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The Right and the Righteous? European Norms, Domestic Politics and the Sanctions Against Austria

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Abstract

In February 2000, 14 EU Member States collectively took the unprecedented step of imposing bilateral sanctions on their Austrian EU partner. How can this be explained? Was it, as the 14 governments argued, because the inclusion in the Austrian government of Jörg Haider's extreme right FPÖ opposes many of the ideas making up the common identity of the EU? Or, were the sanctions motivated, as the Austrian government argued, by narrow-minded party political interests that lurked beneath the rhetoric of shared European norms and values? Our analysis suggests that, without the particular concerns about domestic politics of certain politicians, it is unlikely that the sanctions against Austria would have been adopted in this form. On the other hand, without the recent establishment of concerns about human rights and democratic principles as an EU norm, it is unlikely that these particular sanctions would have been adopted collectively by all member governments. Thus, while norms might have been used instrumentally, such instrumental use only works, in the sense of inducing compliant behaviour, if the norms have acquired a certain degree of taken-for-grantedness within the relevant group of actors or institution.

Introduction

Over the last decade, the European Union (EU) has witnessed the first two instances of an extreme right party joining the government of a Member State. Yet, the reactions of the other EU governments were strikingly different in the two cases. After the Italian election in 1994, Silvio Berlusconi invited Gianfranco Fini's National Alliance (AN) into his government. There was widespread criticism and unease among the EU partners, but this did not translate into any concrete collective response. On 4 February 2000, a new Austrian coalition government was sworn in, consisting of the centre-right People's Party (ÖVP) and Jörg Haider's (alleged) extreme right Freedom Party (FPÖ). The reaction of the other 14 Member States (EU-14) was an unprecedented move in the history of European integration. The EU-14 imposed a set of sanctions, which they had already announced on 31 January in case the new government was to involve the FPÖ. There would be no bilateral official contacts at the political level with the new government, Austrian ambassadors in EU capitals would be received only at a technical level and there would be no support for Austrian candidates for positions in international organizations. It is important to note that these actions against the Austrian government were *not* an EU action, but rather 14 bilateral, albeit co-ordinated, moves by these governments.¹ Nonetheless, *de facto* Austria had overnight been made a pariah within the EU.

In this article, we are concerned neither with the rights and wrongs of these measures, nor with their effectiveness. Rather, we seek to answer the question why the EU-14 agreed on the sanctions against the Austrian government. At first, it might appear that there is no puzzle here. Is it not obvious that the essential values of the European family shaped how the EU-14 lined up and how they acted on the issue of the inclusion of the FPÖ in the new Austrian government? As an extreme right party, the FPÖ opposes many of the ideas that constitute the common identity of the EU. As long as it was kept out of the federal government, it did not matter much. But an Austrian government that included allegedly xenophobic, nationalistic and neofascist politicians was a threat to the shared self-understanding of the EU.² Austria's European partners

¹ While the sanctions were adopted collectively, they concerned only bilateral relations between the Austrian government and its EU partners. A certain ambiguity about the status of the sanctions was created by the fact that they were announced by the Portuguese Council Presidency. Still, agreement on the sanctions was reached outside the EU's legal framework; it was not a Council decision, and the Commission, for example, was informed only after the event, rather than consulted in advance.

² For our argument, the reality of the extreme right character of the FPÖ is not that relevant. What is important is the belief of the parties involved, as well as the mobilization potential of the argument. We note, however, that the FPÖ has always been considered a borderline case between national liberalism and the extreme right (Mudde, 2000), and even nowadays leading scholars reject the label 'extreme right' for the party. Instead, they argue that the party is ideologically diffuse and fluid, boasting mainly a personalized form of populism (Luther, 2000; Morrow, 2000).

therefore had to act in order to defend these norms and the EU's credibility, both internally and externally. Such an explanation focusing on a European norm is certainly the one given by the key actors involved in the decision to isolate the Austrian government. Their interpretation was shared by many commentators who welcomed their action as a big step towards 'the EU's political maturity' (*Frankfurter Rundschau*, 8.2.2000) and as 'progress in political Europe' (Nicole Fontaine, President of the European Parliament (EP), *Agence Europe*, 4.2.2000).

However, there is a more sinister explanation of the sanctions against Austria. Other commentators denounced them as 'an act of collective populism' (*Financial Times*, 7.2.2000) which reflected 'double standards' (*Central Europe Review*, 3.4.2000). Leaders of the FPÖ went even further and suggested that the sanctions were the result of an amoral, left-wing conspiracy (cf. *Kurier*, 13.2.2000; *Der Standard*, 28.2.2000). A common point underlying these lines of reasoning is the claim that narrow-minded party political interests lurked beneath the rhetoric of shared European norms and values. Governments and parties whose grip on power was threatened by domestic extreme right parties pressured their EU partners into accepting the sanctions. Driven by their desire to win, or maintain themselves in office, they wanted to send out a clear signal to voters and to politicians considering co-operation with their extreme right competitors that certain policy options were beyond the pale in the EU. Rather than driven by identity, the sanctions against Austria were shaped by the self-interest of power-hungry politicians. They used the EU to play a kind of 'two-level game' (Putnam, 1988) in which they strategically instrumentalized European norms for domestic electoral and party-political purposes.

The image is one of identity-driven behaviour versus an instrumental use of norms in a quest for power. In the remainder of the article, we sketch a more nuanced picture. We present evidence that suggests that central features of the case can be understood only if one looks at both domestic politics and EU identity politics. In essence, the two explanations are complementary rather than exclusive. It is precisely the interplay between value-based norms and self-interest that accounts for the particular characteristics of this case.

Our argument proceeds as follows. In Section I, we trace the process of political identity formation through which, by the end of the 1990s, the idea of protecting democracy and human rights in Europe became a central component of a common identity shared by key national and supranational decision-makers in the EU. This elite-centred identity helps us to understand why the EU-14 reacted with such rapidity and unity of purpose to developments in Austria.

However, this is not the whole story. We argue that an explanation that only focuses on an internalization of European norms by EU policy-makers cannot account for the severity of the sanctions, and the way they were agreed. Notably, it cannot explain why it was in particular the Belgian and French governments – rather than the Commission, for example – that took a leading role in the impositions of the sanctions. These governments were the strongest advocates of severe sanctions and bilaterally went further than most others in their attempts to ostracize Austria. They also took the most reluctant position in the subsequent debate among the EU-14 about a possible lifting of the sanctions.

In Section II, we argue that the hawkish position of Belgium and France can be accounted for by electoral and party-political considerations on the part of key policy-makers in the countries in question. However, an explanation of the sanctions cannot be reduced to domestic politics. In particular, it cannot explain why other governments followed their initiatives. Thus, in Section III, we elaborate on the argument that precisely the link between evolving norms at the EU level on the one hand, and self-interested advocacy of measures against the new Austrian government on the other, led to the imposition of the sanctions by the EU-14. In Section V, we briefly review to what extent these dynamics also characterized the process which led to the lifting of the sanctions on 12 September 2000, after a 'wise men' report gave the Austrian government a clean bill of health on its human rights record.

I. European Norms

Rational choice approaches such as liberal intergovernmentalism, model integration as consequence-oriented action (cf. Moravcsik, 1998). Actors follow a 'logic of consequences': they calculate the costs and benefits of alternative courses of action and choose the one which maximizes their preferences. Social constructivism (Wendt, 1999; for applications in EU studies, see, e.g., Christiansen *et al.*, 1999), or certain strands of institutionalism (Thelen and Steinmo, 1992; for applications to the EU, see, e.g., Bulmer, 1997), on the other hand, argue that norms, too, can have a significant impact on policy. Discursively-constructed role conceptions endow actors with norms of appropriate behaviour, thereby shaping how they line up and act on issues. Actors follow a 'logic of appropriateness': they value the chosen course of action for itself rather than as a means for the attainment of selfish interests (March and Olsen, 1989).

A norm-based explanation of the measures against Austria could then run along the following lines. The increasing salience of EU-level norms related to the promotion and defence of fundamental rights and democratic principles

endowed EU policy-makers with identities that, in the case at hand, proscribed a particular course of action. Interpreting the inclusion of the FPÖ in the Austrian government as a breach of EU norms, the EU-14 felt obliged to sanction the norm-violator.

Eastern Enlargement and Identity-Creation at the EU Level

Indeed, there is strong evidence that over the last decade, the EU has firmly established a role for itself in the protection of fundamental rights. In particular, in formulating the policy on eastern enlargement, EU policy-makers made explicit and concretized important aspects of their collective understanding of the EU (Sedelmeier, 2000, pp. 193–7).

The debate about the EU's role in the protection and promotion of human rights and democracy has a long history. Already in the 1960s, for example, the European Court of Justice had affirmed the respect for fundamental rights as part of the EC's legal heritage (Alston and Weiler, 1999, p. 4). But it was only in the second half of the 1990s that this idea became a central part of the self-understanding of national and supranational policy-makers in the EU.³ A flurry of recent developments attests to the new salience of human and fundamental rights at the EU level. Examples include the declaration of the Luxembourg European Council in December 1997 on the 50th anniversary of the Universal Declaration of Human Rights, as well as the ongoing debates about a Charter of Fundamental Rights and an accession of the EU to the European Convention on Human Rights. Yet a crucial additional factor was the EU's policy towards the central and eastern European countries (CEECs). The evolving policy on eastern enlargement was a key focal point for an articulation of the EU's role in the protection of fundamental rights.

There is a three-fold link between eastern enlargement and EU identity formation. First, there is the frequent assertion of the promotion of human rights and democracy as a rationale for eastern enlargement in EU policy-makers' discourse. Successive European Council declarations affirmed the promotion of democracy and human rights as a distinctive goal to be served (indirectly) through the integration of the CEECs. Other aspects of EU policy were directly aimed at promoting these goals, such as the Phare democracy programme.

Second, concerns about whether the CEECs would remain committed to upholding democratic principles once they had joined the EU led the incumbents to articulate their commitment in amendments to the Treaty. This is

³ This increasing salience of human and fundamental rights at the EU level in the second half of the 1990s might also in part explain the differences between the reaction to the inclusion of the FPÖ into the Austrian government in the late 1990s, and to government participation of the AN in Italy in the early 1990s.

reflected in Art. F of the Maastricht Treaty and Arts. 6 and 7 of the Amsterdam Treaty. Art. 6 proclaims that 'the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law'. Art. 7 provides the means to suspend a Member State's rights under the Treaty if it breaches these principles in a 'serious and persistent' way.

Third, the EU established respect for human rights and democracy as an explicit condition for offers of aid, trade and eventual membership. The European Agreements with Romania and Bulgaria included a suspension clause, a measure that the majority of the member governments had still rejected in the earlier agreements, but which from then on became an integral part of all EU agreements with third countries. As to the political preconditions for EU membership, the Copenhagen European Council in June 1993 specified that '[m]embership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities' (European Council, 1993, p. 5). These conditions subsequently became a central part of the Commission's assessment of the candidates' accession prospects.

A key example of a strict application of this political conditionality was EU policy towards the Meciar government in Slovakia. After the EU had on various occasions expressed its concerns about the lack of respect for human rights, democracy and freedom of the press, the Commission's opinion on Slovakia's membership application was the only one in which the situation concerning political conditions was judged unsatisfactory (Commission, 1997, pp. 9–18). It recommended that the Council should not open accession negotiations, even though Slovakia's economic record might have allowed it to do so. The Luxembourg European Council of December 1997 followed the Commission's recommendation. It was only after the election of a new government in September 1998 that the Commission suggested opening negotiations with Slovakia 'on condition that the regular stable and democratic functioning of its institutions are confirmed' (Commission, 1998, p. 29).

In sum, the enlargement policy significantly strengthened the idea that the EU had an obligation to promote human rights and democracy both internally and externally, even if this meant interfering in states' domestic affairs.

Sanctions as an Appropriate Response to a Breach of EU Norms

From this perspective the following interpretation of the sanctions imposed by the EU-14 against Austria seems plausible: while there are no obvious material interests which could have motivated the sanctions, there was a widespread perception that the new Austrian government failed to identify itself with the fundamental values of the EU. Key EU decision-makers agreed that the FPÖ and in particular its then chairman, Jörg Haider, subscribed to an ideology

which opposed the ideas which defined who they were as a group and what their place in international affairs was.

For instance, the Portuguese Prime Minister, Antonio Guterres, insisted that the EU was 'a Union based on a set of values and rules and on a common civilisation' (*Agence Europe*, 29.1.2000) and described the FPÖ as a 'party which does not abide by the essential values of the European family' (*Guardian*, 1.2.2000). British Foreign Secretary Robin Cook said that the 'naked appeal to xenophobia on which Mr. Haider has based his platform ... is something that strikes against the basis of the European Union' (*Europe*, March 2000). The German Chancellor, Gerhard Schröder, justified the opposition of the EU-14 to the inclusion of the FPÖ in the Austrian government as 'an expression that we stand for a Europe based on shared values [that] Mr Haider has constantly violated' (*Guardian*, 10.2.2000). And the Italian Prime Minister, Massimo D'Alema, emphasized that 'Europe has certain criteria and values that unite it. If these are thrown into question, Europe has a right to speak its mind' (*Guardian*, 1.2.2000).

Clearly, there was a consensus among the governments of the EU-14, shaped by their common identity, that the FPÖ deviated from accepted standards of political conduct. To act collectively to defend the norms on which their common identity is based, then seems clearly to conform to standards of appropriateness. The statement by Portuguese Secretary of State for European Affairs, Francisco Seixas de Costa, speaking on behalf of the Council Presidency, nicely illustrates this:

[O]ur joint interpretation is that we must continue to defend the essential values that underpin European construction and which are also the reference framework for the way the European Union behaves in its external relations ... Respect of human rights and the main democratic principles, the fight against racism and xenophobia do not only concern one country, if this country belongs to a community whose members share a project of civilisation and hope to create a common area of freedom, justice and security. (*Agence Europe*, 3.2.2000)

Likewise, his Foreign Minister, Jaime Gama, the President-in-Office of the Council of Ministers, declared: 'we cannot stand by passively when faced with the possibility of the participation in an EU government of a party whose election platform represents a systematic attack on the democratic values of Europe' (*Financial Times*, 1.2.2000). Yet, while discursive evidence of this sort points to the importance of norm-guided behaviour in the case at hand, there are reasons to doubt that an explanation of the sanctions against Austria as appropriate behaviour is in itself sufficient.

The Limits of Explaining the Sanctions as an Appropriate Response

An exclusive focus on norm-guided behaviour cannot explain, most notably, the severity of the measures, the way they were imposed, and how advocates of the sanctions and more reluctant followers and critics lined up. Firstly, it is far from obvious that EU norms would have required such drastic measures. It is not at all clear that EU norms would have been precisely the ones prescribed by, or the only ones compatible with, these (diffuse) EU norms. The defence and promotion of these norms allow for a variety of options, and it is doubtful that more moderate measures would have been a less 'appropriate' response. On the contrary: it is certainly not unreasonable to interpret the imposition of the sanctions as a breach of countervailing EU norms, notably not to ostracize and isolate individual Member States. Likewise, the severity of the sanctions could be counterproductive. They could create a backlash of support for Haider's FPÖ and other far-right parties in the Member States, since they could style themselves as 'martyrs', and they could also fuel anti-EU sentiment in Europe more broadly.⁴ Yet in the run-up to the decision by the EU-14, there is little evidence of a debate about conflicting norms or about the likely effects and effectiveness of such measures.

Secondly, it seems puzzling that the sanctions were imposed despite any explicit violation of EU rules by the new Austrian government. The absence of a legal basis for the sanctions explains why it was not the EU as such, but rather the 14 governments who bilaterally imposed the sanctions. Still, a counterfactual argument would suggest that the EU-14 should have expressed their concern, once the government had taken office, and declared that they would monitor the situation closely. They would then have imposed sanctions only once EU norms had been breached, in particular since Schüssel and Haider had both signed a declaration, drafted by Austrian President Klestil, which clearly stated Austria's adherence to European values (*Agence Europe*, 5.2.2000).

Thirdly, such a more reserved position was precisely the one adopted by the Commission, with which we should expect EU norms to resonate most strongly. Romano Prodi, the Commission President, declared that while the institution 'shares the concerns which underlie that decision' and 'will follow the situation carefully', it would 'maintain its working relationship with the Austrian authorities' (*Agence Europe*, 2.2.2000). This was because 'when one of its members is in difficulty, the whole Union is in difficulty. It is the duty of a strong supranational institution not to isolate one of its members, but

⁴ Indeed, the argument that the sanctions were counterproductive in Austria was a key finding of the 'wise men' report and the main argument for lifting the sanctions. The report stated that the 'measures have already stirred up nationalist feelings in the country, as they have in some cases been wrongly understood as sanctions directed against Austrian citizens' (Ahtisaari *et al.*, 2000, p. 33).

instead to keep it firmly in the fold' (*Agence Europe*, 3.2.2000). Subsequently, the European Commission complained openly about what it perceived as a new tendency by the Member States to act outside the framework of the EU institutions (*Süddeutsche Zeitung*, 23.8.2000; 4.10.2000). This also amounted to a barely veiled criticism of the handling of the Austrian case.

Likewise, not all Member States were equally eager to see Austria isolated. In particular, the governments of the United Kingdom, Sweden and Denmark expressed reservations (*Guardian*, 3.2.2000). In Germany, the CDU/CSU and FDP opposition parties, certainly part of the EU mainstream, were highly critical of the sanctions (*Süddeutsche Zeitung*, 3.2.2000). Moreover, the debate in the EP revealed certain party-political and national cleavages. On the one hand, the EP welcomed 'the timely political intent of the statement of the Portuguese Presidency in so far as it reiterates Member States' concern to defend common European values as an act of necessary heightened vigilance'. But the overwhelming majority with which this resolution was adopted did not disguise the fragility of the agreement between the two main parliamentary groups (*Agence Europe*, 4.2.2000). Within the European People's Party, national divisions appeared, particularly during the debate about the possible expulsion of the ÖVP, which had been requested by French, Belgian and Italian member parties (cf. *Agence Europe*, 11.2.2000).

In sum, EU norms by themselves cannot account for the imposition of the sanctions. Yet while we should thus not readily conceive of EU norms as a 'cause', they nonetheless played an essential role in the agreement among the EU-14 on the sanctions. As we will elaborate in Section II, they help us to explain why the EU-14 reacted with such rare unanimity of purpose to developments in Austria. Once the formation of the new Austrian government was framed as a matter of defending the EU against an attack on its self-understanding as a group of countries committed to promoting human rights inside and outside its borders, governments felt compelled to act in accordance with their social identity. Yet, in order to explain the severity of the sanctions and, more importantly, why it was French and Belgian politicians who were at the forefront of forging support for the actions, we have to turn to domestic politics.

II. Domestic Politics

A closer look at the process of imposing the sanctions reveals that there were agenda-setters and followers. It was politicians like Jacques Chirac and Guy Verhofstadt who forged a link between the EU identity and the collective actions against Austria (cf. *Guardian*, 29.1.2000). In order to understand why they took the lead on this issue, one has to go beyond EU identity politics. In

this section, we argue that domestic politics explains why certain politicians were at the fore of the EU actions. They sought to reinforce their own position in the domestic political arena by invoking EU norms as a weapon against the FPÖ in particular, and the extreme right in general. To understand the domestic politics argument fully, we first have to consider the changing role of 'extreme right parties' (ERPs)⁵ in western Europe over the last two decades.

The Changing Role of 'Extreme Right Parties' in Western Europe

What has been termed 'the third wave of right-wing extremism' (von Beyme, 1988) started in the early 1980s with small electoral successes of parties like the Dutch Centre Party (CP), the Belgian Flemish Bloc (VB), and the French National Front (FN). By the early 1990s ERPs had become (fairly) established actors in Austria, Belgium/Flanders, Denmark, France, Italy and Norway, while in Germany, the Netherlands and Sweden there was general concern about a similar development. In short, in the early 1990s there was a belief in a virtually Europe-wide resurgence of ERPs and in various countries fierce debates were held over the question how to cope with this phenomenon (Van Donselaar, 1995).

It was at this time that the 'post-fascist' National Alliance (NA) joined the short-lived Berlusconi government in Italy, which led to condemnation from all corners of the EU. The most vocal and radical criticism came from left-wing parties, though right-wing parties joined in as well. While both groups of parties predominantly portrayed the ERPs as an 'ideological threat', i.e. juxtaposed to their own ideals, parties of the second group were alleged by some to see them mainly as an 'electoral threat', a potential competitor for right-wing votes. The truth is that probably both groups of parties, except for the Greens, saw the ERPs as both an electoral threat and an ideological one, and deservedly so: in countries like Germany and France, ERPs commanded growing numbers of blue-collar votes (Betz, 1994).

By the late 1990s, the electoral successes of the extreme right party family had become increasingly diversified. The breakthrough in Germany and the Netherlands, for example, had failed, while in Austria, France and Flanders ERPs had become major players in the political arena. Although parties like the FN and FPÖ were still treated by the mainstream as outsiders, they did set the themes in most electoral campaigns and were gaining 10–20 per cent of the votes. Most importantly, however, they became a problem for the internal cohesion of mainstream right-wing parties. The durability of the electoral

⁵ The term 'extreme right party' is used here in a broad sense, including all parties that are generally referred to in the public debate as 'extreme right' (Mudde, 2000).

successes of the ERPs, and their more co-operative strategy, led to heated debates within right-wing parties over how to deal with the extreme right.

Continued divisions in this debate have had the most devastating effect on the French mainstream right wing. Bruno Mégret, then vice-chairman of the FN and now leader of the FN-split National Republican Movement (MNR), offered electoral pacts most notably to regional leaders of the Union of Democratic Forces (UDF) and the Rally for the Republic (RPR). These overtures caused considerable embarrassment to those party members who argued that the mainstream right-wing parties were also part of the 'anti-fascist' democratic spectre. Moreover, when in the 1998 regional elections various right-wing leaders were elected with FN support, and did not respond to the decree from the party top to resign, both mainstream parties split and some commentators spoke of 'the end of the French Right' (Knapp, 1999). At the helm of the anti-FN wing of the RPR was President Chirac. In the UDF, this role was played by party leader François Bayrou. Later, both politicians were among the main protagonists of sanctions against Austria (cf. *Libération*, 25.2.2000).

A similar, though less dramatic development can be seen in Flanders, where the Flemish Liberals and Democrats (VLD) were increasingly haunted by the VB. The 1999 parliamentary elections were considered crucial for the leadership to show finally that the VLD was not just an opposition party with populist slogans, but a potential governmental party with serious policies. 1999 had to bring governmental power at all costs, which meant for some within the party a coalition with the extreme right. In the end, the leadership opted for a coalition with the Socialists and Greens, partly pressured by their 'brethren' of the Walloon Liberals (PRL), who deeply fear the Flemish nationalist and anti-Belgian VB.⁶ Not surprisingly, particularly given the local elections scheduled for October 2000, the Belgian liberals in general, and Prime Minister Guy Verhofstadt (VLD) in particular, have been the other main protagonists of EU sanctions.

Party-Political and Electoral Rationales for Sanctions Against the Austrian Government

The point to be made here is that not only did the extreme right 'threat' change over the past decade in *quantitative* terms, i.e. 'threatening' fewer countries than before, it also changed in *qualitative* terms, i.e. in the 'nature' of the threat. The first point explains to a certain extent the initially more diverse reaction to the Austrian situation, particularly when compared to the fairly homogene-

⁶ The Belgian Foreign Minister, Louis Michel (PRL), was perhaps the most outspoken critic of Austria. He explicitly referred to the electoral threat of the VB, saying: 'Of course, that is one of the reasons I reacted so quickly and violently. I feel the risk here in Belgium' (*Economist*, 26.2.2000).

ous reaction in the Italian case.⁷ The second point explains why France and Belgium took the unprecedented step of calling for sanctions. After all, in these two countries the extreme right was no longer merely an external threat, possibly influencing policies or taking away seats. Far more importantly, the extreme right had become a threat to the position of leaders like Chirac and Verhofstadt within their own parties. If co-operation between mainstream right-wing and extreme right parties like in Austria proved to be a successful option, their position could be challenged.

The changing nature of the threat from extreme right parties is also a main reason for the particularly radical opposition of the Socialist parties in these two countries to the 'Austrian model'. Pure ideological threat arguments cannot explain it, as other socialist and social democratic parties, like the Swedish or even the Dutch, took a far more moderate position. But then, these parties had little to fear from a possible coalition between mainstream and extreme right-wing parties in their own countries. In France and Belgium, on the other hand, keeping the mainstream right away from the extreme right was the only way for the left to keep its comparative advantage in terms of coalition potential. In both countries it kept the socialist parties in power, if only in a coalition or *cohabitation* with the mainstream right. Should the 'Austrian model' find resonance in other EU countries, most notably in these two, the left could be faced with a possibly long period of opposition politics.

Thus, a focus on domestic politics provides a plausible explanation why certain governments were at the forefront of forging support for the sanctions against the Austrian government. Yet, partisan considerations and an instrumental use of the EU level in domestic politics are by themselves just as insufficient an explanation as an exclusive focus on the internalization of evolving EU norms. Most notably, it cannot fully explain why the more reluctant governments followed the French and Belgian lead, and why the measures found considerable support in the European Parliament. In the following section, we argue that we need to focus on the link between EU norms and domestic party politics in order to understand the adoption of sanctions against Austria.

⁷ While this is not a central question in our article, a possible alternative explanation for the difference in reaction of the EU would be the alleged different nature of the AN and the FPÖ, i.e. that the former is less 'extreme' than the latter. However, there is little academic ground to qualify the AN as less of a threat to European democracy than the FPÖ. True, the AN does not express anti-semitism and even its xenophobia is fairly mild (Griffin, 1996; Ignazi, 1996). At the same time, of all relevant contemporary extreme right parties, the AN has the most clear and straightforward connection to classic fascism.

III. The Interplay of European Norms and Domestic Politics

The recent establishment of an active concern about human rights and democratic principles as part of the EU's collective identity provided the ideological conditions which enabled policy entrepreneurs to rally support successfully for collective actions against Austria (see also Sedelmeier, 2000, pp. 198–9). Jacques Chirac and Guy Verhofstadt could build on the EU's identity to further their own partisan purposes. The shared understanding of the EU-14 that the identity of the FPÖ was incompatible with that of the EU allowed them to argue that Europe had an obligation to 'make sure that all its members share its common ideals' (President Chirac's spokesperson, cited in *Business Week*, 14.2.2000).

It is important to point out that we do not claim that the advocates of sanctions were driven *only* by selfish motives. Nor do we suggest that concerns about domestic politics and genuine concerns about EU norms of democracy are mutually exclusive. For example, the arguments for the sanctions given by the German Foreign Minister, Joschka Fischer, emphasized the assumed complementarity of using EU level action to combat both Haider in Austria and domestic far-right parties (*Süddeutsche Zeitung*, 3.2.2000). We argue simply that certain characteristics of the case, such as the fact that there were agenda-setters and followers, are best explained by party political, rather than ideational, factors.

Moreover, crucial for the success of their particular initiative was that these advocates of sanctions were able to act within a context of meaning, in which it was taken for granted that the EU 'cannot demand of candidate states standards which are not seen to apply with equal force to Member States,' as the EP stated (*Agence Europe*, 4.2.2000). In short (by arguing that if the EU-14 failed to act in this case, the rise of the extreme right could threaten the normative foundation on which the whole project of European integration was built), President Chirac and Prime Minister Verhofstadt and others were thus able to compel their EU colleagues to support the sanctions.

There are two general ways of thinking about how such identity arguments prompted governments that were initially sceptical of the boycott, to agree to isolate Austria. Either they engaged in a mode of social interaction which Risse (2000) calls argumentative rationality: the participants in a debate are open to being persuaded by the better argument and relationships of power recede in the background. Applied to the case at hand, this means that initially sceptical governments were persuaded of the normative validity of the arguments for sanctions raised by the Belgian and French governments.

The other possible link between behaviour and group identity is captured by the logic of rational choice: selfish governments conform to group norms

in order to avoid the (social and reputational) costs of non-compliance and/or to gain *quid pro quos* (cf. Schimmelfennig, 2000). Applied to the case at hand, this means that reluctant governments decided to back the sanctions because they wanted to avoid the costs to the EU and to themselves of failing to act in accordance with their professed group identity. While they might have been sceptical towards the particular course of action advocated by the French and Belgian governments, they might have considered it preferable to the potential damage to EU norms that could result from the failure to present a united front on this issue. They might have been worried about damaging the credibility of the Union's policies, in particular its eastern enlargement policy, and the future prospects for strengthening the political EU's role in defending these norms. Alternatively, governments might have feared 'awkward partner' charges if they did not join the sanctions, and their reluctance could be interpreted as paying only lip-service to the norms which they collectively profess.

We do not have enough hard evidence to decide which of these two behavioural logics – the logic of appropriateness and of arguing or the logic of consequences within a normative environment – was operative in this case. What we can say is that the EU-14 consistently framed their actions in terms of the defence of EU norms and values. While the constant reference to the EU's obligation to promote human rights and democracy in this matter suggests to us that EU identity was an important enabling condition in the decision by the EU-14 to back the sanctions against Austria, we do not believe that it was the 'cause' of the collective action: without policy leaders like Chirac and Verhofstadt, it is unlikely that Austria would have been isolated.

IV. Domestic Politics, European Norms and the Lifting of the Sanctions

On 12 September 2000, the EU-14 lifted the sanctions unconditionally, after a 'wise men' report gave the Austrian government a clean bill of health on its human rights record. These 'wise men' – Martti Ahtisaari, former President of Finland; Jochen Frowein, the director of the Max-Planck-Institute for comparative public law and international law; and Marcelino Oreja, a former member of the European Commission – had received their mandate to evaluate the Austrian government's commitment to the common European values from the EU-14 through the president of the European Court of Human Rights.

The interplay between identity politics and domestic politics also accounts for the way the sanctions were lifted, albeit in a somewhat different way. By the end of the Portuguese Presidency, concern about the ramifications of the measures against Austria was rising among key EU players. There was a growing feeling among many EU governments that the sanctions had become

counterproductive. The evidence was mounting that instead of undermining the Austrian coalition government, the measures by the EU-14 led to a rally-round-the-flag effect and to widespread anti-EU sentiments in the country (cf. *Economist*, 2.9.2000).

In other EU countries, too, the unease about the sanctions among ordinary citizens was rising. The argument of the Austrian government that the larger EU countries had ganged up to interfere in the democratic process of a small Member State struck a chord with voters in other small countries, especially in the Nordic countries. For the Danish government this was particularly unwelcome. It worried that a continuation of the measures would undermine its efforts to secure a positive outcome in the Danish referendum on joining EMU which was scheduled for the end of September 2000. Therefore, Prime Minister Poul Nyrup Rasmussen took a leading role in persuading headline EU members, particularly the French and Belgian governments, to lift the sanctions unconditionally. His efforts at the European Council in Feira in June 2000 were crucial in making the call for a 'wise men' report acceptable to the other 13 EU governments (*Der Standard*, 12.9.2000). Once the report had been submitted to the French Presidency, Prime Minister Rasmussen urged his colleagues to act quickly on the recommendation to lift the sanctions, indicating that Denmark was ready to act alone in this matter (*TFI Les News*, 13.9.2000).

While an impetus for ending the sanctions was thus provided by domestic politics and other factors not directly related to the EU's human rights norms, identity politics were not absent in the process. Despite the growing sense of unease among the majority of the member governments about the situation into which they had manoeuvred themselves, there was no unilateral breaking of the ranks. Such unilateral action would not only have damaged the credibility of the actions of the EU-14, but also the norms that they professed to defend. Thus, to ask for a 'wise men' report as a way out of the impasse not only allowed the EU-14 to save face, but also provided an exit option which did not compromise the norms in question and the EU's ambitions to defend them.

The communiqué announcing the lifting of the sanctions restated that the identity of the EU was incompatible with that of the FPÖ. It emphasized that the nature of the FPÖ and its uncertain evolution remained a grave preoccupation for the EU-14. More importantly, the communiqué expressed the intention 'to continue the reflection within the European Union over the way to avoid, track, assess and act in similar situations' (*Agence Europe*, 14.9.2000). In this way, the constructive rather than the punitive nature of the sanctions was highlighted. They had turned out to be, as the French Foreign Minister Hubert Vedrine said, an important step forward in further strengthening and concretizing the political identity of the EU (*Der Standard*, 13.9.2000).

V. Conclusion

In this article, we have tried to explain why 14 EU member governments decided to take the unprecedented step to isolate the new Austrian government. We provided evidence that human rights norms played an important role in this decision. They help us to understand why, despite the reluctance of some governments, the EU-14 closed ranks behind the proposal to take actions against the new Austrian government. The concern with human rights in the EU, which was strengthened and concretized in the context of the eastern enlargement policy, provided the ideational conditions which enabled proponents of the punitive measures to argue that the EU-14 had an obligation to act in accordance with their professed group identity. Once the issue had been framed in this way, it was difficult for governments to oppose the sanctions. The strong consensus on the legitimacy of the norms either made them feel morally obliged to show solidarity with the sanction leaders or compelled them into considering it in their own best interest to be followers on this occasion.

Yet, the EU identity did not 'cause' the sanctions. In particular, it cannot explain the nature of the sanctions and the way they were imposed. Therefore, we presented evidence that the self-interest of politicians played an important role in the decision to boycott Austria. This evidence helps us to understand why in particular the French and Belgian governments pushed hard for sanctions. Politicians in these countries saw them also as a weapon against their home-grown extreme right parties which threatened their own hold on power.

In sum, our analysis suggests that without the selfish, party political interests of certain politicians, it is unlikely that the sanctions episode would have unfolded in this form. On the other hand, without the recent establishment of the concern about human rights and democratic principles as an EU norm, it is unlikely that these particular sanctions would have been adopted collectively by all other member governments. Thus, while norms might have been used instrumentally, such instrumental use only worked, in the sense of inducing compliant behaviour, because they had acquired a certain degree of taken-for-grantedness among the EU-14.

Finally, what are the implications of our argument for democracy and human rights in the EU? From the perspective of those who would like the EU to take on a stronger role in the defence and promotion of democratic and human rights in the Member States and internationally, the broad consensus on the sanction should seem an encouraging sign of the wide appeal that these norms have achieved at the EU level. Furthermore, this precedent and its repercussions might further strengthen the EU's role in this respect. The 'wise men' report, for example, recommended the 'introduction of preventive and monitoring procedures into Art. 7 of the EU Treaty, so that a situation similar

to the current situation in Austria would be dealt with within the EU from the very start' (Ahtisaari *et al.*, 2000, p. 34).

However, our analysis also points to the potential dangers of a 'creeping' evolution of normative prescriptions and practices without the concurrent establishment of clearly defined EU-level procedures for dealing with norm violations. Claims to a legitimate use of coercive action can be abused. Conversely, proponents of measures to defend norms are vulnerable to accusations of mixed motives. From this perspective, we should welcome the recommendation of the 'wise men' and initiatives in the context of the intergovernmental conference that culminated in the Treaty of Nice to put in place procedures for dealing with norm violations in an open and non-confrontational dialogue between the concerned parties. Such procedures hold out the promise of avoiding in future norm enforcement episodes the frictions and acrimony between and within Member States and EU institutions visible in the Austrian case.

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