



# EUROSPHERE

*Diversity and the European Public Sphere  
Towards a Citizens' Europe*

**Linking the European Union with the Citizens**  
*Evaluation of EU Diversity Policies Aiming to Create  
an Inclusive European Public Sphere*

**Edited by**

**Peter A. Kraus, University of Helsinki  
Giuseppe Sciortino, University of Trento**

This paper can be downloaded without charge from:  
<http://eurospheres.org/>

**ISSN 1890-5986**

**EUROSPHERE FINAL COMPARATIVE STUDY VOLUME II**

Title: **Linking the European Union with the Citizens. *Evaluation of EU Diversity Policies Aiming to Create an Inclusive European Public Sphere***

Editors: Peter A. Kraus and Giuseppe Sciortino

This version: December 2012

Webpage: <http://eurospheres.org/>

© EUROSPHERE, 2013

<http://eurospheres.org/>

© 2013 by *Editors and Chapter Authors*

*All rights reserved.*

*Short sections of text, not to exceed two paragraphs, may be quoted without explicit permission provided that full credit, including notice, is given to the source.*

*The views expressed in this paper do not necessarily reflect those of the EUROSPHERE Project.*

*The statement of purpose for the EUROSPHERE Online Working Paper Series is available from the EUROSPHERE working papers website, <http://www.eurospheres.org>*

**Peter A. Kraus**

Helsinki University

[peter.kraus@helsinki.fi](mailto:peter.kraus@helsinki.fi)

**Giuseppe Sciortino**

Trento University

[giuseppe.sciortino@unitn.it](mailto:giuseppe.sciortino@unitn.it)

ISSN 1890-5986 (online)

## Introduction

Over the last decades, the concept of diversity has attained a pivotal role in the official discourse of the European Union. Since the early 1970s, all main treaties and declarations that document the successive construction of a European polity pay tribute to diversity. The term's normative preeminence becomes especially salient in the context of attempts at defining Europe's political identity, and, in particular, the novel aspects that set this identity apart from previous models of political organization. Thus, the European Union (EU) has given itself the motto "united in diversity", and the unity in diversity which Europe claims to stand for is supposed to introduce a critical element of difference with regard to the institutional legacy of nationalism. While unity in European nation-states was generally conceived of as a synonym of cultural homogeneity, through which the people were linked to "their" state, and the state to "its" people, the rationale of European integration is supposed to follow another direction, namely to pursue common political objectives without menacing the diverse cultural and linguistic affiliations which are observable among the Union's citizenry.

The Treaty of Lisbon, adopted in 2009 as a surrogate of sorts for the aborted Constitution for Europe, offers a compact piece of evidence of the normative status assigned to diversity in the process of European polity-building. Article I-3, which lays down the Union's primary goals, includes the following two paragraphs:

It [the Union] shall promote economic, social and territorial cohesion, and solidarity among Member States.

The Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

In a succinct way, the quotation captures the key components of what can be considered Europe's approach to the identity issue, an approach outlined for the first time in the "Declaration on European Identity", which the European Community (EC) laid down in Copenhagen in 1973. A first component puts forward a set of political landmarks which is shared by all forces involved in the construction of Europe. In addition to cohesion and solidarity, such landmarks typically include freedom, democracy and human rights as central political values. The second component then emphasizes the importance cultural diversity has for creating a political framework that unites Europeans. In the four decades that have gone by since the drafting of the Copenhagen declaration,

there has been a remarkable continuity in connecting these two identity layers. At the same time, the commitment to the protection of cultural diversity has come to be a principle repeated ritualistically in all resolutions of symbolic weight drafted in the name of Europe. Again and again, the EU has kept reassuring its member states and its citizens that regardless of all political common ground that may emerge among Europeans, the European project does not involve any measures making for uniform patterns of cultural identification (Kraus, 2011: 24–25).

The celebration of diversity, especially when set against the background of nation-state formation, can be regarded as one of the most genuine new contributions European integration has thus far made to the language of contemporary constitutionalism. Since the establishment of the European Economic Community (EEC) by the Treaty of Rome in 1957, the gradual uniting of Europe has remained connected to the imperative of respecting the particular cultural identities of the Member States. In this respect, the continuous emphasis placed on cultural and linguistic diversity may well be seen, first and foremost, as the tribute the Union has to pay to its key units – i.e. the European nation-states – in order to make them comply with the institutional implications of the process of building Europe. On the other hand, the emphasizing of diversity has also been interpreted as the most substantial innovative element in the normative template that underpins Europe’s semi-constitutional discourse (Weiler, 1999). It may be conceded that, in the course of the last decades, those who have been acting as the architects of an emerging Euro-polity have made a conscious effort at establishing diversity as a core value to be safeguarded by European integration.

But which are the diversities that are to be considered as protected and enhanced by the European project? Which of the many forms of social heterogeneities that structure the European populations are to be considered a significant focus of contention from the point of view of the European public sphere? Which categories of difference-based claims are to be regarded as legitimate interlocutors of the European institutions, and why? And how different categories of diversities have been encountered – sometime purposefully, sometime incidentally – by the various agencies and institutions that have a stake in the European project? These questions have gained center-stage during the activities of the Workpackage 8.2, as soon as the team members have started to discuss the issue.

It is easy to realize that some differences – linguistic, territorial, national – had been a focus of reflection and action since the very beginning of the European project. They have been part and parcel of the notable attempt to create a new

kind of institutional reality functionally differentiated from, but fully respectful of, the segmentation of Europe in a variety of nation-states. Nevertheless, as will be shown in our assessment of EU policies related to language, the recurrent official statements stressing the importance of diversity as a European value do not produce a programmatic frame that would provide us with a set of consistent guidelines fleshing out political criteria for the protection of diversity in the realms of society which are most openly exposed to the standardizing pressures connected with the dynamic of European integration (see chapter 1). Along the years, and with the intensification of the European project, EU action has more and more frequently stumbled upon other sources of diversity – such as those related to religious segmentation and the changes in population composition brought about by immigration – that had been initially avoided by the self-understood technocratic nature of seminal European institutions. Since the early '90, they have become increasingly salient, raising important issues at the polity and policy level (Chapters 2,4). Still some other – such as gender differences – have acquired a new meaning – and a new European salience – as part of the complex semantic restructuring of what means to be a 'European'. As a result, European institutions face today a much wider and complex set of 'diversities' demanding recognition and claiming protective action than in the past. Each of them raises very different questions, and challenge in different ways the dominant discourses of 'efficiency' and 'justice' that operate as the dominant justification regimes of the European project. This growing complexity has opened a new scenario, and – as the present report document in detail – it has made necessary quite a bit of institutional learning, trying out different approaches in different fields. A process, as this report argues, that is still very much underway.

Before entering the detail of the analysis of different fields, it is worth to stress that the new scenario here surveyed is surely the outcome of the growing significance of EU institutions in a variety of social domains, that has made increasingly difficult to respect a tight and clear-cut functional distinction between prerogatives of the EU versus prerogatives of its member-states. But it should not be forgotten it is also the result of a growing set of expectations cast upon European institutions by a variety of difference-based claim-makers, placing requests on 'Europe' often extending beyond the strictly established mandate of each single EU institution. From the point of view of the analysis, the impact of EU policies on this penumbra of expectations is often more important than the actual content of each single decision.

## Table of Contents

### Chapter 1 Peter A. Kraus and Ruta Kazlauskaite, **Addressing Linguistic Diversity in the European Union: Strategies and Dilemmas**

1. Introduction: European Diversity as Linguistic Diversity
2. Outlining a Grounded Approach to Linguistic Diversity
3. Overview of the EU legal and policy framework on linguistic diversity and multilingualism
4. The foundations of the EEC/EU language regime
5. Securing linguistic ties: minority standards and anti-discrimination provisions in the EU
6. Intrinsic value or utility? Mixed rationale of the EU multilingualism and language learning policy
7. Conclusion

### Chapter 2 Alberto Arribas Lozano, Nayra García-González, Luca Sebastiani, Aurora Álvarez Veinguer, Sandra Gil Araujo. **The EU Framework for the Integration of Immigrants: The “European Integration Forum” and the technologies of social government.**

1. Introduction.
2. Antecedents to immigration policies in the context of Europe.
3. Revision of EU documents in terms of integration (1999/2011).
4. The European Integration Forum, a specific apparatus for social government.
  - 4.1. The creation, objectives and agenda of the Forum.
  - 4.2. The concept of integration: struggles for its content.
  - 4.3. Participation: prerequisite of integration or form of social government?

### Chapter 3 - *Lise Rolandsen Agustin & Birte Siim*, **Gender diversities – practising intersectionality in the European Union**

1. Introduction
2. The academic debate about gender and diversity in the European Public Sphere
3. *A transnational and dynamic approach to gender diversities*
4. Practising intersectionality in the adoption and implementation of the European Year for combating poverty and social exclusion
5. Conclusions.

Chapter 4 - Flavia Zanon and Giuseppe Sciortino, **The newest diversity is the oldest: religious pluralism and the EU**

1. Introduction
2. The political management of religious diversity in Europe: problems and issues
3. The 'secular' foundations of European integration
4. The European Union and religious diversity: the newest diversity is the oldest
  - 4.1 *The EU political system and religion*
  - 4.2 *The EU, politics, and religion*
  - 4.3 *Common policies and religious diversity*
5. Conclusions.

# Addressing Linguistic Diversity in the European Union: Strategies and Dilemmas

Peter A. Kraus and Ruta Kazlauskaite (University of Helsinki)

## European Diversity as Linguistic Diversity

The commitment to the protection of cultural diversity has come to be a principle repeated all but ritualistically in all resolutions of symbolic weight drafted in the name of Europe over the last decades. Again and again, the EU has kept reassuring its member states and its citizens that regardless of all *political* common ground that may emerge among Europeans, the European project does not involve any measures making for uniform patterns of *cultural* identification (Kraus, 2011: 24–25). On the one hand, this celebration of diversity, especially when set against the background of nation-state formation, can be regarded as one of the most genuine new contributions European integration has thus far made to the language of contemporary constitutionalism (Weiler, 1999). At the same time, the recurrent official statements stressing the importance of diversity as a European value do not produce a programmatic frame that would provide us with a set of consistent guidelines fleshing out political criteria for the protection of diversity in the realms of society which are most openly exposed to the standardizing pressures connected with the dynamic of European integration. Rather, one can argue that the emphasis placed on respecting cultural diversity must be seen, first and foremost, as a tribute the Union pays to its key units – i.e. the European nation-states – in order to make them comply with the institutional implications of the process of building Europe.

Linguistic diversity figures among the most salient manifestations of cultural diversity in present-day Europe. Compared with other areas of what has come to be considered the modern West, such as North America, Europe forms a patchwork of different languages, many of which are closely interwoven with particular political identities. Accordingly, the realm of language offers an excellent opportunity for scrutinizing the effective consequences of the integration-cum-diversity discourse. Before giving an overview of European policies that tackle the language issue, this contribution outlines a normatively and sociologically grounded approach to grasping the political implications of linguistic diversity, and argues that, in a multilingual environment, respecting diverse linguistic identities is a requirement for recognizing the equal dignity of citizens. Against this background, key policy documents that exemplify how the EU tackles issues of multilingualism are discussed. The Union's take on language



policy has typically oscillated between two normative poles. On the one hand, linguistic diversity is seen as a pillar of Europe's cultural inheritance, as an asset that is of paramount importance when it comes to achieving the intercultural understanding on which a trans-European civil society has to rely. On the other hand, multilingualism is primarily regarded as an economic asset and thereby becomes a potential competitive advantage in a global context characterized by cognitive mobility. The tension between the two poles translates into multiple contradictions in Europe's language policy. Ultimately, the dominant element in this policy may work in favor of a version of multilingualism which reduces the value of linguistic diversity to economic criteria. Due to the lack of a proper political framework for coping with linguistic diversity at the European level, we are facing an impasse in which the recognition of equal dignity is put at risk by a marketing of diversity that lacks normative consistency.

### **Outlining a Grounded Approach to Linguistic Diversity**

Current debates on the value of linguistic diversity often start from the matter-of-fact observation that about one third of the 6.000 languages which are spoken in the world at present must be considered as endangered. Linguists tend to interpret the death of a language as a catastrophe. In their opinion, those who belong to a language community experience the disappearing of their language as a "traumatic event".<sup>1</sup> The trauma of language death will become a recurrent experience through the 21<sup>st</sup> century, as the waning of linguistic diversity at the global level – measured as the decrease of the absolute number of living languages – seems to be an unstoppable trend. Major efforts are being made in the scientific realm to compensate for this trend by gathering sufficient information on languages that are dying, so that they can be codified for forthcoming generations.

At the same time, losing "one's" vernacular is hardly synonymous of becoming speechless. Even if language x is not passed from one generation to the next, those who belong to different generations – parents and children – keep communicating with each other, although in another language than that employed when the parents talked to their children's grandparents. Thus, the process parallel to language death is language substitution, a process by which the speakers of language x switch individually and collectively to a language y. Such a dynamic we find frequently in the context of migration: the grandchildren of, say, Polish or Italian immigrants to the US have lost their ancestors' native tongues, even if they keep labeling themselves Polish or Italian Americans.

---

<sup>1</sup> René Schiering, quoted in Spiegel Online, 28 Aug 2011.

Language substitution is also a typical outcome in situations where contact between distinct language communities entails the subordination of a “low-standard” vernacular vis-à-vis a “higher” language.

Ultimately, the question of language death and, by extension, of language rights that should contribute to avoiding the corresponding dynamic cannot be detached from the question of human rights: languages are no subjects; their speakers are. Obviously, those who suffer when a language disappears are not the languages as such, but the members of communities who share a particular language. The qualification should be uncontroversial, yet it still leaves significant potential for contrasting views on what is effectively lost in the process of language substitution. Let me substantiate the point with three examples.

(1) In their celebrated film *Padre Padrone*, produced in 1975, the Taviani brothers describe the oppressive patriarchal setting to which the young shepherd Gavino Ledda is exposed in the countryside of Sardinia. For Gavino, learning and beginning to use Italian as his main language is a decisive part of emancipating himself from this setting, and thus a condition of achieving cognitive freedom.

(2) In a recent private conversation, a Finnish colleague, an authority in the field of modern history, had no reservations in characterizing Finnish as a “prison”. The image was used to convey that, to get a broader view of the world, members of Finnish academia needed to be trained in the languages of larger communities of knowledge, that is English, in the first place, and to a minor extent perhaps German or French. Otherwise, they would remain trapped in intellectual parochialism.

(3) The perspective of the Finn stands in stark contrast with the position of a Basque colleague, whose main field is the philosophy of science: for the Basque, one of the key challenges of his professional activities lies in expanding the use of the vernacular to the highest domains of scientific communication. His ambition lies in teaching analytical philosophy and epistemology in Basque. He definitely is not content with using the language at home, with his partner and children, with reading Basque literature, and with having the daily news broadcast in Basque.

As these examples show, the commitment that members of a language community exhibit towards “their” language varies heavily with contextual factors. In the first two cases, speakers of so-called “smaller” languages seem eager to embrace alternative linguistic affiliations, which allow for more

extensive communicative experiences. It has to be noted that the attitude of the Finnish scholar emerges from a situation that reflects the long-term success of linguistic nationalism, which has given Finnish a secure status as standard language used in all domains of society.<sup>2</sup> In the case of the Basque philosopher, the approach follows a completely different logic: here, language is seen as a substantial component of a socio-cultural setting in which we may feel “at home”, be it by teaching Thomas Kuhn’s insights in Basque or by sharing our primary communicative code with the bulk of the nation.

When we think about the “value” of linguistic diversity, and of why it is an important matter for many people that their language is transmitted to coming generations, we have to be aware of the varying attitudes towards language that lie behind such examples. On the one hand, language may be experienced as something that belongs to us in a unique way, as an asset that establishes an immediate link between our life-world and the differentiated institutional realms of modern society. On the other hand, the asset may create barriers and limit our communicative practice to a comparatively narrow set of possible experiences. A language can be a gate to a universal *koiné*, a virtually unbound community of speakers. This is the aspect emphasized in the first two examples, where switching from Sardinian or Finnish to, respectively, Italian or English involves a substantial expansion of learning opportunities. In the third and fourth examples, in contrast, the main focus is on the significance a particular language – Basque and, again, Finnish – bears as a tie between individuals and the bounded realm of institutionalized collective practices in which the lives of these individuals are embedded.

To speak of language as a gate and of language as a tie opens up interesting possibilities to relate the debate on linguistic diversity to a conceptual distinction introduced three decades ago by Ralf Dahrendorf, namely the distinction of options and ligatures, to which Dahrendorf (1979: 30) attributes critical importance in his approach to social and political theory: “Options are possibilities of choice”; they provide us with “structural opportunities for choice”, thereby offering a template for our individual choices and decisions. Ligatures, in contrast “are allegiances; one might call them bonds or linkages as well”. Dahrendorf (1979: 31) goes on elaborating: “Perhaps it could be said that

---

<sup>2</sup> In this respect, it is worth quoting the Finnish-American historian John Wuorinen (1931: 53). In his remarkable wording, Finland’s elites, largely a Swedish-speaking group in the 19th century, had to “adopt Finnish as their mother tongue” to create the conditions for the Finns to “become a fully united nation”. By doing so, they substantially contributed to inverting the situation of subordination the Finnish language had been exposed to and to establishing a framework that protected Finnish from becoming an endangered vernacular.

as choices are the subjective side of options, so linkages, or bonds, are that of ligatures." And: "Ligatures create bonds and thus the foundations of action; options require choices and are thus open for the future." For Dahrendorf (1979: 30), the crucial significance of options and ligatures is that they are the constitutive element of the "life chances" individuals have in society. To realize our human potential, we might say, we depend on such life chances, which have to be understood as a function of the relations between options and ligatures. Dahrendorf (1979: 31) stresses this relational aspect, as focusing exclusively on one of the two elements would give us a heavily distorted picture of social reality: "A maximum of options is not by itself a maximum of life chances, nor is a minimum of options the only minimum of life chances. Ligatures without options are oppressive, whereas options without bonds are meaningless." At the same time, it must be noted that there is not necessarily a zero-sum relationship between options and ligatures (Dahrendorf, 1979: 33): our options may increase without that we lose our ligatures, and vice versa.

As Dahrendorf (1979: 31) acknowledges himself, conceptualizing life chances in terms of a mix of options and ligatures is not advocating a radically new approach to social and political theory, but may rather be seen as a variation of an old motive in sociological analysis, a motive which is already fully present in the work of Durkheim, Tönnies and Weber. The dynamic of modernization has often been associated with an extension of choices that simultaneously implies an erosion of bonds. What does the conceptualization now offer us when it comes to discussing linguistic diversity? In the light of our examples, it seems clear that a strong commitment to protecting linguistic diversity will go hand in hand with an emphasis on the importance of language as a social tie, as a ligature. From this perspective, the "value" of Finnish, Basque, and of the thousands of other "smaller" languages resides in their representing a grid of historically and culturally mediated collective experiences on which individuals can rely when they interpret the world and make meaningful choices. A decline of linguistic diversity thus signals a loss of ligatures for those who belong to communities whose languages are fading. In the worst cases, such loss is not even compensated by an increase of options: while communal bonds are lost, the benefits of modernity remain absent. The situation of indigenous groups being forced to assimilate into the structures of majority societies keeps offering us perturbing evidence in this respect. Typically, members of such collectivities are uprooted, without having a proper chance for working out an approach towards

the dominant culture on their own terms.<sup>3</sup> This is the darker side of the story told in *Padre Padrone*, whose main character experienced cutting off ligatures as liberation. Often enough, progress does not deliver what it promised, leaving people in the state of anomie, with crumbling linkages *and* without choices. If the realization of our potential as human beings is contingent upon the availability of an effective combination of options and ligatures, linguistic diversity has a key role to play for the reproduction of those patterns of identification that create meaningful ties between us and our social environment.

Ultimately, the affirmation of such ties tends to become, both at the individual and at the collective level, a question of dignity: the Basque philosopher does not justify the use of Basque in academic teaching as a strategy for better accommodating his students; nor does he believe that by recurring to his native tongue he offers a perspective on his subject that could not be given in other languages. In terms of the reproduction and acquisition of sheer scientific knowledge, it seems secondary whether quantum physics at a Basque university are taught in English, Spanish or Basque. As it can safely be assumed that the vast majority of publications in this field are nowadays in English, why should Basque be used in class at all? The only plausible answer is that, in the given historical and political moment, there are Basque scholars, linked to Basque society, who feel that it is a question of their professional dignity to be able to operate at work in similar ways as their Spanish or French colleagues do, thereby offering instruction on epistemology and quantum physics in the local vernacular. In contrast, the dignity aspect apparently has become secondary for the Finnish academic, who feels comfortable enough to switch to an “external” linguistic code when acting as a historian. For the Finn, the wish to become immersed in an unbound sphere of intellectual communication trumps criteria of linguistic proximity, which otherwise continue to apply, as Finnish remains the language of most of her activities.

Beyond individual predispositions, the differences in the two cases may ultimately reflect more general contextual variations: while Finnish has been successfully established as an official state language, and can today be considered a firmly consolidated feature of Finnish society at all levels, the sociolinguistic situation of Basque is relatively precarious. At the same time, however, the two examples also indicate that the relationship between language-as-a-gate and language-as-a-tie has a complementary and changing character, as

---

<sup>3</sup> See, for instance, the account Szeverényi and Wagner-Nagy (2011) give of the situation of the Nganasans, a small Finno-Ugric group whose territory is on the Taymyr Peninsula, in the West Siberian North. The dying of their language goes hand in hand with a waning of group identity that has not entailed, however, the provision of new options for group members.

the relationship between options and ligatures has as well. Thus, that the Basque has decided to push for the presence of the vernacular in the domain of “high” communication does not mean that he would have a problem with recurring to scientific literature produced in English or, for that matter, Spanish. In the case of the Finn, the enthusiasm for the articulation of an academic community around a common lingua franca is qualified by an acute awareness of the crucial importance a thorough knowledge of vernaculars has for the study of all possible areas in the humanities and social sciences.

That linguistic identities have a complementary and malleable character is a reflection of our capability to develop a multilingual repertoire. In fact, this very aspect sets language clearly apart from another politically salient marker of cultural diversity, which is religion. Contemporary societies are all characterized by a more or less high degree of religious pluralism. A significant number of European states attribute an official or semi-official status to more than one religious denomination. Yet, in this field, regardless of all efforts at tolerance and ecumenism, the additive or complementary effect which can be found in the institutional domain is obviously not transferable to the level of individuals: our Finnish historian may write the bulk of her publications in English, teach her undergraduates in Finnish, and give public lectures in Swedish, but she cannot combine a set of different religious (and non-religious) affiliations, alternating Lutheran, Orthodox Jewish and atheist stances depending on the composition of her social environment. Cultural diversity makes for a variation of basic patterns of identification and orientation that may adopt discrete forms at the level of groups and of individuals. Yet, in the realm of religion the connection between the collective and the individual element is a more rigid one. Even if our potential for mastering new languages has limits, as individuals we are able to familiarize ourselves with different communicative codes and to become proficient in several languages. If, as a not uncontroversial view of language holds, particular languages contribute to framing how we see things in particular ways,<sup>4</sup> it is also true that by learning new languages we may acquire different standpoints from where to grasp the world, as Wilhelm von Humboldt (2003 [1836]: 327) put it two centuries ago. Our individual capability for coping with a multilingual repertoire would thereby make for a capability to act from varying linguistic standpoints that must remain without correspondence in the realm of religious attachments.

One may assume that attempts at working out an institutional approach towards linguistic diversity should benefit from the relative elasticity of our

---

<sup>4</sup> Deutscher (2010) presents a recent re-statement of this perspective.

communicative dispositions and skills: the main strategy to adopt would consist in generalizing multilingual repertoires in a way that allows people to open linguistic gates *and* to secure linguistic ties. Unfortunately, however, such an approach does not turn multilingualism into some kind of magic formula that could be introduced uniformly and without further specifications to simultaneously pay tribute to diversity and avoid language conflict. Our potential to develop multilingual repertoires gives our linguistic identities an alterable and complementary character. At the same time, this very alterability also affects the relationship of what we perceive to be the key elements of gate-opening and tie-securing in connection with the status of particular languages. In the case of the Basque scholar, apparently, having the vernacular just as a language for feeling at home with friend and relatives is not enough. The great weight he assigns to tie-securing does not remain restricted to his private life, but impacts heavily on his professional activities as well. Thus, when it comes to the Basque case, the line between the “proper” domains of tie-securing and gate-opening becomes blurred. To summarize: multilingualism entails the possibility of finding a balance between different languages; the balance, however, may well be more precarious than it appears to be at first sight, as the context-dependence and changeability of what we perceive as an option and of what we perceive as a ligature in the domain of language also makes for an inescapable moment of tension.

The perspective advocated here implies that the relationship between multilingualism and life chances must not be reduced to the instrumental dimensions of language repertoires. To the extent that our linguistic commitments tend to be closely intermingled with questions of self-categorization and self-esteem, we must bring into focus the expressive dimension of language.<sup>5</sup> Against this background, assessing the issue of linguistic diversity at the European level offers promising opportunities for developing a fresh perspective. Following the argumentation presented thus far, the point of departure for this assessment is the understanding that a normatively sound and sociologically informed institutional approach to language policy should foster multilingualism, yet do so consequently on the basis of respecting the equal dignity of people who belong to different language groups. It should create options, while maintaining ligatures. It should provide us with linguistic gates, while allowing us to cultivate our linguistic ties.

### **Overview of the EU legal and policy framework on linguistic diversity and multilingualism**

---

<sup>5</sup> See Kraus (2008: 78–83) for an elaboration of this point.

The policy overview deals with the EU conceptualization of tie-securing and gate-opening potential of legal provisions and policies aimed at maintaining and enhancing linguistic diversity and multilingual repertoires of the EU citizens. Although the way these policies avail the EU citizens in terms of enhancing their multilingual repertoires and concomitant “life chances” or what structural conditions they create for maintenance of one’s linguistic identity is of key importance, a systematic assessment of the EU policy effectiveness at the national and/or local contexts is not the aim of this section *per se*. Rather, we are explicitly focusing on the EU official discourse that, by outlining the policy objectives, subscribes to a peculiar framework of normative and instrumental explanations for tie-securing and gate-opening language policy arrangements, which in the end, however, may appear to be inadequate to address the needs and interests of specific language groups. We distinguish between three phases in the development of the EU approach to linguistic diversity and multilingualism, which relate to the shifting nature of the EU policy goals and a simultaneous evolution of the Member States’ national interests and agendas on linguistic diversity.

### **The foundations of the EEC/EU language regime**

With the establishment of the EEC<sup>6</sup> in 1957, the six founding Member States – France, Germany, Italy, Belgium, Luxembourg and the Netherlands – have committed to uphold a linguistic regime which accorded the then four national languages of the EEC members (French, German, Italian and Dutch) an equal status. The text of the founding EEC Treaty was drawn up in all four languages and, as specified by its Article 248 (now Art. 55 of the Lisbon Treaty), each of these versions was to be treated as “equally authentic”<sup>7</sup>. The legal foundations for the EEC’s language regime were further laid down in the Council’s Regulation No 1 of 15 April 1958, which states that “[t]he official languages and the working languages of the institutions of the Community shall be Dutch, French, German and Italian” (Art. 1) and that “regulations and other documents of general application shall be drafted in the four languages” (Art. 4) (Council of the EEC, 1958: 385). It also provided for persons or Member States to choose their preferred language, out of the four official and working languages, in communication with the Community institutions (Art. 2) (Council of the EEC, 1958: 385).

---

<sup>6</sup> The EEC was renamed into the European Community (EC) in 1993, which became the principal component of the European Union, established by the Treaty of Maastricht in 1992.

<sup>7</sup> Article 55 of the Lisbon Treaty also encourages the Member States to translate the Treaties into other languages which hold an official status in part or all of the Member State’s territory.



The latter developments could be regarded as the first phase in the construction of the EEC/EU approach to linguistic diversity which is characterized by the principle of political and linguistic equality between the Member States and the democratic imperative of overcoming linguistic barriers, enacted by provisions for multilingual communication with the citizens of the Member States. The formal principle of linguistic equality remained unchanged following several waves of enlargement and the concomitant growth in complexity of the EEC/EU's linguistic diversity. The EEC Treaty was translated into each of the official languages of the newly acceding states. Likewise, the Council's Regulation No 1 has been modified to include the official languages of the new Member States, with the exception of Irish, which acquired full status of a working language of the EU institutions only in 2007. However, it remains questionable to what extent the formal endorsement of the equality of the national languages of the Member States represents a consistent commitment of the EU, as the internal communication within the institutions is typically carried out in a much narrower selection of the working languages – English, French and, to a much lesser extent, German<sup>8</sup>. The need to find a balance between economic efficiency and formal equality of the official languages, between practical considerations of effective communication and egalitarian values remains an unresolved dilemma for the EU, as will be shown further.

In addition, this brings into attention the ambiguous position, on the part of the EU, towards the use at EU level of regional and minority languages, which may or may not have a co-official status in all or part of the territory of the Member States. As of 2005, the Council authorized the limited use at EU level of "languages other than the languages referred to in Council Regulation No 1 whose status is recognized by the Constitution of a Member State on all or part of its territory or the use of which as a national language is authorized by law". The latter linguistic arrangements have to be requested and financed by the Member States' government. In practice, this has consequently affected the status of Catalan, Galician and Basque, whose speakers, as a result of an agreement

---

<sup>8</sup> Another illustration of the limited equality of the official languages comes from a series of court cases *Kik v. Office for Harmonisation in the Internal Market (OHIM)*. While it is possible to submit a trademark application to OHIM in any of the official languages of the EU, only 5 languages – English, French, German, Italian and Spanish – are recognized as official OHIM languages, and only these are in consequence used in handling the application and communication with an applicant. Ms. Kik claimed that OHIM, by excluding Dutch from its set of official languages, undermined the principle of linguistic equality of the Member States, as laid out in the Council Regulation No 1. The European Court of Justice concluded in its ruling that the language regime of OHIM was justifiable due to the economic and voluntary nature of the institution and the need to find a balance in terms of the costs of proceedings. For a detailed analysis of the Kik case, see Richard L. Creech (2005).

between the EU and the Spanish government, may now address the European Parliament or the European Ombudsman and receive a reply in their mother-tongue. Yet the competence to decide over language arrangements with regard to regional and minority languages still remains strictly embedded within the domain of the Member States, which essentially limits the tie-securing potential of the Council's revision to Regulation No 1.

What becomes obvious, in this respect, is that the imperative of maintaining linguistic equality and protecting linguistic diversity in the EU is, first and foremost, designed to uphold the diverse linguistic identities of the Member States rather than those of its citizens. While this, quite unsurprisingly, given the limited competence of the EU in language policy, stems from the primacy of the decision-making at the Member State level, it consequently renders the insistence in the EU official discourse on the value of cultural and linguistic diversity limited in its ability to translate into effective policy measures that would guarantee equality of people's diverse linguistic identities and rights. As will be demonstrated further, the focus on the minority standards by the EU has not been able to bring about effective realignment in the hierarchy of the decision-making process in Europe in the field of cultural and linguistic diversity.

### **Securing linguistic ties: minority standards and anti-discrimination provisions in the EU**

The framework of minority standards, developed in cooperation with the Council of Europe (CoE) and applied in the successive eastern enlargements of the EU, was another policy area in which the EU's attention to protection of and respect for internal linguistic diversity of the Member States has manifested. During the 1990s and early 2000s, the increased attention of the EU to minority protection, particularly in the candidate states of Central and Eastern Europe (CEE), was largely mirroring the developments of the political agenda of the Organization for Security and Co-operation in Europe (OSCE) and the CoE – namely, concerns over security and democratization in CEE. The CoE's Framework Convention for the Protection of National Minorities has been the EU's main instrument for translating the minority criterion of political conditionality, as defined by the Copenhagen Council of 1993, into practice (Sasse, 2009: 20). Only the candidate countries of CEE were strongly encouraged to adopt it, causing concerns about the double standards for the "new" EU Member States. This has been most eloquently illustrated by the fact that France has neither signed nor ratified the Framework Convention, whereas Belgium and Greece, for example, have signed, but not ratified it yet. In addition to that, although it is the first legally binding instrument aimed at the protection of

national minorities, the Framework Convention has nevertheless left the Parties a considerable measure of discretion in implementing the principles of the Convention. This can be illustrated, for instance, by Article 14, paragraph 2, where the obligation to provide teaching of and instruction in a minority language was made dependent on the “sufficient demand” and available resources, and further specified by the wording that the contracting States will seek to ensure this provision “as far as possible”. As a result, minority rights to a large extent remain within the competence area of the Member States, particularly with regard to the “old” Member States which are not exposed to the same level of pressure to comply as the “new” candidate states seeking for accession to the EU.

The European Charter for Regional or Minority Languages is yet another instrument of the CoE which extends beyond the basic anti-discrimination measures, laid down in the European Convention on Human Rights, to guarantee positive protection and promotion of minority languages in education, the media, judicial and administrative settings, cultural activities as well as economic and social life<sup>9</sup>. Although it is generally agreed that the Charter constitutes the key legal frame of reference as regards minority language protection, we should take into account that each of the contracting States has a rather wide range of discretion on the implementation of the Charter’s provisions: As outlined in Article 2, each Party can select to apply at least thirty-five paragraphs or subparagraphs from the provisions specified in Part III of the Charter, which vary greatly in their stringency, as well as choose to apply a different selection of paragraphs or subparagraphs to a particular minority or regional language. As a result, the scope of protection and promotion can vary across different minority or regional languages, identified by the contracting States as spoken within their frontiers. Another crucial feature of the Charter is that it primarily aims to protect those minority or regional languages which have some sort of territorial base – in other words, they are spoken in a particular geographical area – and are historical languages or “traditionally used” in that area, which, in turn, excludes the languages of immigrants from the definition.

In addition to that, minority standards have been extensively and even predominantly defined within the EU by the anti-discrimination legal framework, with the aim to guarantee equal opportunities for persons belonging

---

<sup>9</sup> Out of the 27 EU Member states, 16 have both signed and ratified the Charter, 3 have signed, but not yet ratified the Charter, whereas 8 have neither signed nor ratified it. In the context of CEE, Bulgaria, Estonia, Latvia and Lithuania have neither signed nor ratified the Charter, in contrast with Hungary, Czech Republic, Poland, Slovenia, Slovakia and Romania, which have both signed and ratified it within the period of 1998–2009.

to national minorities and to overcome social exclusion. The adoption of anti-discrimination legislation has been made integral to both political and *acquis* (Race Equality Directive of 2000) conditionality (Schwellnus, 2009: 34), applied to the candidate countries of CEE. In addition to the Race Equality Directive, the EU enacted the Employment Framework Directive which prevents discrimination at work on grounds of religion, belief, disability, age and sexual orientation. Both candidate states and Member states were obliged to transpose the Directives into their national legislation, limiting the concerns about the double standards for the “old” and “new” EU Member states. The Charter of Fundamental Rights of the European Union, which acquired full legal effect upon the entry into force of the Treaty of Lisbon on 1 December 2009, has further strengthened the EU’s legal framework on anti-discrimination, which can now be said to encompass a non-exhaustive list of grounds on which discrimination is prohibited, thus addressing complex structures of diversity, including affiliation with a national minority or language.

The development of the minority rights regimes and non-discrimination provisions, against the background of the enlargements – particularly, Eastern enlargements of 2004 and 2007, represents what could be regarded as a second phase in the process of construction of the EU’s approach to linguistic diversity. Its distinguishing feature is represented by a move towards the conceptualization of linguistic diversity in terms of its language-as-ligature dimension, wherein the protection of the diverse identities of the Member States’ citizens emerges as a particularly relevant concern for the EU, even if this has been mainly dictated by the international security imperatives. However, the lack of a coherent and systematic approach to the protection of minority rights across different national contexts of the Member States remains an acute problem for the EU and is, to a large extent, determined by peculiar interests and approaches to linguistic diversity of the Member States. Therefore, the tie-securing aspects of the official EU discourse, expressed via affirmations of linguistic rights of minorities, stumble against the national agendas of the Member States, with France, for instance, being an exceptionally good illustration of the failure of the EU to enforce positive minority rights and recognition of the equal dignity of minority languages<sup>10</sup>. Even in the “new” Member States of CEE, the degree of the EU attention to different minority groups in the series of the pre-accession monitoring reports was strongly affected by the diverging levels of “sensitivity” of certain minority issues. Thus, the

---

<sup>10</sup> France officially does not recognize any minority groups on its territory. Accordingly, it has not signed the Framework Convention for the Protection of National Minorities, whereas it has signed, but failed to subsequently ratify the European Charter for Regional or Minority Languages.

minority rights of the non-territorialized Roma population in CEE, as a less politically sensitive concern, received much more attention from the EU than, for instance, a politically controversial situation of the Macedonians in Bulgaria or the Hungarians in Slovakia (Sasse, 2009: 22). Such inconsistencies between the EU discourse and the de facto realities in the national contexts are telling of the limited content of the EU motto “united in diversity”: It crucially demonstrates that the EU concern with minority language rights does not embody a principled commitment to uphold the equal dignity of the citizens’ diverse linguistic identities. Rather, it is reducible to a vague normative rhetoric of respect, subordinated to and controlled by the Member States’ agendas.

### **Intrinsic value or utility? Mixed rationale of the EU multilingualism and language learning policy**

The EU’s commitment to promoting and protecting linguistic diversity has simultaneously manifested in the multilingualism and language learning policy, which has been steadily gaining prominence over the past two decades. The field of education, in particular, has been affected by the increased attention to the benefits of language learning. Already in 1989, the EEC initiated the Lingua program, aimed at providing financial support for initiatives which allow students and language teachers to learn foreign languages in other Member States. Socrates, Erasmus, Leonardo da Vinci and the new Lifelong learning programs, respectively, have been promoting language learning and multilingualism through student exchanges in secondary and higher education as well as vocational training.

With the advent of the Maastricht Treaty in 1992, the Union has officially endorsed its role in promoting language learning in the field of education, as stated in Article 126 (now Art. 165): “Community action shall be aimed at developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States”, while “fully respecting the responsibility of the Member States for the content of teaching and the organization of education systems and their cultural and linguistic diversity”. The inherent tension in the wording of Article 126 once again illustrates the limited competence of the EU to take a more pro-active course of policy measures in protecting and promoting linguistic diversity.

As to the extent of linguistic diversity that has been promoted by these educational programs, it was quite obvious that the regional and minority languages were not among the targeted languages and that the official languages of the Member States, mentioned in the Council Regulation No 1, would be the primary beneficiaries. Hence, when the Council Resolution of 31 March 1995 on

improving and diversifying language learning and teaching within the education systems of the European Union invited Member States to “take steps to encourage diversification in the languages taught in the Member States, giving pupils [...] the opportunity to become competent in several languages of the European Union” (Council of the European Union, 1995: 1), it first and foremost encouraged learning of less widely used and taught official languages of the EU, therefore, excluding regional and minority languages from the definition.

Moreover, the EU official discourse surrounding the establishment of the European Year of Languages 2001 exposed the mixed rationale supporting the initiatives for promotion of multilingualism and language learning. While the Decision of the EP and the Council establishing the European Year of Languages 2001 indicates that it is still important “to raise awareness of the richness of linguistic and cultural diversity within the European Union and the value in terms of civilization and culture embodied therein, acknowledging the principle that all languages must be recognized to have equal cultural value and dignity” (European Parliament and Council of the European Union, 2000: 3), it likewise becomes crucial “to bring to the notice of the widest possible public advantages of competencies in several languages, as a key element in the personal and professional development of individuals [...] and in enhancing the economic and social potential of enterprise and society as a whole” (European Parliament and Council of the European Union, 2000: 3). The conflation of the non-pecuniary and marketable value of diversity, of cultural and economic incentives as the basis for promotion of cultural and linguistic diversity, that becomes manifest here is a good illustration of the tensions to which the EU discourse on diversity is typically prone. On the one hand, the language-as-tie dimension is emphasized via an endorsement of equal cultural value and dignity of all languages; on the other hand, the economic potential of turning cultural and linguistic diversity into an asset is brought up as an equally pertinent aspect of diversity management, thereby conceptualizing cultural and linguistic diversity primarily in terms of its gate-opening qualities in the realm of competitiveness.

The dominance of economic imperatives underlying the EU’s commitment to promotion and protection of linguistic diversity and multilingualism re-emerged once again in 2003, when the Commission, responding to the Council’s request for concrete policy actions to promote linguistic diversity and language learning<sup>11</sup>, issued an Action Plan for the period of 2004–2006<sup>12</sup>. Although the

---

<sup>11</sup> Council of the European Union, Resolution of 14 February 2002 on the promotion of linguistic diversity and language learning in the framework of the implementation of the objectives of the European Year of Languages 2001.

Introduction of the Action Plan begins by stressing the contribution of language learning to intercultural dialogue and effective communication in the increasingly diverse EU, it soon moves on to highlighting the links between language and entrepreneurial skills of EU citizens in a competitive knowledge-based economy, which the EU aspires to become, particularly with regard to the economic goals of the Lisbon strategy.

In 2005, “A New Framework Strategy for Multilingualism”<sup>13</sup> was issued by the European Commission that presents an attempt at outlining a coherent EU policy approach on multilingualism and linguistic diversity. The 2005 Communication reaffirms the commitment of the Commission to multilingualism and sets out the strategy for promoting multilingualism with three primary policy priorities: 1) encouragement of language learning and linguistic diversity in society, 2) promotion of a healthy multilingual economy, and 3) equality of access for EU citizens to EU legislation, procedures and information in all official EU languages. The key imperatives become the growth of individual multilingualism and turning linguistic diversity within the EU into an economic asset for the development of a dynamic knowledge-based economy which would be able to successfully compete in the global market. As a result, much emphasis is given to language learning as a gateway for wider employment opportunities and social integration, economic growth and innovation, thereby contributing to the objectives of the Lisbon strategy and the renewed “Europe 2020” strategy for growth. The long-standing discursive insistence on the cultural value of diversity in the EU’s official discourse gets outweighed by a utility-based approach which shifts the importance to the gate-opening potential of linguistic diversity and multilingualism and is subsequently translated into policy by an increased focus on effective language learning and teaching from an early age as the key policy measure.

The subsequent Commission’s Communication of 2008 – “Multilingualism: an asset for Europe and a shared commitment” – was structured along more or less the same policy objectives<sup>14</sup>: effective language teaching and language learning of a range of languages from an early age are endorsed with a view of how this in

---

<sup>12</sup> Commission of the European Communities, Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006*, COM (2003) 449.

<sup>13</sup> Commission of the European Communities, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “A New Framework Strategy for Multilingualism”, COM(2005) 596 final.

<sup>14</sup> Commission of the European Communities, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “Multilingualism: an asset for Europe and a shared commitment”, COM (2008) 566 final.

turn contributes to competitiveness of the European businesses and EU economy, employability, creativity and innovation, social cohesion and effective communication in local diverse environments, at the supranational EU level as well as in the EU's external relations. Likewise, the tension between the tie-securing and gate-opening dimensions in the EU's approach are left unresolved, if not made even more acute as the following passage from the 2008 Communication demonstrates. While it is initially underlined that "each of the many national, regional, minority and migrant languages spoken in Europe adds a facet to our common cultural background" (Commission of the European Communities, 2008: 5), a section titled "Valuing all languages" soon offers more insight into what is that the EU values: "[i]n the current context of increased mobility and migration, mastering the national language(s) is fundamental to integrating and playing active role in society", while the languages of migrants and minorities should be valued in society as "untapped linguistic resources" (Commission of the European Communities, 2008: 6). In a nutshell, the approach to linguistic diversity, endorsed by the Commission, shifts the centre of gravity towards an understanding of the value of a language as a gate-opening, option-providing medium for professional achievement, integration, economic growth and prosperity.

Within this context, it is interesting to observe that the European Parliament (EP) holds a somewhat divergent position vis-à-vis the multilingualism and language learning policy. Already starting from the early 1980s, the EP has consistently endorsed a language policy course which gives more importance to the protection and promotion of lesser-used languages, particularly regional and minority languages. With regard to the two aforementioned Commission's Communications, the EP has issued two resolutions<sup>15</sup>. The first of these was preceded by a draft report, which included an explanatory statement offering a more straightforward criticism of the Commission's multilingualism policy<sup>16</sup>. Among the main issues that were brought up in this statement was the ambiguous position on the part of the Commission towards non-official languages of the EU as well as lesser-used languages more generally. As a result, the need to make all European languages official, not just the national languages of the Member States, was particularly stressed. The funding mechanisms of the

---

<sup>15</sup> European Parliament, Resolution on a new framework strategy for multilingualism (2006/2083(INI)); European Parliament, Resolution of 24 March 2009 on Multilingualism: an asset for Europe and a shared commitment (2008/2225(INI)).

<sup>16</sup> Joan i Marí, Bernat, Report on a new framework strategy for multilingualism (2006/2083(INI)), European Parliament, Committee on Culture and Education. The draft report and the accompanying statement were a personal initiative of the Catalan MEP Bernat Joan i Marí and were adopted in the EP by 537 votes in favour to 50 against and 59 abstentions.



Commission's multilingualism policy were further identified as excluding the smaller languages and minoritized language communities which have to stand in direct competition for funding allocations with bigger languages and, thus, are marginalized, lacking funds which would be earmarked for such smaller languages specifically. Hence, the statement called for a "coherent, meaningful EU language policy and legislation" which would enshrine language rights in order to ensure that all European languages are protected and are given the social linguistic space in which to thrive. This position was likewise represented in the two resolutions of the EP on Commission's Communications: the 2006 resolution highlighted that "proposals for multilingualism should not be limited to the main official/Member State languages" (European Parliament, 2006: 209), whereas the 2009 resolution reminded that "the importance of multilingualism is not confined to economic and social aspects and that attention must also be paid to cultural and scientific creation and transmission" as well as the role of languages in shaping one's identity (European Parliament, 2010: 61).

The split in the rationales underlying the concern with the promotion of linguistic diversity between the EU institutions already emerged in 1997 in the form of a court case between the European Parliament and the Council before the European Court of Justice, when the two institutions disagreed on what should be the basis – economic or cultural incentives – for adopting a multiannual program for the promotion of linguistic diversity in the EU. The decision of the Council<sup>17</sup> to establish such a program solely on the basis of Article 130 of the EU Treaty (now Article 173), in which the competitiveness of the Community's industry is identified as a key objective, clashed with the Parliament's proposal that the program should also be based on Article 128 (now Article 167), which underlines that the Community has to "contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity". A weighty factor facilitating the conflict between the two EU institutions in this case was the fact that the Council, when basing the program solely on Article 130, would not have needed a formal approval or a co-decision of the Parliament in order to adopt the measures of the program. However, the European Court of Justice, after having reviewed the case, concluded that "[l]anguage", in the context of the Council's Decision and the proposed program, "is seen not as an element of cultural heritage but rather as an object or instrument of economic activity" and that "the object of the program, namely the promotion of linguistic diversity, is seen as an element of an essentially economic

---

<sup>17</sup> Council of the European Union, Decision of 21 November 1996 on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society (96/664/EC).

nature and incidentally as a vehicle for or element of culture as such”<sup>18</sup>. This ruling, consequently, could be seen as marginalizing the Parliament’s efforts to shift “the centre of gravity” towards cultural aspects of linguistic diversity and reducing its capacity to influence the contents of the policy regulating linguistic diversity in the EU.

The diverging perspectives of the EP, the Commission and the Council on the normative basis and policy measures to be undertaken in the EU’s policy framework on linguistic diversity and multilingualism are a consequence of an array of concomitant factors. Firstly, as the legislative body of the Union, the EP has to ensure accessibility and transparency of its work and, therefore, is more apt to implement the principle of linguistic equality in its internal workings which means that all the parliamentary documents are translated into all the official languages and every MEP has the right to speak in any of the official languages of the EU. Furthermore, as illustrated by the court case between the Council and the EP, the insistence of the latter on the cultural aspects of diversity may represent a power struggle between the two institutions. Lastly, some MEPs are more proactive in promoting greater recognition of RMLs, for instance, by forming the Intergroup for Traditional Minorities, National Communities and Languages in 2010 (currently 44 members).

Against this background, the recent focus on multilingualism and language learning policy represents a shift towards the language-as-gate dimension. The EU’s discourse on linguistic diversity, although still undergirded by humanistic value-based argumentation, increasingly gravitates towards the utility-based economic rationalization in which the value of linguistic diversity is instrumentalized, pinning it to a range of economic and social objectives, such as competitiveness of the EU economy, mobility and professional advantages for individuals, innovation and social cohesion. The tension that lies therein is symptomatic of the concurrent EU struggle to strike a balance between the two normative poles assigned to diversity, as laid down in Article I-3 of the Lisbon Treaty – the promotion of economic, social and territorial cohesion and the respect for the Union’s rich cultural and linguistic diversity. Once the value of linguistic diversity becomes increasingly measured against the standard of the utility of citizens’ multilingual repertoires, based on a simplified understanding of the value of a language, the foundations of the EU’s long-standing commitment to the protection of cultural and linguistic diversity become a mere lip-service to the principle of equality of dignity and value of all European

---

<sup>18</sup> European Court of Justice, Case C-42/97, Judgment of the Court on the Council Decision 96/664/EC, 23 Feb1999.

languages – whether these would be national, minority, regional or migrant languages. While the market-driven focus on a healthy multilingual economy is understandably predicated by the higher competences of the Commission in this field, it constrains the recognition of linguistic diversity at EU level to mere symbolic politics, leaving the current EU language regime devoid of a balanced and national/local context-sensitive set of tie-securing and gate-opening policy arrangements. Such inconsistencies in the EU discourse not only reveal the prolonged avoidance of a debate on how to regulate linguistic diversity and multilingualism in the EU – it exposes the ineffectiveness of the present power-sharing arrangements between the Member State governments and the EU.

### **Conclusion**

As was pointed out above, the initial phase in the development of the EEC/EU approach to linguistic diversity was marked by the formal appraisal of the equality of linguistic identities of the Member States as well as the imperatives of effective communication between the European institutions and the citizens of the Member States. While these principles remained embedded in the official language regime of the EEC/EU with each successive enlargement, the accession of the new Member States of CEE in 2004 and 2007 brought about an emphasis on the protection of linguistic identities through the required compliance with an anti-discrimination framework and minority provisions. The latest developments in the EU's approach to linguistic diversity and multilingualism imply a conflation of two logics of value – non-pecuniary and marketable – that prioritizes the latter in terms of concrete policy actions.

In consequence, the EU discourse on the inherent value of cultural and linguistic diversity, as a core value of the European project, is, on the one hand, in risk of being subordinated to the over-arching economic goals of growth, competitiveness and market integration. At the same time, the remaining hierarchies of recognition and entitlement attributed to different language groups within the EU are symptomatic of the lack of normative coherence and principled commitment towards respecting people's diverse linguistic identities. Paradoxically, the "unity in diversity" becomes a *de facto* unity in segmented diversity and status inequality, modeled according to an identity politics of the Member State governments, where the main beneficiaries of the EU commitment to defending linguistic diversity remain the official languages of the Member States.

## References

- Commission of the European Communities, 2003: Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, *Promoting Language Learning and Linguistic Diversity: An Action Plan 2004 –2006*, COM(2003) 449.
- Council of the European Economic Community, 1958: Regulation No 1 determining the languages to be used by the European Economic Community, 1958. *Official Journal of the European Communities*, 017, 6 Oct 1958, 385–386.
- Council of the European Union, 1995: Resolution of 31 March 1995 on improving and diversifying language learning and teaching within the education systems of the European Union. *Official Journal of the European Communities*, C 207, Volume 38, 12 Aug 1995, 1–5.
- Council of the European Union, 1996: Decision of 21 November 1996 on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society (96/664/EC). *Official Journal of the European Communities*, L 306, Volume 39, 28 Nov 1996, 40–48.
- Council of the European Union, 2002: Resolution of 14 February 2002 on the promotion of linguistic diversity and language learning in the framework of the implementation of the objectives of the European Year of Languages 2001. *Official Journal of the European Communities*, C 50, Volume 45, 23 Feb 2002, 1–3.
- Creech, Richard L., 2005: *Law and Language in the European Union. The Paradox of a Babel “United in Diversity”*. Groningen: Europa Law Publishing.
- Dahrendorf, Ralf, 1979: *Life Chances: Approaches to Social and Political Theory*. Chicago: University of Chicago Press.
- Deutscher, Guy, 2010: *Through the Language Glass: How Words Colour Your World*. London: William Heinemann.
- European Court of Justice, 1999: Case C-42/97, *Parliament vs. Council*, Judgment of the Court on the Council Decision 96/664/EC, 23 Feb 1999.
- European Parliament and the Council of the European Union, 2000: Decision No 1934/2000/EC of the European Parliament and of the Council of 17 July 2000 on the European Year of Languages 2001. *Official Journal of the European Communities*, L 232, Volume 43, 14 Sept 2000, 1–5.
- European Parliament, 2010: Resolution of 24 March 2009 on Multilingualism: an asset for Europe and a shared commitment (2008/2225(INI)). *Official Journal of the European Union*, C 117 E/10, Volume 53, 6 May 2010, 59–64.

- European Parliament, 2006: Resolution on a new framework strategy for multilingualism (2006/2083(INI)). *Official Journal of the European Union*, C 314 E, Volume 49, 21 December 2006, 207–210.
- Joan i Marí, Bernat, 2006: *Report on a new framework strategy for multilingualism* (2006/2083(INI)), European Parliament, Committee on Culture and Education, 23 Oct 2006.
- Kraus, Peter A., 2008: *A Union of Diversity: Language, Identity and Polity-Building in Europe*. Cambridge: Cambridge University Press.
- Kraus, Peter A., 2011: The language issue and political legitimation in the European Union: Neither unity nor diversity?, in: Anne Lise Kjær and Silvia Adamo, eds., *Linguistic Diversity and European Democracy*. Farnham: Ashgate, 17–33.
- Sasse, Gwendolyn, 2009: “Tracing the construction and effects of EU conditionality”, in: Bernd Rechel, ed., *Minority Rights in Central and Eastern Europe*. London and New York: Routledge, 17–31.
- Schwellnus, Guido, 2009: “Anti-discrimination legislation”, in: Bernd Rechel, ed., *Minority Rights in Central and Eastern Europe*. London and New York: Routledge, 32–45.
- Spiegel Online*, 2011: 1000 Fragen: Wie sterben Sprachen? *Spiegel Online*, 28 August. Available at: [www.spiegel.de/schulspiegel/wissen/0,1518,777771,00.html](http://www.spiegel.de/schulspiegel/wissen/0,1518,777771,00.html). [Last accessed: 29 Aug 2011]
- Szeverényi, Sándor and Wagner-Nagy, Beáta, 2011: Visiting the Nganasans in Ust-Avam, in: Riho Grünthal and Magdolna Kovács, eds., *Ethnic and Linguistic Context of Identity: Finno-Ugric Minorities*. Helsinki: University of Helsinki/Finno-Ugric Society, 385–404.
- von Humboldt, Wilhelm, 2003 [1836]: *Über die Verschiedenheit des menschlichen Sprachbaues und ihren Einfluß auf die geistige Entwicklung des Menschengeschlechts. Über die Sprache*. Wiesbaden: Fourier.
- Weiler, J.H.H., 1999: *The Constitution of Europe*. Cambridge: Cambridge University Press.
- Wuorinen, John, 1931: *Nationalism in Modern Finland*. New York: Columbia University Press.

# The EU Framework for the Integration of Immigrants: The "European Integration Forum" and the Technologies of Social Government.

Alberto Arribas Lozano, Nayra García-González, Luca Sebastiani, Aurora Álvarez Veinguer, Sandra Gil Araujo. (University of Granada.)

## Introduction

When it comes to migration-related diversities, integration is the ambiguous notion that informs debates and policies. In this article we propose to analyse the concept "integration" used by the European Union through its most relevant documents, looking back to the European Council of Tampere (1999) and from there to the present day.<sup>19</sup> In this we will focus on the relationship between "integration" and "participation", which appear strongly linked in these documents; and in order to assess our conceptual approach within a specific apparatus<sup>20</sup>, we refer to the case of the "European Integration Forum", a platform of dialogue recently set up by the European Commission, with the aim of analysing whether relevant divergences exist between the concepts of integration and participation proposed by the EU and its practical application in the Forum.

Although the issue of integration is becoming more and more relevant within EU policies, its genesis in the mid-seventies refers to different state contexts. It is at this time, faced with the closing of borders driven by European countries with a longer immigrant tradition, that the migrant presence begins to be conceived as a problem. Specific public policies are developed, oriented towards promoting the "integration" of immigrants in the receiving context, as much in countries with a republican tradition (France) as in others with a multiculturalist focus (the United Kingdom and Netherlands). In fact, more than thirty years later, the implementation of policies on the subject of immigration is not uniform throughout EU territory. These policies continue to be a state-level responsibility,<sup>21</sup> each nation state maintaining its own distinct characteristics,

---

\* This article has been translated from the Spanish by Victoria Schindler.

<sup>19</sup> The politics of diversity in Europe is linked to the discourse of "integrating" immigrants.

<sup>20</sup> Translator's note: Foucault's "dispositif" is translated throughout this article as "apparatus", though it can equally be translated into English by "device" or "mechanism". For Foucault's own definition see his 1977 interview in *Power/Knowledge Selected Interviews and Other Writings*, ed. Colin Gordon 1980 (pp. 194-228).

<sup>21</sup> The Treaty of Lisbon (art. 71.4) foresaw an EU responsibility when it came to establishing the means to promote and support the integration policies of member states, but continues to exclude any

linked to its nation building process and its particular imperial/colonial history. In this vein, in her analysis of the policies of integration in the United Kingdom, France, Netherlands and the Spanish State, Gil Araujo (2011a) highlights the importance of the nation state in the management of diversity and the fundamental role of its historical particulars. However, she concludes that, although the analysed countries do have their own particulars, their categorisations, languages and problematizations related to immigration are nonetheless very similar. Thus, in all four countries, immigration is perceived to be a menace to social order and to national identity; the term integration is used to designate the relationships between European and non-European societies (the immigrant population); and they share the approach that, through intervention by administrations in the field of immigrant integration, it will be possible to achieve a uniform and homogenous national society.

In this sense, integration policies relate to the ways in which the nation is imagined and to national identity. The debates over integration are, fundamentally, debates over the idea of citizenship understood as loyalty to the nation. In this way, integration policies operate as tools of control over immigrants and their descendants, but at the same time as instruments of differentiation and stratification of the whole population. Current policies of family reunification and formation, and the integration tests, work as filters, as a means of selection, classification and hierarchisation of the migrant population. This leads us to pay attention, not only to the apparatus' of inclusion/exclusion, but also to differential inclusion; that is, to the hierarchies and inequalities provoked by the different ways in which the idea of inclusion is adopted (e.g. first and second class citizens).

Our article centres on the analysis of integration policies, no longer in their relationship with the state, but rather from the perspective of EU institutions<sup>22</sup>, which during the last decade have displayed a growing awareness of the designated integration of third-country nationals<sup>23</sup>, and have directed significant political and financial resources accordingly.

Our theoretical point of departure is the Foucauldian notion of government, which refers to the management of the behaviour of others and of oneself.

---

harmonisation of these policies, this aim being perhaps desirable in some aspects, but achievable - until now- only through *soft law* mechanisms.

<sup>22</sup> Although we are aware of the tensions between national and EU levels, analyzing such tensions is not the goal of this paper. Nonetheless, it is worth mentioning that the Commission's strategy seems to be that of creating tools aimed at orientating both the debates and the policies of the member-states, promoting (and funding) approaches and measures informed by the EU concept of integration. Both the *European Integration Fund* and the *European Integration Forum* are part of those tools.

<sup>23</sup> "Third-country nationals" is the term used in the EU documents.

Foucault (2006) uses the concept of government in a wide sense, highlighting the fine line between relationships of power and processes of subjectification. From the Anglo-Foucauldian field, Dean (1999) defines government as any activity more or less calculated, undertaken by a plurality of authorities and agencies, employing a variety of techniques and forms of knowledge which involve particular forms of truth, which seek to mould human conduct, working through desires, aspirations, interests and beliefs, for defined but changing ends, with unforeseeable consequences, effects and results. To govern is more than the simple exercise of authority, it supposes the freedom of the governed and implies the consideration that it is possible to reform and improve them, giving shape to their attributes. Within this framework, liberalism, welfarism and neoliberalism or advanced liberalism are not understood as political doctrines but rather as programs of government arising in determined historical and geographic contexts. Hence, we attempt also to understand the underlying political rationalities, that is, the clusters of relatively clear, systematic and explicit thought about how things are or should be (Dean, 1999), the discursive fields characterised by a shared vocabulary, within which disputes may be organised by ethical principles which can communicate with each other, by commonly accepted facts and by significant agreements around key political questions (Rose, 1999). It is only possible to govern under a certain regime of intelligibility, and in this sense language is not something secondary to a government, but rather constituent; it not only shapes acts of government but rather it also makes them possible.

### **Antecedents to immigration policies in the context of Europe.**

As has been shown by diverse comparative studies, the form and content of policies directed towards immigrants display important variations between one country and another, often linked with the respective histories of nation building in the states considered, their political cultures and legal traditions<sup>24</sup>. However, since the eighties, in spite of the variations from state to state, the majority of the practices directed to govern the presence of an immigrant population have been developed under the rubric of integration, a vague term that encompasses positions from the assimilationist to the openly multicultural (Favell, 2001). The word integration has been used, and continues to be used, in distinct historical and geographical contexts, to denote measures ranging from forms of naturalisation, family reunification, anti-discrimination laws and positive discrimination, basic legal and social protection, through the creation of

---

<sup>24</sup> Amongst others, Brubaker 1999, Castles 1995, Favell 2000, Joppke and Morawska 2003 and Koopmans et al 2005.



associations and religious organisations for immigrants, the redistribution of funds for specific groups, policies of housing and those of law and order, to mediation services, language and self-esteem courses, multi/intercultural education, professional education, introduction into the labour market, self-employment, mini-credits, apparatus' for specific social intervention and a long et cetera.

The use of the term integration has also gained ground in the world of NGOs and in the field of European and international organizations and institutions. And it is impossible to skim over the place that *integration* occupies in research into immigration. In this sense it is important not to lose sight of the role of the academic world in the definition of integration and its content, as the ideal aim of policies directed towards (certain) immigrant populations. Finally, and most importantly, groups of immigrants themselves speak in terms of integration and they demand it (Koopmans and Statham, 2000).

In spite of its dissemination, the use of the idea of integration in reference to the immigrant population is relatively recent. Until the mid seventies it was not considered that the immigrant population posed a problem for national order because it was supposed that foreign workers would not stay any longer than the length of their work contracts. However, this instrumental definition and reduction of immigration to a work force, tolerated as a minor evil but never desired, cracked when it gave way to a populating immigration (Sayad, 2000). In contrast to what governments and businessmen expected, not only did immigrants not return to their countries of origin, but also, supported by the right to family reunification, sent for their families. This situation was not foreseen and is, for Sayad (1999), the basis from which the current discourses on the cultural effects of immigration set out. Since then, integration has become the most common way of conceptualising the development of relationships between the old European nations and their growing non-European immigrant population.

What other processes were involved in the presence of a certain immigrant population becoming governed in terms of integration? While the idea of work functioned as an introductory space for immigrants principally thought of as workers, their integration, like that of the rest of the wage-earning population, was not considered problematic in any distinct way. The groups which received particular, focused attention, were precisely those disqualified from working, those who presented some type of physical or psychological deficit (and not that of origin), the *target groups* of social workers. However the profound economic and social changes which accompanied the industrial reconversion of the early seventies modified this panorama on different levels. The increase in

unemployment, and above all, in the precariousness of employment, affected the working and living possibilities and conditions of the wage-earning sectors and, in as much as they formed a part of those sectors, of the population of immigrant origin. These mutations also led to a *metamorphosis of the social question* (Castel, 1997). At the start of the seventies, confronted with the increase in situations of vulnerability produced by the new labour requirements, the distinction between social security and social welfare was minimised and they began to complement each other. The populations and areas which receive special attention multiply to deal with the diversity of situations which personify the new *unadapted population*, the out of work workers. Thus the necessity is perceived to develop an innovative technology of intervention, and insertion policies are born trying to respond to a new challenge through the recomposition of the methods and techniques of social intervention: localisation of operations, focussing of precise objectives, mobilisation of different contributors and new relationships between the central and the local. Its character could be interpreted, following Castel (1997: 439), as that of devoting itself to the healthy working population, invalidated by the situation. An ever increasing proportion of social welfare began to be directed towards those newly rejected by the system, people who, although in an appropriate condition to work, were unable to do so. A large section of immigrant workers went to swell the ranks of those excluded by the industrial restructuring, they and their children became the object of insertion policies and targets which began to be seen within the framework of the *fight against exclusion*, which understands situations of marginalisation not as the outcome of a social process, but rather as the result of particular characteristics and of erroneous choices. Perhaps the most relevant example (although not the only one) is the case of France, where in spite of the rhetoric of a republican nation, the children of immigrants born in France continue to be thought of and treated as foreigners, designated *second generation immigrants* in spite of not having emigrated anywhere. This discrediting on the basis of the origin of their parents reflects the view of the (im)migrant condition as a hereditary stigma, a product of migratory utilitarianism incapable of foreseeing the step from a working immigration to a populating immigration.

The increase in unemployment also had a direct effect on policies of immigration and led to a suspension in the hiring of the foreign workforce, the closing of borders and the drive for initiatives for the return of foreign workers to their countries of origin. However, as already mentioned, many of these workers not only did not return, but rather sent for their families. Thus, the population of foreign origin, originally thought of as transitory, transformed into a stable component of the societies to which it had immigrated. It is in this context that

the immigrant presence begins to be thought of in terms of integration, and when the term integration becomes principally conceived in cultural terms, understanding belonging to another culture (some cultures more than others) as a kind of deficit for integration. A deficit of origin (or original sin) as an expression of certain difficulties "to be and act like the rest" (Castel, 1984: 124). From then on, many of these debates began to organise themselves around the concept of citizenship, but understood in its political aspect as a bond with the national community. This was also the context in which European cooperation on immigration issues began in the mid-eighties (Gil Araujo, 2011b).

In the last decades, in the greater part of European countries, the political debate over integration has focussed attention on the possibility of the integration of immigrant populations and on the danger that their presence could pose for national unity and security (Rudolph, 2006). The previous pragmatic policies of insertion of the fifties and sixties were replaced by *philosophies of integration* (Favell, 2000). In the majority of cases debates end up trapped in the narrow perimeters of national identity; in this framework, policy makers began to theorise about citizenship, not only in terms of rights and responsibilities, but rather, and above all, in terms of cultural and moral demands on the new members of society as proof of their identification with the nation (Favell, 1997).

In a shift towards the radicalisation of this conception of immigration as a menace to national identity, from the beginning of the current century a growing number of EU countries have begun to put into practice what have been called integration exams and/or contracts, in the main linked to processes of naturalization. In some cases these exams are also applied to the candidates for family migration (Kraler, 2010), just as they are to refugees. In this way, in the framework of the European states, the designated *integration policies* are becoming an instrument of immigrant restriction and selection.

### **Revision of EU documents in terms of integration (1999/2011).**

Although -as has already been mentioned- integration policies continue to be the responsibility of individual member states, the institutions of the EU have driven growing levels of coordination, facilitating and incentivising the exchange of information and experiences between states and implementing the technical means and necessary finance to achieve this end.

The cooperation at EU level around the integration of immigrants began in the frame of the Tampere European Council (1999), the conclusions of which state that the European Union "must ensure fair treatment of third-country nationals who reside legally on the territory of its Member States. A more vigorous

integration policy should aim at granting them rights and obligations comparable to those of EU citizens" (Section A, Epigraph III).

Latterly, the political debate at the highest institutional level was expressed in the EU through the **Ministerial Conferences on Integration**, held in Groningen (2004), Potsdam (2007), Vichy (2008) and Zaragoza (2010). In November 2004 the **Justice and Home Affairs Council** adopted the **Common Basic Principles for Immigrant Integration Policy in the European Union (CBPs)**, a collection of non-binding directives from which the member states can elaborate their policies of integration. The Common Basic Principles most directly related to the issue of integration and participation are:

- CBP 1 "Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States", which signals that this process of mutual adjustment requires the effort as much of the immigrants as of the host society as a whole, which should create opportunities for the full economic, social, cultural and political participation of immigrants;
- CBP 7 "Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration", which demands the promotion of common forums, intercultural dialogue, spaces, and activities as a basic element for successful integration; and
- CBP 9 "The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration", which underlines that immigrants should have a voice in the conception, development, organisation and evaluation of programs and policies affecting them.

Within this context, the first edition of the **Handbook on Integration for Policy-Makers and Practitioners** (2004) states that participation is a key element for the practice of active citizenship, pointing out that "organisations of all types need to give visibility to inter-cultural realities by applying equal-opportunity policies, employing migrants at all levels, and cooperating with associations of migrants. Migrant organisations are also key partners in the exercise of participatory government" (p.10). The second chapter of the manual, devoted to civic participation, suggests that to enhance integration through the political participation of immigrants, the dialogue and cooperation with the immigrants' associations themselves are considered fundamental, just as with the NGOs which support immigrants, when it comes to formulating strategies directed towards their full participation. In accordance with this manual, political participation presents multiple facets; in the field of electoral rights the importance of local level election is insisted upon, where decisions are taken

which affect their most immediate interests; and, on the other hand, outside the electoral process the participation of foreign residents in consultative forums is sought out. Moreover, it makes specific mention of the importance of the acquisition of nationality for opening up opportunities of integration and participation, but it emphasises that it is not a "magic measure" (p.45), and that naturalised immigrants can continue to suffer from discrimination, which impedes the development of the sense of belonging to the society.

In September 2005, the European Commission launched the **Common Agenda for Integration**, which provides the framework for the integration of third-country nationals at an EU level, and creates different mechanisms of coordination oriented to putting into practice the Common Basic Principles: the network of *National Contact Points on Integration*, the *European Integration Forum*, the *EU Web Site on Integration*, the *Handbook on Integration for Policy-Makers and Practitioners* (2004, 2007 and 2010), and the *European Integration Fund*.

Latterly, the **Third Annual Report on Migration and Integration** (2007), evaluating the implementation of the Common Basic Principles, indicated that the significant application of the first CBP, which suggests that integration is a two-way process, is "a long-term challenge requiring further efforts. Structural initiatives targeting the host population to reinforce its ability to adjust to diversity are still underrepresented in national strategies" (p.8). Thus, the necessity of putting into action the measures and policies which involve society as a whole is stressed; the necessity to open a process of discussion around the axis of participation-citizenship-integration between the different parties involved is suggested; and intercultural dialogue is recognised as a central instrument in work on integration. Further ahead, **The Stockholm Programme** (2010), developing the approach suggested in previous programmes, states that the integration of third-country nationals with legal residence is the key to making the most of immigration's advantages, and continues to insist upon the necessity of an integration policy directed towards equalising rights and obligations between third-country national residents and EU citizens, stating that "This should remain an objective of a common immigration policy and should be implemented as soon as possible, and no later than 2014" (p.30). Here, it must emphasised that this program speaks of integration in terms of "mutual interaction" (and no longer "accommodation"), insisting that it requires a clear undertaking from all those involved: the administrations, the receiving community and the immigrants.

That same year, 2010, the third edition of the **Handbook on Integration for Policy-Makers and Practitioners** insists upon the same elements: the necessity for the active participation of all citizens and residents to achieve a successful

integration; the encouragement of joint platforms of dialogue; the elimination of legal barriers to the civic participation of immigrants; the equalising of rights and obligations; the importance of creating opportunities for frequent interaction between immigrants and nationals; and the necessity for migrants to have a voice and an active role in policy development.

Thus, we must ask ourselves if the fact that the same ideas keep repeating themselves from the first documents isn't pointing out to us -in reality- a structural limit in national policies on immigration. In this vein, in July 2011, the European Commission proposed the **European Agenda for the Integration of Third-Country Nationals**. Declaring that the proposals of the Common Agenda for Integration (2005) have already been implemented, but that the economic, social and political context has changed, and that not all the measures have turned out to be successful, the European Agenda for the Integration of Third-Country nationals presents itself as a continuation of the first Agenda, an up-to-date contribution to the debate over how to understand and promote integration. Here, integration is defined as a process in constant evolution, which requires continual efforts, innovative focuses and bold ideas. Setting out from a "bottom-up" approach, integration should begin in those places where people meet in their daily lives (workplaces, schools, etc.); in this context it insists that the integration process requires a close cooperation between national governments, who continue to hold the responsibility when it comes to defining their integration policies, and the regional or local authorities, just as the civic participants, who are those who are putting integration measures into practice on the ground.

Thus, the link between integration, civic participation, and the sense of belonging to the community leads the Commission -once again- to recommend to member states that they effect all necessary efforts to eliminate the obstacles to the political participation of immigrants, seeking to increase the involvement of the immigrant representatives in the design and implementation of integration programs and policies.

In the following section, we will analyse, in the case of the European Integration Forum, the different elements which -as we have seen- recur in these debates.

### **The European Integration Forum, a specific apparatus for social government**

In this final section, centring around a specific case study, we will try to ground previous considerations in the study of an apparatus which is considered the last word in immigrant integration policies at EU level, the European Integration Forum.

We will begin by contextualising its creation and mentioning the necessities which drove that creation, in order then to review its principle characteristics, its functions and objectives. Following this, we will introduce the topics for debate in the five meetings held so far. Finally, we will focus on the two aspects most relevant in terms of this article: the definition of the concept of integration and the participatory activities which take place within the Forum. Applying a process of contrast between the previous analysis of documents and the present enquiry into a more practical dimension will help us to closely observe the variety of conceptions and strategies developed by different agents.

*The creation, objectives and agenda of the Forum.*

On July 2008 the European Economic and Social Committee (EESC) adopted, at the request of the European Commission, an *exploratory opinion* relating to the promotion of measures for the integration of third-country nationals, underlining the importance of the role played by civil society organisations when it comes to “ensuring the coherence and effectiveness of the social processes of integrating immigrants, defining policies in the EU and in evaluating these policies” (EESC, 2008). Thus, it is considered that the establishment of platform of dialogue between EU institutions and civil society representatives, as much that of Europe as of the member states, should be a priority measure. After some meetings with representatives of European associations and after an exchange of letters between the Vice-President of the Commission, Barrot, and the President of the Economic and Social Committee, Sepi, the European Integration Forum was finally instituted. On April 2009 the platform met officially for the first time.

The document *Rules of Procedures of the European Integration Forum* (Barrot and Sepi, 2009), released by the European Commission, officially defines the Forum's mandate, functions and organisation. It is to have no more than a hundred participants and it is to meet in plenary session twice a year. The selection of the members, run by the Commission and the EESC, will include representatives from European civil society umbrella organisations, just as those of state associations or platforms, in a 2:1 ratio in favour of the latter. It will also include representatives of the National Contact Points on Integration; delegates from the Presidency of the European Council, present, past and future; spokespeople from the Commission, Parliament, Economic and Social Committee, and the Committee of the regions; to local administration networks and experts, above all academic. A bureau composed of four people will preside over the Forum's meetings and will meet four times a year, before and after every plenary session, to evaluate its achievements and to establish the future order of the day. The members of the bureau must comprise a representative of the European

Commission<sup>25</sup>, one of the Economic and Social Committee, a spokesperson for civil society organisations at EU level and another at state level.<sup>26</sup> A secretariat is also established, composed of two, with the responsibility of logistical and bureaucratic management.

We have seen that the official mandate of the Forum is that of encouraging civil society participation, in the interests of it having a role in the definition, evaluation and implementation of EU integration policies. Therefore, the aim of the meetings must be as much that of exchanging information and "best practice", as that of organising working groups to tackle specific aspects of integration, and, similarly, more technical questions. The Forum will also be entitled to produce reports, whether under its own initiative or at the request of other EU institutions, in both cases with a consultative role. Nonetheless, the intention is quite clearly to channel the debate within the limits defined by the EU's official political agenda, as suggested by the following regulation:

The Common Basic Principles on Integration will be the guide for the Forum's activities. Participants should be free to discuss a whole range of issues related to the integration process as such. But in order to provide a 'useful input' into the development of the EU's policy on integration, the legal mandate and the policy context would frame the discussion. [Barrot and Sepi, 2009]

In this context, we wish to take in chronological order the principal subjects of debate addressed in these meetings of the Forum. This allows us to observe their possible evolutions and likewise to better understand the reflections, references and criticisms of certain aspects on the part of the participants themselves. All the meetings of the *European Integration Forum* take place in Brussels, in the buildings of the EESC. Until now the structure of each meeting, though varying in some details, has always included a session of introduction and conclusion (both plenary), one or more debate sessions on specific topics (also in plenary form) and several working groups at the same time.

The first meeting included general topics about EU framework and set up working groups, looking into the consequences of the economic crisis and the types of work of the Forum (European Integration Forum [EIF], April 2009). The second meeting continued debating general subjects in the plenary session and

---

<sup>25</sup> The "Directorate-General Home Affairs" (Unit B.1: Immigration and Integration) is the structure of the European Commission charged with this task. Although the commission has a "DG for Employment, Social Affairs and Inclusion" the question of integration is delegated to the very management responsible for policies of border control, home security, the fight against organised crime and terrorism.

<sup>26</sup> A detailed list of the participants in each of the Forum's sessions may be found at: <http://ec.europa.eu/ewsi/en/policy/legal.cfm>.



developed four workshops on a *cross-cutting integration policy* and the advances of the *European Integration Fund* (EIF, November 2009). In the third meeting *The Civil Society Input to the Second European Agenda for Integration* and *The Relation between Migrants and the Media* was debated, while there were four working groups, all related to the media (EIF, June 2010). The fourth meeting tackled, as much in the plenary session as in the four workshops, *Active participation of migrants and strong commitment by the host society* (EIF, December 2010). Finally, the fifth meeting concentrated on *Integration through local action*, developing four different working groups: *intercultural dialogue, political participation, disadvantaged neighbourhoods and the European Integration Fund at local and regional level* (EIF, May 2011).

From a reading of the programs of each meeting the *work in progress* nature of its first stages is clearly perceived, in particular in the continual restructuring of the working groups. This provisional character of the process has also been confirmed by the participants interviewed, leaving aside their approaches to specific issues. Another element to highlight is the start, from the third meeting onwards, of a process of consultation with civil society over the *Second European Agenda on Integration*, with the distribution of an open questionnaire to civil society organisations. It posed questions relating to the improvements which should be made to existing EU tools, which Common Basic Principles should be prioritised, what their relationship should be to state-level integration policies, and how integration could be measured (The civil society input, 2010a).

In the following section we will concentrate on the definition(s) of the concept of integration and the participatory activities which emerge from the very actions of the Forum's protagonists. These two aspects will be analysed in turn in their intersection with three transversal axes of analysis: the relationship between the EU, its member states and local realities (the so called multi-level government); the resulting dynamics of inclusion/exclusion; and the underlying political rationalities.

*The concept of integration: struggles for its content.*<sup>27</sup>

Within the existing legal frameworks, the Commission's strategy appears to be that of creating a series of tools which are able to condition, beyond their formal prerogatives, the debate and the public policies of the member states, favouring the diffusion of approaches and measures which translate integration into practice according to the EU concept. In this way, the *European Integration Forum* assumes the formal definition of integration proposed by the 1st CBP previously presented: "a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States". The representatives of the Commission and the Committee usually insist upon this two-directionality, contrasting it with the approach, considered restrictive and unilateral, of some governments. Moreover, the concept used by the Forum's promoters seems to distance itself from certain essentialist nuances, preferring to promote respect for "civic-political" values shared by *all* EU residents, rather than the adaptation to the "customs" and "traditions" on the part of specific migrants collectives. If the 2nd CBP suggests that "Integration implies respect for the basic values of the European Union", without subsequent specifications, a member of the *bureau* provides his interpretation of said values and principles in the following way:

From my point of view they are those established by the Treaty which are later finalised in the Letter of Fundamental Rights [...]. There are many European citizens, whether of immigrant origin or not, who do not share these values and are not the object of a reduction in their rights. I don't think that legislation with the objective of integration should be used to reduce fundamental rights. Another question is that the authorities and the civil society should promote the values of open democratic and egalitarian societies amongst all residents. [Interview with a member of the *Bureau*, 24/2/2011].

---

<sup>27</sup> The data presented here is based in part on the fieldwork of Luca Sebastiani's doctoral thesis, obtained during a stay in Brussels from the 1st February to the 31st March 2011, in addition to a brief return at the end of May. Both the thesis and the stay were financed by the "Plan Propio UGR", within Program 10 and Program 6A (FPU grants). Eighteen open interviews took place with different participants, all of which relating to EU integration policies and for the most part participants in the meetings of the *European Integration Forum*: institutional representatives, those of NGOs and various types of associations, "experts" and *think-tank* members, networks of regional and local administrations etc. The observation as a visitor during the projects of the Forum's fifth meeting in May 2011. The selection of quotations has been made exclusively according to the criteria of their qualitative relevance. All those interviewed are owed thanks for their availability, as well as the EESC and the "DG Home" of the Commission for having allowed the observation of the fifth European Forum.

This statement, though without any formal value, shows us how the ambiguity of the official definition of certain principles lends itself to a game of interpretations, whose success will, in the last instance, depend on the relationships between existing forces in a given moment. We must not forget that the Common Basic Principles, before being assumed by the Commission in their Communication of 2005 were established by the European Council in 2004, passing through the filter of member states; therefore, neither should we be surprised that its translation to operational concepts is subject to different nuances, an expression of the plurality of the conceptions belonging to situated subjects. Another tension point between the "heavyweights" of the Forum and certain governments is the attitude to the integration tests recently established in several states, linked to obtaining/renewing residency permits. If from the European NGOs interviewed the opposition to this kind of measure is clear, a more "prudent" institutional source states:

For some member states integration in an exam which immigrants are subjected to in order to obtain rights. There are countries in which, for example, for someone to have the right to family reunification they have to pass a language exam: from my point of view this should never form part of a European module, because I consider it to be a violation of fundamental rights [Interview with a member of the Bureau, 24/2/2011].

More or less explicitly, the criticisms of the integration policies of countries like France, Germany, Netherlands or Italy represent a common sense shared as much by the members of the Forum, who are representatives of EU institutions, as by organisations of a trans-national character. For example, one person interviewed, speaking about state integration policies, suggested the following:

It was very difficult to see, in certain countries, whether there were even any integration policies at all, and not the government or the receiving country just expecting migrants to assimilate [...]. At EU level integration as a two-way process has been recognised as one of the Common Basic Principles, but we can see that in a national level, quite a number of countries are not really taking that into account or putting it into practice, and then a lot of the burden is put on migrants [Interview with an NGO representative, 3/3/2011].

Thus we see that the use of the concept of integration alludes to the existence of a symbolic battlefield, where different conceptions square up to each other to determine their content. Trying to simplify, we observe on the one hand the existence of a more proactive or "civic-political" meaning, which is embodied in

the vision of the Forum's promoters, and on the other hand, that of a more reactive and "culturalist" meaning, which according to those interviewed should be attributed to the approaches of some national governments. Such governments, though accepting the objective of integration, in reality seem to translate the concept into practice in a different way, directing it towards an assimilationist path, stressing the importance of the immigrants' duty "to be integrated" before the joint responsibilities of social and political agents; in other words, they would seem to understand integration *de facto* as a one-way process<sup>28</sup>.

However, this struggle for content does not occur solely along the EU-states vector, but rather it also takes place in the Forum, within the same "proactive" field. In effect, although the participants of European civil society usually share criticisms of certain state policies, this does not mean that they have the same notion of integration, nor that the approach represented by the Commission and the Economic and Social Committee is exempt from criticism. For example, one interviewee underlined that the same term integration, in reality, is falling into disuse at a local level, often substituted by "inclusion":

More and more cities don't use the term integration anymore in the official policy papers, partly because they say it's something that involves the host society, while 'integration' often suggests that migrants have to adapt, it goes into assimilationist direction, so they would use something like 'inclusion'. Some other cities say: 'Ok, we have now a majority of people in many neighbourhoods or sometimes already in the whole city that have some migration background, or are migrants themselves, so maybe we don't talk about integration anymore'; they call it 'citizenship' or 'participation' [...]. So the word integration is ironically not used a lot anymore, but I think you need to look at the substance and there the two-way approach is really important [...]. So a two-way approach, more pragmatic things, this also means that the legal distinctions are not always so important" [Interview of an NGO representative, 31/3/2011].

Another of those interviewed considers that the use of the word integration by EU institutions is written into a process of inclusion/exclusion, in which certain classifications are used to distinguish between EU citizens and third-country nationals:

---

<sup>28</sup> A critical contribution on the effective bilaterality of integration policies is the study by Carrera and Atger (2011).

Why poor natives, for instance, do not have the right to integrate and why the society should only integrate people from outside and not people from inside? This kind of exclusive/inclusive concept implied in the term of integration doesn't function, it's untrue [...]. What we push when we have to talk about integration is: 'Fine, but we always have to associate integration to another term, what are we talking about? Access to the labor market? What are we talking about? Participation? Citizenship? Naturalisation? Housing? Employment?' So I would really try to use that empty word and really immediately associate it to what we want to say [Interview with an NGO representative, 18/3/2011].

These statements throw into relief, on the one hand, the complexity of the interpretive game surrounding integration, a concept it is difficult to consider as static and unequivocal, and on the other, the strategy of certain actors who, though adapting to the political framework of the EU, attempt to modify its coordinates "from within". We can thus observe how the *mainstream* discursive context conditions the way demands are articulated on the part of the participants, who, though they do not completely share the working concepts being used, design a strategy of resignifying its contents "as they go along": in the instance of the first quotation, evaluating the priority of the specific processes over the legalities, and in the second proposing that a somewhat empty concept be filled with content and its application extended to new subjects. Another criticism shared by European NGOs is directed at the prerequisites that migrants must fulfill in order to be residents *legally* (financing through the European Fund is subject to their fulfillment). Due to these requirements, until now the Forum has found it impossible to tackle questions such as the integration of refugees (which is rather the responsibility of the *European Refugee Fund*) and undocumented migrants.<sup>29</sup> This, furthermore, in spite of the fact that in the Forum -again as a consequence of the pressure exerted by the civil society- they participate in organisations such as the *European Council on Refugees and Exiles* and the *Platform for International Cooperation on Undocumented Migrants*. Thus the Forum finds itself in a contradictory position and the possibility of subsequent developments and future modifications is not to be excluded. In any case, the presence of such contradictions until now seems to attest to a kind of tension between the necessities of the neoliberal government of social issues, and the impossibility of reducing said issues to any artificial separation which attempts to unlink its complex articulations. These necessities are expressed in the efforts

---

<sup>29</sup> For a more organic idea of the principal criticisms on the part of civil society, see The Civil Society Input [2010b].

of EU institutions to define specific areas of intervention, to regulate them, and to create workable concepts defined through technologies of government such as indicators, manuals, modules, platforms.

In conclusion, this brief review of the concept of integration handled in the *European Integration Forum* at once shows its resistance to easy crystallisations, the complex and multi-level articulation of the struggle for its content and the existence of inclusion/exclusion mechanisms inside and outside the same process. Notwithstanding, we will clarify these observations, suggesting that it would be simplifying matters to think that "proactive" discourse is exclusively confined to the supposedly supranational EU institutions, while the "reactive" characterises the nation states almost for ontological reasons. Moreover, there are reasons of political allegiance which also contribute to the re-articulation of the different fields, just as there are national governments more disposed towards the Forum's approaches and to identify with them. Finally, the idea of a European Commission as prisoner of the over-reaching power of the member states should be questioned and it should be asked to what extent there is a lack of political willingness or an excessive evasion of responsibility, which would impede a more decided questioning of certain state policies. As one interviewee suggested:

It's not like there is a total contradiction. If I take the example of family reunification, a lot of member states at the moment are putting in place a lot of integration requirements for the application of family reunification, so it seems in a contradiction, but directives and integration discourse at the EU level actually allow these member states to do that. So it's what is for me the EU, which means: at a certain point of consensus there is no politics anymore [interview with an NGO representative, 18/3/2011].

***Participation: prerequisite of integration or form of social government?***

In relation to the participatory process which takes place within the Forum, there is a general feeling that "more could be done", in particular amongst the representatives of civil society. On the other hand, the consciousness that it has to do with an experimental process and still developing is also present, this is clearly expressed in the following statement:

We have to see, we don't know yet, it costs some money so far to bring all these people to Brussels and I think the feeling that many participants had so far was: 'We have to get something done, otherwise this is a bit of a show, but it's also true that it takes some time and we have to see' [Interview with an NGO representative, 31/3/2011].

Taking into account this lowest common denominator, the subtleties usually vary quite markedly depending on the particular position of the interviewee within the process. As is to be supposed, the institutional members tend to underline to positive elements of the process:

The Forum works through very participatory systems, they are meetings that last only a day and a half, therefore the agenda is limited, but all the members can speak on one or several occasions in the debates, thus it is very participatory. [Interview with a member of the Bureau, 24/2/2011].

The general functioning of the Forum's meetings has already been mentioned, now we take a closer look at some modalities of participation. The buildings of the EESC where the meetings are held contains a kind of small semicircular parliament, in the centre of which the presidency's table is found; here are seated the members of the *bureau* and/or the speakers of the different sessions, surrounded by the other participants. During the plenary sessions there is usually a relevant presence of institutional members -representatives of Parliament, of the Commission, of the current presidency of the EU Council, etc.- *ad hoc* guests invited for a specific session, who do not always stay for the duration of the whole meeting. In this part the contribution of the non-institutional participants is usually limited, consisting of brief contributions during the debate, which will, in turn, be answered by the table. In direct observation, moreover, the prevalence of quite general questions has been noted, rather than more articulated contributions. The working groups are developed during the afternoon of the first day, in different rooms and obviously (being simultaneous) with a reduced number of participants. In these contexts a wider and more horizontal debate is usually produced; additionally, each workshop entrusts the presentation of the principle points and achievements of the discussion to a *rapporteur* the following day. In the general opinion of the civil society participants this method of functioning is usually considered insufficient, due to, amongst other things, the inequality which exists between the spaces for collective debate and the moments of "propaganda" of EU policies. For example, in relation to the plenary sessions an interviewee states:

In terms of how it works, you basically have opening speeches, and then you have the Commissioner that will say a few words, and then the Commission that will explain what's being done on the Commission level on integration, they'll generally promote their tools and what has been done so far, and then you might have an hour to debate, a general debate on integration issues [Interview with an NGO representative, 3/3/2011].

Another recurring criticism is directed at the content of certain debates, considered impractical and translatable only with difficulty to specific policies; for example, two of those interviewed considered the subject of debate of a plenary session from the 3rd Forum, on "Means of Communication and Integration", not to have any practical consequences, it not affecting an EU responsibility. Another striking question is that of the power of setting the agenda. It has already been said that the order of the day of the Forum's meetings is established by the four members of the *bureau*, which in turn are appointed according to diversified criteria. The two representatives of state organisations and European civil society are publicly chosen, in a meeting of the Forum and the positions are renewed every two years, while the two members of the Economic and Social Committee and the European Commission are designated autonomously by the respective institutions, according to their own criteria. This clear asymmetry is somewhat representative of the relationships of forces within the Forum. The perception is shared that this composition creates a kind of informal direction, in which the weight of the civil society representatives is limited. In fact, the associations cannot fix any topic of debate without the consensus of the two "heavyweights" of the Commission and the Committee, just as this particularly strong statement expresses:

Can we set the agenda for instance? Can we say: 'Ok, next meeting we want to talk about this'? This is not possible and you see the majority relations in the Bureau as such, that you cannot just dictate something as the majority of civil society organisations [Interview with an NGO representative, 31/3/2011].

In this sense, the relationships of forces that materialise within the Forum reflect in quite a crystallised way the framework of its original mandate, which is to say, significant changes are not produced in the dynamics of power through the participatory practices. The agenda which the Forum debates is the same agenda established by the EU. A semi-institutional platform such as this cannot free itself from the fundamental objectives for which it has been created. Thus we arrive at a central question, inherent to the limits of participation: is it enough simply to be consulted or is more necessary, to have an effective power of agenda and a real influence, to be heard? A joint text by different associations of European civil society stresses the importance precisely of the necessity that the voice of migrant organisations *be heard* (ENAR, 2010). Along these lines, one source suggests:

I must admit that I was quite disappointed with the Forum. I think we were hoping much more, because we thought it would be a platform that would really consult NGOs and really take into account our views



[...]. Ok, it's still early days, but it felt very much like it's just another platform for NGOs to just say what they have to say, and everyone says all the same things, over and over again, and you know, you have a few officials and half of the time they'll make their own speeches; and then, if you're lucky, there may be a one or two people there when the EU actually have time to debate and discuss things, but there's no actual follow up after that. It's not like that they can put forward recommendations or anything to the Council... [Interview with an NGO representative, 3/3/2011].

In spite of disappointments, the prevailing attitude of the NGOs is that of recognising the Commission's "genuine" interest in things improving, considering that the majority of the problems are down to logistical questions - like the low numbers of *DG Home officials* dedicated to integration- or, again, to the limited powers of the Commission in the face of the states. Many of those interviewed, moreover, evaluate positively the work of Commissioner Malmström, they emphasise her sensitivity to migratory issues and they share her linguistic battle to substitute the expression "illegal" immigrants with that of "irregular". The gap between the EU and the nation states, on the other hand, not only manifests itself in the conceptual struggles over the meaning of integration. But also is articulated in the participatory practices which take place within the Forum. In fact, the sources interviewed have confirmed that, apart from the technical difficulties present in a constant process of learning by trials and errors, the problems of the relationship between the Commission and the National Contact Points, owe as much to the lack of knowledge of different specific situations, as indeed to the fact that, from some member states, the associations most "akin" to the national governments' agendas are chosen rather than those most representative. It is in this context that the strong support, on the part of the EU institutions, for the creation of state forums for integration in all member states should be understood. In their vision this would not only solve the problems of contact and representativity, but would also facilitate a virtuous dynamic of alignment with the approaches of the Common Agenda and the Basic Principles. Beyond the logistical aspects, the political problem of the so-called multi-level government again arises. It is exactly this which is underlined by various interlocutors, occasionally the Forum has seen the absence of representatives from countries such as Germany and the United Kingdom, bringing with it problems of legitimacy, a low political profile and scant power of influence and accentuating, in this last instance, the context of precariousness and uncertainty in general.

In conclusion, we feel that the participatory practices which take place in the *European Integration Forum* are exempt neither from ambiguities nor from tensions produced by political and logistical problems and in particular by the very clear delimitation of the general framework, the agenda and the subjects for debate. Far from being a space of self-organisation and self-determination for the civil society -key factors for the emergence of a European Public Sphere- the Forum is rather a tool oriented towards the implementation of political priorities established elsewhere; which, on the other hand, does not remove the fact that its very existence could push participants to seek other meeting times, outside the formal spaces and institutionalised dynamics, allowing them to articulate common *advocacy strategies*<sup>30</sup>.

In any case, this conception of participation seems to express not so much a position in favour of the opening of radically democratic spaces, but rather of the establishment of "channeled" mechanisms of governing integration. In other words, participation seems to work as a tool of social government, operating as a form of liberty as much limited as it is necessary, in the interests of predisposing the participants to govern themselves and the rest. That is, participation seems to be considered a fundamental dimension for the *implementation* of public policies, much more than for the *decision making* of the same. The question pending answer, then, is whether participation is considered a quality, an enriching attribute to the process of integration, or if it rather constitutes the preferred method through which that very process should be conducted, in the interests of being effective, and, possibly, of lowering its social and economic costs through the direct involvement of the interested parties.

## **Bibliography.**

Barrot, Jacques and Mario Sepi (2009) *Exchange of letters and rules of procedure. European Integration Forum.*

[http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=10413.](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=10413)

Brubaker, Rogers (1999) *Citizenship and Nationhood in France and Germany*, Cambridge MA, Harvard University Press.

Carrera, Sergio and Anaïs Faure Atger (2011) *Integration as a two-way process in*

---

<sup>30</sup> During a working group of the Forum, a participant underlined that for some members of national grassroot organisations, associations were being used so that the institutions could say that migrants had been consulted, assuming a democratic legitimacy. Nonetheless, as several of those interviewed have confirmed, the dynamics of The Forum has favoured the development of autonomous meetings (outside official spaces) of the members of European civil society associations, in the interests of establishing a common strategy.

- the EU? Executive Summary*. Brussels: Nef, Epim, Ceps.  
[http://www.ceps.eu/system/files/research\\_area/2011/02/CEPS{EIF\\_study\\_summary.pdf](http://www.ceps.eu/system/files/research_area/2011/02/CEPS{EIF_study_summary.pdf)
- Castel, Robert (1997) *La metamorfosis de la cuestión social. Una crónica del asalariado*, Barcelona, Paidós.
- Castel, Robert (1984) *La gestión de los riesgos. De la anti-psiquiatría al post-análisis*, Barcelona, Anagrama.
- Castles, Stephen (1995) "How national-states respond to immigration and ethnic diversity", *New Community*, (21) 3.
- Common Basic Principles For Immigrant Integration Policy In The EU - Council Meeting*, Justice and Home Affairs. (2004)  
[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf).
- Communication from the Commission: A Common Agenda for Integration - A common framework for the integration of third-country nationals* (2005)  
[http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=988](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=988)
- Communication from the Commission: Third Annual Report on Migration and Integration* (2007)  
<http://eur-lex.europa.eu/Notice.do?val=455275:cs&lang=en&list=559792:cs,556717:cs,455275:cs,283448:cs,267097:cs,313017:cs,196187:cs,188975:cs,&pos=3&page=1&nbl=8&pags=10&hwords=Third%20annual%20report%20on~>
- Dean, Mitchell (1999): *Governmentality. Power and Rule in a Modern Society*, Londres, Sage.
- EESC - European Economic and Social Committee. *EU-level promotion of policies to integrate third-country nationals*. (2008)  
<http://www.eesc.europa.eu/?i=portal.en.soc-opinions.14352>.
- ENAR - European Network Against Racism (2010) *EU Integration Policy - How to move forward? Preliminary comments of ENAR on the Second European Agenda for Integration*.  
<http://cms.horus.be/files/99935/MediaArchive/policy/ENAR%20preliminary%20comments%20-%20second%20EU%20integration%20strategy%20Final.pdf>.
- European Agenda for the Integration of Third-Country Nationals* (2011)  
[http://ec.europa.eu/home-affairs/news/intro/docs/110720/1\\_EN\\_ACT\\_part1\\_v10.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf)
- EIF - European Integration Forum. *Programme, Brussels, 20-21 April 2009*.  
[http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_884803310.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_884803310.pdf).
- EIF (November 2009)  
[http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_339474197.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_339474197.pdf).

EIF (June 2010)

[http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_90181219.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_90181219.pdf).

EIF (December 2010)

[http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_596021343.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_596021343.pdf).

EIF (May 2011)

[http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_496554183.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_496554183.pdf).

*European Web Site on Integration.* <http://ec.europa.eu/ewsi/en/index.cfm>.

Favell, Adrian (2001) "Multicultural nation-building: 'integration' as a public philosophy and research paradigm in Western Europe", *Swiss Political Science Review*, (7) 22.

Favell, Adrian (2000) *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain*, Houndmills Basingstoke, Macmillan.

Favell, Adrian (1997) "Citizenship and immigration: pathologies of a progressive philosophy", *New Community*, (23), 2, 173-195.

Foucault, Michel (2006) *Seguridad, territorio y población*, Buenos Aires, Fondo de Cultura Económica.

Gil Araujo, Sandra (2011a) "Las argucias del concepto de integración. Una exploración por el paisaje europeo", *Oñati Socio-Legal Series*, Vol. 1, nº 3. <http://opo.iisj.net/index.php/osls/issue/view/5>

Gil Araujo, Sandra (2011b) "Reinventing Europe's Borders. Delocalization and Externalization of the EU Migration Control through the involvement of Third Countries", Baumann, Mechthild et al (eds.) *Crossing and Controlling Borders. Immigration Policies and their Impact on Migrants' Journeys*, Budrich University Press, Leverkusen, Opladen.

*Handbook on Integration for policy-makers and practitioners*, 1st edition (2004)

[http://www.migpolgroup.com/publications\\_detail.php?id=6](http://www.migpolgroup.com/publications_detail.php?id=6)

*Handbook on Integration for policy-makers and practitioners*, 3rd edition (2010)

[http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=12892](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=12892)

Joppke, Christian y Morawska, Ewa (2003) "Integrating Immigrants in Liberal Nation-States: Policies and Practices", Joppke, Christian y Morawska, Ewa (eds.) *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States*, Hampshire, Macmillan.

Koopmans, Ruud y Statham, Paul (2000) "Migration and Ethnic Relations as a Field of Political Contention: An Opportunity Structure Approach", Koopmans, Ruud y Statham, Paul (eds.) *Challenging Immigration and Ethnic Relations Politics: Comparative European Perspectives*, Oxford, Oxford University Press.

Koopmans, Ruud; Statham, Paul; Giugni, Marc y Passy, Florence (eds.) (2005)

- Contested Citizenship. Immigration and Cultural Diversity in Europe*, Minneapolis, Minnesota Univ. Press.
- Kraler, Albert (2010) "Civic Stratification, Gender and Family Migration Policies in Europe", *NODE Final Report*, Viena, BMWF/ICMPD.
- Rose, Nikolas (1999) *Powers of Freedom. Reframing political thought*. Cambridge: Cambridge University Press.
- Rudolph, Christopher (2006) *National Security and Immigration. Policy Development in the United States and Western Europe Since 1945*, Stanford University Press, Stanford.
- Sayad, Abdelmalek (2000): "Imigração de trabalho e imigração de povoamento", *Travessia. Revista do migrante*, número especial.
- Sayad, Abdelmalek (1999): *La double absence. Des illusions de l'émigré aux souffrances de l'immigré*, Editions du Seuil, Paris.
- Tampere European Council. Presidency Conclusions (1999)  
[http://www.europarl.europa.eu/summits/tam\\_en.htm](http://www.europarl.europa.eu/summits/tam_en.htm)
- The civil society input to the second European agenda for integration*. 2010a.  
[http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_415206909.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_415206909.pdf).
- The civil society input to the second EU agenda for integration. Contributions from the European Integration Forum*. 2010b.  
[http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_785681578.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_785681578.pdf).
- The Stockholm Programme: an open and secure Europe serving and protecting the citizens* (2010)  
<http://eur-lex.europa.eu/JOIndex.do?year=2010&serie=C&textfield2=115&Submit=Buscar&submit=Buscar&ihmlang=en>

# Gender diversities – practising intersectionality in the European Union

*Lise Rolandsen Agustin & Birte Siim, Aalborg University, Denmark*

## Introduction

In recent years debates around gender and diversity from a transnational European perspective have intensified in scholarly literature (Liebert 2007; Squires 2007). Particularly interesting are the ways in which intersections between differences based on gender, ethnicity and race, among others, are explored theoretically and analytically. In this article we attend to the dual challenge of diversity and trans-nationalism, as identified in the literature, by focusing on the way in which gender and diversity are articulated in and around the ongoing European integration process. This pertains both to the inclusion of minority groups, such as migrant women, in policies as well as the potential development of institutional models for including a variety of (intersectional) voices. In this regard the notion of intersectionality has become present in European gender research and has influenced European policy debates on gender and diversity (Verloo 2006, 2007; Yuval-Davies 2006, 2007).

The article employs intersectionality as the methodological approach to analyse gender diversities. The intersectionality approach aims to move beyond unitary models of equality policies, focusing on gender, class or race as the primary analytical category, and instead examine multiple diversities and inequalities through intersectional models (Hancock 2007)<sup>31</sup>. Intersectionality is a contextual concept, because the key categories class, race and gender acquire particular meanings in different national, political and institutional contexts (Knapp 2005; Ferree 2009; Christensen & Siim 2010)<sup>32</sup>. We have argued elsewhere that intersectionality must evolve further from a trans-national context and that

---

<sup>31</sup> Hancock (2007) has proposed a useful distinction between unitary, multiple and intersectional approaches to diversity and difference. Unitary approaches address one primary category, multiple and intersectional approaches address more than one category. In the multiple approaches the categories have a predetermined relationship to each other whereas in intersectional approaches the categories matter equally and the relationship between categories is an open empirical question.

<sup>32</sup> It is possible to trace different routes which have contributed to the development of the concept from different contexts and by different actors. One important inspiration for the European debates has come from the Black feminist scholar's critique of the neglect of gender in critical race studies and by the black social movement in the US during the 1980s (Crenshaw 1991). Crenshaw's distinguishes between structural and political intersectionality; structural intersectionality refers to how racism intersects with capitalism, and political intersectionality refers to intersections of political strategies, i.e. intersecting struggles of recognition.

the transnational level provides new opportunities for rethinking the European public sphere from the perspective of diversity (Rolandsen Agustín & Siim, forthcoming). Here we pursue this argument further in relation to the European public sphere by analysing the articulation of gender and diversity in the context of the EU.

The article explores the interface between institutions and actors in the European public sphere from a dual perspective of participation and deliberation. The interrelation between collective mobilization and institutional structures may facilitate the expression of a diversity of voices as well as the national/transnational interaction. We are particularly interested in understanding what diversity means in the EU context and whether and how gender diversities are taken into account in EU policies. Thus, the aim is to understand the nature of gender diversities in EU policies as we ask what kind of 'gender-and-diversity' entity the EU is. In other words, our main research question is what kind of intersectionality the EU practices through civil society funding and interaction. The focus is on the participation and deliberation of different civil society actors in the practical implementation of policies as well as on the way in which 'intersectionality' is practised in EU-initiated activities at the member state level. We analyse how actors use the discourse on social exclusion and poverty and which issues and whose problems are in/excluded from EU gender diversity policies. The latter concerns especially the extent to which policies open up for 'inclusive deliberation', i.e. make room for differences in policy preferences and interpretations (not least between minority and majority groups) and facilitate plurality in the participation of civil society actors in policy-making dialogues and processes.

We have selected the *European Year for Combating Poverty and Social Exclusion* (2010) for a more detailed analysis of the role of civil society actors on the EU public arena. By focusing on the way in which gender and ethnicity are articulated in the policy-making process leading to the adoption of the Year, the activities undertaken during the Year as well as its evaluation, we ask what kind of 'gender-and-diversity' entity the EU is and what the particularities of EU intersectionality is. We focus especially on gender and ethnicity and the understanding of this diversity as expressed in key policy documents and agenda-setting actions such as the European Years. The European Years are selected because they are to a certain extent a reflection of agenda-setting struggles at the EU level and because of their inclusion and funding of civil society actors which facilitates collective mobilisation, thus including the public sphere perspective of analysis. The EY for Combating Poverty and Social Exclusion is particularly relevant for the purposes of our analysis since it focuses

on some of the dimensions which are deemed relevant for the articulation of gender and diversity at the EU level, namely employment, labour market relations and thematic issues such as the gender pay gap. Furthermore it 'disguises' another important inequality or difference, namely that of class, which is typically euphemised at the EU level in terms of 'social exclusion', for instance.

The article is based on discursive policy analysis; Lombardo, Meier & Verloo (2009: 10) define the discursive approach to politics as 'the intentional and unintentional engaging of policy actors in conceptual disputes that result in the meanings attributed to the terms and concepts employed in specific contexts' (Lombardo, Meier & Verloo 2009: 10). In particular, they address the dominant discourses with a focus on the barriers for achieving gender equality. The starting point for the analysis of gender diversities is thus EU's multilevel framework, which has encouraged institutionalisation of 'multiple inequalities'. Here we focus on opportunity structures which combines the dimensions of policy ideas (as articulated in key documents), agents (EU institutions and civil society organizations) and the institutional and political context in which policy-making and in/exclusion of voices take place in our analysis of the European Year for Combating Poverty and Social Exclusion.

First we trace how 'intersectionality' is institutionalised at EU level through policies and civil society interface and situate ourselves in the academic debate on diversity, gender equality and intersectionality. The focus is on the tensions and potential conflicts between claims for gender equality, claims for equality and recognition of ethno-cultural and religious rights for minority and migrants groups. This section provides the background for the subsequent empirical analysis of recent EU policies potentially targeting multiple discriminations. Through the empirical analysis we aim to move beyond the level of policies by analysing how intersectionality is practised within a framework of potential deliberation and participation in the European public spheres. We ask how policies of multiple discriminations, especially related to immigrant and ethnic minority women, are implemented in the member states through the EY for Combating Poverty and Social Exclusion. This includes civil society funding and interaction with member states. Finally we present our conclusions which relate the particularities of intersectionality in the EU setting to a broader view on intersectional approaches to inequality grounds.



## **The academic debate about gender and diversity in the European Public Sphere**

EU's unique multilevel institutional framework has inspired competing interpretations of and approaches to (gender) equality policies, which often highlights specific aspects of EU equality and diversity policies. Scholars have started to analyse diversity in the EU context characterized by complex diversity<sup>33</sup> (Kraus 2009); complex inequalities (Walby 2009); multiple and overlapping inequalities (Verloo 2006; 2007); and multiple anti-discrimination policies (Kantola & Nousiainen 2009). Until recently there has arguably been a gap between gender models concerned primarily with gender inequality and diversity models concerned primarily with ethno-cultural or religious differences (Siim et al. 2011). The academic debate has analysed the tensions between the EU approach to gender equality and the more recent approach to deal with multiple inequalities through the antidiscrimination legislation.

Article 13 of the Amsterdam Treaty (1997), which envisages EU actions regarding the combating of six grounds of discrimination, i.e. sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, became a turning point in the concern for multiple discrimination in EU equality policies. Kantola & Nousiainen's (forthc.) argues that the Amsterdam Treaty offers a new legal basis for anti-discrimination directives and widens the basis of equality from gender and nationality to race and ethnicity, religion and belief, age, disability, and sexual orientation. Efforts to balance or uneven out the protection against discrimination between the different inequality grounds have been made and institutionally the European Commission (EC) encouraged member state to set up integrated equality bodies for dealing with multiple discrimination. Previously gender was the most protected ground of discrimination; now, race/ethnicity is on the top of the inequality hierarchy. However, so far the results in terms of intersectionality have not been convincing: concerns for how the different inequality dimensions interact are not prominent and an accentuated competition between the different discrimination grounds in terms of the level of protection is playing out. Results from the QUING project<sup>34</sup> indicate that there the difficulties analysing multiple inequalities. Lombardo & Verloo (2009) observe that there is hardly any presence of intersectionality in gender equality policies at the state level across Europe. As regards EU gender

---

<sup>33</sup> Kraus (2009) has emphasised that diversity can have different meanings; either as something positive to be defended, for example diversity of languages, or as something negative which leads to inequality and therefore should be abolished.

<sup>34</sup> The QUING project (2006-2011) was led by Mieke Verloo and financed through the European Commission 6<sup>th</sup> Framework Programme.

equality policies in particular, intersectionality is characterised as ‘embryonic’ (Lombardo & Rolandsen Agustín forthc.). Kantola & Nousiainen (forthc.) conclude that there are still many barriers to ensuring citizen’s formal rights and to combat multiple and intersectional discrimination in the EU.

Feminist scholars debate whether the move towards multidimensional equality policies and the adoption of the anti-discrimination doctrine can be interpreted as a means to strengthen gender equality. Multiple discrimination policies may present a threat to gender equality goals, by marginalising them, or an opportunity to develop greater sensitivity towards intersectional dimensions (Squires 2007). Kantola (2010) mentions two positive aspects of the development: EU legislation on other inequality grounds may be brought up to the same level of protection as gender (‘upward harmonisation’), and the institutions gain increased competences in handling cases of multiple discrimination when all discrimination grounds are considered together. Sceptical accounts focus on the marginalisation of gender, the competition between grounds, and the inadequacy of using the same tools for discrimination grounds which are different in nature (Ibid.). Multiple discrimination can provide new conditions for combating multiple inequalities and for giving voice and influence to diverse and marginalised social groups (Squires 2007) or it may become a barrier for gender equality, giving priority to diversity claims over gender equality (Verloo 2007).

Mieke Verloo’s approach (2005; 2006) has presented the strongest criticism of the recent EU move from a primary focus on gender equality towards policies that address multiple inequalities. The critiques point towards three basic concerns: a) the assumed similarities of inequalities; b) the need for structural approaches; and c) the political competition between inequalities (see Verloo 2006, 214). According to Verloo the ‘one size fits all’ approach to multiple discriminations is problematic since it “is based upon an incorrect assumption of sameness or equivalence of social categories connected to inequalities and of mechanisms and processes that constitute them” (Verloo 2006, 223).

Judith Squires (2007) identifies contradictory aspects of the new European ‘diversity agenda’ and the concern with multiple inequalities (Squires 2007, 160). Squires (Ibid.) finds that the diversity agenda can be used as a potential strategy to empower women who have not been part of the dominant gender equality discourses, for example immigrant, minority women. From this perspective Squires has proposed a *participative-democratic model to gender and diversity*

*mainstreaming*<sup>35</sup> based upon an *integrated approach* to gender and diversity mainstreaming: “for without inclusive deliberation as to what gender equality entails – and therefore what form gender equality policies should take – the pursuit of gender equality can itself become an exclusionary process, undertaken for considerations of utility rather than justice” (Squires 2007, 177-78).

### ***A transnational and dynamic approach to gender diversities***

We have argued that EU 's particular history and multi-level institutions presents a unique opportunity to explore a contextual and dynamic approach to intersectionality further from a trans-national context (Rolandsen Agustin & Siim forthc; Rolandsen Agustin 2011). EU has a specific discursive opportunity structure, which include various national welfare, gender and migration regimes, which has shaped the intersections between key categories as gender, race and class, and has affected the political actors' potentials (as well as the barriers) for participation and deliberation and for making alliances between national and transnational networks and organizations. Discursive opportunity structures are perceived as “complex playing field [which] provides advantages and disadvantages in an uneven way to the various contestants in framing contests” (Ferree et al., 2002: 62), thus making certain framings more acceptable than others, depending on whether they are resonant or not with dominant discourse(s).

Marx Ferree's (2008) approach contributes to a comparative and transnational understanding of the framings of equality in the EU model. She has recently characterised the European Union (EU) as a complex hybrid, shaped by historical conflicts and struggles, arguing that this opens up the possibility for creative combinations for dealing with inequalities and differences (2008). The hybridity of the EU model incorporates two competing senses of trans-nationalism; liberalism and social democracy: “an orientation to neo-liberalism and economic competitiveness on the global level, and a specific regional claim to the distinctive success of “Europe” as a model of modernity and social progress” (Ferree 2008; 237). The particular EU framework has implications for the approach to gender equality/equity. Comparing the framing of inequalities in the EU and the US, she finds that conflicts in the EU are played out mostly in relation to citizen/non-citizen differences and struggles over migration/integration and group differences. The class analogy 'gender being as class' for making claims for women as a collective group is prevalent. This is

---

<sup>35</sup> Squires argues that the concept of intersectionality is more precise than the concept of diversity, because it directs attention towards the locations at which, or processes by which, marginalised groups experience not only multiple but also particular forms of inequalities.

different from the US context where the race dimension has been prevalent for framing inequalities and the race analogy has been useful in the work of framing gender (Ferree 2008).

We consider the evolution of EU gender equality and diversity policies to be particularly marked by the prevalence of the gender dimension while the ethnicity/race dimension gained strength in the 90s. Along with the pronounced citizen/non-citizen differentiation as identified by Marx Ferree, this makes the intersection between gender and ethnicity/race a particularly interesting one in terms of the articulation of gendered diversities in EU policy and institutional processes. According to Ferree the hybridity of the EU structure in relation to gender, race and class opens potentials for gender politics, especially linked to the social and democratic aspirations of the European member states. The main problems for gender politics are linked to the distinction between citizens and non-citizens; this framing tends to exclude 'the other', i.e. those outside the EU, the non-Europeans, which are framed as less modern and less gender equal.

Ferree's comprehensive approach to the EU emphasises the potentials for an active framing of gender politics by feminist advocacy networks and points towards the specific intersections of gender, class and race/ethnicity within this institutional framework. This raises important issues for transnational and comparative analyses, which need to be addressed in greater detail through empirical analyses.

One set of questions concerns the different meanings and dynamics between the key categories gender and diversity from different contexts. How does EU's multilevel framework affect the understanding of gender politics and the meaning of diversity? How is diversity defined in the EU contest? Is it primarily perceived as a liberal category associated with the individual, as in the US, or does diversity acquire particular meanings in the EU, for example associated with claims for recognition from ethno-national diversities and minority groups? Another set of questions concerns the influence of regional and national specificities on the understanding of the key categories, i.e. gender, race/ethnicity and class. In what ways have the histories and various national frameworks shaped the political gender models in Western and Eastern, Southern and Northern Europe? To what extent and in which ways do feminist advocacy networks negotiate active framings of gender policies within the European public sphere, and are they able to interact with anti-racist, migration and class-based networks?

Our starting point is that the multilevel and transnational EU institutions, history and equality framework are unique, and the aim of the following analysis is to understand intersectionality from the particular European policy context.

Inspired by Ferree's work we propose a dynamic intersectionality approach, which focuses on the interface between institutions and citizens as well as between different groups of citizens and non-citizens (Ferree 2009). We add that this approach is premised on conflicts, struggles and contestations. The research strategy thus focuses on the intersections between specific institutions and civil society actors as well as on multiple inequality creating categories inherent in EU gender diversity policies. From this perspective the academic debate need to develop further, for example through case studies exploring the barriers and potentials for gender diversities in the European public sphere acknowledging EUs particular multidimensional and transnational contexts.

Research from the Eurosphere project has contributed to highlight the interactions, and negotiations of European social movements, for example between the European Women's Lobby, (EWL) and the European Network Against Racism (ENAR) (Pristed Nielsen, forthcoming). The *European Year for Combating Poverty and Social Exclusion* (2010) provides a chance to address the intersections of national and transnational policy arenas and their concern for different inequalities as well as the interactions between civil society organisations and the nation states. Against this background we argue for the need to pay increased attention to the influence of the discursive opportunity structures for gender diversities within the framework of the EU. EU's unique transnational institutional framework is particularly challenging for equality policies from the perspective of gender groups and diversity groups. We propose that the gradual move from a focus on gender equality (on the labour market) to multiple (in)equalities poses particular problems and opportunities for gender diversity policies.

The next section links the theoretical perspectives discussed above with an empirical case study of the European Year for combating poverty and social exclusion. It particularly addresses the way in which intersectionality is practised in EU equality policies in the interaction between member state and EU levels.

### **Practising intersectionality in the adoption and implementation of the European Year for combating poverty and social exclusion**

Each year the EU chooses a particular topic to be a focus point for planned activities at the national and European level. The aim is that of "raising public awareness of and drawing national governments' attention to a specific issue" (europa.eu).<sup>36</sup> In October 2008 the EP and the Council decided to denominate

---

<sup>36</sup> The European Years have existed since 1983. The themes of the most recent ones were Equal Opportunities for All (2007), Intercultural Dialogue (2008), and Creativity and Innovation (2009). 2011 is EY of Volunteering.

2010 the European Year for Combating Poverty and Social Exclusion (1098/2008/EC). A number of campaign- and project-related activities concerning this issue were subsequently prepared. Here we analyse the way in which gender and diversity are articulated in: 1) the policy-making process leading to the adoption of the Year; and 2) the national activities implemented during the Year.

### *Adopting the decision: the policy-making process*

Decision No 1098/2008/EC on the EY for Combating Poverty and Social Exclusion (2010) was adopted by the EP and the Council through the co-decision procedure on 22 October 2008. The policy-making process was initiated in December 2007 when the EC issued an initial legislative document (COM(2007)0797). In May 2008 the EP Committee on Employment and Social Affairs adopted a report on the proposal for decision (A6-0173/2008), and in June that same year a legislative resolution amending the proposal was adopted by the EP plenary.

The gender equality objective is present throughout the documents and gender is a constant dimension though it is clearly strengthened as the proposal goes through the legislative process. The initial legislative document from the EC mentions the 'gender dimension of poverty' and the 'integration of immigrants and the social and labour market inclusion of ethnic minorities' as themes of focus. It is clearly the EP who adds the 'gender flavour' to the policy; the Committee report points to the need of producing gender-disaggregated data, whereas the legislative resolution adds gender mainstreaming as a requirement in the implementation of the EY 2010. The resolution points to intersectional concerns in that it mentions 'gender and age dimensions of poverty' as well as single-parent families as focus points. The latter is also mentioned in the Committee report which states that the EY 2010 should "take into account the different risks and dimensions of poverty and social exclusion experienced by women and men, specifically in single-parent families which are particularly exposed to the risk of social exclusion" (A6-0173/2008).

The decision adopted focuses in general on poverty and social exclusion; inclusive society; economic growth; more and better jobs; and greater social cohesion. The guiding principles revolve around recognition of rights, shared responsibility and participation as well as cohesion, commitment and concrete action, i.e. mobilisation. Concerning the gender dimensions, in-work poverty is linked to the gender pay gap and women's higher risk of poverty is emphasised. Among the most vulnerable groups, the gendered target groups of single parents, young women and women victims of violence are mentioned. The priorities remain the same, namely to tackle the gender and age dimensions of

poverty as well as overcome discrimination and promote social inclusion of immigrants and ethnic minorities. The need for gender-disaggregated data collection and gender mainstreaming are also mentioned, and the annex of the decision underlines the attention to “multiple dimensions of poverty and social exclusion (especially among women and children)” (1098/2008/EC).

All in all the policy-making process resulting in the Decision adopting a EY on Combating Poverty and Social Exclusion 2010 shows a minimum model of policy gendering, meaning that gender mainstreaming is mentioned as a requirement but this is not elaborated upon. It is an EY with a strong focus on multiple discriminations even though it is usually reflected through lists of specific target groups with no additional comments on the discrimination suffered or the specific relation between different inequality grounds.

#### *Implementing the decision: the national activities*

The implementation of the EY 2010 was divided between three levels; the EU (and more specifically the DG EMPL of the EC) took care of the overall coordination and policy framework; at member state level, national implementing bodies (NIBs) were appointed to elaborate national programmes and priorities; and each NIB then organised events (through decentralised tendering) with EU/member state co-funding. The NIBs issued calls for proposals for projects to be funded; they determined the award criteria according to the national priorities and selected the final projects for funding. The budget of the EY 2010 was of 17 million Euros total, with 9 million Euros for activities to be implemented at the national level. The budgets were allocated nationally based on vote weighting of each member state in the Council.

In terms of civil society participation, the annual programmes and their implementation should be carried out in close consultation with those affected, their representative organizations and other concerned civil society actors. At the European level, 40 transnational partners were identified, covering organizations from a wide range of fields such as charity organisations, antipoverty networks, religious associations, humanitarian organisations, transnational umbrella organisations, health organisations, homeless people’s organisations, think tanks, trade unions, as well as organisations focusing on human rights, children’s rights, solidarity, inclusion and social economy. The European Women’s Lobby is the only organisations among the official partners which focuses particularly on women and on gender, and European Network Against Racism as well as the Policy Center for Roma and Minorities (think tank) are the only ones explicitly addressing the ethnicity dimension. Also among the civil society organizations ultimately selected for co-funded projects at the national level in relation to the

activities carried out during the EY on Combating Poverty and Social Exclusion, relatively few are women's or minority organisations. None of these are intersectional in their outlook, i.e. they do not attend to more than one inequality dimension. Within the area of gendered projects, most civil society actors funded are NGOs from a broad variety of fields (from sports associations to institutions within the field of education, youth and social services), some trade unions, municipalities/public authorities and research centres.

In our analysis of the EY 2010 we focus primarily on how priorities, activities and projects are gendered and which diversity dimensions are taken into account. The analysis of the national programmes setting the priorities for the activities to be carried out at member state level during the EY for Combating Poverty and Social Exclusion 2010 shows that the policy framework established at the EU level, with its focus on gender and age, influences the general priorities set forward by the NIBs and the focus points or vulnerable groups mentioned. The national programmes are typically gendered in the sense that they focus on elderly women and single mothers as well as on violence against women (VAW). They reproduce the EU level silencing of ethnic minority and migrant women; they are downplayed in the national programmes at large.

Gender mainstreaming is applied in a very narrow sense; in the majority of cases the NIBs display gender mainstreaming as a rhetorical exercise by mentioning the requirement in the programmes but nothing further. 11 of the participating countries show what we call a minimum model of gender equality; they follow the EU content by stating the gender mainstreaming requirement (as attention to specific gendered risks and dimensions of poverty), the need for gender statistics and the will to implement gender balance in recruitment of EY personnel.

At the level of the projects selected for funding under the EY for Combating Poverty and Social Exclusion 2010 the same patterns as in the national programmes are apparent. However, a few new target groups are mentioned as well; this regards women victims of violence and women from immigrant background. 7 countries have more than 10% projects focusing on women as a target group or gender as a factor, 16 countries have less than 10%, and 6 countries lack information altogether.

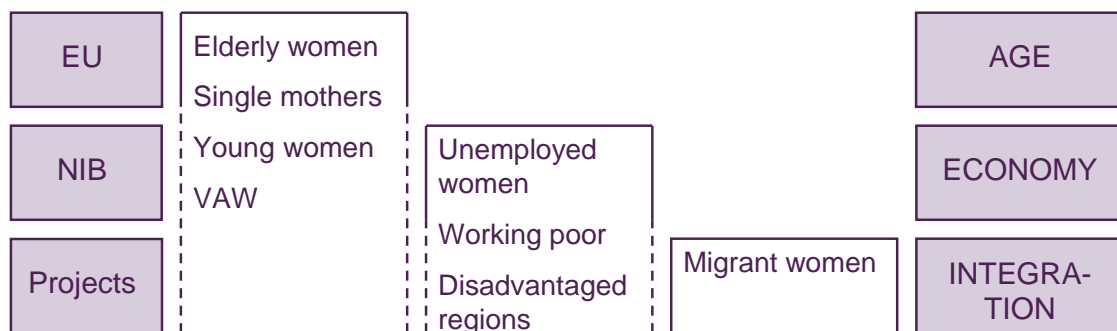
Based on our findings we conclude that the national contexts matter precisely in the way in which migrant women (or the intersection between gender and ethnicity or gender and citizenship status) are highlighted in a few national cases. The focus on migrant women is downplayed in EU policies and documents concerning the EY 2010 but present in national priorities in Denmark, Germany, Norway and to some extent Iceland. Other target groups which are



only mentioned in the national documents, and not in the EU documents, are unemployed women, working poor, women from disadvantaged regions and, to a lesser extent, young women. In general the projects focus on awareness-raising, counselling, network-building and workshops. The projects related to migrant women focus on counselling, networks and self-help in order to combat isolation for example (Denmark) and family perspectives in terms of strengthening parental skills (Germany).

The overall picture, interpreting the gender-and-diversity focus across the European, national and civil society/project level, shows that the EU documents emphasize age as the main inequality ground combined with gender (see figure 1 below). Elderly women and young women as well as single mothers and women victims of violence are the main target groups and this perspective runs through all three levels. The national level, through the programmes and priorities established by the NIBs, adds economy as an inequality perspective by focusing on unemployed women, working poor and disadvantaged regions. Finally, at the project level ethnicity and citizenship status are the main diversity dimensions intersecting with gender as integration is emphasized as a key perspective of gender, poverty and exclusion. Here migrant women are mentioned as a main target group in some of the participating countries.

**Figure 1. Target groups and (in)equality focus at EU, member state and project levels**



The national contexts influence the way in which the projects are structured in the sense that labour market integration is the most important aim behind the Danish projects and combating isolation through counselling, networks and self-help is conceived as the way to reach the aim, whereas the German projects focus on immigrant women as mothers, i.e. emphasizing the family perspective.

## Conclusions

Previous research shows that gender has been the frontrunner in the development of EU equality policies; with the recent focus on diversity, gender is to some extent being passed in terms of level of protection by other grounds of discrimination, particularly race/ethnicity. EU focus rests on multiple discriminations and intersectionality is still under-developed in the sense that the nature of the relations between the different inequality grounds remains to a large extent unexplored or unarticulated. Furthermore the EU/civil society interface does not facilitate intersectional demands; rather it focuses on separate inequalities and the collaboration between transnational umbrella organisations in each field. At the national level however integrated equality bodies taking into consideration all grounds are encouraged.

Our analysis of the EY supports this interpretation of the dynamics of gender and diversity policies in the EU and confirms the main interpretations. When it comes to the more economically oriented policy areas and especially, as in this case, the issue of poverty and social exclusion, the gendered ethnicity and citizenship status dimensions are excluded from the policy framework which focuses instead on elderly, single mothers and unemployed primarily. These categories are no doubt particularly exposed to poverty but seen from an intersectional perspective, adding the dimensions of ethnicity and citizenship status to the mix would potentially show increased levels of vulnerability among these groups (for example the isolation of elderly migrant women or the labour market exclusion of non-citizens). Previous analyses of the dynamics of intersectionality in EU gender equality policies also confirm the increased attention to the intersection of gender and age within the areas of employment and labour market policies (Lombardo & Rolandsen Agustín, *forthc.*).

The question then remains what the strengthened focus on civil society at the national level, which we have introduced here, brings to the analysis, especially in terms of the potentials of the national and local levels to include intersectional concerns and intersectional civil society actors to a further extent than what is currently the case at the transnational level. The EU policy framework and the national contexts interact in the construction of barriers and potential vis-à-vis the discursive opportunity structures affecting the possibilities of developing gender-and-diversity policy content. In terms of policies the focus on migrant women is getting increasingly strong in some policy areas (such as violence against women for example, see Montoya & Rolandsen Agustín, 2011) and in some national contexts as we have seen at the level of projects selected for the EY for Combating Poverty and Social Exclusion 2010. The civil society perspective which is prominent in the implementation of the EY 2010 through the selection of

projects for funding does not call for economic perspectives. Activities are to a further extent individualized, i.e. addressing women's own role in combating isolation for instance, and information-related, i.e. focusing on awareness-raising among vulnerable groups.

Based on the theories of Squires and Verloo, we argue that the turn to diversity in equality policies has resulted in new possibilities for including minority voices in policy-making as well as developing the gender-and-diversity perspective through multidimensional equality policies. Here we have proposed a contextualised, multi-level and dynamic model for gendered diversities at the transnational level which rests on inclusive policy-making by taking into consideration the contributions from different groups of citizens. The study of the EY in particular is adequate for the purposes of developing such a model because it highlights three crucial dimensions, i.e. those of the interaction between the national and transnational levels, the intersection between gender and other diversities, as well as the interface between civil society actors and member state institutions. This particular mix contributes to the development of a democratic intersectionality perspective while paying attention, at the same time, to the potential barriers for gender equality policies imposed by the discursive opportunity structures emerging through the interaction between national and European policies and institutions.

The empirical analysis has shown that the question is not whether there is a focus on ethnicity or not; both EU policies and national priorities, as set forward by the individual NIBs, focus on ethnic minority and migrant groups. The question is rather how intersectionality is articulated in the sense that ethnicity is not gendered except at the level of projects. In conclusion, the EU as a gender-and-diversity entity is characterised by the non-citizen/citizen (as argued by Marx Ferree, see above) and redistribution/recognition divisions and what matters in terms of barriers for gender diversities are precisely these divisions. Gendered non-citizens are excluded at the policy level and it depends on the national contexts how the individual projects deal with this intersection. Even though the EU policy documents state that recognition of rights is a central aim of the EY 2010, policies tend to focus on intersections relevant to a context of welfare and social services, thus emphasising gender and age as the main intersection (services for elderly as well as the child care perspective and to some extent the unemployed). They do not cover gender and ethnicity or gender and citizenship status since the migrant perspective is not covered in terms of economy and much less illegal immigrants as economically marginalized. Furthermore we argue that the particularities of EU intersectionality depend on the level of

implementation (European, national and local) as well as the particular policy area.

One interesting question to be explored further is what the move from a focus on gender equality to a focus on multiple discrimination in relation to sexuality, race/ethnicity, religion, handicap and age means for understanding the intersections of gender and class. Another crucial (and related) question is the influence of the diversity of national gender, migration and welfare regimes for the practical implementation of multiple discriminations, for example between Northern Europe, which has traditionally given priority to class and gender policies, Germany with a focus on class/social inequalities and the UK with a traditional focus on individual anti-discrimination policies. The crucial issue is how far it is possible to develop the intersectionality of gender and class further as long as social politics and economic redistribution remain the prerogative of nation states.

## **Bibliography**

- Christensen, A.-D. and B. Siim (2010), "Citizenship and Politics of Belonging – Inclusionary and Exclusionary framings of Gender and Ethnicity", *Kvinder, Køn & Forskning*, 2-3, pp. 8-17.
- Crenshaw, Kimberly (1991), Demarginalizing the intersections of race and sex: A black-feminist critique of anti-discrimination doctrine, feminist theory, and anti-racist politics, in Katherine A. Barlett and Rosanne Kennedy (eds). *Feminist Legal Theory*. Westview Boulder, CO.
- Ferree, M. M., W. A. Gamson, J. Gerhards and D. Rucht (2002), "Four models of the Public Sphere in modern democracies", *Theory and Society*, 31, pp. 289-324.
- Ferree, M. M. (2009), "Inequality, intersectionality and the politics of discourse: framing feminist alliances". In: E. Lombardo, P. Meier & M. Verloo (eds.), *The Discursive Politics of Gender Equality: Stretching, Bending and Policymaking*. London: Routledge, pp. 86-104.
- Ferree, Myra Marx (2008), "Framing Equality. The Politics of Race, Class and Gender in the US, Germany, and the Expanding European Union", in S. Roth (ed). *Gender Issues and Women's Movement in the enlarged European Union*, Oxford/New York: Berghahn Books.
- Hancock, A.-M. (2007), "When Multiplication Doesn't Equal Quick Addition: Examining Intersectionality as a Research Paradigm", *Perspectives on Politics*, 5(1), pp. 63-79.

- Kantola, J. and K. Nousiainen (2009), "Institutionalising Intersectionality in Europe: Introducing the Theme", *International Feminist Journal of Politics*, 11(4), pp. 459-477.
- Kantola, J. And K. Nousiainen (forthc.), "Introduction. Institutionalizing Inequalities". In: *Institutionalizing Inequalities in Europe*. New York: Palgrave.
- Kantola, J. (2010), *Gender and the European Union*. New York: Palgrave Macmillan.
- Knapp G.-A. (2005), "Race, Class, Gender: Reclaiming Baggage in Fast Travelling Theories", *European Journal of Women's Studies*, 12, pp. 249-265.
- Kraus, P. (2009), "Complex Diversity", unpublished paper presented at EUROSPHERE summer school, Tallin, Estonia.
- Liebert, U. (2007), "The European Citizenship Paradox: Renegotiating Equality and Diversity in the New Europe", *Critical Review of International Social and Political Philosophy*, 10(4), pp. 417-441.
- Lombardo, E. and L. Rolandsen Agustín (forthc.), "Framing gender intersections in the European Union: what implications for the quality of intersectionality in policies?", *Social Politics*.
- Lombardo, E. and M. Verloo (2009), "Stretching gender equality to other inequalities: political intersectionality in European gender equality policies". In: E. Lombardo, P. Meier & M. Verloo (eds.), *The Discursive Politics of Gender Equality: Stretching, Bending and Policymaking*. London: Routledge, pp. 68-85.
- Lombardo, E., P. Meier and M. Verloo (eds.) (2009): *The Discursive Politics of Gender Equality: Stretching, Bending and Policymaking*. London: Routledge.
- Montoya, C. and L. Rolandsen Agustín (2011), "The Othering of Domestic Violence: The EU and Cultural Framings of Violence against Women", paper presented at the *ECPR Second European Conference on Politics and Gender*, January 13-15 2011, Central European University, Budapest.
- Priested Nielsen, H. (forthc.), "Joint purpose? Intersectionality in the hands of anti-racist and gender equality activists in Europe".
- Rolandsen Agustín, L. and B. Siim (forthc.), "Democracy, Diversity and Contestation: A Transnational European Perspective". In: Jyotirmaya Tripathy (ed.), *Democracy and Cultural Diversity*. New Dehli: Routledge.
- Rolandsen Agustín, L. (2011), *Gender Equality and Diversity at the Transnational Level. Challenges to European Union policy-making and women's collective mobilisation*, Ph.D. dissertation, Aalborg University.
- Siim, B., M. Mokre, L. Rolandsen Agustín, H. Priested, Nielsen and, A. Alvarez, R. Sata, A. Lozano (2011). *The role of Gender Groups and the Impact of Gender Concerns on the Articulation of EPS*. EUROSPHERE Comparative Studies. Work Package 7 Report, 2011

<http://eurospheres.org/publications/workpackage-reports/> ISSN 1890-5986

- Squires, J. (2007): *The New Politics of Gender Equality*. Basingstoke: Palgrave Macmillan.
- Verloo, M. (2005), "Mainstreaming Gender Equality in Europe. A critical frame analysis approach", *The Greek Review of Social Research*, 117 B, pp. 11-34.
- Verloo, M. (2006), "Multiple Inequalities, Intersectionality and the European Union", *European Journal of Women's Studies*, 13 (3), pp. 211-228.
- Verloo, M. (ed.) (2007): *Multiple Meanings of Gender Equality. A Critical Frame Analysis of Gender Policies in Europe*. Budapest: Central European University Press.
- Walby, S. (2009): *Globalization and Inequalities: Complexity and Contested Modernities*. London: Sage.
- Yuval-Davis, N. (2006), "Belonging and the politics of belonging", *Pattern of Prejudice*, 40(3), pp. 197-214.
- Yuval-Davis, N. (2007), "Intersectionality, Citizenship and Contemporary Politics of Belonging", *Critical Review of International, Social and Political Philosophy*, 10(4), pp. 561-574.

# The newest diversity is the oldest: religious pluralism and the EU

Flavia Zanon and Giuseppe Sciortino

## Introduction

EU's direct involvement in issues concerning religious diversity is relatively new. For a long time since its creation, the European Communities (EC) have not been involved in any initiative directly addressing religious diversity. Even though reflecting the secularism of common institutions, this attitude was mainly a consequence of the EC's nature of economic (not political) organisation. Accordingly, after the Second World War, within Europe issues related to religious diversity have been discussed mainly by the Council of Europe and by the European Court of Human Rights.

Since the 1990s, however, this situation has started to change and EU institutions have found themselves increasingly involved in controversies that raised issues of religious interest. This evolution has been a consequence of a combined effect of multiple factors, such as the expansion of EU's competences to new policy fields, the enlargement to twelve new member states from central and eastern Europe that have a recent history of religious repression and host a wide array of religious minorities, and the growing role and visibility of non-traditional religious minorities deriving from immigration flows.

In response to these changes, EU institutions have developed an approach to religious diversity which is characterised by an inherent tension. On the one hand they have tried to distance themselves from different religious groups and to play the role of a third party among them. On the other hand, they have recognised the specific contribution of different groups to European society and, thus, their different role in it. In most cases, this recognition has been associated to an approach to religious denominations as a matter of individual and collective identity (McCrea 2010b); accordingly, in line with the principle of subsidiarity, their protection has been granted at the closest level to the citizen, that is at the national level.

In fact, the tension between the humanist attempt to separate the religious and the political, and the need to recognise the specific religion to society is not new in European history. Even though the attempt to separate religious and political power was inbuilt in European nation states; indeed, in Europe the differentiation between the religious and the political has never been complete,

and still nowadays European and national religious traditions continue to be reflected, to different degrees, in national laws and regulations (Casanova 1994). Accordingly, in the investigation of state-church relations in Europe, despite the great diversity of the arrangements adopted by each country, scholars have detected a common notion of *laïcité*, characterised by the coexistence of the secular principles of separation between state and church and freedom of religion and, at the same time, by *religious recognition*, that is the recognition the contribution of religious to European societies (Willaime 2009).

By transferring key competences from the national to a supranational level, and by the diversifying centres of political power, the process of European integration can potentially affects this existing relation between political and religious in Europe. The analysis of EU polity, politics, and policies concerning religion, however, shows that because of the peculiar way in which EU institutions have recognized the contribution of religious traditions to European society, that is through the concept of identity and the principle of subsidiarity, the impact of the integration process on the functional differentiation between the political and the religious has remained rather limited, and has not substantially decoupled rights, state memberships, and (religious) identity. Accordingly, even though common institutions provide religious minorities new instruments of protection, these instruments are still rather limited, and regard especially those areas where the two principles just mentioned are overcome, for example, by market principles.

In order to describe this emerging situation, the paper proceeds as follow. The first section describes trends and problems related to state-church relations in European societies. Section two highlights specific challenges generated by the process of European integration, and examines how common institutions have faced them since the early phases of the integration process. Finally, section three identifies the main features of the EU's current approach to religious diversity, through the analysis of its response at the polity and policies level, and of the politics surrounding it.

### **The political management of religious diversity in Europe: problems and issues**

Currently, 15 out of 27 member states of the European Union have a Catholic majority; in five Protestants are the largest religious group,<sup>37</sup> while in two member states the majority of the religious population is equally divided

---

<sup>37</sup> Finland, Sweden, Denmark, Estonia, and Latvia.



between Catholics and Protestants.<sup>38</sup> Among other members states, four have a prevailing Orthodox population (Romania, Bulgaria, Greece, and Cyprus), and one is Anglican (the United Kingdom). Therefore, Christianity remains by far the prevailing religious denomination in the EU, with Catholicism being prevalent in the South, Protestantism in the North, and Orthodoxy in the East. Due to the recent immigration trends from other areas of the world, however, other religious groups are increasing their weigh. Among these, Islam is certainly the most relevant: nowadays, Muslims account for about 6% of Europe's total population (up from 4.1% in 1990) and, are expected to make up 8% of Europe's population by 2030 (Pew Research Center 2011).

Despite the importance of religion in its history and traditions, Europe is currently depicted by sociologists of religion as an 'exceptional' continent, because of the increasing decline in the role of religion among its population. For a long time, scholars identified this 'secularisation' trend of the European continent with the reduction in the levels of religiosity among the population, as well as with the decline in the role of religion in public life, and a with the separation between religious and political power (Casanova 1994). Scholars subscribing to the 'secularisation thesis' attributed these trends to the modernisation of European society, and to the process of rationalisation that it inevitably implied.<sup>39</sup>

Since the 1990s, however, a new wave of sociologists of religion has started putting into question the secularisation thesis. By comparing the European case with the US or other regions of the world, these scholars have noted that, rather than constituting the norm, European secularisation represents an exception (Davie 2002). As such, its causes cannot be attributed to modernisation itself. By observing the 'resurgence' of the role of religion in the world, including in European public life (Berger 1999; Kepel 1994), some of these scholars have argued that, rather than being less religious than other parts of the world, Europe is differently so. For example, Davie has argued that, rather than implying the loss of significance of organized religion in crucial moments of European individuals' lives, European secularisation has rather implied a strong change in the relationship between religious organizations and their constituencies (Davie 1994). Accordingly, significant sections of the European population seems to take for granted the existence of religious bodies able to provide services on demand and at point of need, thus looking to established churches as kind of 'public

---

<sup>38</sup> Germany and the Netherlands. Data are taken from the CIA World Factbook 2003, cited by Halman, Lijkx, and Zendert (2005: 61).

<sup>39</sup> The secularisation thesis draws on classical sociology. Among scholars who have elaborated it see Luckmann, (1967). More recently: Bruce (2002).

utility'. The model that emerges from this attitude is that of "vicarious religion", where significant parts of the population are simply content to let churches and churchgoers enact a memory on their behalf (Davie 2002, 2000).

While contesting or reformulating the secularisation thesis, moreover, scholars have offered new explanations of European exceptionalism. Casanova (Casanova 1994: 29), in particular, has argued that, even though modernisation has not implied a decline in religiosity in Europe per se, nor the reduction of religion to a private factor, it has been associated to a functional differentiation of areas of life, including of secular and religious institutions. In Europe, unlike in other areas of the world, however, "the caesaropapist embrace of throne and altar" has permitted existing churches to resist to this differentiation, thus maintaining the link between church and state authority (Casanova 1994). It is this embrace that "perhaps more than anything else determined the decline of church religion in Europe"<sup>40</sup> and, particularly, observed trends such as the transformations in the relationship between religious organizations and their constituencies or the increasing decline of church religion in Europe.

Casanova's observations on the lack of differentiation between the political and religious in Europe are supported by a number of scholars. These scholars have argued that, in more than one way, the management of post-reformation religious diversity has been one of the main causes of the evolution of political structures in the direction of the modern state (Poggi 1978). In modern European states, however, the attempt of secular authorities to detach political legitimacy and sovereignty claims from the matrix of religious expectations has long met with important countertrends and with the resistance of majority churches. Consequently, state institutions have been forced to take into account the large differences in power, resources, influence and organizational strength of various religious organizations.

For Madeley, for example, in European history the nation inherited from the church the claim to universal power, which in turn had inherited it from the Roman Empire (Madeley 2003: 9). Consequently, "At each stage in the development of most European societies up to and including the most recent, religion has been deeply implicated in the moulding and structuring of both states and nations" (Madeley 2003: 9) and, despite its strong secularisation trends, "state religious neutrality is still far from realisation in Europe" (Madeley

---

<sup>40</sup> Casanova presents the example of Catholic Poland and catholic Ireland which, not having had established or 'caesaropapist' churches, still have high levels of religiosity and church attendance. By contrast, these have declined in Catholic Spain and France. Similarly, Casanova pints out that "throughout Europe, nonestablished churches and sects [...] have been able to survive the secularizing trends better than has the established church" (Casanova 1994: 29).

2003: 18). By comparing state-religion relations in 47 countries of Europe, moreover, the literature has showed that in 2000 only one of them (Sweden) could be considered as secular, in the sense that the state promotes neither religion nor irreligion, while a wide majority (30) were to be considered religious, as they support religion in one way or another.<sup>41</sup> Relations between state and churches remain particularly strong in fields such as education, welfare, health, or in the organisation of time, which were part of the domain of the churches for centuries.

This element constitutes an important commonality in the way EU Member States address religion. McCrea (2010a), defines this common trend as the tendency to treat religion “as an important aspect of national, collective, and individual identities”. Willaime (2009) argues that, despite their great diversity, the regulation of state-church relation in Europe is inspired to a similar and unique notion of *laïcité* characterised by the coexistence of three elements: recognition of freedom of religion, separation between state and churches, and “religious recognition”. By this latter element, Willaime refers to the widespread recognition across the various countries of the public value of specific churches. It is this recognition that legitimises the influence of religion over law, and that allows for example to exempt religion from market rules to which other aspects of society are exposed.

Starting from the observations of these scholars, this article aims to analyse EU’s approach to religious diversity by investigating if, and to what extent the integration process affected state-church relations in Europe. There is no doubt, indeed, that European integration has led to a multiplication of centres of political power, thus diversifying the interaction between Church and state in terms of levels and actors involved, and rendering it harder for religious communities to identify appropriate political interlocutors for a growing number of issues. This observation leads to wonder how EU common institutions have reconciled existing national practices and if the integration process has favoured a further differentiation of secular and religious realms.

In order to answer these questions, the following section examines how European common institutions have dealt with issues related to religious diversity since the foundation of the integration process. Subsequently, the main features of the current EU’s approach to this issue are presented, through an analysis of EU polity, politics, and policies.

---

<sup>41</sup> D. Barrett, G. Kurian and T. Johnston, *World Christian Encyclopaedia: A Comparative Survey of Churches and Religions AD30-AD2200* (New York: Oxford University Press 2001) cited by Madeley (2003).

### **The ‘secular’ foundations of European integration**

The European integration process has often been depicted as a product of European catholic leadership (Judt 2005). Indeed, European most prominent founding fathers were catholic, and belonged to political parties with Catholic leanings.<sup>42</sup> In addition, scholars have highlighted some enduring similarities between the political vision of an European community and the social doctrine of the Catholic Church (Kratochvíl and Doležal 2010).<sup>43</sup>

Even though attributing the integration project an explicitly political goal,<sup>44</sup> European founding fathers constructed the European Community as a strictly economic organisation, with no competency beyond the creation of the common market. Accordingly, religion and religious diversity were not mentioned in the Rome Treaties (1957), nor did they appear in subsequent texts such as the Merger Treaty (1965), the Single European Act (1986), and the Maastricht Treaty (1992).

In fact, rather than by the European Community, for long time since the end of Cold War religious diversity has been dealt with within Europe by the Council of Europe. It was the European Convention on Human Rights and Fundamental Freedoms—drafted by this Council and signed in Rome in 1950—which first formulated the two fundamental rights underpinning the respect for religious diversity in Europe: the right to religious freedom (art. 9)<sup>45</sup> and the right to freedom from religious discrimination (art. 14).<sup>46</sup> On the basis of these two principles, the European Court of Human Rights (ECHR)<sup>47</sup> developed a specific doctrine concerning the definition and the field of application of principles of religious freedom in Europe, which is nowadays recognised also in the general principles of EU’s law. One of the main corner stones of this doctrine is the recognition of the “absence of a uniform conception of the significance of religion in society.” On the basis of this recognition, the ECHR has abstained from

---

<sup>42</sup> Konrad Adenauer , Alcide De Gasperi, and Robert Schuman, who are widely considered the most prominent founding fathers of European integration were politicians explicitly linked to Catholic orientations. On this subject see also

<sup>43</sup> See also Philpott and Shah (2006).

<sup>44</sup> The first premise of the Treaty of Rome spells out the determination of the undertakings “to lay the foundations of an ever-closer union among the peoples of Europe”.

<sup>45</sup> Art. 9 says: Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.  
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

<sup>46</sup> In particular art. 14 prohibits discrimination on the basis of religion in relation to matters that come within the ambit of the Convention rights.

<sup>47</sup> The ECHR is charged with enforcing the Convention by ruling over complaints of human rights violations committed by States Parties that are brought to the Court either by other States Parties or by individuals.

imposing a uniform implementation of religious rights in all Member States, and has rather accorded them “A certain margin of appreciation” in the interpretation of the role of religion in society.<sup>48</sup>

While helping spread a uniform interpretation and application of the rights mentioned in the European Convention on Human Rights, therefore, the ECHR posed some limits to its practical development.<sup>49</sup> This attitude leaves member states free to adhere to a conservative interpretation of majority sensitivities and, potentially, to grant a less than optimal protection to dissenting minorities (Herbert and Fras 2009: 87). The ECHR postulates, on the one hand, universalistic principles of freedom of religion – both in the version of freedom of belief and freedom from belief – and, on the other hand, self-limits its direct intervention as a way to respect the country-specific compromises between these principles and the acknowledgement of the ‘special relevance’ of given majority churches.<sup>50</sup>

In margin of the action of the ECHR, and despite the lack of reference to religious-related issues in the Communities’ founding documents, in the early phases of the integration process European common institutions have dealt with problems related to religion and religious diversity on the basis of the principles of the common market. The European Court of Justice (ECJ), in particular, was confronted with a number of cases with religious components. In general, the approach adopted by this institution was either proclaiming its inability to intervene in issues of religious relevance, or disregarding the religious relevance of the matter and judging it only on the basis of the principles of the internal market (Macrì 2004). This latter approach was adopted for example in a number

---

<sup>48</sup> Case *Otto-Preminger-Institut v Austria*. In this case the *Otto-Preminger-Institut* complained its freedom of speech had been violated by the Austrian authorities who had banned the showing of a film because it offended the Catholic religion and the religious feelings of the people of Tyrol. The ECHR affirmed that the seizure and forfeiture of the film were aimed at ‘the protection of the rights of others’, namely the right to respect for one’s religious feelings, and at ensuring religious peace. Accordingly, it concluded that the Austrian authorities did not overstep their margin of appreciation in the evaluation of the significance of religion in the society.

<sup>49</sup> Somehow this attitude reflects the European notion of *laïcité* as identified by Willaime (2009).

<sup>50</sup> Lately, the ECHR seems to have abandoned a strict adherence to the margin of appreciation doctrine. With reference to recent jurisprudence of the issue of the Islamic veil, for example, some scholars have noted that the ECHR has rather tended to assert that, in view of its association with Islamic fundamentalism, gender discrimination, and proselyting, the veil is hardly compatible with European values (Nigro 2010). Certainly, this new attitude represents an evolution towards a more uniform protection of religious diversity across Europe. Yet, it also shows that the problem of finding a balance between equality, and the distinctive treatment of different religious groups in Europe is becoming the more and more complex and, according to some scholars, further complicated by the fact that, especially after 9/11, new religious minorities (Islam) are perceived as a threat to western civilisation (Ventura 2007).

of cases concerning the translation of religious names, night work within religious institutions, religious vacations, etc.<sup>51</sup> While on the one hand contributing to build the reputation of Community institutions as secular and separated from religion, on the other hand this attitude slowly raised fears that, in light of the predominance of European over national law, the Community would affect guarantees to religious groups provided under national laws.

### **The European Union and religious diversity: the newest diversity is the oldest** *The EU political system and religion*

It was for the first time in 1997 in Amsterdam that Member States inserted into the treaties specific clauses addressing the relation between EU and religion. First, the Amsterdam Treaty, provided a legal basis for the development of a common anti-discrimination policy (art.13).<sup>52</sup> During the 1980s, it was especially the European Parliament (EP) which was at the forefront of demands for the insertion of a treaty article on non-discrimination. These demands were part of a broader movement in favour of the recognition of social rights in the treaties, and reflected the prevailing perception within the EP that the Community should develop into a political organisation. Starting from the 1990s, especially in view of the enlargement to ten new Member States from Central and Eastern Europe, where a number of religious and ethnic minorities live, also national governments considered the need to strengthen the *acquis communautaire* in this regard. In 1994 they appointed a consultative commission (the so-called Kahn Commission) on racism and xenophobia. In line with the view already expressed by academics and civil society organisations (Waddington 1999: 133), this Commission suggested the insertion in the treaties of an article on non-discrimination, referring also to discrimination on religious grounds. The proposal was subsequently reiterated by the Westendorp report, produced by a Reflection group convened in the mid 1990s to prepare the ground for a treaties' reform. Accordingly, in Amsterdam in 1997 a new article was inserted into the

---

<sup>51</sup> See for example the *Prais v Council* case 130/75 [1976] ECR 1589, or the *van Duyn* case, or the *A. J. M. van Rosmalen v Bestuur van de Bedrijfsvereniging voor de Gezondheid, Geestelijke en Maatschappelijke*, 300/84, sentence of 23/10/1986. For a review of the cases with a religious relevance dealt with by the ECJ before the introduction in the Treaties of a reference to this subject see Alicino (2011). A list of cases can also be found at: <http://www.uni-trier.de/fileadmin/fb5/inst/IEVR/Arbeitsmaterialien/Staatskirchenrecht/Europa/EuGH/ECJ.pdf>.

<sup>52</sup> Art 13. of the Treaty of the EU (as amended in Amsterdam), now art. 19 of the Treaty of the functioning of the European Union (hereafter TFEU) states that: without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council ... may take appropriate action to combat discrimination based on ...religion or belief." Subsequently, in 2007, the Lisbon Treaty (paragraph 2 of art. 19) provided for the adoption of basic principles in this regard by simple majority.

treaties entitling EU institutions to take positive actions against religious discrimination

While recognising the importance of a common approach to discrimination, however, in Amsterdam Member States also stated that the integration process shall not “prejudice the status under national law of churches and religious associations or communities in the Member States,” as well as of “philosophical and non-confessional organisations” (annex Declaration XI). While for the first time recognising the need for action against the discrimination on the ground of religion at the supranational level, therefore, they granted important safeguards to established national practices, which de facto grant differentiated treatment to different religious groups.

Subsequent treaty reforms have clarified, without substantially changing, the approach emerged in Amsterdam. In 2007, a new reference to the ‘religious inheritance’ of Europe was introduced in the Lisbon Treaty. EU churches and religious organisations had asked for this reference to be introduced in the treaties already in the 1990s, and in early 2000s, during the negotiations on the EU Charter of Fundamental Rights. The proposal was then reiterated during the works of the European Convention on the Future of Europe (convened in 2003 and charged with drafting a further reform). Unlike during previous negotiations, within the Convention the proposal gained the support of most representatives of the (at the time) candidate countries from Eastern, Central and Southern Europe (Herbert and Fras 2009), which were participating for the first time in EU treaties reform. The presence of the representatives of these countries in the Convention led for the first time the balance between laic and less laic Member States to lean towards the latter. The reaction of humanist groups, as well as of Member States with a more secularist position prevented the insertion of any reference to a particular religious tradition. Following a compromise, the Preamble of the Lisbon Treaty mentions “the cultural, religious and humanist inheritance of Europe” and associates them to “the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law.”<sup>53</sup>

In addition to this reference in the Preamble, the Lisbon Treaty contains a new paragraph (added to art. 17) which provides that “recognising their identity and their specific contribution, the Union shall maintain an open, transparent and

---

<sup>53</sup> The original draft of the Convention refers to: “the cultural, religious and humanist inheritance of Europe, the values of which, still present in its heritage, have embedded within the life of society the central role of the human person and his or her inviolable and inalienable rights, and respect for law.”

regular dialogue with [these] churches and organisations”, whom implications are analysed in the following section.<sup>54</sup>

In general, the combined reading of these treaty articles reveals that, even though for a long time EU institutions have avoided dealing with religion related issues, the development of the EU into a more political organisation, together with the entrance of new members with a less secularised tradition have recently pushed EU institutions to take a clearer stance in this regard. The approach developed so far by EU institutions reflects the peculiar notion of *laïcité* described by Willaime (2009). EU institutions, indeed, have looked for a balance between European secular and religious traditions, thus on the one hand acting as a third party among different religious groups (as testified by non-discrimination provisions), and on the other hand recognising the identity and specific contribution of churches and religious groups (as testified by art. 17). As noted by McCrea, this recognition has been associated to an approach to religion as a matter of individual and collective identity (McCrea 2010b). Accordingly, following the principle of subsidiarity<sup>55</sup> inspiring EU’s legal system, the protection of these identities has been delegated to the closest level possible to European citizens, which is at the national level.

### *The EU, politics, and religion*

The political debate on religion in the EU has been characterised by two main features. First, unlike in the politics concerning the development of the common market—where the interests of the main economic groups collided with European institutions to erode the power of states—in this case (majority) religious groups and churches have opposed the transfer of key competences from the national to the supranational level. Second, churches and religious associations have attempted to gain special access to EU institutions by framing

---

<sup>54</sup> In addition, in Lisbon EU Member States attributed the EU Charter of Fundamental Rights the same legal value as the TFEU. As compared to the previous Community Charter of the Fundamental Social Rights of the Workers (1989), the text significantly extended the list of rights recognised by the Community. While granting the Charter legal value, however, national governments limited significantly its harmonisation potential in terms of rights’ protection. Indeed, they excluded that individuals may take national governments to court because they have failed to uphold the rights in the Charter. Moreover, the Lisbon Treaty incorporated Declaration n. 11 annex of the Amsterdam Treaty into the text of the TFEU (art. 17)..

<sup>55</sup> In areas where the European Community has not exclusive competence, the principle of subsidiarity seeks, on the one hand, to protect the capacity to take decisions and action of the Member States and, on the other, authorises the intervention of the Community when the objectives of an action cannot satisfactorily be achieved by the Member States. Its goal is to guarantee that decisions are taken as close to citizens as possible. Interestingly, the origins of this principle are to be found in the Catholic doctrine and, in particular, in the Encyclical *Quadragesimo anno* by Pius XI (1931).



their role as interpreter of European identity;<sup>56</sup> their requests have met with the desire of national governments to preserve national competences, and to a certain extent with that of the European Commission to gain greater legitimacy in EU civil society.

European churches have been slow in adapting to European integration. At the time of the signature of the Treaties of Rome, most of them regarded the Communities as merely economic organisations, and rather focused on the field of action of the Council of Europe.<sup>57</sup> The main attempts to open a debate on religion at the Community level in the 1960s and in the 1970s followed informal initiatives of religious orders and congregations, or groups of Commission's officials (Charentenay 2003).<sup>58</sup>

Catholic, Protestant and Orthodox churches started looking more carefully at the process of European integration only in the 1980 and the 1990s. This evolution was a consequence of the expansion of the Community's competences in view of the completion of the single market, as well as of its slow transformation from an economic into a more political organisation. In this context, churches and representatives of religious associations became aware of the possible intervention of common institutions on religious related issues which had been traditionally regulated at the national level. This awareness pushed religious organisations to seek a dialogue with EU institutions, as it is shown by the high number of ecumenical organisations and national churches which opened representations in Brussels or started being listed as partner for dialogue by EU institutions (Massignon 2002).<sup>59</sup>

---

<sup>56</sup> In this regard, Schlesinger and Foret (2006).

<sup>57</sup> For example: while the Vatican appointed a papal nuncio to the Council of Europe short after its creation, with regard to the EU, this role was played by the papal nuncio to Belgium until 1999. Associations of European Churches reflecting on the issues related to the Council of Europe includes the Conference of European Churches, regrouping Protestant, Anglican and Orthodox Christians (created in 1959) and the Council of European Bishops' Conferences (CCEE), founded in 1971, gathering the European bishops' conferences (Catholic).

<sup>58</sup> The catholic congregation of Jesuits, for example, opened an office in Brussels (OCIPE) in 1963, long before the Vatican sent a nuncio to the community (Charentenay 2003). In the same period, protestant officials within common institutions created the AOES (Association Oecumenique pour l'eglise et la societe) In 1973 the AOES experience led to the creation of the European Ecumenical Commission for Church and Society (EECCS), subsequently integrated as the Church and Society Commission (CSC) of the Conference of European Churches (CEC). In 1980 following an initiative of Catholic bishops and requests from European officials, the Commission of the Bishops' Conferences of the European Community (COMECE) was created.

<sup>59</sup> According to Böllmann (2010), while in 1994 32 organisations were listed as dialogue partners by the European commission, this number had doubled five years later, and reached 78 by 2008. To these organisations representing churches and religion communities (which do not have the obligation to register into the transparency register of EU institutions created to monitor lobbying activities), one should add NGOs with religious leanings.

As a result of this new interest, since 1997 regular meetings were organised between these organisations and the future Presidency of the Union. Following the requests of these organisations, moreover, in 1992 Jacques Delors charged the Forward Studies Unit attached to its office to launch a dialogue with churches and religions. Few years later, the Commission launched also the initiative “A soul for Europe.” In view of the big challenges that the process of integration was facing at that time, Delors conceived the programme as an instrument to give Europe the “soul”, without which it could have never completed its process of integration. The programme was especially aimed to finance inter-religious and multinational dialogue about European integration,<sup>60</sup> which de facto was perceived as an instrument to enhance the legitimacy of the integration process.

Less attention, by contrast, was reserved to the European Parliament, which was seen by religious communities as either politically irrelevant or hostile.<sup>61</sup> Indeed, the European Parliament has always paid little attention to religious issues.<sup>62</sup> Even though this neglect follows the lack of competences of common institutions in this regards, for a long time it also reflected a certain desire of this institution to preserve the secularism of the EU. At times, moreover, EP’s stances and resolutions on the role of religion into the public space, education, or abortion have been interpreted by these organisation as a sign of hostility (Charentenay 2003).<sup>63</sup> Accordingly, only the COMECE has established regular contacts with the European People’s Party, with Christian Democrat leanings.<sup>64</sup>

In the context of these dialogues, the representatives of Christianity have proved the most able to coordinate their action and to present their requests to EU institutions, acting like contemporary interests groups (Steven 2009). The requests presented by European Christian churches regarded in particular: the preservation of the status of religious communities under national laws, and the recognition of the importance of religious instances in the society through the establishment of regular and structured consultations with religious representatives. These two main requests have been associated to two

---

<sup>60</sup>Two types of initiatives became part of this programme: a) biannual seminars with representatives of the main European religious groups, where issues of interest to the Churches were discussed with European officials; b) biannual briefing meetings after each European summit.

<sup>61</sup> In the rare case in which these issues have been debated, they generally related to the protection of religious minorities in third countries.

<sup>62</sup> An exception in this regard has occurred in the case of the debate over the religious roots of European identity, occurred during the negotiations on the Lisbon Treaty. Although never openly debating the issue, the main political parties of the EP (socialist and popular) took a stance in the debate *REFERENCE*

<sup>63</sup> Another example could be the 2004 decision of the Committee on Civil Liberties, Justice, and Home Affairs of the EP not to endorse the candidature of the Italian Rocco Buttiglione to the European Commission in light of his position on homosexuality.

<sup>64</sup>

fundamental claims. First, the different regulation of state-church relations in various Member States is part of European and national identities. Second, European churches recognise the values of democracy, human rights, and rule of law and, thus, are contributors to the European common cultural heritage in this regard.

In the mid 1990s, for example, the representatives of the main European Christian churches (orthodox, protestant and catholic) adopted a shared declaration asking for the recognition by the treaties of the “constitutional status of religious communities in the Member States as an expression of the member States’ identity and culture and as an element of the common cultural heritage.”<sup>65</sup> In fact, the request was first formulated by German churches allegedly for fears of an intervention of the Community on national regulations granting German protestant churches special fiscal treatment (Charentenay 2003; Jansen 2000: 106) As already seen, since the launch of the integration process the EJC had been intervening in a number of religion related issues by applying the principles of the single market. The completion of the single market launched in the 1990s, thus, generated fears that EU institutions could further challenge established practices protecting national religious groups. Although being opposed by (especially protestant) minority groups from France, Italy, Spain, Belgium, and Portugal, which preferred to exploit the void left by the European legislation to their advantage, the proposal gained the support of the EECCS, and the COMECE (Massignon, 2002).

Despite the support of the German, Italian, and Austrian governments, in the 1990s the reluctance of other governments<sup>66</sup> to grant churches a place in the public domain (Jansen 2000) prevented the incorporation of this proposal into the treaties (the text was inserted into Declaration 11 annex to them). As already mentioned, however, thanks to the support of churches as well as national governments from new member states of central and Western Europe, Declaration 11 was incorporated into the Lisbon treaty. As already seen the previous section, moreover, the role of Europe’ religious inheritance was recognised in the Preamble to the treaty.

During negotiations over text, in addition, representatives of churches and religious communities asked for structured consultations with European institutions. This request follows the development of the informal contacts between these organisations and the European Commission inaugurated by Delors. Indeed, this dialogue continued with the subsequent Prodi and Barroso

---

<sup>65</sup> Memorandum on the Legal Status of Churches and religious communities in the Treaties of the European union, Bonn/Hannover, June 1995, cited by Jansen (2000: 107).

<sup>66</sup> Especially France, Spain, Belgium, and the Netherlands.

Commission, and yet it always remained a discretionary initiative of the Commission's President,<sup>67</sup> in the context of wider dialogue with representatives of the civil society.<sup>68</sup>

Since the 2000s, German churches started asking for a further regularisation and formalisation of this dialogue. Again, even though not encountering the support of all confessional organisations,<sup>69</sup> this demand was later supported by Catholic organisations and the Vatican.<sup>70</sup> Their requests raised the opposition of humanist organisations, which deemed the proposal to be in opposition to the principles of secularity and separation between states and religion to which EU institutions have always subscribed. In response to these objections, religious groups stressed their respect and support for the distinction between political and religious institutions and, yet, they argued against their complete separation (Charentenay 2003).

In addition to the initiatives of churches and religious communities, religious instances are represented in EU politics by a high number of confessional NGOs. Unlike those of national churches and ecumenical organisations, many of the initiatives of these organisation focus on the activities of the European Parliament. In fact, the EP has been a supporter of the laicism of EU institutions. Accordingly, religion and religious issues have always found little space in its debates and activities. Yet, the EP has been active in a number of other areas of concern to NGOs with religious leanings, such as social policies, foreign policies (Silvestri 2005), immigration (Mudrov 2010), and bioethics. For example, the EP has regularly raised attention on the violation of human rights, including religious rights in third countries or regions. Moreover, parliamentarians have been supportive of EU activism in the field of antidiscrimination.

In conclusion, religious interests are represented in the EU in a number of ways. While in the field of policies they are mainly represented by NGOs with religious affiliations, at the level of EU polity they are defended directly by the

---

<sup>67</sup> After a crisis experienced in 1999 with the Santer Commission, the dialogue was revived by the Group of Political Advisors (GOPA) attached to the Prodi Commission's Presidency. GOPA has four areas of action: economic, social, foreign affairs, and religion. Subsequently, with the Barroso Commission (2004), the dialogue was managed by the Bureau of Political Advisors (BEPA), whom activities were divided into three areas: economic, social, political. In 2005, Barroso inaugurated also a series of closed doors meetings with representatives of religious communities (Silvestri 2009).

<sup>68</sup> In 2001 the Commission's White Paper on governance included churches and religious associations among civil society organisations with which it aimed to develop a dialogue.

<sup>69</sup> For example some catholic NGOs (along with from non-confessional and humanist organizations) opposed this move for fears that it could pave the way for conservative social agendas supported by the Vatican (Houston 2009).

<sup>70</sup> See in this regard the intervention of the OCIFE's former Director, Pierre de Charéntenay (2003) and the new Director Frank Turner (2010).

representatives of European churches and religious communities. After a long neglect, majority churches<sup>71</sup> appear nowadays better organised and more able to coordinate their action to defend their interests at this level. By stressing their adherence to the European humanist tradition, these churches have paved the way for the recognition of their specific contribution to European society, thus resisting to a complete differentiation between the religious and political spheres. As highlighted by the literature (Koenig 2007; Ventura 2007), the partial reception of this approach by EU institutions, as reflected by the wording of the Lisbon Treaty, has particular implications for the perspective response to religious diversity. By referring to the principles of democracy, rules of law, and human rights, EU institutions risk excluding from their dialogue religious groups that fail to present themselves as inspired by the principles of separation between state and church typical of European societies and which, yet, are still an exception in the rest of the world.

### *Common policies and religious diversity*

As already mentioned, in the early phases of the integration process common institutions have not been directly addressed issues of diversity, and their intervention in this field was mostly limited to the application of market regulations; in this context, religion was mostly seen a 'market choice'.<sup>72</sup> Following the closer involvement of EU institutions in religious issues emerged in the 1990s, however, scholars have detected a new approach based not only on the perception of religion as a market choice, but also as a phenomenon to be protected from the market.

Following the insertion of a legal basis for it in the Amsterdam Treaty the EU launched a new anti-discrimination policy (2000), addressing also religious discrimination.<sup>73</sup> The Employment Equality Directive adopted in this context, in particular, lists the minimum guarantees that Member States are required to provide against discrimination on various grounds—including on the ground of

---

<sup>71</sup> Schlesinger and Foret (2006) talks of a Protestant-Catholic alliance, which involves particularly majority groups of different member states.

<sup>72</sup> As regards this approach, see McCrea (McCrea 2010b). As already highlighted by this scholar, however, even in this early phase, the wording of the European Social Charter (1961) and some rulings of the ECJ (for example Case 130/75 Prais v Council 27 October 1976) reflected a parallel recognition of the social role of religion..

<sup>73</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal L 180, 19/07/2000 P. 0022 – 0026; and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Journal L 303, 02/12/2000 P. 0016 – 0022. Both directives are based on art. 13 of the Amsterdam Treaty.

religion or belief—as regards employment and occupation. The text prohibits both direct and indirect discrimination on the ground of religion;<sup>74</sup> it foresees the adoption of positive measures against discrimination, and of minimum enforcement measures, including sanctions and judicial remedies.

Scholars have noticed that the protection from indirect discrimination granted by the Directive goes significantly beyond the requirements of ECHR,<sup>75</sup> as it requires not only to abstain from discrimination, but also to take positive actions to avoid religious practices to result in indirect discrimination. In this context therefore, religion is not treated only as a market choice, but also as a phenomenon which requires protection from market rules (McCrea 2010b).<sup>76</sup> This sort of protection, in addition, reflects a perception of the market as a neutral place, where all religions are granted the same level of protection, and thus “provides significant scope for undermining denomination-specific privilege in the workplace” (McCrea 2010b: 153).<sup>77</sup>

So far, however, the homogeneous protection from indirect discrimination granted to all religious denomination in the field of employment has not been extended to other policy areas such as social protection, education, or access to public goods and services. In this as in other policy fields, moreover, the protection of religious interests from the market is often associated to rights and duties provided for under national legislations. In the regulation of working time, for example, member states are allowed to derogate from common rules for ‘workers officiating at ceremonies in churches and religious communities (McCrea 2010b: 150).<sup>78</sup> Similar exceptions to EU rules are foreseen in other areas such as media law (advertising during religious broadcasting), animal protection etc.<sup>79</sup> The approach to religious discrimination that emerges from these

---

<sup>74</sup> Direct discrimination occurs where a person is treated less favourably on grounds of religion and belief. Indirect discrimination arises where an apparently neutral requirement would put persons of a particular religion or belief at a particular disadvantage compared with other persons.

<sup>75</sup> The prohibition of indirect discrimination may cover, for example, workplace dress codes that preclude the wearing of headscarves for female Muslim employees, or arrangements in respect of working time that interfere with the ability of workers to respect religious feast days (McCrea 2010b: 152).

<sup>76</sup> A similar approach is reflected also in directives and regulations exceptions concerning the recognition by national laws of religious practices or of matter of morality have been inserted in European directives and regulations dealing with a number of issues. See EU directives on cloning, bio-technology, or gambling.

<sup>77</sup> “.. in that it enables adherents of minority religions to characterize workplace structures built around the traditions and practices of the dominant religion as measures placing adherents of minority faiths ‘at a particular disadvantage compared to other persons’ (McCrea 2010b: 153).

<sup>78</sup> Directive (EC) 2003/88

<sup>79</sup> Council Directive (EC) 2003/2008 concerning certain aspects of the organisation of working time; Directive (EC) 2007/65 amending Council Directive (EC) 89/552 on the coordination of certain provisions [...] concerning the pursuit of television broadcasting activities. Directive 93/119 on the protection of

provisions reflects the fact that cooperation in this field originates in the need to facilitate the operation of the internal market. In line with art. 17 of the TFEU, however, member states are left with a wide discretion in the evaluation of appropriate exceptions to market rules.

Outside the non-discrimination field, religious diversity represents an important challenge for EU immigration policies. As many (if not most) EU immigrants belong to minority religious groups and, viceversa, some EU minority religious groups (for example Muslims) are mostly composed by immigrants, immigration and religious diversity are increasingly connected. Yet, the increasing securitisation of immigration policies emerged after 9/11, and the desire of Member States to carefully select the group of immigrants entering their territories is rendering the more and more difficult to reconcile EU policy goals with the respect for various religious groups. According to some commentators, the attempt to mediate these two interests has led the EU to develop an approach to immigration in which “religious diversity is protected and religious freedom guaranteed, provided that individuals respect European values and liberal democratic principles” (Carrera p. 21). For example, EU directives on family reunification and on the status of third countries’ nationals list ‘integration’ –that is adherence to certain values—as a condition for the full recognition of rights. Similarly, the promotion of (sometimes not clearly defined) “common European values” is at the heart of a number of EU initiatives for intercultural and inter-faith dialogue.<sup>80</sup>

Somehow complementing its approach to immigration, the EU has recently started dealing with religious diversity also in its external relations. In particular, the European Parliament has always been at the forefront of efforts to promote freedom of religion in the human rights dialogues established by the EU with third countries. More recently, the promotion of intercultural and inter-faith

---

animals at the time of slaughtering or killing. In order to fill this gap, in July 2008, the European Commission put forward a new proposal for a Directive on anti-discrimination covering a number of other areas. European Parliament resolution of 20 May 2008 on progress made in equal opportunities and non-discrimination in the EU (the transposition of Directives 2000/43/EC and 2000/78/EC). The proposal was supported by the European Parliament which, on many occasions, has expressed the need to extend the material scope of any directive combating discrimination to all policy areas falling under Community competence. The approval of the text, however, has been delayed by disagreements between Member States

<sup>80</sup> See for example the French Presidency’s “European Pact on Immigration and Asylum of 2008,” and the so called Stockholm Programme, which is the third multi-annual programme establishing the political priorities of the EU’s Area of Freedom, Security and Justice, endorsed by the Council in December 2009, cited by Carrera and Parkin (2010: 19).

dialogue has become a constitutive feature of EU's initiatives towards its neighbourhood.<sup>81</sup>

As for EU social policies, finally, given the limited competences of common institutions in this regard, common activities focus more on positive actions than on the harmonisation of national policies. In this context the European Commission has recently launched various programmes to finance activities against discrimination in particular, or in favour of social solidarity in general.<sup>82</sup> In addition, with the specific purpose of raising public awareness about EU initiatives on non-discrimination it designated 2007 as the "European Year of Equal Opportunities for All". In a similar vein, in response to "old and new migratory flows, [and] more significant exchanges with the rest of the world through," it proclaimed 2008 "Year for intercultural dialogue."<sup>83</sup> Even though raising awareness concerning religious diversity was included among the goals of all these initiatives, the coverage of discrimination on the grounds of religion has represented one of the weakest aspects of EU's action.<sup>84</sup> At times, moreover, scholars have noted a tendency to over-represent Christian organisations and under-represent organisation representing other religious communities.<sup>85</sup>

In conclusion, even though common institutions have dealt with religious diversity since the beginning of the integration process, the attention for this theme has recently increased as a consequence of the expansion of EU's competences, the enlargement, as well as of immigration flows. The analysis of recent policies reveals a lack of clarity in EU's approach towards religious diversity. While, on the one hand, common institutions have promoted an

---

<sup>81</sup> See for example the creation of the Euro-Mediterranean Foundation for the Dialogue between Cultures.

<sup>82</sup> For example, the Commission launched a Community Action Programme to Combat Discrimination (2001-2006) with a budget of 98,4 million € Council Decision of 27 November 2001, establishing a Community Action Programme to combat discrimination (2001-2006). Official Journal L 303 of 02.12.2000. The Programme for Employment and Social Solidarity (PROGRESS, 2007-2013) has a budget of EUR 683 250 000 (referring to EU25). Its five priorities are: Employment, Social inclusion and social protection, Working conditions, Anti-discrimination (amounting to 23% of the total budget), and Gender equality.

<sup>83</sup> These two initiatives financed European projects or supported national projects promoting intercultural dialogue, integration, and diversity within the EU (respectively for a budget of € 15 and 10 millions). Decision No 1983/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the European Year of Intercultural Dialogue (2008), and Decision No 771/2006/EC of the European Parliament and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) — towards a just society. Official Journal L 146 , 31/05/2006 P. 0001 – 0007.

<sup>84</sup> European Commission, „2007 European Year and Religion Issues: Actions Focusing on Religion“ DG Employment, Social Affairs and Equal Opportunities, Unit G.4., cited by Carrera and Parkin (2010:12). Similarly, no initiative addressing specifically religious discrimination is reported in the European Commission Progress Annual Performance Monitoring Report 2010.

<sup>85</sup> Of 13 networks financed by PROGRESS, only two have a religious inspiration (Caritas Europe and Eurodiaconia), both are Christian.



approach based on non-discrimination and inter-cultural dialogue, on the other hand they have safeguarded established national practices, which often grant majority churches and privileged position, and have set minimum criteria for integration in EU's society.

### **Conclusion**

The analysis of EU polity, politics, and policies presented in this article has shown that the approach to religion developed so far by EU institutions is in line with the European tradition of combining the humanist principle of separation between church and state, with the recognition of the social value of religious traditions. Accordingly, even though in many respects EU's approach to religion reflects a perception of it as a market choice, it also foresees its protection from market rules as a matter of collective and individual identity (McCrea 2010b).

This element denotes the originality in the way EU treats religious diversity, as compared to other kinds of diversity analysed in this special issue. Although it is beyond the goals of this article to investigate the causes of this, the analysis of EU politics has shown that, unlike in other areas of EU policy making where the interests of major stakeholders have collided with those of national governments to prevent the transfer of key competences from the national to the supranational level, in this policy field the interests of main stakeholders (majority religious groups and churches) have mostly collided with those of national governments to avoid the transfer of national competences to the supranational level.

This collusion reflects an enduring resistance to a further differentiation between religious and political in Europe, in line with the tradition of European nation states. This resistance leads the integration process to have a contradictory effect on religious diversity. On the one hand, EU institutions offer new opportunities for voice to old and new religious minorities, that find in the declarations on common principles (such as the Charter for Fundamental Rights), and in anti-discrimination policies (i.e. the Employment Equality Directive), new instruments to protect their rights. On the other hand, the safeguards granted to existing national practices inevitably works against minority religious groups, such as new religious minorities, which are often less protected at the national level.

## References

- Alicino, Francesco. 2011. *Costituzionalismo e diritto europeo delle religioni*. Milano: Cedam.
- Berger, Peter L. 1999. *The Desecularization of the World*. Washington, DC: Ethics and Public Policy Center.
- Böllmann, Friederike. 2010. How many roads lead to Brussels? Decisive factors for political mobilisation of religious organisations in the European public sphere. Paper presented at the conference Does god matter? Representing religion in the European Union and the United States, 12-13 November, Aston University.
- Bruce, Steve. 2002. *God is Dead: Secularization in the West*. Oxford: Blackwell.
- Casanova, José. 1994. *Public Religions in the Modern World*. Chicago, London: University of Chicago Press.
- Charentenay, Pierre de. 2003. Les relations entre l'Union européenne et les religions. *Revue du Marché commun et de l'Union européenne* (465):90-100.
- Davie, Grace. 1994. *Religion in Britain Since 1945: Believing without Belonging*. Oxford: Blackwell.
- — —. 2000. *Religion in Modern Europe - A Memory Mutates*. Oxford: Oxford University Press.
- — —. 2002. *Europe: the Exceptional Case* London: Darton, Longman and Todd.
- Halman, Loek, Ruud Luijkx, and Marga van Zendert. 2005. *Atlas of European Values*. Tilburg: Tilburg University.
- Herbert, David, and Max Fras. 2009. European Enlargement, Secularisation and Religious Re-publicisation in Central and Eastern Europe. *Religion, State and Society* 37 (1-2):81-97.
- Houston, Kenneth. 2009. The logic of Structured Dialogue between Religions Associations and the Institutions of the European Union. *Religion, State & Society* 37 (1/2):207-222.
- Jansen, Thomas. 2000. Europe and Religions: the Dialogue Between the European Commission and Churches or Religious Communities. *Social Compass* 47 (1):103-112.
- Judt, Tony. 2005. *Postwar. A History of Europe since 1945*. London: Penguin.
- Kepel, Gilles. 1994. *The Revenge of God: The Resurgence of Islam, Christianity and Judaism in the Modern World*. Cambridge: Polity Press
- Koenig, Matthias. 2007. Europeanising the Governance of Religious Diversity: An Institutional Account of Muslim Struggles for Public Recognition. *Journal of Ethnic and Migration Studies* 33 (6):911 - 932.

- Kratochvíl, Petr, and Tomáš Doležal. 2010. The Roman Catholic Church and European Integration: A study on the limits of Schmitt's political theology. Paper presented at the SGIR Conference, 9-11/9, Stockholm, Sweden.
- Luckmann, Thomas. 1967. *Invisible Religion*. New York: Macmillan.
- Macri, Gianfranco. 2004. *Europa, Lobbying e Fenomeno religioso. Il ruolo dei gruppi religiosi nella nuova Europa politica*. Torino: Giappichelli.
- Madeley, John. 2003. European Liberal Democracy and the Principle of State Religious Neutrality. *West European Politics* 26 (1):1-22.
- Massignon, Beréngère. 2002. Les relations des organismes européens religieux et humanistes avec les institutions de l'Union européenne: logiques nationales et confessionnelles et dynamiques d'europeanisation. In *Croyances religieuses, morales et éthiques dans le processus de construction européenne*, edited by A. A. V.V. Florence: Institut universitaire de Florence.
- McCrea, Ronan. 2010a. Europe's Religious Inheritance: Religion, Law, and Identity in Contemporary Europe In *Religion and the Public Order of the European Union*, edited by R. McCrea. New York: Oxford University Press.
- — —. 2010b. *Religion and the Public Order of the European Union*. New York: Oxford University Press.
- Mudrov, Sergei A. 2010. Christian Churches in European integration: the process of treaties reforms and the EU migration and asylum policy. Paper presented at the conference Does God Matter? Representing Religion in the European Union and the United States, Aston University.
- Philpott, Daniel, and Timothy Samuel Shah. 2006. Faith, freedom and federation: the role of religious ideas and institutions in European political convergence. In *Religion in an Expanding Europe*, edited by T. Byrnes and P. J. Katzenstein. Cambridge: Cambridge University Press.
- Poggi, Gianfranco. 1978. *The development of the modern state: a sociological introduction*. Stanford: Stanford University Press.
- Schlesinger, Philip, and François Foret. 2006. Constitution, Political Roof and Sacred Canopy? Religion and the EU. *European Journal of Social Theory* 9 (1):59-81.
- Silvestri, Sara. 2005. EU Relations with Islam in the Context of the EMP's Cultural Dialogue. *Mediterranean Politics* 10 (3):385-405.
- — —. 2009. Islam and Religion in the EU Political System. *West European Politics* 32 (6):1212 - 1239.
- Steven, Martin. 2009. Religious Lobbies in the European Union: from Dominant Church to Faith-Based Organisation? *Religion, State and Society* 37 (1-2):181-191.

- Turner, Frank. 2010. The Roman Catholic Church and the European Institutions Dialogue and Advocacy at the European Union. Paper presented at the conference Does God Matter? Representing Religion in the European Union and the United States, 12-13 November, Aston University
- Ventura, Marco. 2007. Religious pluralism and human rights in Europe. Equality in the regulation of religion. In *Religious Pluralism and Human Rights in Europe: Where to Draw the Line?*, edited by M. L. P. Loenen and J. E. Goldshmidt. Antwerpen: Intersentia.
- Waddington, Lisa. 1999. Testing the Limits of the EC Treaty Article on Non-discrimination. *Industrial Law Journal* 28 (2):133-151.
- Willaime, Jean-Paul. 2009. European Integration, Laïcité and Religion. *Religion, State and Society* 37 (1/2):23-35.