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### Discourse in Bosnia and Macedonia on the Independence of Kosovo: When and What is a Precedent?

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# Discourse in Bosnia and Macedonia on the Independence of Kosovo: When and What is a Precedent?

SHERRILL STROSCHEIN

## *Abstract*

Bosnia and Macedonia declared independence from Yugoslavia in 1991 and 1992, and subsequent referenda legitimised these declarations, but unitary state actors did not emerge. Rather, Bosnia and Macedonia each contain groups with divisive views regarding the nature of the state in which they live. Kosovo is regularly invoked as an example in their contentious discussions. In this essay, I present a framework for understanding this discursive contention in which Kosovo provides the focus for disputes between extremists and moderates of different groups. Within the two states, groups differ over the recognition of Kosovo's declaration of independence and the question of whether this might constitute a precedent. A political, rather than simply a legal, view on these discussions helps us to better understand not only these dynamics, but similar contestations unfolding elsewhere.

AS SOME STATES DECIDE TO RECOGNISE KOSOVO AND OTHERS do not, the resulting ambiguity concerning recognition raises some questions. Does Kosovo constitute a precedent for other would-be states to try for independence? *Webster's Collegiate Dictionary* defines a precedent as 'an earlier occurrence of something similar' or as 'something done or said that may serve as an example or rule to authorise or justify a subsequent act of the same or analogous kind' (Merriam-Webster 1994, p. 916). Those who argue that Kosovo does not set a precedent emphasise that it is a unique case. Many of those supporting Kosovo's independence and recognition of it tend to endorse the idea of Kosovo's unique status (Krasniqi 2001, p. 2). But what does it mean to be unique? In terms of the dictionary definition above, being unique means that it is not similar to other cases, and would thus not justify a subsequent act, nor constitute a convention, practice or model. In this perspective, Kosovo's uniqueness is presented as objective fact; efforts to make it into a precedent are labelled as the political projects of actors with agendas of their own, and that is expected to close the debate—except that it has not.

Efforts to make the case for Kosovo as a precedent to legitimise other movements have continued to be deployed. Using the same Webster's definition, it is also argued that Kosovo

I am grateful to Richard Mole for discussions that helped to clarify some of these concepts.

is similar to other cases, and would thus justify a subsequent act, constituting a convention, practice or model. In this perspective, the meaning of precedent becomes what one wants to make of it in the pursuit of specific political projects. Whether it implies a legal or a moral obligation is a matter that rests on one's political goals. Just as vocal as those claiming Kosovo as a precedent are the others who claim that it is not. This essay is about the dynamics of these discussions and their implications for politics.

In both of these lines of argument, Kosovo is used as an example when it suits politicians and their political projects (Caplan 2010, p. 3; Krasniqi 2011, p. 2). For constructivists, politics is constituted of such political projects in the field of discourse. Recognition of Kosovo's independence and the question of whether it is a precedent are useful examples of how this discursive battle for power in politics works. This contribution examines the discursive life of the recognition and precedent questions in relation to Bosnia and Macedonia.<sup>1</sup> I demonstrate how rhetoric and persuasion comprise the stuff of power politics in these states, with Kosovo used as a 'political football' between actors with varied positions. I first outline the fields of contention within each state as different ethnic groups containing extremists and moderates. I then discuss how this contention consists of efforts to legitimise these divergent positions, and I illustrate some ways in which discourse is used in these competitions.

#### *Politics and fields of contention*

Macedonia has formally recognised Kosovo as an independent state, while Bosnia has not. In a document with strong references to European institutions, Macedonia recognised Kosovo in October 2008, along with Montenegro. While recognition came in the wake of a parliamentary endorsement, the references to an international context for this decision are striking (Government of Macedonia 2008). Bosnia has refrained from formal recognition, largely due to the position of its own Serb population on the issue.

The different stances between the two countries have emerged in spite of domestic similarities between them. Each contains voices that are discontented with their current borders, and would like to use Kosovo as a precedent for changing their borders. In Bosnia, President (formerly Prime Minister) Milorad Dodik of the Republika Srpska (RS) has been a proponent of the notion that the RS should receive similar treatment to Kosovo. For Dodik, Kosovo's independence implies that the same status should be accorded to the RS, freeing it from Bosnian state structures. As the Serbs comprise around 37% of the population in the country (with around 48% Bosniaks and 14% Croats),<sup>2</sup> this stance cannot easily be ignored. In Macedonia, Albanians officially comprise 23% of the population,<sup>3</sup> and the visible presence of Albanian parties in politics means that their favourable stance towards Kosovo is also a force to be reckoned with for ethnic Macedonians, who tend to be less supportive of Kosovo's independence.

<sup>1</sup>Officially, the Former Yugoslav Republic of Macedonia (FYROM) and Bosnia & Hercegovina—the dispute over these names is a pertinent example of language as politics, but not one that is examined here. The choice of terms is intended as simplifying language, with apologies to those who cannot but see it as political.

<sup>2</sup>'Bosnia', *CIA World Factbook*, 2013, available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>, accessed 7 May 2013.

<sup>3</sup>'Macedonia', *CIA World Factbook*, 2013, available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html>, accessed 7 May 2013.

These facts on the ground make it clear that an attempt to ignore domestic contestations for power would make observers miss much of the story of Kosovo's neighbours following its declaration of independence. News articles and analysis have been counting recognitions as if they were trophies to be collected (98 as of May 2013).<sup>4</sup> In much of the discussion, states are portrayed as autonomous actors that make unitary, independent, rational decisions—much like a person would (Wendt 1999, p. 215). This kind of essentialist and individualist perspective is commonly employed in the field of International Relations—particularly by realists, who also often attribute strategic motives to state units. Such assumptions are problematic when applied to states with populations divided along ethnic or religious lines, in which internal disagreement is a more common state of affairs. For example, if states in the Balkans are to be portrayed as persons, the metaphor would need to include the fact that they are mixed enough to exhibit rather schizophrenic tendencies regarding foreign policy and other decisions. An alternative to a unitary approach is necessary to avoid fanciful theorising. A more accurate portrayal of the processes at work here must include the dynamics of how such decisions emerge in contentious domestic environments, and how these relate to their international environments.

Some more comprehensive thinking on these relationships has emerged in sociology as a result of a relational perspective that moves beyond a focus on individual actors (Emirbayer 1997). This kind of 'relational' view requires an assessment of interactions—between sub-groups in a state as well as between these sub-groups and those outside of state borders (Jackson & Nexon 1999). For a focus on the relational context of the Balkans, a useful frame is provided by Rogers Brubaker's 'radically relational' outline of the nexus between national minorities, nationalising states and external national homelands (Brubaker 1996, p. 68). Grounded on a Bourdieuan premise of fields of contention, Brubaker demonstrates how each of these three fields consists of internal contention as well as interactions with the other fields. For example, a victory for extremists in contention within a national minority will influence the potential success for extremists in the field of a national homeland (probably in a positive direction). For Brubaker, it is these dynamics that produce nationhood, which he rejects as essentialist and rather describes as an emergent property contingent on these interactions (Brubaker 1996, pp. 60–61, 67–68).

This relational perspective provides a framework to examine interactive dynamics in Bosnia and Macedonia in the wake of events in Kosovo—and between the contested fields in each. The fields named here differ from Brubaker's outline, but the logic of the interaction remains. The primary fields of contestation for Bosnia are depicted in Figure 1, and those for Macedonia are shown in Figure 2.

Political decisions in Bosnia are the product of dynamics between three political fields. These different fields are formally preserved in Bosnia's consociational representative structure,<sup>5</sup> which effectively segments the electoral population. These segments are contentious fields with their own internal political debates. Listed in declining order of relative population size, they are Bosniaks, or Bosnian Muslims; The Republika Srpska, mainly Bosnian Serbs; and Bosnian Croats. These contentious fields are shown in Figure 1

<sup>4</sup>'Who Recognized Kosova as an Independent State?', available at: <http://www.kosovothanksyou.com/>, accessed 6 May 2013.

<sup>5</sup>A consociational governance structure guarantees representation for each group. It also relies on cooperation between the elites of each group for decisions to be made. Such a structure is intended to prevent majority tyranny over minorities by ensuring minority voice in decision making.

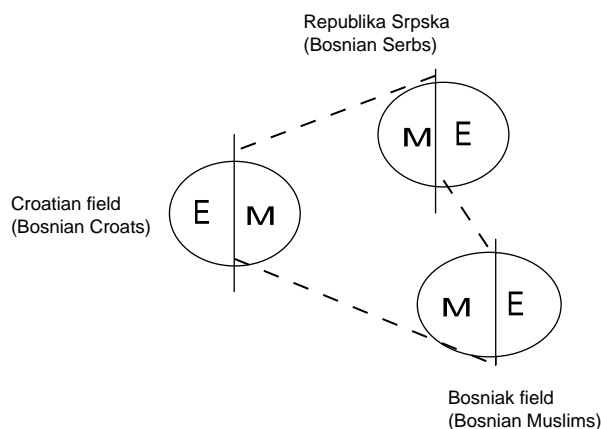


FIGURE 1. CONTENTIOUS FIELDS IN BOSNIA.

by a division of each field circle into 'E' and 'M' parts, with 'E' designating more extreme or nationalist voices in the contentious field and 'M' designating more moderate voices. Reflecting the fact that moderates of different groups more easily cooperate with each other than do extremists, the 'M' portions of these three fields are placed closer to the middle of the diagram and thus to the other group, and the 'E' portions are ranged toward the outside of the diagram. While other groups such as Roma and Turks also reside in Bosnia, they constitute a relatively smaller percentage and thus have a smaller role in political dynamics than do the three groups represented here.

Specific issues and policies are discussed within each field, with more extreme and more moderate voices vying for their view to become dominant. The outcomes of these struggles inevitably relate to those struggles going on in the other fields. Extremist positions winning in one field will make it harder for moderate voices in the other fields to gain a dominant position, due to an increase in mistrust of the other groups when they are controlled by extremists. To represent this relationship, Figure 1 depicts dotted lines between each of the fields, as debates and outcomes in each reflect and affect each other in an intertwined, 'radically relational' fashion (Brubaker 1996). For example, when Dodik takes a relatively extreme position that the RS should secede from Bosnia, this stance empowers more

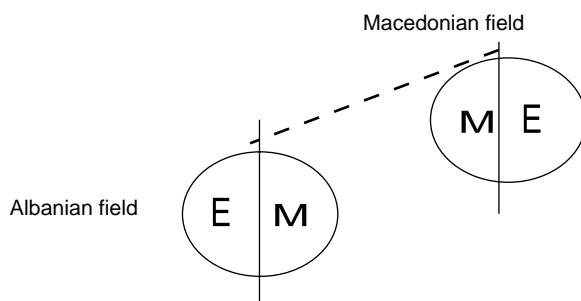


FIGURE 2. CONTENTIOUS FIELDS IN MACEDONIA.

extreme actors in the Bosnian Croat and Bosnian Muslim fields who would prefer not to cooperate with the Serbs. When Dodik's extreme positions become dominant in the Bosnian Serb field, extremists in the Bosnian Croat field and in the Bosnian Muslim fields can easily use this extremist dominance to argue that they simply cannot work with the (Bosnian or other) Serbs (International Crisis Group 2011b). It is in this way that dynamic spirals can emerge that foster polarisation in states divided into different ethnic or religious fields.

Macedonia contains its own contentious fields, depicted in Figure 2. Unlike the Bosnian scenario, there are simply two primary contentious fields in Macedonia, comprising ethnic Macedonians and ethnic Albanians—in this relative demographic order. Macedonia also contains a number of other ethnic groups, including Turks, Serbs and Roma, but as these groups together comprise around 10% of the country's demographic mix, they do not have the strong political presence of the Macedonians and Albanians. Similar to Bosnia, the Macedonian and Albanian political fields contain extremist and moderate voices that contend for dominant positions, depicted with the 'E' and 'M' portions of the fields in the diagram. The 'M' positions lie closer to each other across the fields, as it tends to be easier for moderates to cooperate across groups. Similar to Bosnia, debates in each field affect the other, which is depicted by the dotted line between them to denote their inherent relationship. Within each of these 'E' and 'M' positions there may be different ideological positions—the 'E' and 'M' designations are intended to emphasise stances relating to ethnic matters. For example, Albanians in Macedonia have three political parties, but this fragmentation does not easily translate into their stances on ethnic politics or even on ideological matters (Jakov Marusic 2011).<sup>6</sup>

In addition to the domestic interactions depicted here, the contentious fields in Bosnia and in Macedonia interact with each other, as well as with fields across their borders. For example, Bosnian Croats often receive financial and other supports from the state of Croatia (International Crisis Group 2010, pp. 5–6). The leadership elected within the state of Croatia may increase or reduce such supports; thus the character of the Bosnian Croat field may relate quite strongly to the results of cross-border elections. Similar dynamics exist for the Bosnian Serbs and Bosnia, as well as for the Albanian field in Macedonia, in relation to politics within the Albanian state.<sup>7</sup> The European Union could also have some indirect influence on these fields, though one that is filtered through the internal dynamics of debate. To represent these potential relationships, dotted lines could be drawn between the fields in these diagrams and the Albanian and Serbian fields in Kosovo, as well as to fields in Serbia, Croatia, and to actors within the international community. For the sake of simplicity these representations are not included graphically here, but they should be regarded as part of the background context. Deployments by more extreme politicians in Serbia to encourage independence for Serbs will often affect potential debates and contentious outcomes in the fields of the RS and for Serbs in Kosovo. Similarly, discussions within these fields may move outwards to affect debates within these external communities. For example, deployments by extreme voices within the RS with reference to its own potential independence will affect discussions within the Serbian field in Kosovo over potential implications for their future. These influences can override other efforts; in spite of much

<sup>6</sup>While the model may simplify some of the details of each context, a focus on the ethnic aspects allows for an examination of comparative dynamics.

<sup>7</sup>Lack of resources within the state of Albania has perhaps rendered its potential influence weaker than for the states of Croatia or Serbia.

international investment to integrate Kosovo internally, ethnic Serbs living in northern Kosovo continue to reject unified institutions in votes.<sup>8</sup> Such dynamics are not unique to the Balkans; they can commonly be seen in political dynamics elsewhere, particularly where there are kin states. Other examples include Hungary and the ‘Hungarians abroad’ in its neighbouring states, Russia and its ‘near abroad’, and Turkey and its surrounding states.

The diagrams depict relationships, but the dynamism in these interactions is a product of statements and reactions to statements that are the deployments and responses of various actors in these relationships. The contention within fields and the content of the interactions depicted by the dotted lines in the diagrams are constituted by discourse and language. Discourse, language and power struggles within and across these fields is what makes up the stuff of politics in these interactions. For a full sense of what drives politics in these types of complex environments, an examination of these concepts is crucial.

*Norms, relations, power and discourse*

State recognition is an inherently relational concept. Macedonia and Montenegro formally recognised Kosovo partly because both states share similar histories of having declared their own independences from Yugoslavia following referenda. The fact that Bosnia has not recognised Kosovo is tied up with the relations between the Serbs and the other groups within its borders. Even in cases without such complex cross-border dynamics as those in the Balkans, recognition of a new aspirant state is a relational activity. As noted by Hendrik Spruyt, recognition is a means by which the international system is mutually constituted. The state system emerged partly as a process of recognition of ‘like units’, as already existent states gave legitimacy to new units constituted in their image—rather than to medieval trading leagues such as the Hanse in medieval northern Europe (Spruyt 1994, pp. 155, 175).

The ritual of recognition of a state that has recently declared independence continues as an international norm to this day. As part of this recognition ritual, a unit must formally declare independence from another unit, and wait for formal responses from the other state units of the international system. Many aspects of this ritual remain unclear, including the question of whether Kosovo is officially independent. Of the 193 members of the United Nations, 88 or around 46% have recognised Kosovo at the time of writing. Is Kosovo independent when that figure reaches 51%? Or must there be a 66% or 75% majority for recognition to count? Or is the simple act of a formal declaration of independence enough to start the clock on independence? As with the question of what a precedent is and what it implies, the obligation to recognise an entity that has declared itself independent depends on one’s political goals. In this instance, the question of recognition for Kosovo will be answered differently depending on whether a Kosovar Albanian or a Kosovar Serb is asked. In spite of recent efforts by lawyers to adjudicate on this question, the answer is a political one, reflecting the power context of the person (or state) answering it. Even the Montevideo Convention on what comprises a state cannot resolve these questions, as it does not clarify the role required for recognition in a state’s definition (Montevideo Convention 1933).

<sup>8</sup>‘Kosovo’s Serbs Defy Belgrade, EU with Referendum’, *Radio Free Europe/Radio Liberty*, 15 February 2012, available at: [http://www.rferl.org/content/kosovo\\_serbs\\_defy\\_belgrade\\_brussels\\_with\\_vote/24485529.html](http://www.rferl.org/content/kosovo_serbs_defy_belgrade_brussels_with_vote/24485529.html), accessed 6 May 2013.



States are also what actors make of them, and some state projects are more successful than others (Jackson & Nexon 1999).

At the time of writing, Serbia has not formally recognised Kosovo due to its territorial claims, but neither have Bosnia, Spain, Slovakia, Romania, Cyprus or Greece. As Kosovo's declaration represents a rupture to the *status quo* of the state system, powerful actors in each of these states fear that it might legitimate border changes within or relating to their own *status quo* (Csergő, in this collection). The pleas and threats being levied at these states by the United States, the European Union and other international actors that favour recognition will not make these worries disappear. The question of whether Kosovo constitutes a precedent is intrinsically linked to the recognition issue, and is fraught with potential implications for the power holders in these states. If, as Csergő notes, Romania were to recognise Kosovo, the sizeable Hungarian population living within Romania would have an added argument to legitimise the claims for autonomy or secession that are being expressed by some members of the Hungarian minority (Csergő, in this collection). Powerful actors who favour state unity within Slovakia, Spain, Bosnia, Greece and Cyprus have similar internal concerns. The 'carrot-and-stick' attempts to encourage recognition by these actors are based on the notion that they can be influenced by individual incentives. But there are strong relational constraints on their positions on recognition and its precedent implications. For these reasons, they resist efforts by actors in the international system to cajole them into recognising Kosovo. An examination of these efforts and resistance to them in theoretical terms can illustrate the power issues at stake.

#### *Contestation and norm projects*

The ritual of the recognition of a state by other state units is an internationally held norm. It is a means for states to allow for the entry of potentially like units into the system. Recognition is an inherently relational act that has been a crucial foundation for the creation and maintenance of the international state system (Spruyt 1994, p. 180). An international norm such as recognition can be understood as a 'standard of appropriate behaviour for actors with a given identity' (Finnemore & Sikkink 1998, p. 891). This definition includes two components. First, there is the identity component: recognition is sought from and bestowed by other states. Recognition of new entities tends towards this ritual of recognition, in which units 'graduate' to official status through mutual recognition (Spruyt 1994). If more states recognise a unit, it gains more legitimisation in its effort to be an independent state—thus those actors behind the independence cause will actively seek international recognition. Second, the norm of recognition includes an imperative of behaviour. Recognition language conveys the act as the polite response if requested by a new entrant. This imperative is quite effectively invoked by supporters of the recognition of Kosovo. There is often an undercurrent language of these policy documents that assumes those states resisting recognition will eventually come around.

The relational quality of a norm sets it apart from a mere idea, but an idea can become a norm if it gains wide acceptance. The project of transforming an idea into a norm requires a broadening of adherents to the idea. The trajectory of these types of successful norm-creating projects can be illustrated by the 'norm life cycle' of Finnemore and Sikkink (1998, pp. 895–96). First, 'norm entrepreneurs' must deploy the idea in question into the discourse, and engage in some persuasion. If they succeed, and acceptance of the norm reaches a

'tipping point', then a 'cascade' takes place in which acceptance of the idea-norm expands broadly. This is the second stage in the life of a norm. In the final and third stage, the norm is internalised, acquiring a 'taken for granted' status (Finnemore & Sikkink 1998, pp. 895–96). It is important to note that not all would-be norms complete this cycle, but rather might remain in contested limbo around stage two (Finnemore & Sikkink 1998, p. 896). The effort to make a norm gain wide acceptance is a rhetorical project. Competing rhetorical projects, or norms that vie for legitimisation by becoming accepted by populations, are the stuff of politics. Because concepts such as norms of recognition are what actors and their audiences make of them, the ability to have one's norm accepted is of crucial importance for power struggles (Ruggie 1998).

It is important to note that in these struggles, the nature of causation is constitutive. It is not that a norm causes things to happen, but rather that it constitutes that thing itself (Wendt 1999). As an example, it is not that a norm causes a state to exist in a sense of  $x$  causing  $y$ , but the project of having a successful state is constituted by aspects such as recognition. Without the presence of any recognition, the state project cannot be understood as successful. For Wendt, constitutive cause is illustrated by the rules of a game of chess. Without the rules of chess, one simply possesses a board and some wooden objects. The rules of the game of chess are constitutive of the existence of chess itself—they are what make the game. In international politics, contention over matters such as recognition is constitutive of the nature of that system itself (Wendt 1999).

What is Kosovo's role as a potential precedent? With regard to the question of its recognised independence, an attempt at an objective answer would place it somewhere in the second stage, given that 88 countries have recognised it. However, the answer to this question also depends on whom one asks, as some actors would still label the project as an effort of a few entrepreneurs (first stage) and others would declare the project a *fait accompli* (third stage). The idea that Kosovo's independence declaration and recognition establish a precedent is one that remains in play along this spectrum, supported and denied by various actors. The fields of contestation in Figures 1 and 2 provide a framework for these debates in Bosnia and Macedonia. While Figures 1 and 2 outline the shape of the fields in these states, Tables 1 and 2 outline the content of the debates within them that is the discursive contention between these fields. It is worth noting that there is also contention within the fields of extremists and moderates, meaning that not all positions are fully obvious or that they may change. Tables 1 and 2 thus simply reflect tendencies regarding these stances, with

TABLE 1  
BOSNIA: NORM PROJECTS IN CONTENTIOUS FIELDS

	<i>Recognise Kosovo's independence</i>		<i>Kosovo sets precedent</i>	
	<i>Extreme</i>	<i>Moderate</i>	<i>Extreme</i>	<i>Moderate</i>
Republika Srpska	No	No	Yes	Perhaps
Croatian field	Yes	Yes	No	Perhaps
Bosnian field	Yes	Yes	No	Perhaps

Note: Compiled using poll data from Gallup Balkan Monitor.

TABLE 2  
MACEDONIA: NORM PROJECTS IN CONTENTIOUS FIELDS

	<i>Recognise Kosovo's independence</i>		<i>Kosovo sets precedent</i>	
	<i>Extreme</i>	<i>Moderate</i>	<i>Extreme</i>	<i>Moderate</i>
Macedonian field	No	No	No	No
Albanian field	Yes	Yes	Yes	Perhaps

*Note:* Compiled using poll data from Gallup Balkan Monitor.

the recognition that shifts may take place in this dynamic discursive environment. The intention here is to illustrate how different stances compete in efforts to establish certain norms as dominant, rather than to present group positions as static.

The positions in Table 1 reflect a Gallup poll on the issue, in which only 21% of RS inhabitants favoured Kosovo's independence—in contrast to 58% of those in the Federation.<sup>9</sup> The position that Kosovo might constitute a precedent has steadily gained support since Kosovo's independence (Gallup Balkan Monitor 2010, pp. 2–3). The idea of a precedent had more support in the RS than in the Federation (Gallup Balkan Monitor 2010, pp. 2–3), where it was viewed with some trepidation. One of the most striking aspects of Table 1 is that positions on Kosovo's independence and regarding whether it sets a precedent need not be consistent. The fact that these matters are driven by specific political goals is far more important than internal consistency for these arguments, as shown by this evidence. Dominant voices in the RS have strongly resisted the independence of Kosovo. There were protests in the RS following Kosovo's declaration of 2008 (Arslanagic 2010), in solidarity with the position of their co-ethnics in Serbia and in North Kosovo. However, the project to establish Kosovo's independence has been invoked by RS leaders, particularly RS President Dodik, as setting a precedent that the RS might free itself from the Bosnian state. In this stance, Dodik uses these events to justify his own political project of achieving further distance from Sarajevo. Interestingly, in doing so he puts himself in a contrasting position to both Serbia and Russia, for whom Kosovo as a precedent would complicate matters within their own borders.<sup>10</sup> The RS position has meant that Bosnia has not given recognition to Kosovo, in spite of some ethnic Croatian and Bosniak support for the entity. For Croatians, their co-ethnics in Croatia have supported independence. Bosniaks share a similar independence trajectory and a common stance against Serbs—as well as having some religious and cultural similarities to Kosovo. These favourable stances cannot be exercised due to the RS position on Kosovo independence. In addition, the RS's stance on the precedent issue has produced a Croatian and Bosniak stance of grudging respect of the idea as a serious concept, given that it could have strong implications for the territorial integrity of Bosnia.

<sup>9</sup>In the state structure of Bosnia, the Federation consists of territory with a concentration of the Bosnian Croat and Bosnian Muslim populations, while the RS holds a concentration of the Bosnian Serb population.

<sup>10</sup>On the evolution of Russia's position in this respect, see Hughes in this collection. Russian leaders may invoke Kosovo as a precedent in the other direction when it suits, as in Russian involvement with regard to South Ossetia in Georgia in 2008.

Macedonia has officially recognised Kosovo's independence, in spite of some visible reluctance to support this idea among Macedonians. As recorded by Gallup, 41% of ethnic Macedonians viewed Kosovo's independence as negative, while only 17% of ethnic Albanians in Macedonia viewed it as negative (Gallup Balkan Monitor 2010, p. 2). A more nuanced poll illustrates 'diametrically opposite' views between the groups on Kosovo, with ethnic Macedonians registering negative sentiments at 60% and ethnic Albanians positive sentiments at 78%. Surveys conducted in March and April 2008 demonstrate strong ethnic Albanian support for recognition of Kosovo and moderately strong ethnic Macedonian opposition to recognition (Daskalovski & Taleski 2008, pp. 43, 46–47, 49). Some ethnic Albanian elements demonstrate strong support for Kosovo's independence, and there were ethnic Albanian supporters in Macedonia's streets to celebrate Kosovo's declaration (Arslanagic 2010). More extreme voices in the ethnic Albanian field see Kosovo as a precedent for their wishes to exit the Macedonian state and instead attach to the territory of Kosovo (International Crisis Group 2011b, p. 20). This position renders it difficult for Macedonians to acknowledge that Kosovo might serve as a precedent.

The power struggles over these norms are the stuff of politics and power contestation in these states. As outlined by Ruggie, because powerful concepts in world politics are social facts, successful actors cannot be merely strategic—they must also be 'discursively competent' to succeed in establishing the dominance of their ideas as norms (Ruggie 1998, p. 869). The ability to persuade others to join one's position on these norms or potential norms is crucial to advancing one's goals as a politician. Such contestation is particularly visible in democracies, but may also take place in other types of regimes.

Moreover, the scheme above demonstrates an ongoing dynamic in spite of formal institutionalisation. While Macedonia has formally recognised Kosovo, this act has not ended domestic contestation over the issue. The process of formalising rules is part of these contestations, but rule breaking is part of them as well. The continuation of debate means that 'domination is never total' in spite of formal institutionalisation (Piven & Cloward 2005, pp. 44–46, 49). The attempt to establish norms or rules is best understood as an ongoing contentious process between projects. Some may be successful enough to attain Finnemore and Sikkink's 'taken for granted' status, as some might say is already the case for Kosovo's independence (International Crisis Group 2012). In the language of discourse theory, reaching this point is one of 'hegemony' of a particular set of rules or norms, but due to the dynamic nature of these processes, hegemony is never viewed to be complete—instead, politics consists of the contestation between different hegemony projects (Laclau & Mouffe 1985, p. 114; Fairclough 1995, pp. 127–29; Jackson 2006, p. 46).<sup>11</sup> The processes of persuasion as the stuff of politics are examined further in the section below, followed by an illustration of how this perspective can be used to assess events.

### *Rhetoric, persuasion, and politics*

The premise that the essence of politics is language and persuasion is the foundation of a variety of approaches in discourse theory. In this approach, politics takes place through 'intersubjective persuasive processes' (Finlayson 2007, p. 546). These dynamics are

<sup>11</sup>In Jackson's terminology, the notion that hegemony is static can be understood as reification, or the 'fallacy of misplaced concreteness' (Jackson 2006, p. 7).

inherently relational. As such, studies in discourse and rhetoric take a quite opposite view to the notion that politics is the stuff of decisions by utility-maximising, autonomous individuals. Reasoning is instead entwined with processes of persuasion and rhetoric as public actions (Finlayson 2007, pp. 553, 560). Those approaches that are successful usually constitute incremental change from what has gone before, as complete paradigm shifts are difficult to enact in politics (Motyl 1999; Jackson 2006, p. 55; Johnstone 2008, p. 162).

There are different avenues for the study of these processes. Critical Discourse Analysis focuses on words and the structure of texts, while Discourse Theory examines the presence of or effort to establish hegemony in a discourse (Mole 2007b, pp. 17–18; Johnstone 2008, p. 46). Within Discourse Theory, the study of the success of particular rhetorics is a fruitful means to reveal contention over which norms or rules should have dominant meaning, power or legitimacy (Torfing 2005, p. 157; Jackson 2006; Mole 2007b). If rhetorical projects are successful, a norm will emerge as having all three at once. The concept of ‘rhetorical commonplaces’ is used to denote the result of a successful rhetorical persuasion effort (Finlayson 2007, p. 557), one which legitimises a desired political stance. The establishment of a rhetorical commonplace illustrates that a rule or norm has attained a ‘taken for granted’ status. In the context here, ‘Kosovo is independent’ and ‘Kosovo sets a precedent for independence movements’ are ideas that certain actors are trying to establish as norms or rhetorical commonplaces. Rhetoric is intrinsically bound up with attempts to legitimise and establish a stance as dominant. As outlined by Jackson, discursive rhetorical confrontations can thus be considered as ‘legitimation contests’ (Jackson 2006, pp. 27, 253).

Rhetoric can be observed in the deployments and responses that form the process of politics. The insights from discourse and rhetoric can be used to identify patterns in what might otherwise seem to be simply a chaotic discursive environment. Jackson calls this effort one of ‘transactional social constructivism’ (2006, p. 15) and notes that a researcher need not try to identify what it is that actors are thinking. Rather, it is what they deploy into the public discourse that matters for the analysis. The section below uses these insights to illustrate some themes in the discursive transactions in Bosnia and Macedonia that comprise this competition for political legitimacy.

#### *Contests for legitimacy in Bosnia and Macedonia*

This section presents a sketch of how the insights on discursive legitimation contests, as contests for power, can help researchers make sense of the rhetorical noise in Kosovo’s neighbours over its status. It outlines some of the key points in these discussions rather than presenting a detailed empirical narrative. The framework provides a general means for researchers to evaluate rhetorics beyond the present time, and to consider how persuasion works in other complex political contexts, such as the Israel–Palestine or China–Taiwan disputes. I present three aspects in assessing transactions that are shared by both Bosnia and Macedonia. These are: *status quo* change as a resource; persuasion directed at internationals; and language elements and persuasion.

#### *Status quo change as resource*

Kosovo’s declaration of independence on 17 February 2008 was not unexpected given its post-1998 trajectory. However, the formal declaration constituted an abrupt change in the

*status quo*. Suddenly, other states, and particularly Kosovo's neighbours, were required by international norms to make a decision: to recognise, or not to recognise? As such, the declaration and the imperative to make a recognition decision deepened cleavages between actors in Bosnia and Macedonia. Kosovo's declaration became a critical juncture. As such, it created a resource that could be used by certain actors to consolidate support among their populations—especially by Dodik in Bosnia and Albanian leaders in Macedonia. The International Court of Justice advisory opinion on the declaration on 22 July 2010 created a similar opportunity. Self-congratulatory pundits in the international community may declare that over a year after this ruling, Kosovo's neighbours remain intact without border changes, but does this fact mean that nothing has changed? Albanians in Macedonia have been especially energised by events regarding Kosovo compared to before 2008. In Bosnia, some Serbs have been broadcasting that the RS should withdraw from the state.

#### *Persuasion directed at internationals*

The international community is not depicted in the fields of contention in Figures 1 and 2, but its presence can be visualised as existing on their margins. The independence trajectories and subsequent conflict resolution efforts in Bosnia and Macedonia throughout the 1990s and since have featured the direct involvement of the international community in events in each. As outlined by Fawn and Richmond (2010), there has been a clear effect of this direct international presence in domestic affairs. Particularly in Bosnia, domestic actors tend to focus their efforts on persuading the international community of their positions—before trying to persuade the 'other' local group actors within the same borders. Local capacities to resolve problems are thus diminished (Fawn & Richmond 2010, pp. 81, 83). This positioning does more than just hamper domestic governance structures—it also encourages actors to engage in attempts to persuade international actors that they too should be given some formal sovereignty (Fawn & Richmond 2010, p. 101). This practice of prioritising transactions with the international community (vertical transactions) over those with other domestic actors (horizontal transactions) creates a hub-and-spoke model of governance in which horizontal interactions between actors at the same level are minimised (Nexon & Wright 2007). Such vertical transactions increase fragmentation and competition between groups in the attentions of the international community—and do not bode well for the creation of cohesive domestic governance in these states.

#### *Language elements and persuasion*

While most of this discussion has focused on the general tenets of Discourse Theory, there is much to be gained from the examination of language specificities inherent in Critical Discourse Analysis. For example, the use of 'Kosova' (Albanian) versus 'Kosovo' (Serbian, English) as a name in some English-language documents became a practice in some circles beginning in the late 1990s, and tends to reference a pro-independence position. In addition, a quick glance at some of the reports on the region illustrates how other language makes reference to some taken-for-granted notions (Gee 2011, p. 76) as support for particular positions. One of the most interesting of these references or metaphors is the notion of progress. A writing style that simply references the *status quo* (defective as reality is) is less exciting than one that makes reference to the future, to improvement and to progress

(Fairclough 1995, p. 47; Charteris-Black 2005, p. 201). Within this frame, Kosovo is often personified with verbs denoting agency: it ‘struggles’ for recognition, or it ‘looks to’ a better future.

For those actors invoking Kosovo for their own political purposes, taken-for-granted concepts such as democracy and decentralisation can also be used as a reference. As Bosnia and Macedonia held a referendum for independence, argue some actors in RS, why should the RS not do so as well, since in a democracy, referenda are held to reflect the will of the people (International Crisis Group 2009a, pp. 2, 9; 2009b, pp. 3–4)? Similarly, the fact that a strong decentralisation project has taken place in Macedonia (International Crisis Group 2011b) can be referenced by Albanian actors. Why not decentralise more, why not allow a border change? Why should there be boundaries to decentralisation? Those interested in these countries read and write documents regularly invoking the importance of these concepts—they can then be picked up and used by actors for their own purposes, much like the independence of Kosovo.

### *Conclusion*

Bosnia and Macedonia share several commonalities. They each declared independence from Yugoslavia in 1991 and 1992, and used referenda to legitimise these declarations. But these are not unitary actors that emerged from these processes—rather, they contain internal contentious fields. As outlined in Figures 1 and 2, Bosnia and Macedonia each contain groups with divisive views regarding the nature of the state in which they live. Kosovo is regularly invoked as an example in these contentious discussions. The framework that I have presented here for understanding discursive contention as the stuff of power politics can have application in a number of settings. I have outlined a means to envision contentious discursive fields within a state as extremists and moderates of different groups, and have presented some of the ways in which these actors in Bosnia and Macedonia engage in contentious rhetoric over Kosovo. In this way, Kosovo’s declaration of independence and the question of whether it constitutes a precedent for other groups becomes a *de facto* political, rather than a legal, matter. Preserving a political, rather than simply a legal, view on these discussions will help us to better understand not only these dynamics, but similar contestations unfolding elsewhere.

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