

# TOWARDS A REFLEXIVE STUDY OF NORMS, NORM DIFFUSION AND IDENTITY (RE)CONSTRUCTION: THE TRANSFORMATIVE POWER OF THE EU IN THE WESTERN BALKANS

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## I. INTRODUCTION

The “constructivist turn” in International Relations has enhanced our understanding of the power of ideational phenomena such as ideas, norms and identity in world politics.<sup>1</sup> This turn has paved the way for debates on normative power and norm transfer, which have proved to offer fruitful insights into EU’s normative power and the EU’s identity as an international actor.<sup>2</sup> Ten years after the “Normative Power Europe” approach (NPE) was coined by Ian Manners<sup>3</sup>, it seems time to revisit NPE and the constructivist turn in International Relations.<sup>4</sup> This article hopes to add to the promising developments by critically exploring the relationship between processes of norm diffusion and identity (re-) construction.<sup>5</sup> Three strands of research provide us with a critical understanding

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- 1 J Checkel “The Constructivist Turn in International Relations Theory” (1998) 50 *World Politics* 324; E Adler “Seizing the Middle Ground: Constructivism in World Politics” (1997) 3 *European Journal of International Relations* 319; E Adler and M Barnett (ed) *Security Communities* (Cambridge University Press, Cambridge, 1998); A Wendt *Social Theory of International Relations* (Cambridge University Press, Cambridge, 1999).
- 2 The term social constructivism remains contested and one cannot assume the existence of one social constructivist perspective. S Smith for example, notes that “there is no such thing as a social constructivist approach.” S Smith “Social Constructivisms and European Studies” in T Christensen, K-E Jørgensen and A Wiener (eds) *The Social Construction of Europe* (Sage Publications, London, 2001) at 189.
- 3 I Manners “The Normative Power Europe: A Contradiction in Terms” (2002) 40 *Journal of Common Market Studies* 235.
- 4 R Whitman (ed) *Normative Power Europe: Empirical and Theoretical Perspectives* (Routledge, London 2011); M Merlingen and R Ostrauskaite “Power/Knowledge in International Peacebuilding: The Case of the EU Police Mission in Bosnia” (2005) 30 *Alternatives* 297; T Börtzel and T Risse “From Europeanisation to Diffusion: Introduction” (2012) 35 *West European Politics* 1; T Börtzel and T Risse “When Europeanisation meets Diffusion: Exploring New Territory” (2012) 35 *West European Politics* 192; S Kappler “Divergent Transformation and Centrifugal Peacebuilding: The EU in Bosnia and Herzegovina” (2012) 19 *International Peacekeeping* 612; K Nicolaïdis and R Howse “This is my Eutopia...: Narrative as Power” (2002) 40 *Journal of Common Market Studies* 767; T Risse and A Wiener “The Construction of Social Constructivism” in T Christensen, K-E Jørgensen and A Wiener (ed) *The Social Construction of Europe* (Sage Publications, London, Thousand Oaks, New Delhi, 2001).
- 5 The approach taken here accepts the notion that the reality is socially constructed, ie that it is dependent on the mind and language of the individual observer. Yet, it does not deny the existence of a reality outside our mind. The “real world out there” however, is defined by our intersubjective understandings of this reality. Furthermore, this socially constructed world is constituted both of material factors and ideas linked in complex ways. A Klotz *Norms in International Relations: The Struggle against Apartheid* (Cornell University Press, Ithaca,

of the relationship between EU norm export and local agency in norm import and in the construction of a European identity. The analysis is informed by social constructivism, taps into the rich literature on EU identity and Europeaness, while scratching the surface of the body of literature on norm diffusion.

The article is theoretical in scope as it conceptually explores complex relationships between norms and identity, and, consequently, between processes of norm diffusion and identity reconstruction. The article stems from dissatisfaction with the dichotomy set up between the norm-maker and the norm-taker, privileging the norm-maker at the expense of the norm-taker. This is expressed for example in the NPE literature, which is often at risk of assuming a “European Exceptionalism”, while denying others the capability to define, launch and consolidate normative frameworks on their own. According to Thomas Diez’s critical intervention, the vast number of theories on norm export and normative power lack a reflection of “the self”, and, more problematically, “the other” and the link between norm diffusion and identity construction often remains vague.<sup>6</sup> Second, this article explores if and how norms of international making are received in the recipient society. It maps how local actors react to the normative requirements they are confronted with by, for example, the EU in the enlargement process and under what conditions such confrontations lead to an institutionalization of EU norms, their rejection or modification at local level. Third, this article is critical of the common bias towards the diffusion of “good” norms inherent in the norm diffusion literature and that the adoption of international norms is a sign of positive progress. Here it is of interest to explore if certain norms hold particular characteristics that foster norm diffusion. Hence, this article concerns itself with questions such as how can we better understand the relationship between norms and identity? Through what mechanisms and processes are norms diffused? How do norm diffusion affect the process of identity construction?

The article also hopes to contribute new insights to the study of the EU and its enlargement process.<sup>7</sup> In case of the Western Balkans, the EU seeks to transform the normative context and reconstruct identity in terms of shared

1995); M Finnemore *National Interests in International Society* (Cornell University Press, Ithaca, 1996); P Katzenstein (ed) *The Culture of National Security. Norms and Identity in World Politics* (Columbia University Press, New York, 1996); Adler, above n 1; J Checkel, above n 1; M Finnemore and K Sikkink “International Norm Dynamics and Political Change” (1998) 52 *International Organisation* 887; A Björkdahl “Norms in International Relations: Some theoretical and Methodological Reflections” (2002) 15 *Cambridge Review of International Affairs* 9. This IR- social constructivist approach facilitates an understanding of the socially constructed world as it allows ideational phenomena such as norms ontological status and argues that ideational factors give meaning to the material world. Adler, above n 1; Wendt, above n 1.

6 T Diez “Constructing the Self and Changing Others: Reconsidering ‘Normative Power Europe’” (2005) 33 *Millennium – Journal of International Studies* 613.

7 K-E Jørgensen “The European Union’s Performance in World Politics” in J Zielonka (ed) *Paradoxes of European Foreign Policy* (Kluwer Law International, The Hague, London, Boston, 1998); O Elgström “Norm Negotiations. The Construction of New Norms Regarding Gender and Development in EU Foreign Aid Policy” (2000) 7 *Journal of European Public Policy* 457; T Christensen, K-E Jørgensen and A Wiener (eds) *The Social Construction of Europe* (Sage

European identity in order to foster democracy, peace and stability.<sup>8</sup> The EU norm diffusion and the potential of Western Balkans norm socialization into the “Europeanness” of the EU offer useful empirical illustrations to the theoretical discussion that provides the lion’s part of the article. First, it depicts the power asymmetries in the relationship between the European Union as a norm-maker and the Western Balkans as a norm-taker. Second, it distinguishes between the direct and indirect channels of norm diffusion. Third, it pays attention to the challenges in identity (re)construction of states aspiring EU membership.

The article unfolds in three parts. First, it provides an overview of a constructivist view on norm diffusion and presents a theoretical framework that critiques the mainstream constructivist interpretations of the interplay between norms and identity and norm-maker and norm-taker. Second, this is followed by a critical examination of the means and ways of anchoring “universal” norms in recipient societies, examining the challenges of investing the internationally designed norm package with the particular characteristics of the recipient country. Third, it discusses the process of becoming European by exploring the EU’s transformative power in the Western Balkans.

## II. A CRITICAL VIEW ON NORM DIFFUSION AND IDENTITY RECONSTRUCTION

Scholars in the fields of jurisprudence and moral philosophy have analysed the influence of international norms for centuries, and the relevance of norms is well established. Within Sociology, International Relations, Political Science and Gender Studies the links between norms and identity have primarily been explored by scholars associating themselves with various forms of social constructivism. Although aspects of various literatures have inspired the study of norms and identity, this article will limit itself to a selection of the International Relations (IR) research that has identified norms as an important piece in a larger theoretical puzzle exploring influence in world politics.

### *A. On Norms and Identity*

In the International Relations literature norms are often perceived as “international standards defining the behaviour expected of international actors including states”.<sup>9</sup> A norm is a “result of common practices among

Publications, London, Thousand Oaks, New Delhi, 2001); J Checkel “The Europeanization of Citizenship” in M Green Cowles, J Caporaso and T Risse (eds) *Transforming Europe* (Cornell University Press, Ithaca and London, 2001a); Jeffrey Checkel “Social Construction and European Integration” in T Christensen, K-E Jørgensen and A Wiener (eds) *The Social Construction of Europe* (Sage Publications, London, Thousand Oaks, New Delhi, 2001); Börtzel and Risse, above n 4.

8 A Björkdahl “Norm-maker and Norm-taker: Exploring the normative influence of the EU in Macedonia” (2005) 10 *European Foreign Affairs Review* 257; Kappler, above n 4; T Börzel and J Langbein “Convergence without Accession? Explaining Policy Change in the EU’s Eastern Neighbourhood” (2012) *Europe-Asia Studies*, Special Issue (forthcoming).

9 K Coleman “Locating Norm Diplomacy: Venue Change in International Norm Negotiations” (2011) *European Journal of International Relations* 1.

states”<sup>10</sup> However, constant repetition of the same act does not necessarily create a norm of conduct and standard behaviour does not capture the essence of norms. Norms have prescriptive and proscriptive aspects and express values that create rights and responsibilities. This is inescapable since norms involve “appropriateness” and concerns about proper behaviour.<sup>11</sup> But what is appropriate is only known by reference to a social community.<sup>12</sup> Hence, norms also refer to a set of inter-subjective understandings and collective expectations regarding the proper behaviour of actors in a given context or with certain identity.<sup>13</sup> Hence, there is a link between norms and identity in the constructivist literature as norms are regarded to constitute identities. Thereby norms enable actors of a certain identity to undertake actions that would not otherwise have been undertaken, while also regulating these actions. The norm of sovereignty for example, defines what a state is, enables the state to take certain actions in the international society, as well as regulates the interaction of states in international affairs.<sup>14</sup> To argue that norms have a “constitutive effect” is to argue that norms constitute the identity of actors.<sup>15</sup> Yet, there is little consensus on how these norms are created and norm emergence is often linked to the efforts of norm-makers.<sup>16</sup>

### B. *The Norm-maker*

In the literature the norm-maker is frequently perceived as an actor with a strong commitment to a particular norm or set of norms and a will to advocate these norms to bring about normative change. In addition, a norm-maker possesses a normative power, i.e. a capacity to change normative convictions of others. The norm-maker may be encouraged to promote norms as the interaction with the norm-taker may contribute to the construction of the norm-maker’s identity as well as strengthening the norms that are diffused. Often, individuals, Non-Governmental Organisations (NGOs) and transnational advocacy networks take on the role as norm-makers to construct and promote norms they perceive ought to be universal. But we also see International organisations (IOs), individual states or collectives of states acting as norm-makers. The EU, for example, has demonstrated that a collective of states i.e. a norm community may also be able to act as a norm-

10 A Gurowitz “Mobilizing International Norms: Domestic Actors Immigrants and the Japanese State” (1999) 51 *World Politics* 413.

11 J G March and J P Olsen “Institutional Dynamics of International Political Order” (1998) 52 *International Organisation* 943; Finnemore and Sikkink, above n 5.

12 R Axelrod “An Evolutionary Approach to Norms” (1986) 80 *American Political Science Review* 1095.

13 M E Keck and K Sikkink *Activist Beyond Borders: Advocacy Networks in International Politics* (Cornell University Press, Ithaca and London, 1998); Klotz, above n 5.

14 T Risse “*A European Identity: Europeanization and the Evolution of Nation-State Identity*” in M Green Cowles, J Caporaso and T Risse (eds) *Transforming Europe*, (Cornell University Press, Ithaca and London, 2001).

15 Katzenstein, above n 5.

16 A Björkdahl “Norm advocacy: A small state strategy to influence the EU” (2008) 15 *Journal of European Public Policy* 135; Björkdahl, above n 8.

maker. Within a norm community, norms constitute the interests and identity of its members. A norm community consists of actors that share expectations about appropriate behaviour as well as norms that define this understanding of “appropriateness”. Such a community may or may not possess normative influence that reach beyond the current members. Some norm communities may have more or less expansive potential and ambition. A norm community may act as a norm-maker and be driven to attempt to promote the norms that guide the internal interaction of the community externally. The purpose of advocating its norms and/or expanding the norm community is to bring about normative change in accordance with the community’s normative standards and recruit new members to the community. In addition, the norm community may diffuse its norms in order to contribute to strengthen these norms, as well as the identity of and coherence within the community.<sup>17</sup>

### *C. The Norm-taker*

Norms are not simply imported but norm adoption requires agency. Authentic norm acceptance often entails adjustment of the norms to fit with the local normative context. The norm-taker is not to be perceived as passive in the process of adopting norms, but influential and responsible for selecting the norms and constructing a normative fit between the transferred norms and the local normative context.<sup>18</sup> A norm-taker recovering from a crisis, conflict or other type of shock or systemic change is more open to norm diffusion. Under such circumstances, the norm-taker could be searching to replace some old and perhaps discredited norms with “new” norms, which may be localized to match the local normative context. The choice of norms to be adopted is affected by the identity of the norm-taker. A norm-taker that shares the norm-maker’s identity or is in the process of reconstructing its identity to converge with the norm-maker’s is more likely to adopt its norms.<sup>19</sup> A norm-taker aspiring to be admitted into a particular norm community may attempt to ensure convergence with that community’s normative standards and may evoke shared norms when seeking admission.<sup>20</sup> Aspiring members of a norm community may also refer to a sense of “kinship” and belonging to a specific community.<sup>21</sup> Members of a norm community conform to their peers and comply with the norms to demonstrate that they “belong” and have adapted to the social environment.<sup>22</sup> By sharing norms one would expect the members of the norm community to become more alike and identities to converge, eventually leading to a development of a common identity within the norm community.

17 Finnemore and Sikkink, above n 5, at 901.

18 Björkdahl, above n 8.

19 Finnemore and Sikkink, above n 5.

20 J P Olsen “The Many Faces of Europeanization” (2002) 40 *Journal of Common Market Studies* 921.

21 See Sjursen cited in Olsen, above n 20.

22 Axelrod, above n 12.

#### *D. Norm Transfer: 'Export' and 'Import' of Norms*

Norm diffusion often refers to a process of unconsciously or consciously, active or passive, direct or indirect norm transfer from a norm-maker to a norm-taker.<sup>23</sup> However, these mechanisms of diffusions often blur in practice.<sup>24</sup> Certain approaches of norm export may seem more or less appropriate, useful or achievable, compatible or exclusive depending on the identity of the actor and this article focuses on two main types of norm diffusion, indirect and direct: providing a model to be imitated and norm negotiations. Norm transfer is seen to involve changing normative convictions in the absence of overtly material or psychological coercion. However, it may be difficult to disentangle authentic and non-authentic approaches of norm transfer, as part and parcel of the norm export is the carrot and the stick affecting the norm import process by providing material or immaterial incentives. Traditionally, the constructivist literature has been reluctant to attach material carrots or sticks to the efforts of norm transfer, claiming that authentic norm adoption is a matter of a normative change that cannot be forced by carrots or sticks.

*Norm export* focuses on the norm-maker, which provides a successful model of norm-guided governance to be copied.<sup>25</sup> A particular norm community may encourage others to imitate, emulate or mimic the successful model of the norm community.<sup>26</sup> A norm community may represent a normative ideal that may sway others into seeking membership in the community. The attractiveness of the norm community's prescriptions and normative standards and the exposure to its particular set of norms may appeal to potential norm-taker. In such case the norm-maker may be passive and the norm-taker active. In other cases, the emulation of, for example, the EU model requires the active promotion by the EU, thus the diffusion process is not "automatic".<sup>27</sup> Norm negotiation is an active form of norm export where the norm-maker is able to use its transformative power in the negotiation process where norms are introduced, negotiated and sometimes accepted.<sup>28</sup> Norm negotiation is perhaps best conceived not as a simple export of a norm through the promotion of the norm-maker, but as a crystallization process in which the emerging norm acquires its specific shape and content- as well as its support through negotiations between the norm-maker and the norm-taker. Where new norms are "irresistible" – when all in principle agree about the appropriateness of adapting a set of norms, these norms are negotiated

23 Checkel, above n 7; Björkdahl above, n 5; Börtzel and Risse above n 4; L Sheahan, N Chaban, O Elgström, M Holland "Benign Partner or Benign Master? Economic Partnership Agreement Negotiations between the European Union and the Pacific Islands" (2010) 15 *European Foreign Affairs Review* 347.

24 T Lenz "Spurred Emulation: The EU and Regional Integration in Mercosur and SADC" (2012) 35 *West European Politics* 158.

25 Nicolaïdis and Howse, above n 4; Börtzel and Risse, above n 4; Olsen, above n 20.

26 H Katsumata "Mimetic adoption and norm diffusion: 'Western' Security Cooperation in Southeast Asia" (2011) 27 *Review of International Studies* 557; Lenz, above n 24.

27 Lenz, above n 24, at 157.

28 Elgström, above n 7; Sheahan et al, above n 23.

in a negotiation processes, shaping and changing the content of the norm.<sup>29</sup> The norm negotiations are also shaped by the venue where the negotiations take place.<sup>30</sup> The two channels of norm export – providing a model to be emulated and norm negotiations – are not separate but may interact and interact with other processes of norm transfer in complex ways to produce particular outcomes.

The norm diffusion literature pays scant attention to *norm import* and tends to assume that norms exported are also imported, that the process is self-perpetuating and that the inherent persuasiveness of the diffused norms will ensure norm adoption. Norms may be accepted due to the imitation and voluntary borrowing by the norm-taker from a successful model of norm-guided action.<sup>31</sup> “Mimetic adoption” of external norms on part of the norm-taker may be motivated by a need to enhance the legitimacy of the norm-taker.<sup>32</sup> Hence, mimicking of external norms for the sake of legitimacy, status and identity is one pathway by which norms travel from a norm community to aspiring members of that community. Katsumata’s research on the ASEAN convincingly demonstrates that norm-takers may voluntarily adopt norms which lack compatibility with the local normative context and which are even competing with local norms. Hence, compatibility with existing ideational elements in local society is not a requirement for norm adoption, which is assumed by conventional wisdom.<sup>33</sup>

Norm import often requires adjustment of the norms to fit with the local normative context. Hence, norm import requires agency.<sup>34</sup> The actors involved in norm import are often the political elite. Through processes of elite-learning the elite adopts the new norm. Authentic norm adoption can be viewed as the active construction (through discourse and framing) of external norms by the norm-taker in order to re-interpret and re-represent these norms resulting in the external norms developing congruence with local norms and practices. Weak local normative structures may, however, undermine such process of adopting external norms.<sup>35</sup> Yet, for a norm or an assembly of norms to become adopted by large segments of society and made to fit with the normative context, more actors at levels below the political elite need to become involved. Only when a new norm becomes widely accepted does it begin to affect practice. The process of norm adoption also means introducing new members into the appropriateness and the preferred practices of a particular community and creating a convergence between the

29 Elgström, above n 7, at 459.

30 Coleman, above n 9.

31 Olsen, above n 20; Nicolaïdis and Howse, above n 4.

32 Katsumata, above n 26.

33 Katsumata, above n 26.

34 A Björkdahl “Deliberating and Localizing Just Peace” in K Aggestam and A Björkdahl (eds) *Rethinking Peacebuilding: The Quest for Just Peace in the Middle East and the Western Balkans* (London, Routledge, 2012).

35 A Acharya “How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism” (2004) 58 *International Organisation* 239.

local normative context and the normative standards of the community.<sup>36</sup> Often both the norm-maker and the norm-taker are involved in a dynamic process, which can be viewed as “matchmaking”.<sup>37</sup>

Clearly, all norms are not adopted. Some may be resisted and rejected and certain actors may be more resistant to change than others, and certain normative contexts less easy to construct a match with. Other norms are contested yet modified – “localized” – to fit the local normative context. Yet others are adopted either adding to the local normative context or replacing local norms. Although a norm is imported there may still be pockets of resistance where old normative convictions persist and where a normative fit cannot easily be constructed.<sup>38</sup> In addition, there may be insurmountable hindrances to norm diffusion and under such circumstances the norms will not be adopted. Ultimately, the norms adopted by the norm-taker often differ dramatically from those promoted by the norm-maker.<sup>39</sup> Yet, norms that have not been accepted broadly within society and in a way that redefines the norm-taker’s identity, preferences and interests cannot be considered successful norm imports.<sup>40</sup>

#### *E. Steps Towards a Reflexive Study of Norms, Norm Diffusion and Identity Construction*

A reflective study of norm diffusion and identity construction builds on critical constructivist insights and takes into account the critique of the norm diffusion literature. There is a need to overcome the social constructivist tendency to privilege structures over agency and develop our understanding of agency in the norm diffusion literature. In addition, we need to move beyond the traditional bias that favours norm-makers by highlighting the agency of the norm-taker as well as to conceptually develop the terms used to characterize the asymmetrical relationship between the exporter of so-called “universal” norms and the importer of these norms and rethink their relationship. In addition, it should be pointed out that norms are always subject of communicative and interpretive processes, yet this interactive dimension is seldom addressed. There is also a need to understand the relationship between different pathways of norm transfer to map whether they are complementary or in substitution of each other. Attention should also be given to the venue, ie, the institutional setting in which norms are diffused, promoted and negotiated.<sup>41</sup>

36 T Risse and K Sikkink “The Socialization of International Human Rights Norms into Domestic Practices: Introduction” in T Risse et al (eds) *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, Cambridge University Press, 1999) 1; Finnemore and Sikkink, above n 5.

37 Acharya, above n 35, at 243.

38 Björkdahl, above n 5.

39 Coleman, above n 9.

40 R A Payne “Persuasion, Frames and Norm Construction” (2001) 7 *European Journal of International Relations* 41.

41 Coleman, above n 9.

The “normative black box” is a weak point of the norm-maker –norm-taker approach and how norms are charged and changed by their travels are scantily investigated. Norms are no typical export good that is framed and reframed without changes in quality. As norm diffusion is a communicative and interpretive process, the norm is changed in content and meaning. Terms such as norm transfer, norm diffusion or norm export suggest a quasi-automatic expansion of a certain normative paradigm. Instead, both the norm diffusion, and the meaning of the norm itself undergo complex processes of re-interpretation, re-negotiation and even norm erosion as the process of friction clearly demonstrates. Through a process of friction, diffused ideas and norms are altered, changing facts on the ground as it leads to the reconstruction of identities, the alternation of and the supplanting of old power structures and new unexpected coalitions built on “awkwardly linked incompatibles”.<sup>42</sup>

Norms are of abstract quality, hence processes of norm diffusion are often hard to detect and it is not always we are able to observe the actual norm. Often we have only indirect indications of the norm, such as the rhetoric surrounding the norm.<sup>43</sup> The most obvious sign of norm import seems to be when the norm constitutes the practice of the norm-taker. However, the rhetoric of norm acceptance often precedes practice. A norm narrative, for example, may serve as a carrier of meaning and seeks to justify the norm itself. Since norms are inter-subjective they are often discussed and articulated before being adopted.<sup>44</sup> This means that we may study the discourse surrounding the norm import. For instance we can find a number of narratives and stories around the norm of “good governance”, which may be considered as a discursive agent of normative transfers. They provide evidence of the meanings and interpretations ascribed to a particular norm within a specific relationship, and the narratives also allow for identifying differing interpretations of the norm in the norm diffusion process. These narratives are formed by the norm-maker, but also by the norm-taker, and form discourse coalitions that interact during the process of diffusion and adoption.

In mainstream constructivism there is an inherent normative bias towards liberal international norms and an assumption that the adoption of these norms represents positive progress. The perception of these norms as “universal” means that the appeal of “norms that are rooted in other types of social entities regional, national and sub-national groups” is often ignored.<sup>45</sup> Yet, the actual adoption of new norms is consequently dependent on and interconnected with the particularities of the communities where

42 A L Tsing *Friction: An Ethnography of Global Connection* (Princeton, Princeton University Press, 2005) 16.

43 Björkdahl, above n 5.

44 Finnemore and Sikkink, above n 3; Björkdahl, above n 3.

45 J Legro “Which Norms Matter? Revisiting the ‘Failure’ of Institutionalism” (1997) 51 *International Organisation* 31.

they are adopted. Levitt and Merry refer to such processes of appropriation and local adoption as “vernacularization” when external “ideas connect with locality, they take on some of the ideological and social attributes of the place, but also retain some of their original formulation”.<sup>46</sup> For instance, the norms pertaining to human rights are often regarded as universal with a convincing track record of transforming societies. However, while portrayed as transcending borders on a global scale, their impact on the ground in various localities is rarely identical. On the contrary, depending on where the norms travel, they change and are being changed through frictional interaction with the local context and actors. The result is thus that societies are transformed by, as well as transforming human rights. Consequently, even if we relate to human rights across the globe, their impact on the ground is diverse.<sup>47</sup>

These points demand a critical and reflexive perspective on norm export and import, in particular, if the EU is regarded as the norm-maker and is related to the process of becoming European, which depicts a policy paradigm in which practices of normative transfer or democracy promotion are embedded and where values such as sovereignty or autonomy are no longer sacrosanct. A large part of the debates on EU’s normative or transformative power focus on the starting and ending points of normative transfers, yet devote less attention to the identity-shaping aspect of norm diffusion. An understanding of the EU’s external policies as a normative or ethical project of building new member-states needs to take into account the processual dimension of becoming European. Since the 1990s, the EU’s enlargement policies increasingly aim to transform “the Other”.<sup>48</sup> The Other in the process of enlargement is not seen as an enemy, but as a potential part of self. Threats and forms of coercion such as conditionality certainly still exist in member-state building, and they are perceived as key in the harmonization process. The states in the Western Balkans do not fully resemble the European ideal and the use of the term “Balkanism”, legitimizes treating the Western Balkan as the Other.<sup>49</sup> The interactive, often frictional, process between the EU as a norm-maker and the countries of the Western Balkans as norm-takers and between abstract norms and the locality where they operate, unequal and heterogeneous global/local norms-practices encounters has led to new arrangements of culture, meaning and power in societies that are being transformed and are transforming themselves into members of the EU.

46 P Levitt and S Merry “Vernacularization on the Ground: local uses of global women’s rights in Peru, China, India and the United States” (2007) 9 *Global Networks* 446.

47 Risse and Sikkink, above n 36.

48 D Chandler “Other – regarding ethics of the ‘empire in denial’” in V Heins and D Chandler (eds) *Rethinking Ethical Foreign Policy* (London, Routledge, 2007) 161.

49 M Todorova *Imagining the Balkans* (Oxford, Oxford University Press, 1997/2009).

### III. BECOMING EUROPEAN: EU'S TRANSFORMATIVE POWER IN THE WESTERN BALKANS

In the early days of the siege of Sarajevo in the mid-1990s, a photo of a half-ruined post office with three items of graffiti written on its wall captured the imagination of the world. The first graffiti read "This is Serbia!"; the second stated "This is Bosnia". And someone scrawled underneath, "No, you idiots, it's a post office!" But a European historian of the present added a line of his own, "This is Europe".<sup>50</sup>

The line "This is Europe" embodies the European Union's moral imperative when it comes to overcoming the legacies of war and destruction in the Balkans. Over the years the member states of the EU have come to share a number of norms, which have created a sense of common "Europeanness" or a shared identity as democratic and peaceful states. The EU attempts to externalize these norms guiding the interaction among its member states in its relations with other states, particularly potential member-states. The European Union is regarded as possessing a "silent disciplining power on the 'near abroad'".<sup>51</sup> Bordering the EU, the Western Balkans<sup>52</sup>, have been a target of EU norm export and enduring efforts in the enlargement process. These states emerging from the breakup of the former Yugoslavia have searched for new norms to replace the ones discredited by violent conflict and communism and a new European identity. Since their independence they have been exposed to the normative influence of the international community and the EU.<sup>53</sup> The rhetoric of "Europeanization" underlines much of the EU activities in the region, and the EU has confirmed its goal to integrate these states into the economic and political mainstream of Europe.<sup>54</sup> This commitment by the EU, in combination with Slovenia's entrance into the Union in May 2004, encouraged the membership aspirations of the rest of the Western Balkans. Croatia signed the accession treaty in 2011, setting Croatia to enter the EU in 2013 and Macedonian gained candidate status in December 2005. Barely six years after declaring independence, Montenegro started EU accession negotiations in June 2012, overtaking Macedonia on the EU accession path and leaving all other Western Balkan countries, with the exception of Croatia,

50 T Garton Ash "Bosnia in Europe's Future" (1995) New York Review of Books 21 December.

51 O Waever "Insecurity, security and security in the West European non-war community" in Emanuel Adler and Michael Barnett (eds) *Security Communities* (Cambridge, Cambridge University Press 1998).

52 The concept of the Western Balkans is in no way unproblematic as it has certain negative connotations. I have from time to time changed it to the South Eastern Europe or the former Yugoslav Republics, yet, I have concluded that the Western Balkans is functional and workable to use.

53 C Pippan "The Rocky Road to Europe: The EU's Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality" (2004) 9 *European Foreign Affairs Review* 219; GKnaus and F Martin "Travails of the European Raj" (2003) 14 *Journal of Democracy* 60.

54 Presidency conclusions of the Thessaloniki European Council (19 and 20 June 2003) <[www.consilium.europa.eu](http://www.consilium.europa.eu)>; International Commission on the Balkans *The Balkans in Europe's Future* (2005) at <[www.becei.org](http://www.becei.org)>.

behind. Serbia's path towards EU membership has been long and bumpy and Serbia formally applied for membership in December 2009. The ICTY issue and Serbia's position on Kosovo resulted in the Council finally tasking the Commission to prepare an opinion on Serbia's application and in 2011 Serbia became an official candidate.<sup>55</sup> This places the EU in a strong position to use its normative power to influence the states in the Western Balkans and to a varying degree they are likely to be receptive to EU norm export and to have a will to reconstruct their identity.

### A. *The EU Norm Export: Beyond Legal Harmonisation*

The identity of the EU as a norm-maker is often represented in the discourse of the EU as a normative power<sup>56</sup>, which "constructs a particular self of the EU", "while it attempts to change others through the spread of particular norms".<sup>57</sup> Ian Manners stresses that the EU is committed "to placing universal norms and principles at the centre of its relations with its member states ... and the world".<sup>58</sup> EU member-state building in the Western Balkans clearly demonstrates the EU's ambitions to transfer its norms to mould the Western Balkans in its own image. It is guided by the Copenhagen criteria and the EU *aqui communitare*. This, of course, includes the EU as leading by example providing a model for the Western Balkans to emulate and norm negotiations as a mechanism of norm transfer in member-state building. Europeanisation through membership works to a large extent through diffusion of legal norms, and legal negotiations and coercion. EU member states are subject to EU norms expressed in policies and institutions diffused through the case law of the European Court of Justice (ECJ) or European directives that aims to harmonise national legislations. Yet the supremacy and direct effect of EU law also provide incentives, e.g. in form of financial sanctions, and arenas for elite-learning and persuasion. At present the negotiations and membership talks with the EU focus on the terms under which the applicants from the Western Balkans will adopt, implement and enforce the *acquis* (i.e. the detailed laws and rules adopted on the basis of the EU's founding treaties), and, notably, the granting of possible transitional arrangements which are limited in scope and duration. At the heart of the member-state building strategy is the need to move on quickly from the formal adoption of legislation to the development of the capacity to implement it. The development of this capacity will be absolutely critical for the prospects of the Western Balkan

55 J Rupnik (ed) *The Western Balkans and the EU: 'the hour of Europe'* Challiot Papers No 126 (Paris, EU Institute for Security Studies, 2011); COM (2011) 668, (2011) Communication from the Commission to the Council and the European Parliament. Commission Opinion on Serbia's application for membership of the European Union (COM (2011) 668 final).

56 Ian Manners defines normative power as a power that is neither military nor purely economic, but one that works through ideas and opinions. Normative power is a power that is able 'to shape conceptions of the "normal."'

57 Diez, above n 6, at 614.

58 Manners, above n 3, at 241.

states in their aspiration to join the EU. The negotiating framework needs to be enhanced so as to include capacity building as its principal and explicit objective. This takes priority both during the pre-accession Europe Agreement phase and during negotiations themselves. The current candidate countries from the Western Balkans are even more subject to accession conditionality, although its credibility is declining due to the radical changes many of the Western Balkans still have to undergo in order to qualify for the next steps in the accession process – so far, Croatia is the only candidate that will join the EU in the near future.<sup>59</sup> Croatia has already demonstrated that the process has become increasingly demanding as more emphasis is placed on the implementation of laws than on their adoption. Now every member-state can insist on specific benchmarks for the opening and the closing of each of the 35 negotiation chapters. This provides ample opportunities to block the process if progress is seen as inadequate. Turkey's progress towards EU membership also confirms that there is no automaticity once the process has commenced. Since 2005 when negotiations opened, Turkey has closed only one chapter. For Montenegro, the process has become even more demanding when negotiations open in 2012.<sup>60</sup> Following a proposal of the Commission, the EU has decided to start accession negotiations with the chapters on “judiciary and fundamental rights” and “justice, freedom and security”. These two chapters will contain an additional set of interim benchmarks, reflecting the importance attached to these issues by the EU. Counter-intuitively, this may be good news for future accession candidates as increased scrutiny will make them better prepared for membership.

However, beyond the formalities of the *aqui communitare* with its legal norms and the accession negotiations, the process of Europeanisation is also about negotiations of social norms and identity reconstruction. This has proved particularly challenging in the EU's relations with the Western Balkans. In contrast to the “Europeanness” of the EU member states, the term “Balkanism” has been used for the construction of the Western Balkans as “the other within Europe”, more a backward and primitive “self” than an alien “other”. An implicit dichotomy between “good”, modern, progressive EU norms and “bad”, uncivilized, backward, local practices of the Western Balkans has been set up in this discourse. The EU “norm maker”/Western Balkan “norm-taker” dichotomy magnifies the construction of a “superior West” and a “backward East” within Europe.<sup>61</sup>

59 A Elbasani “Europeanization Goes Western Balkans: EU Enlargement, Domestic Challenges and Patterns of Institutional Change” in A Elbasani (ed) *EU Enlargement and Europeanization in the Western Balkans* (London and New York, Routledge 2012); G Noutcheva and S Aydin-Düzgit “Lost in Europeanisation: The Western Balkans and Turkey” (2012) 35 *West European Politics* 59.

60 SEC20111204 (2011) Communication from the Commission to the European Parliament and the Council: Enlargement Strategy and main challenges 2011-2012 <[www.ec.europa.eu](http://www.ec.europa.eu)>.

61 Todorova, above n 49.

### *B. The Western Balkans: Reluctant Norm-takers*

A credible EU membership prospective is a formidable driver behind norm import in the Western Balkans, but the current accession countries have not improved in the way the literature on Europeanisation would anticipate. Although the Western Balkan states are on a “rocky road” to Brussels as part of the accession process, Europe has not yet “hit home” in most of the Western Balkan states. The Western Balkans’ challenge to the EU’s normative power plays out in the politics of compliance and manifests itself in these countries contesting the appropriateness of the EU’s pressure on them to adopt specific norms and values.

The EU norm transfer process associated with the accession has resulted in differential empowerment of elites.<sup>62</sup> As many measures of norm transfer are elite-centred little attention is paid to local political processes including resistance as EU norms clash with settled domestic norms, norm contestation, norm incompatibilities and struggle over norms between various segments of society. When Balkan political leaders openly confront the EU about the conditions for norm transfer, they not only question the normative foundations of the EU but also reject the EU as a norm-maker in the Western Balkans and assert domestic reasons and normative contexts for norm-resistance, rejection, or fake adoption of the new norms exported from the EU. Compliant outcomes in such cases are more the result of the EU’s strategic leverage than of voluntary submission to the EU’s normative power and are vulnerable to reversals in the short run.

The political elites of the various Western Balkan countries have been the main target for the EU’s norm diffusion efforts. As a consequence, these elites have not been immune to the attention and the lure of joining the democratic “Europe” of the European Union. Both in official discourses and everyday speech “Europe” has according to Helms become “a shorthand” for the norms to comply with and standard to be reached in any given area including politics and has often been “accompanied by reference to modernity, civilization and prosperity”.<sup>63</sup> This view is, of course, emphasized by the various representations of the EU as they strongly supported democratic multi-ethnic states with free market, secular political sphere and respect for and compliance with international norms.

A case in point is Bosnia-Herzegovina. Different norm-takers in Bosnian society respond differently to the norm assembly of the accession process. There are some who argue that ethno-national differences are irreconcilable and consequently a well functioning Bosnian state is unattainable. This section of the elite tends to present the Bosnian society in terms of a clash between European (Christian) normative system and Islamic value system where “Serbs

62 Noutcheva and Aydin-Düzgit, above n 59, at 60.

63 E Helms “Politics as a whole: Women, Morality and Victimhood in Post War Bosnia-Herzegovina” in X Bougarel, E Helms and G Dujizings (eds) *The New Bosnian Mosaic: Identities, Memories and Moral Claims in Post-War Society* (Burlington, Ashgate, 2007).

and Croats are the defenders of “Europeanness” against alien “Muslims”.<sup>64</sup> In their defence of the “Europeanness” they use covered Bosnian women to symbolize the backwardness of parts of Bosnia and thereby perpetuate the balkanist discourse. This balkanist discourse depicting the Balkans as “the other” within Europe is used to enhance the political threat of Islam that resonates with growing anti-Muslim sentiments in Europe.<sup>65</sup> These Serb and Croat nationalist elites demonstrate at least a superficial willingness to adopt and adapt the liberal democratic norms to the BiH normative context as a means of moving the Balkans towards Europe.<sup>66</sup>

Yet, other segments of the Bosnian society have a different response. Parts of the Bosniac nationalist elite view the secular, non-islamic “West” as foreign and the EU norm assembly is challenged and resisted. Bosniac political and nationalist leaders “cultivated their moral legitimacy through narratives of victimhood at the hands of atheist communists as well as (nationalist) Serbs and Croats”.<sup>67</sup> Thus, the EU’s promotion of a secular political and social order, the support of a non-religious shared Bosnian identity and their efforts at downplaying the role of Islam is seen as a threat to the core of Bosniac nationalists.<sup>68</sup> In competition with other norm exporters the EU norms have at times clashed with norms with origins in the Muslim world. Like many norm exporters, Saudia Arabia links norms and values with aid, and for example, threatened to withhold aid if the women did not cover themselves “properly” and left donations of veils and all-encompassing cloaks as described by Helms.<sup>69</sup> Yet, some efforts are made by the Bosniac political and religious elite to select norms of the EU normative package that are compatible with the local normative context. Prominent Muslim religious leaders emphasise Bosnia’s “European form of Islam”, which is less distant from the West and BiH at a cross road between East and West echoing widespread popular sentiments among Bosniacs.<sup>70</sup>

Along similar lines some norm-takers sought to reconcile the advantages of the “traditional” normative framework of the “East” and the liberal norms underpinning the enlargement process exported from the “West” in a unique Bosnian hybrid form. Those in favour of a multi-ethnic Bosnia based on a “hybrid” identity and certain shared overarching norms portray an image of the cosmopolitan Bosnia as the bridge between East and West and a willingness to adapt the EU collection of liberal democratic norms to strengthen the hybrid order they favour.<sup>71</sup>

64 At 92.

65 At 94.

66 A Björkdahl “A Gender-Just Peace: exploring the post-Dayton Peace-process” (2012) 37 *Journal of Peace and Change* 286.

67 Helms, above n 63, at 98.

68 Björkdahl, above n 34.

69 Helms, above n 63, at 106.

70 Björkdahl, above n 34.

71 Björkdahl, above n 34; Björkdahl, above n 66.

Although norm import and elite-learning are commonly in focus when analysing responses to transnational norms, these processes have often proved insufficient in successfully localizing the norms diffused by the EU and spread it to the broader population. One reason is that such elite-learning takes place at the “state-above society” level undermining prospects for connecting with grassroots concerns. In general, ordinary citizens in the Western Balkans view politicians with a large dose of scepticism and they are often ridiculed as corrupt schemers engaged in morally compromising activities.<sup>72</sup> Since the dissolution of Yugoslavia, politics have been blamed for producing the politicized ethnic hatred which fuelled the war and continues to obstruct the path to EU-membership.<sup>73</sup> Of all political institutions, Bosnians hold political parties in the lowest regard.<sup>74</sup> Thus it is unlikely that the political elite can function as legitimate norm-takers localizing the EU normative architecture in various communities in the Western Balkans.

The interplay between the EU package of norms promoted in accession processes targeting future member states is an interplay that depicts an asymmetrical relationship that is diverse and unequal with no inherent or predestined outcome. Friction occurs between the EU norm package and the local agencies, which transforms the EU ideas, norms and methods, forming new normative architectures – as well as being formed by them. The process of friction should thus not be seen as a confrontation between the EU and its norms or between the EU and the Western Balkans, but rather as an unstable, unexpected and uncertain process in which universals and particulars confluence and create new and messy dynamics, actors, and structures. Friction captures how “universal” norms underpinning the Europeaness are invested with the characteristics of Western Balkan realities to resonate with or with an ability to change this context. Through a frictional process of norm transfer, EU norms may become local practices, yet they never fulfil their promise of Europeaness. It is only when EU norms assume concrete form as local institutions and processes that they move from the EU to the Western Balkans. In the practical implementation the norm assembly of the EU and the Europeaness is dissolved to unmake and remake what liberal democracy actually is and how it works. How norm transfer actually works varies due to a number of different factors. These include the nature, persuasiveness, resonance and familiarity of the EU norms and the norm package in which they are embedded, the legitimacy and place of the norm-taker in the local social and power

72 In its 2008 corruption report, Transparency International (TI) noted that Bosnia and Herzegovina was the most corrupt nation in the western Balkans and rated 92<sup>nd</sup> most corrupt among 180 nations surveyed.

73 P Pickering *Peacebuilding in the Balkans: The View from the Ground Floor* (Cornell University Press, Ithaca, 2007) at 154; Helms, above n 63, at 238; Elissa Helms “East and West Kiss: Gender, Orientalism and Balkanism in Muslim-Majority Bosnia-Herzegovina” (2008) 67 *Slavic Review* 88.

74 Pickering, above n 73, at 155.

hierarchy, the competitiveness and attraction of ideas, norms and notions of governance and European identity articulated and derived from the local context. Consequently, the norm-takers wrestle with the dilemma of presenting ideas about Europeanness in terms that correspond with notions of Europe emerging from within the Western Balkans. They unpack the EU normative assemblage and assess and negotiate its norms, reframe and adjust them to present a set of norms that resonates with the local context. Norm-takers are also engaged in local deliberative processes to construct and articulate local notions about Europeanness that may confirm or challenge the norms of the EU normative architecture. This talking back to the EU level is a feedback loop that may alter the normative content of the democratic Union and the Europeanness promoted by the EU. Local formulations and implementation of EU norms is not unproblematic and some local institutions, norms and practices are not necessarily legitimate or conducive for constructing an EU member state.

### C. Asymmetric Relationships

The power asymmetry is particularly pronounced in the relationship between the EU in its various representations and the politicians and citizens of Western Balkans. Some scholars warn against Europeanization as a “*mission civilisatrice*” and, informed by post-colonial thought, others argue that the EU member-state building project in the Western Balkans is cast in the “mould of colonialism”. We are led to believe that the norm package of the liberal democracy in the EU version is exported mainly through the exercise of normative power and thereby untainted by hard coercive and material powers.<sup>75</sup> Yet, a structural analysis of power relations will produce in-depth understandings of the asymmetric relations between the EU as an active norm-maker and the Western Balkans as passive norm-takers. The Balkanism discourse, which tends to guide both norm-makers and norm-takers, is an example of this as it was built on a diffuse and indirect relationship of domination and subordination of the Balkans vis-à-vis the EU. Yet, in this critique of the accession process lays a danger in romanticizing the candidate countries and validating the EU without much connection or communication between the two. Now the issue of contention is how the EU should engage with the local practices that do not commensurate with international norms. In the Western Balkans this problem was revolved around the recurrent controversies over the delivery of indictees for ICTY trials (International Court on the former Yugoslavia), which have led to periodic re-examinations of the relationship between the states of the region and the EU.

75 Adler above n 1; A Björkdahl, O Richmond and S Kappler “The emerging EU peacebuilding framework: confirming or transcending liberal peacebuilding?” (2011) 24 Cambridge Review of International Affairs 449.

#### IV. CONCLUDING REFLECTIONS

This article aimed to critically reflect upon the norm diffusion literature and provide some empirical insights to the process of becoming European by studying the EU's relationship with potential, future members and actual candidate countries in the Western Balkans. Theoretically, it aims to avoid a common bias towards "successful" norm diffusion as the theoretical framework elaborated on is intended to be equally useful to empirically explore "successful" as well as "unsuccessful" cases of norm transfer. Second, it views norm diffusion through a critical constructivist prism allowing for interplay between the EU ideas and norms and local agency and practices in the Western Balkans. This approach assesses the unequal relationship between the so-called 'norm-makers' ie the EU and the so-called 'norm-takers' ie the countries of the Western Balkans as well as local power-asymmetries between different communities and hierarchies within communities. Third, it allows us to explore Europeanness and identity reconstruction. Forth, to grasp the abrasive, unequal and unpredictable ways in which "universal" norms travel to and through particular spaces and times the metaphor "friction" is used. The notion of friction also captures the diverse and unequal encounters that produce new power dynamics through the fragmentary intersection of ideas and norms in the EU/Western Balkan conversation. Persuasive norms travel across difference and are charged and changed by their travel. This allows for rejection of and resistance to the norms intended to create a common Europeanness and for differences in willingness to adopt or adapt norms between various segments of society. Through the approach adopted here it is possible to critique the EU "norm maker"/Western Balkans "norm-taker" dichotomy, the universality of EU norms underpinning member-state building and the tendency to essentialise identity. Without privileging or romanticising the Western Balkans this framework is premised on the assumption that EU norms are charged and changed by the process of norm transfer, as is the Europeanness of the EU when new member-states enter the union. Hence, by acknowledging the friction that occurs between EU norms and the different localities in which they operate, this article was able to theorise various excluding, enabling and/or particularizing trajectories that produce repression, resistance and alternative agencies. We are also able to understand how the EU's norms travel across differences, accommodates as well as is accommodated by the places they engage, and change dynamics among actors.