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NORMATIVE POWER, LEGITIMACY DEFICIT AND INTERCULTURAL DIALOGUE IN THE EU-ISRAELI CONTEXT

ABSTRACT

The EU can and should contribute to reforms in the non-EU Mediterranean countries and to the resolution of the Arab-Israeli conflict. For that purpose it must position itself as a normative power. Such a status presupposes, however, legitimacy, which is lacking, to a large extent, in the eyes of Israelis. An attempt is made in this article to offer a theoretically informed, yet empirically grounded analysis of the legitimacy deficit from which the EU suffers, presented through an Israeli prism, coupled with concrete proposals aimed at ameliorating this state of affairs.

INTRODUCTION

European integration constitutes an ambitious attempt on the part of numerous nations to be peacefully integrated under a separate and superior legal order. Now the EU wishes to export its successful campaign to other parts of the world, promoting extraterritorial, normative «Europeanisation». Its achievements on this front have, however, been modest. The literature analyses numerous factors that account for such record, including, in particular the EU's lack of hard power and its incoherent Common Foreign and Security Policy[1]. This article proposes to contribute to the existing literature, focusing on the EU's legitimacy deficit in the eyes of non-Europeans. An attempt is made to offer an analysis of this cause, presented through an Israeli prism, coupled with concrete proposals aimed at ameliorating this state of affairs.

THE EU AS A CIVILIAN POWER

The EEC/EC/EU reflects an ambitious attempt on the part of numerous nations with a long history of armed conflicts and diverse cultural, linguistic, legal and economic traditions, to be peacefully integrated under a separate and superior legal order. Now it wishes to export its successful campaign to other parts of the world.

This is precisely one of the principal objectives of the European Neighbourhood Policy (ENP). The latter is intended to integrate to an extent yet to be determined, the economies of the neighbouring countries into those of the enlarged Union, in order to promote economic construction, democracy, good governance and the rule of law, as well as civil, political, economic, social and cultural human rights in its neighbouring countries[2]. This campaign is designed, *inter alia*, to pave the way to speedier resolution of the conflicts in the Middle East, in the solution of which the EU hopes to play a more meaningful role.

There is much validity and wisdom in this approach. The establishment of democratic regimes in non-EU Mediterranean countries can contribute, according to democratic peace theories of international relations, to stable, pacific relations between them[3]. Indeed, it can be argued that the democratisation of the Middle East should not be achieved in isolation from the resolution of the Arab-Israeli conflict and vice versa[4].

One aspect of the ENP is precisely the desire to complement the «land for peace» formula with a «reforms for peace» agenda[5]. In return for its willingness to open its economic gates, the EU expects its neighbouring countries to adopt the basic values of the EU, and for that purpose to pursue political, economic and institutional reforms[6]. A clear *quid pro quo* is thus being postulated.

Such an approach of positive conditionality is also displayed towards Israel. Although Israel, according to the EU, functions as a well-established parliamentary democracy, with an effective separation of powers, a functioning system of governance and an active participation of non-governmental organisations and civil society, two major problems still prevail: the difficulty of reconciling the declared Jewish nature of the State of Israel with the rights of Israel's non-Jewish minorities, and violations of human rights in the Occupied Territories. In the opinion of the EU, these problems hamper the resolution of the Middle East conflict. The EU may thus

use the ENP as an instrument to exert some pressure on Israel on those two fronts[7].

That intention on the part of the EU should not be examined in isolation, but as part of its strategic approach in external relations[8]. The EU is keen to become not merely a global payer, but also a global player. Currently, however, the EU suffers from hard-power deficit. The ability of European countries, individually or collectively, to project decisive force into other regions is limited[9]. Consequently, the EU attempts to position itself, as Duchêne predicted as early as 1972, as a civil and civilising power[10].

This elusive concept of a civil power captured the attention of numerous scholars. Such a concept stresses, in the EU context, the exercise of «soft power» by the projection of the EU's internal virtues through politico-economic and normative means[11]. As a civilian power, the EU relies on «soft power» instruments[12], which rest on culture and political values and foreign policies[13]. Such reliance enables the EU to obtain what it wishes through attraction as opposed to coercion or payment[14]. The EU utilises such soft power instruments, as well as economic instruments, including persuasion, strategic dialogue, free trade agreements, regional projects and financial incentives and rewards, all intended to «export» its values, and thereby extend its sphere of economic and normative influence.

These normative aspirations are perceived as part of a diluted enlargement policy[15], as extraterritorial Europeanisation[16], or as external European governance[17]. The neighbourhood policies may be seen as a form of EU external governance, which consists of selective extension of its legal boundaries (norms, rules and policies), while precluding the opening of its institutional boundaries (through full-fledged membership)[18]. The Barcelona Process and the ENP are thus perceived as an attempt to export the neo-functionalist European model of peaceful cooperation based on regional economic integration, to the Middle East, to be followed by the acceptance by the non-EU Mediterranean countries of the EU normative *acquis*. The achievements of the EU on this front have, however, been modest. An attempt is made in this article to analyse that record in the light of the EU's legitimacy deficit.

NORMATIVE POWER AND LEGITIMACY

The promotion of peace and the institutionalisation of cooperative ties reflect the Union's own experience with reconciliation[19]. Now the EU wishes to increase the geographical scope of the «peace community» achieved within the Union[20]. If, however, the EU wishes to act in this manner, it must equip itself not only with economic might but also with international legitimacy. Civilian, normative power rests, to a certain degree, on legitimacy. Soft power presupposes policies that are perceived as legitimate and having a moral authority[21]. As Max Weber contended: «But custom, personal advantage, purely effectual or ideal motives of solidarity do not form a sufficiently reliable basis for a given domination. In addition, there is normally a further element, a belief in legitimacy. Experience shows that in no instance does domination voluntarily limit itself to the appeal to material or effectual or ideal motives as a basis for its continuance [...]. Every such system attempts to establish and to cultivate the belief in its legitimacy»[22].

The EU should thus strive to acquire the status of a credible and legitimate actor. It must find, in the Middle East (like in other places), the optimal balance between realpolitik and morals, norms and international legitimacy.

But what is the precise meaning of the concept of (international) legitimacy? Such a concept may be seen as a normative belief that a rule or institution should be obeyed, not due to coercion or self-interest, but due to its inherent normative strength[23], being perceived as desirable, proper or appropriate within a socially constructed system of norms, values, beliefs and definitions[24]. But does the EU in fact enjoy legitimacy in the eyes of the Middle East countries and peoples?

A LEGITIMACY DEFICIT - AN ISRAELI PERSPECTIVE

Current bilateral EU-Israeli relations, as embodied in 1995 EU-Israel Association Agreement appear at face value to be very impressive[25]. Under them, Israel maintains close commercial, scientific, technological and cultural ties with the EU and its member states. Israelis are enthusiastic consumers of European culture, Europe has long been Israel's preferable tourist destination,

and the EU is in fact Israel's chief trading partner. This close bilateral relationship is supported by regional relations under the aegis of the European Mediterranean Policy (better know as the Barcelona Process)[26].

Yet a dissonance exists between these advanced economic and other relations and the negative perceptions of the EU in Israel. The haunting memories of the Holocaust, the perceived betrayal of Israel by France on the eve of the Six Days War (1967), and the increasingly critical stance taken towards Israeli policies by numerous European countries, have created in Israel a negative Pavlovian reaction towards European intervention[27]. The narrative prevailing in wide social, academic and political circles in Israel is that in its Middle East dealings, the EU and most of its member states are simply unbalanced and anti-Israeli, and hence illegitimate brokers[28].

Many Israelis explain European critical positions towards Israel as the outcome of a European surrender to Arab energy interests and to Muslim electoral interests[29]. Israel-French relations are a case in point. The prevailing narrative in Israel is that following France's withdrawal from Algeria, France sacrificed Israel's interest for the cause of improving her relations with the Arab world[30]. The reaction of numerous European countries to the Arab oil embargo in the 1970s and the EEC policies in the late 1970s and early 1980s are similarly perceived[31].

There are those in Israel who argue, in addition, that European critical stance towards Israel (like those against the United States) assist Europe in its continuous search for its internal and external identity[32]. Critical European policies can also help, according to some writers, to clear Europe's own conscience[33].

Yet another sub-narrative that is prevalent in Israeli discourse is that the EU policies towards Israel are reflections of double standards and immorality[34]. Arguments pertaining to the EU record in Cyprus[35] and Tibet[36], for example, are often used to substantiate that line of argument. Some Israeli writers would go as far as to suggest that these policies epitomise not merely double standards but even disguised anti-Semitism[37].

In addition, many Israelis dismiss critical European positions *vis-à-vis* Israel as a reflection of European naivety. Steinberg, for example, contends that the Europe's Kantian ideology and faith in the unlimited ability of diplomacy to resolve conflicts through the Versailles model of peace conferences and formal agreements is

unrealistic. In his view, in the Hobbesian Middle East, where force is employed for political and ideological objectives, «constructive dialogue» and trade incentives are ineffective. Europe's Kantian ideology lacks an intellectual and substantive framework for responding to the use of deadly violence and for distinguishing between illegitimate use of force for aggression and legitimate self-defence[38]. This line of thinking, which is widespread in most strands of Israeli society, was recently epitomised in the cynical words of the Israeli novelist and peace-activist Amos Oz[39].

Another sub-narrative that is prevalent in Israeli discourse is that the policies of the EU towards the Middle East are merely declaratory. Europe's inability to speak with one voice and her incapacity to form a coherent policy towards the Middle East forces it to adopt policies that reflect the lowest common denominator and to excel in words and preaching and not in deeds[40]. The perception of «declaratory Europe» was recently reflected in the words of the Israeli novelist Amos Oz[41].

LACK OF LEGITIMACY AS AN OBSTACLE TO EUROPEAN INTERVENTION

The present author does not necessarily subscribe to the aforesaid narrative of the EU as inherently anti-Israeli. Yet one cannot ignore its prevalence, nor its negative impact on Israel's perception of the EU's legitimacy and the resultant appropriate role that the EU is allowed to play in the Middle East.

The Israeli public is generally antagonist to European intervention. Such grass-root antagonism is shared by most Israeli governments since the 1970s. In fact, most Israeli prime ministers of the Labour Party (e.g., Meir, Rabin, and Barak), as well as those of the Likud (e.g., Shamir, Netanyahu) held a critical stance towards European intervention[42]. An extreme example of that antagonistic stance was the Israeli government's reaction to the EEC's Venice Declaration of 1980. In that Declaration, the then nine member states of the EEC recognised the Palestinian right of self-determination. The Israeli government led by the right-wing Prime Minster Begin responded: «Only a memory of the sea will survive the Venice Declaration. The Declaration calls on us, and other nations, to cooperate in the peace process with the Arab S.S. named "The Organisation for the Liberation of Palestine"»[43]. The Israeli

government ostensibly referred to the PLO's stance, while in fact its aim was to dismiss Europe's intervention in its affairs.

This somewhat hyperbolic reaction towards Europe's intervention cannot be explained only by Begin's own family experience with the Holocaust, nor by his somewhat demagogic premiership[44]. Abba Eban, the dovish spokesman of the Labour opposition of that time also chose very strong words to decry the EEC Venice Declaration[45]. The critical stance of the government as well as the opposition reflected the general anti-European mood, as captured at that time by «Le Soir»[46].

Admittedly, over the course of the years that approach has mellowed. It gradually became clear to Israeli leaders and policy-makers that due to the end of the Cold War, EU's ever-increasing size, as well as its economic and political weight and importance, the dichotomy between Israel's non-cooperative policies towards Europe could no longer be maintained. A slow change of perception of the EU is indeed gradually permeating the corridors of power in Jerusalem, as evident in the fact that Israel recently welcomed the EU role in monitoring the Palestinian-Egyptian cross-point at Rafeh and the decision to send soldiers from various member states to South Lebanon. Yet these changes reflect Israeli realpolitik. The general approach towards the EU, its legitimacy and appropriate role in the Middle East has remained intact. The EU remains, to a large extent, an illegitimate broker in the eyes of Israelis. The EU invests substantial human and financial resources in trying to assist in the resolution of the Middle East conflict. It will be difficult, however, for it to achieve that goal given the legitimacy deficit from which it suffers. The EU must therefore narrow the legitimacy deficit from which it suffers.

NARROWING THE LEGITIMACY GAP

The EU can pursue numerous lines of action to reduce the legitimacy deficit from which it suffers, such as improved intercultural dialogue and improved «marketing» of Normative Power Europe.

Some research has established that Israel and most European states have substantially different cultures. Israel and those European states ascribe a different weight to autonomy, egalitarianism and

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hierarchy values, and these differences may account for the current policy conflicts between the EU and Israel[47]. Moreover, as Tovias puts it, Israel is caught between its geographic location and economic status. Israel, a European country in economic terms, and an Asian one in geographic terms, is torn, psychologically, between East and West, between Europe, the United States, and the Orient. Most importantly, neither Israel nor its citizens can always deal with Europeans rationally, due to the Holocaust. For those and other reasons, analysed above, many Israelis consistently perceive Europe as biased against them. From a European perspective, it is sometimes difficult to accept Israel's nationalism[48].

The EU may thus discover that its different perceptions from those of Israel relating to nationalism, as well as sovereignty, borders, territories and the means to resolve conflicts, coupled with deep-seated prejudices, ignorance, and mutual mistrust, may prove to constitute the most significant stumbling block to any attempt on its part to generate societal, political and social reforms in Israel.

Due to this widening psychological gap, and legitimacy deficit, Europe's vision of greater involvement in the Middle East may not be welcomed by Israel. Enhanced intercultural dialogue is called for. As Akrimi analyses in her contribution to our research project, such a dialogue can play a pivotal role in fostering mutual trust and understanding, and weakening ignorance and prejudice[49].

A critical intercultural dialogue will expose more Europeans to the complex and nuanced realities on the ground. It can also assist Europeans to learn about Israel's fears, concerns and phobias[50].

The EU already provided a platform for such a dialogue under the aegis of the Barcelona Process. The latter failed, however, to a large extent, to do so. The EU, its member states and its citizens should thus initiate an extensive and frank dialogue, designed to reduce mutual suspicion and ignorance, without repeating the mistakes committed in the Barcelona Process[51].

Nevertheless, it takes two to tango. Israel should take an active part in such a dialogue. An internal, Israeli dialogue is to be opened without delay in order to clarify the issue of the State of Israel's self-image and its place in the Middle East, in Europe and in the global village[52]. The Israeli media, academia, and civil society should play a key role in that respect[53]. Israelis should thus first study the reasons for the growing antagonism displayed in Europe towards the State

of Israel. They should then engage the EU, its member states and citizens in an extensive and frank dialogue, designed to reduce mutual suspicion and ignorance.

Such a dialogue between politicians, policy-makers, and more importantly between societies, would assist Europe in overcoming prevailing unfounded perceptions. Too many Europeans, for example, are misled into believing that the problems of the Middle East commenced with Israel's occupation of the Golan Heights, West Bank and Gaza Strip (1967), and that the end of the occupation will end the conflict. Too few Europeans understand Israel's ego, superego and id.

The proposed dialogue will enable Europeans to formulate more informed and legitimate perceptions over the Middle East. For that purpose the EU should, as Papisca argues, identify appropriate institutions for intercultural dialogue[54]. Such institution is European higher education, in general, and European academic mobility schemes, in particular. A strong and appealing education system, open to the participation of foreigners, can serve as an important component of a state's soft power[55]. Europe is, however, losing ground on this front.

The Israeli academia was founded on European models, especially those of Great Britain and Germany. Yet, currently, most young Israeli lecturers obtain their graduate education at American universities, most comparative teaching is American-based, most Israeli research and publications conducted outside of Israel are conducted in the United States, while most foreign visiting legal scholars are American. This state of affairs enhances the soft powers of the United States, and reduces those of Europe. What can be done in that respect?

Recent developments indicate, however, that Israeli academia, Israeli scholars are becoming more interested in the process of European integration[56]. The EU supports this development, through the use of, *inter alia*, the Jean Monnet Action. Such support must be reinforced. The EU should do its best to facilitate mobility schemes for students and scholars. A highly desirable step would be to allow Israeli academic institutions to fully join the Erasmus scheme. The ENP provides the mandate for such a course of action[57]. The EU should utilise that mandate in a visionary manner, in order to enhance its legitimacy in Israel.

On a different, albeit inter-related front, and as analysed above,

the bilateral and regional relations between the EU and Israel are comprehensive and advanced. Yet Europe still suffers in Israel from bad public image. Most Israelis are ignorant of these intensive relations. The vast majority of them have not heard of the Barcelona Process, let alone of Europe's desire to position itself in the Middle East as a civilian power.

Part of such an image may be explained by the character of the EU's interaction with Israeli civil society and by Europe's failed «marketing». Europe invests in Israel's significant human and financial resources in persuading those who are already persuaded, namely the elitist liberal Left. The EU supports, for example, fringe NGOs that share its own views[58]. Other European efforts are directed at writing editorial letters to the daily, high-quality, yet little-read «Haaretz», at social events with Israel's elite, and at meetings with rectors of universities.

All these interactions are important. Much more, however, should be done. Europe should improve its image in Israel. It should launch a wide-scale public relations campaign. The leaders of the EU and its member states, like their representatives in Israel should speak with the Israeli masses, with the popular Israeli media, and with high-schools and university students. To effect these interactions, Europe must find speakers who can display greater sympathy and understanding with the Israeli position, those who can listen and not only preach. The EU should use these interactions to reflect Europe's own attractions, old and modern. Israelis should be exposed not only to classic Europe, but also to the more vibrant, modern, hip aspects of European daily life. The EU representatives should in addition convey the impressive economic and trade figures governing EU-Israeli relations. They should inform Israelis about the special R&D status of Israel in the EU. They should also attempt to persuade Israelis that Israeli-Palestinian relations are not necessarily a zero-sum game, and hence that any European support of the Palestinians is not a manifestation of an anti-Israeli approach.

SUMMARY AND CONCLUSIONS

The EU can and should contribute to reforms in the non-EU Mediterranean countries and to the resolution of the Arab-Israeli

conflict. For that purpose it must position itself as a normative power. Such a status presupposes, however, legitimacy, which is lacking, to a large extent, in the eyes of Israelis. The widespread narrative that prevails in the Israeli political sphere, as well as in wide quarters of the Israeli society, is that in its Middle East dealings, the EU and most of its member states are simply unbalanced and anti-Israeli. Critical European approaches towards Israel are perceived as the outcome of a European surrender to vested Arab interests, as instruments designed to clear Europe's own conscious and create its own identity, and as a reflection of European naivety, double standards and preference for preaching and declaration over deeds. This narrative adversely affects the legitimacy of the EU in Israel, thereby making it difficult for it to position itself as a normative power. The article identified and analysed two concrete proposals to ameliorate that state of affairs. The EU, its member states and citizens should embark on a deep and frank intercultural dialogue with the Israeli society, designed to reduce mutual suspicion and ignorance. Within this context the EU should do much more than it does to facilitate mobility schemes for students and scholars. Parallel to that, the EU should launch a wide-scale, grass-root public relations campaign, aimed at improving its legitimacy in Israel. An intensive, grass-root dialogue, supported by improved «marketing» of civilian power Europe, can improve the credibility and legitimacy of the EU in the eyes of Israelis, thereby paving the way for a more constructive normative contribution of the EU to the Middle East.

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[3] R. Hazan, *Fostering Democracy through Parliamentary Cooperation: European Lessons from the Middle East?*, in K. Boehnke (ed.), *Israel and Europe - A Complex Relationship*, Wiesbaden, Deutscher-Verlag, 2003, p. 96.

[4] See A. Magen, *Building Democratic Peace in the Eastern Mediterranean: An Inevitably Ambitious Agenda*, Working Paper n. 9, Stanford Institute for International Studies, 2004, p. 115.

[5] *Ibidem.*

[6] For a theoretical analysis of the attempts of the West to «export» Western values, see A. Etzioni, *A Self-Restrained Approach to Nation Building by Foreign Powers*, in «International Affairs», vol. 80/1, 2004, p. 1.

[7] See A. Magen, *Building Democratic Peace in the Eastern Mediterranean...*, cit., p. 129.

[8] See, for example, the Commission's Communication of 8 May 2001 on the European Union's Role in Promoting Human Rights and Democratisation in Third Countries, COM(2001) 252 final.

⁹ R. Kagan, *Why the United States and Europe See the World Differently*, in «Policy Review», vol. 113, 2002, pp. 7-8.

¹⁰ F. Duchêne, *Europe's Role in the World Peace*, in R. Mayne (ed.), *Europe Tomorrow: Sixteen European's Look Ahead*, London, Fontana, 1972.

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¹⁵ J. Kelley, *New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy*, in «Journal of Common Market Studies», vol. 44/1, 2006, p. 29.

¹⁶ A. Magen, *The Shadow of Enlargement: Can European Neighbourhood Policy Achieve Compliance?*, in «Columbia Journal of European Law», vol. 12, 2006, p. 495.

¹⁷ S. Lavenex, *EU External Governance in «Wider Europe»*, cit.

¹⁸ *Ibidem*.

¹⁹ L.G. Feldman, *Reconciliation and Legitimacy - Foreign Relations and Enlargement of the European Union*, in T. Banchoff and M. Smith (eds.), *Legitimacy and the European Union*, London-New York, Routledge, 1999, p. 66.

²⁰ *Ibidem*, p. 77.

²¹ J. Nye, *Soft Power...*, cit., p. 6.

²² M. Weber, *Economy and Society*, Berkeley, University of California Press, 1978, p. 213.

²³ J. Steffek, *The Legitimation of International Governance: A Discourse Approach*, in «European Journal of International Relations», vol. 9/2, 2003, pp. 249, 252.

²⁴ M. Suchman, *Managing Legitimacy: Strategic and Institutional Approaches*, in «Academy of Management Review», vol. 20/3, 1995, p. 574.

²⁵ Euro-Mediterranean Agreement establishing an association between the European communities and their member states, on the one part, and the State of Israel, on the other part, Official Journal L 147, 21 June 2000, pp. 0003-0171.

²⁶ See Barcelona Declaration adopted at the Euro-Mediterranean Conference, Barcelona, 27-28 November 1995, final version.

²⁷ I. Greilsammer and J. Weiler (eds.), *Europe's Middle East Dilemma: The Quest for a Unified Stance*, Boulder (CO), Westview, 1987.

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³² A. Oz, *The Slopes of the Volcano*, Jerusalem, Keter Press, 2006, p. 37 (in Hebrew).

³³ See *ibidem*, p. 39.

³⁴ R. Wistrict, *Something is Rotten in the State of Europe: Anti-Semitism as a Civilization Pathology*, in M. Gerstenfeld (ed.), *Israel and Europe...*, cit., p. 95.

³⁵ G. Harpaz, Book Review of A. Theophanous, *The Cyprus Question and the EU: The*

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[37] M. Gerstenfeld, *Israel and Europe...*, cit., p. 11; Y. Dror and S. Pardo, *Approaches and Principles for an Israeli Grand Strategy...*, cit., p. 34.

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[39] A. Oz, *The Slopes of the Volcano*, cit., pp. 30 and 38.

[40] Zohar Peri of the Israeli Ministry of Trade and Industry, in «Jerusalem Post», 3 August 1995.

[41] A. Oz, *The Slopes of the Volcano*, cit., pp. 53-56.

[42] See I. Greilsammer and J. Weiler (eds.), *Europe's Middle East Dilemma...*, cit., p. 93.

[43] Resolution n. 796, Israeli Reaction to the Decision of the European Countries in Venice, 15 June 1980, as translated by the author.

[44] See O. Grosbard and B. Menachem, *A Portrait of a Leader - A Biography*, Tel-Aviv, Resling, 2006.

[45] A. Eban, in «London Times», 13 June 1980, as quoted in I. Greilsammer and J. Weiler (eds.), *Europe's Middle East Dilemma...*, cit., p. 46.

[46] «Le Soir», 12 June 1980, as quoted in I. Greilsammer and J. Weiler (eds.), *Europe's Middle East Dilemma...*, cit., p. 47.

[47] A. Bardi and L. Sagiv (eds.), *The EU and Israel: Comparison of Cultures and Implications*, in K. Boehnke (ed.), *Israel and Europe...*, cit., p. 13.

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[57] Article 2.6 of the EU-Israel Action Plan; for the text, see www.europa.eu.int/comm/world/enp/pdf/action_plans/Proposed_Action_Plan_EU-Israel.pdf.

[58] G. Steinberg, *European NGOs Against Israel*, cit.

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