port where the surveys can be completed (IACS, 2020d).

2.4. THE SPECIFIC AND EVOLVING PRINCIPLE OF DIVISION

The principle of division in the shipping services industry is specific and evolving. The COVID-19 pandemic reinforces this characteristic and gives rise to new practices, such as the increased use of new technologies.

2.4.1. *The division inherent to classification services*

The field excludes actors which cannot influence the practices commonly shared with respect to maritime safety, this is notably the case for actors with a low endowment in capital such as logistics service providers (Lissillour and Bonet-Fernandez, 2018). The existence of classification services implies the division of vessels between those that are classified by top societies and those that are not. This division has strong implications in terms of access to international ports for ships placed in different categories depending on the level of their class. For instance, IACS member-classified vessels can benefit from better insurance policy conditions and are more attractive in the marketplace. The very provision of a classification certificate is also a *sine qua non* condition for the ability of a shipyard to deliver a vessel to the shipowner. Alternatively, when a ship is no longer classified, it cannot operate in international waters and is thus excluded from operation altogether.

According to Koji Sekimizu, former IMO Secretary General of IMO, “*safety must remain firmly at the center of IMO’s activities*” (IMO, 2014). Consequently, as IACS positions itself as the expert of maritime safety, it benefits from a legitimate and authoritative position at the IMO in the area of maritime safety. Unlike the shipowners and shipyards, which

are respectively the operators and providers of ships, the mission of the classification societies is reduced to and specialized in that of verifying the safety of the ships. While shipowners are involved in many aspects at the IMO and have general expertise, IACS focuses on the narrow issue of maritime safety in which it has developed a high level of competence.

IACS can operate outside the IMO and represent the members of other supranational organizations such as the European Union. The liaison office of IACS in Brussels provides up-to-date information concerning the new regulations. IACS provides classification societies with a structure for political communication with both the whole industrial chain and the supranational level of the IMO. The very existence of this organization on the playing field creates power relations and a social environment in which the stakeholders struggle for power and influence, and results in the growing exclusion of non-IACS members from the field. This division of the field is arguably detrimental to the governance of maritime safety, indeed Psaraftis and Kontovas (2020) recommended that in IMO meetings, IACS classification societies should be represented only via IACS, which would leave more room for the voices of additional actors to be heard.

2.4.2. Deepening divisions in the context of the COVID-19 pandemic

As a result of the strong influence of IACS, member societies receive strong support which strengthens the divide between IACS members and others. Indeed, IACS has a strong lobbying potential at the IMO and is thus able to influence regulatory debates. For instance, during the sanitary crisis, the IMO has displayed the cooperation and participation of IACS in the debate: “PSC regimes shared their appreciation of the release by IMO of Guidance regarding surveys and renewals of certificates during the COVID-19 pandemic, via Circular Letter No.4204/Add.19, which was developed in cooperation with IACS, actively involved in the meeting” (IMO, 2021b). IACS can thus defend the interest of the member societies and represent them in high-level meetings at the IMO, which enhances their status in opposition to those who are not IACS members.

The COVID-19 pandemic has underlined the need to use additional technologies to enable the delivery of remote survey services.

These technologies require heavy investments and prior experience on which highly resilient organizations have capitalized. This is notably the case of major IACS members such as Bureau Veritas with services based on real-time video communication tools (Bureau Veritas, 2020) and e-certificate technologies (Bureau Veritas, 2021). Prior investment in digital service capacities such as open data platforms and customer service enabled major classification societies such as DNV GL to boost efficiency as travel times were consequently reduced and people more available for their clients. But such leverage effect only occurred for market leaders, namely IACS members, while other non-IACS competitors cannot display such state-of-the-art technological responsiveness. The COVID-19 pandemic has thus deepened the divide between IACS and non-IACS members because of the difference in terms of technological innovation and coupling with the supranational level of the IMO.

CONCLUSION

This paper introduces the concept of nomos in the field of maritime logistics services and proposes an analysis grid for the study of nomos. Moreover, this study contributes by explaining the implication of the COVID-19 pandemic disruption in the field of maritime logistics services, while not altering the nomos of this field. Prior research has quantitatively investigated the effect of standards in the field. For instance, studies have shown that the reinforcement of standards via statutory services such as those of Port State Control (PSC) has a positive effect on cost saving for the whole industry because it leads to the reduction of detention risks and loss of ships (Knapp *et al.*, 2011), while acknowledging the differences of Port State Control inspections across several regimes (Knapp and Franses, 2007). Other studies have focused on identifying the most important factors to be considered by PSC officers as they select vessels to be inspected (Cariou *et al.*, 2007). These studies highlight the limitation of focusing on statutory services alone, and the lack of coordination between statutory and classification services (Knapp and Franses, 2008).

This study contributes by providing insights into the common field within which statutory and classification services are delivered. The field from which these services emerged share a common nomos, namely a common matrix of private, public and social norms which are embodied by the actors and according to which they engage in their everyday practices. A liberal vision has been imposed upon the field which promotes the values of competition and tight coupling between the industry, the supranational level and the national authorities. Nomos implies a principle of division imposed upon the field with private services which classifies ships into categories, thus imposing a hierarchy between classes of vessels. By so doing, vessels are divided into different markets. But nomos also imposes a division between those legitimate to deliver classifications and statutory services in the market, with IACS members being the most legitimate juxtaposed beside marginalized others. The concept of nomos is thus a potent theoretical device to study fields characterized by normative complexity.

Prior studies have already pointed at the highly competitive environment in which classification societies provide their commercial services to shipowners, which typically leads to suspicion of partiality, notably towards large shipowners with strong bargaining power (Goh and Yip, 2014). Indeed, shipowners have the possibility to change the classification society they use and the flag of registry of one of their vessels if it is in their interest (Cariou and Wolff, 2011). Flag states also evolve in a competitive market, which enables some open registries to not enforce certain norms (DeSombre, 2006), even though they may change their approach in order to reposition themselves dynamically in the field according to the circumstances (OGSR, 2020). This study confirms that such supply chain, like most others, is composed of different types of actors with specific stakes and sources of power and is evolving in a partially autonomous environment characterized by a specific nomos. This nomos can usefully be studied using Bourdieu's sociology to reflectively objectivize normative constraints, the legitimized vision and principle of division, which generate and guide practices in the field. Future research on nomos may deploy the four dimensions of normative pluralism suggested by Lissillour (2021) to better understand the normative framework by studying four types of norms, namely: descriptive, injunctive, prescriptive et proscriptive norms.

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APPENDIX
Professional references

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