

# **The EU as a ‘normative power’: how can this be?**

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**DRAFT.** Please do not quote. Comments are very welcome!

## **Abstract**

This paper criticizes existing conceptions of the EU as a ‘civilian’/‘normative’/‘civilizing’ power for lacking sufficient precision. Further, it argues that such conceptions are normatively biased. Implying that the EU is a ‘force for goodness’ they lack the necessary criteria and assessment standards to qualify or substantiate such conclusions. In order to rescue the argument of the EU as a ‘normative’ power the paper suggests that the core feature of a putative normative or civilizing power would be that it acts in order to transform the parameters of power politics through a focus on strengthening the international legal system. The paper concludes that from such a perspective there is a tension in the EU’s approach to international affairs.

**Key words** Normative; civilian; European Union; foreign policy; communicative rationality; law.

## Introduction

The purpose of this paper is to re-examine the argument that the EU should be conceptualised as a 'civilian', 'normative' or 'civilising' power in the international system. It has proven to be a fruitful avenue for research in particular because it has brought the research agenda on European foreign policy a step forward from the at times sterile discussion on whether the EU 'actually' has a foreign policy or not. The fact that it also links into broader theoretical debates in international relations and foreign policy about the role of norms, values and ideas in international affairs further enhances the relevance and interest of the argument. However, it is an argument that also raises a number of questions and provoke debate. The conception of the EU as a 'normative' power is contested.

In this paper I ask how we know a 'normative' or 'civilizing' power when we see it. I suggest that in order to answer such questions we need to establish criteria and assessment standards for examining the EU's international role and its putative normative dimension, and that this is lacking in the existing literature. Although the argument is presented differently by different observers, and is also difficult to unpack, however, three dimensions tend to be present. Firstly, there is a claim about the EU being a different and thus novel kind of power in the international system. Secondly, this difference or novelty is considered to consist in the EU's pursuit of the spread of norms and values. These two first dimensions often seem to lead to a third dimension: that the above characteristics are somehow linked to the type of organization or polity that the EU is. According to Ian Manners whose article, together with Francois Duchêne (1972) conception of the EU as a 'civilian power', has become a core reference in this literature: 'the central component of normative power Europe is that the EU exists as being different to pre-existing political forms, and that this particular difference *predisposes it to act in a normative way*' [my emphasis] (Manners 2002: 242).

However, these arguments seem to lack sufficient precision. Furthermore, the impression conveyed that the EU is a 'force for the good' needs to be further specified,

scrutinized and accounted for. This is so regardless of whether we want to further substantiate such claims or modify or reject them. So, the question is, if the EU were to be a 'normative' or 'civilizing' power, what might be its core identifying features? And furthermore, would such features set the EU apart from other actors in the international system?

The paper is organized in three sections. In each section I discuss a particular feature that might be used to identify a 'normative power'. The question of the general 'fit' of this feature with the EU and the extent to which this can be said to be a feature that is particular to the EU are also discussed, although the main aim of the paper is not to systematically test the empirical relevance of the 'normative power' argument.

### **'Normative' power as 'civilian' power?**

The EU's lack of military instruments is often mentioned in the description of the EU as a 'normative' power. Is this then the core feature that allows us to identify a 'civilizing' power as well as the distinctiveness of European 'normative' power? As noted in the introduction, this argument, as the civilian power argument on the whole, has its roots in Francois Duchêne's (1972) conception of the European Union. The argument has attracted attention not only in the rather limited community of academics interested in the EU's external policies, but also in the broader policy debate, as the writings of Robert Kagan (2003) testify to. Arguing that the Europeans come from Venus and the Americans from Mars, Kagan establishes a contrast between the (in his view 'realistic') United States, which relies on military power and subscribes to a perspective on international relations consistent with a so-called Hobbesian war of all against all, and the EU's 'Kantian' approach, focusing on 'soft', civilian means.

Although Kagan's pamphlet has received more attention than the academic writings on the topic, similar arguments about what characterizes the EU's international role are found in the academic literature. Thus Menon *et al.* argue that the EU is 'a pioneer in long term interstate peace building, a pioneer actor through trial and error and thus

designing options for peaceful governance. In this vision, the EU is one of the most formidable machines for managing differences peacefully ever invented' (2004: 11). Karen Smith also considers this to be a core feature of the EU's international role: 'the EU still clearly prefers positive civilian to coercive military measures' (2003: 111; 2000). The emphasis is on the panoply of civilian instruments that the EU, in contrast to for example NATO, has at its disposal, and that puts the EU in the unique position of being able both to contribute to prevent conflict from erupting and to manage the aftermath of conflict.

However, given that the EU is now developing military capabilities, where does this leave the argument? Are the conceptions of the EU as 'civilian' power and 'civilizing'/'normative' power inextricably linked together? With military means at its disposal, the EU would be able to make credible threats. It would not need to pay too much attention to other actors' interests, perspectives, or arguments in order to get its way. The option of 'going alone' and/or imposing its own interests or values would be a more realistic one than what it has been so far.

From Kagan's perspective Kantian Europe is only 'Kantian' by necessity, not by choice. Consequently, one would expect the EU to pursue a different approach if it were to obtain military capabilities. The idea that the EU has no other choice than to be a 'civilian' power is also to some extent echoed by Duchêne who wrote that 'The one thing Europe cannot be is a major military power' (Duchêne 1972: 37).<sup>1</sup> What he wrote was clearly conditioned by the assumption that the Cold War and the bloc to bloc division was a core element of international as well as European security. And he emphasized that it is not possible to define what the EU should do without taking into consideration what it actually *can* do. However, it was not only the international context that made the prospects of a military EU unimaginable according to Duchêne. It was also linked to his assumption that a European federation was (in the early 1970s) a far fetched prospect. Consequently he considered that the EU would in the future play a modest role 'in military issues of world peace and war' (p. 38).

There seems, however, to be a twin problem with Kagan's argument. Firstly, he relies on a perspective on the international system that makes it impossible for him to consider an alternative understanding of the EU's international role to that of 'Kantian by necessity'. It is his view of international relations – the world outside Europe – as essentially ruled by the 'laws of the jungle', where might is right, that leads him to the conclusion that if the EU could, it would be a 'Hobbesian' rather than a 'Kantian' power. However, this view of the world is contested even by realists such as Hedley Bull (1977), whose conceptualization of international society as one in which there is a common agreement at least on some minimal rules, contrasts with Kagan's view. Here, it is also clear that Duchêne and Kagan are different. Duchêne's argument about the EU's potential 'civilizing' influence is linked to his view of the international system as characterized by interdependence, joint problem-solving and a multitude of state and non-state actors (Duchêne 1972; cf. Maull 2000). His interest in the EU as a 'civilian' power is thus linked to a perspective on international affairs being gradually transformed in a manner that makes military capabilities less relevant. A second problem with Kagan, which is linked to the first, is that he does not have a theoretical apparatus that allows him to investigate the, at least theoretical, possibility of actors rationally assessing not only what kind of action might be most beneficial to them, but also what might be the 'right' or the 'appropriate' course of action in a particular setting.

In fact, the claim that the EU is a 'civilian' and thus 'civilizing' power by necessity must be problematized. If we consider the EU's Security Strategy (ESS) of December 2003 (European Council 2003), where the so-called 'new threats' to European security are reviewed and analysed, it becomes clear that the use of military force is still not considered the first option. Rather the security strategy seems to continue the tradition of 'civilian power' in the sense that it argues not only that the 'new threats' are not purely military, as they were considered to be during the Cold War, but also that most of them cannot be tackled by military means. Economic instruments are stressed as important to ensure reconstruction and so is civilian crisis management. Trade and development policies are highlighted as powerful tools to promote reform and ensure stability. And assistance programmes, conditionality and targeted trade measures are underlined as

important elements in the EU's Security Strategy. Such initiatives are part of what the ESS defines as 'pre-emptive engagement' – aimed at ensuring 'a world which is seen as offering justice and opportunity for everyone' (European Council 2003). Consequently, the EU does not seem to have abandoned the belief in civilian instruments even though its potential ability to do so if it wishes to is increasing.

*'Soft' versus 'hard' instruments – a false debate?*

However, one thing is to argue that even with military capabilities at its disposal, the EU tends to favour civilian instruments. Another is to argue that the availability of military force is by definition alien to a concept of 'normative' or 'civilizing' power. Karen Smith (2002 and 2004) considers this to be the case, while Manners' answer is that these things should be kept separate. Yet his reasons for keeping them separate are that he is not interested in capabilities but in 'normative power of an ideational nature' and that the EU's ability to 'shape conceptions of "normal" in international affairs needs to be given much greater attention' (Manners 2002: 239). The main point for him then seems to be to highlight an additional dimension of the EU's international role. However, does this really tackle the potential difficulty of one such dimension of the EU's international role undermining another, i.e. of 'military EU' coming back to haunt the putative ideational nature of the EU's 'normative' power?

Arguably we cannot from the outset say that the ability to use military force or to threaten to do so would be contrary to a 'civilizing' or 'normative' power. What if important norms are clearly and systematically broken? Would this not provoke a responsibility to react rather than look the other way? It may also be that the threat of the use of force is required in order to appear credible to third parties when seeking to promote particular norms. The criticisms of the EU's role in the crises in former Yugoslavia suggest that for a putative 'normative' power, the *in-capacity* to act is by many considered to be as problematic as the capacity to act. Furthermore, civilian instruments, although often referred to as 'soft' instruments, are not necessarily benign and neither are they necessarily non-coercive. We know from the very recent example of Iraq that economic

sanctions can cause serious harm, and that their effects are often indiscriminate. They may hit civilians and in particular children very hard. So the use of non-military instruments cannot on their own be enough to identify a polity as a ‘normative’ power.

### **Promoting norms not self-interest?**

If ‘civilian power’ is not a sufficient or satisfactory criterion for identifying a ‘normative’ or ‘civilizing’ power, can the claim that the EU, in its external policies, promotes norms and values rather than, or in addition to, its own particular interests do the trick? There is a general sense that the EU’s external policies are not solely derived from a desire to promote its own interests, but must be seen as moved also by a certain understanding of what ‘ought’ to be done (Rosencrance 1998, Lucarelli and Manners 2005, Aggstam 2000, Manners and Whitman 2003). The argument has perhaps been forwarded most systematically with regard to the EU’s enlargement policies, although this literature differs with regard to what type of norms can explain the EU’s policies (Sedelmeier 2000; Schimmelfennig 2001; Sjursen 2002).

Not all agree with this way of understanding the EU’s international role though. Critical to the ‘normative’ power argument Richard Youngs (2004) has sought to demonstrate that EU human rights policies for example actually rest on strategic considerations and an instrumental rationality. However, Youngs does not even make it plausible that the EU’s policy has come about as a result of self-interested calculations. He observes that the EU’s approach to human rights in third countries is inspired by a ‘gradualist philosophy’ seeking controlled change in target states. Rather than provide evidence for his argument that self-interest is ‘at the bottom’ of the EU’s human rights policy, this points to (normative) considerations of how best to promote human rights norms in third countries. Furthermore, the alternative to controlled change – use of hard power and coercion – would probably make for a poorer fit with the conception of ‘normative’ power. Finally, one might add that even if Youngs had demonstrated that the policy was triggered by strategic considerations, it would not necessarily topple the ‘normative’ power argument,

given that the norms diffused may very well be considered valid and legitimate even though the motives of the EU for diffusing such norms are self-regarding.

In a more thought through critique Knud Erik Jørgensen and Katie Laatikainen, also sceptical to the 'normative' power argument, observe that 'the EU's self-image is characterised by a curious blindness to own interests. Instead, the Union tends to present itself as a force for goodness in international society' (2004: 15). Their argument appears to be that what the EU 'really' does is to play down its own interests, and that this needs to be better explained. One plausible explanation for this, they suggest, is that the EU is both a servant of the member states and an actor in its own right and therefore should not have interests (although in reality, in their view, it does). Hence, they do not seem to deny the importance of the diffusion of norms as part of what the EU does in its external policies, but rather wish to understand why the onus is exclusively on this dimension. Also important for their argument is that they find it difficult to see the emphasis on values and norms as something that is particular to the EU.

### *US 'normative' power*

Although the emphasis on ideals and moral principles has varied over time and also in accordance with the holder of the Presidential office in the US, there is a long tradition of seeing the foreign policy of the United States as having important normative undertones, as well as having a particular focus on human rights and democratic principles. This is so for example in the US' relations with Eastern Europe where, at the end of the First World War, President Woodrow Wilson's Fourteen Points achieved status as a basic charter for freedom among the European peoples. Human rights are also considered to have been crucial to Jimmy Carter's foreign policy in the 1970s. Even Ronald Reagan's foreign policy must be seen as inspired by a sense of moral conviction and not only by *realpolitik*. As Dallek has put it:

For Ronald Reagan the world outside the United States is little more than an extension of the world within: the struggle to defend freedom and morality abroad is a more intense version of the battle to preserve these virtues at home. In the

eyes of Reagan and other conservatives, the communism of the Soviet Union represents the end point, the logical culmination of dangerous currents – big government, atheism, and relaxed moral standards – that they see so powerfully in America.

(Dallek 1984: 129–30)

Yet the EU is often described as a ‘normative’ power *in contrast* to the US (Lucarelli 2004). How can this be?

The problem with thinking of a ‘normative’/‘civilizing’ power only in terms of diffusion of norms, values and ideas is not only that this is a characteristic that is not particular to the EU. Efforts to justify foreign policy with reference to norms also often lead to suspicions of hypocrisy and hidden agendas. Again, the example of the US, whose ‘normative’ foreign policy provokes profound scepticism, is instructive. Lundestad (1990: 41) for example considers that

Most European observers have been rather sceptical about the American claim to uniqueness, particularly as it usually implied American superiority. To many Europeans, what was unique about America was its uncanny ability to make the most inspiring idealism coincide almost perfectly with rather ordinary national objectives.

#### *Norms, coercion and missionary politics*

The scepticism is not however only of the realist variant, where the underlying assumption is that there is no alternative to an understanding of foreign policy as one where states have certain fundamental interests that they pursue systematically in the international system. US ‘normative power’ also provokes scepticism due to the methods or instruments employed in order to ensure respect for normative convictions. In contrast to Youngs’ scepticism to the idea of the EU as a ‘normative power’, the scepticism to US idealism is linked to norms and principles being imposed through force and without regard for the particular context in which they are to be inserted (Coker 1989: 44; Davis 1974: 378).

Here the point seems to be that a policy that focuses exclusively on the abstract validity of norms is problematic. The importance of contextual knowledge such as historical conditions, geopolitical characteristics, and the realities of power or particular interest is underlined. Such contextual knowledge may contribute to answer the question of what is the most appropriate solution to a particular policy dilemma in situations where different normative priorities collide. Is it possible that a distinguishing mark of the United States approach has in certain periods been an explicit priority to moral imperatives – a desire to avoid the moral ambiguity that almost inevitably arises when you move from abstract principles to practical policy (Sjursen 2003)? If this is so it would nevertheless mean a contrast between the United States and that of the EU, as Richard Youngs' argument is exactly that the EU does take contextual factors into consideration.

As noted, the scepticism to the US variant of 'normative' power is not only due to a tendency to disregard context but also due to the use of coercion to impose norms. The element of 'power politics' does not disappear even if diffusion of norms is what is apparently at stake. Reagan's policy for example must be seen to have been inspired by a deep rooted conviction that the values promoted by the United States were ultimately beneficial to the rest of the world. However, the defence of human rights was interpreted as a national mission, which followed logically from the US' status as a superpower. The policy in defence of human rights and democracy was conducted according to the premises of power politics. This is illustrated for example in the following quote from Reagan's advisor Edwin Meese:

[...] the Soviets would have to come to terms on authentically peaceable agreements, not because they were trustworthy, but *because they had no other choice*. The 'objective factors', to use a communist phrase, would lead inexorably to a stand down from the Cold War.

(Meese 1992: 170)

The example of the United States thus seems to suggest that in order to pinpoint a 'normative' power, as well as to distinguish European 'normative' power from the normative dimension that seems to be part of the foreign policies also of other actors in

the international system, it is not enough simply to argue that this has to do with promoting norms and values and not only strategic interests in the international system. In fact, the scepticism pointed to with regard to the policies of the United States confirm that norms, values and ideas are not benign, and furthermore, that the conceptions of the EU as a 'normative' power, 'civilian' power or 'civilizing' power are normatively biased. They imply that the actor defined by these concepts is actually a 'force for the good' to use Jørgensen and Laatikainen's (2004) expression. Yet, the concepts of 'normative' or 'civilizing' power are too indiscriminate. They do not allow us to distinguish what might be normatively acceptable, i.e. what might be a legitimate pursuit of norms, from a pursuit of norms that is not considered to be so. Is it only because the EU is less powerful than the US that the scepticism towards its 'normative power' is less strong? And how do we know that 'normative power' Europe is not acting in the same way as 'historical empires', or simply covering up its own interests through references to values and principles?

*A 'predisposition to act in a normative way'?*

As noted in the introduction, most authors argue that the 'normative', 'ideational' or 'civilizing' power of the EU is linked to the core characteristics of the organization – which 'predisposes it to act in a normative way' (Manners 2002: 242). Yet what is it about this organization that 'predisposes it to act in a normative way'? Can we reasonably expect that it continues to do so and to do so consistently, and how do we know if acting in a normative way is actually a 'good thing'? Three features are identified by Manners as important in terms of predisposing the EU to act in this way: the EU's historical context; its characteristic as a hybrid polity; and its political–legal constitution (p. 240). More concretely, he refers to the fact that in the context of the end of the Second World War Europeans were committed to pool sovereignty to curb nationalism; that the EU is a new type of entity that combines supranationalism and international forms of governance; and finally that its constitutional norms, which embody the principles of democracy, rule of law, social justice and respect for human rights condition its international identity. Yet are these characteristics of the EU on their own enough to demonstrate that 'the EU is not

simply promoting its own norms in a similar manner to historical empires and contemporary powers' (Manners 2002: 240)?

It would seem that in order for the 'normative' power argument to become plausible, and thus in order for it to be possible to identify 'normative powers', further theoretical underpinnings are necessary. We must at least be able to account for why it is reasonable to expect that a polity such as the EU would not pursue an external policy that breaks with internal principles (i.e. that its organizational characteristics 'predisposes it to act in a normative way'), as well as be able to discriminate between different types of norms and their legitimacy (as we cannot de facto assume that 'acting in a normative way' is necessarily a good thing).

### *Theoretical underpinnings*

The challenge is perhaps mainly theoretical, in the sense that we need first of all a conception of human agency that allows us to account for normative behaviour as a 'rational choice'. According to the theory of communicative action actors are rational when they are able to justify and explain their actions, and not only when they seek to maximize their own interests:

The concept of communicative rationality pertains to the idea that not only empirical evidence but also the norms themselves have to be critically assessed and justified. An actor is only rational when she is able to put forward an assertion and, when criticized, is capable of justifying her actions by explicating the given situation in the light of legitimate expectations.

(Eriksen and Weigård 1997: 228)

So the point would not be to posit a difference between idealism, often linked to altruism, and realism, often linked to rationality, but rather to conceive of actors as having

[...] the ability to critically reflect on her own understandings of reality, interests, preferences, and maxims of behaviour; to estimate the consequences for other

actors should she decide to pursue her own interests; and to participate in a discourse with others regarding the interpretation of interest and norms for the coordination of behaviour and interaction.'

(Lose 2001: 185)

This would provide a starting point, as it would allow us to take claims to normative conviction as important factors in foreign policy seriously. Without this, analyses are predetermined to conclude that such claims are simply, as Lundestad (1990) argues a cover for particular interests, or an expression of particularistic values. Any 'normative' power would simply be a hypocrite without this conception. However, one thing is to act in accordance with normative convictions rather than particular interests. Quite another is to know whether this is the right thing to do from a principled point of view, and another one again to know whether it is the right thing to do in a particular or concrete context or situation.

According to discourse ethics it is possible to come to agreement on, or realize, or identify, a principle of universalization, which indicates which norms may be considered valid. This is a norm that meets the condition that: 'All affected can accept the consequences and the side effects its *general* observance can be anticipated to have for *everyone's* interest (and the consequences are preferred to those of known alternative possibilities for regulation)' (Habermas 1990: 65, cited in Eriksen and Weigård 2003: 69). This requires all parties to view the issue from the perspective of the other parties involved. In order to identify the EU as a 'normative' or 'civilizing' power, the question would then be whether or not its external action relies on norms that may be tested and found to be in accordance with this principle. Does the EU, in its external action, refer to reasons that can be expected to gain approval in a free and open debate in which all those affected are heard?

However, as noted, it is one thing to be able to justify a norm with reference to this principle of universalization. Another is to know if the norm is correct in a particular context. What is the right action in a given situation is not necessarily self evident. Different universal norms may collide in a concrete situation or a particular context: 'The

test of universalisability can be used to rule out certain norms of action if it turns out that they are not universalisable' (Eriksen and Weigård: 2003: 80). However, in a given context we often face several universalizable norms that have conflicting content, and that would point us in different directions. In order to solve this dilemma, a distinction has been made between a discourse of justification and a discourse of application. According to the latter, 'the question is if a particular rule should be followed in the present circumstances, and in case of yes, how this should be done' (p. 80). As noted earlier with regard to the United States, a possible hypothesis would be that the EU's and the US' approach are linked, or have at different times in history been linked, to different views of how to handle the tension between different abstract norms in the context of international affairs. Whereas the United States appears less concerned with the particular context in which universal principles are to be pursued, the EU appears, if we are to believe Youngs, concerned with adapting to the context in which such principles are to be introduced.

The above is not enough to close the door to suspicions and accusations of hypocrisy – or to suspicions of actors using norms to justify pursuing particular interests. Neither does it solve concerns about inconsistency in the application and pursuit of norms. However, it gives us some basic building blocks that might allow us to theoretically account for claims about the EU, or other actors, being 'normative powers'. Furthermore, it gives us some tools to start distinguishing between different claims and establishes a core principle suggesting how to evaluate different initiatives, how to know whether 'normative action' is legitimate. Finally, it provides us with the theoretical tools that would allow us to account for why it might make sense to expect consistency between the internal and external standards of a polity such as the EU. In a communicative process, or a process of reason-giving

[...] verbal statements raise expectations of consistency between claims and their correctness and between words and actions. In certain situations double standards and cognitive dissonance will be problematic. Under certain conditions deliberation compels actors to explain and justify their preferences to critical

interlocutors and revise them when criticised.

(Eriksen *et al.* 2005, forthcoming)

Some of these conditions are, as Manners argues, in place in the EU: The EU's constitutional norms embody the principles of democracy, rule of law and respect for human rights. Consequently living by double standards becomes a problem.

### **Self-binding through law**

The principle of universalization may allow us to make the necessary distinctions that make it possible to assess the legitimacy of initiatives in particular cases. However, it is perhaps not a sufficiently strong indicator of 'normative power'. A stronger indicator might be what kind of legal principles the EU relies on in its external initiatives. There is always a risk that actors will follow their own interests even if they know that this may harm others, or suspect that others do so, even if they say the opposite. In order to avoid such risks, common rules are necessary. The law functions as a system of action that makes it possible to implement moral duties or commitments. At the same time it alleviates suspicions of hypocrisy and ensures consistency in the application and pursuit of norms.

To 'act in a normative way' would then be to act in accordance with legal principles.<sup>2</sup> This would also mean that it would not matter so much if particular interests coincided with legal obligations, as long as legal commitments would be respected also when the opposite were the case. The pursuit of norms would be legitimate in the sense that they would be consistent with agreed legal norms. If coercion were used, it would be so only in consistence with existing legal arrangements and in order to uphold the respect for such arrangements.

### *Multilateralism*

Such a perspective would fit with the EU's strong emphasis on international law and multilateralism. Multilateralism is at the core of the ESS, which commits the EU to work

for ‘an effective multilateral system’ (European Council 2003). The EU’s objective is thus described to be to develop a stronger international society, as well as well functioning international institutions and a rule-based international order. Membership in key international institutions is to be encouraged and regional organizations are considered important in the effort to strengthen global governance. The cornerstone of a law-based international order is according to the ESS the United Nations. Its role must be strengthened; it must be equipped to fulfil its responsibilities and to act effectively.

However, is a commitment to multilateralism enough in order for us to identify a ‘normative’ power? And is it enough to distinguish the EU from other ‘normative’ powers? Following Ruggie (1992) what is distinctive about multilateralism is its qualitative dimension: ‘it coordinates national policies in groups of three or more states [...] *on the basis of certain principles of ordering relations* among those states’ (Ruggie 1992: 567, my emphasis). It is these principles of conduct, and not the particular interests of the states or the ‘strategic exigencies’ of a specific situation that specify what is the appropriate conduct. In this way Ruggie rules out the possibility that the state with most resources at its disposal can on this basis alone legitimately expect to have the final word in any given situation within a multilateral setting. So far, an emphasis on multilateralism appears to fit with the concept of ‘normative’ or ‘civilizing’ power and to give us an indicator of what a ‘normative’ power might be.

However a core feature of multilateralism is the principle of sovereignty,. In fact, Ruggie shows that the earliest multilateral arrangements were designed to cope with the international consequences of the principle of state sovereignty, such as the need to ensure the possession of territory and the exclusion of others from it. A core element of the solutions found was that the same rule would apply to all states irrespective of their size, domestic political regime or material resources. So this ensures equality before the law and alleviates the concern that the most powerful only seek to impose their own interest or values in the name of normative concerns. However, the onus is on the rights of states and the equality of states before the law. Consequently, many of the norms that the EU claims to promote do not have legal backing in a multilateral system. This is so in

particular with the emphasis on human rights, which breaks with the principle of external sovereignty. Yet human rights are identified as one of the core principles of ‘normative power’ Europe.

Unless the principles of human rights also become positive legal rights that can be enforced it is difficult to avoid both that the most powerful only use a ‘moral’ foreign policy for their own interest and to avoid that even when they don’t they are still suspected of doing so (Eriksen 2003; Sjursen 2003). In turn this leads to arbitrariness, as human rights are not, in practice, universal principles applied to all. Such arbitrariness is also visible in the EU’s foreign and security policy (Smith 2003). In order to overcome this problem all international relations would have to be subordinated to a common judicial order that would transform the parameters of power politics and redefine the concept of sovereignty:

Things look different when human rights not only come into play as a moral orientation for one’s own political activity, but as rights which have to be implemented in a legal sense. Human rights possess the structural attributes of subjective rights which, irrespective of their purely moral content, by nature are dependent on attaining positive validity within a system of compulsory law.

(Habermas 1999: 270)

A second reason why a focus on promoting multilateralism might not be enough in order for us to define ‘normative power Europe’ is that a multilateral arrangement is vulnerable. The vulnerability is linked to the absence of the possibility of sanctions within a multilateral system – the absence of the mutual commitment of all the member states to be legally bound by the principles of multilateralism. Mutually binding legal agreements connected to sanctions may actually be what is required in order to ensure that actors comply. The legal commitment in multilateralism is weaker than this. There may be a general expectation of consultation, equality and non-hierarchical decision-making processes following from multilateralism; and when states break with these mutually accepted norms, they may provoke strong reactions. However; the possibility of

sanctioning the norm-breaker is limited. Multilateralism is to a large extent dependent on the benevolence of the member states and in particular the benevolence of the most powerful states within the system. This means that multilateralism does not really ensure an equal commitment of all parties to adhere to overarching laws.

Finally, one might add that an emphasis on multilateralism as the core defining feature of 'normative power' does not make the EU unique or particular in the international context, even though to promote the principles of multilateralism in the current international context may look like an uphill struggle. A number of states in the international system subscribe to and seek to promote and protect multilateralism as a core principle of international affairs.

*Beyond Westphalia, or the (im-) possibility of cosmopolitan law?*

Many will however consider that multilateralism is as good as it can get. Some would argue that this is due to inherent cultural differences that make it impossible to come to a rational agreement on universally acceptable norms (Brown 1999). Others would rather emphasize the inherent characteristics of the international system, which lead to insurmountable practical difficulties in establishing cosmopolitan law, which would ensure the rights not only of states but also the fundamental rights of citizens. The former seems to be the position of Diez (2004), who suggests that the 'normative' power argument should be understood as a practice of constructing a European identity. With 'identity' as the beginning and the end point, it is difficult to come to the conclusion that a 'normative' power can be anything but a 'force for the good' in the sense of an enterprise that is bound to impose particularistic conceptions on others. From an identity perspective, actor rationality is linked to a particular context, and the possibility of coming to a rational agreement beyond different cultural contexts or identities is limited. There is no thing such as universal principles. Claims to universality are seen simply as expressions of a particular conception of what is 'good'. In the words of Diez: 'The standards of the self are not simply seen as superior but of universal validity, with the consequence that the other should be convinced or otherwise brought to accept the

principles of the self' (2004: 10). Consequently, the best option is recognition of the other as different – and non-interference is the logical, and only acceptable, corollary. This is preferable according to Diez because 'it reduces the possibility to legitimise harmful interference with the other' (p. 11). However, if this is so, the conclusion regarding 'normative' power EU is given in advance. Contrary to what Manners argues then, 'normative' power cannot be anything else than the EU 'promoting its own norms in a similar manner to historical empires and contemporary powers' (Manners 2002: 240).

Not all agree. Axel Honneth writes that although a critique of the universalism of human rights finds advocates in growing numbers, it 'belongs to the antiquated heritage of the counter-Enlightenment' (1997: 167). He further rejects the claim that 'the moral obligations of universalism are too great a burden both for individual subjects and for nations' (p. 167). He argues that the character of the moral relationship between nations and civil actors has changed and that due to the spread of democracy, civil society plays an increasingly independent role also in international affairs. Increased transparency and access to information pressure governments to provide reasons for their policies. A number of organizations and movements promote the realization of human rights across state borders. Consequently, the transformation of power politics is already under way, according to Honneth.

In line with this, the distinction between values and rights, or higher order norms must be highlighted. Whereas it would not be reasonable to expect transcultural agreement about values, the same is not necessarily the case with regard to higher order norms such as 'equality, freedom, solidarity, self-realisation and human dignity' (Eriksen and Weigård 2003: 138). Values or conceptions of what is good may vary according to cultural or social contexts. They are particular for example to a specific community or a specific collective identity. If the EU defines itself, and thinks of itself, as a 'force for the good' then, this risks being a subjective definition linked to a particular European understanding and defined in a particular European cultural context. It may not match what is defined as good or valuable in other parts of the world, conditioned by other cultural or social norms. So 'normative power' Europe may be true to its own norms, yet be perceived as

acting in the same way as ‘historical empires’. To establish what is right, fair or just on the other hand can be kept separate from this, hence the principle of universalization.

The question of fairness does not refer to an axiological value, but to a moral norm – a deontological principle. It is concerned with what we are obliged to do when our actions have consequences for others. Rights then refer to higher order principles and claim universal validity.

(Eriksen and Weigård 2003: 134–5)

It could be then, that the core feature of a ‘normative’ or ‘civilizing’ power would be that it acts in order to transform the parameters of power politics through a focus on the international legal system, rather than to write itself into the existing international system through an emphasis on multilateralism. As the international system is still one in which legal procedures for protecting human rights are weak, the question would be to what extent the EU’s arguments for human rights were presented only with regard to particular actors or cases or whether they were also part of a broader effort to transform their legal status in international law. Indicators suggesting that this would fit with the role of the EU are for example the EU’s support for the International Criminal Court (ICC) and the EU’s position on human rights (Menéndez 2004). Furthermore, one might expect that a ‘normative’ power would develop standards, mechanisms and policy instruments that might ensure that its own policies are consistent with such principles. The argument that this is the direction in which the EU ought to go is expressed for example in the Barcelona Report of the Study Group on Europe’s Security Capabilities. The Report proposes a ‘Human Security Doctrine’ for Europe, focusing on ‘freedom of individuals from basic insecurities caused by gross human rights violations’ (Barcelona Group 2004).

## **Conclusion**

In this paper I have discussed what might be the distinguishing features of ‘normative’ or ‘civilizing’ power, as well as its potential fit with the European Union. I have suggested that the argument that the EU is not only a ‘civilian’ power (in the sense that it does not

possess military capabilities) but that it is (also) a ‘civilizing’ or ‘normative’ power in the international system needs to be further specified.

I have suggested that in order for the concept of ‘normative power’ to be useful, a main challenge is to identify with regard to what kind of norms it is possible to achieve intersubjective agreement. Are some norms of a more universal character than others, in the sense that they may be considered principles having intersubjective transcultural validity? Furthermore, I have suggested that a strong indicator of the EU as a ‘normative’ or ‘civilizing’ power would be linked to what kind of legal principle its external policy is based upon. The law is necessary in order to ensure that norms are applied equally and consistently to all.

But what kind of quality is required for such law at the international level? Pointing to the distinction between multilateralism and cosmopolitanism, I have suggested that a focus on strengthening the cosmopolitan dimension to international law would be a strong indicator for a ‘normative’ or ‘civilizing’ power. This would also be consistent with the suggestion that one might think of a ‘normative’ power as one that breaks with what we understand by the ‘traditional’ foreign policy practice of great powers. In this sense, a ‘normative’ power would be one that seeks to overcome power politics through a strengthening of not only international but cosmopolitan law, emphasizing the rights of individuals and not only the rights of states to sovereign equality. However, on this issue there is a potential tension in the EU’s external policy, between its emphasis on multilateralism and human rights as core principles in its foreign policy orientation. Thus, it is not altogether straightforward to conclude that the EU is a ‘normative power’.

## Notes

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<sup>1</sup> It is worth noting that Duchêne assumes a “major military power” to be a nuclear power.

<sup>1</sup> The argument is based on the assumption that modern law is premised on human rights. For further discussions of the relationship between law and morality see Apel (1997) and Habermas (1997).

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## Bibliography

- Aggestam, Lisbeth (2000) 'Europe Puissance: French influence and European independence', in H. Sjursen (ed.) *Redefining Security? Redefining the Role of the European Union in European Security Structures*, ARENA Report 7/00, Oslo: ARENA, pp. 67–82.
- Apel, Karl-Otto (1997) 'Kant's "Towards Perpetual Peace" as Historical Prognosis from the Point of View of Moral Duty' in J. Bohman and M. Lutz-Bachmann (eds) *Perpetual Peace. Essays on Kant's Cosmopolitan Ideal*, Cambridge, MA: MIT Press, pp. 79- 110.
- Barcelona Group (2004) 'A Human Security Doctrine for Europe', The Barcelona Report of the Study Group on Europe's Security Capabilities, Barcelona.
- Brown, Chris (1999) 'Universal human rights: a critique', in T. Dunne and N. J. Wheeler (eds) *Human Rights in Global Politics*, Cambridge: Cambridge University Press, pp. 103–27.
- Bull, Hedley (1977) *The Anarchical Society. A Study of Order in World Politics*, London: MacMillan.
- Coker, Christopher (1989) *Reflexions on American Foreign Policy since 1945*, London: Pinter.
- Dallek, Robert (1984) *Ronald Reagan: The Politics of Symbolism*, Cambridge, MA: Harvard University Press.
- Davis, Lynn (1974) *The Cold War Begins: Soviet American Conflict Over Eastern Europe*, Princeton and London: Princeton University Press.
- Diez, Thomas (2004) 'Constructing the Self and Changing Others: Problematizing the Concept of "Normative Power Europe"', paper presented at the Millennium Conference 'Facets of Power in International Relations', London School of Economics and Political Science, London, 30–31 October.
- Duchêne, François (1972) 'Europe's role in world peace', in R. Mayne (ed.) *Europe Tomorrow: Sixteen Europeans Look Ahead*, London: Fontana, pp. 32–47.
- Eriksen, Erik O. (2003) 'Why a Constitutionalised Bill of Rights?', in E. O. Eriksen, J. E. Fossum and A. J. Méndez (eds) *The Chartering of Europe. The European Charter of Fundamental Rights and its Constitutional Implications*, Baden-Baden: Nomos, pp. 48–70.
- Eriksen, Erik O. and Weigård, Jarle (1997) 'Conceptualizing Politics: Strategic of Communicative Action?', *Scandinavian Political Studies*, 20(3): 219–41.
- (2003) *Understanding Habermas. Communicative action and deliberative democracy*, London: Continuum.
- Eriksen, Erik O., Fossum, John Erik and Sjursen, Helene (2005) 'Widening or reconstituting the EU?', in E. O. Eriksen (ed.) *Making the European Polity. Reflexive Integration in the EU*, London: Routledge.
- European Council (2003) *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December.
- Habermas, Jürgen (1997) 'Kant's Idea of Perpetual Peace, with the Benefit of two Hundred Years' Hindsight' in J. Bohman and M. Lutz-Bachmann (eds) *Perpetual Peace. Essays on Kant's Cosmopolitan Ideal*, Cambridge, MA: MIT Press, pp.113-153.

- 
- (1999) ‘Bestiality and Humanity: A War on the Border between Legality and Morality’, *Constellations*, 6(3): 263–72.
- Honneth, Axel (1997) ‘Is universalism a moral trap? The presuppositions and limits of a politics of human rights’, in J. Bohman and M. Lutz-Bachmann (eds) *Perpetual Peace. Essays on Kant’s Cosmopolitan Ideal*, Cambridge, MA: MIT Press, pp. 155–78.
- Jørgensen, Knud Erik and Laatikainen, Katie V. (2004) ‘The EU and the UN: Multilateralism in a New Key?’, paper presented at the Second Pan-European Conference on EU Politics, ‘Implications of a Wider Europe: Politics, Institutions and Diversity’, Bologna, 24–26 June.
- Kagan, Robert (2003) *Of Paradise and Power. America and Europe in the New World Order*, New York: Knopf.
- Lose, Lars (2001) ‘Communicative action and the world of diplomacy’, in K. Fierke and K. E. Jørgensen (eds) *Constructing International Relations*, New York: Sharpe, pp. 179–200.
- Lucarelli, Sonia (2004) ‘EU Foreign Policy between telos and identity. A normative reading of the transatlantic divide’, paper presented at the Second Pan-European Conference on EU Politics, ‘Implications of a Wider Europe: Politics, Institutions and Diversity’, Bologna, 24–26 June.
- Lucarelli, Sonia and Manners, Ian (eds) *Values, Images and Principles in EU Foreign Policy*, London: Routledge, forthcoming 2005.
- Lundestad, Geir (1990) *The American ‘Empire’*, Oslo: Universitetsforlaget.
- Manners, Ian (2002) ‘Normative Power Europe: A Contradiction in Terms?’, *Journal of Common Market Studies*, 40(2): 235–58.
- Manners, Ian and Whitman, Richard (2003) ‘The “difference engine”: constructing and representing the international identity of the European Union’, *Journal of European Public Policy*, 10(3): 380–404.
- Mauil, Hanns W. (2000) ‘Germany and the Use of Force: Still a “Civilian Power?”’, *Survival*, 42(2): 56–80.
- Meese, Edwin (1992) *With Reagan: The Inside Story*, Washington, DC: Regency Gateway.
- Menéndez, Agustín J. (2004) ‘Human Rights: The European Charter of Fundamental Rights’, in W. Carlsneas, H. Sjørnsen and B. White (eds) *Contemporary European Foreign Policy*, London: Sage, pp. 239–51.
- Menon, Anand, Nicolaidis, Kalypso and Walsh, Jennifer (2004) ‘In Defence of Europe – A Response to Kagan’, *Journal of European Affairs*, 2(3): 5–14.
- Rosecrance, Richard (1998) ‘The European Union: A New Type of International Actor’, in J. Zielonka (ed.) *Paradoxes of European Foreign Policy*, The Hague: Kluwer Law International, pp. 15–23.
- Ruggie, John Gerard (1992) ‘Multilateralism: the Anatomy of an Institution’, *International Organization*, 46(3): 561–98.
- Schimmelfennig, Frank (2001) ‘The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union’, *International Organization*, 55(1): 47–80.

- 
- Sedelmeier, Ulrich (2000) 'Eastern Enlargement: Risk, Rationality, and Role-compliance', in M. Green Cowles and M. Smith (eds) *The State of the European Union: Risks, Reform, Resistance, and Revival*, Vol. 5, Oxford: Oxford University Press, pp. 164–85.
- Sjursen, Helene (2002) 'Why expand? The Question of Legitimacy and Justification in the EU's Enlargement Policy', *Journal of Common Market Studies*, 40(3): 491–513.
- (2003) *The United States, Western Europe and the Polish crisis: International Relations in the Second Cold War*, London: Palgrave MacMillan.
- (2004) 'Changes to European Security in a Communicative Perspective', *Cooperation and Conflict*, 39(2): 107–28.
- Smith, Karen E. (2000) 'The End of Civilian Power EU: A Welcome Demise or Cause for Concern?', *International Spectator*, 35(2): 11–28.
- (2003) *European Union Foreign Policy in a Changing World*, Cambridge: Polity Press.
- (2004) 'Still "Civilian Power EU"?'', paper presented at the CIDEL Workshop, 'From civilian to military power: the European Union at a crossroads?', Oslo, 22–23 October.
- Youngs, Richard (2004) 'Normative Dynamics and Strategic Interests in the EU's External Identity', *Journal of Common Market Studies*, 42(2): 415–35.