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”US AND THEM”

THE FUTURE OF EUROPE AT STAKE –
VALUES DEFINING THE EU SOCIETY AND THE CASE OF COMMUNITY
IMMIGRATION POLICY

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The purpose of this master's thesis is to analyze the recent attempt of the English school to approach the European Union as regional international society where identification rests on common values. The future of the EU society is at stake since the Union is becoming more heterogeneous than before. Immigration is a very topical issue in Europe because of its ageing population, negative impacts of illegal immigration and the problems of third country nationals' integration. Community immigration policy reveals the use of collectively agreed European values in real policy-making process. Since it is argued that the future of the EU is based on common values, the values presented in this policy disclose us the future of the Union from an immigrant's perspective.

The theoretical framework is based on the work of English school, Ole Waever's and Vilho Harle's notions about Otherness and Gerard Delanty's idea about post-national citizenship. The empirical material consists of Community immigration policy documents and immigration policy programs and plans of Germany and Finland. It was studied by reflecting principally the ideas from theoretical part, with the notion of discourses and with the methodology of typification.

There appears that the European Union can be comprehended as a regional international and world society where self-identification with values is vital for its common future. The clear implication is that the collective European identity cannot be based on dubious myths. Rather the self-identification should be founded on collective values that are declared in the Charter of Fundamental Rights of the EU. Multiculturalism and increasing presence of the 'Other' have profoundly transformed the EU transnational/world society. The European Commission desires to reduce tension between Us (EU citizens) and Them (third country nationals) by typifying the Others in the Community immigration policy documents, because Europeans apprehend the Others by the meaning they have for them. However, even though typification may reduce opposition to immigration, it does not remove the feeling of Otherness. The only way to diminish it is to identify with common values. Therefore European identity should be based on a normative value concept that unites all Europeans (both citizens and residents).

The values of the EU society are linked to economical and social interests. The documents reveal that even though the macro-economical values play significant part in the immigration policy formation on both levels, EU and national, the values of the Charter are included in these plans for the future of the EU as well. Even possibility to form a new kind of EU citizenship is mentioned by the Commission and the European Council.

From these arguments the thesis suggests that a post-national citizenship could provide a new normative model for collective European identity founded on two principles:

recognition of the Charter's values and the residency in the Union. This new form of EU citizenship should be the bedrock of the Community immigration policy. It would diminish the dichotomy between Us and Them and the need for typifications. Thus it would reduce reasons for racism but improve also the integration of third-country nationals in the Union. The future of the EU should include equally all residents of the Union.

ABBREVIATIONS

CFREU	Charter of Fundamental Rights of the European Union (The Charter)
CIP	Community Immigration Policy
EC	European Community
EI	European integration
EP	European Parliament
ES	English school
EU	European Union
ILO	International Labor Organization
IOM	International Organization for Migration
ISO	international society
IR	international relations
NF	neofunctionalism
RIS	regional international society
TEC	Treaty establishing the European Communities
TEU	Treaty of the European Union
UNHCR	United Nations High Commissioner for Refugees
WTO	World Trade Organization

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ATTACHMENTS

PART ONE: INTRODUCTION

Foreword

The future of the European Union is a very topical issue. The idea of a Brussels based Convention on the future of Europe was introduced before the Laeken European Council and a forum for public debate on the future of the EU was established. Gradually the members of this Convention began to talk about “constitutional documents”. Today the debate is obviously centered on the future constitution for the EU, which has been particularly led by a former French president and the chair of the Convention Valéry Giscard d’Estaing. Furthermore, it has been proposed that *the Charter of Fundamental Rights of the European Union* should be included to the European constitution to increase the importance of both documents.¹

The Charter of Fundamental Rights is one of the most important documents the European Union has ever drawn up. It defines the core values of the Union that all residents, despite one’s nationality, should respect. The current question is not anymore, how to bring the citizens closer to the Union, but also how to include the thousands of third country nationals residing legally in the Union to the integration. The European Union is beyond dispute a multicultural society and the Charter underlines the importance of respect to diversity. The integration of Europe cannot be concluded without all residents feeling part of the process and without guaranteeing same principle rights for all Europeans. “Who are Us” and “Who are Them” are questions that trouble the minds of EU citizens today. The Others are evidently permanently present in our societies, but there is no clear understanding of their status in Europe. This causes confusion and has already triggered the rise of racism.

Hence it is important to study the stage of the Community immigration policy that has been evolving since the beginning of 1990s. In recent years, especially during the Finnish presidency of the EU, the immigration policy plans took a large step forward, but concrete measures are still waited. What do the Community immigration policy documents reveal of the future of the Union? How the importance of the Charter could be enhanced in this context? Could the new Europe arise without collective myth or memory?

¹ Dominique de Villepin, Paris 18.1.2003.

1. THE PREMISES AND OBJECTIVES

The choice of this research topic was originally influenced by my studies of immigration and multiculturalism policies in Canada. I became interested in the response of the EU to the increasing diversity in Europe. When I wrote an undergraduate seminar paper on the evolution of the Community immigration policy, I realized what potentiality there was for community harmonization in this matter but how difficult question it has been politically.

Every day experiences of the movement of people in the EU convinced me that this was a topic to study more profoundly. I realized that even Finnish officials that I had always highly respected, seemed not to have heard of the area of free movement of labor, because an Italian friend who came to look for an employment in Finland was not authorized for a residence permit without a dispute, but an Indonesian friend who showed his contract from Nokia got it automatically. I understand that my country is a “Nokialand”, but in close future Finland will need flexibility on other sectors than information technology as well. Who are picking up the berries on Finnish strawberry fields or taking care of our elders if the country continues to restrict the entries for immigration?

On the other hand, I got familiar with French immigration culture when I stood in line for the *carte de sejour* (residence permit) in France last spring together with North and West Africans and others from *territoires d'outre-mer*. After all the trouble I had with French immigration officials while using my rights as a EU-citizen, I can only imagine what the situation must be for a non-EU citizen coming to work from a Eastern European country. It is no wonder that illegal immigration and undeclared work have exploded all around Europe. The EU is still a fortress Europe.

Then again, while following the WTO meetings in services market access during my internship in Geneva this summer I realized the connection between the Community immigration plans and the development of international trade regime. Flexibility in all sectors is desired, but I will leave this to another thesis or dissertation to consider whether the EU desires to open its markets in services really because of the need or because of the requirements from elsewhere.

Traveling broadens the mind indeed. Finally, since the degree I am aspiring is interestingly called European Studies and World Politics, I believe it is worth pointing out that this thesis takes into account both aspects: European studies and international relations. Especially the theoretical ideas of Thomas Diez and Richard Whitman attempt to combine these two approaches that used to be very separate. I hope that all these various premises of mine help and encourage the reader to understand the complexity of the topic.

The purpose of this Master's thesis is to show the explanatory power of the theory that was recently born in the English school. On the other hand, I have come up with a question if the scopes of Community immigration policy could tell us something about European values and norms² that will form the future Union. I am interested in the question what kind of society the EU desires to form – flexible multicultural society or a society of first class and second class citizens? How is this reflected in the Community immigration policy? Are the rights and freedoms of *the Charter of Fundamental Rights of the European Union* consistent with the ideas brought out in the CIP? Does the EU consist of European citizens or citizens of the EU world society in the future? Overall policies involve the question of how communities project themselves into the future asserts Waever³. Thus this paper aims ambitiously to tell about the characteristics of future Europe.

In the 1990s the Academy of Finland founded a study on “Cultural heritage and international integration” that produced a book on diversity, identity and politics⁴. Theoretical framework of this project was founded on the idea that otherness, identity and politics form a conceptual entity.⁵ I my concept of identity formation I owe to mostly to Vilho Harle, but also to Copenhagen school⁶, particularly to Barry Buzan and Ole Waever. Moreover, while reading Gerard Delanty's argumentation on post-national identity I realized how important issue the Union citizenship is in fact for the Community immigration policy. And when I studied at the Sciences Po de Grenoble I

²Values are not the same as norms. The latter are closer to ethical principles and can claim to be universalisable in the sense that we can expect them to be of binding force (Habermas 1984, p.89). Values, in contrast, are particularistic, they do not carry the same claim to universal validity that we attach to norms.” Delanty 1995, 10. It is easy to agree with this argument in the context of European studies, since values are socially constructed, therefore they cannot be universal, but norms can be set from above e.g. EU directives.

³ Waever 2002, 25.

⁴ ”Eri-laisuus, identiteetti ja politiikka” ed. Harle, 1993.

⁵ Harle 1993, 3.

⁶ A project group on European security at the Copenhagen Centre for Peace and Conflict Research.

came across a book from Theodora Kostakopoulou, who had actually been thinking about same questions already in her PhD dissertation. It was actually little disappointing to see that I was not alone with my ideas, but on the other hand her approach to the European identity dilemma and citizenship was more sociological, whereas my approach is of course based on international relations theory.

Thus the theoretical framework of this work in Chapters 3 and 4 deals with the new perception of the European Union in the English school of international relations theory. The English school is important to this study because of the concept of international society and the centrality of values. According to Thomas Diez and Richard Whitman, international society is not as homogenous as Hedley Bull assumed twenty years ago. They argue plausibly that alongside the fundamental global international society exist regional international societies of various forms and depths.⁷ Moreover, the EU could be perceived as such regional international society, where societal elements are, however, stronger than in any other international society.⁸ The core of any regional international society, continue Diez and Whitman, is the common acceptance of the rules, norms and principles and this may not be tightly tied to formal membership of this regional international organization. The importance lies on the self-identification with the common values.

The Chapters 5 and 6 study the process of self-identification with the EU more carefully. Particularly the Chapter 5 “Us and Them” surveys different endeavors to form a collective European identity. The most important arguments of this chapter, including the reasoning of Chapter 7 on “New European Identity” are based on the ideas presented by Delanty. Between these two chapters we find, however, a chapter on typification of Other, which allows us to define the characteristics of the opponent more carefully. The last chapter of the Part II on the conceivable new form of European identity focuses on the practical side of the identity construction. It aims to provide a possible model of collective identity that would emphasize the centrality of values of the world society.

The empirical study (Part III) focuses on policy making process and the policy itself. One may ask what kind of role the policy has in the interaction of different cultures and

⁷ Diez and Whitman 2002b, 3.

⁸ Diez and Whitman 2002a, 48.

values, and particularly what happens to the policy at this point. Because the Community immigration policy documents can be perceived as a discourse of the subject matter, therefore I will introduce the term discourse in the second half of this introductory part. One has to comprehend, however, that the distinction between Us and Others that I will introduce in Chapter 5 and in the analysis in Chapter 10.2., is occurring also in practical, not only in discursive level.

The research material consists of Community immigration policy documents, speeches and immigration policy programs or plans of two different EU countries, Germany and Finland. All relevant CIP documents were studied, but only those that make clear reference to the future of the policy were finally used. Thus the primary resources consist of material that indicates values on which the policy will be founded on or states something of the third country nationals' rights. The statements, particularly those made by Commissioner Vitorino who responsible for this policy, are taken *de facto* about the plans concerning the future of the EU. All documents, however, were studied as a possible discourse on the Europe's future.

Continuous confrontation of different cultures strengthens in a way the 'otherness' and at the same time it becomes a more political issue that before. In this context it is important to make the distinction between official decision-making process and public opinion. Official politics try to maintain an idealistic picture that the asylum questions for instance are easily controlled and solved. Meanwhile the attitudes towards strangers become quickly hostile and even racist on the citizen level. In some cases politicians and parties start to follow the public opinion by restricting the condition of entry.⁹ Here I have to precise that my analysis will concentrate on the official policy statements since the EU documents are considered as such.

⁹ Harle 1993, 11-12.

2. DEFINITIONS OF CONCEPTS AND TERMS

Before delving into the theory itself, I will first discuss important concepts and terms used in this work.

2.1. Politics in Discourses

The language of politics is not a neutral medium that expresses independently formed ideas. Rather it is an institutionalized structure of different meanings that channel political thought and action to certain desired directions.¹⁰ The development of self-identity requires discourses of both difference and similarity to reject and embrace specific identities. According to S.H. Riggins Jean Paul Sartre notes that the identity formation necessitates the Other¹¹ that is cast considerably different from Us.

Riggins continues that critical discourse analysis has been identified broadly as including both studies of fine detail of language use and discussions of the political values that underline the method.¹² Due to the length and scope of this thesis, I will concentrate on using and studying the latter concept, the discussion of the values that characterizes political decision making process and the formation of society itself.

Today it is easy to find a wide variety of cultural and ideological perspectives on Europe while following debates on public domains. These opinions are negotiated among a range of fragmented, sometimes even overlapping and contending discourses. There is, for instance, the official discourse of the European Union, the discourse of social scientists, the media discourse of intellectuals and opinion-leaders in television, publications and the informal discourse of people in everyday life. Patrizia Nanz points out that there are various processes of identity construction circulating simultaneously, some top-down, others bottom-up, but European identities are invented “from above” by EU-bureaucrats and political actors, theorists of European integration and some intellectuals. These identities are, however, also produced and continuously reproduced in people’s everyday life discourse.¹³

¹⁰ Connelly 1993, 1.

¹¹ Riggins 1997, 5.

¹² Ibid, 1.

¹³ Nanz 2000, 281.

Since I am interested in the values of EU and the creation of the European identity in the context of Community immigration policy, I have chosen to study the official discourse carried out in the EU level. In the second half of the Part II one of the purposes is to study how the discourse on this identity formation can be constructed and on what premises. Furthermore, Part III will explore the values that define the EU society and the European identity at different discursive fields: the Charter of Fundamental Rights of the EU which can be seen as a policy statement of the Union, and the Commission's Communications and the Commissar Antonio Vitorino's speeches that are specifically the discourse on Community immigration policy. These discourses consider the Union's potential for dealing with this ambiguity of European values and the CIP uniformly and consistently with the principles of the Charter.

I agree with Foucault's original idea, which Riggins presents, that all statements are *intertextual* because they are interpreted against a backdrop of other statements. Discourse is "a flow of ideas that are connected to one another".¹⁴ This is why I chose to study the evolution of Community immigration policy very carefully. It is not possible to understand the current discourse on immigration without comprehending the earlier debates and development.

Riggins purports that to examine a text critically may not be necessary to verify all the claims to truth that it makes. Instead, I may speculate about the social impact of a text.¹⁵ Therefore I also concentrate more on the impact side of the Commission's plans. One of the questions is why the immigrants are typified? Another important question what could be the impact of the values revealed in the documents?

Finally a separate comment that I use terms *pluralism* or *pluralist* in several different context, therefore it is preferable to specify the particular contents of these terms with the help of Barry Buzan's glossary. 'Methodological pluralism' stands for methodological position that subjects can and should be viewed concurrently from more than one theoretical perspective. 'Pluralism' on the one hand is related liberalism and stresses the contrast with realism's emphasis on the state as the system defining unit.¹⁶ These two terms appear particularly in the chapter on English school. 'Pluralist society'

¹⁴ Riggins 1997, 2.

¹⁵ Ibid, 3.

¹⁶ Buzan et al. 2000, 441.

on the other hand, a term that comes out particularly in Chapters 5 and 7, signifies the diverseness of society in multicultural terms.

2.2. European Integration: Domestic Politics and Foreign Policy

The explicit effort to theorize about the European integration remained long within the fields of neofunctionalism and intergovernmentalism. The international relations (IR) scholars have begun, however, to approach the study of the European Union using more general theoretical approaches that particularly concentrate on the nature of the integration process and the EU as an international organization. Where Andrew Moravcsik's 'liberal intergovernmentalism' explains the European integration as a result of the rise of interdependence among European countries, neofunctionalism concentrates more on the institutional and instrumental side of political cooperation.¹⁷ The English school of international relations theory that will be presented profoundly later in this work has focused particularly on the role of the EU as an international organization and society of both states and peoples. This approach is a refreshing attempt since it perceives the EU as a part of larger global system. Furthermore, it can assist studying the substance of this society, namely the values that determine both domestic politics and foreign policy interests of states.

Vilho Harle argues that the current political change¹⁸ in Europe comprises both domestic and international politics (foreign affairs), therefore it denies the separation between these two politics.¹⁹ I agree with this notion because today in the era of globalization and individualism, peoples and states are tied up together stronger than perhaps ever before. When it comes to the Community immigration policy, the line between domestic politics and foreign policy is particularly difficult to draw. On the one hand an immigration policy regulates the entries to an area; therefore it defines the internal characteristics of society which is clearly a domestic policy.²⁰ But on the other hand, setting certain norms for the basis of an immigration policy sends a message to international society about the values effecting in that particular state. More concretely,

¹⁷ Pollack 2001, 221-225.

¹⁸ Harle uses a word "murros" which can be translated as *revolution* or *crisis*, but from my point of view these words are too strong for this context therefore I chose to use the English word *change*.

¹⁹ Harle 1993, 12-13.

²⁰ Furthermore, immigration policies belong often under the surveillance of Ministry of the Interior. This is the case in Finland for instance.

visa policies for instance work in two-ways: if Sweden decides to restrict admissions of e.g. North-Africans, Morocco may start requiring for visa from Swedish citizens.

Moreover, Iver B. Neumann makes a note based on Campbell's argumentation that since the main focus of foreign policy is to hold on to state's borders, it is particularly suitable for creating an identity. According to Neumann, Campbell came into a conclusion in his study on US politics during the Cold War that in fact United States' strategy was global but it had domestic dimension, since the country was cleansed of ideological enemies also internally by founding a committee that examined 'non-American activities'. Definition of the foreign policy values supported the reconstitution of state identity.²¹ Similarly we can assume that when the EU defines the scope and content of its Community immigration policy, it will be founded partly on its foreign policy values, but this policy will also attempt to define the limits of European society and contribute to the construction of European identity.

It is important to understand the significance the formation of the Community immigration policy has both on state and individual level. On the states' level of discourse, in the EU decision making system, EU Member States²² agree on collective values and conditions of CIP, that may not necessarily follow the primary foreign or domestic policy interests of all states. In Chapter 8.3. will be indicated how different the preferences of France and Finland for instance are because of their different historical heritage. The agreements made on the regional level, however, contribute to how individuals define the limits of their society, thus the influence of immigration policy decisions feeds back to their identity.

2.3. *The Dismissal of Neofunctionalism and the Notion of Evolving Sovereignty*

Since this thesis deals with European studies one may expect read about neofunctionalism. This is not the case here, however, for the following reasons. The Member States of the Union have sometimes even significantly different policy interests. Still they have agreed on cooperation and concessions and it has been argued

²¹ Neumann 1995, 15.

²² In this context only current EU 15 (Austria, Belgium, Denmark, Finland, France, Germany, Great Britain, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden) are numbered among the Member States, because the analysis is limited to time period until 2003. I am aware, however, that many studies comprise today also the official candidate countries of accession (Estonia, Latvia, Lithuania,

that the states have started giving up parts of their sovereignty to the benefit of the Union. According to the neofunctionalist tradition the process of integration involves the gradual transfers of competencies to a new supranational authority within a defined geographical area. This creation of a new political entity brings together the previously independent units as sub-units of the new polity and the goal of this integration is fundamentally political. There are several conditions for such development and these include degree of homogeneity in all levels of development (social, economical and political), basic common values, compatible decision-making process and coherent expectations.²³

As mentioned already, neofunctionalists tend to privilege the institutional and instrumental dimensions of political cooperation. According to Bridged Laffan, Ernst Haas for instance claimed that institution-building came first leading to elite loyalties over time.²⁴ In the context of this thesis, however, a notion that a ‘sense of community’ or an affective dimension to integration is more important to the political cooperation than institutional dimension seems more pertinent.²⁵ Secondly, from my point of departure, neofunctionalism has only secondary importance in the policy forming process in the Union also because I agree more or less with Waever’s concept of ‘*evolving*’ sovereignty, that focuses on the point that distinctiveness of state sovereignty has changed over time. Waever argues plausibly that sovereignty has never actually even meant anything as absolute as “actual full control” because states have always been dependent on each other, limitations and conditions that other states have set for them.²⁶ It is easy to agree with this notion since in an international society states are in a constant interaction with each other in different forms of international cooperation. Current regionalization has only increased interdependency, because cooperation may take place in multiple levels that extend from economic, cultural and humanitarian cooperation all away to military reliance.

What sovereignty really means is the rule of law in terms of states authority to decide upon the certain issues that no one else could decide on. Waever opposes the idea of ‘transferring sovereignty’ to the EU, because it is impossible to have a state only with

Poland, Czech Republic, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Cyprus, Malta and Turkey), but in relation to the CIP it is difficult to forecast the impact of the enlargement.

²³ Groom, A.J.R. Neofunctionalism: A Case of Mistaken Identity, in Nelsen and Stubb 1994, 114-115.

²⁴ Laffan 1996, 83.

²⁵ Ibid.

two-thirds sovereignty. What really happens is that the states redefine the extension of sovereignty: "Sovereignty is the form, whose content changes over time."²⁷

Naturally, the CIP can be perceived as evolved in a functionalist manner. However, the functionalist machinery of spill-over moving is insufficient explain current development towards collective 'Our Europe'. Like Robert Schuman argued (in 1964):

"[a] true community requires at least some specific affinities. Countries do not combine when they do not feel among themselves something common, and what must above all be common is a minimum of confidence. There must also be a minimal identity of interests, without which one attains mere co-existence, not cooperation."²⁸

2.4. *Security Today*

"International theory is the theory of survival..."

Martin Wight 1961.

Martin Wight states wisely in the quotation that when dealing with an international relations theory, one has to keep in mind that first and foremost we are talking about existence of an established system.²⁹ A state associates security to the survival of sovereignty, because if state lost its sovereignty, it could not be a subject in the international society anymore. But to society, however, survival implies identity, the denotation of 'We' as 'Us'.³⁰

Security has a distinct meaning as a generic term, but the form of it varies for different units. Primarily security is linked to survival, it means

"this is an *existential* threat with a point of no return; if we do not handle this in time, if we do not give it full priority, then we will not be here to tackle the other more mundane matters".³¹

The Copenhagen school defines the "security of human collectives" with five categories: military security, political security, economic security, societal security, and environmental security. Despite the substantial critic the Copenhagen approach has encountered, according to Freeman, particularly for its emphasis away from the large-scale violent conflict, it does offer a "functional prism" for threat perception in the New

²⁶ Waever 1996, 116.

²⁷ Ibid and Waever 1995a, 417.

²⁸ Schuman in Ham 2000, 25.

²⁹ Wight 1961, 33.

³⁰ Waever 1996, 108-109.

³¹ Ibid, 108. Italic JH.

World Order.³² The current conflict with Al Quaida indicates that post-Cold War security is no longer understood only in terms of confrontation between state-sponsored armies. Security has changed, the security of today is no longer simply a military matter.

From my point of departure, security is connected to survival of an established system in social terms. After the end of Cold War, the ideas about nationhood, self-determination and identity were spread around Europe. 'New World (Dis)Order' made it possible to have new domains for people to re-examine their identities and for groups to claim their right to their identity, often in response to an identified threat.³³ When the European integration project was speeded up as an answer to new potential security problems, the objectives of integration became problematic. People started questioning the project and much of it was based on the concern of national identities. Identity question was a question of survival; therefore it became a security issue and was included in the high politics. Today identity is seen as one of the most important non-military questions asserts Waever.³⁴

The theory on societal security that the Copenhagen school has shaped "concerns situations when societies perceive a threat in identity terms". This term is not linked to nations however, only to identity-based communities.³⁵ For state security the sovereignty is ultimate criterion of existence, but societal security is based primarily on the concern of identity. Societal security can be activated only if 'our identity' is bullied by another identity threatening to replace ours. Waever utilizes several good examples: the fear for national in the face of European identity, Americanization in France and Westernization in the Middle East.³⁶ In the context of CIP societal security lies on the EU level, because most of this power that used to belong to states, conditions for entries in terms of visa policy for instance, has been moved to the Union. Because nations do not have the state handle such matters anymore, the societal security is taken care by the EU regional international society. Naturally there the threat is perceived also in identity terms³⁷, because the primary security question is who are we, who belong to Us and who do not.

³² Freeman 2001, 7.

³³ Zalewski et al. 1995, 279.

³⁴ Waever 1996, 111.

³⁵ Ibid, 113. I believe the EU is desired to be an identity-based community because it can never replace the nations, but still it needs the popular support to legitimate its own existence (see later Chapter 5).

³⁶ Waever 1995a, 405.

³⁷ Waever 1996, 113.

2.5. *Search for Identity*

Identity is a problematic and fuzzy concept. Michel Oriol and Francis Affergan argue that the recent publications of contemporary psychoanalyze and anthropology indicate that identity is always a constructed phenomena and never given as such. Besides, it is argued that identity develops in relation to others. In other words, culture constructs its own identity in communication with other cultures and in respect to rules and norms that cement the unity of a group.³⁸ Literally taken identity means, however, equality and sameness and is used as a concept to construct feelings of cohesion, holism and even community. This construction is mobilized particularly in situations where there is a lack of these feelings.³⁹ An incomplete identity and the sense of insecurity that follows this imperfect gives rise to a need to construct an identity.⁴⁰ The construction of an identity is, nonetheless, a complex process, because society functions simultaneously on multiple levels; from home to neighborhood and from nation to continent.⁴¹

A collective identity is alluring as a means of dispersing fear and emotions, because “it reduces the intangible complexity of the true roots of the insecurity and then diverts them – to the exclusion and expulsion of others.”⁴² Collective identities tend to be pervasive and persistent, which is especially true of religious and ethnic identities that have even been politicized often in pre-modern eras.⁴³ Several scholars have argued that collective identities cannot simply be produced by official discourses, but they are produced by long-term social and political practices, shared experiences, memories and myths that function differently in different contexts.⁴⁴ But when there exists no such collectives, it more likely that collective identity is formed based on shared values and divisions between Us and Them (those who share our values vs. those who do not) as we will see later.

³⁸ Oriol et al. 1995, 16-17.

³⁹ Stråth 2000, 19-20.

⁴⁰ Mikkeli 1998, 19.

⁴¹ Scardigli 1993, 14.

⁴² Niethammer 2000, 98. He continues that since politicians feel powerless against the insecurity that globalization seems to bring forward “They transfer the theme of social and existential insecurity to one of law and order, confusing it with the presence of ethnic, racist, and religious minorities and competitors in the EU using xenophobic rhetoric. They accuse each other of laxity in the battle against crime and immigration and surpass each other reciprocally in their determination to expel this dual threat.” This is probably why the assertion of ‘Fortress Europe’ was such a popular issue both in Danish and Dutch parliamentary elections and in French presidential elections in 2002.

⁴³ Smith 1992, 230.

⁴⁴ Nanz 2000, 287.

European integration is closely related to the dynamics of security and identity. Security and identity may be the primary obstacles to integration, but the integration process may also transform them.⁴⁵ Who we are, where do we come from, what is our identity based on are questions that have in-depth consequences. When the societies integrate, people, groups and nations tend to redefine the internal and external limits of a group or a society to be able to clarify the border between 'Us' and 'Others'. The exclusion of 'Other', a stranger, expresses aspiration to form and maintain one's own collective identity.⁴⁶ "The foundation of identity is the separation between 'non-Us' and 'Us', only in this way we can say who we really are" explicates Harle.⁴⁷

As I will indicate in the Chapter 5, the search for a collective European identity has been an on going process for quite some time already. According to numerous studies and recent Eurobarometres Europeans define themselves, however, very seldom primarily as Europeans.⁴⁸ Trevor Lloyd has put it: "most people who think of themselves as 'Europeans' [probably] have at least a Master of Arts degree."⁴⁹ In similar vein recent Eurobarometre 2002 indicates that in average 39 percent of Europeans and only 19 percent of Finns feel attached to the EU. Finns have not become 'Europeans' yet in the sense that they would feel close to the Union, but rather opposite since according to the survey Finnish people are least attached to European integration. Politicians and pro-Europeans are naturally concerned about this kind of results, for instance the head of Commission's delegation in Finland saw the survey as an "alerting result".⁵⁰

These are the reasons why scholars both from the rows of European Studies and international relations and in the Commission of the European Union have been concerned about the construction of collective European identity. Identity politics is a process in which people are seeking answer to a question 'Who are we?' and those who desire to influence the answer are pushing and pulling the people to 'right' directions. Often the resources to influence in this process are rather unequal on different sides.⁵¹

⁴⁵ Waever 1995a, 392.

⁴⁶ Harle 1993, 9-11.

⁴⁷ Ibid.

⁴⁸ See e.g. Schild 2001, 341.

⁴⁹ Ham 2000, 26. Originally Trevor Lloyd, "Union and Division in Europe", in *International Journal*, vol.LII, no.4 (Autumn 1997), p.548.

⁵⁰ Astikainen, Helsingin Sanomat 30 May 2002.

⁵¹ Zalewski et al. 1995, 282.

One of the purposes of this paper is to indicate that the question of European identity is very much related to that how Europe itself is constructed and how the demarcation between Us and the Other determines some characteristics of the European identity: Who is included and who is excluded, and on what grounds?

My approach to the identity dilemma in Europe is therefore rather reflectivist. ‘Otherness’ and formation of collective identity have in Neumann’s words typically belonged to reflectivist theory tradition in social sciences. This approach is non-objectivist and it is founded on the idea that a method that works as an intermediate or a mediator between actor and structure is needed. In the case of ‘otherness’, the analysis is based on the *relationship* between *ego* and *alter*. Thus, the research will concentrate on the discourse where this relationship is reconsidered and where the identity is actually formed.⁵² In this case the domain of the identity discourse is the Charter and the CIP documents.

The crisis of European identity is relevant in the context of community immigration policy because above all, the CIP is targeted clearly to define who belong to ‘Us’, who are eligible members of European society. Secondly, it has been asserted that a policy that is capable of warning of threats is central for identity constitution.⁵³ One of the core attempts of CIP is in fact to define security threats, because its central objective is to set the conditions for entries, thus to define who are seen as potential threats (or enemies as Harle would note) and therefore not welcomed to immigrate. Identity controls how you are treated, what is expected from you, what you expect from yourself, what will be your opportunities in society, whether you will be treated as an enemy or a friend.⁵⁴

Finally, institutions are established structures of identities and interests. These entities exist connected to the actors’ ideas of the world. Institutionalization is not a process that occurs externally affecting only behavior, but it is a process of internalizing new identities and interests. Above all, the process of creating an institution is internalizing new understandings of Self and Other. European cooperation process is a good example of positive interdependence of outcomes into a collective European identity. Even if

⁵² Neumann 1995, 6.

⁵³ Waever 1996, 110.

⁵⁴ Zalewski et al. 1995, 283.

other reasons were the point of departure, the process has a tendency to redefine those reasons by reconstituting identities in terms of *new commitments*.⁵⁵

2.6. Values in Social Sciences and Political Theory

I establish my perception of values on the concept that some see as a widely held assumption in the social sciences: values are at the root of behavior.⁵⁶ In psychology the term ‘values’ is linked to individual preferences, motives, needs, and attitudes. Sociologists employ the concept in connection of norms, customs, manners, ideologies, commitments, and the like. In political science, the concept of values can be found from the core definition of politics: “those interactions through which values are authoritatively allocated for a society”. This means that values are used in political debates, in arguments about participation, deprivation and democracy – in all dynamics associated with opinions and *behavior*. Political participation has been seen as “those types of behavior which enable the citizen(s) to take part in the creation and allocation of values”. It has been purported that states behavior is also highly dependent on values. A review of democratic practices in several countries suggests that those nature and extent “appears to be less a function of their state of social and economic development than of certain values embodied in their political culture”.⁵⁷ Thus values have an impact on both, people’s and state’s behavior and the way they form their opinions.

If we extend the lists above and include concepts like legitimacy, representation, power, or policy⁵⁸, the normative term ‘value’ becomes very important in international relations theory as well. Indeed, it has been proposed that political sciences could be defined as “the study of the shaping and sharing values”⁵⁹.

Naturally these value definitions above are not embracing all the meanings given to the term, thus we may conceptualize the term little further by looking at common elements in divergent definitions. Firstly, it is possible to find functional elements in some definitions that suggest that values are to be defined by their purpose. Furthermore, this function model is highlighted in descriptions of values as preferences, even as

⁵⁵ Wendt 1992, sqq: 137,155.

⁵⁶ Deth et al. 1995, 21.

⁵⁷ Ibid, 22-24.

⁵⁸ Ibid, 24.

⁵⁹ Ibid.

Präferenzmodelle. There appears, then, that values are conceptions of the desirable. Secondly, values engage moral considerations. This refers to social character of values.⁶⁰ Thirdly, it is possible to conclude that attitudes are influenced by values and values by attitudes. Taking attitudes as the antecedents of behavior, we may conceptualize values as becoming manifest in action.⁶¹

The social nature of values is characterized by everyday social exchanges. It is possible to underline the importance of discourse, or the shared and collective meaning of values. It is evident, however, that values are not individual properties but shared socially by persons who have “a [same] universe of meaning”. Individuals share this universe by the language they use together, because reciprocally the language bears the values they hold in common.⁶²

What is evident as well is that individual behavior is determined by behavioral intention, which, in turn are shaped by values and political orientations. Besides, people’s values are very much influenced by the social environment and by their social position in that environment. Jan W. van Deth draws a schema where macro-level developments shape the values of individuals, and these values determine the behavior of individuals via behavioral intentions. There appears, then, that macro-level developments have a direct impact on the social position of individuals, thus the relationship between macro-level developments and values appears in respect to these social positions. Political orientations can be perceived also as co-determinants of behavioral intentions. The values of individuals can be converted into political orientations that have impact on their behavioral intentions.⁶³

From these definitions I conclude that values have a significant impact on beliefs, attitudes, behavior, actions and politics. In this paper values are seen as conceptions of desirable, which are evident in moral discourse and relevant to the formulation of attitudes and politics. Empirically I will search for values of the European Union both in the Charter of Fundamental Rights of the EU and in the Community Immigration Policy. Both documents will exhibit the patterns of current value orientations present in the European Union.

⁶⁰ Deth et al. 1995, 27-28.

⁶¹ Ibid, 33.

⁶² Ibid, 35.

⁶³ Deth 1995, 6.

PART TWO: THEORETICAL AND METHODOLOGICAL

BACKGROUND

Why do I need a theory? Hannu Uusitalo indicates that the word theory has several connotations. A theory can be a framework, which evolves from previous scientific discourse on the phenomenon and provides terminology and concepts for the subject matter. Sometimes theory is a synonym for hypothesis. It is an assumption of how things are, thus what will be discovered. A function of a theory is quite simple; it guides both observation and actions.⁶⁴

In this section, I establish the theoretical framework for an interpretation of the European Union as a regional international society, present a hypothesis how the collective European identity could be constructed in this society and offer an observation about the content of this new identity. When I first started researching for this theoretical section, I was looking for an answer to a question what is the role of identity in an international society. Soon, however, I understood that in stead of an identity I should be looking for shared norms and values that belong to the core of an international society. On the other hand, these values will inevitably have an impact on the formation of collective identity, on the shape and content it will be comprised of.

I will also convey the idea of typification by the approach social construction of reality developed by Peter Berger and Thomas Luckmann. In this approach, on the other hand, the central elements are symbolizing language, institutions and above all, values where the typifications arise. Thus I should examine why values have such a central role in all these terms, international society and the European Union.

⁶⁴ Uusitalo 1991, 41-43.

3. THE ENGLISH SCHOOL

“Among the traits characteristics of man is an impelling desire for society [...]”
Hugo Grotius (*De Jure Belli ac Pacis*)⁶⁵

The theoretical framework of this chapter is based on the work of certain scholars from the English school (ES) of international relations (IR) theory. The origins of the English school date back to a group of scholars who gathered to form a committee to study questions of international theory in the late 1950s. This so called British Committee consisted of a diverse group of academics from different disciplines but also practitioners from diplomatic circles. Charles Manning’s and Martin Wight’s thoughts about international society have been recognized as the roots of this school. Other pioneering figures were Herbert Butterfield and Hedley Bull. These academics published classics such as *Diplomatic investigations* (Butterfield and Wight, 1966), *The Anarchical Society* (Bull, 1977), *Systems of States* (Wight, 1977). Wight’s historical sociology of culture and identity and Bull’s notions of the Western international society may as well be used in the international relations’ interpretations today.

According to Tim Dunne, who has written a history of the ES, the intellectual terrain of the English school is marked by i.) a particular tradition of inquiry, which is basically a set of certain questions, a common agenda and an awareness of a body of literature, ii.) a broadly interpretive approach to the study of IR, and iii.) an explicit concern with normative dimension of IR theory.⁶⁶ Latter is based on Wight’s heritage of placing ethics at the center of theoretical inquiry. Each one of Wight’s traditions that will be discussed below, had a distinctive moral position according to Dunne; Realism and nonperfectionist ethics; Revolutionism and the quest for universal justice. Wight’s work includes also a certain kind of ethic rationalism since the society of states may not be the perfect, but not the worst of all possible worlds. Each international society maintains or even develops an order of some kind.⁶⁷

Having Wight as his mentor, Bull thought about the international relations in Wightean terms. Dunne attests, however, that Bull constructed a pluralist theory⁶⁸ of international

⁶⁵ Bull et al. 1990, 223. *JBP*, Prolegomena 6.

⁶⁶ Dunne 1998, 6-9.

⁶⁷ Wight 1966, 103.

⁶⁸ See introduction for the definition of pluralism.

society even though Bull did not state this explicitly himself. Nonetheless, later in his work Bull was also concerned about solidarity and he identified increasing moral solidarity of the late twentieth century⁶⁹, long before it became evident in Kosovo.

3.1. The Three Traditions

The study of *international society* has widely been recognized as the most important contribution of the English school to international relations. The main focus of the ES work has been to reveal the nature of international societies, to trace their history and development. Nevertheless, the methodology of the English school is based on a tripartite distinction amongst international system, international society and world society. Barry Buzan utilizes a comprehensive definition of this methodology that embodies Wight's 'three traditions' of IR theory: *Realism, Rationalism and Revolutionism*:

- "international system (Hobbes/Machiavelli) is about power politics amongst states, and Realism puts the structure and process of international anarchy at the centre of IR theory;
- international society (Grotius) is about the institutionalisation of shared interests and identity amongst states, and Rationalism puts the creation and maintenance of shared norms, rules and institutions at the centre of IR theory;
- world society (Kant) takes individuals, non-state organizations and ultimately the global population as a whole as the focus of global societal identities and arrangements, and Revolutionism puts transcendence of the state system at the centre of IR theory. Revolutionism is mostly about forms of universalist cosmopolitanism."⁷⁰

Wight himself alleged that the Realist tradition means that sovereign states acknowledge no political superior whereupon their relationships are ultimately regulated by warfare.⁷¹ Rationalists on the other hand believe that man is ultimately rational which carries out international and institutionalized discourse that is characterized by diplomacy and commerce.⁷² The third tradition, Revolutionism, is a concept of a society of states, or family of nations that forms a moral and cultural aggregate which requires certain moral and psychological and possibly even legal obligations, even if not political ones.⁷³

⁶⁹ Dunne 1998, sqq. 136, 146, 154-155.

⁷⁰ Quote Buzan 1999, 5.

⁷¹ Wight 1991, 7.

⁷² Ibid, sqq. 7, 13-14.

⁷³ Ibid, 7.

All these three elements are in continuous interaction in the ES papers. Thus the English school is explicitly a pluralist methodological approach. There is, however, according to Buzan a general agreement that the main propulsion of the ES has been on the Grotian/Rationalism element because of the concentration on the concept of international society. By introducing this third element as it were *via media* between Realism and Liberalism, the English school endeavors to go beyond the binary opposition and the long lived debates about IR theory.⁷⁴ I attempt to present next the main concepts of international society followed by a short introduction to Bull's notions of world and international system and world society.

According to Wight's theory of international society, the Realist tradition asserts that there is no such a thing as international society because international relations is war of all against all, *bellum omnium contra omnes* as Hobbes expressed it. On the other hand, there is a second alternative that Realists can give: international society is nothing but great powers.⁷⁵ The Revolutionist discourse propounded the idea that international society was a great society or super-state of individuals, *civitas maxima* (Wolff).⁷⁶ The Rationalist school of thought holds to the tradition of natural law and the obligations it imposes, therefore international society is *societas quasi politica et moralis* (Suarez).⁷⁷

In opposition to the realist arguments of Machiavelli, Hobbes or Bacon claiming that sovereign states and princes in their dealings with one another were in a state of nature, Hugo Grotius argued that states and the rulers of states were bound by rules and therefore they formed society, according to Hedley Bull. Grotius continued that by the same token, princes and peoples were not in a state of nature, but part of the great society of all mankind, *magna communitas humani generis*.⁷⁸ An international society did not comprise merely states or rulers, but also other groups than states, and more importantly, individual human beings.⁷⁹ Bull says that Grotius saw the great society of all mankind as the starting point for his discussion of international relations, and regarded the society of rulers or states as no more than part of that society.⁸⁰ 'Grotatism',

⁷⁴ Buzan 1999, 5.

⁷⁵ Wight 1991, 30-31.

⁷⁶ Ibid, 40-41.

⁷⁷ Ibid, 48.

⁷⁸ Bull et al. 1990, 72.

⁷⁹ Ibid, 83.

⁸⁰ Ibid, 85.

then again, which can be seen as a distinctive path within the English school, separates realism and idealism and accentuates particularly the centrality of states, the possibility of cooperation, and the importance of shared identity, international law and institutions.⁸¹

Bull argues that Grotius' ideas still underlie the relations of states today, even though they have undergone great transformations. Princely and patrimonial states have been replaced by peoples and nations. An international society of Christian European states has transformed to a global society in which the original European members are a minority. A minimum net of commonly agreed rules has become an extensive collection in international law principles that cover the vast range of areas from economic to social and political affairs. Nevertheless, the underlying idea of normative and institutional frame has remained the same.⁸²

It is worth noticing that Bull reads Grotius' argumentation supporting an essentially rights-based view of civil society and of international society. Furthermore, Grotius perceived tolerance an inherently desirable value for an international society rather than only an instrumental necessity, since he saw Christian and non-Christian states as participants in the same system through natural law.⁸³ Rules of natural law bind all persons, not only Christian or European rulers and peoples, but all men equally worldwide.⁸⁴

Buzan conveys an idea that Bull's classic definition of international society combines the Hobbesian/realist element of international system with the Grotian/rationalist socially constructed order⁸⁵:

“A *society of states* (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in a sense that they conceive themselves to be bound by a common set of rules in their relations with one another and share in the working of common institutions. If states today form an international society [...] this is because, recognizing certain common interests and perhaps some common values, they regard themselves as bound by certain rules in their dealings with one another [...]”⁸⁶

⁸¹ Buzan et al. 2000, 440.

⁸² Bull et al. 1990, 72-73.

⁸³ Ibid, 14-15.

⁸⁴ Ibid, 80.

⁸⁵ Buzan 1999, 6.

⁸⁶ Bull 1977, 13.

This is to say that international society exists because states believe themselves to be bound by a common set of interests, values, rules and institutions. According to Dunne Bull concluded that the element of a society has always been present in the modern international system. He argued for the existence of some values (for example, order) which were “the good of the international society as a whole”.⁸⁷ Particularly he made the case for international society against *realpolitik* by arguing that states will hold on to the rules and norms of the society of states and as a matter of fact states should act in a way which strengthens the normative principles of international society, by implying an element of agency for example. By reinforcing the institutions of international society, the logic of anarchy can be alleviated.⁸⁸

Thus in an international society, a group of states does not only form a system, because the behavior of each state contributes to the calculations of others. States recognize their common interests in maintaining the arrangements of dialogue, institutions and common rules.⁸⁹ One of the fundamental ideas is social interaction: just as individuals live in societies which they both shape and are shaped by, also states live in a society which they shape and are shaped by.⁹⁰

From these points we may go on to characterize the three other components of Bullian English school theory. *World system* was the broadest and most encompassing concept presented by Bull. He defined it as “the world-wide network of interaction that embraces not only states but also other political actors, both ‘above’ the state and ‘below’ it”.⁹¹ A world system was “emerging of which the system of states [international system] is only a part”.⁹² Therefore the world system consisted of sub-national actors (e.g. regions), state actors, and international actors (such as international organisations and supranational organisations), but also transnational actors (such as non-governmental organisations and multi-national companies).⁹³ According to Manners, the focus of this approach is positivist, with its study of ‘interaction’. It rejects also the notion that states represent the only actors within world politics. In this respect Bull’s notion of world system has been read as an argument for a ‘pluralist paradigm’ in

⁸⁷ Dunne 1998, 143.

⁸⁸ Ibid, 144.

⁸⁹ Bull et al. 1984, 1.

⁹⁰ Buzan 1999, 6.

⁹¹ Bull, 1977, 276.

⁹² Ibid, 21.

⁹³ Manners 2000, 5-6.

international relations with its focus on non-state actors, complex interdependence and globalization.⁹⁴ Bull insists that actually individuals are the ultimate moral referent:

“ ‘world order’ is more fundamental and primordial than international order because the ultimate units of the great society of all mankind are not states (or nations, tribes, empires, classes or parties) but are individual human beings [...]”.⁹⁵

In an *international system* the interactions among states take form of cooperation, but also conflict is possible, or even neutrality in respect to one another’s objectives.⁹⁶ Whereas international society presents the efforts to regulate relations among its units, an international system operates more or less mechanically and by necessity:

“A *system of states* (or international system) is formed when two or more states have sufficient contact between them, and have sufficient impact on one another’s decisions, to cause them to behave – or at least in some measure – as parts of a whole.”⁹⁷

Similar to the concept of world system, this approach is also positivist with a focus on contact and mutual influence, although it ignores the idea that “an international system is constituted by the beliefs of the people who inhabit it, be they humans or groups of humans”.⁹⁸

While a general perception is that political units constitute international system and international society, *world society* consists of all those individuals and social groups who see themselves as sharing “a sense of common interest and common values, on the basis of which common rules and institutions may be built”.⁹⁹ This concept went beyond that of a mere degree of interaction suggested by an international system, and somehow towards a common sense of human community, because it laid an additional emphasis on common consciousness. Jürgen Habermas has observed that the notion of world society can be particularly useful in overcoming the limitations of a national or international society.¹⁰⁰

It is apparent that the relationship between international society and world society is fundamental to the ES theory. In the historical approach of Butterfield, Wight and Watson world society is perceived as a prerequisite for international society. According

⁹⁴ Manners 2000, 6 and Dunne 1998, 146. See on pluralist paradigm e.g. Keohane and Nye (1977) *Power and Interdependence: World Politics in Transition*, Strange (1988) *States and Markets*.

⁹⁵ Bull 1977, 26.

⁹⁶ Ibid, 10.

⁹⁷ Ibid, 9-10.

⁹⁸ Manners 2000, 7.

⁹⁹ Bull, 1977, 279.

¹⁰⁰ Manners 2000, 6.

to Wight we cannot assume that a states-system could come into being without a degree of cultural unity, because societies were “underpinned by common cultural assumptions”.¹⁰¹ Without ethical and cultural norms neither system nor society could exist.¹⁰² The historical record from classical Greece to early modern Europe supports this view in Wightean work, but the lines of the ES are not consistent in this matter.

It is possible to make an interesting case between two strands within the English school: a civilizational version represented by Manning, Wight and Watson and a functional one represented by Bull. In the first version, ISO presupposes a minimum of world society to make it stable, but in Bull’s approach ISO requires at least a common desire for international order, but not necessarily the common culture or identity of a world society.¹⁰³ Bull does not neglect, however, the importance of common values as a basis for international society. In fact he alleged that the future of the international society is determined by the preservation and expansion of ‘cosmopolitan culture’ on the basis of common values that should be rooted in societies in general as well as in their elites.¹⁰⁴

Buzan himself claims that a preceding world society is neither historically nor functionally a necessary condition for the formation of an international society. This is the case unless solidarism is included in the agenda since it cannot develop far without being accompanied by matching transnational developments in world society.¹⁰⁵

In fact the framework of discussing the international/world society in the ES occurs within the distinction between *pluralist* and *solidarist* conceptions of international society. Pluralist conception leans towards the realist side of rationalism. Sovereignty is a central issue, because political differences and distinctness define it. In addition, pluralism stresses the instrumental character of international society, existing rules and a counterweight to international anarchy.¹⁰⁶

Solidarist view derives from the revolutionist side of rationalism. In a solidarist international society, states are not only aiming to self-preservation and order since a broad range of common values and norms regulates the relationships between

¹⁰¹ Buzan 1999, 7.

¹⁰² Hall s.a., 102.

¹⁰³ Diez and Whitman 2002a, 49.

¹⁰⁴ Bull 1977, 317.

¹⁰⁵ Buzan 1999, 7.

¹⁰⁶ Ibid.

constitutive units. Solidarists assume that the international society is an extensive system that accepts shared norms for instance about limitations on the use of force and principles of civilization concerning the relationship between states and citizens.¹⁰⁷

These were the points of departure for comprehending the English school tradition. Next we will move to more current research on the issues presented above. This will permit us to study particularly the possibilities to apply the ES traditions in regional societies, such as the EU.

3.2. *Buzan's Proposal for Reconvening the English School*

The original English school, which was declared closed in 1981, has made room for a new group of scholars who also prefer to identify themselves with the ES. Today the English school is becoming again one of the most interesting approaches in IR studies¹⁰⁸ particularly because an electronic database¹⁰⁹ held by a group of British academics allows us to follow the most recent discourse in ES conferences today. One of the most interesting articles found on the site is Buzan's rather recent paper *The English School as a Research Program: an overview, and a proposal for reconvening*. There he raises questions about the nature of international and world society today and attempts to define the relationship of the ES to IR theory. Above all, in this presentation Buzan indicates several aspects within the ES approach that need further research.

The first interesting point that Buzan makes is that there is room for studies that would concentrate on contemporary international and world society with ES theoretical perspective. He asks whether a strong international society could solve the problems of weak states and continues that an international society could provide the layers of governance that weak states cannot yet provide for themselves.¹¹⁰ One could interpret that here Buzan is referring to increasing political and economical regionalization¹¹¹ and its possibilities as security and development provider.

¹⁰⁷ Buzan 1999, 8.

¹⁰⁸ Manners 2000, 3.

¹⁰⁹ See <http://www.ukc.ac.uk/politics/englishschool> for latest publications.

¹¹⁰ Buzan 1999, 12-13.

¹¹¹ The European Union, the Association of Southeast Asian Nations, Organization of African Unity etc.

Secondly, Buzan reminds that much of the ES literature is based on the emergence of distinctive European international society and its transformation into a global international society. Into a certain extent this “formulation is both too globalist and too Eurocentric in its assumptions”.¹¹² At this point one could differentiate between global international society on the one hand, and sub-global, and particularly regional, international/world societies on the other. Neither word ‘international’ nor ‘world’ does necessarily imply global. According to Buzan the empirical record proposes that different regional societies can build on common global international society foundations, as they have done in Europe, the Islamic world, and Southeast Asia. These sub-global developments should be urgently investigated.¹¹³

Thirdly, if the ES were to mature as a major approach to IR, the manner how it relates to the IR project should be defined. There is an obvious link to constructivism and as the approach strengthens in IR, it would be important to prove that international and world society should be priority subjects on the constructivist agenda. Furthermore, the methodological pluralism of the ES should be promoted by joining for instance the International Political Economy (IPE) theory, because the centrality of norms, rules and institutions are in the core of both approaches, as well as in constructivism.¹¹⁴

Finally, Buzan presents his most interesting argument. He throws in an opinion that probably the greatest opportunity available to the ES is to join debates over the European Union. Buzan claims that the study of the EU is almost entirely empirical. He notes that the ES theory would be well suited to fill the theory deficiency, because “what is the EU if not the most highly developed, thickest, most solidaristic/progressive international society ever seen?”¹¹⁵

3.3. *Jørgensen’s critic*

Buzan’s proposals were not accepted without discordant notes. Knud Erik Jørgensen argues that if the ES met the European integration (EI) process, it would be a blind date. Blind date never takes place in a neutral environment, thus Jørgensen’s argument is that the potential outcome of ES meeting the EI would be not just an ES explanation, but a

¹¹² Buzan 1999, 14.

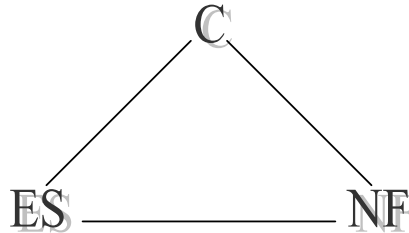
¹¹³ Ibid.

¹¹⁴ Ibid, 15.

¹¹⁵ Ibid, 16.

constructivist ES first order theory of European integration. He continues that because the ES has previously been related to various constructivist (C) approaches and neofunctionalism (NF) has been explored in relation to constructivism¹¹⁶, all three approaches could constitute a golden triangle:

Figure 1. The Golden Triangle by Jørgensen¹¹⁷



However, the Golden Triangle would most likely turn out a triangle of Bermuda because there are several serious flaws in this interpretation Jørgensen indicates. But there are, however, indeed some similarities between the English school and neofunctionalism, he argues. Both schools reject realism as well as idealism and they both are obviously Euro-centric. Furthermore, both schools have been critically revalued. But the key difference between the two schools is that the ES has previously neglected the EI. Furthermore the ES has always been inter-disciplinary; the old academic traditions like history, law, sociology and philosophy (but not economics) have been represented throughout the ES tradition.¹¹⁸

By comparing the English school and neofunctionalism along seven dimensions Jørgensen attempts to indicate the flaws that the ES would face when developing its EI theory any further. Firstly Jørgensen claims that the dependent variables between the two approaches are considerably different. While the ES explains global dynamics, world politics, NF is obviously explaining the European process of integration. Thus the ES is an approach on the system level whereas NF analyses a process at sub-system level.

Moreover, Jørgensen argues that the ES is primarily state-centric whereas NF is pluralistic, because it focuses on interest groups, political parties, governments and regional institutions. He continues that the English school is also more structural than

¹¹⁶ See e.g. Haas, Ernst B., Does Constructivism subsume Neofunctionalism? In Christiansen, Jørgensen and Wiener (eds.) *The Social Construction of Europe*. London, Sage, 2001.

¹¹⁷ Jørgensen s.a., 3.

¹¹⁸ Ibid, 7-8.

neofunctionalism, because the international society is essentially a structural/social concept.¹¹⁹

Finally, Jørgensen attacks on the Buzan's claim that the European integration theories have been almost entirely empirical and remarks that here Buzan is slightly overstating, because as one can perceive from the relevant journals¹²⁰ that the theories of EI have been around already for a while. Jørgensen from his part demands for a definition of the constructivist approach that the ES claims to utilize.¹²¹ Which version of constructivism the ES comes close and which methods are applicable?

Above all, this Jørgensen's response to Buzan indicates that the ES may not necessarily be any more comprehensive than any other approach 'courting' with the European integration. I argue, however, that Buzan's proposal is a new attempt to comprehend the success of the EI and therefore worth studying further. The fact that the ES has previously neglected the EI does not mean that it could not study the process now. I believe that a fruitful IR approach to EI would be more than welcomed. Besides, we must not forget that the ES is firstly a methodologically pluralist approach and secondly, as indicated above, Bull's perception of world system contained all actors of IR, not only states. Therefore Jørgensen's claim about the state-centrism of the ES can be impugned. Furthermore, Jørgensen's main argument against interference to the EI is that the ES does not fit well in the research of sub-system phenomena because it has previously remained on the system level of analysis.¹²² The concept of international society has, however, varied even among the ES lines. Thus the notion of it is not tied to one interpretation, but could be open to new ideas: the attempt to bring the ES to the sub-system level should not be entirely doomed to failure. Jørgensen has, I believe, forgotten that theories are not close ended entities, but rather open to progress.

The European Union of today is an international organization searching for a collective identity, but there are numerous attempts trying to explain what are the goal and the means behind this process. I believe the ES could succeed in explaining this process,

¹¹⁹ Jørgensen s.a., 9.

¹²⁰ Journal for Common Market Studies, Journal of European Public Policy, European Union Politics and IO.

¹²¹ See Dunne 1998.

¹²² Jørgensen s.a., 12.

because the EI could benefit from an approach that indicates the importance of shared values as the bedrock of a society.

4. THE ENGLISH SCHOOL COURTS WITH THE EUROPEAN INTEGRATION

“Rumours of the death of IR ... are premature...”
C. Weber (1999)¹²³

One school of international relations cannot necessarily be extensive enough in all fields of inquiry. In fact most of the traditions have both weak and strong points. Like the rest of the IR community, today’s English school is also subject to divisions over method and theory. Three British academics, Thomas Diez, Richard Whitman and Ian Manners have however seized on the assignment that Buzan declared and founded a working group on the English school and the European Union. The purpose of this working group is to explore how the core concepts of the ES can be used to examine the three areas of European Studies: the EU system of governance, its enlargement, and its international role.¹²⁴

In a conference paper in March 2002, Diez and Whitman introduced an approach to the classic perception of international society that has been long banned in the English school. In their work old IR traditions seem to be reborn in new context. Regions have played a significant role in the international relations, still they have been seen as no challenge to the global international society because eventually they would either fall apart or take the form of a state. Diez and Whitman argue that the image of the international system is incomplete if the importance of the regions is not analyzed more carefully.¹²⁵

There are many interactions taking place on the inter- or transnational level today, not necessarily only globally. Some regional organizations have become important security providers, whereas others have contributed to a formation of an international organization. Thus, it is meaningful to study the impacts of these regional organizations

¹²³ Manners 2002b, 17. Quotation continues: “[...] Not even ageing and other cruel temporal tricks ... have blighted IR’s blockbuster appeal - something one surely could have expected after IR’s failure to predict the end of the Cold War or to come up with a compelling vision of the future (not to mention a coherent theory of the present)”. Originally in Weber, Cynthia (1999) ‘IR: The Resurrection or New Frontiers of Incorporation’, *European Journal of International Relations*, Vol. 5, No. 4, pp. 435-450.

¹²⁴ See <http://www.ukc.ac.uk/politics/englishschool/wg-eu.htm>.

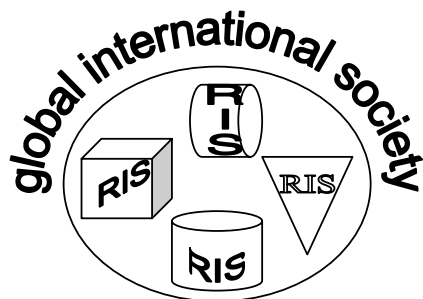
¹²⁵ Diez and Whitman 2002b, 2-3.

on its members, regions, relationships between the regions and the limits of such regional integration. While most of the work of the ES is associated with the international society conceptualized on a global scale, Diez and Whitman argue that it is possible to work with a concept of *regional international societies* (RIS) as well.¹²⁶ Conversely, they argue that bringing the European integration into the focus of the English school may help to follow up especially one concept that has received little less attention than other core terms, namely the concept of world society.¹²⁷

4.1. International Society and World Society Reconsidered

Today's international society is not as homogenous as Bull expected it to be nearly thirty years ago. In some places the network of rules, norms and principles is comprehensive, in others it remains on an elementary level. In some parts of the world relations between states are carefully governed by supranational organizations, in others anarchy is a primary condition. Therefore Diez' and Whitman's argument that regional international societies of various forms and depths exist alongside the fundamental global international society seems applicable.¹²⁸ Even though the authors use the word 'alongside', I believe that these two societies could also exist imbricated. Furthermore, it is possible observe the global international society being an extensive umbrella that combines all regional international societies. In a global international society norms for instance are little more general in nature than in a regional society where cultural or social background between different participants may be less divergent. Picture below attempts to clarify these ideas.

Figure 2. Global international society and regional international societies. Divergent fonts and forms of RIS' describe the differences of these societies within the larger global system. JH.



¹²⁶ Diez and Whitman 2002b, 2-3.

¹²⁷ Diez and Whitman 2002a, 45.

¹²⁸ Diez and Whitman 2002b, 3.

International society attempts to transform and regulate relations amongst its constitutive units. Within the European Union this kind of society is particularly well developed and dense. This suggests according to Diez and Whitman that the EU forms a specific ‘sub-system’ of the current international system in which *societal elements* are stronger than in any other international society.¹²⁹

Generally the RIS will confront some institutionalization, both internally and externally. However, formal organizations do not necessarily limit the functions of the RIS into a certain area. The core of the RIS is the common acceptance of the rules, norms and principles and this may not be tightly tied to formal membership of this regional international organization. *The importance lies on the self-identification with the common values.* It is worth noticing that the borders of an RIS can be fluid and possibly even overlapping.¹³⁰ In more concrete terms, this is to say that many EU membership candidates for instance accepted rules and norms of the EU even before their membership was still under negotiation.

For an obscure reason the concept of world society has attracted much less attention in the ES literature than the concept of international society (ISO). Broadly speaking the term world society stands for transnational social relations on a global scale. While international system and international society consist of political units, world society refers to individuals and social groups who share a certain basic identity and interests, as mentioned above. Diez and Whitman believe that world society can exist at the same time as international society. Furthermore, as there is the possibility of existing more than one ISO at the time, there can also be more than one world society. The argument is not so much about the geographical scope than it is about transnational links. Thus we could speak about ‘regional world societies’¹³¹ or ‘regional transnational societies’.¹³²

4.2. *The Case of Europe*

There are at least three different international societies overlapping in Europe. Each one consists of a different degree of world society and common norms. EU international

¹²⁹ Diez and Whitman 2002a, 48.

¹³⁰ Diez and Whitman 2002b, sqq 4, 9.

¹³¹ Diez and Whitman 2002a, 48.

¹³² Diez and Whitman 2000, 12.

society and European international society¹³³ are regional international societies, but they are both involved in the global international society, which can be said to be an outcome of European international society. The EU international society can have an intensive international society and a fairly developed 'EU world society'. European international society is less dense and has a less developed world society. The global international society (or international international society) has a basic international society and at least an elementary world society. Thus the European international society is founded on more informal norms, rules, institutions and boundaries than the EU international society.¹³⁴

One could say that the EU international society can be found in the intergovernmentalist scenario of integration: states participate within commonly recognized rules and norms that are found in the treaties, but ultimately they retain their right to determine these norms and rules. The social constructivist reading of the ES would argue: states have founded international society, but "the latter feeds back into their own identity".¹³⁵

The EU world society can be discovered in three other respects according to Diez and Whitman. Firstly, in the articulations of collective European identity many scholars and politicians have explicitly emphasized the importance of common European heritage that Bull calls a 'common intellectual culture'.¹³⁶ Secondly, there is something that Bull defines as common values. The presence of these values serves to strengthen the sense of common interests, and to unite the members because they possess a common obligation to the values.¹³⁷ Thirdly, the EU world society contains an intense interaction with transnational activities, from exchange programs to Europe-wide conferences, amongst civil society actors.¹³⁸ This thesis concentrates on the second aspect of world society.

If this were not problematic enough, there is the deeper question of EU world society being a prerequisite to the EU international society. As we saw above, Bull questioned the importance of world society as a basis of international society. He emphasized,

¹³³ For clarification: European international society is a classic ES term that Watson already used for defining the specific political and social culture of the old continent and its expansion to other Western countries. See e.g. Bull and Watson 1984, 122-125.

¹³⁴ Diez and Whitman 2002b, 9.

¹³⁵ Diez and Whitman 2002a, 52.

¹³⁶ Ibid, 52-53.

¹³⁷ Bull 1977, 316.

¹³⁸ Diez and Whitman 2002a, 53.

however, the importance of common values in the construction of an ISO. Wight on his part argued that world society is necessary condition to ISO because states-system requires a degree of cultural unity. Furthermore, Buzan's opinion was that a pluralist international society does not, in principle, require world society unless solidarism is included in the agenda.

If we have a deeper look into Diez' and Whitman's argumentation, one may recognize that they do not answer this question directly. They state only that a world society can exist concurrently with an international society. But by answering the question what kind of EU world society could exist they also reveal their standpoint to the question of world society being a prerequisite to international society. Diez and Whitman refer to Manning's recognition that a social cosmos is in fact always imagined. Thus, the EU world society is discursively created and sustained. Norms and institutions are part of societal discourse, but society does not have any essence beyond discourse.¹³⁹ Deepening international society may however require a deepening of world society. They emphasize that in fact this has been the basic dilemma of the EI since the beginning.¹⁴⁰

All of which makes one realize, that the EU world society is constructed in different discourses. It is not exogenously given, but it arises from interaction. Furthermore, since I attempt to argue in following chapters that it is particularly difficult to find cultural unity in contemporary multicultural Europe and that the common cultural norms can be implemented only from above, because there are no real common cultural assumptions existing in the culturally pluralist European Union, the Wightean approach of ISO does not seem pertinent to the EU case. The recognition of collective values is an important issue in the Union as we saw in the Nice Council. *Charter of Fundamental Rights of the European Union* (the Charter) signed in Nice acknowledges the principle rights and freedoms of the EU in one declaration in a manner that has not be seen before.

Therefore, Bull's perception of international society based on a set of values seems applicable. On the other hand, the EU is, as Buzan declared, a solidarist international society, thus a degree of world society might be necessary to the development of EU international society. For these reasons I argue that the EU international society can be

¹³⁹ Diez and Whitman 2002a, 48.

¹⁴⁰ Diez and Whitman 2000, 14.

constructed only when being accompanied by a degree of EU world society that would comprise particularly the common values of this society.

This is to say in more concrete terms that if the EU international society desired to involve multiple actors and engage them to the European integration process, there should exist a degree of EU world society, which held a set of norms, values and principles that were recognized by the Member States and were used by the individuals in the process of self-identification. Particularly if we lean towards the solidarist/revolutionist side of rationalism in the English school, it is possible to emphasize the importance of common values to the construction and maintenance of international society.

I believe the emphasis on collective values is a natural consequence of the particular characteristics of EU international society today. The EU is a regional organization which size may after the next enlargement originate various problems. Furthermore, it comprises states, peoples and individuals whose significant disparities may begin to undermine the entire integration process. In fact the increasing diversity amongst Member States and people residing inside the Union is one of the principle challenges of the 21st century. How to maintain the EU international society a coherent sub-system that does not (un)intentionally exclude some of its variables or units, but becomes an entity stronger and more harmonious than ever seen before? Following chapter will attempt to indicate the problems of building an EU world society on images of collective heritage, culture and myths. Instead of trying to search for a collective idea of Europe or one collective European identity, the 'giant' should turn its head towards more normative dimension.

5. US AND THEM

“There is no European analogue to Bastille or Armistice day, no European ceremony for the fallen in battle, no European shrine of kings or saints.”

A.D. Smith (1992)

The purpose of this chapter is to present how the EU international society attempts to attach its citizens and the integration process together by using idea of common historical heritage and collective myths in Europe as unifying elements among the

Europeans and as a bedrock of a collective identity. This project seems condemned, however, because in reality the European Union consists of variety of cultural, historical and linguistic differences and soon the society might be even more diversified than it is today. The diversity of the Union is firstly a natural result of enlargement process that has gradually embraced a range of divergent nations, but secondly it has increased due to increasing immigration, both internally and externally. In effect, as we will see, a dichotomy between Us and Them has become crucial to the European identity project, because Europeans identify the characteristics of the European Self in contrast to Others. The Other becomes a mirror of one's own identity, because differentiation of Us as a collective group from the Them defines the limits of EU world society. Furthermore, the Other is essential because the values of this society may also be projected onto Them: Should they respect our values, do they belong to us or do they not?

5.1. *Europe as a Concept - The Idea of Europe*

The concept of European idea or the idea of Europe, that is often heard term in European studies, signifies the invention of collective ideas that have risen from particular European historical and social circumstances.¹⁴¹ Historically the content of European idea has been defined with five different approaches: (1) in geographical terms, (2) as a symbol of freedom, (3) Christianity, (4) balance of power and (5) European culture and civilization.¹⁴²

In the 1990s the interest in European idea increased and several articles series that were particularly looking for collective characteristics of Europe were published. Some authors argued that language, education, the mass media and everyday culture are all similarly unifying and important features in modern Europe.¹⁴³ On the other hand, French academics have been particularly keen on the collective heritage of Europe. This *approche historique* argues that permanence legitimizes identity, therefore different groups attempt to combine their origins and pretend that they all pre-existed in the past.¹⁴⁴ Henri Mendras for instance has argued that the geographical definition of Europe from Atlantic to Ural may not apply comprehensively enough to the concept of

¹⁴¹ Delanty 1995, 2.

¹⁴² Waever 1995b, 23.

¹⁴³ Shelley et al. 1993.

¹⁴⁴ Oriol et al. 1995, 17.

today's Europe, but there have been other collective traits in the past that are able to define the idea of Europe: evangelic and roman individualism which implies individual superiority to society, the idea of a nation, capitalism, and democracy.¹⁴⁵ Victor Scardigli on his part has argued that the legacy of Carolingian empire is still influential in today's Europe and he indicates how culturally and scientifically important innovations emerge today geographically mainly in the same area as they did in Carolingian time.¹⁴⁶

Such attempts to search for unifying elements in European culture and heritage are not incontestable however. For this reason Ole Waever claims that the notion of freedom can legitimate the European project, but it is not entirely sufficient in explaining the European integration. Christianity is also a problematic value in today's Europe and in addition it is worth recalling that the content of European culture has changed within time.¹⁴⁷ Furthermore, French approach is also often problematic, because it excludes large regions of Europe entirely. Overall, recently unifying European traditions and symbols have been questioned and today Europe is often praised more for its plurality and cultural diversity than its unifying culture. Even 'Brussels' is now more careful about European cultural identity, whereas still in the beginning of the 1990s it tried to create some kind of Euro-national identity.¹⁴⁸

I argue that the historical premise of European idea or a common spiritual sense of Europe that for instance President Vaclav Havel has famously suggested¹⁴⁹ is limited an aspect of contemporary pluralist Europe. Even though emerging Europeanists seem to have faith in a common European cultural basis¹⁵⁰, the Europe as a whole does not have collective memories or traditions as Anthony D. Smith notes above¹⁵¹. Besides, unifying myths of collective European idea may work only within the elite cultures. Good example of this kind of attempt is a documentary series that Finnish TV1 broadcasted in January 2003. "Our Spiritual Europe" (*Henkinen Eurooppamme*) was a presentation made by a Finnish Brussels' correspondent Erkki Toivanen on Finnish cultural elite (Jean Sibelius, Eino Leino etc.). The program represented how the Finnish intellectuals

¹⁴⁵ Mendras 1997, passim.

¹⁴⁶ Scardigli 1993, 34-40.

¹⁴⁷ Waever 1995b, 23-24.

¹⁴⁸ Waever 1996, 122.

¹⁴⁹ Delanty 1995, 2.

¹⁵⁰ Harle 1990, 1.

¹⁵¹ Smith 1992, 245.

discovered the European capitals and the real sense of 'Europeaness' over hundred years before Finland joined the European integration.

The reality is, however, that without a social dimension and all peoples feeling part in the integration process, the idea of European unity and eternal peace in the region¹⁵² will remain only elite initiative or it will fall into the hands of bureaucrats. As Jacques Delors once verbalized: "You don't fall in love with a common market; you need something else."¹⁵³ European states have to accept the development of the Union into 'a Europe for the citizen and people' including social dimension, otherwise the integration project will come to an end due to the lack of popular support.¹⁵⁴

5.2. European Identity Dilemma

This is one of the reasons why identity politics have been salient in the European Union. The idea of European identity was first spread in the 1970s following the experiences of state crisis when the established international order failed due to the dollar collapse and oil crisis. Bo Stråth explains the political decision to establish a European identity in the EC summit in Copenhagen in 1973 in this context and indicates that the intention was to re-establish an international order where Europe has a central place. The idea of European identity was established as a solution to experienced crisis for national economic governance.¹⁵⁵ According to this perception in contrast to the official discourse in the 1950s and 1960s on economic and political integration, the identity concept emerged when economic growth was threatened by the financial crisis. Thus Stråth's point is that the increased cooperation measures required social legitimacy.

The questions of common European solidarity and the spiritual sense of being European are indeed very relevant topics for the legitimacy of the European integration project. According to Heikki Mikkeli this is closely related to the competence division between the supranational EU and the Member States.¹⁵⁶ Since legitimacy of the integration project depends on the consent of the citizen, it is desirable that there exists some kind

¹⁵² These were the central ideas the 'founding fathers' had in mind when the European integration was launched: the European Coal and Steel Community was not about coal and steel at all, but about the pacification of the continent, Franco-German reconciliation and the building of a security community.

¹⁵³ Laffan 1996, 95. Originally in the *European*, 3 November 1994, p. 3.

¹⁵⁴ Streeck in Lehning 1997, 177.

¹⁵⁵ Stråth 2000, 19.

¹⁵⁶ Mikkeli 1998, *passim*.

of identification between citizen and the political system. Citizens should be linked to one another by the democratic institutions in which they participate and the existence of this joint practice is in fact the basis of their political identity.¹⁵⁷

During the 19th century the term identity was broadened and apart from speaking about individualistic identity, the intellectuals began to recognize national identity as such as well. Today the definition of identity is expanded again, this time to a continental level. Collective identity is not necessarily, however, being similar or comparable as the idea of Europe finds, but rather about our own perception of us.¹⁵⁸ Europe can work simply as a context for identity shaped so that it is hospitable to ‘Us’ – meaning our own nation/state in narrow terms. Parts of our identity can even be projected to Europe as such. In either case, Waever explains, Europe is seen as a political construction that draws on the national traditions for how think politics, that is, how to think nation and state.¹⁵⁹ Therefore the collective European identity should not threaten the national identities, but rather contribute to them.

Since the problem of ‘identity’ has played a major part in European debates past 40 years¹⁶⁰, it is possible to indicate features that have been repeated times in the arguments. A key question has been the possibility and the legitimacy of a European identity, as opposed to the existing national identities.¹⁶¹ Historically nationalist ideas have been building on national consciousness and markers of divisions, such as language (Slavophilia), religion (Panslavism), historical myths (Fennomania), and invented or re-invented traditions (Nazism).¹⁶² European identity again has been defined by listing things that have historically been part of common European culture, such as civilization, democracy, freedom, Christianity, white complexion and West. Similarly the contraries to European identity have been barbarity, paganism, despotism, slavery, colored complexion, tropic and East.¹⁶³

¹⁵⁷ Lehning 1997, 188.

¹⁵⁸ Mikkeli 1998, 161.

¹⁵⁹ Waever 2002, 25.

¹⁶⁰ See e.g. Lehning et al. 1997 and Berting et al. 1995.

¹⁶¹ Smith 1992, 226.

¹⁶² Laffan 1996, 84. Examples of nationalists groups JH.

¹⁶³ Mikkeli 1998, 161. Also Smith lists that European characteristics can be for instance: linguistic (majority of languages belong to Indo-European family), cultural geography and territorial symbolism (from Urals to Atlantic), religious cleavages (Europeans are not-Muslims or not-Jews),

Certainly there are shared traditions and heritages in Europe; legal, political, religious and cultural, but not all Europeans share all of them reminds Smith. He assumes that there are, however, partially shared traditions like Roman law, political democracy, parliamentary institutions and Judeo-Christian ethics, and cultural heritages like humanism.¹⁶⁴

On the other hand, Gerard Delanty attests in his work *Inventing Europe* that “history of Europe is the history not only of unifying ideas, but also divisions and frontiers, both *internal* and *external*.”¹⁶⁵ Andrea Rea has also observed that the European project has been aspiring to homogenize the internal differences by making a separation between Europeans and the rest of the world. She continues that the European identity can even be defined in opposition to “colored people”.¹⁶⁶

Indeed, as a former history student I find it difficult to agree on such an internal harmony in European heritage as the list on common European cultural symbols above suggests. Furthermore, like Smith indicates himself, there are only partially shared traditions in Europe. Therefore I argue that neither the collective culture nor heritage has importance in the formation of European identity since European culture has not actually been historically a unifying factor.

To clarify my point I will give few examples. The former president of French Republic, the chairman of the Convention on the Future of Europe, Valéry Giscard d’Estaing, for instance has misleadingly used the Roman Empire as an example of European unity in the past.¹⁶⁷ One has to remember, however, that Northern Europe was never touched by this empire. Whereas Asia Minor, including the region where Turkey lies today, had a significant influence in the Roman heritage. While declaring that Turkey has never belonged to Europe Giscard¹⁶⁸ also forgets that Ottoman Empire used to be referred to as ‘the sick man of Europe’. Finally, it is true that Christianity has largely marked the culture of Medieval and modern Europe, although we have to keep in mind that

¹⁶⁴ Smith 1992, 241-242.

¹⁶⁵ Delanty 1995, 3. Italics JH.

¹⁶⁶ « La construction européenne tend d’un point de vue politique, culturel, institutionnel à homogénéiser les différences internes, en opérant une séparation entre les Européen et le reste du monde. [...] L’identité européenne se définirait ainsi par opposition aux peuples de couleur. » Quotation in Tandonnet 2002, 118-119.

¹⁶⁷ Valéry Giscard d’Estaing, Paris, 15 January 2003.

¹⁶⁸ Ibid.

Christianity divided Europe into two parts already in the early Middle Ages and later on the Christian wars that swept the continent.

Therefore, in Hobsbawn's words such "invented traditions" that *approche historique* proffers are questionable.¹⁶⁹ Smith argues that historical *mythomoteurs* that Giscard for example uses are simply inappropriate for modern European project.¹⁷⁰ Also Tuija Parvikko warns about unifying myths and notes that identification to this kind of collective myths occurs most likely during cultural-political crisis: "[...] when political and ethnical identities break down, a pining for stability is born, which can be easily filled with a new myth about the origin of a society, people or nation."¹⁷¹ This was the case when the failure of Weimar republic transpired, there Nazism found soon a fertile ground to rise. Thus, both Smith and Parvikko ask whether mythical identification to a certain origin is necessary in the first place: Would it be possible for the new Europe to arise without 'myth' and 'memory'?¹⁷²

Smith notes that another theme is the possibility of creating a European cultural 'identity' alongside national identities through employing cultural media, student exchanges and labor mobility, by inventing pan-European myths, memories and symbols and finally by reinterpreting pan-European history.¹⁷³ According to Smith, Monserrat Guibernau has also argued that the European integration process will require the development of a "European national consciousness". Therefore, Guibernau has continued, the engineers of the Union have to observe common European trends, myths, history, invent traditions, rituals and symbols that will create an identity. "But even more important, they will have to discover a common goal, a project capable of mobilizing the energy of European citizens" stressed Guibernau.¹⁷⁴

This suggests that a well organized and systematic construction of a European cultural identity would be possible. Brussels has already been performing it by bringing out symbols such as Union flag and Europe Day, but it is under debate whether this kind of

¹⁶⁹ Hobsbawn et al. 1983, passim.

¹⁷⁰ Smith 1992, 245.

¹⁷¹ Parvikko HS 29 December 2002, B2. "[...] sitä mukaan, kun poliittiset, kansalliset ja etniset identiteetit murenevät, syntyy pysyvyyden kaipuu, joka on helppo täyttää uudella myytillä yhteisön, kansan tai kansakunnan alkuperästä." Translation JH.

¹⁷² Smith 1992, 245 and Parvikko HS 29 December 2002, B2.

¹⁷³ Smith 1998, 217.

¹⁷⁴ Ibid. Originally in Guibernau, *Nationalisms: the Nation-State and Nationalism in the Twentieth Century*, 114.

top-down method will ever succeed in bringing people closer to the Union. If a European identity emerges, Stråth argues, it will probably not be a result of introducing a European anthem; rather the abolishment of national border check points and the introduction of euro might have touched upon deeper value orientations¹⁷⁵. Thus, like Guibernau points out, a common goal, such as economical and social security in Europe, may be more pertinent than invented myths.

I claim that both the idea of Europe and conceivable European identity are possible to form without unifying traditions and myths. Rather than culture and heritage, it should be the way people define themselves as Europeans that determines the characteristics of EU international society. In this definition commonly agreed norms, 'our values' signify more than myths of the collectives because they are not as artificially invented. Common values and norms are ultimately means whereby people constitute the limits of their society in contrast to 'Others'. Inevitably, when we define ourselves in contrast to Others, we succeed to identify some dynamics of our own identity. This is why one might go on with Delanty's notion about internal differences and argue that European idea is in fact about divisions between Us and Them.

Several scholars have written that it is possible to form an identity by comparing oneself to others. Julia Kristeva for instance has emphasized that a *stranger, an other, them*, is the face of our own identity. The process of trying to keep this strange away from our sphere brings us together and creates a sense of unity and integration to a certain group of people.¹⁷⁶ Paul Ricœur differentiated two types of identity: the first implies to a conception of immobile, repetitive and introspective identity and the second is premised on an opening (*l'ouverture*) of 'Self' direction to 'Others'. Only the second aspect of identity is capable of answering the question "Who are we?"¹⁷⁷ There is also multitude of empirical studies on ethnicity that have indicated how invention of otherness is crucial part of constructing an identity.¹⁷⁸ Typically these studies have been based on reflectivist epistemology and they have pointed out that all identities are socially

¹⁷⁵ Stråth 2000, 41.

¹⁷⁶ Kristeva 1992, 28-29.

¹⁷⁷ Ricœur 1990, 146-147.

¹⁷⁸ Patrizia Nanz for instance presents in her Ph.D. project on Italian immigrants in Germany that European immigrants are likely to use 'Europeanness' (We Europeans) as a part of their identity construction to be distinguished from Others, such as Turkish immigrants: "Well, I am European. I cannot be thrown out. [...] Europeans are more popular then, eh, than, for instance, the Turks. The Turks are worn down."; "I like staying in the European part, in the sense of among Italians, Spanish, Portuguese, to do things together, that's what I like doing with them. [...] With the Turks there is a difference, eh, their way of thinking is very different." Nanz 2000, sqq. 304, 308.

constructed.¹⁷⁹ This is also my point of departure in the following argumentation as I already mentioned in the introduction part.

5.3. Constructing Differences

“I need the Other in order to realize fully the structures of my being.”
Jean Paul Sartre (1965)¹⁸⁰

On the basis of this work, the Community immigration policy, European identity is defined by the perception of Other, instead of focusing on solidarity and unity within the group. This arrives from the fact that there is no such a thing as cultural or historical unity in Europe as I hope I have been able to argue convincingly above. Rather, a collection of collective values defines the limits of Us in contrast to Them, who do not share these values. This is why, referring to all arguments earlier, I argue that contention that dichotomy between Self and Other has been crucial in the making of European identity¹⁸¹ seems more plausible than the idea of collective cultural heritage in Europe. Immigration is ‘entangled’ in discursive articulations of the dichotomy between Us and Them. An immigration policy itself is the domain where discourse about the limits of Us is held. For the same reason, the Immigration policy-making is essentially about changes in the shape and boundaries of the discursive fields.¹⁸²

According to Smith, Michael Billig has indicated how important the boundaries are for Europe, both in respect to trade and defense and to the prevention of immigration: “[...] ideological traditions of nationhood, including its boundary-consciousness, are not transcended.”¹⁸³ It is difficult to define and construct a regional sense of selfhood without the Other¹⁸⁴, because at the end of the day a society characterizes itself by comparison to others. Neumann makes the notion that one possible means to enable further cooperation within the unit is to create a ‘collective Other’. This is well known method in the alliance theories.¹⁸⁵

¹⁷⁹ Neumann 1995, 10.

¹⁸⁰ Quotation in Riggins 1997, 5.

¹⁸¹ Delanty 1995, 5.

¹⁸² Kostakopoulou 2001, 138.

¹⁸³ Smith 1998, 217. Originally in Billig, *Banal Nationalism*, 1995, 142.

¹⁸⁴ Ham 2000, 8.

¹⁸⁵ Neumann 1995, 18.

Inevitably, the 'We' does not emerge here in the framework of shared experiences and collective horizon, but by comparing oneself to Other. Today identities are often constructed as cognitive boundaries, which are based on a sense of belonging. This presumes that identity is an exclusionary concept: You either 'belong', become part of 'Us' or you do not; you are either a 'citizen' or a 'member', or you are not.¹⁸⁶ The bedrock of this belongingness is values that have been agreed on collectively.

At this point it becomes important to observe the distinction between 'Us', the collective ego and 'Them', the alter. The 'We' category comprises here Europe as a collective. The history of conception of 'Self', the *ego*, dates back to ancient Greece. The Greek philosophers brought about the perception that it is possible to make choices with whom and how one lives. More precisely, they realized that people can influence their lives themselves. On the other hand, the Roman idea of ego was that *persona* may have rights and obligations that control the life and interactions. Hume for his part focused on the observations on which the ego can be founded. It has been inserted to these arguments that we need an idea of identity to add a social concept to otherwise hollow ego.¹⁸⁷ Furthermore, one has suggested that the Self can be identified with three dimensions: (1) ego's commitments to others, (2) a narrative that ego's life will follow; (3) the Self is represented other ways.¹⁸⁸

Identification of Self can take place through the renunciation of otherness in the formation of a **binary**, negative typology of 'Us' and 'Them'. For Delanty the pursuit of community is really about the imposing of otherness in the affirmation '*we are different from them*'. "The defining characteristic of the group is not what its members have in common but what separates them from other groups."¹⁸⁹ By this Delanty does not mean simply that differences are perceived only as negative, because identities are always relational, but what matters is *the actual nature of difference that is constructed*, not the representation of the Other. Diversity can be recognized with solidarity or exclusion. When the Other is recognized as such, difference is positive, but when the Other is represented as a threatening stranger, difference is negative.¹⁹⁰ Thus in the case study I will study the actual nature of difference that is constructed in the CIP documents.

¹⁸⁶ Ham 2000, 8.

¹⁸⁷ Neumann 1995, 7.

¹⁸⁸ Ibid, 8-9.

¹⁸⁹ Delanty 1995, 5.

¹⁹⁰ Ibid.

The term Other as a category has been traced back to Plato, who used it to represent the relationship between an observer (the Self) and an observed (the Other). In the modern social sciences, the “external Other” or the “social Other” is normally used in a more restrictive sense than that of Plato, to wit referring to all people the Self distinguishes as mildly or radically different. Historically, it is obvious that difference has been more feared than appreciated. The exception to this pattern has been the phenomenon of exoticism.¹⁹¹ What this means, is that the Other, Them is always the opposite of Us, cast as radically different and potentially threatening enemy.¹⁹² Waever underlines that identity formation; self-identification can depend crucially on the Other:

“Since my identity depends on this Other, the Other ends up in the dual role of being necessary for my identity, and the one who prevents me from being fully myself. [...] ‘It is because of *them* that we can’t be us’.”¹⁹³

According to Vilho Harle, one can underscore the connection between ‘Otherness’ and ‘enemy’. The evil is perceived different from Us, and in a sociological sense he comes from below, underworld, or as well from the third-world. The enemy represents an anomaly of the normal society that brings disorder, therefore foreigners can as well be seen as circulators of this disease. From this point of view Harle states, ‘We’ represent order, rule of law and morality, whereas the enemy is a symbol of injustice, non-right actions that somehow leave behind of our values, norms and culture.¹⁹⁴ Neumann continues that the interactions among Us are organized by peace, order, law and government, whereas the relationship with Others is determined by war and banditry unless agreements have been made to control the relations with Others.¹⁹⁵

Todorov identifies for his part three types of probable relationships between Self and Other: i.) *value judgements*, this is to say that the Other may be deemed good or bad, equal or inferior to the Self, ii.) *social distance*, meaning the physical or psychological distance the Self maintains, and iii.) *knowledge*, signifying in which extent the Self knows the history and culture of the Other.¹⁹⁶ He contends that the Other is possible to

¹⁹¹ Riggins 1997, sqq 3, 5.

¹⁹² Waever 2002, 24.

¹⁹³ Waever 1996, 115. The latest phrase could be by Le Pen, Haider or other extreme right politicians, but Elina Eloranta has more on the significance of ‘other’ in European party politics in her political science master’s thesis (University of Tampere, 2003).

¹⁹⁴ Harle 1991, 17.

¹⁹⁵ Neumann 1995, 9.

¹⁹⁶ Todorov 1982, 185 and Riggins 1997, 5.

be recognized only if he is like Us (that is to say Christian) and if in practice he can have a dialogue with Us.¹⁹⁷ Todorov concludes his moral argumentation by declaring that « *Vivre la difference dans l'égalité: la chose est plus facile à dire qu'à faire.* »¹⁹⁸ This is to say that in each case it is difficult to live in equality without detecting the differences surrounding us.

Not all divisions can be presented as based on enemy images, however. Some contraries can even complete each other, therefore the 'enemy' enters the picture only when 'Us' and 'Them' are seen fundamentally different and when this notion includes a division between good and bad. Then 'Them', the stranger, becomes an enemy that is observed as a threat to 'Us'.¹⁹⁹

Finally Risto Kunelius makes an important note about media's role as a maintainer of these dichotomies. Media plays a vital role in the formation of collective identity, because mass media may try to create a sense of unity by telling us new myths about ourselves – who we are and who we are not. If our unity or identity finds its significance only how we differ from the Other, the media has an important role as a mediator and a bearer of these interpretations.²⁰⁰

In the introductory section of this thesis I presented that security is primarily about survival. In the context of this thesis, survival is about the existence of Us, our society and our system versus Them. By declaring that something is to be considered as a security issue, a state representative will claim a special right, outside the commonly agreed rules of politics, to use any means necessary to prevent unwanted development. "Security is what takes politics beyond the established rules of the game" argues Waever.²⁰¹ By first security movement, *securization*, something is presented as an essential threat, dramatized as having absolute priority in the policy process. The issue that is securitized is presented as an existential threat and it requires emergency measures and actions that go beyond the normal bounds of political procedure.²⁰²

¹⁹⁷ Todorov 1982, 58.

¹⁹⁸ "To live the difference equally: that is much easier to say than do." translation JH. Todorov 1982, 310.

¹⁹⁹ Harle 1991, 18.

²⁰⁰ Kunelius 1999, 169.

²⁰¹ Waever 1995a, 405.

²⁰² Manners 2002, 11.

In Waever's view, security is a speech act since security is created because of, or *through*, language.²⁰³ As he notes "threats and security are not objective matters, security is a way to frame and handle an issue."²⁰⁴ The advantages of securization are that politicians, activists or academics who take the action will become aware of their choice making something a security issue. Securization is ultimately a political act and therefore the responsibility belongs to the actor who is doing it.²⁰⁵

In societal security theory that Copenhagen School has developed, whatever threatens the 'We' in society is considered as a security issue. According to Waever particularly immigration issues have generally been *securitized* on the national level.²⁰⁶ Also Christian Joppke has noted that immigration issues involve often speeches on sovereignty and security, because if a state fails to control its borders, unwanted immigration contradicts the core prerogatives of state. By ensuring security with admission and expulsion controls of aliens, states use their sovereignty. He continues, however, that the exigencies of state interdependence have actually always put the brakes on erratic expulsion or non-admittance practices because hostility against an alien might be interpreted as hostility against her state.²⁰⁷

Manners argues on the other hand that the role of the EU has been to *desecuritize* whole areas of international policy cooperation including climate change, asylum, investment banking, enlargement, and interestingly, defense.²⁰⁸ If securization is a shift from normal politics to abnormal actions in politics, then desecuritization is a movement in the other direction. It changes issues out of emergency mode and normalizes the political action that is taken.²⁰⁹ The desecuritization of immigration removes the conceptual realm of security and sovereignty and immigration issues will be dealt with normally through political process.

Securization of the Other is an easy solution in the circumstances where citizens exhibit concern about increasing confrontation with strangers. Security serves as a means to manage the issue efficiently and expeditiously, because it rarely leaves any time or

²⁰³ Waever 1999, 334.

²⁰⁴ Waever 1996, 108.

²⁰⁵ Waever 1999, 337.

²⁰⁶ Waever 1996, 106.

²⁰⁷ Joppke 1998, passim 266-93.

²⁰⁸ Manners 2002, 4.

²⁰⁹ Ibid, 11.

space for opposition. This was seen in some European countries with significant foreign population after the incident on September 11 nearly two years ago. In Germany for instance government parties were arguing for an amendment in October 2001 that would have allowed dismissing a refugee status from a person that would be considered as “constituting a significant threat to internal security”.²¹⁰ This could be interpreted as an obvious speech act for securization of refugees. Also in Britain refugees and especially asylum seekers were securitized because of intensified threat of terrorism inside the society. The nation that has always proudly protested against identity controls acquiesced quietly to increasing surveillance of foreigners and accepted that refugees were obligated to carry an identity card with special finger prints identification technique on them as off October 2001.²¹¹

6. ATTEMPTS TO APPREHEND THE OTHER

“Society is a human product.”
Berger & Luckmann (1987)

Immigration raises naturally questions of identity, traditional ethnic markers and the content of political community. It challenges the division between Self and Other, because when Others reside permanently in Europe, raise families in European society and establish their own institutions, they began to identify themselves European e.g. ‘Arab-Europeans’.²¹² The Others can assimilate in whole or in part. They may suppress their differences and even accept a devalued status. Nevertheless, Self and Other are so intertwined that to stop talking about “them” will prevent talking about “us”.²¹³ If immigrants start to recognize ‘our values’, the divisions become challenged.²¹⁴

As Berger and Luckmann point out above, people construct societies for their meanings and purposes.²¹⁵ I apprehend other people by the meaning they have for me. Therefore I argue that in order to avoid conflicts in a society, particularly when the dichotomies are challenged, the decision-makers may choose to typify Others. This occurs because with

²¹⁰ ”muodostavan vakavan uhan sisäiselle turvallisuudelle” trans. JH. HS 29 October 2001, C2.

²¹¹ Sipilä, HS 30 October 2001, C1.

²¹² Laffan 1996, 88.

²¹³ Riggins 1997, 5-6.

²¹⁴ There are cases, however, where the integration fails and in stead of identifying oneself with the new society, the immigrant distances himself from it and refuses to acknowledge the values present in the new society. In the recent tragedy in Sweden, where a Kurdish girl was shot by her father, the society failed to recognize the particular needs of immigrants and the Swedish values never became approved by Fadime’s family.

²¹⁵ Berger & Luckmann 1987, 79.

new and signifying meanings for Them, it will be possible to evade the political problems of securitization. As noted above, securitization is always ultimately a political action, thus the securitization of immigrants may not serve the democratic ideas of tolerance in the EU. Furthermore, my attempt is to argue that typification reduces a significant amount of tension in the society. When we understand to context and the role of the Other has for us in our society, the anxiety about the threat he may cause will be diminished.

In order to get by with the Other, identification improves the possibilities to comprehend Them. Here enters typification into picture: “Social actors make sense of context of interaction by situating identities and practices within a framework or typification” states K.M. Fierke.²¹⁶ We may ask who are Them, who are Others in Europe? How are they typified in the CIP documents? Moreover, typification may help us understand Us and identify the limits of Self, namely characteristics of a European.

According Alfred Schutz and Berger and Luckmann, face-to-face interaction experience is inherently direct (e.g. with a stranger in subway). There is no matter how indifferent or uninvolved we may be in relation to a particular concrete fellow man, still interaction occurs.²¹⁷ In a face-to face situation the Other is fully real. Another may still be real to me by reputation for instance even though I have not encountered him face-to-face. Nevertheless, the Other becomes really real to me when I meet him.²¹⁸ On the other hand, one may comprehend the Other by means of ‘typificatory schemes’ even in the face-to-face situation. The Other appears to me as ‘a man’, ‘a European’ or ‘a foreign’ and so on. *All these typifications affect constantly our interaction with the Others.* Moreover, if the Other complicates this typification with a change in his behavior, consequently the typification pattern also changes.²¹⁹

Within this situation, it is possible to distinguish at any given time between *consociates* with whom I interact in face-to-face situations and others who are mere *contemporaries*, of whom I merely know. In face-to-face interaction, we receive direct information of our fellowmen, their actions, and their characteristics and in these situations, we must take them account, while we may, but need not turn our thoughts to mere

²¹⁶ Fierke 2000, 339.

²¹⁷ Schutz 1976, 37 and Berger & Luckmann 1987, 43.

²¹⁸ Berger & Luckmann 1987, 43-44.

²¹⁹ Ibid, 45.

contemporaries. Simply, face-to-face interaction does not give us direct information of contemporaries. They are less familiar for us and of them, we have more or less reliable knowledge.²²⁰

Within interaction, typifications occur quite quickly.

“A watches B perform. He attributes motives to B’s actions and, seeing the actions recur, typifies the motives as recurrent. As B goes on performing, A is soon able to say to himself, ‘Aha, there he goes again’. At the same time, A may assume that B is doing the same thing with regard to him. From the beginning, both A and B assume this reciprocity of typification.”²²¹

Typifications in interaction depend, of course, upon our stock of knowledge, our biographical situation, and our interests when meeting Others. Our ‘ideal types’ are possible to define by characterization, characterological personal types.²²²

Max Weber suggested that it is possible to construct an *ideal type* on the grounds of some core points of view:

“An ideal type is formed by the one-sided *accentuation* of one or more points of view [...] In its conceptual purity, this mental construct (Gedankenbild) cannot be found empirically anywhere in reality. It is utopia. Historical research faces the task of determining in each individual case the extent to which the ideal-construct approximates to or diverges from reality, to what extent for example, the economic structure of a city is to be classified as a city economy.”²²³

Weber identified three possible varieties of ideal type: (1) the non-abstract historical ideal type; (2) the non-abstract generalizable ideal type; and (3) the abstract ideal type. Weber’s contention is that firstly, the ideal type is not found empirically and secondly, the ideal type is used to study the degree to which a concrete empirical case differs from the ideal. The second aspect follows from the first one. Kenneth Bailey concludes, “if ideal types do not exist empirically, we can use them to study empirical example only by studying deviation.”²²⁴

Bailey continues that in fact only one of Weber’s chief subtypes, namely the non-abstract generalizable ideal type, is useful as a typological technique. Bailey claims that historical type is more a theoretical device for verbal theorists and abstract ideal type is the one that Weber used as an “if...then” device. Thus this type requires imagining what

²²⁰ Berger & Luckmann 1987, 46.

²²¹ Ibid, 74.

²²² Schutz 1976, 50.

²²³ Weber 1949, 90.

²²⁴ Bailey 1994, 17.

would happen in an ideal situation, and comparing it with what actually happens. The non-abstract generalizing type is valuable as a typological tool. This ideal type can be found by asking perfect criteria for it. It should possess all the relevant features or dimensions of this type and it should be demonstrated with extreme clarity on all features. As a result, we would have a perfect 'specimen', which serves as a criterion point (or a nucleus), an exemplar.²²⁵

However, characterizations differ from each other:

"No concrete experience of A is identical with any concrete experience of B or C since it belongs to the conscious life of one specific individual at a specific moment of his biography."²²⁶

In a functional situation, during a collective interaction, it is possible to say "They are playing cards" and we recognize in them an example of the anonymous description "card-player".²²⁷

Thus, another kind possible typification here is the functional type, which refers to contemporaries only with respect to their typical functions. Here Schutz refers to an example of the postal clerk. This ideal type is definitely more anonymous than characterological, since it does not tell us anything about the life of this person. In a We-relation of any degree of intimacy, even in face-to-face situations I comprehend him as a "postal clerk". Furthermore, when I give him my letter for mailing, I do not address myself even to the personal ideal type whose conduct stands in a specific subjective meaning context. For instance, I do not think about his status or his role in the office, whether he is the boss of the office, or what is his salary, how does he support his family with that salary. For us only the *action pattern*, in this case the standard process of handling letters, is relevant.²²⁸ An immigrant category such as 'seasonal worker' is a good example of a functional type in Community immigration policy. A 'seasonal worker' becomes real to us by the action pattern he provides (see analysis).

Each typification is also an institution because institutionalizations occur then actors typify habitualized actions. Typifications of habitualized actions that constitute institutions are always collective ones. Thus, they are available to all members of the

²²⁵ Bailey 1994, ssq: 18-19, 21.

²²⁶ Schutz 1976, 46.

²²⁷ Ibid, 47.

²²⁸ Ibid, 50-51.

society. The institution itself typifies individual actors as well as individual actions. At the end of the day, the institutions will order that actions of type X will be performed by actors of type X.²²⁹ A ‘seasonal worker’ for instance is entitled to take only seasonal work e.g. berry picking in the Union.²³⁰ Institutions have to be comprehended in their historical contexts. They regulate human behavior by setting up predefined patterns of conduct. Social control actually can be found in many institutions and societies. Berger and Luckmann indicate also that in fact social control derives from the existence of an institution as such.²³¹

Why do the typifications occur in the context of interaction? Reason is quite simple according to Berger and Luckmann: the most important gain is that each will be able to predict the other’s actions. Thus, the interaction of both becomes predictable. “There he goes again” can become a “There *we* go again”. *This reduces a considerable amount of tension between the individuals.* They will save time and effort, because a widening sphere of known routines can now define their life. Individuals are constructing a background, which serves to stabilize both their separate actions and their interaction. This contributes to the division of labor between them, opening the way for innovations that will require more attention. The division of labor and the innovations will lead to new habituations. Therefore, a social world is in process of construction that contains the roots of an enlarging institutional order.²³²

Neumann argues, however, that it is normatively a tempting idea to believe that closer acquaintance with Other would lead to the diminishing of Otherness, but this is not the case according to anthropologists. Also Todorov reasoned that it is not actually essential that accretion of information and the empathy for Other would correlate.²³³ Hence, we have to keep in mind that typification reduces tension, but it does not remove the Otherness – or undermine the division between Us and Them.

Constructivist approach asserts that people act towards objects, including other actors, based on meanings that they have for them. Obviously, states for instance act differently towards enemies than towards friends. Collective common perceptions of reality do

²²⁹ Berger & Luckmann 1987, 72.

²³⁰ COM(2001) 386, Article 2.

²³¹ Berger & Luckmann 1987, 72.

²³² Ibid, 75.

²³³ Neumann 1995, 19. Todorov indicated that “even though Cortés knew more about the Indians than Las Casas, he still loved them less.”

influence, because states' behavior depends on the intersubjective understandings and expectations, on that account the 'distribution of knowledge' that constitute their conceptions of Self and Others. "It is the collective meanings that constitute the structures which organize actions".²³⁴ According to A. Wendt Peter Berger has stated that identities are relational, they are identities within a specific socially constructed world.²³⁵

7. NEW EUROPEAN IDENTITY

"Societies are fundamentally about identity."

Barry Buzan (1993)

Today, far from having one collective identity, the EU transnational society consists of great variety of particular identities. It is safe to say that Europeans identify themselves more closely with their Member State or region than with the EU. The Union remains distant to its citizens and Danish referendum on Maastricht Treaty or the problems with Nice Treaty ratification in Ireland are examples of this. The "we feeling" is absent in today's Europe as discussed in the introduction. Even though there is an image of the EU as a frame for the peoples of Europe, most people are still primarily citizens of various territories with different rights and duties. Buzan above, however, emphasizes the importance of identity in any society. Identity enables "a group of people to refer to themselves as 'We'."²³⁶ This section will attempt to link the previous discussion of European idea and identity to arguments on new possible forms of European identity that have been proposed.

As we saw in Chapter 5, it is possible to define some characteristics of collective European identity by interpreting the divisions between Us and Them. When internal and external immigration increases gradually in the Union and the plurality of societies emerges even more clearly than it does now, it is likely that Europeans start identifying themselves by differentiating the 'Self' from Others. The question then arises, who belong to Us? Who are Europeans and on what basis a new European identity could be developed?

²³⁴ Wendt 1992, 135.

²³⁵ Ibid.

²³⁶ Zalewski et al. 1995, 284. Originally in Waever et al. 1993.

Theodora Kostakopoulou has addressed these questions in her work on identity, citizenship and immigration in the EU. She presents an approach that studies the different aspects of European identity formation. Her work is designed differently, however, from mine, because she concentrates on the legal framework that the Community Law provides. Furthermore, she does not give any comments on the Tampere Council or the Nice Council developments and therefore she lacks the recent events in the evolution of the CIP and even more importantly, a value based orientation in the formation of European identity that I will introduce later founded on the Charter of Fundamental Rights presented in Nice. While reading Kostakopoulou's work it is easy to comprehend, however, the significant impact the Nice Council had in the formation of European identity. But where Kostakopoulou refers to the EC Law cases as a source of values setting the principles of Community immigration policy, it is now possible to refer directly to the Charter.

Yet Kostakopoulou's work did assist me to comprehend the different aspects related to collective identity formation in the EU, because she offers an interesting typology of European identity options. First model she presents is *the Euro-nationalist mode of identity* that appears in two forms, ethno-nationalism and civic-nationalism, which both in a way sense that European identity must resemble national identity. The former approach is pessimistic about the possibility of forming a European identity and community, at least without unifying symbols, myths, values and memories. Anthony D. Smith has been the prime exponent of this approach as we saw in Chapter 5. Kostakopoulou touches the second element of Euro-nationalism, civic-nationalism, rather faintly by discussing Paul Howe's perception of the emerging community based on the abstract belief that others are of the same community. Kostakopoulou argues that Howe conceives this community comprising some common political values and shared final ends that enable the formation of civic European identity.²³⁷

Secondly Kostakopoulou presents *constitutional patriotism* that Habermas has envisaged providing European political identity based on constitutional principles. Kostakopoulou sees this little more attractive model than two previous ones, but still she criticizes it for too much rationalization and lack of subjective identification.²³⁸ A *functional European identity* is on the other hand based on neofunctionalist perspective

²³⁷ Kostakopoulou 2001, 27-30.

²³⁸ Ibid, 31.

of the expansion of elite cooperation that would eventually transform social expectations and values. This explanatory model, however, argues Kostakopoulou, cannot sustain a political community and really create a collective sense of Europeaness, because it may be influenced by cycles of enthusiasm and dissatisfaction, and also by cost-benefit calculations and narrow self-interest.²³⁹

Kostakopoulou contends that the only successful approach is *the constructivist mode of European identity* that “conceives of the Union as a political design and of European identity as a task”. Here the identity emerges out of complex web of institutionalized practices of cooperation and participation. What is worth noticing is that Kostakopoulou argues that her constructivist approach considers the European political community as a community of difference, including diversity. It does not seek to create a ‘European man’, but believes that both majority and minority communities of Europe should be part of the identity formation.²⁴⁰

With the theoretical framework provided by constructivist approach, Kostakopoulou discusses seven propositions for constructive citizenship that would be the bedrock of new identity. I will introduce here shortly the principal ideas of these propositions, because they give an idea about the possible content of new European identity that would be founded on citizenship. The first proposition includes the argument that the European community should consider founding a citizenship that would be based on *domicile*. Kostakopoulou suggests the notion of “community of concern and engagement” where all corporate and individual members (residing in the community) would be concerned about the future of the polity and therefore engaged collectively shaping that future. The second proposition is based on the idea that social membership in today’s pluralist communities requires a positive appreciation of *diversity*.

Furthermore, the third proposition contains an idea that constructive citizenship necessitates a language of *rights*. These rights should set standards that could be followed by others, although they would have emerged within historically specific context. Kostakopoulou presents the idea of *democracy* in the fourth proposition, and it emphasizes the decentralization of power and subsidiary principle. The fifth proposition includes an important notion of social justice that takes into account the fact that people

²³⁹ Kostakopoulou 2001, 33-34.

²⁴⁰ Ibid, 35-37.

are forced into the welfare system because there are no real job opportunities. Therefore *equality* is essential principle in this context as well. The sixth proposition accentuates the role of critical and responsible citizenship. Even though citizenship is set from above, it has to be cultivated by *participation*. Finally Kostakopoulou's seventh proposition underlines the *openness* of constructive citizenship and non-closed character of it.²⁴¹

Overall, I find Kostakopoulou's arguments a fertile ground for the discussion of European identity and citizenship. It is probable that a new form of European citizenship would succeed in defining the membership of European political community and particularly setting the prerequisites for being part of 'Us'. Consequently, as Kostakopoulou argues, this citizenship would function as the bedrock of new collective European identity. Subsequently I will analyze two approaches included in Kostakopoulou's typology more carefully, the Euro-nationalist mode and constitutional patriotism, and attempt to discover myself their strengths and weaknesses but also affinities as explanatory models.

7.1. *Ethnic vs. Civic (Constitutional) Identity*

According to Bridget Laffan, Smith differentiates the main elements of the Western idea of collective identity as follows: a historic territory or homeland, common myths and historical memories, a common mass political culture, common legal rights and duties for all members and a common economy with territorial mobility. Laffan interprets that these elements hold two different dimensions of nationality, *ethnic* and *civic*. First one employs the notion of common ancestry and the shared identity, whereas the latter rests on citizenship and legal equality.²⁴²

Indeed, traditionally nations have defined themselves along civic or ethnic lines. *Civic nationalism*, which exists in France and the United States, defines the nation in terms of the compliance of "its people to adhere to a certain set of civic values and rules with *jus soli* (or citizenship by birthplace) as the norm". Loyalty rests on the state and its institutions and involves cultural assimilation as the price to be paid by ethnic groups

²⁴¹ Kostakopoulou 2001, 101-125.

²⁴² Laffan 1996, 85.

for their integration in society.²⁴³ France for instance has used this method for centuries to assimilate *les nouveaux Français* into francophone community.²⁴⁴

Ethnic nationalism, which we can find in Germany and Poland, defines the nation in terms of ethnic origin and birth: “Nationality is determined by *jus sanguinis* that is by ancestry and blood-ties, rather than by residence, choice and commitment.”²⁴⁵ During the communist period German Democratic Republic for example recognized some Polish and Russian nationalities as Germans based on blood-ties.²⁴⁶

One could say that civic nationalism stresses the importance of the individual’s commitment to the *Gesellschaft*, whereas ethnic nationalism stresses the sense of belonging, heritage and unity that are central to *Gemeinschaft*. The third model of nationality could be the multicultural option that can be found especially in Canada and Australia, traditional immigrant nations. Multicultural society allows the maintenance of one’s own origins and advocates the recognition of cultural and ethnic differences. Citizenship is possible to attain without the requirement of cultural assimilation.²⁴⁷

Needless to say, the idea of collective ethnic identity cannot be utilized in Europe. Firstly, beyond dispute, the cultural and historical heritage of Europe is not as easy to define in collective terms as we saw in Chapter 5. Furthermore, collective ethnic identity forgets the Europe of border zones, for instance Arabic Europe such as Andalusia and Portugal; and Muslim Europe as in Greek and Cypriot borders with Turkey. Historically and culturally these areas are as much part of Europe as Rhine.²⁴⁸

Secondly, all European states are soon facing multicultural future, if they have not done it yet. Not only Europeans immigrate within Europe, but the borders confront also continuous pressure of both legal and illegal immigration from outside of Europe. Already now both Belgium and Germany have an important large minority of Muslims and in a normal day like this I might be the only person with white complexion in a Parisian subway. According to Smith, Homi Bhabha has prudently pointed that the arrivals of refugees and asylum seekers, *Gastarbeiter* and former colonials have

²⁴³ Ham 2000, 14.

²⁴⁴ Coorebyter 1996, 21.

²⁴⁵ Ham 2000, 14.

²⁴⁶ Coorebyter 1996, 21.

²⁴⁷ Ham 2000, 14-15.

²⁴⁸ Nederveen Pieterse 1995, 83.

destabilized the traditional values and beliefs of a single, homogeneous national identity. At the same time the old national identities are incontrovertibly challenged and in some versions the ‘national community’ continues to hold loosely together a series of separate cultural communities. “In this ‘multicultural’ nation, each self is defined in relationship to the other” and in Bhabha’s view “identities become hybridized”.²⁴⁹ Moreover, Jyrki Käkönen observes that in the aftermath of Cold War the political enemy has disappeared, but due to increasing migration Europeans face the Other inside European society now: “it is impossible to avoid seeing the Otherness in the street scene for instance”.²⁵⁰ Europe is far from being ethnically coherent.

But if identity founded on ethnic, cultural or historical images is not applicable for collective European identity, how would it be possible to define one? Waever attests that the European identity does not have to be as ‘organic’ as the national identities generally are. European identity should be developed as *sui generis* and so that it leaves room for national identities. He claims that ethno-cultural identity should remain with the nation states. Since the European identity does not need strong cultural dimension, it should be pre-eminently political, asserts Waever in his several studies.²⁵¹ This is also why the European citizenship has raised lot of interest lately, he continues.²⁵² A political state identity should be created at the European level, where the notion of citizenship belongs as well. These peoples that choose to identify themselves at the level of politics with the values of this state-subject, will become patriotic in terms of politics. They do not, however, necessarily feel any sentimental unity within the group. This sentiment remains on the national level²⁵³ that will continue focusing on cultural identity.²⁵⁴ Neumann reminds that collectives, such as collective identity, may also include overlap and controversies,²⁵⁵ this is to say that being Savoyard and European should not exclude being French.

²⁴⁹ Smith 2001, 127. Originally in Bhabha (ed.), *Nation and Narration*, 1990, 16.

²⁵⁰ “[...] eikä toiseuden näkemistä esimerkiksi katukuvassa voi väistää.” Käkönen 1997, 48. Translation JH.

²⁵¹ Waever 1996, sqq 123, 126 & Waever 1995b, 26 & Waever 1993, 208.

²⁵² Waever 1995b, 26.

²⁵³ Manners notes that according to Eurobarometres Europeans feel sometimes even more attached to their region therefore we could change here “on the local and national level”. Manners 2001, 21-23.

²⁵⁴ Waever 1993, 208 & Waever 1995b, 25. Beetham & Lord argue that collective identity can be constructed within a political system (endogenously); therefore it does not have to exist *toute entière* before it may function (exogenously), Beetham et al. 1998, 20.

²⁵⁵ Neumann 1995, 17.

Already German romantic nationalists illustrated that peace is possible if everyone attains a political ego when nation and state unite.²⁵⁶ Similarly we can suppose that if the EU continues to acquire the tasks and functions that used to belong to Member States, the Union would approach a form of a state (federal integration theory). Furthermore, then we could assume that the nation, here the peoples of Europe, would be able to unite and then form a political ego, a civic identity.

According to Beetham, Jo Weiler argues congenially with Waever that a stable rapport can arise between European and national identities precisely because they can adopt very different and simultaneously complementary positions. She continues that ‘constitutional patriotism’ on the European level would offer an alternative to ethnic homogeneity.²⁵⁷ This is probably why constitutional debate has been such a hot topic in the Convention on the future of Europe.

Nanz sees that also Habermas is in favor of “post-nationalism” that according to him refers to democratic constitution (constitutional patriotism) rather than the nation-state, territory or dominant cultural tradition. Only such a non-holistic, political identity conception is compatible in pluralist societies. By applying such post-nationalist concept, members of societies, including foreigners and immigrants, are not expected to forsake their cultural traditions, but are required to accept the democratic culture of citizenship. Furthermore, Habermas argues for a European constitution, which would encourage post-national collective identifications.²⁵⁸

In her criticism on Habermas, Kostakopoulou overlooks the argument that European identity would actually foster collective identity formation, and it would be conceived of as an overarching normative ideal, which comprises national and socio-cultural identities. Thus Habermas’ approach can also be perceived as a “constructivist” perspective argues Nanz.²⁵⁹

Typologies, such as the one Kostakopoulou uses of European identity options, may be useful tools in differentiating one’s own perspective from others’, but at the end of the day they are only tools and therefore not necessarily absolute or comprehensive

²⁵⁶ Neumann 1995, 13.

²⁵⁷ Beetham et al. 1998, 22.

²⁵⁸ Nanz 2000, 296.

²⁵⁹ Ibid.

theories. Sometimes they can even overlap or be complementary to each other as we saw above with civic and constitutional models. In stead of categorizing my own approach on European identity under certain typology, such as ‘constitutional’ or ‘constructivist’ mode, I prefer to present the most valuable points that have come up in different approaches and conclude a possible representation of new European citizenship. I will refer to it as post-national citizenship.

7.2. *Post-national Citizenship*

The civic dimension of nationality²⁶⁰ that Laffan suggests on the basis of Smith’s categorization in the beginning of this Chapter 7 seems more pertinent in European case than the idea of ethnicity or common European heritage.²⁶¹ Civic nationality would comprise values and norms that govern interactions between Europeans²⁶² and it would be entirely a new kind of entity that is neither national nor cosmopolitan, but which enables various identities. On the other hand Waever’s argument of two separate identities, cultural and political is plausible. He opposes postmodern identity approach, which allows multiple identities, but sees that two separate clearly defined identities would suffice in the EU.²⁶³

In my opinion an argument that Delanty presents in his work seems to combine well both previous arguments of Waever and Laffan, and but it also adds something more to them. Delanty argues the most important task for Europe today is to provide an orientation for post-national European identity. His proposal includes Waever’s notion that European identity should be essentially different from traditional national identities, but also the civic dimension that Laffan offered. Delanty goes even further than Waever with the idea of political European identity, because he argues that the restructuring and re-imagining of the European idea should locate on the level of society so that it is possible to speak of a ‘Social Europe’ instead of a state-centered Europe. The European idea should be the foundation for a new politics of pluralism, where civil society plays a central role.²⁶⁴ Therefore the identity that should be formed in the EU society would not only have a political dimension as Waever suggested, but also a social element.

²⁶⁰ Here ‘nationality’ refers to European nationality/citizenship, not on ‘national nationality’.

²⁶¹ Laffan 1996, 85.

²⁶² ‘European’ refers to all people residing legally in the EU.

²⁶³ Waever 1995b, 25.

²⁶⁴ Delanty 1995, 9.

The European social dimension should be comprehended “as an institutional arena within which diversity and multiple connections among people and organizations can flourish partly because they never add up to a single, integrating whole.”²⁶⁵ Delanty argues that European identity can too easily be made out of white bourgeois populism defined in opposition to the Muslim world and the Third World²⁶⁶, thus it should to be linked firstly to *multiculturalism*, which is already very much present in Europe, and secondly to *post-national citizenship*.²⁶⁷

Several scholars have argued in similar vein. Riva Kastoryano’s work *Quelle identité pour l’Europe?* suggests that multiculturalism could be a source for enhanced cooperation in Europe and probably also for European identity.²⁶⁸ Jacqueline Costa-Lascoux argues that multiculturalism would succeed in contemporary Europe because it would not attempt to assimilate people, but quite the contrary. It would postulate the equivalency of cultures and recognize them as independent entities.²⁶⁹ In other words this means that multiculturalism would not even aim to integrate all cultural facets, but it would celebrate their plurality. Also Peter van Ham agrees with Delanty’s propositions because he sees that Europe will remain a “cultural potpourri” that would also be a sound basis for a nascent European citizenship.²⁷⁰ Ham stresses that in fact identification with multiculturalism is the *only* way to develop European “identity beyond the state”.²⁷¹ Therefore European identity should be a comprehensive concept that permits diversity, but is concurrently anchored in citizenship that lays down rights but also principles. This is also what Kostakopoulou suggested.

The citizenship of the Union was added to the Maastricht Treaty, according to Spanish Minister of Foreign Affairs, only as “an empty shell” because it does not attempt to define civil rights and duties of the Europeans.²⁷² As A. Duff puts it “an EC citizen is defined [in the Treaty] as a national of a member state”.²⁷³ H.U. Jessurun d’Oliveira

²⁶⁵ Manners 2001, 23. Originally in Calhoun (2001) *The Virtues of Inconsistency: Identity and Plurality in the Conceptualization of Europe*.

²⁶⁶ Delanty 1995, Chapter *Europe After Cold War*, pp.130-156. Even though Delanty’s notion is already eight years old it is still current due to the current conflict with the Islamic world.

²⁶⁷ *Ibid*, 162-163.

²⁶⁸ Kastoryano 1998, 14.

²⁶⁹ Costa-Lascoux 1995, 160-161.

²⁷⁰ Ham 2000, 23.

²⁷¹ *Ibid*, 5.

²⁷² Ana Palacio, Paris, 17 January 2003.

²⁷³ Lehning 1997, 181.

evaluates the EU citizenship even more negatively: it is “nearly exclusively a symbolic plaything without substantive content.” He emphasizes that the citizenship the Treaty offers is centered only on the freedom of movement and workers’ rights.²⁷⁴ This is very true because ‘market citizen’ has still priority in the EU policies.

Post-national citizenship that Delanty proposes as a solution to European identity dilemma is a normative concept, which would operate as an alternative to the restrictive notion of nationality that excludes large part of EU residents at the moment. The essence of it is that citizenship is determined neither by birth nor nationality but by *residence*. And unlike traditional nationality, EU citizenship should not be embodied in the national culture of the state. Post-national citizenship is international and more than just a mere political-legal principle, but it involves also the recognition of social rights.²⁷⁵ This kind of citizenship “would be relevant to Muslims as well as Christians and other world religions, atheists, east and west Europeans, black and white, women as well as men.”²⁷⁶

Here we come back to the core of regional international society discovered by Diez and Whitman. They make the same argument as Delanty that the membership of a regional international society, in this case the EU RIS, should not be tied to formal membership such as nationality. Rather it should be based on the common acceptance of rules and norms influencing in the society. Therefore the normative concept of post-national citizenship, which would be bedrock of new European identity, should be founded on such principles.

I argue that if the post-national citizenship of the European Union is created, it must be founded on principles of the *Charter of Fundamental Rights of the European Union* (the Charter), which was solemnly proclaimed by the European Parliament, the Council and the Commission in Nice in December 2000. The Charter announced unequivocally that “the Union is founded on the invisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law.”²⁷⁷ Today these rights and responsibilities are seen commonly as the common values of the European integration and the European Union, and it has even been

²⁷⁴ Jessurun d’Oliveira 1995, 65-66.

²⁷⁵ Delanty 1995, 162.

²⁷⁶ Ibid, 163.

²⁷⁷ Charter of Fundamental Rights of the European Union (2000/C 364/01).

suggested that the Charter should be included to the future constitution of European Union.²⁷⁸ If the post-national citizenship is based on the Charter, the three most valuable points that Kostakopoulou makes; citizenship, respect to diversity and a clear proclamation of rights will emerge in one context.

Furthermore, an EU international society that supports such development would be essentially rights-based in Grotian sense. In such society states would be bound by the recognition of their common values. Hence in the level of EU world society or regional transnational society both individuals and groups would be united by basic identity that takes a form of post-national citizenship. Moreover, the EU international society would be incontrovertibly solidarist, because where ES pluralism emphasizes the existing rules, the EU international society goes even further and founds its relationships on a broad range of common values and norms that oblige both people and states.

I believe that if such European identity that Delanty proposes based on post-national citizenship were founded on these principles, the European identity would still, however, be defined based on division between 'Us' and 'Them'. The Us would simply appear as a larger constitutive unit than now. It would comprise all legal residents, all persons possessing post-national citizenship despite one's origin. This 'new Us' would still be formed in contrast to Them, Others, who have not approved the values of the Charter and therefore not entitled to this citizenship or those who are not permanent or legal residents in Europe. It is another question whether this kind of typology between Us and Them desirable at the end of the day, but like Kristeva, Waeber and other scholars have noted this division is natural in circumstances where we confront the Others constantly, like in today's Europe.

To conclude, it is a challenge to develop identity indices that do justice to the complexity of 'Europeaness'. A shared European identity is possible only if it recognizes already existing identities. Therefore it can be just one of the identities held and recognized by people.²⁷⁹ Furthermore, it can be noticed that there has been a rivalry between more 'romantic' concept of European identity, portraying images of European continuity, unity and inherent values and more 'rationalistic' and political concept. This latter model is based on certain shared civic and political values to which the citizens of

²⁷⁸ Dominique de Villepin, Paris 18 Jan 2003.

²⁷⁹ Laffan 1996, 98.

European Union could assure their loyalty.²⁸⁰ I prefer to subscribe this second perception of European identity, because a European identity should not suppress national ethnic identities, but it may enrich and develop them. Since the political integration needs a sense of community and a shared identity, Europe has to construct a collective identity that “embraces collective political values”.²⁸¹

The Charter is seen as the first step in the attempt to bring all relevant values of Europeans to one proclamation. The European identity must be built on the civic dimension of nationality such as citizenship that contains clearly the notions of rights and diversity, rather than myths of dubious historical validity. Both European citizenship and the Community immigration policy are visible expressions of the Union’s priorities, aspirations and concerns. The definition of European political community’s content and the shaping of institutions with which we live determine the way we behave and perform in social interactions.

Despite the search for collective identity and the fundamental idea of Europe, Europe itself and the future of it cannot be reduced to a merely an idea, an identity or a reality since it is a structuring force as such. Thus, what is real is the discourse in which ideas and identities are formed and historical realities constituted.²⁸² Therefore, one has to go to the primary sources, in this case communications and speeches on the CIP produced by the Commission to be able to withdraw generalizable conclusions of the present state of the formation of EU world society. The very concept of society, the formation of a European community of people is not conceivable without the notion of ‘Other’. Migrants contribute crucially to the formation of collective identity since they play a part in the creation of boundaries. By knowing who are ‘Us’ it is possible to define the limits between Us and Them and find the substance of Self.

²⁸⁰ Waever 1993, 209.

²⁸¹ Laffan 1996, 98-99.

²⁸² Delanty 1995, 3.

PART THREE: ANALYSIS

THE EU WOLRD SOCIETY AND VALUES IN THE COMMUNITY IMMIGRATION POLICY

8. INTRODUCTION TO THE RESEARCH SUBJECT: THE COMMUNITY IMMIGRATION POLICY

Since the outset of European integration process ever wider national policy sectors have been transferred or are being transferred from Pillar III (Intergovernmental cooperation) to Pillar I (Community matters) of the European Union. Contemporaneously certain migration-related matters, such as visa, asylum and immigration, policies that have traditionally been an important part of national sovereignty have fallen gradually under the supranational cooperation. Security interests, hand in hand with an economical perspective, generated the idea of stable Europe that first led to the integration of the European Community and then the evolution of the Union. Immigration policies are closely connected to both, the world economy and national security issues. Times when there has been a deficiency of labor in the Western society, border gates have been wide open, but when national economies have faced a recession, further immigration has been blocked and in worst cases foreign workers have even been urged to return back home.

The Community immigration policy can be perceived developed in neofunctionalist manner, but in this research, however, it is more essential to comprehend that the EU Member States have gradually changed their perception of security threats. The Member States have modified their conception of sovereignty and recognized the need for cooperation. Cooperation increases especially the possibilities to succeed in migration related measures, since the movement of people may include several transits. Particularly migration evils such as illegal immigration and trafficking are easier to handle with a regional framework. The creation of such a framework, a common immigration policy, obliges the states to define the values on which the policy will be founded. This had been the problem in the formation of CIP so far. As long as the Union is searching for 'a collective identity' or unifying elements which would legitimize its existence to citizens, the mutual values that should be the bedrock of a common immigration policy remain vague. Thus the Member States are attached only

to their national preferences in immigration policies. What this means concretely is that unless the EU international society is not capable of defining its world society, in other words to identify who belong to its people, who are Us and on what basis, the Community immigration policy might remain a fantasy in practice. The reality is, however, that without unified Europe-wide policy on immigration matters, the Union will never be capable of concluding the single market since that area signifies above all free flow of people, despite one's language, skills or even nationality.

In the Tampere European Council in October 1999 the heads of the Member States announced that it is impossible to separate the refugee and immigrant policies from one another at this stage in the EU and therefore the Union employs the term common immigration policy.²⁸³ Thus I will also use this concept of CIP that comprises all migration areas. I do realize, however, that refugee status is very different from the status of an immigrant, simply because refugee is normally only a temporary "guest" and the aim of an asylum policy is to help the person to return back to his/her home country as soon as the circumstances are adequate.

8.1. Changing and Ageing Europe

The social and political role of the European integration project has drastically changed over past ten years. Today the EU is involved in a range of policy areas – including free movement of services, capital and people; agriculture; environment; justice and home affairs only few to mention. Rules and norms the Union has adopted have an impact on most aspects of European political life. Even around 50 percent of all legislation, which is approved by the Member States, is directly linked to European law. I need hardly to highlight the significance of the Maastricht Treaty or the importance of the Amsterdam Treaty which included some key changes in issue areas that touch citizens the most, such as employment, social policy, public health and consumer policy. Ernest Renan stated over hundred years ago that "A *Zollverein* is not a *patrie*"²⁸⁴ and I believe that the majority of Europeans still agrees with this statement. Even though it is highly unlikely that anyone would call the EU as a fatherland for next fifty years, the founding fathers, the architects of the European Community would be amazed to see the extent the integration process has taken today.

²⁸³ EU 10-1999. The Council of Europe, the Conclusions.

²⁸⁴ Brochmann 1996, 149.

What is easily forgotten is that the European Union does not only consist of its own citizens²⁸⁵. People living inside of the common market area are actually divided into three groups: *citizens*, *citizens of European Economic Area (EEA)* and *third country nationals*, in other words non-citizens. The last group can be divided into two categories, *Denizen* that include people who reside the Union legally, but do not possess any political rights and *Margizen* that reside illegally in the EU. Those immigrants that have resided legally in a Member State for long time, namely *long term migrants*, have some social rights e.g. right to family reunification, right to work and right to study, already before they receive the citizenship of a Member State.²⁸⁶

An immigration policy contains laws, regulations and practices that are used both to control arrivals to a country and to facilitate the integration into society. At the moment it seems to be easier to regulate the social rights of the immigrants than the common acceptance rules for entries at the EU level. Last year the European Parliament “sent a strong signal to EU governments to push forward plans to expand rights to the expatriate community” and accepted a resolution that advocated a treatment of legal immigrants that is equal to that of EU citizens.²⁸⁷ And as we will see later, the Charter of Fundamental Rights of the EU introduces the principle of equality and it among some other key rights have been interpreted to belong also for the non-EU citizens, the third country nationals residing legally in the Union.²⁸⁸ The Working Group II in the Convention on the Future of Europe has even recommended that the Charter should be added to the fundamental treaties in a way which would give it a constitutional status.²⁸⁹

Nevertheless today, nearly four years after the Tampere European Council and the declaration of the Community immigration policy, still distinct differences on the entry side of the immigration policies exist between the Member States. In their final report the Working Group on Freedom, Security and Justice (X) in the Convention even observes that the common perception is that the Member states will still in future be responsible for that how many third country citizens will be admitted to country as well as for the integration of these people.²⁹⁰

²⁸⁵ See attachment 1: *Some examples of the Other in Europe*.

²⁸⁶ Henriksson 2000, 37.

²⁸⁷ UNHCR News, 5 Feb 2002.

²⁸⁸ Preamble in the Charter of Fundamental Rights of the European Union (2000/C 364/01).

²⁸⁹ WG II 16, CONV 354/02, 22.10.2002, 2.

²⁹⁰ WG X, CONV 426/02, 2.12.2002, 5.

The process of granting permanent residency indicates particularly well the significant differences between European immigration practices. Finland for instance admits permanent residency after two years of habitation, but in Belgium an immigrant receives his/her permanent resident status only after five years of continuous legal residence. In Greece, on the other hand, residency permits are admitted solely for a year at time and maximum for five years on the whole.²⁹¹ The danger of people taking advantages of separate regulations and thereby weakening national immigration rules is increasing. The achievements of the Union – free movement of persons, transparency of the labor market and political unity – are jeopardized if each state continues to set different priorities in its immigration policies.

The European population is ageing expeditiously. The *baby boom* generation is becoming a ‘grandpa generation’ and developing into a mass of retirees. According to a UN report immigration can have a significant impact on the demographic future of Europe.²⁹² The EU could fill the demographic deficit with replacement migration of 62 million immigrants by 2050. Maintaining the same amount of working population would even require over 80 million new immigrants.²⁹³ The working population in Germany for instance is currently 40 million. If the country did not receive any immigrants for next forty years, the amount of working population would go down by 15 million. Only half million new immigrants annually would maintain the German population unchanged.²⁹⁴ There again, the demands from the industries, both in national and European scales, have forced the politicians to consider new measures. According to Bitcom, an association for Germany’s information technology industry, Germany needed in May 2001 extra 444,000 IT professionals and by 2003 even 700,000 IT-employees. Since the re-education of people requires time and effort, migration is easily seen “as the most rapid medicine for skills shortages” as Heikki Mattila from the International Organization for Migration puts it.²⁹⁵ These facts have naturally also affected the immigration policy guidelines that the European Commission has been bringing in.

²⁹¹ European Commission, 6 March 2001. Table 5: Present labor market access in the EU15.

²⁹² Mattila 2001, 3-4.

²⁹³ Henriksson 2000, 60-62.

²⁹⁴ European Commission, 6 March 2001.

²⁹⁵ Mattila 2001, 8.

The relaxation of former strict immigration policies of Member States, the so called ‘Fortress Europe’ and the formation of common immigration policy based on increased movement of labor is also supported by the fact that closed borders increase the long term settlement in the Union. Labor immigration has become ‘real immigration’. Opening of the borders may according to Kirsi Henriksson increase the movement in both directions and it would not necessarily imply permanent settlement.²⁹⁶ As we will see later in this analytic part, flexibility is indeed one of the key principles on which the EU desires to build its migration policy.

Europe has a long history as “Old World”. Millions of Europeans have left the continent for the New World throughout centuries and even now approximately one million Europeans leave it behind annually. Only in the beginning of the 1950s migration flow started to change its direction. Europe needed workers for reconstruction and until the first oil crises in 1973 Western Europe²⁹⁷ received over ten million new immigrants. This was, however, only a small number since it was only 0.2 percentage of population in the area. These first foreign workers or ‘guest workers’, as they were called, were hired for secondary jobs, *3-D-jobs*, for dirty, demanding and dangerous work, which locals normally despised.²⁹⁸

By 1989 the number of immigrants coming to Europe increased and exceeded finally the number of immigrants departing from the Old World by half million persons annually.²⁹⁹ The nature of immigration changed over the years as well. Immigration that first answered to the labor needs in the fifties changed in the seventies from temporary immigration to permanent immigration especially due to the family reunification programs run by the states. At the same time immigration policies were tightened as a result of the 1970s energy crises throughout Western Europe. Free movement between the country of origin and the country of residence was restricted and this engaged the immigrants even more permanently to the domicile than before.³⁰⁰ Today both labor shortages and demographic factors are noticed as reasons for ending this “zero immigration policy”.

²⁹⁶ Henriksson 2000, 67.

²⁹⁷ Includes present EU15, Norway, Island, Liechtenstein and Switzerland.

²⁹⁸ Korno Rasmussen 1997, sqq. 33, 77.

²⁹⁹ Ibid, 33.

³⁰⁰ Henriksson 2000, 13.

8.2. The Evolution of Community Immigration Policy

Year 1973 is an important landmark in the development of the common European immigration policy. Western economies fell into stagnation and in two years, from 1974 to 1975, Europe experienced a decline in production for the first time in post-war period. At the same time inflation rose over 12 percentages. The entry of foreign labor was blocked immediately when the economical problems occurred. Germany closed its borders in November 1973 and France followed in July 1974. Guest workers did not have any access to Western Europe anymore. However, despite these efforts, immigration was not brought to an end completely because family reunification policies allowed guest workers' family members to enter Europe.³⁰¹ It was impossible to hinder the family members entering Western Europe since all attempts to restrict these entries confronted heavy opposition from humanitarian and religious organizations. Above all, the right to family reunification was included in some human rights declarations and it was sustained by the United Nations in 1985.³⁰²

This enabled continuous immigration from the former colonies of Europe and neighboring areas. Guest workers became families and a Swiss official stated explicitly "We asked for workers and got people instead"³⁰³. In these circumstances, many European governments tried to urge their guest workers to return back home. France even assisted financially over 55 000 people to make them depart to their countries of origin. A French official put it succinctly when he said: "*On ferme la porte et on ouvre la fenêtre*".³⁰⁴

Hence in the 1970s the European Community responded to the threats caused by the world economy in a unified front by closing external borders even though fundamental treaties did not demand that yet. The Community did not, however, commence any official cooperation in immigration matters before mid 1980s when first working group, *Ad Hoc Group on Immigration*, was founded. By then it was already obvious that in a 'borderless' Europe immigration permits would play a significant role. First proposal, *The External Borders Convention*, failed however because of a dispute that Great

³⁰¹ Korno Rasmussen 1997, 90-91.

³⁰² Ibid, 91.

³⁰³ Ibid.

³⁰⁴ Ibid: "Let's close the door and open the window".

Britain and Spain had over Gibraltar.³⁰⁵ According to a Danish economist Hans Korno Rasmussen, the collapsing of the East Block and the communist regime in the USSR finally launched the official formation of Community immigration policy in the EC.³⁰⁶

In the beginning of the 1990s Western Europe was affected by immigration pressure both from the East and West. The immigration from the countries behind the iron curtain was not only approved but also encouraged already during Cold War since every communist refugee was a political victory for the West. Suddenly after the fall Berlin Wall millions of Eastern Europeans were free to move. The collapse of the Wall did not influence solely close to its foundation but the transformation of Cold War regime reached nations outside of Europe as well. Refugee camps became soon overloaded with people in Afghanistan, Southern Africa, Central America and the Middle-East, in areas which had been bones of contention during the Cold War.³⁰⁷

The EC countries launched cooperation in immigration matters to secure their external borders and to guarantee their citizens safety. Moreover, the first years of the 1990s in Europe were characterized by radical anti-Semitism and racism, particularly Jean-Marie Le Pen in France gained extensive support for his anti-Semitic agenda.³⁰⁸ But European leaders did not want the horrors of the 1930s and 1940s to be repeated because in fact the entire idea of united Europe had begun from the experiences of Second World War. Therefore, the time was right for next phase in the European integration process.³⁰⁹

In the Dublin Agreement (1990) all members of the EC agreed that an application for a refugee status would be processed only in one Member State of the Community. Three years after the Maastricht Treaty coming into force all the visa matters would be moved under the Pillar I and from 1996 onward all decisions on visa matters should be done with qualified majority vote.³¹⁰ The Schengen Agreement, which became relevant in nearly all Member States with the Maastricht Treaty, made the immigration issues even more relevant, given that now the Union should have been able to decide whether the long-term immigrants had the same rights to move in the Schengen area as the citizens.

³⁰⁵ Korno Rasmussen 1997, sqq. 154,158.

³⁰⁶ Ibid, 43-44.

³⁰⁷ Ibid.

³⁰⁸ Ibid, 52-54.

³⁰⁹ Ibid, 43-44.

³¹⁰ *Mitä sisältää Maastrichtin sopimus?*, 20.

According to Kostakopoulou the Schengen Agreement made the EU a “Schengenland of immigration” meaning that the notion of ‘fortress Europe’ is gradually being replaced by a model of ‘concentric circles of migration’. According to this, the Schengen EU members constitute the first circle, surrounded by a second circle consisting of prospective members and associate states. A third circle consists of CIS area and North Africa that focuses on transit checks and on combating illegal immigration. Finally, a fourth circle of states in the Middle East, China and Africa would co-operate with the Union on eliminating the push factors of migration.³¹¹

The Amsterdam Treaty came into force in May 1999. The EU became “an area of freedom, security and justice”. This treaty took a significant step towards the Community immigration policy because it announced that the Union should create common norms for asylum and immigration. These norms should be firstly founded on the respect for fundamental rights and secondly they would finally guarantee the free movement of immigrants in the Union.³¹² Revolutionary to the development of the CIP was that a new title (Title IV) was attached to the Pillar I and asylum, visa and immigration matters were transferred there from the Justice and Home Affairs section.³¹³ New regulation was particularly designed to implement the free movement of all Europeans including third country nationals (up to three months only however within the territory) fully by 2004.³¹⁴

In Amsterdam states may have lost their sovereignty over migration-related issues but concurrently their power has inevitably increased on these issues. As Kostakopoulou puts it comprehensively:

“Communitarisation offers the states the opportunity to expand the logic of control and law enforcement which underpinned the intergovernmental framework of cooperation, and to construct new forms of power which do not only increase the regulatory capacity of states within a geographically contained structure, but it also enable them to impose their security agenda beyond the narrow confines of the Union.”

In this respect the fourth title represents a new and more effective management of immigration control, and not the end or beginning of the end of an era.³¹⁵

³¹¹ Kostakopoulou 2001, 132.

³¹² Euroopan komissio 1999, 12-13.

³¹³ Kosonen-Kaila-Stubb 1997, 11.

³¹⁴ Title IV TEC, articles 61 & 62. See attachment 3.

³¹⁵ Kostakopoulou 2001, 133.

The fourth title assigns also the interlocutory judgment power of the EC Court of Justice. According to the title, in addition to the courts of higher instance, the Council, the Commission but also Member States can all ask for preliminary ruling particularly in immigration matters.³¹⁶ This provides a vast interlocutory judgment basis for the immigration questions in the Union. What was significant also was that as a result of intense and skillful lobbying done by NGO's, such as Migrants' Forum, a new anti-discrimination clause was inserted to the Treaty. The pressure groups had even called for the extension of European citizenship to the third-country nationals residing legally in the Union, but this amendment is still waiting to come into effect.³¹⁷

Cooperation in immigration matters did not, however, come true completely in the Amsterdam Treaty. The principles above of collective immigration responses do not apply to the United Kingdom, Ireland and Denmark that decided to opt out of Title IV of the Treaty establishing the European Community. The UK and Ireland can decide on a case-by-case basis to join the 12 other Member States.³¹⁸ These kinds of privileges were particularly questioned under the Finnish presidency in December 1999 when the Helsinki Council agreed on the enlargement of the Union. The Council required that the accession countries must accept in full for instance the amendments done on immigration matters in the first pillar. In this context the EU policies do not seem logical: concurrently when new Member States are required to make sacrifices to update their regulations and laws, some of the 'seniors' are able to duck out from collective agreements.

The Finnish presidency was ambitious in immigration policy. The Tampere European Council proposed significant improvements to the rights of legal residents in the EU in October 1999. According to the UNHCR³¹⁹ "Tampere navigated the International Human Rights Convention of 1951 into a new millennium".³²⁰ In the presidency conclusions four following principles were included into the Community asylum and immigration policy: partnership with countries of origin, common European asylum system, fair treatment of third country nationals and management of migration flows. The European Council noted that migration had to be approached comprehensively

³¹⁶ Kosonen-Kaila-Stubb 1997, 12.

³¹⁷ Kostakopoulou 2001, 75.

³¹⁸ [EUROPA > European Commission > Justice and Home Affairs > ... > Long-term residents](#) — European Commission [www-page].

³¹⁹ United Nations High Commissioner for Refugees.

³²⁰ Henriksson 2000, 58.

addressing political, human rights and development issues both in countries and regions of origin and transit. Partnership with third countries was essential for combating poverty, improving living conditions and job opportunities, preventing conflicts and ensuring respect for rights of the citizens. For succeeding in these objectives, the Member States were advised to enhance the coherence between their internal and external policies.³²¹

8.3. *The Scenario of Fortress Europe*

The Tampere European Council desired to activate the integration of third country citizens by suggesting equal rights and obligations with EU citizens. This policy should enhance in particular non-discrimination and extend the measures taken against racism. The Council also emphasized the efficient management of migration flows and it decided to tackle trafficking and illegal immigration.³²²

Thus in Tampere the heads of the European states agreed on measures that attempted improve the situation of the third country citizens in the EU. Even though the Conclusions of the summit emphasize that immigrants should be guaranteed rights similar to those of EU citizens, they do not specify these rights. A year later, however, the Charter of Fundamental Rights gave out the list of fundamental rights in the EU. Today most of these rights with the exception of political rights are conceived including third country nationals residing legally in the Union.³²³

The Tampere European Council recognized the disparities of national immigration policies as well:

“The European Council acknowledges the need for approximation of national legislations on the conditions for admission and residence of third country nationals, based on a shared assessment of the economic and demographic developments within the Union, as well as the situation in the countries of origin. It requests to this end rapid decisions by the Council, on the basis of proposals by the Commission. These decisions should take into account not only the reception capacity of each Member State, but also their historical and cultural links with the countries of origin.”³²⁴

³²¹ Tampere European Council 15 and 16 October 1999. Presidency Conclusions. Chapter A. A Common EU Asylum and Migration Policy I-IV.

³²² Tampere European Council 15 and 16 October 1999. Presidency Conclusions. Chapter A. A Common EU Asylum and Migration Policy I-IV.

³²³ See later Chapter 10.1.

³²⁴ Tampere European Council 15 and 16 October 1999. Presidency Conclusions. Chapter A. A Common EU Asylum and Migration Policy III, 20.

According to Colleen Thouez the Member States have obvious hierarchical preferences when it comes to immigration policies, as the passage above indicates. The geographical location, that is to say exposure to migration flows from neighboring countries for instance, has an effect on the formation of national preferences.³²⁵ Earlier I mentioned that the fall of Berlin wall influenced specially Western Germany, because the flow of Trabants did not divert to outside of the ‘Germanys’ but to the Northern, Western and Southern parts of the BRD.

Secondly, the historical and cultural ties of Member States have an impact on the immigration policy.³²⁶ France for instance carries different historical heritage to the Caribbean than Finland does. A Finnish tourist might find bizarre that a guide from Martinique is as French as a fifth-generation dock worker in Marseille. On the other hand, it might be difficult for a French to comprehend why persons hailing from the former USSR, so called ‘Finnish returnees’, have the same rights to apply for a job at the Euro Disney as his friends from Lyon.

Furthermore, Thouez conveys an idea that there have been clearly two different political traditions in the EU. Countries such as Sweden that have traditionally exercised liberal policy have also defended human rights and free immigration policy. In another sense, a possible federal tradition may have created another kind of political tradition. Thouez continues that Andrew Moravcsik found that Member States with a strong federalist tradition are also more likely to assign the decision-making power to the Union than countries that have a non-hierarchical political system.³²⁷ Germany and Italy for instance hold a strong federal tradition, whereas the politics of the Great Britain comprises a different tradition and she has been very skeptical in the context of Schengen Agreement ratification for example.

The immigration policies have all been stringent in Western Europe since the 1970s. The restrictive policy, a creation of so called ‘Fortress Europe’ has on the other hand turned out to be a ‘liberal paradox’ because while the Union is promulgating its liberal values, it restricts free international movement. Therefore, one reason for the advancement of the CIP so far might be found in this collective political interest; the

³²⁵ Thouez 2000, 11.

³²⁶ Ibid.

³²⁷ Ibid, 13.

immigration measures may be easier to establish on the Union level than to conducted in single measures taken by the Member States.³²⁸

The sovereignty of states plays also a significant part in the evolution of Community immigration policy. The states willingness to negotiate for their sovereignty depends on the *volonté politique*. The cession of national immigration policies hinders state's chances to decide upon whom live in the state, for how long and for which purposes. Therefore the Commission tries to ensure the Member states that it is "not creating a subjective right to immigration", but it is aiming at harmonizing the procedure for admission, claims Commissioner Vitorino.³²⁹ The construction of united Europe with coherent and uniform policies is a long process. It was not concluded in Amsterdam, neither in Tampere and "it may never be concluded"³³⁰.

The transition period of visa, asylum and immigration matters has elapsed and these national policies are now transferred under the Pillar I. Even though the EU technocrats have asserted from the Amsterdam Treaty passages (1997) that a common migration policy for the Union may be close at hand, the reality is different. Above all, the regulation on this matter remains vague and the values on which the CIP should be founded are still expected to be defined.

The key concept of the European Union is free movement of labor, capital and goods. Today certain groups of people, however, namely non-citizens are excluded from these fundamental principles. How can we talk about uniting and "borderless" democratic Europe if it affects only one certain part of population? The decision-makers of Europe have realized this controversy. Therefore there is a myriad of plans, initiatives and studies by the European Commission, the European Parliament, the International Labor Organization (ILO), the UNHCR and the International Organization on Migration (IOM) on the Community immigration policy of the EU. Moreover, the integration of third country nationals into the EU society is hindered by vague norms. For most of the Europeans the status and the rights of the immigrations are unclear. The Charter of Fundamental Rights and Freedoms of the EU may receive a constitutional status in the close future, but still it would not make a considerable change, since the Charter makes

³²⁸ Thouez 2000, 14.

³²⁹ Vitorino Strasbourg 11 February 2003.

³³⁰ Thouez 2000, 20. Quotation from political economist David Vogel.

only a reference to the importance of third country citizens' rights without connecting this to the Community immigration policy itself.

My suggestion is that the greatest obstacle for the CIP to come about is the search for a collective European identity that has been widely discussed all around Europe for years. The perception is that the integration process can not be justified to average citizens or become democratic without the citizens feeling part of the process. The integration process has not yet produced a spiritual sense of European solidarity. Some "Western" myths have been offered to unite the Europeans, but such efforts have remained quite vague and finally fallen on deaf ears as we saw earlier.

I assume that as long as the EU is searching for a collective identity, it is difficult to comprehend who share this identity, thus who are the members of EU world society and on what basis, with what kind of rights and freedoms. Therefore it might be impossible to constitute a common immigration policy on the EU level. On the other hand, a direct and open immigration policy would clearly announce rules and norms for entry to the EU and it should define the values of the EU that immigrants would also have to accept. These values would evidently tell about the principles of society, but also something about the characteristics of the 'Europeanness'. Therefore, the CIP should be founded on the principles set in the Charter that are the bedrock of EU world society as well.

9. VALUES OF THE EU IN THE CHARTER OF FUNDAMENTAL RIGHTS

Recently, due to search for normative source of integration, the Union has taken measures that should enhance its social and political importance for citizen and among other international actors. Ian Manners has suggested that the Union may desire to act rather as normative than military power.³³¹ Furthermore, as already argued, the definition of values is particularly important to this regional society.³³²

In the post-cold war era, it became obvious that the EU could not to present itself as 'merely' an economic power anymore, particularly on account of increasing resistance by its citizens to economic liberalization. The aspiration for greater legitimacy through

³³¹ Manners 2002b, passim.

³³² As we saw in the theory part, Bull emphasized always the importance of common values in the construction of world society.

normative system based on collective values has most recently become apparent in the Charter of Fundamental Rights of the European Union that was a joint proclamation by the Council, the European Parliament (EP) and the Commission adopted in Nice European Council in December 2000. The Charter combines in a single text the civil, political, economic, social and societal rights, and the European Council desired these fundamental values be disseminated as widely as possible amongst its citizens³³³.

For Manners the fundamental normative basis of the European Union derives from five core norms in vast body of EC law and policies. The first of the norms is the centrality of *peace*, found in the preamble to the European Coal and Steel Treaty in 1951 and the Treaty establishing the European Communities (TEC) of 1957: Europeans were committed to “pooling their resources to preserve and strengthen peace and liberty”.³³⁴ The second is the idea of *liberty* found in the preambles of the TEC and the TEU of 1991, and in art. 6 of the TEU where the four foundational principles of the Union are set. All norms have a clear historical context to them. The two previous norms were thus defining features of Western European politics in the immediate post-war period. The third, fourth and fifth norms; *democracy*, the *rule of law* and respect for *human rights* and fundamental freedoms grew later in contrast the communist Eastern Europe. They are all expressed in the TEU, the development co-operation policy of the Community (TEC art. 177), the common foreign and security provisions of the Union (TEC art. 11), and the membership criteria adopted at the Copenhagen European Council in 1993.³³⁵

In addition, Manners suggests that there are four ‘minor’ norms within the principles and practices of the EU. These are far more contested however. The first minor norm is the notion of *social solidarity* that became an essential counter-measure to the enhanced liberalization in the Single European Act and economic and monetary union. Social solidarity can be found all over the *acquis communautaire et politique* of the EU, but principally in the preambles of the TEC and TEU, the objectives of art. 2 (TEU) and art. 2 (TEC), where the centrality is on both the EC’s social policy and the Economic and Social Committee. The second minor norm is *anti-discrimination*, which arose in the early 1990s due to the concerns regarding racism and persecution of minorities, and it

³³³ Draft Charter of the fundamental rights of the EU [www-document].

³³⁴ Manners 2002b, sqq 240, 242.

³³⁵ Ibid, 242-243.

can be found in art. 13 and Title XI of the TEC, as well as in the Copenhagen criteria. The third norm is *sustainable development* preserved in art. 2 (TEU), art. 2 (TEC) and the all-encompassing art. 6 (TEC). This norm got importance in the aftermath of the Rio Earth Summit when it was included in the Treaty of Amsterdam. Finally the fourth minor norm became vital after the resignation of the Commission in 1999, namely the principle of *good governance*, found e.g. in the White Paper on European governance (COM(2001) 428 final).³³⁶

The Charter both reaffirms and re-emphasizes the core and minor norms, with the exception of the principle of good governance. The key objective of the Charter is to ensure that basic political and social rights become more widely known to the EU citizenship, or as the Cologne Council declared “*rendre visibles des droits existants*”³³⁷. “The Charter does not establish any new power or task”³³⁸ and since it is a political declaration made by the European Council it does not even possess any legal value. The legal status of the document will however belong to the issues discussed in the next intergovernmental conference in 2003.³³⁹ Nevertheless, it will probably not form part of the EC/EU treaty base in the immediate future³⁴⁰, unless it will be included in “the Constitution for Europe” as Valéry Giscard d’Estaing has suggested.³⁴¹

French academics Gisella Gori and Fabienne Kauff-Gazin, have claimed that the Charter should be praised for its attempt to enrich the collection (or as they say *panoplie*, which means more like armory!) of European symbols which evocate and generate collective identification such as the EU flag, hymn and the euro. They see the Charter being part of the construction of political Europe and providing another important source of political symbols for integration. Furthermore, a report from the French National Assembly construed that the elaboration of a charter on fundamental rights of the citizens offers a possibility to “*forger une identité européenne*” and gives the European construction a refreshing new breeze.³⁴² The values the Charter announces are generally agreed by the Member States and such a document as the Charter provides

³³⁶ Manners 2002b, 242-243.

³³⁷ Gori et al. 2001, 239. “To make the existing rights visible”, trans. JH.

³³⁸ Charter of Fundamental Rights of the European Union (2000/C 364/01); (CFREU), art. 49.

³³⁹ Gori et al. 2001, sqq 245, 256.

³⁴⁰ Manners 2002b, 244.

³⁴¹ Valéry Giscard d’Estaing, Paris, 15 January 2003.

³⁴² Gori et al. 2001, 234-235. “to forge a European identity”, trans. JH.

a unique and written source of reference to these values and thus contributes noteworthy to the construction of collective identity.³⁴³

The Charter was drafted from various sources of values and principles already existing in international and EC law. The European Convention for the Protection of Human Rights (1950), the European Social Charter (1961), the Community Charter of the Fundamental Social Rights of Workers (1989), but also the reflections of the Member States and the general principles of the EC law all worked as bedrock for the creation of Charter of Fundamental Rights of the EU. The Charter is not, however, only a summary of different principles and values already existing elsewhere, because the principles of the Charter were analyzed, selected and particularly gradated (*hiérarchisé*) carefully.³⁴⁴

The preamble of the Charter recalls the values on which the Union is founded³⁴⁵ and announces the purpose of the Charter. The text itself is divided in seven chapters where the seventh chapter includes the general provisions of scope. The first chapter has been titled “dignity”, the second “liberties”, the third “equality”, the fourth “solidarity”, the fifth “citizenship” and the sixth “justice”. The order does not represent the traditional classification of rights, which is based on the distinction between civil and political rights, economical and social rights, and solidarity rights and the third generation rights (universal collective rights e.g. right to environment). There seems, then, that by producing a new order the Charter was desired to present an obvious hierarchy of the European values.³⁴⁶

Earlier in the introductory part it was argued that values are conceptions of desirable. Thus the clear implication here is that by introducing the Charter the Council, the European Parliament and the Commission desired to give their citizens a same “universe of meaning”, in other words to create a sense of Us and bring them closer to the Union. Also from a different perspective, it is possible to perceive that the Charter of Fundamental Rights of the European Union will help us to define perfect criterions for Weber’s non-abstract generalizable ideal type that would work as a criterion point, an exemplar or we could say as ‘ideal European’.

³⁴³ Gori et al. 2001, 240.

³⁴⁴ Ibid, 241.

³⁴⁵ “[...] the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.” CFREU, preamble.

³⁴⁶ Gori et al. 2001, 241.

In the Charter the Union recognizes fundamental rights and freedoms of peoples of Europe that are based on the principles of dignity, freedom, equality, solidarity, citizen's rights and justice as already mentioned. First principle sets out the international human rights, recognized by the global international society in Universal Human Rights Declaration. This principle of dignity is commonly understood as the first generation of human rights that are directly enforceable and states must avoid affronting. The second principle of freedom contains rights to social and political life, culture, education, protection and it also includes the economical rights.³⁴⁷ All together these second generation rights oblige states to carry them out in the society.

Equality principle emphasizes the value of diversity and non-discrimination in the EU.³⁴⁸ According to the Amsterdam Treaty the Union also has the power to take appropriate action to combat discrimination. The possible grounds of intervention are discrimination based on sex, race or ethnic origin, religion, belief, disability, age or sexual orientation.³⁴⁹ In this regard the Union has also implemented policies to achieve equal opportunities for men and women.

Furthermore, solidarity principle on its part represents rights related to quality of life, especially working life, e.g. right to collective action, to professional life and to environment³⁵⁰. Some of these rights could be read as third generation, collective rights.

Citizen's rights (citizenship) are the principle, which announces political, administrative rights. What is interesting, however, is that one key values of the European integration is revealed in citizen's rights as well, right to free movement.³⁵¹ Finally, principle of justice stresses the rule of law that has been one of the fundamental values of the European Community since the beginning.³⁵²

If asked for criterions for an ideal European, she/he would maintain human dignity, believe in fundamental freedoms, equality and solidarity in the society. She/he would use the rights as a citizen and have confidence in the justice system. Furthermore,

³⁴⁷ Charter of Fundamental Rights of the European Union (2000/C 364/01), 9.

³⁴⁸ Ibid, 13-14.

³⁴⁹ Euroopan Komissio 1999, passim.

³⁵⁰ Charter of Fundamental Rights of the European Union (2000/C 364/01), 15-17.

³⁵¹ CFREU (2000/C 34/01), 18-19.

³⁵² Ibid, 20.

according to the Charter this ideal type could embrace both the EU citizens and third country nationals permanently residing in the Union and respecting these values in full.

Clear implication here is certainly that the rights the Charter sets out belong to wide extent to both, the EU citizens and the residents of the Union. This conclusion can be made from the language that distinguishes “everyone”, “every person”, “every worker”, “every child” and “every citizen”. Last expression is used only with rights that are either related to political rights (Chapter V Citizens rights in the Charter) or to free movement. Article 15 on “Freedom to choose an occupation and right to engage in work” for instance makes following distinction:

“1. **Everyone** has the right to engage in work and to pursue a freely chosen or accepted occupation.”

but

“2. **Every citizen** of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services **in any Member State**.”³⁵³

Thus according to the Charter the EU world society tries basically to include all those individuals and social groups who see themselves as sharing the common rights and values, on which common rules, institution and policies may be built.

Furthermore, the Charter comprises all seven propositions for constructive citizenship that Kostakopoulou suggests for the bedrock of new identity. The principles of dignity, freedom and solidarity include the language of fundamental (human) rights. Moreover, Kostakopoulou suggested that respect to diversity should be a central value and this can be found from the principle of equality in the Charter. In addition, the principle of citizenship includes the notion of participation. Finally the principle of justice naturally contains the idea of openness. Kostakopoulou’s idea of rights being based on domicile comes out in the Charter’s text as well as seen above.

³⁵³ CFREU (2000/C 34/01), 11.

10. RESPONSES OF THE EU ON THE COMMUNITY IMMIGRATION POLICY

10.1. Values Set Out in the CIP

As indicated in the theoretical part, the EU can be comprehended consisting of both international and world society. Furthermore, the theoretical part emphasized the importance of common values in the construction of an international society. It was argued that the EU international society could be constructed only when being accompanied by degree of EU world society that would comprise particularly the common values of this society. Since Diez and Whitman argued that the EU is a regional international society where social dimension is particularly strong, it is worth asking is this dimension really present in the Community immigration policy as well. Furthermore, do the values of the Charter appear also in the real policy making? This chapter attempts to study the correlation between the values of the EU society as presented in the Charter and the values that appear in the CIP.

The EU world society is constructed in different discourses, thus it is not exogenously given, but it arises from interaction: “Norms and institutions are part of societal discourse, but society does not have any essence beyond discourse”.³⁵⁴ A dialogue establishes the Community immigration policy. In this dialogue politicians and EU organs define the values on which they desire to form the policy. Evidently, the discourse forms some concepts of the EU world society since it defines the norms and values on which the system is based on.

The recognition of collective values is an important issue in the Union today. The Charter that will soon be included in the constitutional document of the Union characterizes the core values of the EU. I believe, however, that it is possible to reveal some other values from various policy documents. In the case of Community immigration policy this is particularly interesting, because these policy papers are related to the content of EU society itself. This is to say that the CIP papers should disclose the values which define the principles for entering the Union and tell us about the values on which the Union desires to build its residents future. Thus questions here are on what kind of values the Commission wishes to form the CIP in its

³⁵⁴ See page 38.

communications to the Council and the EP? What kind of immigration preferences Commissioner Vitorino reveals in his speeches? The research material consists of all CIP documents that make clear reference to the future of the policy, indicate values on which the policy will be founded on or state something of the third country nationals' rights. The values presented here came all up in several contexts and can therefore, I believe, be generalized as being the values of the CIP.

In a communication on a Community immigration policy in 2000 the Commission notes that recent economic and demographic analysis conducted both of the Union and the countries of origin have indicated that the "zero" immigration policies of the past 30 years are no longer appropriate. A number of Member States have already begun to recruit third country nationals to cope with the growing shortages of both skilled and unskilled labor.³⁵⁵ The Commission realizes as well that even though the legal immigration to Europe has been substantially reduced during these years of "zero" acceptance, these measures have been accompanied by a sharp rise in the number of asylum seekers and of illegal immigrants, and by the growth of smuggling and trafficking. This has meant that Member States have had to mobilize substantial resources to process asylum claims and to combat illegal traffic. Moreover, this led to a situation in the 1990s where regularization (or amnesties) for illegal immigrants residing on the territory and who met certain conditions, have been organized in a number of countries, sometimes on a periodic basis.³⁵⁶ Thus the Commission believes that new channels for legal immigration to the Union should be made available now for labor immigration.³⁵⁷ On the other hand, quite opposite to the UN report's suggestion earlier, the Commission does not, however, see that immigration alone can fix the effects of Europe's ageing population. The Commission perceives that immigration can make it easier to fill some gaps in the labor market, but still a radical reform is needed.³⁵⁸

Furthermore, the Commission comprehends the particular circumstances of each Member State and agrees with the Tampere Council conclusions that in the common immigration policy the EU should take into account the capacity of reception of each Member State as well as of their historical and cultural links with the countries of

³⁵⁵ COM(2000) 757, 3.

³⁵⁶ Vitorino Rome 12 July 2000.

³⁵⁷ COM(2000) 757, 4.

³⁵⁸ Press release IP/02/774. 29.5.2002.

origin.³⁵⁹ The Commission agrees also with the notion presented already in Chapter VII in this thesis that Europe cannot deny its pluralistic character anymore, thus in the social conditions that the migrants face, the attitudes of the host population are vital to the success of immigration policies.³⁶⁰ Tolerance and acceptance should be developed and here plays crucial role the attitudes presented by political leaders, but also the practices of the media like Kunelius noted above.³⁶¹

It is possible to recognize that in fact *diversity* is a value that appears most often in the CIP documents. This must arise from today's pluralistic character of Europe. As we already saw above, respect to diversity is in the core of the Charter as well. As a matter of fact Commissioner Vitorino sees increasing diversity in the Union a strength that brings vitality and inventiveness that is essential in competitive markets. He distinguishes three aspects of diversity: cultural, religious and ethnical which all should be recognized in the integration process. Consequently it is impossible to preserve a simple unified European culture as I already argued in the Chapter V. Pluralism should belong to the core of European values, underlines Vitorino.³⁶² He emphasized the promotion of different cultures and the enrichment that immigrants bring when settling in Europe plays also a significant role in the Community immigration policy.³⁶³ The fight against discrimination, racism and xenophobia is seen so important to the future of the Union that it was reinforced in the Tampere summit and finally also included in the Charter.³⁶⁴ Furthermore, the Commission presented four CIP proposals to fight all forms of discrimination especially racism and xenophobia in 1999-2001 and all of these were adopted without delays.³⁶⁵

In this context the Commission's CIP papers stresses also the importance of Charter of Fundamental Rights, which defines uniform fundamental rights to all, both European citizens and legal residents.³⁶⁶ *Equality* is indeed emphasized strongly in the CIP communications and speeches: "persons admitted should enjoy broadly same rights and

³⁵⁹ COM (2000) 757, 5 and Tampere European Council, Conclusions, paragraph 20.

³⁶⁰ COM(2000) 757, 5.

³⁶¹ Kunelius 1999, 169; COM(2000) 757, 22; Vitorino Rome 12 July 2000, 9.

³⁶² Vitorino Turin 23-24 March 2001, 1; Vitorino Zaragoza 16 y 17 de febrero del 2001, 1.

³⁶³ Vitorino Rome 12 July 2000, 9-10; Vitorino Paris 6 et 7 juillet 2000, 7.

³⁶⁴ Vitorino Paris 5 et 6 octobre 2000, 4-5.

³⁶⁵ COM(2002)261, 18-19.

³⁶⁶ COM(2000) 757, 11; Vitorino Zaragoza 16 y 17 de febrero del 2001, 6; Vitorino Turin 23-24 March 2001, 1.

responsibilities as EU nationals”³⁶⁷ and “equality with respect to wages and working conditions is not only in the interests of immigrants”³⁶⁸. Vitorino acknowledges that third country nationals residing legally in Europe have same civil and social rights and particularly they have to be guaranteed same conditions at work as the EU citizens.³⁶⁹ Only some political rights are reserved to the citizens and even there are some exceptions for third country citizens (e.g. right to documentation).³⁷⁰ Equality appears similarly in asylum policies, because Romano Prodi emphasizes the fair treatment of all in border controls and asylum policies in his speech in the Seville Summit.³⁷¹

Interestingly, Vitorino notes also that the Charter suggests that the principle of free movement should include the third country nationals equally.³⁷² It is another question, however, how to apply this principle in practice. There are still serious problems in this area since legal residents in the EU do not have the right to reside freely in other Member states, observes Vitorino. He continues that currently the Member states are competing of skillful labor force, but the ideal solution would be that also third country nationals could meet the market needs efficiently by having allowed moving freely when needed.³⁷³

Thus behind the idea of equality appears the need for *flexibility* and facilitated market access for services. The Commission suggests in several documents that by maintaining the CIP as a mutual benefit for Europe and the countries of origin, a new kind of partnership will emerge, not only between political but also between civil societies. The Commission encourages strongly the immigrants to sustain and develop their links with their origins because this increases flexibility that is needed in today’s globalizing economy. Unfortunately this is now hindered by the present visa policies and other legislation preserved by the Member States.³⁷⁴ Flexibility in the CIP can be increased by concentration on issues of status in the host country, rights to leave and return for instance.³⁷⁵ Flexible framework would allow all interested parties, including Member

³⁶⁷ COM(2000) 757, 15.

³⁶⁸ Ibid, 14.

³⁶⁹ Vitorino Zaragoza 16 y 17 de febrero del 2001, sqq 3, 8 ; Vitorino Paris 6 et 7 octubre 2000, 3-4 ; Vitorino Puglia 19 June 2001, 2.

³⁷⁰ Vitorino Paris 6 et 7 octubre 2000, 3-4.

³⁷¹ Press release, Speech/02/311, 02.07.2002.

³⁷² Vitorino Paris 6 et 7 octubre 2000, 8-9.

³⁷³ Vitorino Zaragoza 16 y 17 de febrero del 2001, 9.

³⁷⁴ COM (2000) 757, 8 and COM(2000) 755.

³⁷⁵ Vitorino Rome 12 July 2000, 21.

states to react quickly to changing economic and demographic circumstances accordingly.³⁷⁶

The Commission proposes following strategies to promote movement of skilled labor. Firstly, outsourcing arrangements between developed and developing countries notably in the IT sector should be encouraged. They would increase short-term postings in the EU based on particular needs for which developing countries could provide their services. Secondly, a “virtual return” of immigrants should be facilitated. This means that migrants could increasingly contribute to the economy and social development of their country of origin while staying in the country of residence.³⁷⁷ Communications state clearly that even in the formation of common asylum policy “the European Union must take advantage of the talents that refugees have to offer, including their professional skills”.³⁷⁸ Vitorino also recognizes that selective immigration for economic purposes is already being practiced in United States and in Canada. Thus the EU could also promote new legal ways to enter the Union and recognize the contribution immigrants have to European economy and society.³⁷⁹

The last value that can be disclosed from communications and speeches at hand is *responsibility*. The Commission emphasizes in several connections that the effects of the CIP do not remain inside of the European frontiers, but have effects in the countries of origins as well.³⁸⁰ Vitorino distinguishes on the one hand the positive impacts that migration has on the countries from which migrants originate and on the other hand the negative impacts that can in the worst case have even long-term effect. One of the most important positive impacts is naturally the remittance sent home, but on the negative side brain drain is of particular concern.³⁸¹ Thus meaningful and complete partnerships have to be created with third countries. As it is often said “you need two for tango” and this is also the case in immigration policies.³⁸² The Commission has made proposals to assist financially the countries of origin and transit. The purpose of these proposals has been to enhance the cooperation with these countries, to fight illegal trafficking, but also

³⁷⁶ Initial proposal 11/07/2001, CNS/2001/0154; Press release IP/01/980, 11/07/2001, Vitorino Brussels 17 October 2001, 2.

³⁷⁷ COM(2002) 703, 25.

³⁷⁸ COM(2000) 755, paragraph 3.4. Integration and access to nationality.

³⁷⁹ Vitorino Rome 12 July 2000, 20.

³⁸⁰ COM(2000) 757, sqq: 7, 8, COM(2000) 755, COM(2001) 387, 8 and Vitorino Paris, 6 et 7 juillet 2000, sqq 3-4, 7.

³⁸¹ Vitorino Rome 12 July 2000, 10-11. On brain drain also COM(2002) 703, 15-16.

³⁸² Vitorino Brussels 17 October 2001, 3; Vitorino Brussels 5-6 March 2001, 2-3.

to promote legal entries to the Union.³⁸³ While recognizing the need for recruiting high-skilled workers, the Commission keeps also in mind the possible damaging impacts on countries of origin and thus desires to take into account the global social responsibility.³⁸⁴

There appears, then, that the values the EU wishes to present in its migration policies are linked to both economical and social interests. Commissioner Vitorino in particular calls for a more realistic view in immigration policies and wishes to see the needs of labor market met better than before.³⁸⁵ Flexibility of labor is in fact one of the fundamental principles of the entire European integration, but it is little surprising that it comes up in this extent in policies that have very much to do with the civil rights and wellbeing of individuals.

One could see the need for flexibility arising from the current discussions in the multilateral trading system within the framework of World Trade Organization (WTO). In recent years the relevant committees at the WTO have raised the question of the economic implications of liberalizing the so-called Mode 4 trade of the GATS³⁸⁶. Especially the economic case for liberalizing the temporary flow of temporary labor between countries for the purpose of providing services is a topical issue. It has been argued that the movement of temporary labor could generate very large mutual benefits both for developing and developed countries. Since the populations are ageing in the post-industrial countries, their average levels of training and education rise, developing countries will face an increasing scarcity of especially less skilled labor. Moreover, unlike the mass migration of less skilled workers, fears for cultural identity, problems of assimilation and the drain on the public purse are hardly relevant to temporary movement of natural persons.³⁸⁷ Perhaps this is also why the EU is preparing itself for a more flexible approach in immigration. The Member states of the EU have already taken measures for enhancing the immigration of skilled labor, but in the close future the Union may be obliged to take measures for guaranteeing overall competitiveness and efficiency in all service sectors.

³⁸³ COM(2002)261, 26.

³⁸⁴ COM(2001) 387, 8.

³⁸⁵ Vitorino Rome 12 July 2000, 8.

³⁸⁶ General Agreement of Trade in Services. Mode 4 stands for “the supply of a service by a service supplier of one Member [of the WTO], through presence of natural persons of a Member in the territory of any other Member”, www.wto.org.

³⁸⁷ Winters 2002, *passim*.

Equality and responsibility underline, on the other hand, the social dimension of the EU society. Thus Diez and Whitman are right that indeed this dimension is visible and sound in the EU (Chapter 4). In relation to the rights of immigrants, equality comprises here two perspectives: social and political, of which only the second dimension excludes permanent residents partially. The idea of Europe as a plural society that Delanty has suggested (Chapter 7) as a rational choice for re-imagining the European idea comes apparent in the communications as well. The Commission emphasizes the need for tolerance and acceptance, thus the respect to diversity emerges both in the CIP papers and the Charter. New politics of pluralism would allow the civil society to play a key role in the formation of EU world society. Gradually the old state-centered Europe would become a 'Social Europe' where different groups could participate equally. The Charter's principle of justice appears also in the documents that underline equality, but also in the communication on open coordination method for the CIP.³⁸⁸

Responsibility, to my understanding, includes in the CIP papers both the responsibility of Member states' needs and heritages with their relations to third countries and the responsibility of the development in the countries of origin. This value may also include the responsibility of sharing one's values with others. Here it is useful to refer to the argument made by Diez and Whitman that the regional international society may have fluid values that are not bound with its citizenship, but they are rather fluid and possible to share with others. Thus by applying the values to others a RIS, such as the European Union, may succeed to share them out and extend its regional international society. What this means is that since the EU utilizes one of its core principles, equality, also in the Community immigration policy, it may be able to share this value with other in regional international societies.

In conclusion an ideal type in the context of values emerging in the CIP would respect the core values of the Charter (equality and diversity), but also recognize the economical needs of the Union. Following key principles of the Charter can incontrovertibly be found from the CIP documents: dignity, freedom, equality and solidarity. The three first values appear repeatedly in Vitorino's speeches and solidarity becomes apparent from the notion of responsibility.

³⁸⁸ COM(2001) 387.

Flexibility, naturally, is not part of the Charter, but can be found from the economic principles of the European integration. The inclusion of responsibility in the CIP documents indicates that the EU is aware of its commitments to other actors in the global international society, and as indicated in the theory part, all regional international societies are part of this global international society. Furthermore, by implementing the CIP according to the principles of the Charter, the EU will apply its European values that will be reflected from the taken measures both by the Member states but also by other regional international societies.

10.2. *Typification and Classification of the Other*

"Thinking in differences is probably, ultimately, a part of that which is human – but saying yes to it belongs to modernity."

Sörlin 1990³⁸⁹

The purpose of this chapter is to introduce the actual nature of differences that is constructed in the EU international/world society. As argued earlier, dichotomy between Self and Other has been crucial in the making of European identity. Immigration is 'entangled' in discursive articulations of the dichotomy between Us and Them and an immigration policy itself is the domain where discourse about the limits of Us is held.

The CIP documents reveal one obvious typology of the immigrants. The most common type of characterization in the documents is the functional type that Schutz introduced. This is probably the case because the Commission's communications on the immigration policy focus on the importance of enhanced labor migration. The Commission wishes to create an extensive and clear class of immigration, economic class, which would not only answer to the problems of economical needs, but also diminish political tension in the EU world society. Vitorino observes in one of his speeches that asylum should be a right, but economic migration an opportunity. This underlines the need for increased entries and the reduction of illegal ways to use current systems.³⁹⁰

³⁸⁹ Waever 1993, 195. Originally in Sörlin, *Signalement av Europa – en identitet i dialog med sig själv*, 1990.

³⁹⁰ Vitorino Strasbourg 11 February 2003.

The levels of discrimination are alarming in a number of Member States³⁹¹ and the integration of the immigrants into European society has been aggravated, especially due to the negative connotation that Europeans have of the immigrants because of increased illegal immigration. Waever has argued that immigration is often *securitized*. By declaring that something is to be considered as a security issue, a state representative will claim a special right, outside the commonly agreed rules of politics, to use any means necessary to prevent expected development.³⁹² Commissioner Vitorino securitizes illegal immigration in his Brussels speech by declaring smuggling of human beings a major problem.³⁹³ Furthermore, he calls for quick response to illegal immigration that is characterized by trafficking.³⁹⁴ Desecuritization, on the other hand, rebalances the issue. Prodi reminds in his Seville speech that security does not depend solely on managing immigration, even though a comprehensive EU approach can make a difference.³⁹⁵

My perception is that by retypifying the immigrants under the class of economic migration, the Commission is trying to desecuritize the immigration that has been long opposed to but is now actually needed in the EU. The Commission typifies the economic class immigrants in a following manner:

- **“residence permit – worker”** means a permit that allows a third-country national to enter and reside in a Member State and to exercise activities as an employed person;
- **“residence permit – self-employed person”** a permit that allows a third-country national to enter and reside in a Member State and to exercise activities as a self-employed person;
- **“seasonal workers”** means third-country nationals who retain their legal domicile in a third country, but are employed in a territory of a Member State in a sector of activity dependent on the passing of the seasons, under a fixed-term contract for a specific job;
- **“transfrontier workers”** means third-country nationals resident in the frontier zone of a neighbouring country who are employed in the frontier zone of an adjacent Member State and who return to the frontier zone of the neighbouring country each day or at least once a week;
- **“intra-corporate transferees”** means third-country nationals working within a single legal entity and being temporarily transferred into the territory of a Member State, either to the principal place of business or to an establishment of

³⁹¹ COM(2000) 757, 27.

³⁹² Waever 1995b, 11.

³⁹³ Vitorino Brussels 5/6 March 2001, 1.

³⁹⁴ Vitorino «Manifestement, le développement serein d’une politique migratoire équilibrée n’est possible que si une action rapide, efficace et impitoyable est menée contre les réseaux qui ont fait du trafic et de l’exploitation des êtres humains ainsi que de l’organisation de l’immigration clandestine, une source d’odieux profits.[...]», Paris, 6 et 7 juillet 2000, 5.

³⁹⁵ Prodi, Speech/02/311, 02.07.2002.

that legal entity, provided that they have worked for the legal entity concerned for at least the 12-month period immediately preceding the transfer;

- **"trainees"** means third-country nationals whose presence in the territory of a Member State is strictly limited in duration and is closely connected with increasing their skills and qualifications in their chosen profession before returning to their own country to pursue their career.³⁹⁶

By forming such categories the Union desires to improve the integration of the third-country nationals coming legally for the purpose of work to the Union. Europeans could become more receptive in the approval of new arrivals if they were better informed about the status of the Others: "I apprehend other people by the meaning they have for me."³⁹⁷ The typification of immigrants may help to categorize them as contemporaries, but it also advances development of interaction as consociates.

The Commission perceives the regulation of economic immigration in fact as a cornerstone of immigration policy. The third country nationals wishing to be admitted to work in the EU and the EU employers that need third country workers are both confronted with some times highly complex national rules but also suspicion. The current aim is to lay down common criteria for admitting and to ensure transparency of such activities. The idea of CIP is, however, that Member states may adopt national provisions for a specific number of jobs, in a specific sector, for a limited time-period and, if appropriate, in a specific region without the need for an individual assessment. Moreover, the national provisions shall lay down in detail the criteria according to which applications for work permits shall be ranked when the number of applications received outnumber the published number of jobs. In similar vein, Member states shall consider in the first place applications from citizens of countries with which accession negotiations have been started.³⁹⁸

In the previous main chapter, we already discovered the criteria for an ideal European. If these third country nationals categorized above choose to integrate fully into the EU society, they have to accept the values the ideal European embraces. I argue that typification only reduces tension, but does not remove Otherness. The only way to diminish this is to identify oneself with common elements. Since the only common elements in the EU are its values, the immigrants' only successful means to integrate into the EU world society is to identify oneself with these values.

³⁹⁶ COM(2001) 386, Article 2.

³⁹⁷ See page 52.

³⁹⁸ Proposal COM(2001) 386.

10.3. European Civic Citizenship

If immigration to the Union increases as planned, the continued exclusion of 3rd country nationals from the benefits of free movement and the Union citizenship might lead to a sharp increase in undeclared work. A social dimension that treats equally both citizens and immigrants is therefore needed. Kostakopoulou for instance sees the accession of 3rd country nationals directly to Union citizenship on the basis of domicile an attractive policy option since it would not result in loss of their nationality.³⁹⁹ This would provide greater flexibility than the Commission claimed for above.

Surprisingly, the concept of possible post-national citizenship suggested by Delanty occurs also in communications, for the first time in 2000 and again this June 2003. According to the Commission the Charter could provide a reference for the concept of *civic citizenship* that comprises a common set of core rights and obligations for third country nationals.⁴⁰⁰ The Stockholm European Council suggested that in longer term it might be possible to offer a civil citizenship based on the EC Treaty and inspired by the Charter of Fundamental Rights, defining a set of rights and duties for third country nationals.⁴⁰¹ The idea here is that enabling migrants to acquire such a citizenship after some minimum standard of time, it might be a sufficient guarantee for many migrants to settle successfully into the society.⁴⁰² The Commission notes that the new constitutional agreement should provide tools, which would enable the creation of new civic citizenship. Particularly this is related to the possibility of participate the local political activities. The Commission worked on these aims with the Convention and will continue it in the next intergovernmental conference.⁴⁰³

From these arguments, it is possible to conclude that the question of civic citizenship will be a very topical issue in the close future. It would be interesting to follow how this idea would be presented in the next intergovernmental conference and to study the reasoning behind it. How far would the third country nationals' rights extend with this kind of 'expended' citizenship and how the difference would be made in relation to other 'real' EU citizens?

³⁹⁹ Kostakopoulou 2001, 104-105.

⁴⁰⁰ COM(2000) 757, 19-20.

⁴⁰¹ Stockholm European Council 23-24 March 2001, Factsheets, 44. A.

⁴⁰² COM(2000) 757, 19-20.

According to the Commission's plans, the future of the EU seems to include increasingly the third country nationals and the Union intends to advance the integration of these people into the EU world society. In the Charter the Union preserves a collection of values and most of these values appear also in the Community immigration policy. Clear focus in the CIP is, however, on equality and responsibility without forgetting the economic objectives. Perhaps the new form of EU citizenship would make it possible to concretise all these different values and aspirations.

11. TWO NATIONAL POLICIES: GERMANY AND FINLAND

The Commission's plans of the Community immigration policy seem rather ambitious and revolutionary. Immigration is a sensitive issue that touches profoundly the sovereignty of states. Especially the idea of civic citizenship may generate political debates. For these reasons I shall discuss here shortly the readiness of two EU Member states to these changes. In part, my decision to choose these two countries was influenced by their size. Germany represents one of the largest Member states of the EU and Finland is one of the smallest states in Europe. On the other hand, their immigrant history is different as well. Germany has welcomed thousands of guest workers in the past, but has simultaneously confronted problems with integration of third-country citizens. Finland on her part has no past as an immigrant nation. Current situation where foreign labor force may be needed is new for Finland and therefore the country follows closely the development of the Community immigration policy on the Union level. Both states have, however, strong cultural ties and heritage to certain regions. Finland for instance has a preferential immigration policy for the "Finnish returnees" from the former USSR. The questions here are what kind of values Germany and Finland reveal in their own national immigration policies and how ready these two countries are to the future development of EU world society?

The admission of third country nationals is regulated by the Foreigners Act and several work permit ordinances in Germany. The aliens' office (Ausländerbehörde) is responsible for residence permits and labour offices (Arbeitsämter) for granting working permits. The German immigration policy has been restrictive since 1973, but

⁴⁰³ KOM(2003) 336, 29.

the approach is changing to be more flexible in the future especially concerning the admittance of highly qualified employees.⁴⁰⁴

A new migration law has been in process in Germany since 2001, when the draft was endorsed by the Federal Cabinet. The Immigration Act did not, however, win a majority vote in the Bundesrat and the Federal Constitutional Court rejected the draft on formal grounds. Hence it did not come into force in January 2003 as planned. “The Act would have provided Germany with the most up-to-date immigration law in Europe” stated Federal Minister of the Interior Otto Schily. It would have improved essentially Germany’s business competitiveness since offered improving flexibility of working opportunities for the highly qualified, improvements in research and trade and industry. It also attempted to simplify the laws on residence and streamlined the asylum process.⁴⁰⁵ By applying “one-stop-shop” procedure the government desired to guarantee a quicker and more transparent procedure. The former two stage approval procedure (work permission and residence permission) that was required for limited employment stays would have been replaced by an internal procedure of consent.⁴⁰⁶ Political goal was to create flexible instruments for demand-oriented management of immigration, enhance conditions for integration and to “strengthen European suitability in view of progressive Europe” as the www-page of the Federal Ministry of the Interior phrases.⁴⁰⁷

Particularly in labor migration the new law would have set clear criteria. Highly qualified persons are most desired candidates for Germany indicate the documents of the bill. Furthermore, minimum requirements for all labor immigrants are that the person is able to earn a living, but additional criteria are age, qualifications and ties with Germany and the country of origin.⁴⁰⁸ Already today principles of German work permit authorization have some exceptions in generally tight admission in a so called category of “privileged foreigners”. This has included the prominent special admission of IT-experts that planned to admit up to 20.000 IT-experts particularly from India and Former Soviet Union to fill the gap in German industry in five years between 2000 and 2005.⁴⁰⁹ Additionally, Germany has bilateral agreements with several central and

⁴⁰⁴ Christen in Geneva 11-12 April 2002, 2.

⁴⁰⁵ “Federal Government plans to submit Immigration Act once again for adoption” 2002/12/19.

⁴⁰⁶ Christen in Geneva 11-12 April 2002, 5.

⁴⁰⁷ Federal Ministry of the Interior, *Information on the immigration bill and statements on individual critical points* [www-document].

⁴⁰⁸ Ibid.

⁴⁰⁹ “Green Card für Spezialisten wird ausgeweitet” 2001/11/01; „Deutschland ist attraktiv für indische IT-Experten“ 2000/06/07.

Eastern European countries for facilitating the entries of guest workers, border commuters and contractual workers.⁴¹⁰

In January 2003 the Federal Cabinet decided to reintroduce the draft Immigration Act to the legislative process via the German Bundesrat. There are no changes to be made to the bill and Minister Schily has stressed that the Immigration Act still enjoys support of all social groups. The Conciliation Committee is expected to agree on the bill at any time now.⁴¹¹

In conclusion, Germany is seeking for a more flexible approach that would meet particularly the needs of labor market. All parties agree that Germany needs immigration; the question is only how to manage it. Minister Schily desires to build a system that would have several doors for entries and would possibly decrease illegal immigration and the misuse of asylum system.⁴¹² High unemployment rate, however, may set barriers to the movement of people in future as well as the significant labor migration from Eastern European countries after the enlargement of the EU.⁴¹³ Germany's obvious aim is to guarantee the supply of skilled and temporary labor and this indicates that the primary interest of the German immigration policy is economical.

Germany seems to follow the example of the Commission. The German immigration policy does not make, however, any reference to the Charter or any other source of EU values. Nevertheless, responsibility is belongs it centrally, which is shown by the plans to improve the asylum system, enhance humanitarian protection and better integration of immigrants.⁴¹⁴

Similarly to the aims of Germany, Finland's political program on immigration and asylum underlines that controlled increase in immigration is desirable. The program emphasizes the same positive aspects of immigration than Vitorino above: enriching impacts on economy and culture.⁴¹⁵

⁴¹⁰ Christen in Geneva 11-12 April 2002, 4.

⁴¹¹ "Immigration Act: legislative process starts afresh" 2003/01/16.

⁴¹² Otto Schily at ZDF 18 Oct 2001.

⁴¹³ Christen in Geneva 11-12 April 2002, 7.

⁴¹⁴ Federal Ministry of the Interior, *Information on the immigration bill and statements on individual critical points* [www-document].

⁴¹⁵ Maahanmuutto- ja pakolaispoliittinen ohjelma, Johdanto [www-document].

In the Finnish immigration program the immigration of skilled and specialized persons is encouraged. The procedures of working permit admissions will be integrated to the general labor policy as a whole in the future.⁴¹⁶ The entry criteria for employment purposes include currently profession, education, language skills and ties to Finland. Temporary immigration for employment is promoted especially from the adjacent areas.⁴¹⁷ The Ministry of Labor has realized, however, that the forthcoming enlargement of the EU will change the movement of labor. Thus it emphasizes that Finland needs to search for other immigrant sources as well. Naturally Russian citizens are possible employees especially for temporary demand, but Finland may need to prepare to recruit from other third countries, such as populous Asian countries but also Balkan states in Europe. Another significant labor reserve for Finland would be the exterior Finns, *ulkosuomalaiset*, 1,3 million Finns that currently reside abroad.⁴¹⁸

The Confederation of Finnish Industry and Employers (TT) emphasizes in its recent research that flexibility in labor migration is an important asset that Finland needs to use to be able to ensure both the supply of labor force and competitiveness in the future. Until now the country has not had any policy for labor immigration since migration has been based on other grounds. The research stresses that a workplace is often the best place for integration into society.⁴¹⁹ Another labor organization, the Finnish Confederation of Salaried Employees (STTK) has come out against the selective recruiting of skilled labor that the Ministry of Labor has been preparing. STTK argues that accretion of labor should happen simultaneously in all sectors so that generation of certain foreign sectors can be prevented.⁴²⁰

An important part of the Finnish immigration policy is the flexible and efficient integration of immigrants, returnees and refugees to the society. The program emphasizes the importance of maintaining one's own native tongue and culture. Furthermore, the Finnish immigration policy is clearly formed in the spirit of solidarity and equality, since it makes a reference to the Charter of Fundamental Rights and emphasizes immigrants' rights to be "treated as equal members of the society". Interestingly, it also states that in the future immigrants and their organizations can

⁴¹⁶ Työhallinnon julkaisu nro 263, 3.2.

⁴¹⁷ Maahanmuutto- ja pakolaispoliittinen ohjelma, 5.4. [www-document].

⁴¹⁸ Työministeriön raportti 2003, 48.

⁴¹⁹ Teollisuus ja työnantajat 2003, passim.

⁴²⁰ "VAKL patistaa ammattiliittoja huolehtimaan maahanmuuttajista" 8.4.2003.

participate in the decisions making that concerns them.⁴²¹ Furthermore, Finland attempts to promote the rights of third country nationals residing legally in the EU to be more similar to those of [EU] citizens also in social security and in local politics.⁴²²

Related to asylum, Finland recognizes her global responsibility in respond to the humanitarian needs by providing an asylum system that is according to the international standards, but that prevents misuse of this system.⁴²³ Finland aims to make the movement of [EU] citizens easy and flexible, but to protect also the external borders of the Union by cooperation with adjacent areas and other European states.

It can be interpreted that the decision makers in Finland desire transform the country gradually to more diversified and tolerant nation. The Finnish immigration program highlights the values of the Charter and follows closely the plans of the Commission. Therefore, a general opinion that Finland is one of the most “enthusiastic students” in the European Union, seems accurate in this case.

Both national policy cases point out, however, that the Community immigration policy deals well with the immigration issues that are concerns of Member states. Reciprocally, both Germany and Finland appear to be prepared for measures that the Community immigration plans entail.

PART FOUR: CONCLUSIONS

12. THE FUTURE OF EUROPE FROM AN IMMIGRANT’S PERSPECTIVE

Immigration may be a ‘blessing’, because it forces a rethinking of community itself and exposes the artificial binary oppositions between Us and Them. The agreements made on immigration on the regional level will continue to contribute to the way individuals define the limits of their society. The immigration policy decisions may transform the identification processes and images of who belong to ‘Us’.

⁴²¹ Maahanmuutto- ja pakolaispoliittinen ohjelma, Johdanto. [www-document].

⁴²² Ibid, chapter 3.5.1.

⁴²³ Ibid, chapter 4.

In this dissertation the English school has demonstrated its explanatory power as an approach that underlines the importance of shared values in an international society. The recent work of Diez and Whitman focuses on the role of the European Union as a society of both states and peoples. They make an interesting case of the EU as a specific subsystem in the current international system in which societal elements are stronger than in any other international society. The Charter of Fundamental Rights proves that the EU regional international society is essentially rights-based in Grotian sense. In this society states and people are bound by the recognition of their common values.

The established values of the European Union are dignity, freedom, equality, solidarity, citizen's rights and justice that are evident in the Charter of Fundamental Rights and the Treaty Establishing the European Community. Some of these values can also be found in the Community immigration policy documents, where especially equality is underlined. Thus the societal dimension of the EU society is present in the CIP documents.

Values are conceptions of desirable. Therefore one may argue that an ideal European should respect the norms of society and behave in accordance with all these values. On the other hand, the documents in question emphasize the importance of greater flexibility in labor movement that is one of the core objectives of European integration.

Today, instead of having one collective identity, the EU world society consists of great variety of particular identities. Since it is argued that political integration requires a sense of community and a shared identity Europe has to constitute a collective identity that embraces collective values. In several steps I have suggested that the European identity is possible to form without unifying myths or traditions since there is no common heritage or past due to the pluralist character of today's Europe. The idea of Europe has to be built on pluralism and the fundamental values of the Charter. New Europe can arise without myth and memory.

We can try to form our own identity by reflecting ourselves from the Others or by typifying the third country nationals, but essentially the typification is only a means to reduce tension, in this case between the residents of Europe. Today characterizations are based on the economical needs, later they may take place in different forms. Furthermore, I am not convinced that the typification is the only mean to facilitate the

integration of third country nationals since it does not remove the Otherness. Instead the way to adapt oneself to a new society is to identify with its common elements. Since the only common elements in the EU are its values, the immigrants' only successful means to integrate into the EU world society is to identify with these values. Identification with common values breaks the walls that nationalities, cultures, religions, languages and attitudes construct.

This is why my last step is to conclude by arguing that the EU has to look for a more normative approach to the identity dilemma and consider transforming the EU citizenship. Since the EU world society is as heterogeneous as it is, a normative identity such as the post-national citizenship should be created. It should not be based on traditional nationalities, but rather on the principle values of the Union proclaimed in the Charter of Fundamental Rights and the residency in the Union. The documents divulged that the European Commission does not wish to create 'two gear' European society made of first and second class citizens. Instead it desires to offer a norm, the civic citizenship, that could unite people by a common set of core rights and obligations and enable the integration of the third country nationals into the EU society. I argue that this norm could function as a basis for a new European identity.

Even though the Commission's immigration plans seem rather ambitious, the German and Finnish immigration programs evince that in fact the current Community immigration policy plans deal quite well with the concerns of the Member states. The most important objective of the EU and the Member states appears to be increased flexibility. I will leave it to another thesis or dissertation to consider, however, whether the EU desires to open its markets for alien service suppliers only because of its needs or because of the requirements from elsewhere. On the other hand, the collective values of the EU do not appear as straightforwardly in these national policies as they do in CIP documents. Finnish immigration program emphasizes, however, the principle of equality and it even makes a reference to the Charter of Fundamental Rights.

The implications of this argument are such that it is worth briefly rehearsing them here. I have argued that since the EU is a pluralist world society, identification with dubious myths or symbols does not bring the citizens closer to the Union. I suggested instead that the identification should be based on collective values that are declared in the Charter. Particularly I argued that Otherness could be diminished only by underlining

the importance of these values to all residents of the Union. Similarly, I argued that the identification with common values would reduce dichotomies between Us and Them. Finally I argued that the new normative concept of EU citizenship that would comprise the common values and the residency of the EU would be a feasible solution. I hope I have been able to argue convincingly that this post-national citizenship should include equally all legal residents in the Union.

As I already said before, it would be interesting to follow how the idea of new post-national citizenship will evolve in the Union. Further studies could consider the question how far the third country nationals' rights could extend in comparison to those of citizens. Secondly, it would be fascinating to study more carefully the readiness of different Member states to respond to the Commission's aspirations. The Community immigration policy is a constantly evolving process that will continuously give themes for research.

The discussion on Community immigration policy continues today, four years after the Tampere European Council. The future of Europe is a more topical question now than never before. Immigration plays a significant part in the discourse since Europe obviously needs immigrants, but with the conditions it wants to define itself. While writing these conclusions in Geneva in Midsummer 2003, the heads of European states are negotiating on these issues once again, this time in Thessalonica. Perhaps already in the next intergovernmental conference the decision-makers of the EU will be able to discuss the reformation the EU citizenship while reconsidering the legal status of the Charter. Inevitably, the future of the EU should include equally all legal residents of the Union.

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International Organization for Migration:

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United Nations High Commissioner for Refugees:

www.unhcr.ch

World Trade Organization

www.wto.org

ATTACHMENTS

Attachment 1: SOME EXAMPLES OF THE OTHER IN EUROPE

<u>France 6.2%</u>	<u>Germany 9%</u>	<u>Spain 2.0%</u>	<u>Finland 1.8%</u>
Algeria 1.0%	Turkey 2.6%	Morocco 0.4%	Ex-USSR 0.7%
Portugal 1.0%	Yugoslavia 0.9%	Latin America 0.2%	
Morocco 0.9%	Italy 0.7%	United Kingdom 0.2%	

Source: Le Magazine, 16/2002, European Commission, Directorate-General for Education and Culture, at http://europa.eu.int/comm/dgs/education_culture/mag/16/mag_en.pdf, 16 March 2002.

Attachment 2: TAMPERE EUROPEAN COUNCIL 15 AND 16 OCTOBER 1999, PRESIDENCY CONCLUSIONS

A. A COMMON EU ASYLUM AND MIGRATION POLICY

10. The separate but closely related issues of asylum and migration call for the development of a common EU policy to include the following elements.

I. Partnership with countries of origin

11. The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development.

12. In this context, the European Council welcomes the report of the High Level Working Group on Asylum and Migration set up by the Council, and agrees on the continuation of its mandate and on the drawing up of further Action Plans. It considers as a useful contribution the first action plans drawn up by that Working Group, and approved by the Council, and invites the Council and the Commission to report back on their implementation to the European Council in December 2000.

II. A Common European Asylum System

13. The European Council reaffirms the importance the Union and Member States attach to absolute respect of the right to seek asylum. It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement.

14. This System should include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status. It should also be completed with measures on subsidiary forms of protection offering an appropriate status to any person in need of such protection. To that end, the Council is urged to adopt, on the basis of Commission proposals, the necessary decisions according to the timetable set in the Treaty of

Amsterdam and the Vienna Action Plan. The European Council stresses the importance of consulting UNHCR and other international organisations.

15. In the longer term, Community rules should lead to a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union. The Commission is asked to prepare within one year a communication on this matter.

16. The European Council urges the Council to step up its efforts to reach agreement on the issue of temporary protection for displaced persons on the basis of solidarity between Member States. The European Council believes that consideration should be given to making some form of financial reserve available in situations of mass influx of refugees for temporary protection. The Commission is invited to explore the possibilities for this.

17. The European Council urges the Council to finalise promptly its work on the system for the identification of asylum seekers (Eurodac).

III. *Fair treatment of third country nationals*

18. 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. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia.

19. Building on the Commission Communication on an Action Plan against Racism, the European Council calls for the fight against racism and xenophobia to be stepped up. The Member States will draw on best practices and experiences. Co-operation with the European Monitoring Centre on Racism and Xenophobia and the Council of Europe will be further strengthened. Moreover, the Commission is invited to come forward as soon as possible with proposals implementing Article 13 of the EC Treaty on the fight against racism and xenophobia. To fight against discrimination more generally the Member States are encouraged to draw up national programmes.

20. The European Council acknowledges the need for approximation of national legislations on the conditions for admission and residence of third country nationals, based on a shared assessment of the economic and demographic developments within the Union, as well as the situation in the countries of origin. It requests to this end rapid decisions by the Council, on the basis of proposals by the Commission. These decisions should take into account not only the reception capacity of each Member State, but also their historical and cultural links with the countries of origin.

21. The legal status of third country nationals should be approximated to that of Member States' nationals. A person, who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens; e.g. the right to reside, receive education, and work as an employee or self-employed person, as well as the principle of non-discrimination vis-à-vis the citizens of the State of residence. The European Council endorses the objective that long-term legally resident third country nationals be offered the opportunity to obtain the nationality of the Member State in which they are resident.

IV. *Management of migration flows*

22. The European Council stresses the need for more efficient management of migration flows at all their stages. It calls for the development, in close co-operation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings. A common active policy on visas and false documents should be further developed, including closer co-operation between EU

consulates in third countries and, where necessary, the establishment of common EU visa issuing offices.

23. The European Council is determined to tackle at its source illegal immigration, especially by combating those who engage in trafficking in human beings and economic exploitation of migrants. It urges the adoption of legislation foreseeing severe sanctions against this serious crime. The Council is invited to adopt by the end of 2000, on the basis of a proposal by the Commission, legislation to this end. Member States, together with Europol, should direct their efforts to detecting and dismantling the criminal networks involved. The rights of the victims of such activities shall be secured with special emphasis on the problems of women and children.

24. The European Council calls for closer co-operation and mutual technical assistance between the Member States' border control services, such as exchange programmes and technology transfer, especially on maritime borders, and for the rapid inclusion of the applicant States in this co-operation. In this context, the Council welcomes the memorandum of understanding between Italy and Greece to enhance co-operation between the two countries in the Adriatic and Ionian seas in combating organised crime, smuggling and trafficking of persons.

25. As a consequence of the integration of the Schengen acquis into the Union, the candidate countries must accept in full that acquis and further measures building upon it. The European Council stresses the importance of the effective control of the Union's future external borders by specialised trained professionals.

26. The European Council calls for assistance to countries of origin and transit to be developed in order to promote voluntary return as well as to help the authorities of those countries to strengthen their ability to combat effectively trafficking in human beings and to cope with their readmission obligations towards the Union and the Member States.

27. The Amsterdam Treaty conferred powers on the Community in the field of readmission. The European Council invites the Council to conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries. Consideration should also be given to rules on internal readmission.

Attachment 3: TREATY ESTABLISHING THE EUROPEAN COMMUNITY. TITLE IV, VISAS, ASYLUM, IMMIGRATION AND OTHER POLICIES RELATED TO FREE MOVEMENT OF PERSONS, ARTICLE 63.

The Council, acting in accordance with the procedure referred to in Article 67, shall, within a period of five years after the entry into force of the Treaty of Amsterdam, adopt:

1) measures on asylum, in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and other relevant treaties, within the following areas:

- (a) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States,
- (b) minimum standards on the reception of asylum seekers in Member States,
- (c) minimum standards with respect to the qualification of nationals of third countries as refugees,
- (d) minimum standards on procedures in Member States for granting or withdrawing refugee status;

(2) measures on refugees and displaced persons within the following areas:

- (a) minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and for persons who otherwise need international protection,
- (b) promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons;

(3) measures on immigration policy within the following areas:

(a) conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits, including those for the purpose of family reunion,

(b) illegal immigration and illegal residence, including repatriation of illegal residents;

(4) measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States.

Measures adopted by the Council pursuant to points 3 and 4 shall not prevent any Member State from maintaining or introducing in the areas concerned national provisions which are compatible with this Treaty and with international agreements.

Measures to be adopted pursuant to points 2(b), 3(a) and 4 shall not be subject to the five year period referred to above.