

How a Conversation Between EU Studies and Critical-Constructivist IR Norm Research Illuminates a Union in Crisis: A Research Note

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Abstract

Historically, crises have been lauded for fostering European Union (EU) integration. Conversely, it has recently been predicted that the current ‘polycrisis’ will precipitate the EU’s demise. However, this dichotomous perspective on crises is oversimplified. In this research note, we argue that a critical-constructivist approach to norm contestation is uniquely placed to illuminate the shades of grey populating the continuum between these two extremes. As contestation effects may occur on both normative and institutional levels, a norm contestation approach has the potential to open the black box of crises by investigating the prerequisites, actors and processes of crisis and reminding us that these stages are linked in a circular way. Therefore, we argue that a conversation between EU studies and critical-constructivist norm contestation research is crucial to advancing our understanding of the myriad effects crises have on the EU beyond the dichotomous distinction between integration and demise.

Keywords: contestation; crisis; critical constructivism; EU studies; norm research

Introduction

Jean Monnet famously predicted that ‘Europe will be forged in crises, and will be the sum of the solutions adopted for those crises’ (cited in Falkner 2016, p. 219). Nevertheless, spurred on by the quick succession of global and regional crises, some pundits have recently asserted a ‘crisisification’ (Rhinard 2019) up to predicting the European Union’s (EU’s) decline (Jones et al. 2021).

The state of crisis has, thus, been constructed as a focal point for investigations of the EU, its integration and governance, which has even revived the longstanding debate between different theories of integration (e.g., Genschel and Jachtenfuchs 2018; Riddervold et al. 2021; Schimmelfennig 2018). Crises have also encouraged the search for ‘new’ or abandoned research approaches, even though there ‘have been no larger and genuinely pluralistic debates over why the EU and EU studies is in such trouble’ (Manners and Whitman 2016, p. 5).

As Tanja Börzel (2018) observes, a dichotomous perspective on the EU and its crises currently prevails. Mainstream approaches in EU studies tend to assume that crises stipulate either further integration or demise and, thus, overlook the shades of grey that populate the continuum in-between. Furthermore, crises, regardless of whether they are analysed as ‘good’ or ‘bad’ (Lefkofridi and Schmitter 2015), are often black-boxed and

treated as structural constraints in the process of EU policy-making or EU integration.¹ Thus far, EU studies has recently faced criticism that its theories ‘failed to predict and cannot explain [the crises] at hindsight’ (Börzel 2018, p. 476).

Building on this critique, we argue that a critical contestation approach, as developed in International Relations (IR) norm research, is well placed to complement EU studies in this regard and shed light on the differentiated and multidimensional effects of crises in the EU and elsewhere. *Critical* contestation research refers to a scholarly camp that assesses the underlying power relations and epistemic contingencies of norm dynamics and norm research alike. Critical contestation research builds on a range of epistemologies (i.e., beyond capital ‘C’ Critical Theory) in order to obtain a reflexive and multi-dimensional perspective on norms and norm dynamics (Jørgensen and Fierke 2001). Therefore, it can also be understood as a critique of established norm research. According to this approach, *contestation* (i.e., discursive frictions about the meaning or validity of a norm) is the rule not the exception in norm dynamics. Norm contestation becomes particularly visible and politically pertinent in perceived *crises*. A crisis may trigger contestation that was previously ‘dormant’ (Ghohliagha et al. 2020) or merely ‘slow-burning’ (Seabrooke and Tsingou 2019) (e.g., as the energy security norms under pressure due to Russia’s aggression in Ukraine; de Jong and van de Graaf 2021). Conversely, we may come to describe a situation as a crisis because a norm is contested (e.g., a ‘rule of law’ or ‘environmental crisis’; cf. Wiener 2018). Thus, crises can be understood as condensation points for norm contestation or as situations in which norm contestation becomes tangible.

Crises may upset the robustness of an individual norm (Deitelhoff and Zimmermann 2019) or precipitate changes within a larger cluster of norms (Lantis and Wunderlich 2018). Given that EU policy-making can, in many cases, be described as the complex search for a stable, if precarious, constellation of sometimes contradictory norms (Jacobs et al. 2022; Saltnes 2019), it becomes obvious that changes in these norm constructs may be highly influential. Crises may also affect the institutional structure of the EU and reconfigure, for example, power distributions or decision-making procedures. Consequently, conceptualizing crises in terms of norm contestation reveals the differentiated and multifaceted effects crises have.²

Beyond this, a critical contestation approach enables us to open the black box of crises. Thus far, EU studies has tended to treat crises as structural constraints in integration dynamics. This has resulted in analyses that discount the agency inherent in triggering crises, as well as the actors’ motivation for doing so, and that blur the distinctions between existing crises, amalgamating them into one daunting challenge. In contrast, a contestation approach asks *who* is contesting *what*, *why*, *how* and *with what effect*. Therefore, we suggest that the rich theoretical inroads of norm contestation research into studying the causes and processes of crises grant us a glimpse into this black box.

¹There is influential literature that does discuss individual policy-making processes within crises (e.g., Riddervold et al. 2021). However, these studies, which build on established theories of integration, often remain focused on a rationalist explanation of isolated (if important) policies and assess them in terms of their integrational success or failure.

²Such an understanding of crises embraces the observation that crises, far from being objectively present, are themselves constructed in political discourses and, as such, have a performative quality (Jordheim and Wigen 2018; Mégie and Vauchez 2014). Nevertheless, we concede that in the subsequent reflections, we treat crises as (at least momentarily) stabilized and do not, as such, aim to reconceptualize the term ‘crisis’.

Thus, in this research note, we argue for a renewed conversation between EU studies and critical norm contestation research. Specifically, we illustrate the considerable potential of the norm contestation vocabulary in analysing the EU's challenges, including those that continue to puzzle researchers of EU integration and governance. Describing our focus in this way implies that we intend to consider the conversation's merits from the perspective of norm researchers who are interested in explaining the dynamics of EU integration and governance. However, we acknowledge that, evidently, such a conversation must not be one-sided and that this interdisciplinary exercise has great learning potential for norm research as well, a point we return to briefly at the end of this note.

First, we retrace the use of the norm concept in EU studies (Section I), before detailing how current EU studies could benefit from including a critical norm contestation approach (Section II). We demonstrate that the suggested norm contestation perspective reveals the varied and multidimensional effects crises have, rather than assessing them as either furthering or dismantling integrational successes ([Effects of Contestation: Beyond the Dichotomous Perspective of EU Studies](#) section). Then, as contestation research opens the black box of crises, a review of the theoretical tools of critical contestation research for analysing the causes and processes of contestation exemplifies the differentiated analysis of crises in the EU made possible by this innovative perspective ([A Glimpse into the Black Box of Crises](#) section). We conclude by highlighting the circular nature of contestation dynamics, which emphasizes the potential benefits that EU studies could gain from this conversation (Section III).

I. Norms in European Studies: State of the Research

Social-constructivist approaches to IR have become an established theoretical perspective in EU studies (Christiansen et al. 1999; Saurugger 2013). Nevertheless, this observation applies mainly to positions that successfully establish a 'middle-ground' between rationalist and interpretivist reasoning (Risse and Wiener 1999). This 'soft constructivist' research embraces the positivist epistemology of mainstream EU studies, which is characterized by a 'focus on institutions, policymaking processes and a normative agenda focusing on institutional and policy efficiency' (Manners and Whitman 2016, p. 4).

The application of IR norm theory to the study of the EU is not exempt from this observation. In line with the then-emerging, soft constructivist understanding of norms in IR (Björkdahl 2002; Finnemore and Sikkink 1998), EU scholars have broadly defined norms as intersubjectively shared, actor-guiding and (relatively) stable objects of (European) governance that are diffused within both world politics and domestic contexts (for instance, Hooghe 2005; Checkel 2001; Elgström 2000). This conceptualization has resonated strongly with EU scholars (Christiansen et al. 1999, p. 539). In particular, it has merged into the research programme on EU policy diffusion, within which the term 'policy' has largely displaced the norm concept (Börzel and Risse 2012; Schimmelfennig 2001).

Yet, this conceptualization only allows for two opposed outcomes: norm-compliant or norm-deviant behaviour. Accordingly, actors, most commonly EU member states or sub-national entities, are approached as either being socialized into a particular norm in such a

way that, over time, they fully embrace it or as rejecting it outright (Checkel 2001; Hooghe 2005). The research on compliance with EU policy also builds on this two-pronged outcome (Bondarouk and Mastenbroek 2018; Börzel and Risse 2012).

This ability to distinguish between norm-compliant and norm-deviant behaviour makes a stable conception of norms an asset for EU studies. It can answer the questions of *whether norms matter, which norms matter* (Björkdahl 2002) and *under what circumstances* policies in the EU become ‘Europeanised’ (also, Heidbreder 2013; Treib 2014). It is, therefore, far from surprising that when EU researchers look at contestation from a rationalist standpoint, they define it as non-compliance with EU policies (e.g., Hobolt and Rodon 2020; Marks and Steenbergen 2002). This dichotomous understanding of norm compliance is mirrored in the ongoing discussion of whether the manifold challenges of the EU will lead to more integration or the Union’s demise, which largely eschews their normative consequences. By contrast, as we will further exemplify below, contestation in a constructivist norm-conceptual understanding highlights dialogical, ideational and normative processes as well as the effects of ideational and structural change.

Coincidentally, more conceptually and methodically ‘dissident’ varieties of constructivist research have been sidelined throughout the formation of EU studies as a discipline (Manners and Whitman 2016; Saurugger 2013). Whilst such approaches have already engaged in fruitful conversations with critical-constructivist norm research,³ as we advance in this article, norm research has remained stable in its reputation as a ‘middle ground’ endeavour amongst EU scholars and is still, by and large, not considered potentially dissident (see, for instance, Bevir and Phillips 2019). Recent critical-constructivist scholarship, which advanced a processual understanding of norms (for example, Krook and True 2012), has remained largely unnoticed in EU studies or marginalised and dismissed as a niche debate within (German) IR.

To counter this perception, we argue that such a dynamic understanding of norms, which revolves around the observation that norms have a dual quality and are both structuring and constructed (Wiener 2007), highlights the limited explanatory power of the static conceptualization of (EU) norms. In dynamic situations of disruption and disagreement over (EU) norms, researchers and policy-makers alike are confronted with the questions of *how norms matter, how norms interact* and *how norms change*. Such questions can hardly be answered with a norm understanding that only allows for norm compliance and strengthening or deviance and demise.

Yet, when norms are understood as dynamic entities, non-compliance with a norm does not automatically result in the disappearance of the norm. Norm robustness and deviance become gradual rather than categorical distinctions when different interpretations compete with each other (Deitelhoff and Zimmermann 2020). Disagreement over norms (i.e., norm contestation), as observed during periods of disruption and crisis (Gholiagha et al. 2020; Wiener 2018), is therefore considered a constitutive feature of norm dynamics.

Therefore, by taking into account the insights generated by critical-constructivist norms research, we should expect crises within the EU to present a large array of differentiated potential outcomes, rather than precipitating either integration or demise. Indeed, as we explain in the next section, integrating a critical-constructivist approach to norm

³See, for example, Van Kersbergen and Verbeek (2007), Dandashly and Noutcheva (2022) and Saltnes (2019).

contestation and analysing the EU's crises as condensation points of norm contestation provides a more nuanced perspective on crises and their impact and, thus, on the future of the EU (studies).

II. Towards a New Dialogue: How EU Studies Can Benefit from Critical Contestation Research

As the previous section has shown, the dominant EU studies' distinction between 'good' crises, which lead to further integration, and 'bad' crises, which precipitate demise, is overly truncated. It not only limits the possible outcomes of crises but also treats the political dynamics within crises as black boxes. In this manner, the normative and institutional dynamics and consequences of crises remain largely opaque beyond their role as engines or brakes for EU integration.

In this section, we elaborate on the merit of critical contestation research as an approach to explore, in more depth, the question of *why* and *how* crises occur and *with what effects*. Whilst our subsequent reflections are supported with various empirical illustrations, we openly admit that they fall short of being structured, validated case studies. Nevertheless, these preliminary empirical illustrations impress the potential of incorporating the critical norm contestation vocabulary into EU studies.

Effects of Contestation: Beyond the Dichotomous Perspective of EU Studies

As condensation points of norm contestation, crises affect (1) the internal constitution of an individual norm, for example, the norm's robustness (Deitelhoff and Zimmermann 2020), and (2) the constellation of multiple norms (Fehl and Rosert 2020; Lantis and Wunderlich 2018). Moreover, given that a community's normative and institutional structures are closely intertwined (Niemann and Schillinger 2016; Wiener 2004), (3) norm contestation may have repercussions for material-institutional structures. All three dimensions affected merit further illustration.

(1) A critical-constructivist processual understanding of norms acknowledges that norm contestation, far from inevitably entailing a norm's demise, may even be beneficial to a norm by, in particular, strengthening the legitimacy of the contested norm amongst its addressees (Wiener 2018). Departing from this apparently contradictory understanding of contestation as a double-edged sword, Deitelhoff and Zimmermann (2020) suggest distinguishing between two ideal types of contestation: applicatory contestation and validity contestation. From this perspective, disagreement about a norm may concern either the norm's interpretation in specific circumstances or the norm's very claim to validity. In the latter case, Deitelhoff and Zimmermann argue that the norm's robustness is in jeopardy and that such validity contestations may even result in the norm's decay. Conversely, disagreement about the interpretation of a norm reinforces the norm as such and may even contribute to more extensive norm validity.

This distinction between different types of contestation and the potential for contestation to radicalize opens up a new and more differentiated understanding of the EU's normative challenges. Such analyses allow researchers to ascertain the effect of an instance of contestation and devise measures to moderate the challenges effectively. For example, do Poland or Hungary, through their contestation of the rule of law and democracy,

merely challenge a certain interpretation of these norms or the very validity of the EU's fundamental values? How should the EU interpret the normative contestation inherent in the Chinese *Belt and Road Initiative*? Furthermore, this perspective also counters any *sui generis* understandings of contestations within the EU, allowing for comparisons beyond the EU's borders and mutual learning. This becomes tangible, in particular, in cases where the EU is called out externally and internally for self-proclaiming a frontrunner or entrepreneurial role with regard to norms that is not met by institutional or member state performance, such as in the fields of climate governance or, as recent events have exemplified, the fight against corruption.

In addition, the effect of contestation on a norm's robustness depends on how vehemently norm supporters defend the norm (Deitelhoff and Zimmermann 2019, p. 6). Thereby, a critical contestation approach echoes the critique of the hesitant and somewhat volatile reaction of the European Commission against the rule of law infringements in Hungary or Poland (e.g., Blauberger and Kelemen 2017, pp. 325–326). This rather reluctant stance may not only leave room for the two states to engage in window-dressing but also upset the EU's fundamental values more generally.

(2) Norm contestation, however, is incompletely understood against the backdrop of insular norms because norms are interrelated. They may be included in larger norm clusters and interact with changes in the robustness of other norms (Lantis and Wunderlich 2018; Winston 2018). Such a constellation may precipitate conflictive relationships between norms where contestation must be understood as a 'collision' (Gholiagha et al. 2020).

Based on these concepts, critical contestation research may be used to assess EU policies in times when they need to interact with a normatively changing global environment. It can uncover collisions that arise when external crises encounter internally enshrined norms such as market integration and cohesion (Jabko 2019; Jacobs et al. 2022). In these situations, the constellation and robustness of the external and internal norms are reconfigured. This could result in a tighter agenda based on normative meaning if strong entrepreneurs such as the European Commission or member states are able to provide relevant frames or narratives (Saltnes 2019). Conversely, such contestation might also lead to more ambiguous understandings of norms. Recent developments are a pertinent example of such dynamics. Whilst the EU's Green Deal governance architecture has proposed a reconfiguration of EU policy towards socioecological norms such as 'climate neutrality', the COVID-19 crisis and Russian war on Ukraine have led to a resurgence of norms related to '(energy) security' (de Jong and van de Graaf 2021).

(3) At the same time, norm contestation also affects the institutions and governance structures in which they are embedded. Thus, norm contestation presents an open juncture for institutional change. We can even predict that once a crisis facing the EU involves validity contestation, it attacks the very core of the Union's institutional foundation. This insight impresses the potentially far-reaching consequences of norm contestation for international institutions in general and the EU in particular. In this regard, Van Kersbergen and Verbeek (2007) have highlighted the continuous redefinition of key institutional norms such as the subsidiarity principle in EU politics. Recent advances by actors within the Commission towards 'active subsidiarity', a claim that is also essential within the 'Conference on the Future of Europe', underline the persisting relevance of this debate about an institutional reconfiguration (Moodie et al. 2022).

A Glimpse into the Black Box of Crises

In addition to revealing the various effects of contestation, a critical contestation approach has scope for enabling EU scholars to open the black box of crises. In the following, we present our initial impression of the insights that stand to be gained from this innovative approach. We analytically distinguish between the *prerequisites* for and the *process* of norm contestation and suggest how several theoretical concepts that critical-constructivist contestation scholars have advanced may further our analysis of the EU's crises. These reflections necessarily remain explorative and preliminary. Nevertheless, they reinforce how a critical-constructivist contestation approach may further EU scholars' and policy-makers' efforts to foresee, understand and effectively respond to crises.

Thinking of the *prerequisites for contestation*, the norm contestation literature highlights, in particular, the crucial importance of exclusion and stigma in encouraging contestation (Speyer 2018; Zarakol 2014). However, norm contestation also has the potential to overcome these power dynamics (Zimmermann et al. 2017). These insights raise challenging questions about institutional power relations, interactions and identities within the EU.

These may, amongst others, be of particular interest to scholars of differentiated integration (e.g., Leruth et al. 2022). Will the institutional distinction between actors either in favour of or against further integration, as envisaged in a 'Europe of concentric circles' (e.g., Holzinger and Schimmelfennig 2012, p. 294), be beneficial in the long run? Critical contestation research reminds us that such measures, without prejudice to their pro-integrational nimbus, cannot simply be characterized as good or bad as they always contain integrational as well as disintegrational features. These must be acknowledged and carefully balanced.

This observation is directly linked to the *process of contestation*. Critical contestation research emphasizes that contestation is an interactive process, which evolves in a conversation between the norm-contesting and norm-supporting actors (e.g., Deitelhoff and Zimmermann 2020). As the denomination 'rule of law backsliding' referring to the Polish and Hungarian contestation of EU fundamental values exemplifies, EU studies has, until now, often eschewed this focus on the actors involved in contestation. Moreover, the very nature of the EU as a multinational entity characterized by a multilevel governance structure suggests that the concept of norm translation (Zimmermann 2017; Zwingel 2017) could be of particular importance in understanding and, thus, moderating contestation processes within the EU. This becomes apparent, for instance, with regard to global environmental and climate norms, which require implementation in diverse (EU) policy areas and multilevel contexts in order to become meaningful (Stockmann and Graf 2022). How these different implementations are interrelated and the extent to which they are synergic from a normative point of view could be determined through theoretical norm frameworks such as this.

III. Outlook

In this contribution, we have provided initial demonstrations of the potential critical norm contestation research has within the field of EU studies. Whilst the point of departure for

this research note was the apparent and openly criticized shortcoming of EU studies to predict and understand crises, we have demonstrated that critical contestation research can be used to advance our understanding of the crises that riddle the EU. Such additional vocabulary is very timely as EU practice and research are confronted with an increasing number of concurrent and intensifying crises.

Whilst we have provided initial examples, which illustrate our argument, we concede that our reflections are exploratory in nature and are not yet backed up by a robust and replicable empirical investigation of norm contestation dynamics within the EU. Thus, in this article, we only provide an initial indication of the approach's potential.

Advancing this conversation may also allow us to chisel out the potential for a reflexive advancement of IR norm research in more detail. In order to maintain focus, we have largely omitted this side of the dialogue from this research note. However, IR norm research could clearly benefit from the engagement with the EU as a case of norm contestation dynamics. Such advancements would, for instance, be beneficial with regard to the field's much lamented methodological implicitness and the efforts to overcome its post-colonial bias of equating 'good' and 'western' norms (for a timely overview about 'contributions and blind spots', see Peetz 2022). Our propositions may identify terrain on which we can prove the merits of the norm concept despite the reverberating perception of this issue as a 'soft' or 'niche' debate. As such, our indicative observations show that norm-theoretical debates on conceptual subtleties such as norm complexity, norm relations or norm determinateness empirically manifest themselves and must be analysed in EU politics.

Amidst these limitations, the initial reflections presented in this article open up a vast array of new and far-reaching, theoretical and empirical research questions. These may serve as a foundation for a new scholarly conversation between EU studies and critical-constructivist norm research.

Contrary to the assertion of mainstream analyses of the EU's current crises, their effects cannot be neatly classified as furthering integration or disintegration. Rather, these effects must be viewed as diversified and multidimensional. Moreover, as points where norm contestation crystallizes, crises may impact both normative and material-institutional levels, and these effects may be mutually reinforcing or contradictory. In addition, critical contestation scholars suggest several theoretical avenues and conceptual heuristics that may yet allow for innovative analyses of the causes of and processes associated with crises, which would enable us to peer inside the black box of crises.

Whilst such a separation of causes, processes and effects of contestation is analytically rewarding, we acknowledge that contestation is also characterized by a circular quality. Thus, the effects of contestation may well prompt new norm contestations. In this way, changes in the institutional structure, in particular, may reinforce existing inequalities or create new ones. Furthermore, the idea that norms are perpetually contested and constantly in motion is inherent in the processual understanding of norms advanced by critical-constructivist researchers. Norms may experience a contingent stabilization in a delimited temporal and spatial realm, yet it is an illusion to expect crises and contestation to lead to definite normative results that remain unchallenged from that point on (Linsenmaier et al. 2021; Niemann and Schillinger 2016). Actors like the EU and its member states may learn from the crises and contestations they have struggled through.

They will not, however, overcome all contestation. On the contrary, the attempt to authoritatively fix normative meaning is likely to backfire by triggering and radicalizing contestation (Speyer 2018).

This insight brings us full circle, back to the observation, which motivated this article, namely, that mainstream EU studies expect either further integration or the EU's demise as a result of crises. Critical contestation research transcends this dichotomy beyond the fruitful insights generated in the context of EU crises, demonstrating that processes of integration will always be flanked by crises and disintegration. The instruments and vocabulary of IR norm research are well-suited to unpacking these dynamics and making them accessible in a differentiated manner.

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