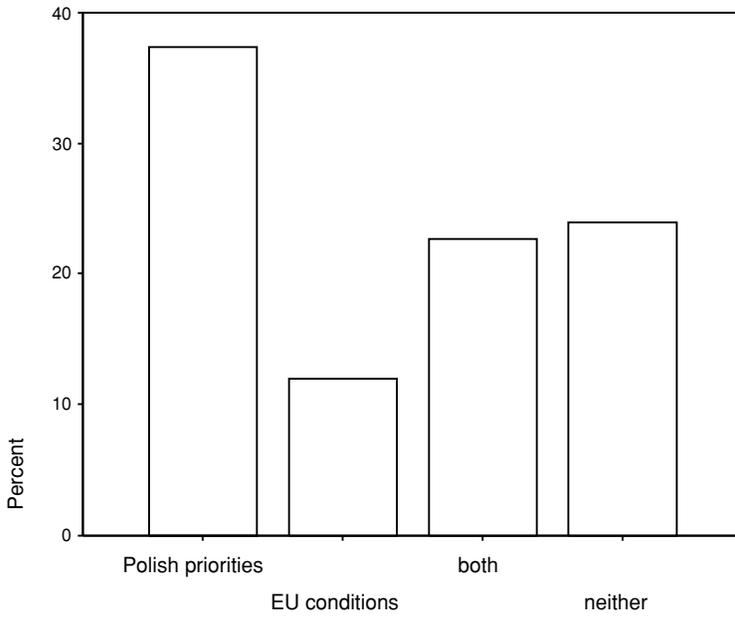


$N = 72$

Figure 5



$N = 72$

Figure 6

APPENDIX 2.

Perceptions of the Impact of the EU on Sub-National Reforms (Katowice 2000)

Respondents were asked: Do you think that the reform of regional and district governance structures in Poland in 1999 was on the whole the result of 1. Polish priorities; 2. EU conditions; 3. both; or 4. neither (see Figure 6)?

6. The Copenhagen Criteria and the Evolution of Popular Consent to EU Norms: From Legality to Normative Justifiability in Poland and the Czech Republic

Dionysia Tamvaki

1. INTRODUCTION

The Copenhagen European Council on 13 December 2002 brought the eastward enlargement full-circle, by concluding negotiations in the city where the membership conditions were first set nine years ago. The passage from Copenhagen 1993 to Copenhagen 2002 puts the final touches in a protracted period of political and economic transformation in Central and Eastern Europe, which has envisaged to bring the “novices” closer to the EU ways of acting. In that sense, the current wave of EU widening assumes the characteristics of a socialization process, through which Western Europe diffuses its shared beliefs and institutional practices to the “untrained” East. Socialization, hence, becomes the buzzword of my choice for explaining enlargement and emphasis is given on the causal mechanisms that bring European norms and democratic practices in the domestic political arena.

While reviewing the EU socialization process, I first touch upon the Copenhagen Criteria and explain how they set the rules of the accession game. To ensure, nevertheless, not just the formal transposition of EU membership rules in the domestic sphere but also their gradual internalization into the value repertoire of state actors, persuasion and argumentation are needed as intermediary steps. Consequently, all persuasion and argumentation tools forming part of EU’s pre-accession strategy enter into this research equation. The effectiveness of EU socialization tools, in turn, is being tested by assessing the progress Polish and Czech state actors make in adapting domestic institutional structures to EU democratic political criteria. Such longitudinal evaluation is made possible using the Commission’s Regular Reports of 1998 and 2000 as well as the comprehensive monitoring reports issued in November 2003.

Nevertheless formal institutionalization of EU democratic norms does not constitute the end point of my inquiry. Rather, the crucial question to be addressed in this paper is whether domestic institutionalization influences the evolution of popular consent to EU norms and institutional standards. Direct popular EU legitimation is treated as the most significant socialization by-product, because if it is absent the EU of the future, of the 28 member states, will be unable to sustain among its population a generalized willingness to comply. For this reason I take

recourse to Eurobarometer surveys conducted in the candidate countries and trace the degree of popular habituation to the EU cause.

Such a choice, however, brings forth a methodological pitfall; an inter-level fallacy to be acknowledged right from the beginning and it will be better understood by reviewing the sequence of my argumentation. Put simply, the questions raised in this paper are ordered as follows. What are the EU socialization tools employed for all CEE candidates and do they affect, in a similar manner, formal elite-driven adaptation of EU institutional practices? Then, is the degree of formal institutionalization reflected in popular habituation of EU beliefs and practices? If that is the case, what can the EU do so as to further improve elite institutionalization and through it popular habituation to EU norms? In other words, in this paper I shift from the elite to the popular level and the argument I ultimately make is correlational rather than explicitly causal. This is so, because I do not delve into the domestic socialization process that starts from the elites and addresses the wider public. Such a process is subject to entirely different dynamics and would be better assessed by tracing the “teaching” of state elites effectuated via the local press. For the time being, however, I will limit the discussion to a comparative assessment of formal elite-driven institutionalization and popular habituation of EU democratic beliefs and practices, as influenced by EU socialization attempts.

2. DEFINING SOCIALIZATION: A MACRO AND MICRO PERSPECTIVE IN UNISON

Before delving into the particularities of EU socialization, it would be useful to conceptually unfold socialization. In general terms, it could be defined as “a process by which social interaction leads novices to endorse expected ways of thinking, feeling and acting”.¹ Such a broad theorization would indeed satisfy the various disciplines encompassed in the literature of socialization. Conceptual precision, nevertheless, is essential for both a meaningful theoretical debate and defensible empirical work. Hence, socialization from a political scientists’ point of view would be more accurately defined as a process “resulting in the internalization of norms so that they assume their *taken for granted* nature”, defining the identities, interests and social realities of either states or distinct individuals—depending on the targeted level of analysis (macro or micro).²

In this respect, socialization acquires both a macro-international and micro-national dimension. In the first case, international organizations take an active stance in disseminating their constitutive beliefs and practices to the contracting

¹ Alastair I. Johnston, “Treating International Institutions as Social Environments,” *International Studies Quarterly*, 45 (2001), pp. 487–515.

² Thomas Risse, “Let’s Argue: Communicative Action in World Politics,” *International Organization*, 54 (2000), p. 28. See also Frank Schimmelfennig, “International Socialization in the New Europe: Rational Action in an International Environment,” *European Journal of International Relations*, 16 (2000), p. 111.

states. In the second case, state actors transpose the new normative standards to the domestic arena seeking to alter the intersubjective understandings of the wider public. In this paper both the international and national dynamics of socialization will be catered for with a view to identify the crucial effect EU conditionality has had not only on the formal state structures of CEECs but also on the wider population at large.

The preceding reflections on the dual aspect of EU socialization point to a temporally separate top-down diffusion mechanism. First, CEE decision makers get exposed to the prescriptions embodied in EU norms as the accession negotiations progress. EU supranational institutions act as “teachers” who define the “lesson plan” for the CEE pupils. Subsequently, the socialized state agents instruct the masses in the new intersubjective understandings with a view to successfully complete EU socialization. Most of the scholarly literature on the subject matter, however, focuses on the international aspect of social learning while the internalization of EU norms by the public is taken for granted or is even ignored. For example, drawing upon the work of Schimmelfennig, one does not fail to notice such bias in favor of the international aspect of EU socialization.³ CEE countries, their domestic structures’ readiness to adopt liberal norms and the attitudes of their political elites towards the diffusion of Western European values constitute his main explanatory variables in assessing the success of top down EU socialization. Similarly, Checkel assumes a statist approach even though there is nothing about the logic of socialization and elite social learning that would lead one only to state centrism. Given the centrality of popular consent, however, for the legitimation of EU power and the perpetuation of the European cause, the top-down dissemination of EU norms from the national elites to the masses will also enter into this research equation.⁴

3. SOCIALIZATION: A PURE CONSTRUCTIVIST ENTERPRISE OR A QUASI-RATIONAL GAME?

Prior to an investigation of the socializing power of EU institutions, as reflected on both the formal structures of the aspiring entrant states and the wider public

³ Frank Schimmelfennig, “The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union,” *International Organization*, 55 (2001), pp. 47–80. See also Frank Schimmelfennig, “The Impact of International Organizations on the Central and Eastern European States,” in Linden Ron (ed.), *Norms and Nannies: The Impact of International Organizations on the Central and Eastern European States* (Lanham: Rowman and Littlefield, 2002).

⁴ Jeffrey T. Checkel, “Bridging the Rational-Choice/Constructivist Gap? Theorizing Social Interaction in European Institutions,” *ARENA Working Papers* WP 00/11(2000). See also Jeffrey T. Checkel, “International Institutions and Socialization in the New Europe,” *ARENA Working Papers* WP 01/11(2001).

opinion, it would be useful to theoretically define socialization. Hence, switching to a more analytic mode, I shall review constructivist work on norm compliance due to the perfect compatibility of “socialization” with this research project. Sociological constructivists, such as Emanuel Adler, explore the nature of the reconstitution of actors’ identities via the impact of international norms.⁵ For them, it is mainly the social construction of reality that generates new intersubjective understandings and such changes in the normative environment, in turn, precede and define changes in the material world. Similarly, Peter Katzenstein and the contributors to his volume take the debate a step further and show how useful the constructivist perspective can be in explaining the politics of national security.⁶ Hence, given the centrality of norms and intersubjective cognitions for the constructivist school, it is no wonder that “socialization” permeates the constructivist epistemology explaining how social structures transform actors’ identities and interests and why individual actors behave in line with institutionalized beliefs and practices.

Building on socialization and theories of learning, constructivism addresses the problem of agency and manages to overcome its structuralist bias. Simply put, the causal effect of social structures, on shifts in state behaviour is no longer taken for granted. Rather, the “socialization” mechanisms by which international organizations manage to teach their normative underpinnings to the contracting states bring agents back to the constructivist ontology. Hence, it is not just social structures that constitute agents and social practices. Agents too, far from being “structural idiots”, amalgamate social reality on the basis of their collective beliefs, ideas and interpretations about the world.⁷ The reconstitution of agency has obviously reversed the traditional causal arrows between agents and structures, showing that they can have a combined effect. What is more important though is that socialization, by overcoming the ontological primacy of structures has also introduced a thin rationalist logic into the normative content of constructivist thinking. More specifically, in EU socialization what matters is not just that shifts have occurred in CEE state behaviour and whether such shifts should be attributed to the EU as a socially constitutive structure. Rather, the mechanisms by which the EU manages to “teach” its normative underpinnings to the aspiring entrants come at center stage in the “agency driven” approach of EU socialization. EU political agents are thought to act purposively on the basis of their collective meanings and assumptions

⁵ Emanuel Adler, “Seizing the Middle Ground: Constructivism in World Politics,” *European Journal of International Relations*, 3 (1997), pp. 319–363.

⁶ Peter Katzenstein, “Introduction: Alternative Perspectives on National Security,” in Peter Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), pp. 1–32.

⁷ Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996), p. 25. See also Jeffrey T. Checkel, “Norms, Institutions and National Identity in Contemporary Europe,” *ARENA Working Papers*, WP 98/16 (1998), pp. 2–3.

about what is to be a member of the Union and thereby generate changes in the social structures and practices of the candidate countries. Hence, in examining the effect EU socialization has had on CEE applicants, I shall dismiss the age-old controversy between radical variants of rationalism and constructivism and adopt a new trend in political science that favours a both/and conceptualization of social reality.⁸

More specifically I shall abide by a synthetic model, put forward by March and Olsen, according to which actors enter into new relationships with a view to maximize their own utility, but develop identities shaped by shared norms and values as a result of accumulated experience. These experiences socially constitute agents and provide them with the impetus and direction for action. In this sense, self-interested modes of action are “self-limiting” while norm based modes are “self-reinforcing”, thus demonstrating to EU political agents what is called for when admitting new Member States and making such “teaching” effective in the long run for CEE state actors.⁹ In this process of social interaction between old and new Member State actors instrumental action gradually gives way to norms and rules that reshape fundamental agent properties in both sides and therefore “socially constitute” the things they do.

4. SOCIALIZATION IN CENTRAL AND EASTERN EUROPE: DO EU IDEAS MATTER ALL THE WAY DOWN?

Moving the debate to the dynamics of EU socialization in Central and Eastern Europe, I will identify, with greater precision, how the interplay between rationalism and constructivism manifests itself in the socialization strategies the EU employs. In describing the process of socialization, I shall abide by the three causal mechanisms Risse, Ropp and Sikkink advocate.¹⁰ Namely, the first stage in the socialization process involves strategic bargaining and instrumental behaviour. Argumentation and persuasion come next, while institutionalization and habituation mark the final steps in the whole process.

⁸ Markus Jachtenfuchs, “Deepening and Widening Integration Theory,” *Journal of European Public Policy*, 9 (2002), p. 654.

⁹ James G. March and Johan P. Olsen, “The Institutional Dynamics of International Political Orders,” *ARENA Working Papers*, WP 5 (1998), p. 13. For a postmodern constructivist approach see Richard Ashley, “The geopolitics of geopolitical space: Toward a critical social theory of international politics,” *Alternatives*, 12 (1987), pp. 403–434. For a neoliberal-rational approach see Robert O. Keohane, *After Hegemony* (Princeton: Princeton University Press 1984).

¹⁰ Thomas Risse, Stephen Ropp and Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press 1999).

4.1. *Copenhagen Criteria: Setting the Rules of the Socialization Game*

To begin with, one can readily identify the Copenhagen Criteria as an embodiment of the superior bargaining power the EU possesses.¹¹ Admittedly, the unprecedented challenge the latter pose to Central and Eastern European candidates, is indicative of the tenacity of materialist assumptions of rationality. Conditions to accession are not an entirely novel procedure as the EU has repeatedly shown a preference for using “carrots” in its relationship with third countries. However, the prerequisites set for previous enlargements only affect the conditions of accession, not the beginning of negotiations nor the very chance of joining. In addition, the vague wording of the first two Copenhagen conditions and their qualitative nature point to the asymmetries in the bargaining power of the negotiating parties, which ultimately constrain any accommodation of CEECs’ preferences.¹²

Alternatively, one might feel tempted to perceive this first stage in the CEE socialization process as inherently normative, treating the Copenhagen criteria as an embodiment of the EU’s constitutive beliefs, centered on the notion of democracy and market economy. More particularly, one could argue that the Copenhagen conditions are but a concise summary of the normative standards set out in the EU Treaties, and in other important instances of EU discourse, such as the conclusions of successive European Council summits.¹³ Arguing along these lines, it is difficult to deny the normative content of the Copenhagen conditions. What nevertheless proves the tenacity of the rational assumptions listed above is that the criteria do

¹¹ In June 1993 The European Council in Copenhagen, established the accession of the CEECs as an EU objective provided that they ensure: (a) stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for the protection of minorities; (b) the existence of a functioning market economy and the capacity to withstand competitive pressure and market forces within the Union; (c) the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

¹² Heather Grabbe, “European Union Conditionality and the *Acquis Communautaire*,” *International Political Science Review*, 23 (2002), pp. 251–256. See also András Inotai, “The CEECs: From Association Agreements to Full Membership?,” in John Redmond and Glenda G. Rosenthal (eds.), *The Expanding European Union: Past, Present, Future* (London: Lynne Rienner Publishers 1998), pp. 159–160.

¹³ Article 2 of the Treaty of Rome provides that: “The Community shall have as its task, by establishing a common market and an economic and monetary union. . . to promote throughout the Community a harmonious balanced and sustainable development of economic activities. . . raising social cohesion.” The element of effective market economy is therefore combined with that of social solidarity for these two are indispensable to pluralist democracy. Community language officially extends to liberal democratic principles only later on, in the Copenhagen European Council of 1978, where a summary list of democratic standards is set out. Furthermore, in Article 6 of the Treaty on European Union states that: “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the member states”.

not simply constitute a declaration of what “good Europeans do”. Rather, accession is made conditional on meeting these prerequisites. Hence, the Copenhagen conditions assume the character of rules that take the form “Do X to get Y”, rather than the form “Good people do X” that corresponds to norms.¹⁴

The legality aspect assigned to EU membership conditions is not only meant to guide CEE applicants, but also reassure reluctant Member States that any disruption risks emanating from enlargement would be minimal. Only conformity to the established Copenhagen rules authorizes accession to the EU club. In this sense, the EU is not just a rational actor but a sovereign authority whose rulings are acknowledged as final. By making the Copenhagen criteria strictly enforceable, the EU successfully takes the first step in the socialization of the newcomers. Yet the rules on their own do not essentially result in the internalization of EU beliefs and practices which is the desired outcome of socialization. To reach that end, argumentation and persuasion are needed as intermediary procedures. The latter prepare the ground for a passage from “legality” and mere rule following to “normative justifiability” that is justification of the EU rules by means of shared beliefs and cognitive understandings.¹⁵ To put it in March and Olsen’s terms, argumentation and persuasion signal a transitional phase from the logic of consequentiality to the logic of appropriateness. This means that state actors no longer abide by the rules of the EU game simply because they want to maximize their individual utility. Rational cost benefit calculation gradually gives way to principled beliefs, which turn rules into behavioural standards that are both desirable and appropriate to follow.¹⁶

4.2. *EU Socialization Tools: Argumentation and Persuasion—Preparing the Passage from Legality to Normative Justifiability*

In translating argumentation and persuasion into something concrete and measurable, special attention shall be given to the various accession instruments employed by the EU while preparing CEE applicants for admission. Before proceeding, nevertheless, it is important to clarify the conceptual definitions adopted in this paper for these two socialization micro-processes. For some, argumentation is synonymous with persuasion, as a process of communication, which aims at changing people’s attitudes, beliefs or behaviour through structured debate rather than overt coercion. While this holds true for argumentation, the process of persuasion described here is subject to rather different dynamics. More particularly, persuasion is not devoid of conflict involving besides reasoning, sanctions and positive incentives to the

¹⁴ James D. Fearon, “What is Identity, as we now use the word?,” Stanford University, Draft manuscript (1997).

¹⁵ David Beetham, *The Legitimation of Power* (Atlantic Highlands: Humanities Press International 1991), pp. 16–17.

¹⁶ March and Olsen, *op. cit.* n. 9, pp. 8–12.

addressees of socialization, so as to abstain from defection.¹⁷ Moving the debate to the EU level, one comes to realize that argumentation is not the preferred EU strategy towards the CEE aspiring entrants. Rather, considerable weight is given to persuasion which seems to be prevalent in the pre-accession instruments employed by the EU (see Figure 1).

4.2.1. “Coercive Persuasion” Tools

The first persuasion instruments to be singled out of the set of EU pre-accession tools are the “Europe Agreements” (EA). These were signed bilaterally with each applicant from 1991 onwards and they constitute a set of formally structured trade relations containing both political and economic provisions that would eventually entrust the CEECs with a free trade area over a 10-year period. The general framework of political and economic cooperation envisaged by the EAs also included the approximation of legislation, thus starting the process of introducing the *acquis* to the applicants. It becomes apparent therefore, that the Agreements could possibly persuade the CEE to consolidate all three EU rules subsequently spelled out in the Copenhagen criteria. The learning pressure was determined by

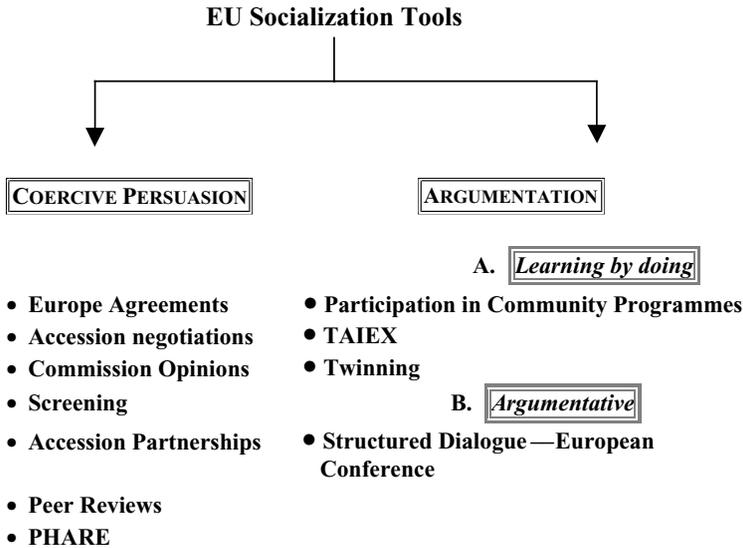


Figure 1 EU Socialization Tools.

¹⁷ David Black, “The Long and Winding Road: International Norms and Domestic Political Change in South Africa,” in Thomas Risse, Stephen Ropp and Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press 1999), p. 103. Regarding persuasion see: Johnston, *op. cit.* n. 1, p. 490.

the desire of the CEECs to reap the benefits of a liberalized trade area. Given, nevertheless, that the final outcome did not meet the initial expectations of the applicants, I ought not overstate the efficacy of Europe Agreements in bringing the applicants closer to the normative standards of the EU.¹⁸

Moving away from this first attempt to induce the applicants into the EU practices, I shall rather turn to a more promising instrument of persuasion: The accession negotiations between representatives of the Council and members of the applicants' governments at various levels.¹⁹ Accession negotiations, as Avery and Cameron point out, "[are] not aimed at an agreement between the Union and an external partner . . . as is the normal case in international negotiations, but with the way in which an applicant country will function as a member. [They are] concerned with how the 'external' becomes 'internal'"²⁰

Building upon their claims, one might assume that negotiations have a predominantly argumentative character. There is no true deliberation though, because the accession negotiations involve no concessions and counter concessions with the goal of reaching an agreement. Rather, the applicant has to abide by the EU membership rules if it wishes to join the institutional structures of the Union. The only issues up for negotiation are (i) the length of time, allowed to fully implement the *acquis* and (ii) the amount of financial support to implement it. Hence, the persuasive role of accession negotiations cannot be questioned for they attempt to change the behavioural standards of CEE applicants by using both positive incentives (aid) and sanctions (postponement of accession).

Accession negotiations opened formally on 31 March 1998 under the British Presidency, after the publication of the Commission's Opinions (*avis*) on the applicants and the Conclusions of the Luxembourg European Council in December 1997. In its ten *avis* published as part of Agenda 2000 in July 1997, the Commission recommends that negotiations should start with five countries (The Czech Republic, Estonia, Hungary, Poland and Slovenia) while the rest should be excluded on economic grounds, with the exception of Slovakia that is turned down due to its failure to meet the political conditions. The persuasive power of the "Opinions" is established in the conclusions of the Luxembourg Council, where the recommendations

¹⁸ Their effectiveness was reduced by the EU's inability to provide comprehensive and unconditional market access. The Community offered faster import liberalisation on the EU rather than on the CEE side and the degree of market opening on offer in agriculture, iron, textiles and steel was unsatisfactory. For further details on Europe Agreements see Alan Mayhew, *Recreating Europe: The European Union's Policy Towards Central and Eastern Europe* (Cambridge: Cambridge University Press, 1998).

¹⁹ The Commission is a very important interlocutor between the Union and the candidates and assumes a substantive role in preparing the ground for the negotiations, despite the fact that it formally takes a secondary role in the negotiating process itself.

²⁰ Graham Avery and Fraser Cameron, *The Enlargement of the European Union* (Sheffield: Sheffield Academic Press, 1998), p. 33.