

What Identity for Europe?

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What is Europe – a geographical space, an economic machine, or a political vision? According to Edgar Morin, “Europe (which he called our “community of destiny”) certainly does not emerge from a past that belies it. It emerges timidly from our present because it is our future that requires it.”¹ In the same perspective Ulrich Beck asserts that “what Europe is or should be, cannot be conjured up from the past; it has to be developed as a political response to the questions of the future, in every field such as the labor market, ecology and the social state, international migration, political freedoms and basic rights,” and he suggests that, “The crucial first insight is that without Europe there can be no response to globalization.”²

The logic of the European construction is integrated into the larger process of globalization on two levels: at the Member States and on a broader European level. The challenge for the states therefore is to manage the paradoxes between a competition among states for the best “place in the international hierarchy”³ and the increase of nationalist feelings while being a part of a larger political construction that is the European Union (EU), as well as the link between the national and the transnational that blurs the boundaries.

As a matter of fact, the process of Europeanization, much like the process of globalization, requires –despite the integration into the global economy– a political, social, and cultural alignment among nations and is a source of an identity anxiety. Europe as a political project unquestionably challenges the nation state –a political

¹ E.Morin, *Penser l'Europe*, Paris, Seuil 1988, pp.168-169.

² U. Beck, *What is Globalization ?* Cambridge, Polity press, 2000, p.158

³ see E.Cohen, *La tentation hexagonale. La souveraineté à l'épreuve de la mondialisation* ; Paris, Fayard, 1996

structure “invented” in 18th century Europe based on the coincidence of territorial, cultural, linguistic, even to some extent, religious unity.⁴ It challenges its relevance because of the increasing interdependency between states and supranational institutions as well as transnational networks at the core of the process of Europeanization, and on a larger scale, of globalization. Supranational institutions impose norms, values, discourses on nation-states. Transnational organizations create a space for political participation that goes beyond national territories. Together they re-map a “political community” that is Europe. Many questions with regard to membership arise from these developments. What becomes of the relationship between: citizenship, nationality and identity; territory and the nation-state; rights and identities; culture and politics; states and nations? All are interconnected concepts in nation-states and dissociated within the context of the construction of the EU similar to the process of globalization.

Europe as a political unity challenges the history of nation-states, their political traditions, and their governmental practices, and raises debates about the constitution of a new entity. The Member States engaged in this project deploy various efforts to prove their “will to live together.” Similarly, historians search for a common past, as validated by the history of civilizations and by the processes of political modernization and economic development. Reflecting on educational curricula in Europe, for example, they explore how to transmit to younger generations a European identity, taking into account the role of history and how it is taught in defining nations and their futures, and in the case of Europe, the future of a new identity that remains to be defined.

Uncertainty turns the past into a refuge, into identities constructed and elaborated during the process of forming nation-states. Hence the innumerable debates and

⁴ cf. Ch Tilly

questions around the implications of a new political space for identities that are national, regional, linguistic, religious– and of a European identity that might encompass the whole. But at what price? How can you combine a universalist ideology of the nation-state with the cultural and historical particularisms that characterize each of these nations? How can you choose between economic interests and a common political will on the one hand, and the sovereignty of states and political traditions on the other? How can you conjugate the pluralistic and complex sense of belonging by individuals, groups, and peoples in order to construct a political identity that is purportedly European, or rather, to arouse identification with Europe as a new political space of action and demands? Drawing upon Rawls’s distinction between the individual’s public and institutional identity as opposed to a noninstitutional or moral identity, how can you manage to form a European public identity accompanied by an identification with a “European political culture” in which other identities – ethnic, religious, regional, even national – would be considered as private identities?⁵

Obviously, from the start, a united Europe arises from de facto pluralism: linguistic diversity and cultural diversity (national and regional, majoritarian and minoritarian), as well as institutional diversity in which each carries strong cultural and political traditions. The European political project cannot ignore this plurality within which various national cultures are necessarily expressed. Asking about a new political space amounts to asking about the constitution of a new model of society – a model of pluralist society, of course, founded on the principles redefined by input from different national and/or minority cultures that claim nationhood in order to form a common

⁵ Rawls, *Political Liberalism*, Columbia University Press, New York, pp.29-35 and chapitre VI, (« The idea of public reason »), pp. 213-253.

European culture. This leads to questions about modes of participation and representation of individuals and groups and about the means of expression of all collective identities, as complex and heterogeneous as they may be. In addition, what is to be done about “non-European” foreigners resident in Europe? Although policies of immigration and integration pertain to national domains, the populations resulting from immigration who proclaim other kinds of belonging than to the nation-states of their residence find support in the new political space being constructed, although its identity is uncertain, promoting collective identities often labeled “ethnic,” whether religious or national. The weakening—if not disappearance—of national identities, combined with the implementation of common political projects, entails mobilizing the representation of “minority” identities within a European space searching for new points of reference.

How to turn such cultural and national diversity into a right based on egalitarianism and at the same time maintain different territorial and cultural identities as political markers? In fact, taking into account the multitude of cultures territorialized (i.e., nations and regions) and nonterritorialized (i.e., minorities and immigrants settled in different countries organized increasingly in networks throughout the European space), what is the potential framework of analysis for the European identity under construction?

This chapter will try to answer these questions by:

- (1) exploring the nature of the European project itself in terms of the emergence of a political community. What are the roles of supranational institutions in shaping such a community?
- (2) tracing the emergence of a European public space through the engagement of increasingly transnational political actors or organizations. What are the

implications of such an evolution on the definition or the understanding of the European citizenship?

(3) positing a political model for the EU.

The European Political Project

The EU as a political space implies a new model of society, a new understanding of a political society in which all diversity is mutually recognized. The question is the quest for a political culture common to all the nations comprising this new entity and to all its Member States, each with its own history, traditions, and values—in short, about the definition of a public identity, to employ John Rawls’s expression, about the unity of a “European people.” Hence, the principal task of Europe might be defined as the management of the diversity of political cultures within the framework of universal democracy, a democracy that, as Jacques Lenoble hopes, “might underwrite both the universalistic goal and the actual rootedness of our identity.”⁶

Different approaches – both functionalist and liberal – have tried to define a political vision moving in this direction. However, theoretical considerations give rise to normative discourses about a model of society as European construction advances, as its objectives become concrete. In fact, from treaty to treaty, the transformation of an economic **Community** of six countries into a **Union** that includes 15 Member States, posed the national question from the start. That change in terminology carries a message about the very meaning of the European project, where the concept of community refers

⁶ J.Lenoble, *Penser l’identité et la démocratie en Europe*, in L.Lenoble et N.Dewandre (ss.la dir.) *L’Europe au soir des siècles*, Paris, Seuil 1992, pp. 293-315

to shared values, as well as a common membership and Union that according to Marc Abélès “carries voluntarist and political connotations.”⁷ It is obvious that, at the outset, the new Member States that joined the EU in May 2004 embraced the political and voluntarist understanding of Europe.

Renan relied on the idea of voluntarism to define the nation as a political unit.⁸ The feeling of belonging attached to it is incarnated by a citizenship that transcends the anthropological diversity of national societies, its political unity being guaranteed by the state and its institutions. Can the construction of political Europe reproduce the model of formation of the nation-state? Of course, the reality of Europe does not correspond to a nation-state. This political structure emanating from modernity in the 18th century relies on a necessary coincidence between territory, language, and culture, with the ensemble under the control of a central administration,⁹ whereas it is impossible to speak of territorial and national unity in European construction. Evidently Europe cannot ignore the multiplicity of languages, the diversity of traditions, and the plurality of cultures that together pose a challenge to the political integration of Europe and to its identity.

But, like any nation-state, the EU is presented, at least in its Member States, as the expression of a “will to live together” using Renan’s formula, or rather a will on the part of states to make Europe together. Above all, it responds to the will to renounce violence to resolve conflicts. Europe is integrated by the establishment of a common jurisdiction guaranteed by the European Court of Justice and a communitywide jurisprudence

⁷ M.Abélès, Les praticiens de l’Europe, in R. Kastoryano (ed.) *Quelle identité pour l’Europe ? Le multiculturalisme à l’épreuve* ; Paris, presses de Sciences-po, 1998

⁸ E.Renan, *Qu’est-ce qu’une nation ?*

⁹ Ch.Tilly, in *The Nation-State Formation, Reflections on the History of European State Building*, S.Eisenstadt et S.Rokkan, (ed.) *Building Nations and States*, Sage publications 1973; Princeton University Press, 1973.

independent of any international law. From its beginnings, the supranational institutions acted upon the states like national institutions do upon the nation. Foremost as site of socialization, these institutions are the source of the political formation of the “practitioners of Europe,” in Marc Abélès’s words, people who find themselves despite their different nationalities united by a European interest now redefined as the general interest.¹⁰

European integration seems to be made especially concrete through its juridical construction. The EU – according to the Single European Act of 1986 – reproduced in the project of the European Constitution is defined as European space, a “space without internal frontiers in which the free circulation of merchandise, goods and capitals is guaranteed.”¹¹ The Act introduces a de facto legislative procedure that influences the decisionmaking resulting from cooperation among states. Networks of bilateral and multilateral treaties as well as collateral conventions lead to the elaboration of a framework agreement by which all states agree to respect or exemplify the principles that assure the protection of national minorities. Similarly, the convergence of legislation on immigration and the right of political asylum, and on questions of security and police services, all contribute to the construction of a common juridical space.

Supranational institutions, guided by the principles of regulating states’ traditions and of political and juridical harmonization, are imposed on states in the name of the “general interest” protected by the European Court of Justice. In effect, the latter has erected, under pressure from national courts, the legislative architecture of legal protection of human rights and also has exerted what Joseph Weiler calls the “direct

¹⁰ Jean-Marc Ferry, *l’Etat européen*, Paris Gallimard, 2000

¹¹ This act is included in the European Constitution (Art.1 – 14)

effect” of its founding clauses and treaties so as to guarantee the respect of fundamental rights at the Community level.¹² Is this sufficient for us to foresee a European legal system that would evolve along the lines of the U.S. Supreme Court, thus approaching the model of a federal institution that unifies a nation?

But Europe is neither a nation nor a supranation. Europe is not a state either, even though the European Constitution can lead to the understanding of the EU as state. In its objectives, Europe does not pretend to compete with states and nations, and according to Jean Marc Ferry even its constitution is not bound to be married to the classical form of a legal state.¹³ So far, European construction introduces a “normative supranationalism” that exceeds the framework of the nation-state while reproducing at the European level the same principles as nation-states’, but which instead apply to the states themselves. But while issues of human rights, immigration, and minority rights remain within the exclusive domain of states, they find themselves constrained to accept new legal norms produced by European institutions. The European Convention of Human Rights, for example, authorizes a European citizen (in this case, one who has the nationality of one of the states that has accepted individual recourse) to appeal directly to the Council of Europe, and a foreigner (who does not have the nationality of a country in the EU) to have recourse to the European Court of Human Rights. In short, the juridical construction of a united Europe leads to a reinterpretation of the concept of universality as well as of human rights and citizenship.

¹² J. Weiler, Les droits fondamentaux et les limites fondamentales : normes communes et valeurs antagoniques dans la protection des Droits de l’Homme, in R.Kastoryano (ed.), *Quelle identité pour l’Europe ?* Paris, Presses de Sciences-po, 1998, pp. 97-125

¹³ J-M. Ferry, op.cit. 2000

A European Public Space

The question that accompanies the passage from the European community to the EU as a political construction refers to citizenship and public space. Is the institutional construction of Europe enough to create a unified public space, a space of production of European political power and citizenship, and a European public space? Obviously, governmental cooperation is evidenced by the effort to harmonize cultural, political, and legal differences among European institutions, and that in fact results in a convergence, at least in certain domains, among states. Supranationalism in itself prefers the notion of the formation of a unified (or rather standardized) political space. But to what extent can supranational institutions activate a popular will, guarantee the “people’s” participation, arouse a common identification, and assure loyalty – in short, produce a citizenship that would turn European construction into a democratic project?

Clifford Geertz would answer this series of questions by recalling that “political processes are more vast and more profound than the formal institutions entrusted with regulating them... The most critical decisions concerning the management of public life are not taken in parliaments; they are taken in a domain made uniform by the ‘collective consciousness.’”¹⁴ In the framework of a EU, this would amount to seeking new affective anchors beyond the instrumental link with an economic space, to defining new solidarities among nations and among citizens, to imagining a citizenship that would be the motor of a European identity.

¹⁴ C.Geertz; *The Interpretation of Cultures*, (see chapitre 11, *The Politics of Meaning*), Basic Books, New York, 1973.

This comes to define a European space where the “general interest” is defined beyond particularistic goals – that is national and /or ethnic. European construction however has not produced a national consciousness beyond national belonging. That is why some scholars reject the idea of a European space as a space of political production, due to the lack of political stakes and the experience of frequent debates among Member States; consequently all networks tend to the formation of a “symbolic space.” As for a public space that represents collective interests, it is limited to institutional projects and the administrative world. Thus, Europe is being constructed as the world of an elite, not as the expression of a popular will, and thanks to the support of the European population as a whole, this also raises the question of whether European public space can be the space of political participation and representation, as well as the space of citizenship (which remains national for the time being). It is precisely this absence of “citizenship” born of a common political culture that gives content and pertinence to the concept of a “democratic deficit” in European construction.

However, a European public space of another kind is visible; it is called transnational. The logic of supranationality produces a European civil society in which transnational networks compete and thus turn European space into a “communicational space,” to use Habermas’s phrase. Networks of information and exchange, networks of institutions, and networks of solidarity and interests—whether presented as economic, political, cultural, or identity oriented – constitute, however, the fabric of European political space.

As a matter of fact, an important number of networks– some formal, some informal, some based on identity, some on interest, some often on both– like networks of

professional corporations, cross national borders and form a spider's web that covers European space.¹⁵ With the projects of construction of a political Europe, this space becomes a space where transnational organizations such as associations of any kind (cultural, political, ethnic, religious) combine their activity across national boundaries and express their quest for representation at the European level before the European Commission in Brussels or the European Parliament in Strasbourg.

“Immigrants”¹⁶ with the status of permanent residents or legal citizens of one Member State, foster solidarity networks across national borders on the grounds of one or several identities, linking the home country to the country of residence and to a broader European space. Despite the fact that immigration and integration policies come within the power of the state, such transnational organization aims at claiming the recognition of a collective identity by supranational European institutions. The evolution underlines the multiple interactions between national societies (including the home country) and the wider European space, between national and supranational institutions, and among Member States of the EU creating a common social, cultural, economic, and political involvement.¹⁷

Encouraged by supranational institutions, the actors involved in setting up such networks try to act directly through the Commission in Brussels, consequently beyond

¹⁵ K.Eder and B.Giesen (eds.), *European Citizenship. National Legacies and Transnational Projects*, Oxford, Oxford U. Press, 2001

¹⁶ The use of the word immigrant needs an explanatory note. What is meant by immigrant in this context is the third country nationals who settled in different European countries in the 1960s mainly for economic reasons; in many cases they came from former colonies. Juridically, the term refers to a temporary status, which is not valid today since most of them have the citizenship of the country of settlement. The use of the term reflects rather the difficulty to admit these populations as part of the social, cultural, and political system.

¹⁷ R.Kastoryano, *Transnational Networks and Political Participation : The Place of Immigrants in the European Union*, in M.Berezin and M. Schain (eds.), *Europe without Borders. Remapping Territory, Citizenship and Identity in a Transnational Age*, Baltimore, John Hopkins University Press, 2003, pp. 64-89

the sphere of nation-states. Thus there appears a new mode of political participation occasioned by a space open to the demands of both its citizens' and residents' interests and identities. This allows them to assert autonomy in relation to territorially defined state systems. By the same token, transnational activity strengthens the demand of populations resulting from immigration now resident in European countries for equality of rights and treatment at the European level, as well as their struggle against racism; it becomes a means of circumventing the homogenizing effects of nation-states. A network results built on a common interest that is defined at the European level and formulated in terms of equality of rights meant to "liberate" immigrants from the politics of their host country (as well home country), and to express claims beyond both nation-states. As for their leaders, they develop a discourse on equality and the universality of human rights, seeing the transnational effort as a way to fight racism and xenophobia globally.

What are the implications of transnationality on European identity and citizenship? Transnationality, thanks to increasing interactions among actors from different traditions – national, regional or ethnic – might even become a means of socialization and training in a new political culture that one could truly call European, the prior step being a political socialization on the national level. As a matter of fact, their "political acculturation" on a national level has become a *passage obligé* for a political engagement on the European level. Such participation can be considered as a second stage of a political socialization for European actors and the European space, a political space where they exercise citizenship beyond political territories of the state. In this perspective, leaders of immigrants' associations for example, legal citizens of a Member

State or not, act together in this new space, making of it a common space of political interaction and of use of power.

Transnational networks confer to actors who participate in their elaboration a “right” to participate in shaping Europe and initiate activists into a “European citizenship.” In this perspective, citizenship derives principally from political participation to public life. It is expressed by the engagement of individuals in politics and their direct or indirect participation in the public good.¹⁸ Such a political identification leads to a confusion in the definition of a legal status with regard to the duality of citizenship/nationality. For immigrants with non-European background, European citizenship underlines the complexity of the reality and brings a paradox in the analysis. By stimulating their involvement in the “common good” that represents the EU for them, supranational institutions extract immigrants from their “primordial ties” by taking them away from any direct political action toward their home and host countries and bring them into a common identification defined by a common interest that is European. But paradoxically enough, European citizenship as a more global concept of membership than nation-states introduces the allegiance of immigrants to their home country into the process of bargaining in the same way they express their allegiance to their state of residence and to the transnational community in which they are involved. Citizenship is then conceived as Habermas suggests, “on the model of belonging to an organization that guarantees a legal position and locates the individual outside the state.”¹⁹

¹⁸ cf. J.Leca, Individualisme et citoyenneté, in P.Birnbaum et J.Leca (eds.), *Sur l'individualisme* ; Paris, Presses de la FNSP, 1986, pp.159-213

¹⁹ J. Habermas, *Between Facts and Norms*, Cambridge, Polity, 1996 (Chapter 9).

Transnationality thus introduces a practice of “European co-citizenship,” according to Etienne Tassin.²⁰ But a transnational public space, contrary to the nation-state, does not have “to translate a presumed identity and a common will.” In effect, the establishment of these networks is in large part the product of European institutions and not the result of a general European will. But one cannot ignore the engagement of actors in the consolidation of solidarities across frontiers. This engagement testifies to an *ex post facto* will to participate in the formation of a European identity that transcends national identities.

Engagement also poses the issues of belonging, allegiance, and consequently, citizenship. Numerous debates about citizenship, nationality, and European identity have accompanied the gradual transformation of a common market into a political space, stressing the multiplicity of identity references in the formation of a political Europe. Jean-Marc Ferry proposes a “postnational” model to describe the overcoming of the “nationalist principle” involved in the construction of a political Europe. Habermas, for his part, develops the concept of “constitutional patriotism” to underline the separation between the feeling of belonging implied by national citizenship and its legal practice in spheres beyond the nation-state. For him, citizenship is “conceived on the model of affiliation to an organization that assures a legal position and situates the individual outside the state.” Ferry goes farther than the “classic version of constitutional patriotism” when he proposes the idea of “politics as culture, beyond a consensus on the fundamental principles of democracy and the rule of law” due to the advent of a politically operative commonsense – in contrast to a consensus, even authentic– about the

²⁰ E.Tassin, *Europe, une communauté politique*, *Esprit*, novembre 1992

various fundamental principles of universalist values.²¹ In another key, regarding the non-European populations arising from 1960s immigration, Yasemin Soysal defines as “postnational” the adoption of international norms referring to the person or residence and not to legal citizenship.²²

These postnational conceptions of belonging feed normative discourses about the necessary definition of a new model of citizenship. But European legislation does not always move in the direction of these discourses. From a legal standpoint, the Maastricht Treaty maintains the link between national citizenship (hence nationality) and “citizenship in the Union” (Art.8). The citizen of the EU has the right to circulate and reside anywhere in the territory of Member States, and even the right to vote in municipal and European elections in a Member State from which he does not originate, simply as a legal resident. In fact, this practice introduces a notion of extraterritoriality of citizenship and challenges the adaptability of national citizenships within the European legal framework. Likewise, the registers of belonging and political engagement show that the practice of citizenship gives rise to a multiplicity of interests as well as a multiple kinds of belonging and allegiance within the European framework, detached from an entity that is exclusively national.

European construction, in leaning on the supranational, is therefore opposed to the idea of the postnational. Whereas the latter would involve recognizing cultural diversity and accepting pluralism as the foundation of European belonging, the supranational appears as a projection of the nation-state that is still incumbent upon states. Moreover,

²¹ J.M. Ferry, La pertinence du postnational, J.Lenoble et N.Dewandre (ss.la dir.), *L'Europe au soir des siècles : Identité et démocratie* Paris, Editions Esprit, Seuil, 1992, pp.39-59

²² Y.Soyal, *Limits of Citizenship, Immigrants in Western Europe* ; University of Chicago Press, Chicago 1995

while undermining the nation-state, it strengthens the role of states in constructing a political Europe.

This is one of the paradoxes of supranationality and consequently of European construction. In effect, European institutions are a challenge to nation-states due to their autonomy in relation to national institutions and to the transnational activity they incite. But at the same time, by reproducing the national model in the legal definition of citizenship, they strengthen state power. On the one hand, the consolidation of transnational solidarities generally aims to influence states from outside. Even if transnational networks contribute, in certain respects, to the formation of “transnational communities,” whether of interest or of identity, the latter appear as the indispensable structures for negotiating with the public powers for the recognition within contexts that remain national. This is more flagrant still in the case of immigrant populations: The crossborder structuring of associative networks has the long-term goal of strengthening their representation at the European level, but its practical aim is to achieve an equality of rights and to eliminate any discrimination at the national level. It is worth noting that militants, even those most active at the European level, represent the states as the sole “adversaries” with which they ultimately have to deal. State predominance is felt in the difficulty that associations have in coordinating their activities and their demands when the latter emanate from their own initiative. Therefore a Europeanization of activity does not necessarily lead to a Europeanization of demands— they remain national.

What Identity for Europe?

A European public space does seem perceptible outside nation-states, as demonstrated by the structuring of networks and the political engagement of actors, although for interests that are a priori particular. The networks are a sign of the Europeanization of a political action, but not the Europeanization of claims.²³ Claim for recognition and equality remain attached to the state as a practical frame for mobilization and negotiation and a legal as well as an institutional frame for recognition, and the nation as a source of identity and emotions for mobilization.

For want of a common European political space, it is especially in the interpenetration between states and with the EU that political power and reciprocal influence are played out, and it is within nations that the general interest is expressed. This has led the states to be considered as the structuring force of European construction and the nation as the political space where, ultimately, “will” and citizenship are manifest. In this sense, as Paul Thibaud stresses, “Europe remains an indeterminate political project that has not managed to legitimate itself independently of states.” According to him, within the EU “nations should see guaranteed the exercise of certain functions essential for their identity, in particular social and territorial solidarity and the defense of their cultures.”²⁴

This appears as much in the production of cultural norms as in production of European legal norms. The European culture cannot ignore the diversity of national cultures, languages, and territorial and nonterritorial identities; and a European space cannot be constructed unless these identities are preserved as constitutive elements of (a)

²³ See Sydney Tarrow, La contestation transnationale, in *Culture et Conflit*, 2001 no:38-39 (special issue on Sociologie de l'Europe. Mobilisations, elites et configurations institutionnelles), pp. 187-25

²⁴ L'Europe allemande... Définitivement ? *Esprit*, Mai 1996, pp.53-65

the European public, (b) communication, (c) representation, and (d) the exercise of political power. The European identity cannot therefore be the sum of these various cultures but a space where they are all in relation, and this brings to the fore the principle of multiple identifications deriving from the logic of a political Europe.

The production of European legal norms, despite the quest for universality, especially with respect to human rights, shows that the states remain, in Joseph Weiler's expression, "the fundamental limits" in the creation of a European jurisprudence. These limits apply to "the principle by which certain explicitly designated powers or authorities would guarantee that, in some domains, the human communities would be free to make their own social choices without intervention from above."²⁵ Even if the European Convention on Human Rights defines a universal "hard kernel" transcending cultural diversity, "human rights remain the result of a compromise between social forces that come into play within a given political regime and a given balance among competing interests (governments/individuals); they are consequently defined within the 'fundamental limits' and their essential values."

Similarly with regard to the right to protection of national minorities in Europe, for example, an ambiguity exists in the very definition of national minority and the uncertainties in the establishment of legal forms for its recognition. In effect, is one designating cultural, linguistic, and territorial minorities that are officially recognized as such (like Catalans and Basques in Spain) or rather referring to immigrant minorities that are equally officially recognized (as in the Netherlands)? The definition offered by the Convention on Human Rights is very broad: "the term 'minority' refers to a group that is numerically inferior to the rest of the population and whose members are animated by the

²⁵ J.Weiler, *op.cit.* 1998

will to preserve their culture, traditions, religion or language.” But it is the concept of minority developed in relation to the social, cultural, and political realities of the countries of Central and Eastern Europe— where the problem of democracy has arisen since 1989 in terms of recognizing communities— that lies at the origin of the application of minority rights by European institutions to other countries of Western Europe. In France, the term “minority” is rejected, whether with regard to regional or religious identities or else to collective identities expressed by immigrant populations. For example, the Council of Europe in November 1994 elaborated a convention to guarantee the individual freedoms of minorities without injuring the unity and cohesion of the state. But France did not sign it because the Minister of European Affairs considered that the text was “not compatible with the [French] Constitution.” Thus, various declarations, charters, and conventions have oscillated between the protection of individual rights and collective right, the protection of the identity, particularly of the individual, and from there to the promotion of collective rights, and ending up by taking into account national contexts and specific situations.

It is through the policies of asylum or immigration and integration that the force of the state is most strongly felt, leading to tension between supranationality and the intergovernmental, tension between a tendency to unify European space and state sovereignty. Any supranational legal norm concerning the rights of immigrants is founded in national jurisprudence, and the fact that Member States have always refused to transfer their powers to Brussels, preferring to move in the direction of intergovernmental cooperation as it has been institutionalized since Maastricht.²⁶ At the signature of the Schengen agreement on the entry and free circulation of foreigners

²⁶ V.Guiraudon

within the EU is nothing less than the establishment of an administrative network outside Brussels, lacking the central power of a federation for democratic oversight. As for establishing a space of European security, the states prefer, he says, “to remain within a multi-bilateral framework that does not involve, to their minds, definitive abandoning sovereignty.”²⁷

One line of thought on united Europe bears directly on overcoming “state models,” understood as particularistic, and on the means of linking the different juridical, cultural, and political spaces that comprise it. This presupposes a production of cultural and juridical norms in which the states’ interests would be expressed, their principles and sovereignty protected, and their identity represented—in short, a model of pluralist society with a Constitution founded on principles restructured by the recognition of different cultures in order to form a common European political culture. This would require ways of combining the plurality of national cultures with the political unity necessary to define a European identity. New forms of democracy would have to be imagined. Chantal Mouffe proposed a “plural democracy” that would take account of this multicultural vision of political realities, trying to find a new form of articulation between the universal and the particular.²⁸

The dynamic of forming a political culture shared by the EU can only operate through confrontation among different national traditions. Already in national terms, the augmented relations among immigrant populations who are increasingly structured into

²⁷ D.Bigo, Border regimes, police cooperation and security in an enlarged European Union, in J.Zielonka (ed.) *Europe Unbound. Enlarging and Reshaping the Boundaries of the European Union*, London, Routledge, 2002, pp. 213-240

²⁸ La démocratie entre modernité et post-modernité : pour une démocratie plurielle ; in *Revue du MAUSS*, no :8 ; 1990, pp. 14-30

communities bearing specific identities, testifies to a “political acculturation” (in Habermas’s expression) in their forms of participation and adherence to the surrounding civic culture; thus leading states into negotiations over identity that pose a challenge to political traditions on all sides in the hope of achieving a new historic compromise.

Meanwhile, in the European context, there is a need for a reciprocal political acculturation among states so as to create a common political culture, all the more so because European space is the space in which all identities are ultimately negotiated. Whether national, regional, linguistic, religious, majority, or minority, identities are redefined by the complex play of interaction and identification inside European space. It is precisely the whole set of these relations among the EU, Member States, and immigrants (“foreign” to European identity) that leads to a redefinition of the concepts of universality, particularity, nationality, and citizenship, concepts that are at the origin of the formation of a European identity.

The lack of European civic identity risks leading to a definition of a European “us” founded on a social order as a common good, but as a space of prosperity and security founded more on exclusion (based on ethnic and religious criteria) than on inclusion. Debates prior to the Enlargement and the process did not change the content of the debate on immigration that has led to the reputation of “fortress,” underling this image of unified space. This is all the more so in reference to a “clash of civilizations” in which Islam is considered to be an external threat and becomes a way of excluding the Muslim populations established in Europe, by redefining both an internal and an external border that are supposedly “uncrossable for cultural reasons.” This can be translated into the rejection of immigrant populations who are constituted into diasporas feeling more

solidarity with the external, especially countries of origin such as North Africa or Turkey. Such a mechanism in defining European identity challenges notions of both universality and multiculturalism in European political visions.

Incontestably, European construction rests on combining the individual and the multiple. Juridical experience, especially in the realm of human rights makes visible in Europe both the idea of uniformity and the idea of diversity: The very concept of human rights as a “fundamental right” is a universal concept yet also a source of differentiation among states. In practice, European institutions are the only political space in which this equation arising from a de facto pluralism appears so evidently.

Can “multiculturalism” provide the sought-for compromise; a multiculturalism that would “reconcile the universality of its legal framework with the singularity of cultural identities so as to constitute a common political culture?”²⁹ Could multiculturalism as the foundation of political unity and that takes into account the cultural, political, and legal diversity that characterizes Europe overcome the tensions and antagonisms among Member States and between Member States and Brussels (as thinking about a confederated Europe has suggested) and result in a political unity that respects constitutional multiplicity as well as a diversity of identity across Europe? Contrary to a federalism that rests on territorial and political unity and on the will of the native people to achieve a common Constitution, multiculturalism takes the opposite route, beginning from the multiple and arriving at political unity, while seeking to establish a new equilibrium among culture, politics, and territory, arousing eventual identification by actors within this new political entity.

²⁹ R.Kastoryano, *Quelle identité pour l'Europe ? Le multiculturalisme à l'épreuve*. Paris, presses de Sciences-po, 1998, (the introduction)

Europe as a space of citizenship, engagement and participation, and belonging that is both regional and national, even ethnic and religious, will add a new element to the individual's choice of identity: thinking of oneself as European. Multiculturalism as the basis for negotiating multiple identities might solve problems of allegiance by enabling people to think of the EU not as a construct like the nation-state but as the coexistence among the identities that compose it. In this hypothesis, multiculturalism might be the source of a European identity. Of course, like any political model, multiculturalism runs up against limits and even its own paradoxes. In effect, multiculturalism risks, like nationalism, leading to a fracturing of European society into the multiple identities that characterize it, dividing the EU (like the nations comprising it) into political unities and thereby skirting tribalism. Or else the strengthening of the role of the states in European construction might lead to a nationalism that leaves little space for other identities in the national societies. European projects cannot ignore that states are caught and pulled between "nationalist passion and unitarian hope." Thus a multiculturalist approach to Europe might one day turn the EU into a political space in which the paradoxes of democracy are negotiated.

--translated by Susan Emanuel