The Europeanization of candidate countries: 
the case for a shift to the concept of EU member-state building

**Abstract:** Europeanisation, intended as the domestic impact of Europe, has proved particularly useful in describing the spillover effects of integration and the two-ways, top-down and bottom-up relation between the European Union and the domestic structures which interacts with it, including in candidate and neighbouring countries. “Europeanisation East” has emerged as a more top-down process of norm diffusion, better explained by rational choices approaches based on incentives and conditionality. Stateness has been identified as a prerequisite for its effectiveness, providing no answer for cases of contested polities, and leading to the growth of a literature of ‘adjectivised Europeanisation’. The concept of member state building, referring to the EU’s purpose of building functional member states while integrating them, may help reframe the academic discussion on the topic of the Europeanisation of candidate countries by complementing it with insights from the literature on state building. Descending from an understanding of sovereignty as responsibility, member state building highlights the paradoxes of simultaneous state building and European integration, given their competing logics of sovereignty concentration rather than pooling and diffusion. At the same time, it underlines the possibility for the EU to escape the legitimacy traps of external intervention and liberal state building by referring to its value of diversity preservation. The role of the European Union emerges as the one of an “interested moderator” (Woelk 2013: 477), “neither a model, nor a hegemon” (Ramel 2011).

**Key Words:** Europeanization, member state building, EU enlargement, candidate country

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*** DRAFT – All comment welcome; please do not quote without permission ***
Introduction

Research on the impact of the European Union on its candidate countries has been traditionally framed in the concept of Europeanization - the domestic impact of Europe. The concept, which proved particularly useful in describing the spillover effects of integration on the EU member states and their responses, was later applied in the field of EU external relations, first in the occasion of the eastern enlargement of the EU in 2004/07 (Sedelmeier 2011), and later including the EU enlargement policy, its neighbourhood policy (Schimmelfennig 2009), and even its common foreign and security policy (Alecu and Müller 2010) and development policy (Horký 2010).

Useful under both rationalist and constructivist meta-theoretical approaches, Europeanisation has been used to describe the two-ways, top-down and bottom-up relation between the European Union and the domestic structures which interacts with it. The result is not necessarily a homogeneous convergence, but rather a differentiated pattern, dependent on several scope conditions: domestic demand for change, consolidated statehood, liberal domestic coalitions, and power asymmetry.

Europeanization, notwithstanding two decades of usage, still lacks clarity in its attributes and its referent. The same concept has been used both as a measure of the specific impact of the EU (EU-ization) and of the circulation of broader ‘European’ practices, and referred either to quantitative indicators (adoption and implementation of EU-based laws) or qualitative markers (Europeanization of identities, attitudes and preferences). Finally, Europeanization has been embedded in the literature on norms diffusion (Börzel and Risse 2011), and the statehood of candidate countries has emerged as a prerequisite for its effectiveness, providing no answer for cases of limited statehood and limited Europeanisation (Elbasani 2013).

The research agenda on “Europeanisation East” (Héritier 2005), in particular, has focused on the process of Europeanisation in the framework of the EU enlargement process towards Central and Eastern Europe (CEE). The starting positions of those candidate countries, dealing simultaneously with a transition to democracy, market economy, and ‘Europe’, together with their strong power asymmetry towards the EU, has led to a process of Europeanisation that is strictly one-way, top-down, and explained better by rational choices approaches based on incentives and conditionality. On the other hand, in particular in the post-2004 enlargement agenda focused on the Western Balkans, consolidated stateness has emerged as the fundamental prerequisite for Europeanisation, that most states of the region still lack.
To overcome the problems of conceptual overstretch in Europeanization studies, and the dilemma of Europeanisation in limited statehood contexts, this paper takes into consideration the concept of EU member state building, referring to the EU’s purpose of building functional member states, while integrating them. Descending from an understanding of sovereignty as responsibility, justifying liberal state building and the establishment of “minimalist states” (Bieber 2011), the concept of member state building integrates the literature on Europeanization with the literature on state building. Member state building has to face several paradoxes in order to accomplish its aim. State building and European integration are usually dealt with in different moments of time, as they follow two opposite logics of sovereignty concentration rather than pooling and diffusion. The current EU candidate countries, nevertheless, are facing the two processes simultaneously, thus confronting often contradictory impulses.

To solve the dilemma, nevertheless, member state building has one resources more than Europeanisation or state building alone: it can refer to the value of diversity, and its preservation, in the European Union. By exploiting the lack of a single blueprint and the possibility for different solutions to be compatible with the broad “European standards”, member state building can also foster domestic ownership and legitimacy, thus evading from the trap of imposed liberal statebuilding. The role of the European Union emerges as the one of an “interested moderator” (Woelk 2013: 477), “neither a model, nor a hegemon” (Ramel 2011).

The first section of the paper introduces the concept of Europeanisation and draws a typology of its different definitions, as both an outcome and a process, and a one-way and a two-way direction of change. The second section accounts for the different theoretical approaches used to understand its causal mechanisms, highlighting the different and complementary explanatory value of rationalist and constructivist approaches. It also takes into consideration the scope conditions that allow Europeanisation to manifest itself. The third section zooms in on the Europeanisation of candidate countries, discussing its open issues. The fourth section introduces the concept of member state building as a complement and an alternative to current discussions about the Europeanisation of candidate countries, discussing the highlights it brings to the challenges that the Western Balkans and the EU face in their integration path.
1. Defining Europeanisation: exploring the domestic effects of Europe

Since the start of its use in the early 1990s, the concept of Europeanisation has given birth to a large amount of literature in the field of European studies, signalling the shift from an ontological research agenda, interested in explaining what the European Union is (as in the famous metaphor of the elephant), to a post-ontological one, interested rather in what the European Union does, and what its effects are on its member states (Radaelli 2000: 6), focusing on national responses to adjustment pressures from EU institutions and policies.

The literature on Europeanisation has understood it in three ways: first as an outcome, an end-state to achieve, rather than as an ongoing process of transformation; and in this latter case, as a top-down process of influence, as opposed to a bottom-up-down, circular and cyclical relation of influence between the national and the supranational level.

1.1. Europeanisation as an outcome

The first understanding of Europeanisation sees it as an outcome, an end-state corresponding to “a situation where distinct modes of European governance have transformed aspects of domestic politics” (Buller and Gamble 2002: 17). Such an understanding of Europeanisation is static rather than dynamic, answering the question “how much” a specific issue or country is “Europeanised”, with reference to a specific and predetermined end result. It thus points to one specific effect as an outcome of Europeanisation: the transformation and convergence of domestic structures – be they policies, institutions, or even identities – to a predetermined “European” norm. Doing this, nevertheless, it loses sight of other eventual differential responses to the process (inertia, accommodation, retrenchment). Moreover, it is problematic in referring to an end point which is often difficult to pinpoint (the average level of integration? An ideal – and personal – understanding of the finalité of the Union?). As opposed to such definition of Europeanisation as an outcome, the more widely used definitions have focused on Europeanisation as a process, either a top-down or a circular one.²

1.2. Europeanisation as a process: the one-way, top-down domestic effect of ‘Europe’

Europeanisation was defined as a process from its onset. One of the first definitions was put forward by Ladrech (1994: 17): “Europeanization is an incremental process reorienting the direction

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¹ A query on Google Scholar gives back 26,100 entries for ‘Europeanization’, and 21,800 for ‘Europeanisation’.
² The distinction between process-oriented and result-oriented definitions was first put forward by Maniokas (2001)
and shape of politics to the degree that EC [European Communities’] political and economic dynamics become part of the organizational logic of national politics and policy-making”. A shorter definition was then provided by Tanja Börzel (1999: 574): “a process by which domestic policy areas become increasingly subject to European policy-making”. Héritier (2001: 3) in her definition stressed “the process of influence deriving from European decisions and impacting member states’ policies and political and administrative structures”.

All these first generation definitions stress the one-way, top-down relationship between a supranational organisation and its member states; following an organisational logic, domestic institutions adapt to the altered context of EU membership (Chatzigagkou 2010: 39), resulting in patterns of expected transformation and convergence. European-level developments are treated as the explanatory factor (independent variable) of changes at the domestic level (dependent variable). On the same line are Börzel and Risse (2007: 485), when defining Europeanisation as “the ‘domestic impact of Europe’ – the various ways in which institutions, processes and policies emanating from the European level influence policies, politics and polities at the domestic level”, as well as Ladrech (2010: 2): “Europeanization is … understood as the change within a member state whose motivating logic is tied to a EU policy or decision-making process. The prime concern of any Europeanization research agenda is therefore establishing the causal link, thereby validating the impact of the EU on domestic change”.

Nevertheless, problems with this type of definitions include the risk of reifying Europeanisation as something which is out there, able to explain what we see (Bulmer and Burch 2000: 9), or of giving it uncontested primacy as an independent rather than an intervenient variable in processes of modernisation or globalisation already ongoing (Goetz 2001: 1040-1041)

1.3. Europeanisation as a process: a two-ways, circular and cyclical relation

New definitions were put forward in the following years, going beyond the top-down understanding of Europeanisation to better focus on both the supranational and the national levels. Risse, Cowles and Caporaso (2001: 3) defined Europeanisation as “the emergence and development at the European level of distinct structures of governance, that is, of political, legal and social institutions associated with political problem solving that formalizes interactions among the actors, and of policy networks specializing in the creation of authoritative European rules”. The most widely accepted and quoted definition remains the one by Claudio Radaelli (2003: 30), according to whom Europeanization refers to: “Processes of (a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of
doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies”.

These second-generation definitions already point to a two-way process, both top-down and bottom-up, circular rather than unidirectional and cyclical rather than one-off (Goetz 2002: 4 CHATZ), which gives an account of Europeanisation’s complex ontology. Europeanisation is seen as part of the circular flow of European integration, “a complex, dialectical and recursive process that may entail feedbacks” (Chatzigiagkou 2010: 43). Member states, besides being the object of the fallout of supranational integration, respond in different ways. They may employ both passive strategies of adaptation, adjustment, or resistance, to pressure from above, and pro-active strategies of “uploading” (Börzel 2005) and “projecting” (Bulmer and Burch 2006) their own national standards at EU level, in order to minimise future adjustment costs or to externalise and depoliticise a constraint. Understood this way, Europeanisation is both a cause and an effect of change, and it blurs the borders between independent and dependent variables (Börzel 2005). Though useful to remind of the inter-relatedness of Europeanisation and European integration, this type of definition seems to directly encroach upon the field of the latter, risking conceptual overstretching.

One of the most accurate definitions put forward, which avoids denotativeness and the orchestration of lists of established concepts, is the one by Dyson and Goetz (2003a: 20), for whom Europeanization refers to “a complex interactive ‘top-down’ and ‘bottom-up’ process in which domestic polities, politics, and public policies are shaped by European integration and in which domestic actors use European integration to shape the domestic arena. It may produce either continuity or change and potentially variable and contingent outcomes”. Concerning the direction of change, Dyson and Goetz’s definition include a dialectic between a top-down dimension (structure), corresponding to the pressure of the supranational level on the national one, and a bottom-up dimension (agency), including the “creative use” of European integration by domestic actors (Chatzigiagkou 2010: 47), while remaining open to eventual phenomena of “cross-loading” (Howell 2004) or the horizontal socialisation and learning between agents within the same structure, without coercive structures. Concerning the outcomes of Europeanisation, Dyson and Goetz focus on it as a process, with an undetermined outcome which may range from inertia to absorption, to accommodation, to transformation, to retrenchment (Börzel 2005); transformation and convergence is thus not prioritised as the expected outcome. Uneven results stem from differences among issue areas in supranational decision-making structures, and among countries in domestic traditions and experiences refracting, mitigating and filtering change impulses (Olsen 2002), thus underlining the
possible scope for agency in the process. The three understandings of Europeanisation, captured by the different definitions, are summarised in the table below.

<table>
<thead>
<tr>
<th>Definitions of Europeanisation</th>
<th>Outcomes of Europeanisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Static: EPZ as an outcome</td>
<td>Dynamic: EPZ as a process</td>
</tr>
<tr>
<td><strong>Direction of change</strong></td>
<td><strong>Europe as an outcome</strong></td>
</tr>
<tr>
<td>One-way, linear, one-off</td>
<td>Europe as transition towards a ‘Europeanised’ endstate (convergence)</td>
</tr>
<tr>
<td>(structure)</td>
<td></td>
</tr>
<tr>
<td>Two-way, circular, cyclical</td>
<td></td>
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<tr>
<td>(structure + agency)</td>
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</table>

2. Factors, mechanisms and outcomes of Europeanisation

This section introduces the main theoretical arguments on the mechanisms of Europeanisation, its scope conditions, and its outcome patterns. Europeanisation has been understood through European integration theories mainly in the framework of the three variants of Neo-Institutionalism (NI): rational choice institutionalism (RCI) and historical institutionalism (HI), both referring to a meta-theoretical rationalist approach, and sociological institutionalism (SI), referring instead to a constructivist approach (Hall and Taylor 1996). Neo-institutionalism is based on the assumption that “institutions are the foundation of all political behaviour, without which there could be no organised politics (Steinmo 2001: 1). After having defined institutions as “social structures and systems of rules, both formal and informal”, organisations as “formal institutions with written rules and procedures prescribing behaviour”, and norms as “expectations of appropriate behaviour based on a given collective identity” (Börzel and Risse 2011: 3-4), neoinstitutionalism argues that institutions structure politics by determining who is able to act, shaping their strategies, and (eventually) their interests, identities, and horizons of action (Chatzigiagkou 2010: 58).

Such a research, nevertheless, has been questioned for its top-down bias and its reliance on the ‘shadow of hierarchy’ or ‘of conditionality’ (Schimmelfennig and Sedelmeier 2005), resulting in a geographic gradient, with Europeanisation decreasing in power the more one get far from Europe or the EU. To overcome such a limit, Börzel and Risse undertake to situate Europeanisation studies as a special case of the wider phenomenon of transnational norm diffusion, identified as “a process through which ideas, normative standards, or – in our case – policies and institutions spread across time and space” (2011: 5). Taking EU-related institutional change as the dependent variable, mechanisms and scope conditions of Europeanisation are more effectively grasped as part of an attempt of the EU to transfer its institutions and policies in accession and neighbour countries.
Merely formal policy and institutional transfer in different context results in different practices and behaviours, while active adaptation and alteration is more likely to lead to behavioural change.

2.1. The three strands of neoinstitutionalism and mechanisms of Europeanisation

Rational choice institutionalism (RCI) is agency-centred and based on methodological individualism; it takes the individual person as the basic unit of social life. Its ontology relies on a hard version of rational choice, taking interests as mainly material and economic, and depicting the actors as dedicated to maximise their utility function according to a logic of consequentiality. Any actor seeks to achieve its aims in a given institutional context; preferences are fixed and exogenous to the interaction among actors and with institutions. Only thin learning is possible, as “agents acquire new information, alter strategies, but then pursue given, fixed interests” (Checkel 1999: 548). States, as rational and unitary actors, cooperate and establish institutions in order to face externalities and reap benefits, though mainly on a lower common denominator level. The main rationale for institutions is to secure credible commitments and to reduce the costs of incomplete contracting, thus limiting transaction costs and providing information to shape the choice of the actors. In such a frame, institutions work as a constraint, limiting states’ strategic behaviour towards utility maximisation, in order to achieve common aims through cooperation (Moravcsik and Schimmelfennig 2009: 72). Institutions are opportunity structures, providing efficient solutions for collective action problems. (Chatzigiagkou 2010: 58-60). Therefore, in Europeanisation, the domestic actors will use EU requirements to strengthen their relative domestic positions, and the EU demands may help overcoming the resistance of veto players and adjustment costs. Moreover, depending on the temporal sequence of EU and national reform cycles, EU requirements may have different effects on the same domestic actors (Héritier 2005: 202). The outcome is a strategy of “reinforcement by reward”, according to which the EU provides external incentives in case of compliance, and sanctions in case of non-compliance. “A state adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs” (Schimmelfennig and Sedelmeier 2004: 664) Such cost/benefit balance is dependent on the determinacy of conditions, the size and speed of rewards, the credibility of threats and promises, and the size of adoption costs (Ibid: 664-667). On the indirect side, functional emulation can lead to regulatory competition, fostering the adoption of best practices (horizontal cross-loading), and lesson drawing, tailoring foreign solutions for domestic problems (Börzel and Risse 2011: 9): “A state adopts EU rules, if it expects these rules to solve domestic policy problem effectively” (Schimmelfennig and Sedelmeier 2004: 668). The EU acquis constitutes a repository of trash bin solutions, from which third countries can draw at pleasure. Sub-
factors of this model include domestic policy dissatisfaction, the presence of EU-centred epistemic communities, rule transferability, and the number and resources of veto players.

Sociological institutionalism (SI), instead, draws from the constructivist tradition positing a social ontology where agents and structure are mutually constituted, “claiming that there are properties of structures and of agents that cannot be collapsed into each other” (Risse 2009: 146). It offers a structure-centred understanding of institutions in line with a social methodology assuming that all material resources are socially constructed by shared intersubjective meanings. Individuals are embedded in a world of rules, norms, and institutions, which shape their identities and preferences according to a logic of social appropriateness. Preferences, and identities, are thus endogenous to the process of social interaction. Actors behave trying to “do the right thing” according to the situation they’re immersed on, through “rule-guided behaviour” (Risse 2009: 147-148). Social norm and institutions thus have a constitutive effect, not only by regulating behaviour but also by giving shape to the identity of the actors. Institutions are intended as “a relatively stable structure of identities and interests” (Wendt 1992: 399), codified in formal norms, which the individuals face as social facts with a power of coercion derived from the collectively shared knowledge of the social group. Immersed in a social environment, actors first adopt and then internalise social prescriptions, in the form of norms, i.e. “set of shared intersubjective understandings that make behavioural claims” (Checkel 2001: 182). This social structure starts to provide actors with new interests and preferences, thus making an impact on their identity and transforming not only the means but also the aims of their actions, in a context of “thick learning”. Socialisation generates trust among actors, leading to interaction as problem-solving rather than as bargaining. The likelihood of learning depends on the uncertainty about the problem at hand, the existence of an authoritative reference model, and the isolation of the institutional context, although it might be problematic in cases such as redistributive policies and prisoner’s dilemmas (Héritier 2005: 202-203). The EU is considered here as “the formal organization of a European international community defined by a specific collective identity and a specific set of common values and norms” (Schimmelfennig and Sedelmeier 2004: 667). Rule transfer depends on the level of persuasion of the third country in the appropriateness of the EU rules. Sub-factors of such decision refer to the quality of EU rules (formality, equal application to EU member states, and compliance with basic standards of deliberation), the identification between the country and the EU, and the resonance of EU norms with domestic ones, due to their absence, delegitimation or good fit (Ibid.). Indirectly, even in absence of EU impulse, normative emulation results in the mimicry of models with higher perceived legitimacy and standing (Börzel and Risse 2011: 10).
Historical institutionalism (HI), finally, is an eclectic approach relying on the sequencing of the previous two (Pierson 2004: 54-78). In the short-term, institutions are only behavioural constraints for actors’ strategies of utility maximisation, but “in the long-run, actors’ very identities may be powerfully shaped by institutional arrangements” (Risse 2009: 152). Stemming from economic conceptualisation of increasing returns and path dependency, historical institutionalism sees institutions as sticky structures, locking in actors into patterns that persist well beyond the change of their original conditions, thus emphasising a logic of path dependency. Change is explained by institutional misfit and external shocks, punctuating the equilibrium and resettling it on a new course. Policy inertia and path dependency limit EU policy influence, and only marginal changes can be expected by layering or patching up of EU policies into national repertoires (Héritier 2005: 202). Though combining the previous two approaches, historical institutionalism remains somehow biased towards structure, leaving to agency a very limited role. The three strands of neo-institutionalism are summarised in the tables below.

<table>
<thead>
<tr>
<th>Logic of action</th>
<th>Rational choice institutionalism</th>
<th>Sociological institutionalism</th>
<th>Historical institutionalism</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Consequentiality (cost-benefit analysis)</td>
<td>Appropriateness (rule-guided behaviour)</td>
<td>Path dependency (stickiness of institutions)</td>
</tr>
<tr>
<td>Interests of the actors</td>
<td>Exogenous to interaction (new means for same goals)</td>
<td>Endogenous to interaction (new means for new goals)</td>
<td>Evolving over time (malleable in the long-term)</td>
</tr>
<tr>
<td>Main element of change</td>
<td>Thin learning (strategic bargaining)</td>
<td>Thick learning (socialisation)</td>
<td>Timing and practices (punctuated equilibrium)</td>
</tr>
<tr>
<td>Strategy of Europeanisation</td>
<td>Conditionality (reinforcement by reward)</td>
<td>Persuasion and legitimacy</td>
<td></td>
</tr>
<tr>
<td>Direct influence</td>
<td>Manipulation of utility calculations: - positive/negative incentives - capacity-building</td>
<td>Normative pressure (authoritative models)</td>
<td></td>
</tr>
<tr>
<td>Indirect influence</td>
<td>Functional emulation: - regulatory competition - lesson-drawing</td>
<td>Normative emulation (mimicry)</td>
<td></td>
</tr>
<tr>
<td>Contexts of main relevance</td>
<td>Acquis conditionality Accession negotiations</td>
<td>Democratic conditionality Association negotiations</td>
<td></td>
</tr>
<tr>
<td>“Europeanization results from a distribution of power resources between actors in the domestic arena as a result of engaging with the EU” (Bache 2010: 3)</td>
<td>“Network governance provides the potential for a deeper transformation of actor behaviour and preferences” (Bache 2010: 3)</td>
<td>Europeanization derives from incremental change plus critical junctures.</td>
<td></td>
</tr>
</tbody>
</table>
2.2. Scope conditions and outcome patterns of Europeanisation

The domestic actors in the Europeanisation process are not simply passive recipients. Instead, it is their active engaging, interpreting, incorporating or resisting to external influence that shapes the result of the attempts to Europeanisation or norms diffusion, giving rise to the observed differentiated patterns rather than to homogeneous convergence.

The scope conditions for institutional change include, first, the need for a domestic demand for change, leading to the differential empowerment, both instrumentally and normatively, of domestic actors. In the absence of this, non-liberal local elites could be able to use EU policies and institutions to consolidate their power. Secondly, statehood and the institutional and administrative capacities of the country are crucial for the ability to adopt, implement, and enforce decisions and reforms, leading to norms diffusion and Europeanisation. Thirdly, the quality of the target regimes matters, since market democracies find resonance in EU institutions and policies, while autocracies face higher costs of compliance, lower domestic pressure, and are more likely to resist post-Westphalian channels of international influence. Finally, power (a)symmetries, both in terms of material (economic interdependence) and ideational resources, constrain or foster norms diffusion; the EU’s leverage is higher, the stronger its power asymmetry with the receiving actors (Börzel and Risse 2011: 11-14).

The relation between adaptational pressure and change in domestic structures, as sketched by Radaelli (2003), is curvilinear. A good fit between the national structures and the EU’s requirements makes change unnecessary, as much as a bad fit produces high adjustments costs, therefore raising the incentives for inertia or retrenchment, resulting in an eventual “fake compliance” to escape the costs of non-transposition. Only a moderate pressure induces change at national level, whether by adaptation (thin learning) or transformation (thick learning).

Radaelli (2003) identifies four patterns of change fostered by Europeanisation. The first is inertia, i.e. lack of change: if the EU models are too dissimilar from domestic practices, the result will be delay and resistance. Inside the EU or in a framework of accession, such a condition is considered unsustainable, and conducive to a crisis and to abrupt change. The second is absorption, i.e. superficial adaptation through resilience and flexibility of national structures (formal change, thin learning). Non-fundamental requirements are accommodated, without a deep change of behavioural logic. The third is transformation, i.e. change of the fundamental logic of political behaviour, with formation of new orthodoxies and attitudes (behavioural change, thick learning). The last is retrenchment, i.e. an opposite, defensive response of the national structures to the EU’s
pressures, paradoxically resulting in a diminished fit between the European and national policies. Cases of retrenchment are often related to the timing of reforms, as they may encroach on a stable, post-reform domestic context, which already paid the sunk costs of adjustments. The final resulting framework of Europeanisation, as in the works of Börzel and Risse, can be depicted as in the scheme below.

<table>
<thead>
<tr>
<th>European Union / ‘Europe’</th>
<th>Influence modes</th>
<th>Logics of action</th>
<th>Scope conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Direct</td>
<td>Force, authority</td>
<td>Domestic demand</td>
</tr>
<tr>
<td></td>
<td>Indirect</td>
<td>Consequentiality</td>
<td>Statehood</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appropriateness</td>
<td>Regime type</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Persuasion</td>
<td>Power asymmetries</td>
</tr>
</tbody>
</table>

3. Enlarging the Union, enlarging the research agenda: Europeanisation beyond the member states

During the 1990s, two major events led scholars to widen their field of research beyond the member states: the negotiation of the European Economic Area (EEA) by EFTA states, providing for unilateral and automatic implementation of the EU acquis in non-member states and, more importantly, the influence of the EU on Central and Eastern European countries (CEE) in the frame of its enlargement policy (Sedelmeier 2011: 5). This section zooms in on Europeanisation beyond the member states, resuming the main features of ‘Europeanisation East’, as well as its main open issues resulting from the literature on the Europeanisation of candidate countries: unclear conceptual boundaries, a return to first generation top-down definitions, the risks of degreeism and ‘adjectivised Europeanisation’, and the no-exit issue of stateness for weak candidate states.

3.1. Researching the external impact of enlargement: Europeanisation East

The research agenda on the Europeanisation of candidate and applicant countries developed from earlier studies on conditionality in the shadow of the EU’s eastern enlargement of 2004/07. The Europeanisation of candidate countries has been analysed mainly in the frame of rationalist and constructivist institutionalist theories of International Relations and European studies. It was possible to speak of Europeanisation, thus striking a parallel with internal EU dynamics, due to the extent with which EU institutions steered the process and to the broad scope of the process, covering the whole of the acquis. At the same time, differences included the tools at EU disposal towards non-member countries (positive incentives, normative pressure, and persuasion), softer than Treaty-based obligations and sanctions, coupled with deeper and more comprehensive
monitoring, as well as the power asymmetry of candidate countries, deprived of any ‘voice’ or ‘upload’ instrument and simply object of top-down rule transfer (Sedelmeier 2011: 6).

While sharing with Europeanisation of member states the key empirical finding of a differential impact of ‘Europe’ across countries and issue areas, the research on Europeanisation of candidate countries has highlighted a more clear-cut explanatory value of rationalist institutionalist hypotheses for the domestic impact of the EU, when compared with sociological and historical institutionalist alternatives. Clear and credible incentives underpinning conditionality, in terms of both rewards and punishments, and the political costs incurred by domestic elites, seem able to explain the variance in the outcome levels of Europeanisation (Sedelmeier 2011: 7).

Héritier (2005) identifies an opposition between “Europeanisation East”, i.e. the impact of the EU on pre-accession CEE countries, and “Europeanisation West”, i.e. the impact of the EU on member states. Such patterns refer to the peculiarity of its starting point; the shadow of accession negotiations; their wide scope; the types of policy demands; and the type of process. To begin, the starting point of Europeanisation East is peculiar as it includes a double transition towards democracy and market economy which parallels accession negotiations. The EU therefore accelerates and shapes transition, in a top-down approach. Second, the ongoing accession negotiations include incentives associated with EU membership conditionality. Given a very limited room for manoeuvre (since only transition periods are actually negotiable) very high adjustment costs, and unlikely sanctions, the risk is that of non-transposition or mere formal transposition, not affecting policy outcomes and impacts. Third, Europeanisation East is of a wide scope, taking into consideration the whole, encompassing acquis, while in Europeanisation West only a sectoral approach is required. The final opinion of the Commission on accession viability will therefore be on the overall picture, leaving it open for sectoral tradeoffs. Fourth, the types of policy demands influence the Europeanisation outcomes. Europeanisation East contains more institutional requirements, and even substantive sectoral policies (e.g. environment) are seen as a vehicle to introduce democratic institutions. Finally, Europeanisation East is strictly a one-way process, as pre-accession countries have no way to engage in regulatory competition, trying to upload policy measures at EU level to avoid adjustment costs; moreover, the scrutiny role of the Commission is more relevant and routinely applied for monitoring, in relation with the different starting point of CEE countries (Héritier 2005: 203-209).
3.2. Europeanisation and polity/policy change: democratic vs acquis conditionality

The work of Frank Schimmelfennig and Ulrich Sedelmeier (2004, 661-679; Schimmelfennig 2008: 918-937) offers a theoretical analysis of EU political conditionality and its effectiveness in rule transfer. In their account, the process of pre-accession adaptation is described as a major process of “external governance”, resulting in transfer of both procedure and substance of policies. Schimmelfennig and Sedelmeier distinguish between two issue areas of applicability of such rule transfer models, namely democratic conditionality and acquis conditionality, which are related to Héritier’s “policy type” as a factor of Europeanisation.

The first area is the one of democratic conditionality, concerning the basic principles of liberal democracy, human rights and fundamental freedoms. Such context is mainly present at the beginning of the relation between EU and third countries, in order to establish institutional and association ties. It features very high adaptation costs for incumbent autocratic governments, and low salience for democratic frontrunners with a good fit between their political system and the minimal EU requirements. In this last case, rule transfer concerns additional requirements such as the principles of minority protection, although these norms suffer from a lack of legitimacy, being outside the acquis and not being equally applicable to EU member states. The relation between effectiveness of conditionality and institutional fit is graphically represented by a parabolic curve: the effects of conditionality are stronger towards fragile democracies and weaker towards autocracies and established democracies. The external incentives model is therefore less relevant here, while the effect of rule transfer can be explained by the models of independent lesson-drawing and of socialisation and learning. (Schimmelfennig and Sedelmeier 2004: 669-671)

The second context is the one of acquis conditionality. It includes the transposition of technical norms of EU law in the domestic legal system of the pre-accession country, and it is mainly present at the later stage of accession negotiations, having final membership as the main external incentive for rule transfer. The technicality of the norms to be transposed allows keeping the level of politicisation low, thus lowering the adoption costs for the governments. Sectoral veto players are kept at bay by the aggregate benefit of membership, being at best able to influence the speed and timing of rule transfer, but not its final outcome in endgame situations. (Ibid: 671-673)

3.3. Europeanisation vs EU-isation: lack of clear conceptual boundaries

The concept of Europeanisation, first, is subject to a terminological ambiguity. The term, referring to ‘Europe’ in general, does not include a clear specification of the source of change expected at domestic level. We need to know “which Europe we are talking about” (Jano 2010: 30).
In a minimalist sense, Europeanisation is understood as “the process of downloading EU directives[,] regulations and institutional structures” (*Ibid.*) to the national level. “Minimally, ‘Europeanization’ involves a response to the policies of the European Union” (Featherstone 2003: 3). This narrow, EU-centric sense, which could be better termed ‘EU-isation’ (Radaelli 2003: 27, Wallace 2000a) is the one that scholars, especially those employing rationalist approaches, usually refer to. It is a meaning that is easier to operationalise and put to test in empirical studies.

In a maximalist sense, on the other hand, one can “speak of Europeanisation when something in the domestic political system is affected by something European” (Vink 2002: 1), i.e. it is “a phenomenon exhibiting similar attributes to those that predominate in, or are closely identified with, ‘Europe’” (Featherstone 2003:3). Such an approach, on the one hand, opens up to the possibility of voluntary, indirect mechanisms resulting in institutional isomorphism or mimicry, such as social learning, adaptation and lesson-drawing. On the other hand, it includes the possibility of a broader understanding of ‘Europe’ to be considered as the origin of the impulse affecting the domestic level. By sideling an EU-centric approach, it takes into consideration the role of other European international organisations (Council of Europe, OSCE, NATO, but also OECD and global institutions such as WB, IMF, WTO) in fostering rule transfer and norm diffusion, going even beyond formal institutions (‘political Europe’) to consider the role of ‘cultural Europe’, i.e. the broad circulation of norms, practices and behaviours in the continent, for instance in the framing of the Eastern Enlargement as a part of the historical process of ‘return to Europe’ of countries which felt having been violently separated from it (Lippert *et al.* 2001).

In fact, while the second, maximalist meaning seems the most linguistically appropriate for the concept of Europeanisation, for the sake of familiarity and operationalisation most scholars use the first, minimalist sense. This is an even more contentious issue when Europeanisation of candidate states is at stake, since the EU may not be only one source of change, in a process which sees parallel and often reinforcing pressures from several international instances and organisations (EU, Council of Europe, NATO, not to speak about broader globalisation and modernisation trends).

3.4. *Top-down, hierarchical phenomenon of EPZ-East: back to 1*-gen definitions?*

According to Adrienne Héritier (2005: 203), the main differences between “Europeanisation West” (Europeanisation within the EU) and “Europeanisation East” (Europeanisation of candidate countries) lay in the starting situation of CEE countries, featuring both a triple simultaneous transition (to democracy, market economy, and sometimes also statehood) and a strong linkage with EU accession negotiations. In such a setting, the “overpowering external incentives associated with
EU membership conditionality” exert an “enormous pressure” on candidate states (Ibid: 205). When coupled with the wide scope of accession negotiations, including all issues areas covered by the *acquis*, the frequent demands for wholesale institutional reform, and the extensive monitoring role of the European Commission on implementation, membership conditionality leads Europeanisation East to conform more with first-generation definitions of Europeanisation as a one-way, top-down process. Candidate countries are denied agency in the process, as they have no outlet to express their voice nor to shape the policies of which they are at the receiving end.

As underlined by Sedelmeier (2011: 7), the rational choice model of rule transfer, focused on external incentives and conditionality, is the one that is empirically found having the best explanatory value towards rule transfer in CEE countries. The main determinants of such a model are found by Schimmelfennig and Sedelmeier to be the credibility of EU conditionality and the domestic costs of rule adoption. The size and speed of rewards, as well as the determinacy of conditions, are only inconsistently correlated with the success of conditionality. Moreover, such model is deemed particularly relevant in the context of *acquis* conditionality. The lesson drawing and social learning models, at the contrary, can explain those rule transfers which happen before the explicit formulation of EU conditionality, often in a patchy way. They also have an impact on the depth of change, as rules transferred by lesson drawing or social learning are usually less contested domestically and therefore able to result in behavioural rule adoption and sustained compliance, rather than mere transposition. (Schimmelfennig and Sedelmeier 2004: 662, 669, 674)

Europeanisation of candidate countries complies mostly with rationalist institutionalist hypotheses; its success in bringing about transformation is linked to the clarity and credibility of conditional rewards, and to the political costs faced by domestic veto-players. As such, the Europeanisation of candidate countries looks very much alike a hierarchical process of conditional compliance.

3.5. Results? The danger of degreeism

As underlined by Sartori (1970), a concept is defined in its field of application by two properties in a trade-off relation, intention and extension. The properties covered by the concept define its intention, while the range of items to which the concept applies defines its extension. The more the properties a concept includes, the less the empirical realities to which it will apply.

Radaelli noticed in the year 2000 that Europeanisation studies seemed to privilege extension and cover a broad range of phenomena, also when with few common features, and considered that to be due to the early stage in which the research field found itself (Radaelli 2000: 5). In the same way,
the definition that he put forward back then was also highly denotative, intending to seize the research object by putting forward a collection, a catalogue of elements that may fall within its field of application, even if they do not appear at first sight to have too many properties in common. In Sartori’s (1984) language, Radaelli’s definition could be classified as a ‘precising denotative’ definition (Chatzigiagkou 2010: 45).

The idea was that, after a first exploratory approach to the field, more intension-focused definitions and approaches would result in a more in-depth understanding of the object of Europeanisation research (Radaelli 2000). In fact, more than one decade later, Europeanisation studies keep using the same, denotative and extensive definitions. The end result is conceptual stretching in terms of degreeism, i.e. differences in kind replaced by differences in degree (Sartori 1970, 1991). By not being able to define what Europeanisation is and what is not, students tend to see it everywhere, but only partially; this is what Sartori (1991) was referring to in his metaphor of the cat and the dog: not knowing about the difference between the two, we can only speak of different degrees of cat-dog. As Radaelli (2000: 6) contended, “if everything is Europeanized to a certain degree, what is not Europeanized?” (emphasis in the original).

The end result can be seen in the plethora of studies arguing that Europeanisation is there, but only to a certain extent. The ‘adjectivised Europeanisation’ trend seems to be on the rise in the field. We then hear about “limited” (Vink 2001, Barbulescu and Troncota 2012), “slow” (Tzifakis 2012), “shallow” (Goetz 2005) “sluggish” (Chatzigagkou 2010), “negotiated” (Lecher 2002) Europeanisation, up to “Potemkin” Europeanisation (Jacoby 1999). While they are often used in a descriptive way, sometimes these labels are held up as new concepts. In fact, they often mistake a difference in the outcome (differential, limited convergence and compliance) with a difference in the process of Europeanisation itself. Instead of defining the scope conditions of the process of Europeanisation in the context of candidate countries, in order to explain its differential outcome, they tweak the process itself.

3.6. The issue of stateness: a cul-de-sac for weak states in the enlargement process?

Concerning the Europeanisation of candidate countries, one scope condition appears to be particularly well-suited to explain variance in outcomes: statehood/stateness. Differently than in previous EU enlargement rounds, in the Western Balkans different types of states coexists, ranging from international semi-protectorates and contested polities (Bosnia, Kosovo) to more or less consolidated states. The contestation of the polity, together with the weakness of state structures, vulnerable to capture by predatory elites, which Linz and Stefan (1996) had already put at the centre
of the explanatory model of post-communist transition, have also been singled out by Elbasani (2010: 20) as a relevant interventenient variable in Europeanisation processes. “Deficient patterns of compliance tend to correlate well with the problem of stateness” (Elbasani 2013: 18).

Börzel agrees, when stating that “limited statehood is the main impediment for the Western Balkans on their road to Brussels”, since it “affects both the capacity and the willingness of countries to conform to the EU’s expectations for domestic change” (Börzel 2013: 174). In fact, limitations in both sovereignty (the domestically and internationally uncontested claim to the legitimate monopoly of force) and capacities (organisational, financial and cognitive resources to make and enforce collectively-binding rules) “have seriously curbed the transformative power of the EU in the Western Balkans – despite their membership perspective” (Ibid: 173). In contexts of weak statehood, conditionality is not able to produce social learning and modify behaviours, and these very states’ weaknesses lead the EU to behave inconsistently, reducing its own leverage and the effectiveness of conditionality.

“Consolidated statehood is crucial to make Europeanisation work. Uncontested sovereignty and sufficient state capacity are indispensable to comply with EU expectations for domestic change. For countries that lack one or both, membership is too remote to provide sizeable and credible incentives to engage in costly reforms.” (Ibid: 183)

This finding leads to a dilemma in the EU enlargement policy: the EU has offered future membership as a contribution to soften and solve statehood issues, but those very issues are undermining the Western Balkans’ compliance with EU norms and rules. According to Börzel, “the EU is unlikely to deploy much transformative power in its neighbourhood as long as it does not adjust its ‘accession tool box’ to countries whose statehood is seriously limited” (Ibid: 174). The EU seems ill-equipped to deal with weak statehood cases, as it has no experience as a state-builder, and the case of Kosovo demonstrates that it has not developed the policies to become one. Its conditionality, capacity-building and selective coercive powers seem insufficient to produce anything more than formal, superficial change. Moreover, the EU’s post-modern emphasis on power-sharing, minority rights, and capacity-building has sometimes clashed with state-building attempts to create strong central institutions and national identities. “Somewhat paradoxically, the EU can neither empower liberal reform coalitions where they do not exist, nor can it build states where there is no consensus on the national unit” (Ibid: 183).

Börzel’s ultimate finding is that the EU “lacks a clear strategy for state-building” (Ibid.), but she does not suggest the EU to equip itself with one: “it is no use trying to develop one” (Ibid: 184),
advocating instead that the EU acknowledges that it can only promote stability in its neighbourhood, and not substantial change. While this seems reasonable in the framework of the European Neighbourhood Policy, it should be not necessarily so for the countries included in the enlargement agenda. The next section puts forward forward a new approach to the dilemma, by reframing it in terms of member-state building, in order to look for new solutions.

4. A clearer referent: the case for the use of the concept of member state building

An alternative to the concept of Europeanisation in the context of EU candidate countries, or better to say a complementary approach, is the concept of “member state building”. First being used quite denotatively, the concept use is growing in the literature and its features are becoming clearer. This section introduces the theoretical referents of member state building, in the notion of sovereignty as responsibility and liberal state building. It then defines it and trace the early discussions on the topic since 2005, concluding with the insight that member state building can bring about how to solve the dilemma of simultaneous state building and European integration.

4.1. Sovereignty as responsibility and the making of liberal state-building

Member state building, as a concept, relates directly to the literature concerned with liberal and post-liberal state building, which in turn refer to a notion of sovereignty as responsibility. In contrast to the traditional meaning of sovereignty, couched in terms of absolute independence and autonomy, sovereignty as responsibility underlines the role of sovereignty in the socialisation of states. Rather than a natural right of states, sovereignty is constructed as a concession, a privilege dependent on the fulfilment of certain responsibilities (Venneri 2007: 13-22). In this way, sovereign governments are subject to both domestic and international accountability; they are less “free agents” and more “members of one community” (Etzioni 2006: 83). Taking a Foucaultian perspective, Aalberts and Werner (2011: 2183) remark how “state sovereignty is used as a governmental technology that aims to create proactive, responsible subjects”. Starting with the Islands of Palmas arbitration, and up to the 2001 final report International Commission on Intervention and State Sovereignty (ICISS), sovereignty is being increasingly understood as an obligation to respect the rights of other states, shaping and fostering autonomous and responsible
members of the international society, “constituting states as capable actors that bear responsibility for their policy choices” (Ibid: 2198).

From an understanding of sovereignty as responsibility descends the practice of liberal state building. Under the assumption that state weakness or failure is at the root of conflict, and premised on the incapacity of domestic state consolidation, state building aims at reconstructing state structures through external intervention. Intervention may be either direct, or through coercion and monitoring, or by conditionality, in a ‘long-distance’ state building approach. The shift towards the latter is due to the incompatibility of long-term direct intervention with democracy and the rule of law, and to its legitimacy and commitment crisis (Bieber 2011: 1791).

The state that tends to emerge from state building, anyway, has some typical features: according to Zaum (2012: 123), it is an executive-dominated state, still unable to provide most public services, and often reproducing pre-war patterns of political economy. Bieber (2011: 1784) coins for it the term of minimalist state:

“Minimalist states constitute an effort to address the sources of conflict and state weakness by fostering state structures which fall short of the set of functions most states are widely expected to carry out, but by doing so might be able to endure”

The minimalist state thus is a sub-type of the weak state, but it holds minimal functions and has only minimal ambitions. Its legitimacy is still contested, both domestically and often internationally; its capacity to enforce decisions is weakened by power-sharing agreements and veto points; and its scope (the fields with which the state structure engages) may be limited to few central state functions: defence, foreign affairs, monetary policy (Bieber 2011: 1786-1790).

4.2. The birth of member state building: building functional states while integrating them

Member state building was first referred to as a strategy in the 2005 report by the International Commission on the Balkans (ICB), “The Balkans in Europe’s future”. Member state building was supposed to face the “integration challenge” and respond to the ghettoisation of the remainder of the Balkans, once Romania, Bulgaria and Croatia would have joined the Union. The ICB recognised that Western Europe and the post-Yugoslav states were “talking at cross-purposes” (2005: 29) in the

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3 Such an understanding does not go uncontested, anyway. On the one hand, it appears to undermine political agency and the accountability of power (Cunliffe 2007:40); on the other hand, it seems to serve well to an “Empire in denial” (Chandler 2006: 30), when one considers, with Laïdi, that power, in the post-ideological era, is exercised to escape and avoid responsibility.
1990s. The EU was set on the course of a post-modern project of supranational integration, while the newly independent states were in a state- and nation-building moment which led only to the creation of “weak states and protectorates”. “Building functional member states while integrating them into the EU is Brussels’ unique challenge in the Balkans” (Ibid.) Member state building was seen as a distinct strategy from both international state building and the EU enlargement process.

“The objective is not simply to build stable, legitimate states whose own citizens will seek to strengthen and not destroy them - rather it is the establishment of a state that the EU can accept as a full member with absolute confidence.” (Ibid.)

As seen by the ICB, such a strategy should have rested on three pillars. First, the Union should have fostered the development of functioning state administrations exploiting the leverage of the accession process. This includes a shift in focus from formal adoption of acquis norms to the development of implementation capacities, the inclusion of benchmarking, and the priority given to justice and home affairs issues as the most challenging ones. Capacity building should thus become the “principal and explicit objective” (Ibid: 30) of both the association (SAP) and negotiating framework. Although the lack of a single EU member state model makes the Union a reluctant state builder, unwilling to endorse one or the other of the many administrative and constitutional arrangements in force in its member states, the Commission should have “assume[d] the responsibility for some of the institutional choices that the applicants are forced to make”.

Secondly, the Union should have fostered the economic integration of the Western Balkan region, with a free trade area leading to a customs union with the EU, coupled with infrastructural investments and labour market and travel policies. Thirdly, “Member State Building as a Constituency Building” (Ibid: 32) should have focused on the gap between state and society, enhancing the quality of democracy, protection of minority rights, and the reconciliation between decentralisation, local self-governance, and multiethnicity. Finally, a “smart visa policy” should have allowed the youth of the region to travel to the rest of the EU, consolidating liberal and pro-European attitudes in new generations which found it the most difficult to travel abroad.4

The same year as the ICB’s report, the European Stability Iniatiive (ESI) distinguished in the Western Balkans three models of state building, as defined by Fukuyama (2004) as “the creation of new institutions and the strengthening of old ones”. The first, traditional capacity-building, focuses

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4 Many of the ICB’s recommendations have later been enacted by the European Commission in its enlargement strategy - from the shift of emphasis towards implementation and rule of law issues, to the visa liberalisation programme.
on standard non-coercive developmental tools to foster democracy and institution-building, as applied in many other locations worldwide. The second, authoritarian state-building, aims at fostering institutional development by entrusting wide-ranging competences to international structures, unaccountable in the domestic constitutional sphere. Such powers, meant to respond to threats to public order and ensure minority protection in post-conflict scenarios, were “reasonably successful” (ESI 2005: 8) in achieving Fukuyama’s first stage of nation building – the material and institutional reconstruction of the countries at stake. Nevertheless, they faced open issues in passing to its second stage – the creation of an effective state, able to respond to the challenges it faces. The national administrations are still too weak to even describe such issues (see the lack of censuses in Bosnia and Kosovo), before being able to set a strategy and enact it.

The third, EU-peculiar approach was named member state building and when applied to candidates for EU membership “accomplished revolutionary transformations over the past decade” in CEE and Turkey (ESI 2005: 3), outnumbering the success stories of the first two approaches. Member state building, according to the ESI, is made up of three processes. First, “an administrative revolution”, brought about by alignment to the EU acquis, in terms of institutions and legislation. Second, “a process of social and economic convergence”, aiming at cohesion and fostered by regional and rural development policies, increasingly implemented through national multi-year programming and certified by the Commission. And third, “a shift in the substance and processes of democratic governance”, opening up the decision-making process to consultation with the civil society, due to the effect of the first two elements (2005: 6-8).

4.3. The paradoxes of member state building and the role of the EU

Later studies defined EU member states building as “a specific path to EU membership creating, in parallel, the preconditions for being a sustainable State as well as a future Member State” (Woelk 2013: 470). The EU enacts a dual strategy, of state building and of European integration, towards the states in its enlargement agenda, through the tool of conditionality:

“The intricate process of EU integration with all its norms, procedures and criteria is the best crash-course in rational state management, good governance and administrative capacity building ever. The added value is in the form rather than the content of the EU integration process” (Van Meurs 2006: 131).

“The challenge for the region is no longer about peacebuilding but about a process of preparation for membership in European structures... Democratization and state building are
fundamental elements of this Europeanization. The EU, in other words, is building states which can eventually join the Union” (Keil 2013: 344, 346).

Nevertheless, the EU has been unable to transfer conditionality to state-building; stateness has remained the biggest obstacle to EU integration. Europeanisation-Southeast, to paraphrase Héritier, has been mostly externally-driven, coercive and increasingly demanding (Anastasakis 2005: 82 KEIL). The dilemma arises from the tensions between building minimal states (the post-conflict state building agenda) and building future EU member states (the member state building agenda). This is due to the fact that there exists a complex and non-linear relation between European integration and stateness. On the one hand, integration requires from states to renounce to absolute competence and pool some sectoral sovereignty in order to achieve common solutions. On the other hand, the EU requires from them high capacity requirements, in order to transpose EU law into domestic legislation, and to take part in common decision making. This is at odds with the conditions of most post-conflict states, which feel a need for strong, symbolic external sovereignty, while facing challenges of limited domestic capacity (Bieber 2011: 1785).

EU-led state building, in the context of the Western Balkans, has gone way further that what was the experience with institution-building during the EU eastern enlargement, enlarging its scope up to encroaching open issues of sovereignty. Conditionality, moreover, has sometimes undermined state building itself, even when geared towards a minimalist state. First, pre-accession conditionality, being “sliced-out”, has offered little reward and therefore little leverage. Second, the EU has had to deal with cross-conditionality with other international organisations (Council of Europe, Nato). Third, the absence of clear rules and criteria, due to the lack of a single “EU member state” model, has weakened democratic conditionality; the EU acquis is “weak on the nature of the state... The EU gives little guidance as to what kind of states can join the EU” (Ibid: 1793-1794).

In this context, “success” in member state building, according to Bieber, corresponds to exiting the minimalist state category, by acquiring legitimacy, strength and scope, “to be able to function as a future EU member state, and to provide services to citizens that allow them to secure popular legitimacy” (Ibid: 1798). To achieve this, a three-pronged effort is needed. First, there should be commitment to one single state-building project over other alternatives. Second, a normative case for the state (a political, input criterion) is necessary, in order to persuade political elites to commit to it. Third, institutional capacities (an administrative, output criterion) are needed to meet the dual challenge of the high expectations of society from the state, and of EU membership requirements. All in all, given the two sources of high expectations, “the bar for state success in the Western Balkans is considerably higher than in other regions” (Ibid: 1799).
Woelk (2013: 473-474) identifies five paradoxes of member state building. The first is the “paradox of sovereignty”: Western Balkans states, while they see the mirage of absolute sovereignty, are subject to international pressures to limit their sovereignty even before full integration. The second is the “no blueprint paradox”: the region, as well as the EU, shows remarkable diversity in the forms and functions of state structures, not providing any clear constitutional model. The third is the “good will paradox”: the EU lacks effective means of enforcement, especially in case of violation of political and constitutional duties, as a reflex of the voluntary nature of integration. The fourth is the “no damage paradox”: sanctions, as a way of enforcing decisions, might often even worsen the situation, thus suggesting a more strategic use of positive incentives instead. Finally, the “mirror paradox” tells us that “the EU’s capacity of acting as a catalyst for reforms depends very much on its own attractiveness” (Woelk 2013: 474).

So, given the drawbacks above, which option is left for the EU’s role towards the Western Balkans? The main question concerns “how to find solutions for sustainable change and create incentives for overcoming these paradoxes” (Ibid). According to Woelk, the main point of reference is that diversity is worth being preserved, as it is recognised by the EU as a value in itself (art. 4 TEU). Therefore, the sovereignty paradox and the no-blueprint paradox seem to dispel the idea of a grand road map, a “detailed construction plan” (Ibid) for member state building. Rather, the EU should shift its discourse and practice from “European standards” to “European adaptations”, in order to take into consideration the diversity among candidates and among member states. By taking as a reference point the shared values and principles of democracy, human rights, and rule of law, operationalised in particular by other organisation than the EU (Council of Europe, OSCE), the Union could spell out a set of different compatible options, from which the candidates could legitimately decide which to adopt according to local needs and features. This would help overcome the sovereignty paradox, as well as fostering “local ownership” by citizens and political elites.

The EU, in the context of member state building, would thus assume the role of an “interested moderator” (Ibid: 477), suggesting different perspectives and aiming to improve the political debate and decision making processes. The concept is similar to the idea of Europe as a “vanishing mediator” (Balibar 2005): the EU would employ a relational power in its conflict management strategy, highlighting “the constitution of a community sharing a similar fate (and thus not necessarily a similar identity as such)” (Ramel 2011: 281-282). By recognising conflict as a constitutive of the political, Balibar too points to the ability of the EU to preserve diversity, thus working as “neither a model, nor a hegemon” (Ibid.). This may also help depoliticising the issue of EU integration, which has often become a divisive theme in candidate countries. “The creation of a
general consensus on EU integration is of fundamental importance in the process of EU Member State Building” (Keil 2013: 350).

The ability of the EU member state building approach to soften the contradiction of liberal state building may be illustrated with an example from the enlargement process, the police reform in Bosnia and Herzegovina. In a case of “mismanaged conditionality” (Venneri 2010: 29), in 2004 the OHR/EUSR Paddy Ashdown identified police reform as a key prerequisite for progress in the European integration path of the country. However, early apparent inter-ethnic agreement on the issue soon disappeared, leading Bosnia to the deepest political crisis since post-war democracy. Ashdown’s centralisation effort, cast in technocratic terms of judicial reforms, was undermined by the lack of common standards, either in the EU or by the Council of Europe, on police matters, raising opposition by domestic actors. The impasse remained until the OHR/EUSR backpedalled, accepting cosmetic changes as satisfactory (Venneri 2010, Tolksdorf 2013). In this case, it is apparent how the lack of respect for the value of diversity, intrinsic in the liberal state building top-down approach allowed domestic actors to oppose a veto and conquer the agenda of reform. A different approach, based on member state building, could have presented Bosnian politicians with different options of compatibility between Bosnian institutions and broad European standards, drawing different models from the experiences of various EU member states. In this way, open domestic discussion on the model to adopt would have also added legitimacy to the process, avoiding the democratic contradictions of imposed models.

Overall, for Woelk, four features are necessary for a renewed member state building approach. First, an incentive-based perspective of positive conditionality. Second, the consultation and assistance in constitutional matters, also through the provision of alternative compatible paths towards membership. Third, the involvement of citizens, in order to achieve reconciliation. Last, a regional dimension to support policy networks, e.g. through the Regional School of Public Administration – ReSPA (Woelk 2013: 477-479).

Conclusions

This paper has reviewed two approaches to the relation between the European Union and the candidate and potential candidate countries which are now part of its enlargement agenda, the countries of the Western Balkans and Turkey. The first one makes use of the concept of Europeanisation, coming from neo-institutionalist theories of European integration, to frame the spillover effects of integration and the two-ways, top-down and bottom-up relation between the European Union and the domestic structures which interacts with it. With regards to the
Europeanisation of candidate countries, “Europeanisation East” has emerged as a more top-down process of norm diffusion, better explained by rational choices approaches based on incentives and conditionality, and premised on the presence of a consolidated state. Nevertheless, the current Southeast European candidates face the dilemma of simultaneous state building and European integration processes, providing them with contradictory incentives. The lack of settled statehood, which the European integration process was supposed to solve, is actually undermining the very mechanisms of Europeanisation. Europeanisation has proved unable to transfer conditionality to state building. The academic literature has thus seen the growth of studies on ‘adjectivised Europeanisation’, with a looming risk of degreeism.

A second approach, compared to the first as a complementary alternative, is the one of member state building. Derived from a notion of sovereignty as responsibility, and from the wish to reduce threats perceived as coming from state weakness, external intervention and liberal state building have become an international norm in the 1990s and 2000s. A similar but different notion than liberal state building is member state building, intended as “building functional member states while integrating them into the EU” (ICB 2005: 29). Member state building face the same dilemma as the Europeanisation of candidate countries, in the simultaneity of state building and European integration, given their competing logics of sovereignty concentration rather than pooling and diffusion, but allows more ways out from it. Besides the traditional capacity building approach of state building, member state building allows the EU to refer to its value of diversity preservation. By exploiting the lack of a single blueprint and the possibility for different solutions to be compatible with the broad “European standards”, member state building can also foster domestic ownership and legitimacy, thus evading from the trap of imposed liberal state building. The role of the European Union emerges as the one of an “interested moderator” (Woelk 2013: 477), “neither a model, nor a hegemon” (Ramel 2011).

Overall, making enlargement work is fundamental for the future shape of the relations between the EU and its neighbours, and for the identity of the Union itself. As recalled by Krastev, “the real choice the EU is facing in the Balkans is: enlargement or Empire” (ICB 2005: 11). Member state building can be a useful analytical tool to understand the challenges of enlargement, and look for new solutions to seemingly intractable dilemmas.
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