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7 Collective Identity[1]

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There are numerous indications that a focus on identity should yield important insights into the study of European Foreign Policy (EFP). Several studies suggest that the European Union (EU) is a particularly prominent case of collective identity formation. Examples include contributions to the theoretical literature in EU studies (see, for example, Christiansen et al., 2001; Jørgensen, 1997), as well as constructivist analyses in the field of International Relations (IR) theory (Katzenstein, 1996: 518; Risse-Kappen, 1995b: 287; Risse, 2000: 15; Wendt, 1994: 392). Likewise, the discourse of EU practitioners on the Common Foreign and Security Policy (CFSP) is replete with references to 'identity'. For example, Article 2 (ex B) of the Treaty on European Union declares as the goal of CFSP to 'assert its identity on the international scene' and the preamble asserts that the implementation of CFSP will 'reinforce the European identity'. However, the apparent promise of a focus on identity is in stark contrast to the elusiveness of its meaning and the limited progress in our conceptual understanding of its implications for EFP. Despite the growth of research on collective identity formation in the IR literature, scholars have barely started to apply these insights to EFP (see also White, 2001: 175).

Most rationalist, and in particular materialist, approaches would question the usefulness of such an enterprise. By contrast, this chapter argues that the study of EFP can indeed benefit from a more sociological approach to the role of identity, as it allows us to address analytical blind spots and gaps in the existing literature. However, in order to reap those benefits, two important questions need analytical clarification. First, we need to clarify the nature of EU identity, or rather, what particular characteristics of EU identity matter for EFP. Second, we need a better understanding of how such an identity and the norms that constitute it have an impact on EFP.

The next section sketches the main assumptions underpinning a more sociological perspective on the role of identity for EFP. The third section suggests that while many studies of CFSP refer to the EU's 'international identity', they do not share such sociological understanding of identity, but are instead set within a rationalist and materialist framework that exogenises actors' identities and interests.

The fourth section reviews the literature in search for clues as to how a thus understood EU identity can be characterised. It identifies the articulation

and validation of norms at the EU level as a particularly important aspect of EU identity formation that has the potential to predispose EFP in particular ways. I argue that one area where such an identity construction has been particularly salient for EFP since the end of the Cold War is the articulation of the EU's role in the promotion and protection of human rights and democracy.

The final three sections suggest how this evolving identity of the EU affects EFP. The fifth section distinguishes three different mechanisms through which norms affect actors' behaviour: a 'logic of appropriateness' (March and Olsen, 1989); a 'logic of arguing' (Risse, 2000); and 'rhetorical action' (Schimmelfennig, 1997). The sixth section argues that in the case of the EU, such processes of communication and the role of norm entrepreneurs are particularly important for the policy impact of the EU's collective identity. This is because norms that characterise EU identity are often diffuse and the behavioural prescriptions that they imply in a given situation are thus open to interpretation and debate. The 'logic of arguing' and 'rhetorical action' thus play a crucial role for the success of policy entrepreneurs who advocate particular foreign policy options with references to the EU's collective identity and, in turn, for the evolution and validation of such an identity. The final section illustrates the potential usefulness of a focus on identity and social norms in the study of EFP with cases that do not seem to fit easily with explanations based purely on bargaining between material utility-maximising actors.

A Sociological Perspective on the Role of Identity in EFP

As opposed to a materialist perspective that underpins most rationalist approaches, the core of a sociological perspective on the role of EU identity in EFP is that it conceives of this identity also in part as social and ideational, and that it attributes to it a causal influence on EFP, independently from material factors.

The key assumptions underpinning this position are usually identified with social constructivist arguments that actors' (collective) identities are not given, but are constructed through (social) interactions (see, for example, Wendt, 1999; Jeppersen et al., 1996).[2] These identities are 'relatively stable, role-specific understandings and expectations about self' (Wendt, 1992: 397). They form the basis for actors' definition of their preferences and provide them with an understanding of the types of behaviour through which these identities are enacted in particular situations.

These basic assumptions are shared with a number of approaches that attribute a causal role to social factors – such as identities, roles and norms – that affect actors' behaviour not only by shaping their strategies, but also their underlying interests. These approaches include (sociological) institutionalist accounts, in which actors conform to institutional roles by following a 'logic of appropriateness' (March and Olsen, 1989) and interaction role

theory which suggests that 'norms – and particularly identity – emerge from a process of in-group/out-group differentiation and social role definition' (Kowert and Legro, 1996: 475; see also Walker, 1987 and for applications to the EU, Aggestam, 1999; Lerch, 2001).

In contrast to rationalist approaches that have *a priori* assumptions about actors' underlying interests and thus start from the premise that EFP follows particular (material) goals, such as stability, security or welfare, a sociological approach argues that the very nature of these interests depends crucially on actors' identities and social roles. EFP thus reflects a sense of what EU institutions and national governments consider 'appropriate behaviour' for a certain role that they collectively ascribe to themselves – as 'the EU'. EU policy makers do not simply calculate which strategy is most likely to advance their given interests in a certain situation, but they ask what their particular role in a certain situation is and which obligations that role prescribes in this situation. The formation of preferences – which actors might well pursue strategically – is endogenous to the process of identity and social role formation.

The key questions from this perspective are thus whether the EU has acquired such a collective identity and what the attributes of this identity are, in particular the content of the norms that set behavioural standards for this identity, and how this identity affects EFP.

Analyses of the EU's International Identity in CFSP Studies

The notion of the EU's 'international identity' has become a prominent feature in studies of CFSP.[3] More recently, this notion has also found its way into the analysis of the EU's external economic relations (Damro, 2001). However, these studies usually use the term 'identity' in a quite different way from the more sociological perspective outlined above. Most authors use the notion of the EU's (international) identity interchangeably with the notion of the EU's 'international role' or its 'actorness' in international affairs. The common point in these analyses is the use of these terms as a means to describe the EU's foreign policy behaviour and to assess the performance of CFSP. Thus, the EU's role as an international actor and its international identity are considered a function of the significance of the EU and its member states in international affairs and of the effectiveness of its policy practice. Central questions in these analyses are whether the EU is capable of developing policy instruments that enable it to promote collective foreign policy goals and to assert itself in international politics, as well as how effectively and consistently the EU uses the range of policy instruments at its disposal to these ends (see, for example, Bretherton and Vogler, 1999; Laffan et al., 1999: 167–72; Peterson, 1998: 11–13; Smith, M.H., 2000; Soetendorp, 1994).

A related strand of the CFSP literature aims more explicitly to conceptualise the EU's international identity or its 'actorness'. This literature has

identified different roles of the EU in international politics (Hill, 1993) and has generated novel conceptualisations of the EU as a 'civilian power' (Duchêne, 1972) or as an international 'presence' (Allen and Smith, 1990). Whitman and Manners have conceptualised the EU's international identity by considering its '[foreign policy] instruments as identity' (Whitman, 1997) and have thus identified an 'active identity' of the EU through its 'network of relations' (Manners and Whitman, 1998). Still, even these more conceptual studies rarely use the terms 'identity' or 'role' in a 'deeper' sociological sense and do not accord 'identity' a causal impact on EU foreign policy. These studies thus largely share the rationalist assumption that actors are driven by narrow self-interests that are primarily influenced by material factors.

Most analyses of CFSP thus understand the EU's international identity or role as an attribute to which the EU's foreign policy ought to aspire, or a criterion to assess its capacity and performance. Identity and role are dependent variables of the analysis and the main question is, *does* the EU play a role in international affairs? By contrast, from a more sociological understanding of identity, an (international) identity is something that the EU might or might not have, but *if* it has a particular identity or social role, then this is also an independent variable, rather than (just) the dependent variable.

Attributes of EU Identity that Matter for EFP

In order to identify the characteristics of EU identity that matter for EFP, we have to consider that identities and social roles are context-bound. This boundedness means that different aspects of any given identity (or multiple identities) are salient, depending on the policy area in question (see also Risse, 2001: 201). We can distinguish two broadly different (yet complementary) ways to ascertain what aspects of 'EU identity' are salient in the area of foreign policy, according to the level of analysis.

Identities of the constituent units of an international community

The first approach focuses on the domestic level. It considers the identity of an international organisation, such as the EU, as a reflection of the (common traits of the) identities of the states that form this organisation. This approach is characteristic for liberal approaches and is most prominent in the 'democratic peace' argument. From this perspective, we would analyse how the identities and norms that prevail in the EU's member states result in a particular identity of the (international) community that they form. For example, in the case of NATO, Risse-Kappen (1995a) explains the influence of the European member states on US foreign policy with the particular salience of a consultation norm within a democratic community. In the case of the EU, Schimmelfennig (2001) argues that the EU's decision on eastern enlargement is the result of the commitment of a liberal democratic international

community to expand to other democratic states. In a similar vein, Lumsdaine (1993) accounts for the establishment of the 'Western' foreign aid regime with the (social) democratic identities of the main donor states.

Norm and identity creation at the EU level

The second approach to identifying the aspects of 'EU identity' that are salient in the area of foreign policy focuses on the EU level as a distinctive location for the creation and articulation of collective identity. It is in this sense that 'Europeanization also consists of *constructing systems of meanings and collective understandings*, including social identities' (Cowles and Risse, 2001: 219, emphasis in original) and that 'the creation of norms at the European level serves as important focal points [sic] around which ... discourses and identities are fashioned' (2001: 221). Within this perspective, we can identity three broadly different research agendas.

The creation of procedural rules   The first research agenda concerns the procedural dimension of CFSP. These procedural norms define appropriate ways of interacting with EU partners in the pursuit of both collective and unilateral foreign policy. Many analysts argue that these norms (especially the norm of consultation) have been internalised by foreign policy makers (see, for example, Forster and Wallace, 1996; Nuttall, 1992; Smith, M.E., 2000).

Identity creation through interaction with the EU's external environment   The second research agenda focuses on the EU's external relations as a key area for the definition of an EU identity through the parallel construction of 'others' (Cederman, 2001; Neumann and Welsh, 1991). Michelle Pace (Chapter 14 in this volume) traces such a process of identity construction in the case of the EU's policies towards the Mediterranean. A related area of identity construction at the EU level that affects EFP is the development and articulation of distinctive patterns of affinity (or aloofness) towards particular countries or regions. The articulation of such patterns is particularly salient with regard to the question of enlargement. In the case of eastern enlargement, for example, Sedelmeier (1998, 2000a) argues that the discursive creation of a particular role of the EU towards the Central and Eastern European countries (CEECs), which is characterised by the notion of an EU responsibility, has been an important factor in the EU's decision to enlarge, independently of material incentives (see also Fierke and Wiener, 1999). Sjursen (2002) underlines this point by contrasting the EU's identity construction towards the CEECs with the one towards Turkey.

Articulation and specification of norms at the EU Level   However, neither of the above two types of analyses of EU identity construction tells us much about the substantive content of the foreign policies of the EU and the EU member states towards which EU identity might predispose them. The third

strand of research pertains more directly to the *substantive* dimension of EFP by focusing on the creation and evolution of particular norms at the EU level. Norms are 'collective expectations about proper behaviour for a given identity' (Jepperson et al., 1996: 54); their immediate orientation to behaviour thus provides an important link between identity and policy. In the EU, such norms are expressions of which foreign policy goals and foreign policy practices the member states and EU institutions consider legitimate, given their particular collective identities or self-images.

Detailed studies of this dimension are rare. Recent analyses that go into this direction include Manners (2002), who suggests that the EU's 'normative basis' rests on five 'core norms' (peace, liberty, democracy, rule of law, human rights) that are comprised in the EU's *acquis*. Karen Smith (2002) focuses on foreign policy objectives that the EU has explicitly articulated in various declarations. These objectives, in particular the promotion of human rights and democracy, the prevention of violent conflict, and the encouragement of regional co-operation, present 'key elements of its international identity, or the distinctive image that the EU tries to project externally' (2002: 1). These studies provide promising starting points for an understanding of how EU identity might affect EFP. However, they are still not very specific about whether and in which ways these more general normative commitments and identity-related aspects predispose EFP in certain ways. For the purposes of this chapter, I concentrate on one particular aspect of the EU's identity in order to discuss how we can conceptualise the impact of these identity-related norms on EFP.

The EU's identity as promotor of human rights and democracy   Human rights and democracy appear a key area for the creation and articulation of a particular role-specific identity of the EU. Furthermore, it is an area in which the EU's role has evolved considerably since the end of the Cold War. Thus, rather than attempting to give a comprehensive account of the elements of EU identity that matter for foreign policy, this chapter thus focuses only on this specific aspect of its identity.

The EU level has been a particularly salient focal point for the articulation of the importance of human rights and democracy, both internally, as well as in the EU's external relations (see, for example, Matlary, Chapter 8, and Menéndez, Chapter 15 in this volume; Smith, K., 2001). In particular, the EU's policy practice with regard to its eastern enlargement, including discursive practices, is a key source through which the EU has explicitly articulated, made more specific, and codified its role in the promotion and protection of democracy and human rights as a fundamental characteristic that it ascribes to itself (Sedelmeier, 2000b: 193–7). These practices include regular collective assertions of the promotion of democracy as a key rationale for enlargement, the formulation and strict implementation of a specific political accession conditionality, as well as treaty changes motivated by concerns about respect for these principles in the prospective members. Through its policy practice the EU has not only acknowledged that it is a community that is based on,

and *adheres* to, these principles, but also that it has formulated a role for itself actively to *promote and defend* them both internally and externally. As the obligations that this role entails for the EU go beyond the specific relationship with the CEECs, the EU's enlargement policy thus contributed to the construction of an EU identity that has policy implications for EFP more broadly.

The Impact of EU Identity on EFP: Three Mechanisms

For the EU's identity as protector and promoter of human rights and democracy to have an impact on EFP, it needs to specify standards of what constitutes 'appropriate behaviour' for particular foreign policy situations. However, this particular element of EU identity is rather diffuse. The behavioural prescriptions that it entails might not clearly prescribe a particular course of action for a given situation, which has implications for the mechanisms through which EU identity affects EFP.

Constructivist accounts predominantly emphasise as the key logic of action a 'logic of appropriateness', according to which 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, not only when actors take certain behavioural norms for granted, but crucially also when these norms are fairly specific. Diffuse norms, however, 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', but instead it might be the result of two other processes that emphasise the importance of communication for the logic of actors' behaviour: a 'logic of arguing' or a process of 'rhetorical action'.

According to Risse, a 'logic of arguing' implies that:

> ... 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. ... [T]he 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)

This means for our case 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', in which actors use normative arguments instrumentally in the pursuit of their self-interests, is consistent with sophisticated, non-materialist rationalist accounts (Schimmelfennig, 1997, 2001). It presupposes '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' (2001: 62). The institutional environment or a community's collective identity empower actors that can justify their selfish goals with references to institutional norms or the collective identity. The legitimacy that their rhetoric bestows on their goals increases their bargaining power. Other actors consent to such initiatives not because they are persuaded by the normative validity of such arguments, but in order to avoid the costs of non-compliance with community norms. Compliance thus does not result from an internalisation of norms, but from a process of 'social influence' in which norm-conform behaviour 'is rewarded with social and psychological markers from a reference group with which the actor believes it shares some level of identification' (Johnston, 2001: 494).

In our case, this means that the EU's collective identity provides an institutional environment for EFP. 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. However, they may decide to back such action in order to avoid the costs to the EU and to themselves of a perceived failure to act in accordance with their professed group identity.

The difficult methodological question is, then, 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. My main point is that the analysis of EFP should go beyond materialist analyses and consider a causal role of 'identity'. It can be left to empirical analyses to decide whether this causal impact can be explained within a sophisticated rationalist analysis or whether it can only be captured with the tools of constructivism.

It might be objected that if we include concepts of rhetorical action and social influence in an analysis of EU identity, it no longer makes sense to use the concept of 'identity' to start with. To emphasise the importance of identity usually implies a focus on constitutive norms, rather than on regulative norms that might only shape actors' strategies and behaviour, rather than their underlying interests. 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 the political community.

Identity, Norm Creation and Communicative Practices in EFP

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 concrete case at hand, 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.

Path-dependence of policy and discursive practices

The diffuse nature of EU identity and the centrality of communicative processes for the impact of EU identity on EFP draws 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. 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 on those actors that do not 'share' this element of

identity to the same extent, but find themselves 'rhetorically entrapped' in these collective statements. This argument follows the distinction by Jepperson et al. 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 'internalized' 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 Karen Smith 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 policy and discursive practices provide resources for policy advocates (see also Wiener, 1998). In this way, policy and discursive 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. To be sure, however, these discursive constraints are rather fragile, as inconsistencies in the EU's human rights conditionality policy in cases such as Pakistan or Russia demonstrate (see, for example, Smith, 2001). 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 at stake, by suggesting particular policy options for 'appropriate behaviour', or by warning of potential discrepancies between behaviour and collectively professed norms and identity. Within the norm 'life cycle' (Finnemore and Sikkink, 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 accepts 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. The diffuse nature of identity also increases the scope for (but not necessarily the success of) 'rhetorical action': 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. 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-conforming behaviour at a later stage.

Illustrations of the Impact of EU Identity on EFP

This section presents brief illustrations of how a focus on identity can provide important insights into EFP. While each of these instances is difficult to explain purely on the basis of material interests and bargaining, a focus on the EU's identity can provide plausible explanations.

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 Freiheitliche Partei Österreichs (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 rather at domestic party politics, in an attempt to discredit far-right parties or those within centre-right parties pondering co-operation 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's 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 scepticism 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, 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 not only had all member states abolished the death penalty, but also collectively embarked on a pursuit of the abolition of the death penalty?

Manners explains EU policy with the advocacy of the international human rights movement, the European Parliament, the Commission's Directorate General (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 jeopardise good relations and a strategic partnership with Russia. By contrast, the Nordic member states in particular 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 actors, material bargaining power and the intergovernmental character of CFSP would not lead us to expect that CFSP declarations on Chechnya would be very critical of Russian policy.

However, the CFSP declarations from 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' (Council of the European Union, 1995). 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.[4] 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 to 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

This chapter suggests that 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. A focus on identity formation at the EU level allows additional factors to be taken into account, namely the evolving discourse about the EU's role and about constitutive norms at the EU level that defines a collective identity for the policy makers from the member governments and EU institutions. One area where such identity formation at the EU level has become particularly salient for European foreign policy since the end of the Cold War is the area of the protection of human rights and democracy.

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 highlighted two mechanisms that emphasise 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 (see also, for example, Checkel, 2001; Cowles and Risse, 2001; Finnemore and Sikkink, 1998).

Notes

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2 For a critical account that problematises the link between constructivism and identity, see Zehfuss (2001).
3 For a perceptive overview of different strands of literature on the EU's 'international identity', see Manners and Whitman (1998: 232–8).
4 Interview with official in the Council Secretariat, 15 October 1997.

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8 Human Rights

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The role that human rights play in foreign policy is contested and has not been extensively studied to date. However, it has been argued that human rights play an increasing role whenever there is a public process of policy making and that they constitute a major basis for justification in such transparent public processes (Risse et al., 2000). Moreover, such norms seem to play an increasing role in a world where 'soft power' resources have become more significant (Nye, 1995, 2002; Matlary, 2002). The general thrust of this statement may be contested if one looks at the American emphasis on hard power and coercive diplomacy (Bacevich, 2002). But the 'mix' of moral argument and interest-based discourse is clearly different in the US and Europe. Whereas US foreign policy combines references to national security, a highly moral discourse and coercive diplomacy, European foreign policy (EFP), especially as promoted by the European Union (EU), refers to international legal norms, above all those embedded in the United Nations (UN). Whichever 'model' is regarded as typical of contemporary foreign policy, it can at least be argued that these are two very different models, both in terms of types of power deployed and the justification offered for the use of such power. This chapter focuses on the EU, arguably the most 'legalised' foreign policy actor in the world, and asks how important legalisation is for legitimacy.

Public Diplomacy and Justificatory Politics

In public diplomacy, the mode of discourse is typically tied to rights and cast in terms of moral categories (Leonard, 2002). This can be described as a *justificatory* mode of discourse in contrast to the *bargaining* mode typical of policy making concerning distributive outcomes. Justification here refers to arguments about right in the sense of just decisions according to some standards, for example, legal canons, rather than pretexts for action, such as 'he justified the invasion with humanitarian arguments'.

Though political scientists know a lot about bargaining and have developed complex theories of different types of bargaining, they are only beginning to study policy processes where justification is the main mode of