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**EU Enlargement, Identity and the
Analysis of European Foreign Policy:
Identity Formation Through
Policy Practice**

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Identity Formation through Policy Practice

Ulrich Sedelmeier

ABSTRACT

The eastern enlargement of the EU provides an excellent vantage point to examine the interplay of EU identity and European foreign policy. Yet most analysis of eastern enlargement either focus on enlargement as a case of EU foreign policy or on enlargement as the result of EU norms and identity. They therefore neglect that the EU's enlargement policy practice itself is a case of EU identity formation that has a causal impact on European foreign policy. This paper argues that the EU's eastern enlargement has contributed to the formation of an EU collective identity as a promoter and protector of human rights and democracy. This particular aspect of EU identity has been concretised and articulated in its policy practice towards the central European accession candidates. The thus formed identity affects European foreign policy by creating an argumentative logic that strengthens the advocates of particular foreign policy options and initiatives that can be legitimised with references to this particular identity. The broader implication of this argument for the analysis of European foreign policy is therefore that a focus on identity formation at the EU level and on the causal impact of identity provides important insights for the analysis of European foreign policy.

Key Words: constructivism; European Union; enlargement; identity; foreign policy; rationalism

INTRODUCTION¹

Most theoretically-informed studies of the eastern enlargement of the European Union (EU) take the EU's enlargement policy as the dependent variable of the analysis. These studies thus differ mainly in their choice of independent variables and accordingly suggest two broadly different explanatory frameworks.² One strand of this literature that is set in the tradition of the predominantly rationalist literature on the EU's Common Foreign and Security Policy (CFSP) explains EU enlargement in terms of *EU foreign policy*. Another set of studies draws on the insights of social constructivist approaches in International Relations theory and ascribes EU enlargement to constitutive norms that characterise the *EU's collective identity*. While both approaches offer valuable insights into the EU's enlargement in their own right, their focus on enlargement as a dependent variable limits the potential contribution of a study of EU enlargement for both the study of EU identity and the analysis of European foreign policy (EFP).³

I argue that EU enlargement should be not only considered the dependent variable in an analysis of EFP or of EU identity politics, but also as an independent variable that affects both EU identity and EFP. The EU's policy practice in the case of eastern enlargement, including discursive practices, has been an important focal point for EU identity formation. Through these practices, EU policy-makers (both in EU institutions and member states) have articulated and concretised important aspects of the EU's collective identity. These characteristics of the EU's identity go beyond what has been previously explicitly articulated, and hence has in subtle ways developed the EU's identity beyond what might have been an initial driving force for enlargement itself.

In particular, EU enlargement has contributed to the formation of a role of the EU in the promotion and defence of human rights and fundamental democratic principles. In turn, a thus concretised identity has the potential to influence EFP. It creates a certain bias for, and strengthens the argumentative power of those actors who advocate foreign policy options that can be legitimised with reference to this identity. An analysis of the EU's enlargement policy practice thus provides an excellent vantage point for an examination of the interplay between enlargement, identity and foreign policy and thus to explore the significance of EU identity for the analysis of EFP more generally. The broader implication of this argument for the analysis of EFP is therefore that a focus on the causal impact of identity and identity politics at the EU level provides important insights for the analysis of EFP.

The paper proceeds as follows. The next section presents two dominant strands of the theoretically-informed literature on EU eastern enlargement that

considers the EU's enlargement policy as the dependent variable - rationalist foreign policy analysis and identity-based approaches - and argues that both neglect significant aspects of the interplay of enlargement, foreign policy, and identity politics. Section 3 traces the evolution of a particular aspect of EU identity through its policy practice in the case of eastern enlargement: the role of the EU in the promotion and protection of human rights and democracy. EU enlargement served as a particular focal point for the articulation and concretisation of this identity.

The remaining sections examine how such an EU identity affects EU foreign policy. Section 4 argues that a "logic of arguing" and "rhetorical action" are particularly relevant, since the diffuse nature of EU collective identity and its characteristic as a collective, rather than a shared, property of the EU, often leave it open to interpretation and debate which concrete course of (foreign policy) action is conform with EU identity. Section 5 emphasises the importance of discursive practices and of policy entrepreneurs for the policy impact of EU identity on EFP. Section 6 illustrates this argument with cases that cannot be easily explained entirely on the basis of bargaining between material utility-maximising actors.

EU EASTERN ENLARGEMENT AS A DEPENDENT VARIABLE: FOREIGN POLICY AND IDENTITY-BASED EXPLANATIONS

Rationalist Foreign Policy Analyses

Most of the theoretically-oriented literature on EU eastern enlargement considers the EU's enlargement policy as the dependent variable.⁴ In this literature we can broadly distinguish two different explanatory frameworks. One set of studies is set within the framework of (rationalist) foreign policy analysis,⁵ while the other emphasises the impact of EU identity on its enlargement policy.

The former considers the EU's policy towards the central and eastern European countries (CEECs) as a particular case of EU foreign policy (see e.g. Niblett 1995; Torreblanca 1997; Smith 1998a; Zielonka 1998). This literature shares the assumptions that EU policy is, or ought to be, driven by common concerns about security and that the key (foreign policy) goal of EU policy is hence the promotion of stability in the CEECs. The transformation processes in the CEECs entailed the risk of political instability from which the western European countries might not be able to insulate themselves easily. The EU has at its disposal a range of policy instruments that it can (should) use to combat this risk and promote stability. These instruments include trade and aid policies and the perspective of membership, as well as the conditionality that can be attached to offers of cooperation and integration (see e.g. Smith 1998b). The

central question in these studies is thus how effectively the EU use these instruments to alleviate security concerns and potential threats to stability. These studies consider similar factors that shape the EU's foreign policy capacity, such as the divergent interests between the member states, domestic interests, or the institutional structure of CFSP.

From this foreign policy perspective, the success of the EU's policy towards the CEECs is thus a crucial test case of the EU's capacity as an actor in international politics. This view of enlargement relates to the central question in most studies of CFSP that examine the EU's 'actorness', or the EU's 'international role', namely whether the EU is able to assert itself as an actor in international politics that is capable of promoting collective foreign policy goals (see e.g. Bretherton and Vogler 1999; Hill 1993; Laffan *et al.* 2000: 167-72; Peterson 1998, 11-3; Smith 1996; 2000; Soetendorp 1994).

The assessments of the effectiveness of EU foreign policy in the case of the CEECs differ, however. Smith (1998a), for example, concludes that the EU was indeed able to formulate an active and coherent policy. By contrast, Zielonka identifies a "strategic deficit" in the EU's policy towards the CEECs. While he also acknowledges that EU policies were "generous, timely and comprehensive", he argues that they "emerged by default rather than by design" and that the EU's activities have "lacked a clearly-defined strategic purpose" (1998, 132). In a similar vein, Torreblanca argues that the EU's policy was characterised by "foreign policy gaps", namely the "[lack of] coherence between [declared] ambitions and [actual] policies" (1997, 2)⁶ that resulted from "successive and mutually reinforcing breakdowns *within* and *between* different levels and stages of the decision-making process" (1997, 3; emphasis in original).

Such studies of EU enlargement certainly provide important insights in their own right. However, there are limitations to how much they can tell us about the significance of EU enlargement for EFP. Since these analyses only treat EU enlargement policy as one case among many that test the EU's significance as an international actor, they neglect the significance of this particular policy for the subsequent conduct and content of EFP. To be sure, some studies consider the possible impact of new members on the future of CFSP in an enlarged EU, such as the addition of further foreign policy priorities or of new borders and neighbours (see e.g. Allen 1998; Ginsberg 1998; Kirchner 1999; Sjusen 1999). However, they do not consider a "deeper" impact of the EU's enlargement policy practice on the normative basis on which deliberations about EU foreign policy take place and on collective understandings that underpin EFP. This analytical blind spot results from the rationalist and materialist assumptions that underpin most studies of CFSP. The assumption

that actors are driven by narrow self-interests that are primarily influenced by material factors leads them to ignore the impact of identity on EFP and of identity-formation through the EU's enlargement policy practice.

This neglect of the possible role of EU identity might appear surprising. A number of studies in the CFSP literature explicitly analyse, or at least refer to, the EU's "international identity" (e.g. Whitman 1997; Manners and Whitman 1998).⁷ More recently, this notion has also found its way into the analysis of the EU's external economic relations (Damro 2001). However, most authors use the term (international) identity interchangeably with the notion of the EU's "actorness". While the notion of the EU's identity has thus become fairly common in studies of CFSP, the terms "identity" or "role" are rarely used in a "deeper", more sociological, sense and are exogenous to the analysis.⁸ Actors' identities are treated as pre-existing and fixed and few studies accord identity a causal impact on EU foreign policy.

Identity-based Approaches

Another set of analyses of EU enlargement consider the impact of EU identity more explicitly. The common point of these studies is the argument that EU enlargement is difficult to explain without considering the role of social factors, such as the EU's identity and social norms that constitute this identity (Fierke and Wiener 1999; Friis 1998; Schimmelfennig 2001; Sedelmeier 1998; 2000; Sjusen 2002). This perspective has thus strong affinities with the social constructivist argument that actors' interests are not given, but are shaped by their (collective) identities that are constructed through (social) interactions and that suggest to them through which types of behaviour these identities are enacted (see e.g. Jeppesen *et al.* 1996; Wendt 1999); with notions of social action in which actors perform certain roles through symbolic and dramaturgic action (see e.g. Jachtenfuchs 1993, 7-8); and with (sociological) institutionalist accounts, in which actors conform to institutional roles by following a "logic of appropriateness" (March and Olsen 1989). In this perspective, EU policy-makers do not only calculate which strategy is most likely to advance their particular interests in the relation with the CEECs or what their collective (material) interests with regard to these countries are. Rather, eastern enlargement reflects a sense of what EU institutions and member states consider appropriate behaviour for the role that they collectively ascribe to themselves - as representatives of the EU - in their relations with the CEECs and the behavioural obligations their identity entails for this particular relationship.

To be sure, there are differences and scope for debate among these studies. One difference concerns which aspects of EU identity are considered relevant for the EU's eastern enlargement policy. Is it more broadly the identity

of the EU as a community of liberal democracies (Schimmelfennig 2001), the EU's pan-European identity (Friis 1998), or the more specific role- and identity constructions of the EU towards the CEECs (Fierke and Wiener 1999; Sedelmeier 2000; Sjursen 2002) that inclined the EU towards enlargement?

Another difference concerns the mechanisms through which EU identity affects eastern enlargement. Fierke and Wiener (1999) and Sjursen (2002), for example, argue that EU policy-makers conform with identity-based expectations about eastern enlargement, because they have internalised these aspects of identity which in turn has led to a (re)definition of their interests. By contrast, Schimmelfennig (2001) suggests that the advocates of enlargement use identity-based arguments purely instrumentally and those actors whose material interests is not served by enlargement feel constrained in their opposition to enlargement, because they are entrapped by their declared commitment to enlargement and are concerned about the damage to their reputation as community members if they were to act against norms that characterise its identity. Sedelmeier (2000) considers that the impact of EU identity is uneven among different groups of EU policy-makers; while the advocates of enlargement might well be principled, compliance with their arguments might not necessarily reflect an equal degree of internalisation of this aspect of EU identity.

These differences notwithstanding, the advantage of these more sociological studies of EU enlargement is that they can capture that enlargement is not simply the result of material factors. However, they also neglect an important dimension of the process. The argument that enlargement is the result of EU identity focuses only on one particular stage of the interplay of enlargement and identity. By concentrating on the impact of EU identity on its enlargement policy, such studies overlook that the EU's enlargement policy practice itself is identity politics. In other words, while such accounts use identity as an independent variable in an analysis of enlargement, they do not consider the impact of enlargement policy practice (as an independent variable) on EU identity formation (as the dependent variable), which might then subsequently become again an independent variable in an analysis of EFP.

In sum, foreign policy analyses and identity-based explanations only emphasise particular aspects of the interplay between enlargement, foreign policy and identity to the detriment of others, and only consider a one-way effect between either foreign policy or identity on EU enlargement. They therefore forgo the possibility to study the impact of enlargement, through EU identity formation, on EU foreign policy. The following section sketches how the EU's enlargement policy practice can be seen as a focal point for EU identity formation. The concrete formulation of policy and its substantive implementation, as well as the discourse underpinning the development of

policy, fed back into the identity formation and norm-creation at the EU level. It has increased the salience of a particular aspect of EU identity – its role as a protector and promoter of human rights and fundamental freedoms – in the EU's external relations. The remaining three sections elaborate on how this process of identity formation might affect EFP.

IDENTITY FORMATION THROUGH ENLARGEMENT POLICY PRACTICE: THE EU'S ROLE AS A PROMOTOR OF HUMAN RIGHTS AND DEMOCRACY

The policy practice of eastern enlargement further specified, and increased the salience of, the EU's role in the protection of Human Rights and democracy. The behavioural obligations that this role entails for the EU's external relations go beyond the specific relationship with the CEECs. The universal nature of these principles implies that an actor, whose identity is characterised by a commitment to these principles, cannot limit their promotion to the particular case of eastern enlargement and policy towards the CEECs. The EU's enlargement policy thus contributed to the formation of an EU identity that has policy implications for EFP more broadly.

The EU's enlargement policy practice is of course by no means the first or only source that linked the EU's identity to its role in the promotion of human rights and democracy. Some of these sources date back a long way, such as the affirmation by the ECJ in the 1960s that respect for fundamental rights was part of the EC's legal heritage (see e.g. Aston and Weiler 1999, 4). Most developments in this area are more recent, but not necessarily related to eastern enlargement. These include the declaration of the Luxembourg European Council in December 1997 on the 50th anniversary of the Universal Declaration of Human Rights; the establishment of the Charter of Fundamental Rights; or the ongoing debate about an accession of the EU to the ECHR.

Clearly, the EU's identity formation with regard to its role in the promotion of Human Rights and fundamental freedoms cannot be understood fully without taking into account these developments. However, my intention here is neither to trace comprehensively the sources of this identity, nor to provide a complete account of EU Human Rights policy or of its democracy promotion policies. Instead, I focus in detail on one specific source of EU identity- and norm creation in this area. My analysis centres on demonstrating the link between the EU's eastern enlargement policy practice and more recent developments in creating an EU role in the protection of human rights. I argue that this policy practice provided a key focal point that made the EU's role in this respect more explicit, and created scope to develop the EU's role beyond what previously had been explicitly established as EU policy in this area.

The link between eastern enlargement and the EU's broader role in the promotion of democracy and human rights relates to three aspects of the EU's enlargement policy practice. The first is the assertion of the protection of democracy as a *rationale* for eastern enlargement in EU policy-makers' discourse about enlargement. The second aspect is the explicit establishment of respect for democracy and HR as a precondition for membership. The third link are changes in the founding treaties that spelled out more explicitly the principles that underpin membership in anticipation of an accession of potentially fragile democracies.

Promotion of Human Rights and Democracy as a Rationale for the EU's Enlargement Policy

The rationale that the EU presented for its enlargement policy reflects back on the role it ascribes to itself. EU policy-makers referred not only to (collective) security and economic interests or that the EU's identity prescribed to integrate the CEECs. Frequently, European Council declarations asserted the promotion of democracy and Human Rights as a distinctive goal to be served (indirectly) through the integration of the CEECs. Certain aspects of EU policy were aimed directly at promoting democracy and human rights, such as the Phare Democracy Programme, established as a distinctive element of Phare upon an initiative of the European Parliament (see Blackman 1992). The political conditionality attached to EU policy is another expression of the promotion of these principles as a distinctive goal of the EU. Through articulating the promotion of human rights and democracy as a distinct and central rationale of its eastern enlargement policy, EU policy-makers affirmed a self-image of the EU that is enacted through the promotion and protection of these principles.

Political Conditionality in the EU's Enlargement Policy

However, the formulation of a political conditionality attached to the EU's enlargement policy is also in itself a crucial aspect of identity creation. By defining and spelling out the criteria for membership, the EU explicitly articulated the fundamental characteristics that it ascribed to itself. Adherence to human rights and democratic principles became an increasingly central condition for the EU's offers of aid, trade and eventual membership to the CEECs (see also Schimmelfennig *et al.* 2003; Smith 2001; Vachudova 2001; Williamson 2000).

Suspension Clause of the Europe Agreements

The EU very explicitly spelled out the democratic requirements in particular with regard to the second generation of Europe Agreements (EAs) with Romania and Bulgaria, where it considered democratic consolidation much more fragile than in the CEECs with which it concluded the first EAs. In particular concerns about the political situation in Romania led the member states to agree on the inclusion of a suspension clause, a measure that the majority of governments had still rejected in the earlier EAs. Crucially however, in order to point the finger less directly at the Romania government, the EU decided to make the inclusion of such a clause a general feature of *all* agreements between the EU and third countries from this date onwards (Council statement, 11 May 1992). Thus, the preambles of the EAs clearly spelled out the political expectations and included provisions for a suspension, which Article 6 of the EAs made very explicit.

Considering the firm commitment of the Community and its member states and of [the associated country] to the rule of law and human rights, including those of persons belonging to minorities, and to the full implementation of all other principles and provisions contained in the Final Act of the Conference on Security and Co-operation in Europe (CSCE), the concluding documents of Vienna and Madrid, the Charter of Paris for a New Europe, [...].

Believing that a link should be made between full implementation of association, on the one hand, and continuation the actual accomplishments of [the associate country's] political, economic and legal reforms on the other [...].

Respect for the democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a New Europe, ... inspire the domestic and external policies of the Parties and constitute the essential elements of the present association.

Political Accession Conditionality

The political conditionality for accession was made explicit in the declaration of the Copenhagen European Council of June 1993, which for the first time clearly acknowledged the eventual membership of the CEECs. In addition to economic conditions, these "Copenhagen criteria" specified that "[m]embership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities ... (*Bulletin of the EC* 6-1993)."

These political conditions subsequently became a central part of the Commission's assessment of the candidates' accession prospects. The Commission's opinions on the CEECs' applications for membership suggested that a number of applicants still had to make progress concerning the actual practice of democratic principles and the respect for human rights and minorities (Commission 1997a), and the Commission continued to monitor these developments in its regular reports on the candidates' progress. In particular cases, the Commission's assessment had a direct impact on domestic policy change in the CEECs, such as citizenship legislation in Estonia and Latvia.

The Case of Slovakia under the Meciar Government

The key example of a strict application of this political conditionality was the EU's critical position towards Slovakia under the Meciar government (see also, e.g. Pridham 2002; Schimmelfennig et al. 2003, 502-6). For example, the EU undertook an official *démarche* in Bratislava to express concern about the political developments in October 1995 (*Agence Europe*, 27 October 1995, 4-5). During a visit in February 1996, Commissioner van den Broek reiterated the concerns about respect for human rights, democracy and freedom of the press (*Agence Europe*, 8 February 1996, 4). The Commission's opinion on Slovakia's applications for membership was the only one in which the situation concerning the political conditions was judged unsatisfactory (Commission 1997b, 9-18). It thus recommended that the Council should not open accession negotiations, even though the economic record might have allowed to do so. The Luxembourg European Council of December 1997 followed this recommendation. In turn, after the election of the new government in September 1998, the Commission suggested that the new situation allowed for the prospect of opening accession negotiations "on conditions that the regular stable and democratic functioning of its institutions are confirmed" (Commission 1998, 29). In its 1999 report, the Commission suggested that given the extent and success of the political reform process, it considered that Slovakia met the political conditions and that accession negotiations should be opened (Commission 1999). The Helsinki European Council in December 1999 endorsed this assessment.

Treaty Changes Induced by Eastern Enlargement

Crucially, the emphasis on respect for democracy and human rights as a condition of membership did not remain limited to the EU's external policies, but also reverberated very directly inside the EU. In particular, it led EU policy-makers to explicitly spell out the respect of these principles as a crucial characteristic of membership, and hence of the member states' collective self-image. The link between EU enlargement and expressions of the importance of

democratic principles for membership has historical precedents. The incumbents have been traditionally concerned about instruments and safeguards to guarantee the continued adherence of new members to the fundamental principles of membership after accession has been granted. The key example is the so-called *Declaration on Democracy* at the Copenhagen European Council in 1978. The direct and explicit reason for this declaration was the decision to move to direct elections of the European Parliament in 1979. At the same time, however, it was prompted by the impending accessions of Greece, Spain and Portugal and "was intended to strengthen the Community's leverage against any future member which might slip towards authoritarian rule (Wallace 1996, 16)."

In a similar vein, the shadow of an eventual eastern enlargement led the negotiators of the Maastricht Treaty to insert Art. F into the treaty, which stated in paragraphs 1 and 2 that

[t]he Union shall respect that national identities of its Member States, whose system of government are founded on the principles of democracy (my emphasis).

The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

Concerns about respect for these principles in the prospective members also influenced the drafting of the Amsterdam Treaty. As a result, the treaty explicitly made a strong commitment to democratic principles and human rights one of the principal characteristics of the European Union. The new article 6 proclaims that "[t]he Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" The treaty also provides the means to suspend a member state's rights under the treaty if it breaches these principles in a "serious and persistent" way (Art. 7).

Identity Construction through the EU's Enlargement Policy Practice

In sum, it could be argued that the EU's enlargement policy practice formulated a broader role for the EU in the promotion and defence of the principles of democracy and human rights. One point of clarification might be necessary before the following section turns to examining how this identity affects EFP. A possible objection to the argument is that the pursuit of democracy and human rights in the CEECs is simply a cover, or one particular strategy in order to achieve more mundane goals, namely creating stability in neighbouring countries.

However, it is not obvious from a perspective that considers EU policy to be essentially underpinned by security considerations that the EU's enlargement policy should emphasise democracy and human rights, rather than simply "stability", recognition of borders or good neighbourly relations (which the EU emphasises as well). The articulation of these goals as an end in itself, rather than simply as a means to achieve ulterior goals, makes an important difference. The emphasis on democracy and human rights as central conditions for EU membership tells something about the self-image or identity that the EU attributes to itself. Once this particular justification is given, it provides a reference point that attests to the significance of these principles for goals that the EU pursues and creates expectations about future conduct.

Thus, by articulating the promotion of human rights and democracy as a distinct and central rationale of its eastern enlargement policy, EU policy-makers affirmed a self-image of the EU as an actor whose identity prescribes the promotion and protection of these principles. For what reasons the EU initially established this conditionality and whether the resulting identity construction was intentional or an unintended effect of policy practice are less significant questions. By spelling out certain principles as membership conditions for the CEECs, the EU has made explicit that it is itself based on these principles and thus articulates what type of community it forms.

THE IMPACT OF EU IDENTITY ON EUROPEAN FOREIGN POLICY: DIFFERENT MECHANISMS⁹

Behavioural Obligations Implied in the EU's Identity as a Promoter of Human Rights and Democracy

Thus, it could be argued that the EU's enlargement policy practice has contributed to the formation of an EU identity which relates to the protection and promotion of Human Rights and democracy. But does this (aspect of) identity matter for EFP more generally? And if so, how?

Social constructivist accounts emphasise that in order for identity to have an impact on foreign policy, the norms characterising this identity must have a sufficiently degree of *specificity* as well as *commonality* among the actors within a social system, such as the EU (see e.g. Boekle et al. 2001, 109-10). This is because constructivists or sociological institutionalist predominantly emphasise a "logic of appropriateness" as the key logic of action through which actors enact a given identity. Actors determine "what the situation is, what role is being fulfilled, and what the obligations of that role in that situation are" (March and Olsen 1989, 160). Such a logic of rule-guided behaviour is particularly salient,

the more these situation-specific obligations are clearly identifiable and the more actors take these norms for granted. Thus, for EU identity to have such an impact on EFP, it has to rule out at least some behavioural options as inappropriate and there has to be a consensus among EU policy-makers not only about the general importance of these norms, but also about the extent to which they have to be prioritised over competing concerns in a given (foreign policy) situation.

However, the behavioural obligations entailed in the EU's identity as a community based on respect for human rights and democratic principles are arguably rather diffuse. While it establishes clear expectation about appropriate behaviour for member states and would-be members to adhere to, it is much less clear what behavioural standards it would prescribe for member states in a situation in which these norms are breached in non-member states. It is not obvious whether it implies an obligation for a specific course of action, other than that the EU should not accept this country as a member.

Still, through its policy practice the EU has not only acknowledged that it is based, and *adheres* to these principles, but has formulated a role for itself to actively *promote and defend* them both internally and externally. The EU has acknowledged such an active role by declaring the promotion of democracy as an independent factor and an explicit goal of its enlargement policy in its own right, as well as by making adherence to democratic principles a central part of its external relations. Furthermore, the universal nature of these principles implies that an actor, such as the EU, whose identity is characterised by a commitment to these principles, cannot limit their promotion to the particular case of eastern enlargement, but should act to protect them in other situations in which they are at stake.

A "Logic of Arguing" and "Rhetorical Action"

In view of the diffuse nature of the standards through which the EU's identity is enacted, especially when there are potentially countervailing norms, constructivists would not necessarily expect a strong and consistent impact on EFP. However, despite the diffuse nature, there are two mechanisms through which identity might nonetheless affect EFP. Diffuse norms create scope for interpretation and argumentation about what the 'right' course of action might be in a particular situation. Thus, norm-guided behaviour might not only result "spontaneously" from a "logic of appropriateness". Instead, it might be the result of two other mechanisms that emphasise the importance of communication for actors' behaviour: a "logic of arguing" or a process of "rhetorical action".

According to Risse (2000), social action follows a “logic of arguing”, if actors try to challenge the validity claims inherent in any causal or normative statement and to seek a communicative consensus about their understanding of a situation as well as justifications for the principles and norms guiding their action. Argumentative rationality also implies that the participants in a discourse are open to being persuaded by the better argument and that relationships of power and social hierarchies recede in the background (2000, 7).

For the case of EFP, this means that member state representatives seek a reasoned consensus about which particular course of action is justified and appropriate to enact their collective identity as promoters of human rights and democracy in a given situation. Agreement on a particular course of action reflects that all participants are persuaded of the normative validity of the arguments presented for such action.

By contrast, the process of “rhetorical action” (Schimmelfennig 1997; 2001) is consistent with more sophisticated, non-materialist rationalist accounts. It assumes “weakly socialized actors [that] ... belong to a community whose constitutive values and norms they share”, but “it is not expected that collective identity shapes concrete preferences” (Schimmelfennig 2001, 62). In such a situation, actors can use normative arguments instrumentally in the pursuit of their self-interests. An institutional environment or a community’s collective identity thus provide a resource for actors that can justify their selfish goals with references to institutional norms or the collective identity, as the legitimacy that these bestow on their goals increases their bargaining power. Other actors acquiesce to such initiatives not because they are persuaded by the normative validity of such arguments, but in order to avoid the (social and reputational) costs of non-compliance with community norms. Compliance is thus neither the result of an internalisation of identity norms or of persuasion, but of a process of “social influence” (Johnston 2001).

For our case, this means that the EU’s collective identity provides an institutional environment for EFP, which is to a certain extent taken for granted by the actors involved. It increases the bargaining power of actors that can present a certain course of action as the defence of human rights and democracy. Other governments might be reluctant about such action, either because they are not convinced about the normative validity of the arguments presented or because this course of action might compete with their material interests, or countervailing norms. However, they may decide to endorse such action because they want to avoid the costs to the EU and to themselves that arise from an apparent failure to act in accordance with their professed group identity.

The difficult methodological question is how these claims can be subjected to empirical testing, and how these two mechanisms can be distinguished in empirical research. Here my aim is more limited. I primarily aim to make a plausible case that norm- and identity formation at the EU level matters for EFP. It might do so through either of the mechanisms outlined above. The main point is that the analysis of EFP can benefit from going beyond materialist analyses to consider a causal role of “identity”. It can be left to empirical analyses to decide whether this causal impact can be explained within a more sophisticated rationalist analysis or whether it can only be captured with the tools of constructivism.

However, despite the obvious differences between the two mechanisms, a common point is the emphasis on accepted standards of legitimacy, based on the collective identity of a political community. Arguments that relate particular policy options and initiatives in EFP to the EU’s collective identity thus enjoy greater legitimacy than arguments referring merely to the expected utility for particular member states. The EU’s identity thus limits the realm of feasible policy options (including non-action) and reduces the ground for self-interested objection against particular policy initiatives. In this way, the EU’s identity might create the necessary scope for norm entrepreneurs to obtain approval for their policy initiatives. Furthermore, initial disagreements between actors about policy options are not only resolved in a process of material bargaining. Agreements might not only reflect the respective (material) bargaining power of the actors involved, but might also be the result of processes of argumentation, including both persuasion and shaming.

For the case of EFP, this means that the stronger the salience of democracy and human rights as constituent principles of the EU, the harder it is to deny that the EU also has to play an active role in the defence and promotion of these norms. This does not imply that it is a *sufficient* condition for the EU to agree on a common, norm-conforming action in specific cases. Nor does it imply that the EU’s identity is a direct cause if the member states engage in such activities. However, it does create enabling conditions and an argumentative logic that are conducive to such courses of action. Argumentative consistency bestows legitimacy to calls for action to protect the same principles in other situations in which they are at stake.

IDENTITY FORMATION AND COMMUNICATIVE PRACTICES IN EFP

Path-dependence of Discursive Practices

The diffuse nature of EU identity and the centrality of communicative processes for the impact of EU identity on EFP draw attention to two important aspects of this process. The first is the importance of actual policy *practice*, including discursive practices, such as European Council declarations or Commission documents. These practices might make important aspects of the EU's identity more explicit and more specific, for example by giving norm-based justifications for common actions. In this way, policy practice might strengthen identity-based arguments and thus affect subsequent foreign policy behaviour.

Significantly, this process might be the result of unintended consequences, as well as of deliberate advocacy. For example, a common declaration that emphasises certain norms might be the result of compromises by certain member states or simply reflect their neglect of semantic details. Subsequently, however, these statements of policy goals or justifications for particular actions can be interpreted as explicit expressions of *collective* commitments or shared understandings. In such cases, thus articulated elements of EU "collective" identity might still have a regulative effect even on those actors who do not "share" this element of identity to the same extent, but find themselves "rhetorically entrapped" (Schimmelfennig 2001, 73; Risse and Sikink 1999, 28) in these collective statements. This argument has affinities with the distinction that Jepperson et al. (1996) draw between "collective" and "shared" norms:

Norms may be "shared," or commonly held, across some distribution of actors in a system. Alternatively, however, norms may not be widely held by actors but may nevertheless be collective features of the system – either by being institutionalized ... or by being prominent in public discourse of a system. ... [A] distinction between collectively "prominent" or institutionalized norms and commonly "internalised" ones, with various "intersubjective" admixtures in between, is crucial for distinguishing between different types of norms and different types of normative effects (1996, 54-5).

In a similar vein, it can be argued that while general commitments to the norms that constitute the EU's collective identity are also present in the member states, it does make a difference if these norms become explicitly articulated, embedded and specified at the EU level. As Smith (2002) argues:

Once the objectives [to promote certain norms] are adopted at the EU level, the member states become involved in a process in which their initial preferences are reshaped and in which they must make compromises over how these objectives will be achieved. It also makes it very difficult to roll back rhetorical commitments to pursue the objectives. Through this process, the EU's international identity thus gradually acquires more substance (2002, 16).

The precedents created through such collective policy- and discursive practices provide resources for policy advocates (see also Wiener, 1998). Such practices might induce a path-dependence that makes it increasingly difficult to oppose foreign policy options that can be legitimised with adherence to EU identity. These considerations also shed a different light on the extent of commonality of EU identity that is required for it to have an impact on EFP. Collective statements that ascribe a certain identity to the EU might establish a "critical juncture" in EFP, even in the absence of an equally internalised consensus among the member states on whether certain norms should be prioritised in situations in which they might collide with material interests or countervailing norms. To be sure, however, these discursive constraints on future foreign policy choices might be rather fragile, as inconsistencies in the EU's human rights conditionality policy in cases such as Pakistan or Russia demonstrate (see e.g. Smith 1991). In turn, repeated instances of inconsistency can undermine earlier precedents.

The Importance of Policy Entrepreneurs

The diffuse nature of the norms characterising the EU's identity makes the role of policy entrepreneurs that advocate particular policy options with reference to such norms crucial for the policy impact of identity. Norms that are not sufficiently specific to prescribe a clear course of action in a particular situation are unlikely to lead to collective norm-conform action by the EU if the situation is also characterised by countervailing norms, uncertainty over whether a certain action (or inaction) is most conducive to producing norm-conforming behaviour in other states; and when certain member states face countervailing material incentives.

Norm entrepreneurs articulate and call attention to norms and identity by making the case that in a particular situation the EU's identity is a stake, suggest particular policy options for "appropriate behaviour", or warn of potential discrepancies between behaviour and collectively professed norms and identity. Within the norm "life cycle" (Finnemore and Sikink 1998), they might thus either contribute to the emergence of norms (that might already exist at the domestic level) at the EU level, or push it past the "tipping point" at which a

critical mass of states collectively validates that this norm forms part of EU identity.

Such advocacy is usually attributed to *principled* norm entrepreneurs who are motivated by ideational commitment. However, actors might also advocate norm-conforming behaviour instrumentally, in order to further their material self-interest. This is, for example, precisely the case with “rhetorical action”, for which the diffuse nature of identity increases the scope (but not necessarily the success of), as the range of policy options that policy-makers might attempt to justify with references to EU identity is larger than if this identity was more specific and hence more narrowly defined. Crucially, however, if such initiatives are successful, they still result in a strengthening of identity, albeit as an unintended consequence: the success of these arguments validates their salience, and the behaviour that is justified with reference to identity might constitute precedents that facilitate arguing for similar identity-conform behaviour at a later stage.

ILLUSTRATIONS OF THE IMPACT OF EU IDENTITY ON EUROPEAN FOREIGN POLICY

This section presents brief sketches of a few instances of EFP to illustrate that a focus on identity can provide important insights into EFP. While each of these instances is difficult to explain purely with references to material interest-based bargaining, a focus on the EU’s identity can provide plausible explanations. In these cases, I largely engage in “story telling”, which, of course, must not be confused with explanation. But it can suggest new explanations, since “by telling a [plausible] story one can transform an issue from a metaphysical one into one that is amenable to empirical research (Elster 1989: 8).” The aim is thus to make a plausible case to encourage a stronger focus on the impact of EU identity on EFP.

Sanctions of the EU XIV Against the Austrian Government

The bilateral diplomatic sanctions against the Austrian government in February 2000 concerns member state foreign policies, rather than common EU foreign policy. The strong reaction of the EU XIV to the inclusion of the FPÖ into the Austrian government coalition is difficult to explain fully without appreciating the EU’s identity as a defender of democracy and human rights (Merlingen et al. 2001). The governments that initiated the sanctions of the EU XIV might well have had instrumental motives. They might have aimed their initiative not so much at Haider, but at domestic party politics, in an attempt to discredit far-right parties or those within centre-right parties pondering cooperation with the far-right.

However, even from this perspective, it is very difficult to understand the participation of all other member governments in this strong measure without taking into account the EU’ role on human rights and democracy. The EU’s self-proclaimed role gave a strong legitimacy to the initiative. While it is far from obvious that the EU’s identity would have required such a strong reaction, it was difficult to object to once this particular action had been proposed. It was hardly possible for the other member governments to refuse participation, since this could be perceived as a refusal to act according to the EU’s identity. It thus made it difficult to voice skepticism against the proposed measures, either on the grounds that their effect might be counterproductive, or that such a measure might violate competing norms, such as not to isolate a member state. Thus even in this interpretation, the instrumental use of references to the EU’s identity worked only because the EU’s role has become so much taken for granted. Furthermore, this case illustrates that instrumental “norm entrepreneurship”, motivated by domestic party political struggles, can contribute to “norm emergence” at the EU level.

Collective EU Endorsement of NATO Military Intervention in Kosovo

The collective endorsement by all member states of NATO’s military intervention in the Kosovo conflict might appear puzzling from a materialist perspective. Some member states are neutral and in many cases public opinion was critical of NATO action. Some policy-makers were concerned that the bombing campaign would be counterproductive to achieving the declared goals, while others were concerned about the negative precedents it might set for the credibility of international law and the role of the UN.

One explanation is that the reluctant member states consented to the declaration endorsing the military intervention, because this document justified such action with references to norms that are fundamental to the EU’s identity. The Berlin European Council stated that

... Europe cannot tolerate a humanitarian catastrophe in its midst. It cannot be permitted that, in the middle of Europe, the predominant population of Kosovo is collectively deprived of its rights and subjected to human rights abuses. We, the countries of the European Union, are under a *moral obligation* to ensure that indiscriminate behaviour and violence ... are not repeated. We have a *duty* to ensure the return to their homes of the hundreds of thousands of refugees and displaced persons. We are *responsible* for securing peace and cooperation in the region. This is the way to *guarantee our fundamental European values*, i.e. respect for human rights and the rights of minorities, international law, democratic institutions

and the inviolability of borders (Bulletin of the EU 3-1999, 1.40; my emphasis).

Thus it could be argued that once the Council presidency put this particular proposal on the table, it was hard to challenge the argumentative validity of this interpretation of NATO action as the “appropriate behaviour” in this particular situation, given the particular identity of the EU and its member states.

EU Policy for the Abolition of the Death Penalty

The EU’s international pursuit of the abolition of the death penalty is difficult to explain on the basis of material incentives (Manners 2002). There are few rewards from domestic audiences; it creates tensions in relations with countries with capital punishment, not least with regard to extradition. Furthermore, even five member states (UK, Belgium, Spain, Italy, Greece) had not yet abolished the death penalty by 1994. How can we then explain that by 1998 all member states had not only abolished the death penalty, but also collectively embarked on a pursuit of the international abolition of the death penalty?

Manners explains EU policy with the advocacy of the international human rights movement, the European Parliament, the Commission’s DG for External Relations and a number of member states. The material bargaining power of these actors is certainly not sufficient to induce changes in the more reluctant member states’ positions. More promising appears an explanation that focuses on the legitimacy that the EU’s identity bestowed on the arguments of these advocates as an important resource.

EU Criticism of Russian Policy in Chechnya

EU policy towards Russia has long been characterised by tensions among the member states about what position to take on the Chechnya conflict. Some of the big member states, namely the German, French and UK governments, seemed concerned that a too critical position would jeopardize good relations and a strategic partnership with Russia. By contrast, especially the Nordic member states argued that the EU should take a firm line in explicitly condemning what they considered an excessive use of force against civilians and human rights abuses by the Russian forces. Given this constellation of actor preferences and the intergovernmental character of CFSP, a focus on material bargaining power would not lead us to expect that CFSP declarations on Chechnya would be very critical of Russian policy.

However, the CFSP declarations of January 1995 were characterised by very strong normative language. The EU expressed its “greatest concern” about

the fighting in Chechnya, it noted “serious violations of human rights and international humanitarian law” and deplored “the large number of victims and the suffering being inflicted on the civilian population” (European Foreign Policy Bulletin, Statement 95/018). This language was the result of the strong pressure in particular of the then new member states Sweden and Finland, despite strong initial reservations by a majority of governments.¹⁰ Again, a focus on EU identity would suggest that the latter were either reluctant to oppose such critical language, as it might have raised doubts about their commitment to core norms characterising the EU’s identity, or they were persuaded by the normative validity of the arguments used by the proponents of the text. To be sure, this critical approach during the first Chechnya conflict is in contrast to the EU’s position during the second Russian military campaign from 1999/2000. However, while this contrast illustrates the limitations of identity-based arguments, it also underlines the importance of such arguments in the earlier period.

CONCLUSIONS

I have argued that scholars who are interested in EFP and in EU identity can gain important insights if they do not only analyse the EU’s eastern enlargement as a dependent variable, but also as an independent variable that affects both EU identity and EFP. The EU’s policy practice with regard to eastern enlargement served as an important focal point for EU identity formation. The EU’s policy practice, including discursive practices that justified common activities with references to certain norms, articulated fundamental aspects of the collective self-image of EU policy-makers. The area in which the enlargement policy has been particularly salient for EU identity formation is the role of the EU in the promotion and defence of human rights and democracy. The behavioural obligations entailed in this identity are potentially more far-reaching than just its enlargement policy and are salient for EFP more broadly. EU identity strengthens the argumentative power of those actors who advocate foreign policy options that can be legitimised with reference to the promotion and protection of human rights and democracy.

More generally, we can gain important insights into EFP from a perspective that acknowledges that the EU’s identity matters causally for foreign policy. Materialist approaches and rationalist perspectives that exogenise identity see EFP essentially as the result of competing material interests, namely the member states’ different security concerns and their relative vulnerability, as well as of a competition between such security concerns and conflicting economic interests within and across the member states within the institutional constraints of the CFSP’s decision-making structure. A focus on identity formation at the EU level allows to take additional factors into account, namely

the evolving discourse about the EU's role and constitutive norms that define a collective identity for policy-makers from the member governments and EU institutions.

The EU's identity creates the scope for policy advocates and norm entrepreneurs to advance, at least incrementally, policy options that can be presented as enactments of this identity, sometimes even in the face of countervailing material interests. The EU's identity limits the range of policy options, including non-action, that are acceptable as appropriate behaviour. It also limits the grounds for opposition against policy initiatives that are justified with references to the EU's identity by inhibiting arguments based primarily on material self-interests. EU identity thus provides enabling conditions for actors who can claim to act in the name of the EU's identity. However, it should be noted that while this enhances the scope to advance policy initiatives aimed at defending democracy and human rights, it might also reduce the grounds for scrutinising potential breaches of countervailing norms that a specific policy option might entail.

As the norms characterising EU identity and the behavioural obligations that they entail are fairly diffuse, I have emphasised two mechanisms that stress the importance of communication – a “logic of arguing” and “rhetorical action”. I have provided a few empirical illustrations of cases in which a focus on the impact of the EU's identity through either of these two mechanisms might be able to explain aspects of EFP that are difficult to capture otherwise. Clearly, even with more detailed research, it might be difficult to establish enough hard evidence to decide which of these two behavioural logics - the logic of appropriateness and of arguing or the logic of consequences within a normative environment - was operative in the case at hand. But in either case, the EU's identity is an important part of the explanations. Even if in certain cases the advocacy of norm-consistent policy was motivated by the selfish interests of certain governments, it is unlikely that this particular policy would have been adopted collectively by all other member governments without the recent establishment of concerns about human rights and democratic principles as an attribute of EU identity. Thus, while identity-based advocacy might have been used instrumentally, such instrumental use only induces compliant behaviour because EU identity has acquired a certain degree of taken-for-grantedness among the member governments. One theoretical implication of this argument is that rationalist and constructivist explanations of norm dynamics and identity politics should be considered complementary, rather than incompatible in the analysis of EFP (see also e.g. Checkel 2001; Cowles and Risse 2001; Finnemore and Sikkink 1998).

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² For an overview of theoretically-informed studies of EU enlargement and gaps in this literature, see Schimmelfennig and Sedelmeier (2002a).

³ The term "European" foreign policy usually includes the national foreign policies of the EU member states, as well as collective EU foreign policy and Community external policy (see e.g. White 2001).

⁴ There is an emerging conceptual literature that considers the impact of the EU's enlargement policy on the candidate countries (see e.g. Brusis 2002; Dimitrova 2002; Epstein 2002; Goetz 2001; Grabbe 2001; Innes 2002; Jacoby 2001; Schimmelfennig and Sedelmeier 2002b; Schwellnus 2002; Sissenich 2002; Vachudova 2001). Another strand of theoretically-oriented

analyses considers the impact of enlargement on EU decision-making (see e.g. Steunenberg 2002).

⁵ For a rationalist explanation that is not set in a of foreign policy framework, see Moravcsik and Vachudova (2003).

⁶ Note that Torreblanca (2001) is set more explicitly within a “governance” approach.

⁷ For a perceptive overview of different strands of literature on the EU’s “international identity”, see Manners and Whitman (1998, 232-238)

⁸ For a recent exception, see Manners (2002), and for applications of role theory to EFP, see Aggestam (1999); Lerch (2001).

⁹ This section and the following sections draw on Sedelmeier (2003).

¹⁰ Interview with official in the Council Secretariat, 15.10.1997.