Significant Other? The self-representation of Normative Power Europe

The United States as the EU's Other in the context of the International Criminal Court, 2002-2005

Ruben Cober

Dr. Marloes Beers

5749964

Master's Thesis

MA International Relations in Historical Perspective

Utrecht University

Wordcount: 14931

15-06-2020

Abstract

This thesis examines the self-representation of the normative power identity of the European Union through the case-study of the International Criminal Court (ICC), in the period of 2002-2005. Drawing upon the notion that identity is discursively constructed in relation to Others, this thesis examines how EU-actors have constructed the EU's international identity as a normative power, in relation to the US as the EU's non-normative Other. The ICC is an important case study in this regard, due to the importance of multilateralism and international law for the EU's normative self-representation. Furthermore, disagreements over multilateralism and the ICC specifically, contributed to a worsening of transatlantic relations during this period. Drawing upon key theoretical notions with regard to the EU's identity-construction, this thesis analyses the EU's discourse from the perspective of specific functions of identity-discourse. It is argued that the EU has constructed a normative, multilateral identity in order to contribute to the construction of a European political identity, as well as a distinctive international identity. The identity of the EU has been fundamentally constructed in relation to the US as its Other in the context of the ICC, through a discourse of values, multilateralism and othering.

Keywords: normative power Europe, European foreign policy, international identity, European identity, discourse analysis, transatlantic relations, othering

Index

Introduction

The notion that the European Union is a distinctive actor has been commonplace in the academic debate and in statements by EU-officials. This difference is often reiterated specifically concerning the EU's foreign policy and its role in international politics. The notion of the EU's supposed difference begs the question: different from whom? In the academic debate, the EU's foreign policy has in particular been juxtaposed with the foreign policy of the United States (US). For example, the argument that the US and Europe are 'fundamentally different' by American historian Robert Kagan in 2003, who stated that "Americans are from Mars, Europeans are from Venus", attracted much popular attention.[1] This idea of divergence has gone far beyond the academic debate.[2] Importantly, EU-officials have also represented the EU's foreign policy as distinctive, by juxtaposing the EU with the US. For example, as Javier Solana, the then High Representative for the Common Foreign and Security Policy mentioned in 2002: "A common thread is that we Europeans are instinctive multilateralists and want the US to be more committed to multilateral solutions."[3]

In the academic debate on EU foreign policy, the concept of normative power has been used to describe this difference and to explain the EU's role and identity in international politics. In academic as well as political and policy circles, it has become commonplace to refer to the EU as a normative power that promotes certain values in its foreign policy. This research expands upon the concept of and research about normative power, by examining how EU-officials have constructed the international identity of the EU as a normative power. Important assumptions in this research are that identity is discursively constructed, and that identity is relational and therefore constructed as opposed to an 'other'. Therefore, the representations of how the EU's foreign policy is 'different', also express what the EU's foreign policy is supposedly not.

This aspect of discursive construction of the EU's international identity as normative power through othering is central to this research. In particular, the focus is on the othering of the US by the EU, which has not been examined extensively in the academic literature. Especially in the period of the first Bush Administration from 2000-2004, the US and EU have been

---

[1] Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003); Robert Kagan, "Power and Weakness", *Policy Review* 113 (2002), 1-2.

[2] Christopher J. Bickerton, *European Union Foreign Policy: From Effectiveness to Functionality* (Basingstoke: Palgrave Macmillan, 2011), 77.

[3] Javier Solana, cited in: Mark A. Pollack, "Unilateral America, multilateral Europe" in: John Peterson and Mark A Pollack (eds.), *Europe, America, Bush: Transatlantic relations in the twenty-first century* (Abingdon: Taylor & Francis Group, 2003), 115.

represented as 'different' in their foreign policy. During this period, contrasting views and policies with regard to multilateralism and multilateralism led to stark disagreements between the US and the EU and its member states. The establishment of the International Criminal Court (ICC) was of key importance for EU foreign policy in this period and constituted an important point of contention in the transatlantic relationship.

Research question

Therefore, the central research question of this thesis is: How has the EU constructed the international identity of the EU as a normative power by constructing the US as the Other in the context of the ICC, 2002-2005? The key hypothesis in this research is that EU-officials have self-represented the EU's international normative power identity, by constructing the US as the EU's non-normative Other. Following the discussion of the historiography of the relevant topics for this thesis, the key theories, concepts, and methods will be discussed in chapter one. The sub-questions and main research-question will be answered in chapter one.

Historiography

In the historiographic debate about the EU's foreign policy, scholars have devoted considerable effort to explaining the EU's role and identity in international politics. One of the key questions has been what type of actor the EU constitutes in its external relations. The EU has often been perceived as essentially different from other international actors, in terms of goals, instruments, policies, power and results.[4] In particular, the concept of normative power has for the last two decades been leading in research on the EU's foreign policy and actorness. Ian Manners has

---

4 James Rogers, "From Civilian Power to Global Power: Explicating the European Union's Grand Strategy through the Articulation of Discourse Theory", *Journal of Common Market Studies* 47:4 (2009), 832; Hanna Tuominen, "The Changing Context of Global Governance and the Normative Power of the European Union" in: Astrid Boening, Jan-Frederik Kremer and Aukje van Loon (eds.), *Global Power Europe, Vol 1. Theoretical and Institutional Approaches to the EU's External Relations* (Berlin: Springer, 2013), 201-205; Helene Sjursen, "The EU as a 'normative' power: how can this be?", *Journal of European Public Policy* 13:2 (2006), 235-237; André Gerrits, "Normative Power Europe: Introductory Observations on a Controversial Notion" in: André Gerrits (ed.), *Normative Power Europe in a Changing World: A Discussion* (The Hague 2009), 1-2; Michelle Pace, "The Construction of EU Normative Power", *Journal of Common Market Studies* 45:5 (2007), 1042-143. Furthermore, several different 'power-concepts' have been introduced. What these have in common is that the EU is described as fundamentally different compared to other foreign policy actors. See: Wolfgang Wagner, "Liberal Power Europe", *Journal of Common Market Studies* 55:6 (2017), 1398-1414; Lisbeth Aggestam, "Introduction: Ethical Power Europe?", *International Affairs* 84:1 (2008), 1-11; Caterina Carta, "Use of metaphors and international discourse: The EU as an Idiot power, a deceptive Pangloss and a Don Juan in his infancy", *Cooperation and Conflict* 49:3 (2014), 334-353.

from his article in 2002 onwards sparked a lively debate among scholars as well as policymakers about the EU as a fundamentally 'different' actor. Following from this, it has been widely argued by Manners and many others that the EU is 'normatively different' compared to other actors, due to the centrality of the diffusion of norms and values in its foreign policy.[5] According to the proponents of the normative power thesis, this normativity has been fundamental to the EU's foreign policy and international identity. This conception of the EU as a normative power has also gone beyond the academic debate, into political and policy circles.[6]

Following from the arguments of Manners, research about Normative Power Europe (NPE) and the EU's 'actorness' has mainly been empirical or 'positivist' and has revolved around the questions of whether the EU is indeed a normative actor and if and how it acts normatively in foreign policy. This research could be further delineated into questions of the EU's (normative) interests, behaviour, means of influence and normative ends.[7] According to proponents of the NPE-thesis, the EU's behaviour and identity in foreign policy are based upon certain norms, values and political principles that are enshrined in the EU's legal order, such as peace, liberty, human rights, the rule of law, and democracy. As Manners states, the key factor shaping the EU's international role is not what it does or says, but "what it is".[8] This conceptualisation of NPE is based on a rather essentialist understanding, in that the particular nature of the EU has 'determined' its normative role in world politics.[9] The central claim of NPE is that the EU is ontologically constituted on a normative basis, which "predisposes it to act in a normative way in world politics".[10] Furthermore, in promoting values internationally, the EU employs methods of soft power in a multilateral manner. However, various authors have refuted the NPE-thesis on empirical grounds, arguing that the EU does not correspond to this image of normative power. They have among others developed different 'power-concepts', for example by arguing

---

[5] Ian Manners, "Normative Power Europe: A contradiction in Terms", *Journal of Common Market Studies* 40:2 (2002), 240-244; 252-253; Steve Marsh and Hans Mackenstein, *The International Relations of the EU* (Abingdon: Routledge, 2014), 54.

[6] Bickerton, *European Union Foreign Policy*, 77; Helene Sjursen, "What kind of power", *Journal of European Public Policy* 13:2 (2006), 170.

[7] Sjursen, "What kind of power", 171-172; Thomas Diez, "Setting the limits: Discourse and EU foreign policy', *Cooperation and Conflict* 49:3 (2014), 327-328; Tuominen, "The Changing Context of Global Governance", 201-204; Tuomas Forsberg, "Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type", *Journal of Common Market Studies* 49:6 (2011), 1190.

[8] Manners, "Normative Power Europe", 252.

[9] As Manners for example states: "the EU is and always will be a normative power" in: Ian Manners, "The Normative Ethics of the European Union", *International Affairs* 84:1 (2008), 45.

[10] Manners, "Normative Power Europe", 242; 252. See also: Nathalie Tocci, "Profiling Normative Foreign Policy: The European Union and its Global Partners" in: Nathalie Tocci (ed.), *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners* (Brussels: Centre for European Policy Studies, 2008), 1-3; Ian Manners and Richard Whitman, "The 'difference engine': constructing and representing the international identity of the European Union", *Journal of European Public Policy* 10:3 (2003), 383-389.

that the EU does not unequivocally act in accordance with norms and by exemplifying that the EU's emphasis on norms is selective and based on interests. From a normative standpoint, NPE has been criticised by arguing that the values that the EU promotes are not universal.[11]

From the perspective of NPE, the EU's characterising normative identity essentially follows from 'what the EU is', resulting in the norms and values underlying its action in international politics, which differentiates it from other foreign policy actors.[12] Adding a different perspective to the debate on NPE and the aspect of the EU's international identity specifically, some authors have analysed how the EU has constructed its identity as a normative power through discourse. Importantly, these authors have drawn from theoretical assumptions and concepts of discourse analysis and constructivism. In this view, the EU's international identity is, like political phenomena in general, socially constructed through discourse.[13] In contrast to Manners' claim that the international identity of the EU as a normative power follows from 'what it is', these authors argue that the EU's identity is not a given attribute or characteristic which can be empirically assessed, but that it has been discursively constructed by actors representing the Union in its foreign policy. Drawing upon the notion that discourse constructs meaning, the premise that identities are constructed through discourse or language, is key for this strand of research[14]

In this perspective, the EU is not only discussed as a normative power in the academic debate, but the EU is also self-represented as such. Normative power is thus a discursive construction of the EU's identity. As Thomas Diez argues, the interesting question is not whether the EU is a normative power, but how it has been (self-)constructed as such. Similarly, Henrik Larsen mentions that from a discourse-analytical perspective, international identity should "not be seen as a question of what the Union in essentialist terms is, but rather what kind of actor is

---

[11] For these various critical perspectives on the normative power thesis, see: Michael Merlingen, "Everything is dangerous: a critique of 'normative power Europe", *Security Dialogue* 38:4 (2007), 435-453; Steve Wood, "Pragmatic power EUrope?", *Cooperation and Conflict* 46:2 (2011), 242-261; Münevver Cebeci, "European Foreign Policy Research Reconsidered: Constructing an 'Ideal Power Europe' through Theory", *Millennium: Journal of International Studies* 40:3 (2012), 563-583; Forsberg, "Normative Power Europe'', 1183-1204; Kalypso Nicolaïdis and Robert Howse, "This Is My EUtopia: Narrative as Power", *Journal of Common Market Studies* 40:4 (2002), 767-792; Richard Youngs, "Normative Dynamics and Strategic Interests in the EU's External Identity", *Journal of Common Market Studies* 42:2 (2004), 415-436; Thomas Diez, "Constructing the Self and Changing Others: Reconsidering 'Normative Power Europe", *Millennium: Journal of International Studies* 33:3 (2005), 623-626; Caterina Carta, "Use of metaphors", 338-341.
[12] Manners, "Normative Power Europe'', 252.
[13] Amandine Crespy, "Analysing European Discourses" in: Kennet Lynggaard, Ian Manners and Karl Löfgren (eds.), *Research Methods in European Union Studies* (Basingstoke: Palgrave Macmillan, 2015), 103.
[14] Thomas Diez, "Speaking 'Europe': The Politics of Integration Discourse" in: Thomas Christiansen, Knud Erik Jørgensen and Antje Wiener (eds.), *The Social Construction of Europe* (London: SAGE Publications, 2001), 90.

constructed in discourses".[15] In short, 'what the EU says', is considered to be of key importance by these authors. They have therefore not empirically analysed EU foreign policy but have rather focussed on the discursive means through which EU foreign policy (identity) has been self-constructed, as Senem Aydin-Düzgit summarised.[16]

These authors have thus focussed on the constitutive role of the EU's self-created discourse in the construction of the EU's international normative power identity, by analysing the language that EU-actors have employed. They have done so by applying the method of discourse analysis in examining the EU's international identity representations. This discursive dimension of self-representation of NPE has not been studied as extensively as the positivist research. The authors of this strand of literature have been critical of authors who have empirically studied normative power, and who have not critically assessed the official EU-discourse. As Diez and Hannah Tuominen argue, normative power is not an objective category. On the contrary, it is a discursive representation, an effort to represent the EU in a certain way.[17] The NPE self-representation is clearly also about how the EU wants to be perceived.

Furthermore, another key premise of identity-theory in this strand of literature, derived from (critical) constructivism, discourse theory and poststructuralism, is that identity is constructed as relational. This means that one cannot think of identity without difference or the non-identical and identity therefore requires an 'Other' in contrast to which it is formulated. Discourse thus constructs meaning through difference and Others are crucial for the construction of the 'Self'. The key assumption is therefore that the construction of Others simultaneously constructs the identity of the Self.[18] Following this notion, it has been argued that the EU's international identity and the normative power self-representation have been constructed through practices of 'othering' that generate differences between the 'Self' and 'Other', constructing an identity of the EU against an image of Others.[19] In this view, the EU's

---

[15] Diez, "Constructing the Self", 626; Henrik Larsen, "Discourse analysis in the study of European foreign policy" in: Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union foreign policy* (Manchester: Manchester University Press, 2004), 71. See also: Henrik Larsen, "The EU: A Global Military Actor?", *Cooperation and Conflict* 37:3 (2002), 289.

[16] Senem Aydin-Düzgit, "Critical discourse analysis in analysing European Union foreign policy: Prospects and challenges", *Cooperation and Conflict* 49:3 (2014), 355.

[17] Tuominen, "The Changing Context of Global Governance", 210; Diez, "Constructing the Self", 626.

[18] Larsen, "Discourse analysis", 73; Thomas Diez, "Europe's others and the return of geopolitics", *Cambridge Review of International Affairs* 17:2 (2004), 320-322; Diez, "Setting the limits", 321; 325; Diez, "Constructing the Self", 627; Ben Tonra, "Democratic foundations of EU foreign policy: narratives and the myth of EU exceptionalism", *Journal of European Public Policy* 18:8 (2011), 1193.

[19] Diez, "Europe's others", 320-321; Diez, "Constructing the Self", 613-614; Senem Aydin-Düzgit, "Social-Constructivist and Discursive Approaches to European Foreign Policy" in: Knud Erik Jørgensen et al. (eds), *The SAGE Handbook of European Foreign Policy*, *Vol. 1*, (London: SAGE Publications, 2015), 142.

international identity is constructed and reinforced by a deliberate differentiation with relation to Others. From this perspective, it has been examined how and why the EU has self-represented its (international) identity, for example by discursively presenting non-EU states as Others or as threats, such as Turkey and Russia as well as in the context of EU enlargement.[20] For normative power specifically, it has been argued that EU-actors have constructed Others by emphasizing the differences between the EU's normative identity and the non-normativity of Others.[21]

However, Sonia Lucarelli argues that although the relationship with external Others is recognized to be important for the EU's identity formation as a theoretical notion, these relationships are not fully investigated. Othering should however be investigated more thoroughly due to the importance of external Others in identity formation.[22] Senem Aydin-Düzgit has also criticised the literature on the EU's international identity construction, in arguing that too little emphasis is placed on the linguistic dimension through which EU-identity and the identity of Others are created. Likewise, Diez has called for "systematic discourse analysis of the construction of the EU as a normative power."[23] In short, although the importance of othering is stressed as a key theoretical assumption, how the EU's normative power identity has been constructed through othering has not thoroughly been empirically investigated. As Lucarelli mentions, this gap is rather surprising, given the importance that is attached to Others in theories of identity-formation.[24] With regard to the EU's othering, numerous theoretical assumptions about the how-question and the why-question have been developed. Various authors have conceptualised the discursive construction of the EU's international and normative identity specifically as a strategy that has been instrumentalised by

---

[20] Bahar Rumelili, "Constructing identity and relating to difference: understanding the EU's mode of differentiation", *Review of International Studies* 30 (2004), 39-45; Diez, "Constructing the Self", 630-633; Senem Aydin-Düzgit, *Constructions of European Identity: Debates and Discourses on Turkey and the EU* (London: Palgrave Macmillan, 2012); Iver B. Neumann, *Uses of the Other. "The East" in European Identity Formation* (Minneapolis: University of Minnesota Press, 1999); Beyza Ç. Tekin, *Representations and Othering in Discourse: The construction of Turkey in the EU context* (Amsterdam: John Benjamins Publishing Company, 2010).
[21] Pace, "The Construction of EU Normative Power", 437-439; Elisabeth De Zutter, "Normative power spotting: an ontological and methodological appraisal", *Journal of European Public Policy* 17:8 (2010), 1111-1112.
[22] Sonia Lucarelli, "Mirrors of us: European political identity and the Other's image of the EU" in: Sonia Lucarelli, Furio Cerutti and Vivien A. Schmidt (eds.), *Debating Political Identity and Legitimacy in the European Union* (Abingdon: Taylor & Francis Group, 2011), 148-149.
[23] Diez, "Constructing the Self", 615. See also: Aydin-Düzgit, "Social-Constructivist and Discursive Approaches", 140-142; Aydin-Düzgit, "Critical discourse analysis", 356.
[24] Lucarelli, "Mirrors of us", 148-149.

political actors to further political goals or purpose, such as the legitimisation of foreign policy.[25]

Adding to the literature on the EU's Others, a wide number of authors have argued that in the construction of international identity and normative power specifically, EU-officials have also represented the US as an important or as the decisive Other. Diez for example mentions that the NPE-discourse has largely been articulated in opposition to the US as the Other.[26] Similarly, Hanna Tuominen argues that US foreign policy crucially influenced the formulation of the EU as normative power.[27] Similar to the literature on othering in general, the EU's othering of the US and the importance of the US as Other has mainly been researched extensively on a theoretical level. Importantly, despite this reiterated emphasis on the US as crucial Other, the specific methods and contents of the EU's othering discourse in relation to the EU's self-representation have scarcely been researched empirically.

Specific purposes of discourses and motivations of actors have been identified in the literature on identity construction and NPE specifically, such as the legitimisation and justification of foreign policy or the enhancement of group-solidarity.[28] This implies a political view of discourse and identity-construction, in which identity is conceptualised as a political construction, emphasizing the purposefulness of the representatives of the EU's foreign policy as actors.[29] It has been argued that the representation of the US as Other has been instrumentalised to further these political goals as well. Two 'audiences' and concurrent purposes of the EU's international identity and normative power discourse have been discerned in the academic literature. In this view, the EU's international identity discourse has two addressees: an internal addressee consisting of EU member states and their citizens and an

---

[25] Nicolaïdis and Howse, "This Is My EUtopia", 773-774; Carta, "Use of metaphors", 334-335; Stephanie B. Anderson, *Crafting EU Security Policy: In Pursuit of a European Identity* (Boulder: Lynne Rienner Publishers, 2008), 67-68; Kennet Lynggaard, *Discourse Analysis and European Union Politics* (London: Palgrave Macmillan, 2019), 92-93.

[26] Diez, "Constructing the Self", 622; Diez, "Europe's others", 330. Likewise, Scheipers and Sicurelli state that the normative power identity is "first and foremost shaped in sharp demarcation against the US as the other": Sibylle Scheipers and Daniela Sicurelli, "Normative Power Europe: A Credible Utopia?", *Journal of Common Market Studies* 45:2 (2007), 453.

[27] Tuominen, "The Changing Context of Global Governance", 206-207. See also: Sjursen, "What kind of power?", 171; Sjursen, "The EU as a 'normative' power", 235-251, 240; Anderson, *Crafting EU Security* Policy, 67-68; Sonia Lucarelli, "European political identity, foreign policy and the Others' image. An underexplored relationship" in: Furio Cerutti and Sonia Lucarelli (eds.), *The Search for a European Identity: Values, Policies and Legitimacy of the European Union* (London: Routledge, 2008), 33-34.

[28] Crespy, "Analysing European Discourses", 103; Lynggaard, *Discourse Analysis*, 23; 92-93.

[29] Thomas Risse and Jana Katharina Grabowsky, "European Identity Formation in the Public Sphere and in Foreign Policy", RECON Online Working Paper, 2008/04, 9; Lynggaard, "Discourse analysis", 23; 92-93.

external addressee consisting of non-member states or actors in the international system and foreign publics.[30]

First of all, one part of the literature revolves around the assumption of an external audience of the EU's identity discourse. In this view, the motivation for the normative self-representation is to establish an external image of the EU and to influence foreign perceptions, by projecting 'self-images' and values abroad, in order to claim the EU's role as a legitimate foreign policy actor. In short, the external function of the EU's international discourse is twofold: the construction of a normative international identity as well as the external legitimisation of EU foreign policy.[31] From this perspective, it has been argued that the external function of constructing the US-Other was to present the EU's foreign policy as independent from the US, in order to distinguish the EU's normative international identity and to legitimise the EU's role as an international actor towards other states and their citizens.[32] Joachim Alexander Koops for example has argued that othering has been instrumental in distinguishing the EU from the US, in order to enhance its global identity as a normative and multilateral actor.[33]

Although the EU's foreign policy is mainly about its external relations, authors have also emphasized the internal audience of the EU's discourse and normative self-representation. These are then conceptualised as having been intended towards the construction of a European political identity, referring to the (population's) sense of belonging to the same political entity or group.[34] This identity-construction has been related to the goal of furthering the legitimacy of the EU and its foreign policy among the European population on whose behalf foreign policy is executed, referring to "whether foreign policy constituencies in member states find the

---

[30] Karen E. Smith and Helene Sjursen, "Justifying EU foreign policy: the logics underpinning EU enlargement" in: Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union foreign policy* (Manchester 2004) , 126; Maria Mälksoo, "From the ESS to the EU Global Strategy: external policy, internal purpose", C*ontemporary Security Policy* 37:3 (2016) , 376.

[31] Risse and Grabowsky, "European Identity Formation", 9-11; Mälksoo, "From the ESS", 383; Birgit Poopuu, "Telling and acting identity: The discursive construction of the EU's common security and defence policy identity", *Journal of Language and Politics* 14:1 (2015), 139; Joachim Alexander Koops, *The European Union as an Integrative Power? Assessing the EU's 'Effective Multilateralism' with NATO and the United Nations* (Brussels: Brussels University Press, 2011), 241; 246.

[32] Luis Simón, "CSDP, Strategy and Crisis Management: Out of Area or Out of Business?", *The International Spectator* 47:3 (2012), 103-104; Peter Van Ham, "Place Branding: The State of the Art", *The ANNALS of the American Academy of Political and Social Science* 616:1 (2008), 11-14.

[33] Koops, *The European Union as an Integrative Power,* 57; 85-86; 181; 214.

[34] Furio, Cerutti, "A Political Identity of the Europeans?", *Thesis Eleven* 72 (2003), 27; Lucarelli, "Introduction: Values, Principles, Identity and European Union Foreign Policy" in: Sonia Lucarelli and Ian Manners (eds.) *Values and Principles in European Foreign Policy* (London: Routledge, 2006), 13; Lucarelli, 'European political identity', 28 ; Lucarelli, "Mirrors of us", 149.

common enterprise legitimate or not".[35] As Lucarelli has argued, the literature on the EU's international identity often fails to relate to European identity.[36] However, Lucarelli and others have argued that the EU's international identity discourse has been of key importance for the formation of European identity and the internal legitimisation of foreign policy.[37] The representation of the US-Other has also been perceived from this perspective of an addressed European public and concurrent functions. Stephanie Anderson for example has strongly argued that the EU differentiated its foreign and security policy by representing the US as its Other, in order to further the sense of European political identity and to increase the EU's internal legitimacy.[38]

Importantly however, the EU's international identity discourse has not been thoroughly examined based on these theoretical hypotheses and assumptions with regard to the functions of the EU's discourse and othering of the US. Adding to this, several other gaps can be identified in the academic literature on this specific topic. NPE-research has often centred around empirical questions of whether the EU is a normative power or not. The literature on the EU's self-representation and Others has mainly been developed on a theoretical level, and empirical research on the EU's self-representation in relation to external Others has not been as comprehensive. Likewise, although the US has been mentioned as a key Other, how the EU's normative power identity has been constructed in relation to the US-Other has seldom been investigated thoroughly by systematic and empirical research, with regard to the specific methods and contents of the EU's discourse. One notable exception to this is the study by Sibylle Scheipers and Daniela Sicurelli.[39]

---

[35] Knud Erik Jørgensen, "Theorising the European Union's foreign policy" in: Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union foreign policy* (Manchester: Manchester University Press, 2004), 13. Identity is commonly perceived as a prerequisite of legitimacy and popular support for the EU and its foreign policy. For example, see: Dieter Fuchs, "European identity and support for integration" in: Sonia Lucarelli, Furio Cerutti and Vivien A. Schmidt (eds.), *Debating Political Identity and Legitimacy in the European Union* (Abingdon: Taylor & Francis Group, 2011), 55-56; 58-59; Cerutti, "A Political Identity", 36-38.

[36] Lucarelli, "European political identity", 23-26. A similar point is made in: Cerutti, "A Political Identity", 34-35.

[37] Lucarelli, "European political identity", 25-26; 35; Risse and Grabowsky, "European Identity Formation", 9-12; Lucarelli, "Introduction: Values, Principles, Identity", 13; Cerutti, "A Political Identity?", 34-35; Sonia Lucarelli, "Values, identity and ideational shocks in the transatlantic rift", *Journal of International Relations and Development* 9 (2006), 318-319; Thomas Risse, "Identity Matters: Exploring the Ambivalence of EU Foreign Policy", *Global Policy* 3:1 (2012), 88; 91-92; Anderson, *Crafting EU Security Policy*, 5-7; 46; 120-121.

[38] Anderson, *Crafting EU Security Policy*, 5-6; 67-69; Likewise, Caroline Fehl has argued that the othering of the US was intended to "boost the EU's internal cohesion and the identification of the European population with the EU": Caroline Fehl, *Living with a Reluctant Hegemon: Explaining European Responses to US Unilateralism* (Oxford: Oxford University Press, 2012), 51-52.

[39] Sibylle Scheipers and Daniela Sicurelli, "Normative Power Europe: A Credible Utopia?", *Journal of Common Market Studies* 45:2 (2007), 435-457.

Having mentioned these gaps, this thesis aims to add to the historiographic debate, by examining the discursive construction of the EU's normative power identity through the representation of the US-Other. Firstly, it aims to add to the debate on normative power Europe by examining the discursive construction of the EU's normative power identity. Furthermore, to add to the debate on the othering-aspect of the EU's normative power self-representation, the specific methods and contents of the EU's othering-discourse on the US will be analysed by applying the method of discourse analysis. The empirical analysis of this thesis will draw upon the literature on the theoretical assumptions about the EU's motivations for representing the US as Other in constructing the EU's normative power identity, relating the 'why-question' of discourse to the 'how-question'.

This thesis aims to contribute to the academic literature, by analysing the EU's discourse with regard to the International Criminal Court (ICC). Specifically, normativity in this thesis revolves around multilateralism and international law, since these values and norms constitute key aspects of the (self-represented) normative power identity. The Rome Statute of the ICC was not ratified by the Bush Administration, which opposed several other multilateral treaties. The EU however strongly defended the Rome Statute. This context of US 'unilateralism' has been of key importance for the EU's normative identity-formation. Due to the transatlantic disagreements over the ICC, in conjunction with the importance of multilateralism and international law for normative power, it can be assumed that the EU emphasized its normative international identity by representing the US as its non-normative Other.

After a discussion of the key theoretical framework and concepts, the methodology, sources and sub-questions will be expanded upon in chapter one. Based on the theoretical framework and methodology, the EU's discourse with regard to the ICC will be analysed in chapter two. The findings of the analysis will then be discussed and related to chapter one in the conclusions.

Chapter one: theoretical framework and methodology

Key concepts: discourse, discourse analysis and identity

Several theories, theoretical assumptions and concepts are important in order to assess the EU's discourse in this thesis and will therefore be elaborated on. The first important concepts are discourse and discourse analysis. In a broad manner, discourse can be defined as "a specific ensemble of ideas, concepts and categorizations that are produced, reproduced and transformed and through which meaning is given to social realities", indicating that discourse is a particular way of representation of topics.[40] Adding to this, a fundamental theoretical assumption of discourse analysis and constructivism is that discourse influences how reality is perceived and constitutes meaning.[41] This notion that language plays an important part in constructing social life is a key point of departure and language is therefore a central object of research.[42]

  Discourse is the research object of discourse analysis. Drawing upon the key notion that discourse constitutes meaning, discourse analysis is conceptualised as the analysis of the 'linguistic and communicative processes through which social reality is constructed.'[43] Common to approaches of discourse analysis is therefore the analytical focus on the production of 'collective meaning' and how discourse 'constitutes the world in meaning'.[44] As Koops notes, discourse analysis explores how "speeches, statements and documents form an overall discourse, i.e. a coherent narrative and social construction of reality".[45] Following from this, a key notion for this thesis is that the analysis of individual sources highlights how a broader 'dominant discourse' is promoted, which is prevalent in the language used in sources and promotes certain meanings.[46] In other words, discourse analysis refers to the analysis of a specific discourse by empirically analysing 'its realisation in practices'.[47] This thesis takes the dominance of the NPE-discourse as its point of departure.

---

[40] Lynggaard, *Discourse Analysis*, 2.
[41] Larsen, "Discourse analysis", 66-68; Caterina Carta and Jean-Frédéric Morin, "Struggling over meanings: Discourses on the EU's international presence", *Cooperation and Conflict* 49:3 (2014), 296; Anna Holzscheiter, "Between Communicative Interaction and Structures of Signification: Discourse Theory and Analysis in International Relations", *International Studies Perspectives* 15 (2014), 144, Diez, "Speaking 'Europe'", 91-92.
[42] Larsen, "Discourse analysis", 64-67.
[43] Holzscheiter, "Between Communicative Interaction", 144.
[44] Lynggaard, *Discourse Analysis*, 2; Larsen, "Discourse analysis", 67.
[45] Koops, *The European Union as an Integrative Power*, 42.
[46] Larsen, "Discourse analysis", 65-66; Larsen, "The EU: A Global Military Actor?", 288.
[47] Aydin-Düzgit, ''Critical discourse analysis'', 355.

Despite the common emphasis on language and discursive construction, considerably different definitions, theoretical assumptions and methods of discourse analysis have been developed by scholars. In this thesis, the agency-position of discourse is central, in which the focus is on how actors produce discourse, or how 'subjects create meaning'.[48] This agency-position assumes a strategic and intentional use of discourse, presuming that actors can 'purposefully choose from a range of possible articulations'.[49] Agency-focused studies have pointed to the strategic use of discourse by EU-actors to justify political activities or objectives.[50] As Diez has argued, EU-discourses are not merely descriptive but are part of the construction of the EU. The productive power-dimension of discourse is that it influences how the EU is conceptualised, meaning that 'descriptions' of the EU and EU-policies constitute attempts to fix their meanings.[51] As mentioned in the historiography, authors have from this agency-position subscribed to a strategical view of the EU's international identity discourse for political goals. Likewise, NPE is conceptualised in this thesis as a discursive construction for political functions and purposes, which will be expanded upon towards the end of the theoretical framework.

In terms of substance, a key notion of discourse theory for this thesis is that identities are substantiated through discourse. The focus of discourse analysis is then how discourse constructs identity.[52] In this thesis, the discursive construction of the EU's international identity is analysed. In international relations, realist and liberal theories have often conceptualised the identity of actors as a given or 'intrinsic' attribute, which has been criticised by authors who have been influenced by constructivism. Drawing upon the notion of discursive construction of meaning, they have argued that identities should instead be perceived as discursive constructions.[53] As mentioned, this emphasis on the construction of identity implies a strategical or political view of discourse and identity. In short, identity should be perceived as a political construction. Indeed, as Risse and Grabowsky argue, identities are 'actively created, reinforced,

---

[48] Holzscheiter, "Between Communicative Interaction", 146-148; Lynggaard, *Discourse Analysis*, 2; 23; Carta and Morin, "Struggling over meanings", 298. This agency-position could be conceptualised as one end of a continuum in discourse approaches, the other end of the continuum being 'structure'. For an overview of the debate on agency-structure in discourse studies, also resulting in various research strategies on EU-foreign policy, see: Holzscheiter, "Between Communicative Interaction", 146-148; Carta and Morin, "Struggling over meanings", 297-300; Lynggaard, *Discourse Analysis*, 22-28; Larsen, "Discourse analysis", 63-69.
[49] Holzscheiter, "Between Communicative Interaction", 147. See also: Larsen, "Discourse analysis", 65.
[50] Lynggaard, *Discourse Analysis*, 24; 92-93; Crespy, "Analysing European Discourses", 102-103.
[51] Thomas Diez, "Speaking 'Europe'", 85-86; 89-92. See also: Carta, "Use of Metaphors", 334-335.
[52] Larsen, "The EU: A Global Military Actor?", 287, Diez, "'Speaking 'Europe'''", 90; Carta and Morin, "Struggling over meanings", 304.
[53] Xavier Guillaume, *International Relations and Identity: A Dialogical Approach* (London: Routledge, 2011), 24-25; 50; Larsen, "Discourse analysis", 67-68; Carta and Morin, "Struggling over meanings", 296; 304.

and strategically constructed, usually by political elites."[54] Following these assumptions, identity is throughout this thesis conceptualised as a "specific self-understanding/representation, which is expressed in texts".[55]

Adding to this is the important notion in discourse theory that the identity of the Self is fundamentally constructed relationally to Others. Identity therefore requires an Other against which it is constructed: an Other which identity-discourse constructs simultaneously.[56] This constitutes the practice of othering, which is a key concept in this thesis. Discourses of othering construct meaning through difference.[57] This means that the formulation of an actor's international identity always entails a definition of other actors' identities and their 'otherness', as Carta mentions.[58] Vice versa, representations of the Other entail conceptions of the Self. The key assumption is therefore that othering constructs the identity of the Self.[59] In short, othering is a fundamental process in identity-construction. Throughout this thesis, the EU's normative power identity is conceptualised as fundamentally and intentionally constructed through othering.

Othering

From the perspective of international identity as a political construction, several key theoretical notions with regard to othering have been developed. Furthermore, several strategies that have been used by foreign policy actors have been identified in the academic literature. As mentioned by Xavier Guillaume, othering is a key strategy of self-representation and identity-construction. In this view, identity is constructed and reinforced by a deliberate "differentiation and delimitation" from Others.[60] A specific field of research in international relations has been developed, revolving around practices and discourses of othering in international identity formation. This literature has been influenced by constructivism as well as important theories derived from social psychology and anthropology.

---

[54] Risse and Grabowsky, "European Identity Formation", 9.
[55] Guillaume, *International Relations and* Identity, 35; Poopuu, "Telling and acting identity", 137.
[56] Diez, "Constructing the Self", 627; Diez, "Setting the limits", 321; 325; Diez, "Europe's others", 320-322; Tonra, "Democratic foundations", 1193; Diez, "Europe's others", 320-322. Larsen, "Discourse analysis", 73.
[57] Larsen, "Discourse analysis", 73; Diez, "Setting the limits", 321; Diez, "Europe's others", 320-322; Rumelili, "Constructing identity", 29.
[58] Carta, "Use of metaphors", 347-348.
[59] Larsen, "Discourse analysis", 73; Diez, "Setting the limits", 321; 325 Diez, "Europe's others", 320-322, Diez, "Constructing the Self", 627; Tonra, "Democratic foundations", 1193.
[60] Koops, *The European Union as an Integrative Power?*, 134.

Iver Neumann is a key scholar who has developed this notion of othering for identity-formation in international relations. According to Neumann, the delineation of the Self from Others is crucial for collective identity formation. Although not necessarily so, the Other is often represented as oppositional to the Self. This entails the practice of contrasting identity to an 'anti-self'. According to Neumann as well as Anderson, the outcome of this othering-process is stereotyping and categorisation, meaning that the similarities of the Self or 'in-group' and the perceived differences of the Other or 'out-group' are accentuated and exaggerated. In this manner, the positive aspects of the Self are defined in contrast to the negative Otherness. This positive self-representation and negative other-representation, and the attribution of positive values to the Self and of negative values to the Other are key in order to construct the Self as positively compared to Others.[61]

Following these assumptions, various discursive means and contents of discourse have been identified with regard to the EU's othering. These (theoretical) assumptions about how the EU has represented Others are valuable for the analytical focus of this thesis and they will therefore be discussed throughout the analysis. Bahar Rumelili has argued that EU-actors construct Others as 'less' by using 'rhetorical strategies' and 'representational practices' such as predicates and binaries, which differentiate others from the EU.[62] More specifically, Diez has identified four strategies of the EU's othering, two of which are especially important for normative power. The first is the 'representation of the Other as 'inferior' by representing the Other as undermining the standards and norms of the 'superior' Self. The second strategy refers to the 'representation of the Other as violating universal principles'. In this stronger variation of the first strategy, the norms and values of the Self are represented as universally valid. In terms of content of discourse, Scheipers and Sicurelli have empirically analysed the EU's normative power othering-discourse with regard to the Kyoto Protocol and the ICC. Their main thesis is that the EU has represented itself as the leading international actor or 'vanguard' in promoting values such as multilateralism, which is contrasted to the US as 'laggard', 'lagging behind'.[63]

---

[61] Neumann, *Uses of the Other*, 7-9; 21.Guillaume, *International Relations and Identity*, 28; Tekin, *Representations and Othering in Discourse*, 158-159; Lucarelli, 'Mirrors of us', 151; Anderson, *Crafting EU Security Policy*, 68-70; Lucarelli, "European political identity", 33-34.
[62] Rumelili, "Constructing identity and relating to difference", 31; 36. On the similar concept of discursive strategies, see: Crespy, "Analysing European Discourses'", 105-110; Aydin-Düzgit, "Critical discourse analysis", 358-359; Aydin-Düzgit, *Constructions of European Identity*, 22-24.
[63] Diez, "Constructing the Self", 628-629; Scheipers and Sicurelli, "Normative Power Europe", 451-453.

What is often not substantiated in theories on othering, however, is the importance of audience and context. The 'dialogical approach' to identity developed by Xavier Guillaume is important in this regard. Guillaume has identified four dimensions of identity and othering in international politics. According to Guillaume, 'contextionality' and 'addressivity', meaning the historical context and the intended audience of discourse, crucially influence how othering is instrumentalised in constructing the Self ('relationality'). This dialogical approach sees relations with Others ('alterity') as necessary for self-representation.[64] Furthermore, as Guillaume argues, how the Other is represented in relation to the Self and vice versa, crucially depends on the addressivity of discourse.[65] As mentioned in the historiography, an external and internal addressee of the EU's normative discourse have been discerned. In this thesis, the EU's discourse will be analysed from the perspective of these two addressees with specific functions or goals of discourse. To assess the EU's international identity discourse, it is key to consider the historical and political context, which is related to the functions of discourse and the question of why the EU has represented the US-Other in a specific manner.

Functions of the EU's international identity discourse and othering

As discussed in the historiography, two addressees of the EU's international identity discourse have been identified, namely the internal addressee of EU member states and European citizens and the external addressee consisting of non-member states or the actors in the international system and foreign publics. For these addressees, concurrent goals or 'functions' of discourse and identity-construction have been identified in the literature. These functions are also related to the historical context(s). Importantly, these functions structure the focus of the analysis, as will be discussed in the methodology.

The internal function is the construction of a European political identity, which is related to legitimisation of the EU and foreign policy towards the European population. European political identity refers to "a set of social and political values and principles that Europeans recognise as theirs and give sense to their feelings of belonging to the same political entity or group."[66] This

---

[64] Guillaume, *International Relations and Identity*, 32-33; 39-40; 45-46; 50.
[65] Ibidem, 50; Poopuu, "Telling and acting identity", 137.
[66] Cerutti, "A Political Identity", 27; Lucarelli, "Introduction: Values, Principles, Identity", 13; Lucarelli, "European political identity", 28; Lucarelli, "Mirrors of us", 149.

function is interwoven with the EU's identity-building process during the early 2000's, in which questions and events about the EU as a political community with distinctive 'European' values constituted an important part of the EU's agenda.[67] Lucarelli argues that foreign policy contributes to European identity due to the expression of core values and principles, intended to give meaning to Europeans as a political group or political community.[68] Similarly, Risse contends that the EU's distinctive foreign policy identity and 'normative rhetoric' revolving around values have been intended for 'internal consumption', in order to further the Europeans' sense of community. Normative Power is thus a 'collective identity', delineating what is distinctive of a community by constructing boundaries between 'us' and 'them'.[69] More markedly, Anderson argues that international identity has been instrumentalised in order to promote the identification of the European population with the EU, by promoting a pan-European political identity based on common values, which is a component of the EU's 'identity-building or nation-building project'.[70]

Furthermore, the EU's construction of the US-Other has also been intended towards this identity-function. As Anderson argues, by representing the US as an 'antagonist' or as an 'out-group', Europeans were able to see themselves as the same, strengthening the sense of a common European identity among the European population. This othering is interwoven with the deterioration of transatlantic relations in the early 2000's, among others due to disagreements over multilateralism, which led to an increasingly anti-American sentiment and criticism of highly unpopular US foreign policy among the European public. This context provided EU-actors with an incentive to represent the US as the EU's (non-normative) Other. As Anderson argues, the US constituted 'a likely target: one way to make the different nations feel 'European' is to show and reinforce that they are collectively different from the US'.[71] In short, the EU's othering discourse should in part be perceived as internally addressed, intended

---

[67] Christoffer Kølvraa, "European Fantasies: On the EU's Political Myths and the Affective Potential of Utopian Imaginaries for European Identity", *Journal of Common Market Studies* 54:1 (2016), 172-173; 179; Bernhard Forchtner and Christoffer Kølvraa, "Narrating a 'new Europe': From 'bitter past' to self-righteousness?", *Discourse & Society* 23:4 (2012), 378-379; 387.

[68] Lucarelli, "European political identity", 25-26; 35; Lucarelli, "Introduction: Values, Principles, Identity", 13; Sonia Lucarelli, "Values, identity and ideational shocks", 318-319; Cerutti, "A Political Identity", 34-35.

[69] Risse, "Identity Matters", 88; 91-92. Also, see: Risse and Grabowsky, "European Identity Formation", 9-12.

[70] Anderson, *Crafting EU Security Policy*, 5-7; 46; 120-121. See also: Bickerton, *European Union Foreign Policy: From Effectiveness to Functionality*, 97; Christopher J. Bickerton, "Functionality in EU Foreign Policy: Towards a New Research Agenda?", *European Integration* 32:2 (2010), 221-223.

[71] Anderson, *Crafting EU Security Policy*, 5-6; 45-46; 67-69; 91-94. Likewise, Caroline Fehl has argued that the othering of the US was intended "to boost the EU's internal cohesion and the identification of the European population with the EU": Fehl, *Living with a Reluctant Hegemon*, 51-52.

towards legitimising the EU and its foreign policy among EU citizens within the contexts of the EU's efforts towards the formation of a European political identity and transatlantic relations.

The external function of the EU's normative power discourse is to construct and to promote a distinctive international identity and to legitimise the EU's international role. Rasmussen argues that the EU has aimed to legitimise its foreign policy externally, by focussing on the universal values and principles that the EU promotes and how it acts in foreign policy, related to the EU's distinctive emphasis on multilateralism.[72] As Peter Van Ham argues, the discourse on the normative foundations of EU-foreign policy contributes to the EU's 'brand' or 'unique selling point', with the goal of improving the EU's international image and "boosting Europe's credibility and attractiveness vis-à-vis the outside world."[73] Similarly Risse and Grabowsky contend that a discourse of universalistic values combined with the focus on effective multilateralism have contributed to a "particularistic identity" for the EU in foreign policy.[74]

In terms of othering, it has been argued that the EU has attempted to distance itself from the US in order to contribute to its distinctive normative power identity. Luis Simón has argued that the EU has emphasized its normative identity and emphasis on multilateralism in order to distance itself from the 'unilateral US administration' in the early 2000's, 'which was met with a strong feeling of public rejection across Europe and throughout the world'. This contrast helped to 'market' the EU's normative foreign policy internationally as different from the US, to give the EU 'a voice of its own'.[75] Likewise, Koops has argued that othering has been instrumental in the context of US unilateralism in order to distinguish the EU's normative and multilateral international identity from the US.[76] Van Ham has similarly argued that normative power constitutes the EU's 'brand attribute', distinguishing the EU's international identity from other actors such as the US, among others by its emphasis on universal values.[77]

Methodology

Drawing on the historiography and key concepts and theories, the research question of this thesis is: How has the EU constructed the international identity of the EU as a normative power

---

[72] Sjursen and Smith, "Justifying EU foreign policy", 127, Steffen Bay Rasmussen, "The Messages and Practices of the European Union's Public Diplomacy", *The Hague Journal of Diplomacy* 5 (2010), 271; 278.
[73] Van Ham, "Place Branding", 11-14.
[74] Risse and Grabowsky, "European Identity Formation", 9-10.
[75] Simón, 'CSDP, Strategy and Crisis Management', 103-104
[76] Koops, *The European Union as an Integrative Power?* 57; 85-86; 181; 214; 246. See also: Tuominen, "The Changing Context", 206-207; Fehl, *Living with a Reluctant Hegemon,* 51.
[77] Van Ham, "Place Branding", 11-14.

by constructing the US as the Other in the context of the ICC, 2002-2005? The specific focus of the analysis will be on multilateralism and international law, which are key aspects in the literature on NPE and the self-representation of the EU as a normative power.[78] Furthermore, US unilateralism has been of key importance for the EU's normative power identity-formation.[79] In the following, the substantive content and methods of othering that will be analysed will be discussed, followed by the ICC as the case-study, sources and the sub-questions.

To answer the research question, this research will draw upon the theories and concepts that have been expanded upon in the section on theory. Using discourse analysis, the discourse on the EU's international identity as communicated by EU-officials and representatives of the EU's foreign policy will be empirically examined. The EU's discourse will be analysed as a 'dependent variable', meaning that the analytical focus is on what is said about Europe, how and why.[80] The focus of 'discourse topics' in the analysis, referring to the substantive content and themes in discourse, is based on the theories about the functions of the EU's discourse as well as the literature on NPE and the EU's international identity more generally.[81] This thesis takes as its point of departure that the EU's normative power discourse has been intended towards an internal and external addressee and therefore 'reflects' the functions of European identity construction as well as international identity construction and external legitimisation. Furthermore, how the EU has constructed its normative international identity by constructing the US as non-normative Other will be analysed.

Discourse topics

In terms of substance or content of discourse, based on the historiography, emphasis is placed on how the EU has constructed its identity as an international actor through a discourse of values, norms and principles. As Larsen argues, analysing the discourse on what kind of values the EU is based on and promotes is important to assess what 'kind of actor' is constructed.[82] In short, values constitute a crucial discourse topic of the Normative Power Europe self-

---

[78] Tocci, "Profiling Normative Foreign Policy", 10-11. Manners, "The normative ethics", 51-52.
[79] Sjursen, "What kind of power?", 171; Sjursen, "The EU as a 'normative' power", 240; Diez, "Constructing the Self", 621-622; Anderson, *Crafting EU Security* Policy, 67-68; Diez, "Europe's others", 330; Gerrits, "Normative Power Europe", 4.
[80] Crespy, "Analysing European Discourses", 102.
[81] Aydin-Düzgit, "Critical discourse analysis'', 358.
[82] Larsen, "Discourse analysis", 73

representation.[83] Therefore, throughout the analysis, normativity mainly refers to the discourse on the EU's promotion of values, norms and principles in foreign policy. Due to the focus on multilateralism and the multilateral ICC-process, particular attention is paid to international law and multilateralism.

In terms of functions, the focus in the analysis of the internal discourse will be on how the EU's Normative Power discourse contributes to the construction of a European political identity, including political values and principles that are represented as part of the European political community.[84] Based on the literature, it will be analysed how this discourse on 'European values' is constructed in relation to the US, to delineate these values as European.[85] For external discourse, the EU's discourse of universal values and the EU's distinctive international role and identity in support of multilateralism will be analysed, and how this is constructed against the representation of US' unilateralism in international politics.

Throughout the analysis, Otherness thus mainly refers to the non-normativity of the US, and specifically the 'non-multilateral' or unilateral international role of the US. More specifically, based on the EU's strategies of othering as identified by Diez, it will be analysed how the EU has represented the US as 'violating' the values of the Self and universal values, most importantly multilateralism and international law.[86] It will be analysed how the EU's normative identity revolving around these values and norms is constructed in relation to the representation of the US as violating values. Furthermore, due to the focus on multilateralism, the metaphors identified by Barbé et al. are particularly useful. Barbé et al. have analytically distinguished three contending metaphors, revolving around the discursive qualification of the EU as a global actor, specifically in relation to multilateralism. Furthermore, these metaphors refer to the discursive construction of what 'kind' of multilateralism the EU promotes and why, as well as the EU's global role in relation to multilateralism.[87] These metaphors are therefore instrumental in interpreting how the EU-Self is represented in relation to the US-other with regard to

---

[83] Rasmussen, "The Messages and Practices", 271; Lucarelli, "Introduction, Values, Principles, Identity", 2-4.
[84] Cerutti, "A Political Identity", 27; Lucarelli, "Introduction: Values, Principles, Identity", 13; Lucarelli, "European political identity", 28; Lucarelli, "Mirrors of us", 149.
[85] Lucarelli, "European political identity", 25-26; 35; Risse and Grabowsky, "European Identity Formation", 9-12; Lucarelli, "Introduction: Values, Principles, Identity', 13; Cerutti, "A Political Identity", 34-35.
[86] Diez, "Constructing the Self", 628-629.
[87] Esther Barbé, Anna Herranz-Surallès and Michał Natorski, "Contending metaphors of the European Union as a global actor. Norms and power in the European discourse on multilateralism", *Journal of Language and Politics* 14:1 (2015), 25; 28-29; Esther Barbé, Anna Herranz-Surallès and Michał Natorski, "Model, Player or Instrument for Global Governance: Metaphors in the Discourse and Practice of EU Foreign Policy" in: Caterina Carta and Jean-Frédéric Morin (eds.), *EU Foreign Policy through the Lens of Discourse Analysis: Making Sense of Diversity* (London: Routledge, 2014), 114-115.

multilateralism. These discourse topics constitute the primary analytical focus in the sub-questions, as will be discussed at the end of this chapter.

Discursive strategies

Adding to the focus in terms of substantive content, discourse also indicates the means and processes through which identities have been constructed.[88] An important concept in this regard is discursive strategies. Discursive strategies are 'systematic ways of using language', intended towards positive self-representation and negative other-representation, thus referring to methods that actors employ to demarcate the Self from Others.[89] This entails utilising images of the Self and Others and discursive means in order to distinguish Others from the Self, and to generate difference.[90] According to Kutter, in foreign policy these strategies are instrumentalised in order to 'substantiate a certain conception of polity or claim regarding its legitimacy'.[91] Furthermore, these strategies were intended to represent the EU as a unitary, credible (matching its words with actions) and successful international actor.[92] The examination of these strategies in the analysis is important, since they highlight the particular methods of the EU's othering and self-representation.

Discourse scholars have substantiated several key strategies or analytical categories. First of all, these include the referential or nomination strategies by which social actors are constructed, referring to the analytical question of how processes, actions and most importantly social actors are named and referred to. Secondly, predication strategies refer to how social actors are linguistically provided with predications, aiming at either labelling the Self positively or the Other negatively. This refers to the question of which traits, adjectives, characteristics, qualities and features are attributed to the Self and Others.[93] These are thus analytical categories referring to the strategies that actors have employed in discourse. In this thesis, it will be examined how

---

[88] Vivien A. Schmidt, "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse", *The Annual Review of Political Science* 11 (2008), 305-306; 309; Aydin-Düzgit, 'Critical discourse analysis", 356-359
[89] Martin Reisigl and Ruth Wodak. *Discourse and Discrimination: Rhetorics of Racism and Antisemitism* (London: Routledge, 2001), 44-45; Michał Krzyżanowski, "International leadership re-/constructed? Ambivalence and heterogeneity of identity discourses in European Union's policy on climate change", *Journal of Language and Politics* 14:1 (2015), 121.
[90] Aydin-Düzgit, "Critical discourse analysis in analysing European foreign policy", 358-359; Diez, "Europe's others", 320
[91] Amelie Kutter, "A model to the world?", *Journal of Language and Politics* 14:1 (2015), 47.
[92] Kolja Raube and Ben Tonra, "From Internal-Input to External Output: A Multi-tiered Understanding of Legitimacy in EU Foreign Policy", *Global Affairs* 4: 2-3 (2018), 245-247.
[93] Larsen, "Discourse analysis", 73-74; Düzgit, "Critical discourse analysis in analysing European foreign policy", 355-359; Düzgit, *Constructions of European Identity*, 22-24; Tekin, *Representations and Othering in Discourse*, 153-155; Barbé, Herranz-Surralés and Natorski, "Contending metaphors", 24-25; Reisigl and Wodak, *Discourse and Discrimination*, 44-45.

the EU has employed these strategies in order to present itself as normative and the US as non-normative Other, by nomination of EU normativity and US non-normativity and the predication of norms and values to the EU Self.

The International Criminal Court as case study

The EU's normative power identity as constructed through othering will be analysed with regard to the EU's discourse on the establishment of the International Criminal Court (ICC). The focus of the analysis will be on multilateralism and international law, as they are key aspects in the self-representation of the EU as a normative power. The othering of the US with regard to this particular topic is interesting for various reasons. Most importantly, it has been argued that the US has been a crucial Other for the EU's normative power identity-formation, due to US unilateralism specifically.[94] The 'unilateralist turn' under the Bush Administration formed of the main points of transatlantic disagreement during this period, which contributed to the deterioration of the trans-Atlantic relationship.[95] As mentioned, this context in conjunction with the context of the EU's identity-building process has influenced the functions or purpose of the EU's discourse.

In this context, the ICC constitutes an important case-study in analysing the EU's identity discourse. The US did not ratify the Rome Statute, and the Bush Administration actively opposed the ICC. The EU however strongly defended the Statute and the ICC. In doing so, the EU clearly spoke with a single voice. It has been argued that the US' opposition presented the EU with an incentive or opportunity to construct and profile its self-representation as a normative, multilateral power. Fehl argues that due to the EU's unified stance, the discourse on the ICC was "particularly amenable to 'identity engineering' in opposition to the US", and that incentives for othering were strong given the EU's self-representation as "champion of a multilateral world order".[96] Similarly, Salla Garský states that US opposition 'opened a window

[94] Sjursen, "What kind of power?", 171; Sjursen, 'The EU as a 'normative' power", 240; Diez, "Constructing the Self", 622; Anderson, *Crafting EU Security* Policy, 67-68; Diez, "Europe's others", 330; Gerrits, "Normative Power Europe", 4; Diez, "Constructing the Self and Changing Others", 621; Scheipers and Sicurelli, "Normative Power Europe", 435-457.

[95] Caroline Fehl, *Living with a Reluctant Hegemon: Explaining European Responses to US Unilateralism* (Oxford 2011), 5-6; 16; Pollack, "Unilateral America, multilateral Europe?", 119-122; Marsh and Mackenstein, *The International Relations of the EU*, 84-86.

[96] Fehl, *Living with a Reluctant Hegemon*, 5-6; 10; 51; 195. See also: Martijn L.P. Groenleer and Louise G. van Schaik, "United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol", *Journal of Common Market Studies* 45:5 (2007), 971.

for the EU to take the lead and to profile itself in the international arena and to enhance its legitimacy.'[97] Furthermore, as Scheipers and Sicurelli argue, questions of human rights, such as international criminal law, 'provide the EU with grounds for reinforcing its cohesion and emphasizing its moral role in international relations' [98]. Clearly, the EU's discourse should be perceived in part as a response or counter-reaction to US-policy.

Sources

The EU's international identity discourse will be examined by analysing various types of sources, such as official and public EU-foreign policy documents and declarations, press statements, speeches and op-eds. Given the focus on the EU as a unified actor, actors such as the Council of the European Union, the European Commission and the High Representative, which represented the EU and its member states as a whole will be highlighted. These various actors will be discussed, given that the normative power discourse is one that most EU-actors engage in.[99] Adding to this, the normative power discourse is not found in isolated statements, but is characterised by intertextuality, meaning that 'texts' or sources draw from different texts, through continued reference to the same topics, actors and events, and the usage of the same arguments.[100] The sources can be conceptualised as constituting 'communicative discourses' between political actors and the general public.[101] Given the emphasis on the discursive self-representation of normative power and the discourse of EU-officials, the focus is not so much on the content of policy or the decision making process, but rather on identity-discourse.

---

[97] Salla Garský, "Strong, Independent, and Effective: The European Union's Promotion of the International Criminal Court" in: Astrid Boening, Jan-Frederik Kremer and Aukje van Loon, *Global Power Europe*, *Vol. 2*: *Policies, Actions and Influence of the EU's External Relations* (Berlin: Springer, 2013), 4; 9.
Likewise, Salla Huikuri argues that the ICC 'offered the EU an excellent opportunity to portray itself as a global actor with one voice and so the EU seized the moment': Salla Huikuri, *The Institutionalization of the International Criminal Court* (Cham: Palgrave Macmillan, 2019), 157-158.
[98] Scheipers and Sicurelli, "Normative Power Europe", 436. A similar point is made in: Elena Aoun, "The European Union and International Criminal Justice: Living Up to its Normative Preferences?", *Journal of Common Market Studies* 50:1 (2012), 21.
[99] Diez, "Constructing the Self", 614; 620. Also, see the notion of NPE as a 'dominant discourse': Larsen, "Discourse analysis in the study of European foreign policy", 65-66; Larsen, 'The EU: A Global Military Actor?', 288.
[100] Diez, "Constructing the Self" 614; 620; Düzgit, *Constructions of European Identity*, 21.
[101] Poopuu, "Telling and acting identity", 139; Vivien A. Schmidt, "The problems of identity and legitimacy in the European Union" in: Sonia Lucarelli, Furio Cerutti and Vivien A. Schmidt (eds.), *Debating Political Identity and Legitimacy in the European Union* (Abingdon: Taylor & Francis Group, 2011), 18-20.

The official EU-sources and statements of EU officials have primarily been accessed using the digital archive of the Coalition for the ICC, a network of NGO's.[102] The sources that are mentioned in the analysis have primarily been distinguished based on the responses to US' policies by EU-actors and the references to values and multilateralism in these sources. More specifically, the sources have been distinguished based on the discourse topics that have been identified as important for the internal and external function of discourse. Although this focus is in line with the analytical scope of this thesis and the sub-questions, it is likely that the use of this archive and these sources has structured the findings in the analysis, in that these sources are mainly about the EU's support for the ICC. As will be discussed in the conclusions, it is likely that different sources could highlight alternative discourses and topics.

Sub-questions

The content of the discourse will be analysed by using two sub-questions, based on the theoretical assumptions that have been mentioned in the section on theory, about how and why the EU has represented the US as its Other.

The first sub-question is based on the EU's othering-strategies, identified by Thomas Diez: How has the EU represented the US as violating European as well as universal principles? In this thesis, this is primarily about US 'unilateralism' and the US as violating multilateralism and international law as well as the representation of these values and principles as European as well as universal.[103] This emphasis on values and principles is crucial, for values are closely linked to the EU's normative self-representation.

The second sub-question is based on the metaphors distinguished by Barbé, Herranz-Surralés and Natorski: How have EU-actors represented the EU as model, player or instrument by constructing the US as Other?[104] The focus on the discursive qualification of the EU is instrumental in interpreting how the EU-Self is represented in relation to the US-other, specifically in relation to multilateralism.

---

[102] Coalition of the International Criminal Court, [http://iccnow.org/?mod=eu]; [http://www.coalitionfortheicc.org/].
[103] Diez, "Constructing the Self", 628-629.
[104] Barbé, Herranz-Surralés and Natorski. "Contending metaphors", 25; 28-29; Barbé, Herranz-Surralés and Natorski, "Model, Player or Instrument", 114-115.

Chapter two: discourse analysis

In order to analyse the EU's discourse with regard to the ICC, the most important aspects of the context and background of the development of the ICC and the policies of the US and EU regarding the ICC will be discussed. This will be followed by a brief discussion of hypotheses and assumptions about the EU's othering-discourse with regard to the ICC and the actual discourse analysis, which is divided in two parts based on the respective sub-questions.

Context of the International Criminal Court

In 1998 during the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome, 120 countries voted in favour to establish the International Criminal Court (ICC). The EU member states were among the first to become parties to the Statute. On 1 July 2002, the Rome Statute of the ICC entered into force. The ICC can prosecute individuals for the most serious offences of global concern, such as genocide, war crimes and crimes against humanity. Initially, France and the United Kingdom sided with the US in opposition to the ICC. All EU states except France were part of the like-minded group that actively lobbied for the creation of an ICC in advance of the Rome conference. However, in Rome all EU member states voted in favour of the Statute. The US however voted against the Statute, marking the beginning of diverging attitudes of the EU and the US.

   The EU and Member States acted in a unified manner throughout most of the process.[105] Importantly, EU policy-formulation and the EU's unified stance were to a great extent a response to the oppositional US policy on the ICC and other international agreements, such as the US withdrawal from the Kyoto Protocol.[106] Following the opposition from the US to the ICC, the EU as such took a more active role (relatively to the Member States). From 2001 onwards the Council of the European Union was involved in coordinating the policy-formulation. The EU's commitment to the ICC intensified following the transatlantic dispute and more specific policy measures in promoting the ICC were deployed by the EU. Furthermore, the US was increasingly criticized by the EU, especially from the 'un-signing' of the Statute onwards.[107] Groenleer notes that it was only following US-opposition that the EU

---

[105] Groenleer and van Schaik, "United we Stand?", 971; 988.
[106] Ibidem, 990; Huikuri, *The Institutionalization of the International Criminal Court*, 142; 158; Garský, "Strong, Independent, and Effective", 2; 13; Martijn Groenleer, "The United States, the European Union and the International Criminal Court: Similar values, different interests?", *International Journal of Constitutional Law* 13:4 (2015), 936; 941-942.
[107] Scheipers and Sicurelli, "Normative Power Europe", 441.

'took a marked stance on the ICC'.[108] The EU's support is demonstrated by the adoption of a CFSP Common Position in 2001 and the Action Plan (2002) outlining measures to be undertaken by the EU and its Member States. One key measure was the 'ratification campaign' in order to promote universality of the ICC and assisting third countries in implementation of the Statute, which commenced around the same period in which the US started its campaign opposing the ICC.[109] In short, concurrently with the US-opposition, the ICC increasingly constituted a key issue of EU foreign policy.[110]

The US' stance towards the Court was from the outset marked by ambivalence and ambiguity. Before leaving office, President Clinton signed the Rome Statute on December 31, 2000. However, he advised his successor to not submit the Statute to the Senate for ratification. Under the Bush Administration, the US-position changed to outright rejection of the Statute. US opposition mostly centred around attempts to gain exemption for US troops and citizens. A key juncture was the announcement by President Bush in May 2002 that the US had no legal obligations arising from the signature, effectively 'un-signing' the US signature to the Statute, marking the beginning of the Administration's campaign against the ICC. Following the un-signing, the US threatened to effectively shut down UN peacekeeping operations, if no provisions were made to deny the ICC jurisdiction over peacekeeping personnel. The Security Council adopted a compromise in July 2002, Resolution 1422, requesting that the ICC would not commence investigations for twelve months starting 1 July 2002 of cases involving personnel from non-Rome Statute parties for acts related to peacekeeping operations. However, in 2003 France and Germany abstained from voting on the resolution to renew the exemption, and in 2004 the US withdrew a renewal text. Another critical instrument of the US campaign against the ICC from 2002 onwards, were the bilateral non-surrender (BIA's) or immunity agreements that the US tried to sign with as many states as possible, obliging both parties not to surrender nationals to the ICC. The issue of bilateral agreements resurfaced in 2004, when the US adopted the Nethercutt Amendment, prohibiting US economic aid to ICC states which had not entered into BIAs. Furthermore, in August 2002, President Bush signed the American Service-members' Protection Act (ASPA), which prohibited cooperation with the ICC by US agencies or officials, prohibited military aid to parties to the ICC (excluding NATO members

---

[108] Groenleer, "The United States, the European Union", 941.
[109] Groenleer and van Schaik, "United we Stand?", 971; 978; Garský, "Strong, Independent, and Effective", 9-13.
[110] Garský, "Strong, Independent and Effective", 10.

and important allies) unless they entered into non-surrender agreements with the US, and authorized the use of force to free nationals detained by the Court.[111]

Generally speaking, the EU acted as a relatively unified actor in the ICC-process. It formulated strong statements and reacted in concert against the US' efforts to oppose the ICC and to exempts its citizens from the ICC, in order to preserve the integrity of the ICC Statute, 'standing its ground' in defending the ICC.[112] The US 'un-signing' of the Statute and the measures adopted by the US in the following months were heavily criticized by the EU as jeopardizing international law.[113] For example, in response to the bilateral agreements, the EU foreign ministers adopted the 'Guiding Principles' in September 2002, which stated that the bilateral agreements violated the Statute and could not be signed by Member States.[114] No member-state signed a non-surrender agreement.

However, it is worth noting that the EU's record has been more ambiguous and that the EU has sometimes been more pragmatic as the normative power identity would suggest. Furthermore, the EU and its member states have also been divided between member states who were accommodative towards US demands and those who plainly condemned the US. For example, in 2003 Spain and the United Kingdom voted in favour of the renewal of the UN-resolution, while Germany and France abstained. Furthermore, the EU's responses to the US, such as the Guiding Principles and its position towards Resolution 1422 were criticised by some ICC-supporters such as NGO's as being too accommodative towards the US.[115] Therefore, Elena Aoun concludes that the EU's support for the ICC has 'never been as spontaneous as the EU's normative power reputation would have suggested it to be'.[116]

Discourse analysis

Several hypotheses with regard to the EU's discourse should be underlined, for they crucially structure how the EU's discourse is conceptualised. As expanded upon in chapter one, this

---

[111] Elena Aoun, "Beyond EU/US Early Contentions over the International Criminal Court: The Development of EU's Loyalty to the ICC", *Studia Diplomatica* 61:4 (2008), 161-164; Aouan, "The European Union and International Criminal Justice", 25; Garský, "Strong Independent, and Effective", 7-10; Groenleer and van Schaik, "United we Stand?", 979-980; Fehl, *Living with a Reluctant Hegemon*, 88-90.
[112] Aoun, "Beyond EU/US Early Contentions", 157; 165; Groenleer and van Schaik, "United we Stand?", 990-991.
[113] Scheipers and Sicurelli, "Normative Power Europe", 441.
[114] Groenleer and van Schaik, "United we Stand?", 979-980; Fehl, *Living with a Reluctant Hegemon*, 88-90; Garský, "Strong, Independent, and Effective", 8-10.
[115] Fehl, 89-90; Aoun "The European Union and International Criminal Justice", 25; Aoun, "Beyond EU/US Early Contentions", 161-164; Groenleer, "The United States, The European Union", 930-931.
[116] Aoun, "The European Union and International Criminal Justice", 24.

thesis perceives discursive identity-construction and othering as strategical and intentional. This has also been concluded by various authors for the ICC specifically, as mentioned in the methodology. In the analysis it will be argued that the EU's normative power self-representation was fundamentally constructed relationally to the US as Other, commencing from the US' un-signing of the Statute in May 2002 as a key juncture. Othering is also perceived as an intentional reaction to the policies of the US. As mentioned by Scheipers and Sicurelli: "in the course of this transatlantic disputation, the EU further elaborated on its own self-representation with regard to the ICC.''[117] Key EU-actors increasingly reacted to and criticized US measures which were intended to oppose or undermine the ICC.[118] Furthermore, The EU's discourse will be analysed from the perspective of an internal and external addressee and concurrent functions. Following from this is the notion that the NPE-discourse is not found in isolated statements, but is employed by various actors, and is characterized by intertextuality.[119] With regard to the ICC, this is highlighted by the frequent synonymous policy-formulation of various actors.[120]

The US as violating European and universal values and principles

The first discourse topic and sub-question is related to the representation of the EU's values and universal values, corresponding with the othering-strategies mentioned by Diez. Diez has argued that the EU has employed two 'strategies' in its discourse, by representing the Other as violating values, principles and standards of the Self, as well as representing the Other as violating universal values.[121] As will be argued, with regard to the ICC, values and principles are represented as 'European' as well as universal. Fundamentally related to the EU's normative self-representation and its support for these values, the US is represented as the EU's Other, as 'violating' these values and principles. In this manner, the values that the EU supports in its foreign policy are emphasized. This emphasis on values is crucial, for the values and principles

---

[117] Scheipers and Sicurelli, "Normative Power Europe", 441.
[118] Fehl, *Living with a Reluctant Hegemon*, 107.
[119] Diez, "Constructing the Self", 614; 620; Düzgit, 'Constructions of European Identity', 21.
[120] On this point for EU foreign policy in general, Rasmussen notes: "the EU has not tried to speak with one voice, but instead undertakes a series of efforts to coordinate the statements of different actors, so that there is a certain common direction in the EU actors' statements, with the aim of increasing visibility and influence and showing the EU as a coherent actor": Rasmussen, "The Messages and Practices", 272. Similarly, Carta and Morin mention: "The EU does not necessarily speak with one voice, but with several voices that sing the same tune", Carta and Morin, "Struggling over meanings", 305.
[121] Diez, "Constructing the Self", 628-629.

that the EU promotes are key components of its normative self-representation.[122] Values contribute to the NPE-identity by representing EU's policies as based on these values and norms as well as emphasizing the promotion of values as the EU's normative goals. In terms of internal functionality, values contribute to the construction of a distinctive and common European political identity, or community of values. Externally, values contribute to the identity-construction of the EU as a distinctive international actor. Moreover, values are instrumentalised internally and externally to legitimise the EU's policies.

In terms of othering, the internal discourse on European values which will be discussed first, can be related to two key functions. Values are used to discursively differentiate the EU's identity in international politics from the US, which contributes to the construction of a 'common European identity' based on values. Related to this is the presentation of values as distinctly 'European', among others by presenting the US as violating these values. Furthermore, the EU's policies are legitimised towards European citizens by predication of EU foreign policy as being based on as well as in furtherance of values.

From the outset of the ICC-process and EU policy-formulation, the EU's discourse has been characterized by references to values, norms and principles, or by "value-laden rhetoric" as Huikuri argues.[123] Increasingly following the 'un-signing' of the Rome Statute by the Bush Administration in May 2002 and the campaign in opposition of the Court, the predication of European values and the value-based role of the EU is discursively constructed in juxtaposition to the US-Other as fundamental 'object of comparison', violating the EU's values, norms and principles.[124] As mentioned, the US un-signing of the Statute constituted a key juncture. Following the un-signing in May 2002, the Council adopted a statement, plainly condemning the un-signing: "this unilateral action may have undesirable consequences on multilateral treaty-making and generally on the rule of law in international relations."[125] It is clearly implied that the EU deems these values important. In a similar manner, following the dispute over exemption for peacekeeping personnel in July 2002, Commissioner Patten remarked: "The EU is wholeheartedly and unreservedly a supporter of the establishment of the ICC. We are sorry

---

[122] Rasmussen, "The Messages and Practices", 271; Lucarelli, "Introduction, Values, Principles, Identity", 2-4.
[123] Huikuri, *The Institutionalization of the International Criminal Court*, 157.
[124] Lucarelli, "European Political Identity", 33.
[125] Council of the European Union, "Statement of the European Union on the position of the United States towards the International Criminal Court", 8864/02 (Presse 141), Brussels, 14-05-2002 [http://iccnow.org/?mod=eu] (29-04-2020).

that the US walked away from this international undertaking. The ICC is the most important advance for international law since the establishment of the United Nations."[126]

'What the EU stands for' in terms of values is constructed relationally to the US as violating the values of international law and multilateralism. The US is represented as such, for example by the predication of the US as 'unilateral' and 'walking away'. In contrast, the EU is nominated as 'a supporter'. In this manner, international law and multilateralism are constructed as 'European' and as parts of the EU's identity. Furthermore, the emphasis on US unilateralism is, as Simón argues, an attempt of the EU to distance itself from US unilateralism and to underline the EU's multilateralism in contrast, in order to contribute to its normative identity.[127]

However, although European identity is constructed against the US-Other, there is also what could be seen as a 'contending' discourse in which, in contrast, the shared values of the EU and the US are emphasized.[128] Furthermore, emphasis is placed on the US as a potential partner of the EU and the ICC, and not as an antagonist. For example, responding to the 'American Service Members Protection Act' in July 2002, Danish Minister Haarder (Council presidency) stated in a speech in the European Parliament: "The European Union and the United States share the same basic values. Both the USA and the EU uphold freedom, democracy, human rights and the principles of the rule of law. We have therefore always regarded it as both natural and necessary for the USA to be amongst the parties to the Statute of the International Criminal Court."[129] Likewise, Solana stated in a speech in July 2002: "The US has probably done more than any other country to strengthen the rule of international law in the post-war era. . . I hope that the US will think again and let the Court prove its worth."[130]

In contrast to this 'conciliatory' discourse in the early stage of the transatlantic conflict, the self-representation of European values through othering was constructed more strongly following the worsening of the transatlantic dispute on the ICC and the worsening of transatlantic relations in general. As Fehl has noted, sentiments of "transatlantic rivalry" were

---

[126] Commissioner for External Relations Chris Patten, "Commissioner Patten's Statement on ICC and UN Mission Mandate in Bosnia-Herzegovina", Belgrade, 03-07-2002 [http://iccnow.org/?mod=eu] (27-04-2020).
[127] Simón, "CSDP, Strategy and Crisis Management", 103-104.
[128] For this notion of a 'transatlantic community' with common values, see for example: Lucarelli, "Values, identity and ideational shocks", 307.
[129] Bertel Haarder, "Statement by Europe Minister Bertel Haarder regarding of the "American Service Members' Protection Act''', European Parliament Plenary Session, 03-07-2002 [http://iccnow.org/?mod=eu] (26-04-2020).
[130] High Representative Javier Solana, "The intertwining of security and economics in transatlantic politics", Bertelsmann Foundation Transatlantic Strategy Group, S0135/02, Berlin, 11-07-2002. Cited in: Fehl, *Living with a Reluctant Hegemon*, 108.

increasingly discernible in the EU's discourse as the conflict progressed.[131] The US was clearly presented as an 'antagonist' in these sources from a later period, or as the EU's 'anti-self'.[132]

For example, in a 2003 speech, Commissioner Patten argued that "we as Europeans can and should demonstrate our willingness to be bound by mutual obligations", being a "key element of the route we have taken to peace and prosperity on our own continent." This was juxtaposed to the US opposition towards the ICC, representing "American unwillingness to be 'constrained' by international law."[133] Likewise, his successor Ferrero-Waldner in 2005, 'explained' EU and US ICC-policies by contrasting European with American viewpoints: "Most US politicians probably take the view that international justice depends upon America's ability to exercise its power freely in the world, while EU politicians tend to believe that international justice requires strong international law and institutions."[134]

Once more, the EU's role of supporting the ICC is predicated as based on multilateralism and multilateral institutions in general and on values (justice, peace), which is juxtaposed to the predication of the US as self-interested (power, unwilling).[135] In these sources, multilateralism and international law are presented more fundamentally as 'common' European values and as distinctive traits of the European community of values.[136] Amongst others, this is constructed by the nomination of the EU as unitary (the EU', our, we as Europeans) and the reference to the history of European integration.[137] In this manner, the position of the US and EU is constructed more stereotypically and through categorisation. A distinctive 'we-feeling' or European sameness based on the values of the European political community is emphasized, as various authors hypothesised.[138]

Values such as multilateralism and international law are thus represented in part, as distinctly European. However, the values that are invoked by EU-officials, could also be perceived as

---

[131] Fehl, *Living with a Reluctant Hegemon*, 107.
[132] Guillaume, *International Relations and Identity*, 28; Tekin, *Representations and Othering in Discourse*, 158-159.
[133] Commissioner for External Relations Chris Patten, "Globalisation and the Law", Lord Slynn of Hadley European Law Foundation, London, 14-10-2003 [https://www.europa-nu.nl/id/vgklzxk0tizj/nieuws/chris_patten_globalisation_and_the_law?ctx=vgg51g6u1vxl] (01-05-2020), 6-7.
[134] Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner, "The International Criminal Court, Transatlantic Relations and Co-operation with Third Parties to Promote the Rule of Law, Parliamentarians for Global Action - ICC Round Table", Strasbourg, 14-04-2005 [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_05_228] (02-05-2020).
[135] Elisabeth De Zutter refers to this as representing the US as "assumed to act in accordance with relative gains": De Zutter, "Normative power spotting", 1112.
[136] Risse, "Identity Matters", 88.
[137] As Lucarelli notes, in this manner the EU's values are represented as the EU's "historically-developed and formed values and principles": Lucarelli, "Introduction: Values, Principles, Identity", 3.
[138] Anderson, *Crafting EU Security Policy*, 68-70; 93; Risse, "Identity Matters", 88-89; Lucarelli, "Mirrors of us", 149.

universal values, 'transcending cultural boundaries', and are clearly predicated as such by EU-officials and in EU-documents.[139] The predication of values as universal is mostly discernible in externally addressed sources. It will be argued that the US-Other as violating universal values, is crucially related to self-representation of the EU's role in furthering these values. This identity-construction based on universal values is linked to two key goals of external discourse: constructing an international identity of the EU as a distinctive normative actor, by setting itself apart from the US in world politics, and external legitimisation of EU foreign policy.

The US is represented as violating universal values and principles and as jeopardising the multilateral process, due to what is predicated as unilateralism. As was mentioned in the Council Statement following the US' un-signing in May 2002: "this unilateral action may have undesirable consequences on multilateral treaty-making and generally on the rule of law in international relations."[140] Similarly, Patten referred to the un-signing in an op-ed in the Washington Post in July 2002: 'this technique carries serious long-term risks"… "The United States would be "accused of putting itself above the law.[141] Once more referring to the un-signing, Patten remarked in 2003: "this sort of behaviour does little to inspire confidence in American support for an international system based on universally accepted values, embodied in universally agreed laws".[142] It is clear that by emphasizing the violation of these universal values and criticizing the US, EU-actors imply that the EU attaches importance to these values. Again, the emphasis on US unilateralism is an attempt of the EU to distance itself from US unilateralism and to underline the EU's multilateralism in contrast, contributing to its 'distinctive' normative international identity.[143]

More strongly than 'passively' emphasizing the importance of these values however, these values are represented as key parts of the EU's international identity, in that the promotion of values is represented as the sole reason of the EU's support for the ICC. Indeed, values are presented as what the EU's position is almost exclusively based on. Othering is key, for the EU's commitment to these values is represented with reference to precisely those values which the US violates. For example, the EU's values are stated at the beginning of the Common

---

[139] Edward Stoddard, "Between a Rock and a Hard Place? Internal-External Legitimacy Tensions and EU Foreign Policy in the European Periphery", *Journal of European Integration* 37:5 (2015), 555; Aggestam, "Introduction: Ethical Power Europe?", 6; Tonra, "Democratic foundations", 1197; De Zutter, "Normative power spotting", 1109; 1117; Risse and Grabowsky, "European Identity Formation", 10.

[140] Council of the European Union, "Statement of the European Union on the position of the United States".

[141] Commissioner for External Relations Chris Patten, "Why Does America Fear This Court?", *The Washington Post*, 09-07-2002 [https://ec.europa.eu/commission/presscorner/detail/en/IP_02_1023] (28-04-2020).

[142] Chris Patten, "Globalisation and the Law", 6-7.

[143] Simón, "CSDP, Strategy and Crisis Management", 103-104; Koops, *The European Union as an Integrative Power,* 57; 85-86; 181; 214.

Positions as well as by Commissioner Patten in 2002: "the consolidation of the rule of law and respect for human rights . . . as provided for in Article 11 of the Treaty on European Union, are of fundamental importance to, and a priority for the Union . . . The principles of the Rome Statute 'are fully in line with the principles and objectives of the Union."[144]

In contrast to the US as violating values, the EU's support for the ICC is predicated as based on furthering universal values. The Council in 2002 in response to the US un-signing and the Council presidency in 2003 in response to the ICC's inauguration, nominated the ICC as an "achievement of paramount importance for the international community", a "valuable instrument of the world community", contributing to the "strengthening of justice and rule of law". The EU reaffirmed its commitment to the ICC, "as an essential means of promoting respect for international humanitarian law."[145] Likewise, in an op-ed Solana advocated the ICC based on "respect for international humanitarian law and fundamental human rights" and "commitment to genuine multilateralism", adding that "together with the ICC, the European Union will be an important partner in advancing such values."[146] In this manner, the EU's support for the ICC is represented as what Kutter terms 'moral contractualist' reasoning: as resulting from the EU's commitment to values such as multilateralism and international law and in order to enhance the EU's promotion of these values (normative goals).[147]

Conclusions: The US as violating values of the Self and universal values

The US is constructed as violating values of the Self as well as violating universal values such as multilateralism, due to its opposition to the ICC, corresponding with the othering-strategies developed by Diez.[148] In this manner, the EU's normative self-representation has fundamentally been constructed in relation to this representation of the US as Other, which has contributed to

[144] Council of the European Union, "Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court" [https://eur-lex.europa.eu/eli/compos/2003/444/] (11-05-2020); Commissioner for External Relations Chris Patten, "International Criminal Court", European Parliament Plenary Session, 25-09-2002 [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_02_431] (28-04-2020).
[145] Council of the European Union, "Declaration by the Presidency on behalf of the EU on the occasion of the Inauguration of the ICC", 7193/1/03 REV1 (Presse 74), Brussels, 12-03-2003 [http://iccnow.org/?mod=eu] (27-04-2020); Council of the European Union, "Statement of the European Union on the position of the United States".
[146] High Representative Javier Solana, "International court signals a new era; World justice", *The International Herald Tribune,* 11-04-2002 [https://www.nytimes.com/2002/04/11/opinion/IHT-world-justice-international-court-signals-a-new-era.html] (29-04-2020).
[147] Kutter, "A model to the world?" 50.
[148] Diez, "Constructing the Self", 628-629.

the centrality of values in the EU's discourse, as Larsen hypothesized.[149] The EU's support of values and the US' violation of values has been constructed as the distinguishing 'normative difference', or as the 'boundary (marker)' generating difference between the Self and Other.[150] The nomination and predication of the EU as based on normative values, as well as acting towards normative ends (the promotion of values), contributes to the EU's normative power identity.

In terms of the internal function of European identity construction, the EU's support for the ICC is represented as 'moral contractualist', as 'emanating' from the EU's commitment to values such as multilateralism and international law.[151] In other words, the EU is presented as 'predisposed' to act in furtherance of values, because the EU is fundamentally based on these values, closely corresponding with the NPE-identity.[152] This constitutes an ontological claim, relating how the EU acts to 'what it is' in terms of constitutive values. This ontological claim supposedly fundamentally reflects the 'nature' or the 'purpose of the European project'.[153] In this manner, these values are predicated as intrinsic aspects of European identity.[154] Indeed, Bickerton and Rosamond conceptualize ontological claims as a fundamental function of the EU's international identity discourse, related to the goals of European identity construction and internal legitimisation.[155]

More specifically, the EU's support for the ICC is represented as demonstrating the EU's values of multilateralism and international law. As Lucarelli states, in this manner "what it means to be European" is defined by constructing what it means to be "European in the world".[156] This contributes to the internal identity-function, by constructing values as 'common European values' and as components of the European identity.[157] The contrast to the US-Other

---

[149] Larsen, "Discourse analysis", 73.

[150] De Zutter, "Normative power spotting", 1111-1112; Tonra, "Democratic foundations", 1196; Larsen, "Discourse analysis'', 73.

[151] Kutter, "A model to the world?", 50.

[152] For example, as stated by Ian Manners in the 'original' formulation of the Normative Power-thesis: 'not only is the EU constructed on a normative basis, but importantly that this predisposes it to act in a normative way in world politics': Manners, 'Normative Power Europe', 252. This point is recurrent in the NPE-literature. For example, see: Forsberg, 'Normative Power Europe", 1192.

[153] Bickerton, 'Functionality in EU Foreign Policy', 221-223; Bickerton, *European Union Foreign Policy: From Effectiveness to Functionality*, 73; 96; Ben Rosamond, "Conceptualizing the EU Model of Governance in World Politics", *European Foreign Affairs Review* 10(2005), 470.

[154] This is no coincidence, given the stark similarities between many of the claims made in the literature on NPE and the EU's official discourse on the EU's international role. For example, see: Sjursen: "What kind of power?", 170.

[155] Rosamond, "Conceptualizing the EU Model of Governance", 478; Bickerton, *European Union Foreign Policy*, 73; 96; Bickerton, 'Functionality in EU Foreign Policy', 221-223.

[156] Lucarelli, "Values, identity and ideational shocks", 318-319.

[157] Lucarelli, "Mirrors of us", 151; Lucarelli, "European political identity", 33-34; Risse, "Identity Matters", 88-89; Anderson, *Crafting EU Security Policy*, 68-70.

as an 'object of comparison' has clearly contributed to presenting these values as 'distinctive' of the 'European community of values'.[158]As Risse and Grabowsky argue, the predication of the values as 'European', as has been identified in the EU's discourse, is a key aspect of identity-construction: 'Only when defined distinctly European, the values can be differentiated from those of the US to form the content of a particularistic European identity'.[159] Furthermore, the EU's position and policies towards the ICC have been legitimised towards the European public based on these values (moral justification/evaluation).[160]

In the external identity function, the othering of the US has contributed to the self-representation of the EU as a distinctive, normative actor. The EU is in contrast to the US' violation of values constructed as promoting universal values (normative goals), constituting a key manner by which the EU 'sets itself apart' or distinguishes itself as an international actor from the US-Other, contributing to its normative international identity.[161] The EU's highlighted value-based international role, in contrast to the unilateral US, has contributed to the normative framing or 'branding' of EU foreign policy.[162] This self-conceptualisation of EU foreign policy values in universal terms, is a key discourse topic of the EU's international identity discourse.[163] This predication of values that the EU promotes in the ICC-process as universal is furthermore related to the external legitimisation of the EU' global role in promoting universal values. As De Zutter argues, the representation of norms as universal is crucial for the EU's normative power identity, for the promotion of norms can only be perceived as legitimate if norms and values are constructed as universal.[164]

---

[158] Larsen, "Discourse analysis", 73; Lucarelli, "Mirrors of us", 151; Lucarelli, "European political identity", 33-34; Risse, "Identity Matters", 88-89; Anderson, *Crafting EU Security Policy*, 68-70.

[159] Risse and Grabowsky, 'European Identity Formation', 10; Anderson, *Crafting EU Security Policy*, 5-6.

[160] Kutter, "Model to the World", 47-48. Antonio Reyes, "Strategies of legitimization in political discourse: From words to actions", *Discourse & Society* 22:6 (2011), 785; 793.

[161] De Zutter, "Normative power spotting", 1111-1112; Simón, "CSDP, Strategy and Crisis Management", 103-104; Tonra, 'Democratic foundations", 1196; Tuominen, 'The Changing Context', 206-207; Fehl, *Living with a Reluctant Hegemon,* 51.

[162] Simón, "CSDP, Strategy and Crisis Management", 103-104; Koops, *The European Union as an Integrative Power?* 57; 85; 214; 246.

[163] De Zutter, "Normative power spotting', 1109; 1117; Risse & Grabowksy analyse this as 'European interpretation of universalistic values': Risse and Grabowsky, "European Identity Formation", 10; Tuonimen, 'The Changing Context of Global Governance', 209; Rasmussen, 'The Messages and Practices of the European Union's Public Diplomacy', 269-271; Stoddard, "Between a Rock and a Hard Place?", 555.

[164] De Zutter, "Normative power spotting", 1112; 1117. For legitimisation based on universal values, see also: Diez, 'Constructing the Self', 628; Scheipers and Sicurelli, "Normative Power Europe", 451.

The EU as a defender of multilateralism

The EU is thus self-represented as promoting norms and values, in contrast to the US. In the following section, the EU's active role in supporting the ICC and the promotion of concurrent values will be discussed, by analysing the EU's discourse with regard to the EU's self-represented identity as a 'defender' of the ICC and multilateralism. Although Scheipers and Sicurelli have analysed the EU's active role, they have mainly focussed on the self-representation of the EU as the leading actor or 'vanguard' in promoting the ICC and values, juxtaposed to the US as 'laggard, lagging behind'.[165] However, the defender-discourse is constructed more antagonistically against the US, by starkly juxtaposing the EU's role as a "protagonist that is required to take action", against the US as an 'antagonist' due to its violation of values and opposition towards the ICC.[166] This constitutes the self-representation of the EU as a 'defender' of the ICC and the values as discussed in the previous section. This defender-identity is crucial for the EU's normative self-representation. Values and principles, most importantly multilateralism and international law, are represented more fundamentally as components of the EU's identity, by highlighting the EU's normative commitment in defending and supporting these values. Furthermore, this discourse is related to the legitimisation of the EU's active role based on values. Related to legitimisation, the EU is furthermore frequently predicated and nominated as successful, credible, as well as a coherent actor 'speaking with one voice' ('the EU'/'we').[167]

Although this discourse of 'defending values' and multilateralism specifically has been identified as an important discourse topic, how the EU is self-represented as such is not specified in the academic literature.[168] To analyse this self-representation more specifically, throughout the analysis, various 'metaphors' in the construction of the EU's role will be discussed. The three contending metaphors identified by Barbé et al. on the EU's global actorness in relation to multilateralism, are instrumental in analysing how the EU has represented its role as a 'defender of multilateralism'. These metaphors essentially revolve around three aspects of self-representation: how the EU represents its global role with regard to multilateralism, what 'kind' of multilateralism the EU is represented as defending and based on

---

[165] Scheipers and Sicurelli, "Normative Power Europe", 443-444.
[166] Anderson, *Crafting EU Security Policy*, 67.
[167] Raube and Tonra, "From Internal-Input to External Output", 245-247.
[168] Scheipers and Sicurelli, "Normative Power Europe", 442; Lucarelli, "Values, identity and ideational shocks", 320; Larsen, "Discourse Analysis", 73.

what argumentation and justification.[169] This self-representation will be analysed in its juxtaposition to the US as Other, for the EU's global multilateral role is fundamentally represented relationally to the US.

The three metaphors are based on various nominations, predications and argumentations, consisting of: 1) 'the EU as a MODEL for other actors and global governance (rule-setter)', 2) the EU as PLAYER, 'as an actor that must negotiate the rules and co-shape the international system with other global players' (rule-negotiator) ; 3) the EU as INSTRUMENT, as 'a receiver and a transmitter of international norms and obligations', 'committed to promote strong and inclusive global international institutions, rule-facilitator for global governance.[170] Firstly, Barbé et al. have paid particular attention to nomination and predication, meaning the various adjectives, attributes and metaphorical expressions EU-actors have employed to refer to the EU. The second dimension of prescription refers to 'the claims or normative proposals on how the EU should contribute to global governance'.[171] The third aspect of argumentation refers to the justification and arguments that EU-representatives give for their claims on what the EU should do in global governance. As Barbé et al. argue, these metaphors can tell us more about the representation of the EU's multilateral role as well as the various arguments on which the EU's support for multilateralism is based and legitimised.[172] These metaphors are therefore also about identity-construction and legitimisation.

The first metaphor that will be discussed is that of the EU as instrument, or as 'rule-facilitator'. The characterizing discourse of this metaphor is most closely related to the emphasis on universal values as discussed with regard to sub-question one. The EU's global role is predicated and nominated by the EU's promotion and defence of universal values and its role in 'facilitating' multilateralism and international consensus, 'for its own sake'.[173] In terms of prescription this metaphor favours 'setting and implementing international rules through facilitating broad international consensus', and for argumentation, the EU's role as an instrument of multilateralism is justified by a 'cosmopolitan vision of 'responsibility to work for the global common good'.[174] In the context of the ICC specifically, this metaphor has been constructed by the emphasis on the EU's role in supporting the universality of the Court,

---

[169] Barbé, Herranz-Surralés and Natorski "Contending metaphors", 25; 28-29; Barbé, Herranz-Surralés and Natorski "Model, Player or Instrument", 113-114.
[170] Barbé, Herranz-Surralés and Natorski, "Contending metaphors", 26-34. Note that the metaphors will be in lowercase hereafter.
[171] Ibidem, 25.
[172] Ibidem.
[173] Ibidem, 29-30
[174] Ibidem, 30-31

promoting and upholding universal values, and the EU's efforts in 'behalf of' the international community. It will be argued that this metaphor is the most prominent in the EU's self-representation.

However, the second metaphor of the EU as "player" or "rule-negotiator", is a contending metaphor to the EU as instrument. In contrast to the instrument-discourse, the EU's role is predicated not based on the normative dimension, but on its role as an actor, power or leader. This is constructed through the representation of the EU as a counter-balance to the US, and its ability to "deliver results", demonstrating its "relative weight in the world."[175] For the ICC specifically, the EU has been constructed as a player by the predication of the EU's successful role in establishing the ICC and predication as the leading actor or 'vanguard'.[176] By constructing this leading and successful role oppositely to the US-opposition to the ICC, emphasis is placed on the EU's 'equal-standing' to the US, another key discourse topic of this metaphor.[177] Although the EU has been predicated and nominated in this manner, the EU's role with regard to the ICC is not justified based on the arguments of the player-metaphor, namely the "conscious awareness of the determinants of an international system and the EU's difficult place in a world order made by and for big powers."[178] The third metaphor is that of the EU as 'model'. In this discourse, the EU is predicated/nominated as a 'rule-setter', and as an example for others in international relations. In terms of argumentation, this role is related to the goal of "projecting European values" and justified by referring to "internal characteristics" of the EU.[179] This metaphor is notably less important in the ICC-discourse.

This defender-discourse is salient in the EU's responses to US' policies in both its internally and externally addressed discourse and has especially been dominant following the un-signing of the Statute in 2002 by the Bush Administration, marking the beginning of US' opposition towards the ICC. From this juncture onwards, the transatlantic conflict progressed, and sentiments of 'transatlantic rivalry' were increasingly discernible in the EU's discourse.[180] EU-actors increasingly criticised US measures which undermined the ICC. Clearly, the US is due to its unilateral stance and opposition to the ICC predicated as violating universal values and therefore as a 'threat' to the ICC and multilateralism, and therefore as threatening the EU's

---

[175] Ibidem, 28-29.
[176] Scheipers and Sicurelli, "Normative Power Europe", 443-444.
[177] Barbé, Herranz-Surralés and Natorski "Contending Metaphors", 24-25; 28-29. See also: Anderson, *Crafting EU Security Policy*, 72.
[178] Barbé, Herranz-Surralés and Natorski "Contending Metaphors", 28-29
[179] Ibidem, 25-26.
[180] Fehl, *Living with a Reluctant Hegemon*, 107.

identity.[181] In this manner, the US is constructed as 'antagonist against which the EU is required to take action'.[182]

For example, directly after mentioning the US' un-signing in May 2002, the Council remarked that "this unilateral action may have undesirable consequences on multilateral treaty-making and generally on the rule of law in international relations".[183] This emphasis on the US as an antagonist is reinforced by the predication/nomination of the US as essentially 'not on the same side as' or as harmful to the international community. As Commissioner Byrne remarked in 2002 following the un-signing: "the withdrawal by the United States of its signature from the Rome Statute came as a blow to the international community."[184] Likewise, Commissioner Patten stated in 2003 with reference to the un-signing: "We are sorry that the US walked away from this international undertaking."[185]

The EU's 'protagonist'-role in actively supporting values is contrastively stated, for example in the Council Statement responding to the un-signing in May 2002: "For its part, the European Union reaffirms its determination to encourage the widest possible international support for the ICC. . .'and its commitment to support the early establishment of the ICC as a valuable instrument of the world community."[186] From 2002 onwards, the 'integrity' of the Statute constituted an important 'buzzword' in EU discourse, referring to the various efforts to undermine the ICC. Upholding the ICC's integrity was frequently stated as a key goal of EU policy. Møller (Danish Council presidency) highlighted the EU's success in defending the ICC against the US' attempts to gain exemption for US peacekeeping personnel in July 2002: "the EU and other strong supporters of the international criminal court succeeded in protecting the integrity of the court . . . The court constitutes a major leap forward in the development of international law. That has not been affected."[187] Likewise referring to this dispute, Commissioner Patten predicated the EU's resolve for the ICC in July 2002: "The EU is unreservedly and wholeheartedly a supporter of the ICC . . . the ICC is the most important advance for international law since the establishment of the UN. We will allow nobody to water

---

[181] Lucarelli, "Values, identity and ideational shocks", 320; Diez, "Constructing the Self", 628-629.

[182] Anderson, *Crafting EU Security Policy*, 67.

[183] Council of the European Union, "Statement of the European Union on the position of the United States".

[184] David Byrne, 'Commission Statement on the Consequences for Transatlantic Relations of the American Service Members' Protection Act (ASPA), Delivered by Commissioner David Byrne at the European Parliament, Plenary Session, 03-07-2002 [https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20020703+ITEM-005+DOC+XML+V0//EN&language=EN] (27-04-2020).

[185] Patten, "Commissioner Patten's Statement on ICC".

[186] Council of the European Union, 'Statement of the European Union on the position of the United States".

[187] Per Stig Møller, "Statement by Foreign Minister Per Stig Møller regarding the UN Security Council's unanimous vote to prolong the mandate for the UN Mission in Bosnia and Herzegovina", New York, 13-07-2002 [http://iccnow.org/?mod=eu] (27-04-2020).

down the commitments contained in the ICC treaty."[188] Clearly, through othering, it is implied that the EU acts in support of the ICC and multilateralism as emphasized in the previous section. More fundamentally, the EU is represented as actively defending the ICC and those values which it deems important. In doing so, these values are presented as part of its identity.[189]

More concretely, the EU's self-represented active role and concrete measures in defending the ICC are frequently related to these values, contributing to the self-representation as a credible actor promoting values (normative goals).[190] Following the un-signing in May 2002, the EU's policy measures were frequently presented as counter-balancing US' opposition to the Court, reinforcing the 'protagonist-antagonist' representation. For example, Danish Minister Espersen (Council presidency) in September 2002 at the Meeting of the Assembly of States Parties to the Rome Statute, after nominating the ICC as "an essential means of promoting respect for international humanitarian law", mentioned the CP and Action Plan, as having demonstrated "our commitment to remain in the forefront in the process of setting up the International Criminal Court . . . These instruments 'explain why the European Union rejects any attempt to undermine the integrity of the Statute and of the Court", referring to the bilateral agreements specifically.[191]

Likewise, the Council released a Statement condemning the Nethercutt Amendment and bilateral agreements, and stating that 'the EU will continue to oppose efforts that would undermine the ICC' and that the EU was "firmly committed to safeguarding the integrity of the Rome Statute."[192] Similarly, Commissioner Ferrero-Waldner in 2005, presented the EU's support as based on the EU's commitment to promoting a rule-based international order and international justice. Furthermore, Ferrero-Waldner exemplified the EU's commitment to preserve the Court's integrity by mentioning measures such as the Guiding Principles on bilateral agreements, once more emphasizing the EU's success and credibility: 'they have demonstrated that the EU was politically determined to hold firm to its commitment towards the Court. . . It has undoubtedly played a role in limiting the impact of the US campaign."[193]

---

[188] Patten, "Commissioner Patten's Statement on ICC".
[189] Anderson, *Crafting EU Security Policy*, 69-70.
[190] Raube and Tonra, "From Internal-Input to External Output", 245-247.
[191] Lene Espersen, "Speech by the Minister for Justice of Denmark, Ms. Lene Espersen, on behalf of the EU at the first Meeting of the Assembly of States Parties to the Rome Statute", 09-09-2002 [http://iccnow.org/?mod=eu] (28-04-2020).
[192] Council of the European Union, "Statement by the Presidency on behalf of the European Union on reaffirming the EU position supporting the integrity of the Rome Statute'', 11680/04 (Presse 235), Brussels, 27-07-2004 [https://ec.europa.eu/commission/presscorner/detail/en/PESC_04_85] (05-05-2020).
[193] Ferrero-Waldner, "The International Criminal Court", 6.

Clearly, EU-actors have emphasized the EU's commitment to promote the ICC, among others by frequently referring to measures to oppose the US' undermining of the ICC. This defence or commitment is strongly predicated and nominated: ("will allow nobody"; "relentless defence", "firmly committed"). This defending-role is constructed as based on and in furtherance of values, highlighting the EU's normative commitment. The EU as instrument-metaphor is dominant, due to this emphasis on the defence of universal values.[194]

Another component of the EU's defender-discourse and the instrument-metaphor is the construction of the EU's role in 'facilitating' the ICC, among others by promoting universality of the ICC. This clearly corresponds to the prescription of 'setting and implementing international rules through facilitating broad international consensus'. Furthermore, the EU's role as an instrument of multilateralism is justified by a 'cosmopolitan vision of responsibility to work for the global common good', which is predicated with reference to universal values and the international community.[195] As mentioned in the literature, the EU's commitment and concrete measures to promote the universality of the Court were emphasized frequently following the increased opposition from the US.[196]

The EU is frequently predicated/nominated as a 'rule-facilitator', by emphasizing the EU's role in promoting the goal of attaining universal support for the ICC. For example, this facilitating role is mentioned in the statement by the Council in 2002 directly after mentioning the US un-signing: 'For its part, the European Union reaffirms its determination to encourage the widest possible international support for the ICC... 'and its commitment to support the early establishment of the ICC as a valuable instrument of the world community'.[197] Following this juncture, universality and the EU's facilitating role were mentioned more frequently.[198] For example, in the Council Conclusions, 2002, which were in part a response to the US' bilateral agreements: "The International Criminal Court will be an effective tool of the international community . . . The Council confirms that the EU is firmly committed to support the early establishment and effective functioning' of the ICC . . . The European Union reaffirms its determination to encourage the widest possible international support for the ICC through

[194] Barbé, Herranz-Surralés and Natorski, "Contending Metaphors", 29-30.
[195] Ibidem, 30-31
[196] Groenleer and van Schaik, "United we Stand?", 971; 978; Garský, "Strong, Independent, and Effective", 9-13.
[197] Council of the European Union, "Statement of the European Union on the position of the United States".
[198] Groenleer and van Schaik, "United we Stand?", 971; 978; Garský, "Strong, Independent, and Effective", 9-13. Notably, the EU started its 'worldwide ratification campaign' around the same period in which the US' opposition to the ICC intensified.

ratification or accession to the Rome Statute."[199] Likewise, Commissioner Ferrero-Waldner stated in 2005, after mentioning US opposition: 'The EU is committed to pursuing its worldwide campaign… 'in order to ensure the universality of the Court' … the Commission will continue to play an active role in promoting the universality of the Court."[200] Furthermore, the concrete measures in facilitating the ICC are frequently mentioned in documents and speeches, such as encouraging ratification, funding/financial and technical assistance, advice by legal experts, sharing experiences, and other forms of assistance, representing the EU as credible. [201]

In short, the EU's self-represented role as a defender of multilateralism, is mostly constructed through the discourse of the EU as 'instrument', by predication of the EU as a 'rule-facilitator', and predication of its supportive role as based on and in furtherance of universal values. The instrument-metaphor is fundamentally constructed in relation to the US, as 'inversely' to the international community due to its opposition to the ICC and the violation of values. In line with the findings of Barbé et al., the EU's role is prescribed as 'setting and implementing international rules through facilitating broad international consensus'.[202] Furthermore, the EU's role as an instrument of multilateralism is justified by a 'cosmopolitan vision of 'responsibility to work for the global common good'.[203] In terms of predication, this is constructed by the representation of the EU as 'acting on behalf' of the international community' through its promotion of values and facilitating role. In this manner, the EU's is constructed specifically as a 'cosmopolitan' 'force for good'.[204] Although the EU is in part predicated/nominated as a player or rule-negotiator, among others by representing the EU as a counter-balance to the US and the EU's self-representation as a leading actor or 'vanguard', (leader', 'vital importance', forefront'), the EU's role is not justified according to this metaphor.[205] The EU's leading role and counter-balancing is justified with reference to the defence of universal values, corresponding with the instrument-metaphor.[206]

---

[199] Council of the European Union, "International Criminal Court (ICC) - Council Conclusions", [http://iccnow.org/?mod=eu] (01-05-2020).
[200] Ferrero-Waldner, "The International Criminal Court", 6.
[201] For example, see: Council of the European Union, "Declaration by the Presidency on behalf of the EU on the occasion of the Inauguration of the ICC"; European Commission, "Inauguration of the International Criminal Court" [https://ec.europa.eu/commission/presscorner/detail/en/IP_03_354] (13-05-2020); Council of the European Union, "Common Position 2003".
[202] Barbé, Herranz-Surralés and Natorski "Contending Metaphors", 29-30.
[203] Ibidem.
[204] Aggestam, 'Ethical Power Europe', 6.
[205] Scheipers and Sicurelli, "Normative Power Europe'', 443-444; Barbé, Herranz-Surralés and Natorski., "Contending Metaphors", 28-29.
[206] Barbé, Herranz-Surralés and Natorski "Contending Metaphors", 30

Conclusion: the EU as a defender of multilateralism

As has been argued, the EU's normative power identity has through othering been constructed in the form of a 'defender' of the ICC and values such as multilateralism. The US is constructed not merely as an 'inactive object of comparison' as mentioned in the previous section, but more fundamentally as an "antagonist against which the EU is required to take action", due to the US opposition to the ICC and violation of values.[207] Scheipers and Sicurelli have argued that the EU's othering-discourse has mostly revolved around the construction of the EU as 'vanguard' in its normative support for values, in contrast to the US as 'lagging behind'. However, the representation of the US as an antagonist is a more 'fundamental' form of othering, in which the US is more fundamentally constructed as the EU's non-normative Other as an 'anti-self' or a 'threat'.[208]

This self-representation as a defender serves the functions of both internally and externally addressed discourse and contributes to the EU's overall self-represented normative (international) identity. In terms of identity, by contrasting the US as an 'antagonist', and the EU's active protagonist role, the otherness of the US and the 'sameness' of European identity are amplified, as Anderson hypothesized.[209] In this manner, internally, values as normative goals are presented more strongly as a distinguishing component of the EU's/European identity. Externally, the EU's international identity is more fundamentally distinguished from the US due to its active promotion and defence of universal values, constituting the normative difference between the EU and the US.[210] In other words, the US is more fundamentally presented as the EU's non-normative Other as an 'anti-self'.[211] In terms of both internal and external legitimacy, the EU's policies/defence is legitimised based on values, as discussed in the previous section. More strongly however in this discourse, the EU's is predicated as credible and actively defending values, demonstrating its normative commitment in opposing the US' obstruction of the ICC, which is related to its self-representation as a credible actor, contributing to legitimisation.[212]

---

[207] Anderson, *Crafting EU Security Policy*, 67.
[208] Guillaume, *International Relations and Identity*, 28; Tekin, *Representations and Othering in Discourse*, 158-159; Lucarelli, "Values, identity and ideational shocks", 320; Diez, "Constructing the Self", 628-629.
[209] Anderson, *Crafting EU Security Policy*, 67-70.
[210] Diez, "Constructing the Self", 630-633; De Zutter, "Normative power spotting", 1111-1112; Tonra, "Democratic foundations", 1196-1197.
[211] Guillaume, *International Relations and Identity*, 28; Tekin, *Representations and Othering in Discourse*, 158-159.
[212] Raube and Tonra, "From Internal-Input to External Output", 245-247.

The instrument-metaphor contributes to these functions, by emphasizing the EU's defence and support of the ICC as based on (the promotion of) values, morally justifying/legitimising the EU's policies.[213] In terms of identity, the instrument-discourse self-represents the EU as acting in behalf of 'the global common good', through its facilitating role and promotion of values. Therefore, this instrument-metaphor contributes to the EU's normative identity by presenting the EU as a 'global force for good', emphasizing values and multilateralism, 'for its own sake'.[214] This metaphor therefore also tells us more about the dominant argument on which the EU's support for multilateralism is based. The EU's role has mostly been constructed based on (the defence of) universal values against the US' violation of values, contributing to the EU's normative international identity.

The dominance of this instrument-metaphor is interesting, given that Barbé et al. have identified the model-metaphor and the player-metaphor to be 'dominant'.[215] Perhaps this can be explained by the normative subject of human rights and multilateralism. Furthermore, it could be the case that this instrument-discourse, coming closest to the 'normative ideal' expression of multilateralism, is emphasized the most because in this manner the EU is constructed most fundamentally in contrast to the US compared to the other metaphors, contributing to the identity-functions by distinguishing itself and its values.[216] Furthermore, it could be the case that the instrument-metaphor is dominant in the EU's othering-discourse in general, given that Barbé et al. have focussed on the EU's self-representation with regard to multilateralism in general and not othering specifically.

---

[213] Kutter, "Model to the World", 47-48; Reyes, "Strategies of legitimization in political discourse", 785; 793.

[214] Aggestam, "Ethical Power Europe", 6; Michael Smith, "The European Union, the USA and global governance" in: Jens-Uwe Wunderlich and David J. Bailey, *The European Union and Global Governance: A Handbook* (London: Routledge, 2011), 268.

[215] Barbé, Herranz-Surralés and Natorski "Contending Metaphors", 19-20; 33-34. Furthermore, this discourse of the EU as a 'global leader or player' has been identified as dominant by other authors as well. See for example: Krzyżanowski, "International leadership re-/constructed?", 126-127.

[216] Barbé, Herranz-Surralés and Natorski "Contending Metaphors", 34.

Conclusions

In contrast to much of the literature on Normative Power Europe, in which the EU's normative power is analysed from an empirical or positivist perspective, this thesis has focussed on discursive construction, by applying the method of discourse analysis to the EU's normative power discourse. In contrast to the dominant conceptualisation of the EU's normative international identity as a 'given', this thesis has identified that the EU's normative identity has also been constructed by self-representation. In other words, the notion of the EU as a normative power is not only dominant in the academic literature but is also actively constructed in the EU's policy-discourse. Furthermore, the EU's normative identity is fundamentally self-represented through the construction of the US as a key non-normative Other.

Although the US has been identified as a key Other of the EU on a theoretical level, how the EU has constructed the US as Other has seldom been investigated empirically. Adding to this, the various theoretical assumptions with regard to the EU's normative discourse have seldom been 'put to the test' in analysing the EU's discourse. This thesis has aimed to do so by focussing on the specific methods of othering and the content of the EU's othering-discourse on the US. Furthermore, research on the EU's othering has often focussed on different topics and different external others. A notable exception is the article by Scheipers and Sicurelli, who have also analysed the EU's othering-discourse.[217] However, this thesis has identified various different findings. In contrast to Scheipers and Sicurelli, who have identified the 'vanguard-laggard' representation as predominant in the EU's othering-discourse, this thesis has concluded that the EU's normative identity has been constructed in a more antagonistic manner, in which the EU's normativity has been constructed more fundamentally in relation to the US-other. The othering-discourse of the EU as a defender of multilateralism, as well as the emphasis on European values and universal values have contributed to this construction of 'normative difference' and the EU's normative self-representation.

In part, these different findings are due to the different hypotheses with regard to the motivations of EU-actors in constructing the EU as a normative power. Relating the theoretical assumptions in the academic literature to the empirical 'how-question' of identity-construction, this thesis has analysed the EU's discourse based on the theoretical assumption of addressivity and specific functions, related to the historical context(s). From this perspective, it has been argued that the EU's othering-discourse with regard to the ICC has contributed to the

---

[217] Scheipers and Sicurelli, "Normative Power Europe", 435-457.

construction of European identity, among others by emphasizing European values as part of the European political community. Furthermore, the EU's policies with regard to the ICC have been legitimised internally based on this discourse of 'European' values. In terms of the external function, it has been argued that the EU's othering-discourse contributes to the EU's normative identity by distinguishing the EU or setting itself apart from the US. The emphasis on universal values has contributed to this normative difference. Externally, the EU's policies are legitimised based on these universal values. Among others, this externally addressed identity has been constructed through the instrument-metaphor, which has been identified as the dominant metaphor in this thesis, in contrast to the findings of Barbé et al. with regard to the EU and multilateralism in general.

Based on these theoretical assumptions of internal and external functionality of discourse, specific sources have been distinguished and analysed, primarily based on the discourse topics that have been identified as important for these functions. Therefore, it is plausible that from a different theoretical and analytical perspective, alternative or 'contending' findings with regard to the EU's discourse as analysed in this thesis could be discerned. For example, Barbé et al. have argued that, in contrast to the findings of this thesis, the player and model metaphors have been dominant in the EU's discourse on multilateralism in general.[218] Adding to this, James Rogers has argued that the predominant 'civilian power' discourse, similar to normative power, has been 'replaced' by a 'global power' discourse.[219]

Following from this, an interesting question for further research, based on the notion that actors ''purposefully choose from a range of possible articulations'', is why EU-actors have constructed different discourses or have emphasized different discourse topics.[220] This question could be related to the various historical and political contexts, as well as different contents of policy. For example, the EU's discourse on multilateralism in relation to other policy fields such as trade policy could be analysed and related to the EU's discourse with regard to different policy fields or multilateralism in general. The findings could then be related to the question of why EU-actors have constructed (different) discourses on multilateralism. In this manner, the predominant theoretical focus of research on the EU's normative power discourse could be related to the discourse-analytical perspective.

Another interesting perspective would be to relate this normative power discourse to the identity-construction of the EU in the contemporary context. Jan Hornát for example has argued

---

[218] Barbé, Anna Herranz-Surallès and Natorski, "Contending metaphors", 34-35.
[219] Rogers, "From Civilian Power to Global Power", 831-862.
[220] Holzscheiter, "Between Communicative Interaction", 147. See also: Larsen, "Discourse analysis", 65.

that the EU has also constructed its international identity in relation to the US and Trump Administration as different, revolving around similar discourse topics as the ones discussed in this thesis, such as multilateralism and universal values.[221] In relating this analytical focus on identity to the societal context, subsequent research questions could be how Europeans perceive the EU's identity in relation to the current US Administration, if or how the EU's international identity contributes to European identity as well as how external Others perceive the EU in international politics in relation to the US.

---

[221] Jan Hornát, "Transatlantic "Othering": European External Action Identity and the Trump Administration", *Studia Europejskie – Studies in European Affairs* 23:1 (2019) 27-42.

Bibliography

Sources

European Commission, "Inauguration of the International Criminal Court", IP/03/35, Brussels, 11-03-2003 [https://ec.europa.eu/commission/presscorner/detail/en/IP_03_354] (13-05-2020).

Council of the European Union, "Statement of the European Union on the position of the United States towards the International Criminal Court", 8864/02 (Presse 141), Brussels, 14-05-2002 [http://iccnow.org/?mod=eu] (29-04-2020).

Council of the European Union, "International Criminal Court (ICC) - Council Conclusions", 30-09-2002) [http://iccnow.org/?mod=eu] (01-05-2020).

Council of the European Union, "Declaration by the Presidency on behalf of the EU on the occasion of the Inauguration of the ICC", 7193/1/03 REV1 (Presse 74), Brussels, 12-03-2003 [http://iccnow.org/?mod=eu] (27-04-2020).

Council of the European Union, "Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court" [https://eur-lex.europa.eu/eli/compos/2003/444/] (11-05-2020).

Council of the European Union, "Statement by the Presidency on behalf of the European Union on reaffirming the EU position supporting the integrity of the Rome Statute'', 11680/04 (Presse 235), Brussels, 27-07-2004 [https://ec.europa.eu/commission/presscorner/detail/en/PESC_04_85] (05-05-2020).

Commissioner for External Relations Chris Patten, "Commissioner Patten's Statement on ICC and UN Mission Mandate in Bosnia-Herzegovina", Belgrade, 03-07-2002 [http://iccnow.org/?mod=eu] (27-04-2020).

Commissioner for External Relations Chris Patten, "Why Does America Fear This Court?",
The Washington Post, 09-07-2002
[https://ec.europa.eu/commission/presscorner/detail/en/IP_02_1023] (28-04-2020).

Commissioner for External Relations Chris Patten, "International Criminal Court", European
Parliament Plenary Session, Strasbourg 25-09-2002
[https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_02_431] (28-04-2020).

Commissioner for External Relations Chris Patten, "Globalisation and the Law", Lord Slynn
of Hadley European Law Foundation, London, 14-10-2003 [https://www.europa
nu.nl/id/vgklzxk0tizj/nieuws/chris_patten_globalisation_and_the_law?ctx=vgg51g6u1vxl]
(01-05-2020).

Commissioner for Health and Consumer Protection David Byrne, "Commission Statement on
the Consequences for Transatlantic Relations of the American Service Members' Protection
Act (ASPA)", European Parliament, Plenary Session, 03-07-2002.
[https://www.europarl.europa.eu/sides/getDoc.do?pubRef=//EP//TEXT+CRE+20020703+ITE
M-005+DOC+XML+V0//EN&language=EN] (27-04-2020).

Commissioner for External Relations and European Neighbourhood Policy Dr. Benita
Ferrero-Waldner, "The International Criminal Court, Transatlantic Relations and Co-
operation with Third Parties to Promote the Rule of Law, Parliamentarians for Global Action -
ICC Round Table", Strasbourg, 14-04-2005
[https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_05_228] (02-05-2020).

High Representative Javier Solana, "International court signals a new era; World justice", *The
International Herald Tribune,* 11-04-2002
[https://www.nytimes.com/2002/04/11/opinion/IHT-world-justice-international-court-signals-
a-new-era.html] (29-04-2020).

Lene Espersen, "Speech by the Minister for Justice of Denmark, Ms. Lene Espersen, on
behalf of the EU at the first Meeting of the Assembly of States Parties to the Rome Statute",
09-09-2002 [http://iccnow.org/?mod=eu] (28-04-2020).

Bertel Haarder, "Statement by Europe Minister Bertel Haarder regarding of the "American Service Members' Protection Act'''', European Parliament Plenary Session, 03-07-2002 [http://iccnow.org/?mod=eu] (26-04-2020).

Per Stig Møller, "Statement by Foreign Minister Per Stig Møller regarding the UN Security Council's unanimous vote to prolong the mandate for the UN Mission in Bosnia and Herzegovina", New York, 13-07-2002 [http://iccnow.org/?mod=eu] (27-04-2020).

Literature

Aggestam, Lisbeth, "Introduction: Ethical Power Europe?", *International Affairs* 84:1 (2008), 1-11.

Anderson, Stephanie B., *Crafting EU Security Policy: In Pursuit of a European Identity*. Boulder: Lynne Rienner Publishers, 2008.

Aoun, Elena, "Beyond EU/US Early Contentions over the International Criminal Court: The Development of EU's Loyalty to the ICC", *Studia Diplomatica* 61:4 (2008), 155-171.

Aoun, Elena, "The European Union and International Criminal Justice: Living Up to its Normative Preferences?", *Journal of Common Market Studies* 50:1 (2012), 21-36.

Aydin-Düzgit, Senem, *Constructions of European Identity: Debates and Discourses on Turkey and the* EU. London: Palgrave Macmillan, 2012.

Aydin-Düzgit, Senem, "Critical discourse analysis in analysing European Union foreign policy: Prospects and challenges", *Cooperation and Conflict* 49:3 (2014), 354-367.

Aydin-Düzgit, Senem, "Social-Constructivist and Discursive Approaches to European Foreign Policy" in: Knud Erik Jørgensen, Aasne Kalland Aarstad, Edith Drieskens, Katie Laatikainen and Ben Tonra (eds), *The SAGE Handbook of European Foreign Policy*, Vol. II. London: SAGE Publications, 2015, 136-150.

Barbé, Esther, Anna Herranz-Surralés and Michał Natorski, "Model, Player or Instrument for Global Governance: Metaphors in the Discourse and Practice of EU Foreign Policy" in:

Caterina Carta and Jean-Frédéric Morin (eds.), *EU Foreign Policy through the Lens of Discourse Analysis*. London: Routledge, 2014, 111-130.

Barbé, Esther, Anna Herranz-Surallès and Michał Natorski, "Contending metaphors of the European Union as a global actor. Norms and power in the European discourse on multilateralism", *Journal of Language and Politics* 14:1 (2015), 18-40.

Bickerton, Christopher J., "Functionality in EU Foreign Policy: Towards a New Research Agenda?', *European Integration* 32:2 (2010) 213-227

Bickerton, Christopher J., *European Union Foreign Policy: From Effectiveness to Functionality*. Basingstoke: Palgrave Macmillan, 2011.

Carta, Caterina and Jean-Frédéric Morin, "Struggling over meanings: Discourses on the EU's international presence", *Cooperation and Conflict* 49:3 (2014), 295-314.

Carta, Caterina, "Use of metaphors and international discourse: The EU as an Idiot power, a deceptive Pangloss and a Don Juan in his infancy", *Cooperation and Conflict* 49:3 (2014), 334-353.

Cebeci, Münevver, "European Foreign Policy Research Reconsidered: Constructing an 'Ideal Power Europe' through Theory?", *Millennium: Journal of International Studies* 40:3 (2012), 563-583.

Cerutti, Furio, "A Political Identity of the Europeans?", *Thesis Eleven* 72 (2003), 26-45.

Crespy, Amandine, "Analysing European Discourses" in: Kennet Lynggaard, Ian Manners and Karl Löfgren (eds.), *Research Methods in European Union Studies*. Basingstoke: Palgrave Macmillan, 2015, 102-120.

De Zutter, Elisabeth, "Normative power spotting: an ontological and methodological appraisal", *Journal of European Public Policy* 17:8 (2010), 1106-1127.

Diez, Thomas, "Speaking 'Europe': The Politics of Integration Discourse" in: Thomas Christiansen, Knud Erik Jørgensen and Antje Wiener (eds.), *The Social Construction of Europe*. London: SAGE Publications, 2001, 85-100.

Diez, Thomas, "Europe's others and the return of geopolitics", *Cambridge Review of International Affairs* 17:2 (2004), 319-335.

Diez, Thomas, "Constructing the Self and Changing Others: Reconsidering 'Normative Power Europe'", *Millennium: Journal of International Studies* 33:3 (2005), 613-636.

Diez, Thomas, "Setting the limits: Discourse and EU foreign policy", *Cooperation and Conflict* 49:3 (2014), 319-333.

Fehl, Caroline, *Living with a Reluctant Hegemon: Explaining European Responses to US Unilateralism*. Oxford: Oxford University Press, 2012.

Forchtner, Bernhard and Christoffer Kølvraa, "Narrating a 'new Europe': From 'bitter past' to self-righteousness?", *Discourse & Society* 23:4 (2012), 377-400.

Forsberg, Tuomas, "Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type", *Journal of Common Market Studies* 49:6 (2011), 1183-1204.

Fuchs, Dieter, "European identity and support for integration" in: Sonia Lucarelli, Furio Cerutti and Vivien A. Schmidt (eds.), *Debating Political Identity and Legitimacy in the European* Union. Abingdon: Taylor & Francis Group, 2011, 55-75.

Garský, Salla, "Strong, Independent, and Effective: The European Union's Promotion of the International Criminal Court" in: Astrid Boening, Jan-Frederik Kremer and Aukje van Loon (eds.), *Global Power Europe*, *Vol. II: Policies, Actions and Influence of the EU's External Relations*. Berlin: Springer, 2013, 1-18.

Gerrits, André, "Normative Power Europe: Introductory Observations on a Controversial Notion" in: André Gerrits (ed.), *Normative Power Europe in a Changing World: A Discussion* (The Hague 2009), 1-8.

Groenleer, Martijn L.P., and Louise G. van Schaik, "United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol", *Journal of Common Market Studies* 45:5 (2007), 969-998.

Groenleer, Martijn L.P., "The United States, the European Union and the International Criminal Court: Similar values, different interests?", *International Journal of Constitutional Law* 13:4 (2015), 923-944.

Guillaume, Xavier, *International Relations and Identity: A Dialogical Approach*. London: Routledge, 2011.

Holzscheiter, Anna, "Between Communicative Interaction and Structures of Signification: Discourse Theory and Analysis in International Relations", *International Studies Perspectives* 15 (2014), 142-162.

Hornát, Jan, "Transatlantic "Othering": European External Action Identity and the Trump Administration", *Studia Europejskie – Studies in European Affairs* 23:1 (2019), 27-42.

Huikuri, Salla, *The Institutionalization of the International Criminal Court*. Cham: Palgrave Macmillan, 2019.

Jørgensen, Knud Erik, "Theorising the European Union's foreign policy" in: Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union foreign policy*. Manchester: Manchester University Press, 2004, 10-25.

Kagan, Robert, "Power and Weakness", *Policy Review* 113 (2002), 1-18.

Kagan, Robert, *Of Paradise and Power: America and Europe in the New World Order*. New York: Alfred A. Knopf, 2003.

Koops, Joachim Alexander, *The European Union as an Integrative Power? Assessing the EU's 'Effective Multilateralism' with NATO and the United* Nations. Brussels: Brussels University Press, 2011.

Kølvraa, Christoffer, "European Fantasies: On the EU's Political Myths and the Affective Potential of Utopian Imaginaries for European Identity", *Journal of Common Market Studies* 54:1 (2016), 169-184.

Krzyżanowski, Michał, "International leadership re-/constructed?: Ambivalence and heterogeneity of identity discourses in European Union's policy on climate change", *Journal of Language and Politics* 14:1 (2015), 110-133.

Kutter, Amelie, "A model to the world?", *Journal of Language and Politics* 14:1 (2015), 41-64.

Larsen, Henrik, "The EU: A Global Military Actor?", *Cooperation and Conflict* 37:3 (2002), 283-302.

Larsen, Henrik, "Discourse analysis in the study of European foreign policy" in: Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union foreign policy*. Manchester: Manchester University Press, 2004, 62-80.

Lucarelli, Sonia, "Values, identity and ideational shocks in the transatlantic rift", *Journal of International Relations and Development* 9 (2006), 304-334.

Lucarelli, Sonia, "Introduction: Values, Principles, Identity and European Union Foreign Policy" in: Sonia Lucarelli and Ian Manners (eds.), *Values and Principles in European Foreign Policy*. London: Routledge, 2006, 1-18.

Lucarelli, Sonia, "European political identity, foreign policy and the Others' image. An underexplored relationship" in: Furio Cerutti and Sonia Lucarelli (eds.), *The Search for a European Identity: Values, Policies and Legitimacy of the European Union*. London: Routledge, 2008, 23-42.

Lucarelli, Sonia, "Mirrors of us: European political identity and the Other's image of the EU" in: Sonia Lucarelli, Furio Cerutti and Vivien A. Schmidt (eds.), *Debating Political Identity and Legitimacy in the European Union.* Abingdon: Taylor & Francis Group, 2011, 148-167.

Lynggaard, Kennet, *Discourse Analysis and European Union Politics*. London: Palgrave Macmillan, 2019.

Mälksoo, Maria, "From the ESS to the EU Global Strategy: external policy, internal purpose", C*ontemporary Security Policy* 37:3 (2016), 374-388.

Manners, Ian, "Normative Power Europe: A contradiction in Terms", *Journal of Common Market Studies* 40:2 (2002), 235-258.

Manners, Ian and Richard Whitman, "The 'difference engine': constructing and representing the international identity of the European Union", *Journal of European Public Policy* 10:3 (2003), 380-404.

Manners, Ian, "The Normative Ethics of the European Union", *International Affairs* 84:1 (2008), 45-60.

Marsh, Steve and Hans Mackenstein, *The International Relations of the EU*. Abingdon: Routledge, 2014.

Merlingen, Michael, "Everything is dangerous: a critique of 'normative power Europe", *Security Dialogue* 38:4 (2007), 435-453.

Neumann, Iver B., *Uses of the Other. "The East" in European Identity Formation*. Minneapolis: University of Minnesota Press, 1999.

Nicolaïdis, Kalypso and Robert Howse, "This Is My EUtopia: Narrative as Power", *Journal of Common Market Studies* 40:4 (2002), 767-792.

Pace, Michelle, "The Construction of EU Normative Power", *Journal of Common Market Studies* 45:5 (2007), 1041-1064.

Pollack, Mark A., "Unilateral America, multilateral Europe?" in John Peterson and Mark A. Pollack, *Europe, America, Bush: Transatlantic relations in the twenty-first century*, 115-127. Abingdon: Taylor & Francis Group, 2003, 115-127.

Poopuu, Birgit, "Telling and acting identity: The discursive construction of the EU's common security and defence policy identity", *Journal of Language and Politics* 14:1 (2015), 134-153.

Wagner, Wolfgang, "Liberal Power Europe", *Journal of Common Market Studies* 55:6 (2017), 1398-1414.

Rasmussen, Steffen Bay, "The Messages and Practices of the European Union's Public Diplomacy", *The Hague Journal of Diplomacy* 5 (2010), 263-287.

Raube, Kolja and Ben Tonra, "From Internal-Input to External Output: A Multi-tiered Understanding of Legitimacy in EU Foreign Policy", *Global Affairs* 4: 2-3 (2018), 241-251.

Antonio Reyes, "Strategies of legitimization in political discourse: From words to actions", *Discourse & Society* 22:6 (2011), 781-807.

Reisigl, Martin and Ruth Wodak. *Discourse and Discrimination: Rhetorics of Racism and Antisemitism*. London: Routledge, 2001.

Risse, Thomas and Jana Katharina Grabowsky, "European Identity Formation in the Public Sphere and in Foreign Policy", RECON Online Working Paper", 2008/04, 1-17.

Risse, Thomas, "Identity Matters: Exploring the Ambivalence of EU Foreign Policy", *Global Policy* 3:1 (2012), 87-95.

Rogers, James, "From Civilian Power to Global Power: Explicating the European Union's Grand Strategy through the Articulation of Discourse Theory", *Journal of Common Market Studies* 47:4 (2009), 831-862.

Rosamond, Ben, "Conceptualizing the EU Model of Governance in World Politics", *European Foreign Affairs Review* 10 (2005), 463-478.

Rumelili, Bahar, "Constructing identity and relating to difference: understanding the EU's mode of differentiation", *Review of International Studies* 30 (2004), 27-47.

Scheipers, Sibylle, and Daniela Sicurelli, "Normative Power Europe: A Credible Utopia?", *Journal of Common Market Studies* 45:2 (2007), 435-457.

Schmidt, Vivien A., "Discursive Institutionalism: The Explanatory Power of Ideas and Discourse", *The Annual Review of Political Science* 11 (2008), 303-326.

Schmidt, Vivien A., "The problems of identity and legitimacy in the European Union" in: Sonia Lucarelli, Furio Cerutti and Vivien A. Schmidt (eds.), *Debating Political Identity and Legitimacy in the European Union*, Abingdon: Taylor & Francis Group, 2011, 16-37.

Simón, Luis, "CSDP, Strategy and Crisis Management: Out of Area or Out of Business?", *The International Spectator* 47:3 (2012), 100-115.

Sjursen, Helene, "What kind of power?", *Journal of European Public Policy* 13:2 (2006), 169-181.

Sjursen, Helene, "The EU as a 'normative' power: how can this be?", *Journal of European Public Policy* 13:2 (2006), 235-251.

Smith, Karen E. and Helene Sjursen, "Justifying EU foreign policy: the logics underpinning EU enlargement" in: Ben Tonra and Thomas Christiansen (eds.), *Rethinking European Union foreign policy*. Manchester: Manchester University Press, 2004, 126-141.

Smith, Michael, "The European Union, the USA and global governance" in: Jens-Uwe Wunderlich and David J. Bailey, *The European Union and Global Governance: A Handbook* (London: Routledge, 2011), 264-273.

Stoddard, Edward, "Between a Rock and a Hard Place? Internal-External Legitimacy Tensions and EU Foreign Policy in the European Periphery", *Journal of European Integration* 37:5 (2015), 553-570.

Tekin, Beyza Ç, *Representations and Othering in Discourse: The construction of Turkey in the EU context*. Amsterdam: John Benjamins Publishing Company, 2010.

Tocci, Nathalie, "Profiling Normative Foreign Policy: The European Union and its Global Partners" in: Nathalie Tocci (ed.), *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*. Brussels: Centre for European Policy Studies, 2008, 1-23.

Tonra, Ben, "Democratic foundations of EU foreign policy: narratives and the myth of EU exceptionalism", *Journal of European Public Policy* 18:8 (2011), 1190-1207.

Tuominen, Hannah, "The Changing Context of Global Governance and the Normative Power of the European Union" in: Astrid Boening, Jan-Frederik Kremer and Aukje van Loon (eds.), *Global Power Europe*, *Vol. I. Theoretical and Institutional Approaches to the EU's External Relations*. Berlin: Springer, 2013, 201-218.

Van Ham, Peter, "Place Branding: The State of the Art", *The ANNALS of the American Academy of Political and Social Science* 616:1 (2008), 1-24.

Wood, Steve, "Pragmatic power EUrope?", *Cooperation and Conflict* 46:2 (2011), 242-261.

Youngs, Richard, "Normative Dynamics and Strategic Interests in the EU's External Identity", *Journal of Common Market Studies* 42:2 (2004), 415-436.