

Dora Kostakopoulou —

Citizenship, Identity and Immigration in the European Union

Manchester, UK; Manchester University Press, 2001, 214 pages.

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The central thesis of this book is that rethinking citizenship is necessarily linked to doing the same for migration or immigration policies. In making this case, Kostakopoulou brings to bear an impressive interdisciplinarity—an approach that is critical, and increasingly recognised as so, if new forms of governance are to be understood fully.

Her book provides a theoretical understanding of European Union citizenship and migration policy and a set of proposals for institutional reform. Both forms of rethinking arise from the inadequacy of conventional versions of concepts—in different disciplines—for a proper understanding of developments in the EU. The book examines the conditions of possibility for a European identity and provides a theorization of it, constructed on the basis of a "European Home" which transcends the limits of the traditional nationality model and which takes account of difference. It considers which norms and institutions would be appropriate to the accommodation of heterogeneity and inclusiveness. Thereafter, she evaluates legal and political steps taken in the EU toward an institutionalization of European identity at different stages of integration. Here, the argument is that, despite some innovative thinking in the European Parliament, other institutions were beset, not only by practical constraints, but also by incoherent intellectual approaches both to citizenship within the EU and to wider migration issues. Here, the book demonstrates the trade-offs made between common policies for freedoms for intra-community migrants and intergovernmental controls on migration across external frontiers. In proposing what EU policy-makers might do differently, Kostakopoulou constructs a theory of European citizenship, based on seven propositions relating to: multiple identifications and the significance of domicile; social membership in which structures of inequality are not ignored; a language of rights which includes individual empowerment; participation and democratic decisionmaking; social justice; justice and critical responsibility; and willingness to accept that political life is contestable. She also proposes a Charter on migration and refugee policy and committant institutions. The various strands are brought together in a more meta-level discussion of "the mutually constitutive relationship between institutional reform and the construction of political selves."

As noted, the central thesis of the book links citizenship with migration policy. In its chapter on an alternative to "Schengenland," the book provides significant analytical and illustrative arguments that challenge conventional ideas about the links between shared nationality and rights to conserve national cultural and social habits and habitats—that mean, conversely, that the positive economic and cultural benefits of migration are largely overlooked. A second important feature of the book is its originality in how it brings together institutional reform and the construction of "political selves." Here, it provides a Heidegger-inspired account of territory, sovereignty, nationhood, space and individuals in order to provide a basis for a democratic discourse about life in the EU. In so doing, Kostakopoulou shows that the latter "does not need to be grounded on foundational myths, traditions and *thick* attachments."

Kostakopoulou modestly points out that her book is not intended as a "blueprint for the European polity." Rather, in articulating "a menu of concepts and propositions, typologies and policy options," she wants to provoke debate and reflection. The book's many strengths mean she will certainly succeed.

Citizenship, Identity, and Immigration in the European Union: Between Past and Future

Theodora Kostakopoulou
Manchester University Press, 2001
HBK: ISBN 0719059984 £40.00
pp. 214 (including: bibliography, index)

Citizenship, Identity, and Immigration offers an introduction, an overview and proposals for reform on citizenship and immigration policy in the context of European integration. Beyond that, it aims to develop an approach to 'constructive citizenship' with the twofold goal of applying normative critical thought towards developing proposals for institutional reform. This two-tiered perspective is labelled a 'constructivist' approach (p. 2). While taking a critical stance that aims at rigorous scrutiny of current theory and practice of citizenship, the book maintains an optimistic tone. Expectations for change in the area of citizenship are based on the particularity of the emerging European polity as one that stems from a process of institution building which is *in flux*. In a nutshell, and following a number of other works on citizenship published in the 1990s, Kostakopoulou takes the unfinished European polity's key features of process and pluralism as the cornerstones for her work. The novelty of this book is the ambition to develop a normative new 'political theory of European integration' (p. 5) that is not limited to a politico-theoretical debate on democracy and legitimacy

but that strives to make concise proposals for institutional reform as well. Taking process as the key issue for both theory and practice, the book finds 'that there are good reasons for thinking about things differently and for considering alternative institutional designs which are both normatively justified and feasible' (p. 65). More specifically, Kostakopoulou seeks to elaborate and justify a normative political theory of European integration based on changed concepts and practices of citizenship and immigration. Her concern is with prevailing unequal power relations generated by structural conditions of inequality brought about by race and gender relations. If there is no institutional change which specifically attempts to undermine these conditions of inequality, she contends, they will stabilise, hence her plea to grasp the chance and 'engage in normative theorising on the emergent institutional designs of European citizenship and immigration' now (p. 1). As a project, this approach means identifying the key features of constructive citizenship. It is addressed in seven chapters. Similar to the actual development of citizenship policy in the European Union (and previously in the European Community), the book begins with discussions of European identity and democracy, its importance in general, its emergence in the process of European integration, as well as the difficulty of making sense of the concept in a non-state realm. Here both theoretical and institutional perspectives (Chs. 1, 2) are offered at first, followed by selected references to the debate over citizenship that is not bound to the nation-state. In particular, she examines the legal case material on citizenship in the EU (Chs. 3, 4). The second half of the book entails at times more rigorously elaborated theoretical perspectives including 'propositions for constructive citizenship in the European Union' (Ch. 5), an 'alternative framework for a European migration policy' (Ch. 6) and 'Heideggerian insights' on 'dwelling, boundaries and belonging' (Ch. 7).

Despite the impressive display of theoretical knowledge and imagination as well as the application of a detailed expertise in European case law, this book, while provocative in its core argument, is likely to generate more questions than answers, given the somewhat idiosyncratic approach to existing debates and the resulting incoherence in theoretical and methodological clarity, explanation and detail. Particularly, those who have been following the respective debates in the manifold academic fields touched by the ambitious argument, including political theory, historical sociology, comparative politics and European integration studies and law will feel that methodological and theoretical terminology is used in a way which stretches beyond the challenge of interdisciplinarity towards an eclecticism that unnecessarily undermines the otherwise strong philosophical and empirical knowledge conveyed in this book. Yet, it is perhaps the author's readiness to engage with the challenge of interdisciplinarity that any academic studying the European Union is faced with (and few dare to take on) that contributes to the times puzzling, if always interesting and provocative, reading. The overwhelming breadth of theory, ranging from scratching the surface of debates over European integration theory and European citizenship, to engaging more deeply with general theories of citizenship and proposals for migration policy – the strongest chapters of the book – to the final and unexpected turn towards Heidegger's notion of 'dwelling' as a basis for capturing the European Union's complex notion of belonging amongst and despite diversity (p. 160-164), leaves the reader to uncertain as to the major theoretical thrust of the book. While the reference to Heidegger is not necessarily misplaced, after all, the Heideggerian turn sustains the book's core argument that 'belonging in the Union is not only multiple and flexible, but is also critical and transformative' (p. 163), it still comes as a surprise and is then left relatively unexplored.

The fact that some of the chapters are relatively dated, including, for example the, albeit revised, re-publication of several previously published articles in the book as well as reference to material generated by a doctoral dissertation submitted in 1995 may have prevented a focus and in-depth exploration of some of these questions. Still, a more structured approach to presenting the important and innovative argument at the book's core, laying out the author's normative approach to constructive citizenship based on process and pluralism and an inherent *Herrschaftskritik* would have done both author and readers great service. However, there is no doubt that this book is likely to take the debate further and make an interesting additional reading for postgraduates and scholars.

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THE GLOBAL REVIEW OF ETHNOPOLITICS
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gration. Milada Anna Vachudova argues that such candidates are expected to demonstrate their willingness and ability to serve as gatekeepers for the expanding EU, which creates additional costs and considerations for membership. For example, Roland Freudenstein notes that Poland faces a dilemma in that to gain EU admission it must tighten its borders while avoiding damaging its valued relationship with Ukraine. Nevertheless, Rey Koslowski argues that tighter border controls have not reduced the flow of illegal migrants; rather they have led to a growing illegal industry in human smuggling. Leszek Jesien, head of negotiations for Poland's EU membership, stresses that national borders continue to determine national membership through inclusion and exclusion. A variation on exclusion can exist, as John Torpey notes that non-citizen residents in many nations are accorded some but not all the rights of membership, especially political ones.

Globalisation has not led to the demise of the nation-state; instead greater migration flows and the need for more porous borders have created a demand for a greater security role for governments. However, as noted by Gallya Labov and Virginie Guiraudon, the nation-state has also begun relying on the private sector, local governments and transnational organisations to play a significant role in controlling unwanted border crossings. Co-editor Timothy Snyder argues that 'a wall around the West' is being built as the US and the EU selectively allow greater ease of entry for global factors that enhance economic well-being while limiting migration. Still this will be a difficult task, as co-editor Peter Andreas suggests, in terms of gaining political support. Globalisation has brought the world closer in terms of communications and production, but it may also be creating and maintaining divisions that cut across cultures, classes and ethnicity. This is a well-edited volume that is useful for students to begin thinking about such questions and is highly recommended for courses focusing on immigration, globalisation, and international relations.

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Dora Kostakopoulou, *Citizenship, Identity and Immigration in the European Union: Between Past and Future*

Manchester: Manchester University Press, 2001,
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The author sets out to find a political theory for the European Union, based on the idea of Europeaness. Here she launches a debate on the

position of third-country nationals and immigration policy within the EU. She sees a direct relationship between the constructivist concept of European citizenship she proposes and the development of a positive and open approach to immigration within the EU. Her thesis is that the present migration policy is in contradiction with the idea of European citizenship to which, nevertheless, Europe owes its growing common feeling of Europeaness.

It seems to me that the book is effectively divided into two parts: Chapters 1 through 3, which contain an analysis of the growth process of the EU; and Chapters 4 through 7 in which the author develops her alternative vision of European citizenship, identity and immigration. In the first three chapters, Kostakopoulou shows how two levels of citizenship are gradually arising within the EU, the first echelon in which the various national levels move, and the second, specifically European level. The complementarity between the two citizenships, the national and the European, moreover, is recognised in the Treaty of Amsterdam. In the next four chapters, the author sets out in search of a philosophy of Europeaness, which brings her ultimately to Heidegger's *Dasein* and *Geworfenheit*. Europeaness stands for an inclusiveness whereby one attempts to transcend the national levels, which contrasts sharply with the exclusionary ideologies of the various member states. This ideology of exclusion, which is so typical for the individual European countries and the policy of their leaders, finds its primary expression in the exclusionary immigration policies that are increasingly being imposed on the EU Commission by the Council.

In Chapters 1 through 3, the author shows how a 'feeling of togetherness' is not necessarily an essentialistic 'given reality' but can also be a new construct that is a derivative from the operation of the newly-established European 'shaping institutions'. The author here has in mind the operation of the Commission and the European Court of Justice (ECJ) and also, to a lesser degree, of the European Parliament. In my opinion, the author succeeds in demonstrating her insight that Europe will be a 'co-operative federalism without a state' with 'strategically interacting levels of government', and that Europeaness, represented by the Commission and the ECJ, is in principle situated in a continuous 'transcendence of the nationality models of citizenship' as represented by the Council and the Intergovernmental European Conferences. The thus-created field of tension places 'civic inclusiveness' (say Kantian universalism) in opposition to the Council's 'exclusionary', national-ethnic model of identity. However, the author holds that this is not a static fact but a process.

At a certain point, this balance was disturbed – after ‘Schengen’ this has become more obvious – namely, where it concerns the European positions as regards the problem of third-country nationals and the attitude towards the ‘extra-communitarian’ new immigrants. The Commission, which should guarantee an ‘inclusive’ and ‘civic’ universalistic identity, has been taking up the ‘exclusionary’ logic of the Council for non-nationals. This is a 180° turn with respect to the specific European identity that it has always defended and that was never ‘exclusionary’ until Schengen.

In the three first chapters, the author convincingly develops the theoretical framework of her vision. This framework could be even more strongly supported by the literature as far as her view of the administration (see the Commission) is concerned, for example, by referring to the positions of E. Weil (political philosophy) or G. Balandier (political anthropology). Her analysis of the interaction between the Commission and the Council is also very fascinating.

I was less convinced by the argumentation in Chapters 4 through 7. Chapter 4, ‘In search of a theory of European citizenship’, would, in my opinion, have done better not to rely so much on what is, after all, a rather limited amount of literature on the theory behind naturalisation concepts in certain countries of the EU. Chapter 5, which is intended to give her own constructivist approach to European citizenship, seems to derive little advantage from the insights presented in Chapter 4. Chapter 5, moreover, gives a good foundation for the need for granting the same rights to third-country nationals inside the EU as to the nationals. An equally compelling argument to link to this an open, new, and active immigration policy, however, I have not found, which is not to say that no such arguments exist. Also, a number of arguments developed in Chapter 6, in which the Schengen policy is criticised, will not be easily accepted by the supporters of this policy – such as, for example, when the author is of the opinion that ‘adherents of the “numbers argument” would have to demonstrate that ... the nature of immigration policy (i.e. its restrictive or liberal nature) correlates positively with variations in the number of admission applicants’. I think that one could really demonstrate this in some countries. Stronger – but I think that it could be better supported from the literature – is Chapter 7, where the author correctly argues for the transition from a ‘land ethic’ to an ‘ethic of dwelling’ in order to defend a ‘European identity in praxis’. In addition to Heidegger, the author could have appealed here to a broader philosophical literature in order to support this thesis, particularly to some of the literature on the

philosophy of law as it has been developed in the debate on the *jus soli* versus the *jus sanguinis* in certain member states.

These comments, however, should not at all be interpreted as a rejection of the general thesis of the publication, nor as a repudiation of the value of the arguments developed throughout all of the chapters. The book is truly fascinating and provides fruitful criticism of the policy within the EU, as it is becoming entrenched. The author succeeds very well in clarifying the institutional logic of the EU and shows that there is, indeed, a connection between concepts like European citizenship and immigration, as the two sides of one policy vision. This work is recommended for everyone who truly sympathises with a democratic Europe and, I hope, will be read by EU officials.

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Myron Weiner and Michael S. Teitelbaum, **Political Demography, Demographic Engineering** New York: Berghahn, 2001, 148 pp., £25.00 h.b. (ISBN1-57181-253-9)

This volume contains ten essays by the late Myron Weiner, whose book *The Global Migration Crisis: Challenges to States and Human Rights* was an eye-opener for many social demographers. Weiner was already seriously ill when working on this volume and died before the book was ready for publication. He had asked his friend and colleague Michael Teitelbaum to edit and complete the book, which he respectfully has done. So the present book is a joint effort of two authors who agreed very much on the subject, but it is of course impossible to say what the book would have looked like had the first author been able to complete it.

The relation between demography and policy-making is familiar but nevertheless highly complicated. Ideas about population and population developments have always played an important role in political rhetoric and often lead to more or less concrete policy measures. Demographic arguments seem to have a direct appeal to rulers and electorates, and can be divided into two kinds. The first kind is about seemingly objective facts such as numbers and densities. They form the background for measures to raise the level of fertility rates or just to induce people to have fewer children; measures to stimulate immigration or subsidising people to leave the country. The second group of arguments are about the kind of people; about skills, ethnic or even outright racist characteristics. In competition over land or other resources we witness ethnic

The Pro-European Reader, edited by D. Leonard and M. Leonard (Basingstoke: Palgrave, 2002, ISBN 0333977211); xiii+254pp., £16.99 pb; *The Eurosceptical Reader 2*, edited by M. Holmes (Basingstoke: Palgrave, 2002, ISBN 0333973763); xvi+296 pp., £18.99 pb.

These two books provide useful compilations for those with an interest in the everlasting debate over British participation in EU integration. Although they contain contributions from academic writers, among others, and would make valuable collections of sources for any course dealing with divisions of British opinion on Europe, the primary purpose of the editors is partisanship rather than scholarship. Martin Holmes, editor of the Eurosceptical collection is an academic political economist, but also a former Co-Chairman of the Bruges Group and a tireless campaigner for the cause. Dick and Mark Leonard, editors of the pro-European collection, have links with the Labour Party. Dick Leonard is a former MP turned journalist, while his son, Mark, is Director of the Foreign Policy Centre, a Blairite think-tank. Holmes and the Leonards start from the same premise that Europe is the most important political issue facing Britain today. They are committed to putting the case from their respective sides of the dispute.

As its title indicates, the Eurosceptical collection is the second of its type, following an earlier volume published in 1996. The aim of the first book had been to convey the breadth of Eurosceptical argument and to show that Euroscepticism transcended traditional divisions between left and right. The inclusion of speeches by former Labour and Conservative ministers alongside essays by senior academics and other publicists had served as a warrant for the legitimacy and the weight of Eurosceptical opinion. The new volume is shorter, with 13 chapters divided into two sets, dealing respectively with economic and political Euroscepticism. There are no extracts from speeches, and only two pieces by professional politicians (Peter Shore and John Bercow), while other chapters are provided by academic economists (Graeme as Brian Burkitt, Neill Johnson and Anthony Thirlwall), business economists (Graeme Leach, Keith Marsden), former civil servants (Sir John Coles, Sir Oliver Wright) or journalists (Christopher Booker, Russell Lewis). As Holmes points out, they reflect a spectrum of positions. In some instances the scepticism is primarily directed towards the euro and Britain's potential membership of it, while others are revisionists who want to roll back the EU, and others envisage possible withdrawal, either as a last resort after failure to reform the EU or as a desirable precondition for the dynamic role which they claim Britain could play after regaining its independence.

The pro-European collection is closer to the format of the first Eurosceptical reader, even surpassing it in the aim of symbolic display, despite being significantly shorter. It contains no fewer than 41 contributions apart from the introduction. Many of the pieces are therefore quite short. The first two of its four parts are chronologically ordered. They consist largely of extracts from speeches by British and other politicians from both left and right, ranging from Churchill, Schuman, Macmillan, John F. Kennedy, Wilson, Jenkins and Heath, to Kimock, Gorbachev, Havel, Delors, Howe, Heseltine, Major, Blair, Prodi and others. Part of Margaret Thatcher's 1988 Bruges speech, which had inevitably figured in the first Eurosceptical reader, is 'reclaimed',

somewhat mischievously but not unjustifiably, to show that it had also emphasized the strength of Britain's commitment to Europe. The third and fourth parts of the collection consist of opinion pieces by think-tankers, columnists, academics and intellectuals, such as Anthony Giddens, Yasmin Alibhai-Brown, Hugo Young, Peter Hall, Philip Dodd and Linda Colley. The essays in the third part share a constructively critical, reformist approach to political integration coupled with a preference for non-statist, non-federal models of what the EU should become. Those in the final section are reflections on diverse aspects of European identity in relation to sport, minority religion, cities, literature or personal experience.

Since I am not a Eurosceptic, I find the positions outlined in the pro-European reader more congenial than those in *The Eurosceptical Reader 2* but, having said that, the Eurosceptical collection is less disjointed and more solid than the pro-European one, because the chapters are long enough to allow the contributors to develop their arguments in some detail. Naturally enough, there is a particular emphasis on the case against British membership of the euro area. Prefaced by a political argument from Sir John Coles on Britain's potential loss of global influence, the economic case is the subject of several chapters, complete with arrays of empirical evidence, statistics and tables. Unfortunately, perhaps, there is nothing of comparable weight in the pro-European collection. The speeches and other extracts in the first two parts make the general case for European integration and/or British participation. It is rather depressing to be reminded of how often British political leaders have had to repeat broadly similar arguments, but some of the speeches still carry real force. For example, Tony Blair's speech on accepting the Charlemagne Prize at Aachen in September 1999 is impressive stuff. As for the essay sections, their discontinuity is sometimes frustrating but, taken individually, most of the think-pieces are lively and interesting. I particularly liked Hugo Young's personal statement of Europeanism. Both books are worth reading.

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Citizenship, Identity and Immigration in the European Union: Between Past and Future, by T. Kostakopoulou (Manchester: Manchester University Press, 2001, ISBN 0719059984); ix+214pp., £40.00 hb.

This carefully crafted and conscientious text seeks to make a contribution to thinking on European political integration generally by offering a theorization of Union citizenship and European immigration policy, and a set of proposals for institutional reform. Rather than presuming she can change the world, the author appropriately notes in the conclusion that she has set out concepts, propositions, typologies and options, a menu from which the academic or policy-maker can make selections, and a menu which at the very least will force any reader to rethink some basic assumptions about the role individuals play in the legal and political construct of the state.

The menu-style of the book is fine for those who agree on the importance of the subject at hand, but might be less appealing to those who need a push to get them thinking about citizenship in the first place. While this volume is trying to probe

complexities, some of which are noted in its opening chapter, it sometimes adds to those complexities by trying to deal with so very much in such a thorough way, but without a single, clearly articulated purpose. One of the reasons for the haze is perhaps the double-layered complexity the author is trying to take on. Citizenship is a complex concept meaning many things to many people. European integration is also an inherently complex subject. Taken together there is double the trouble, and this volume is trying to navigate through the layers, adding identity and migration (both also complex phenomena) to the mix. Sometimes the author is very successful: she offers a very useful and illuminating chronology of the institutional construction of European identity, for example. On other occasions the volume seems to add confusion by layering in descriptions of other authors' thoughts and theories, which is a shame.

One very important point made in this volume is the differentiation in treatment with regard to citizenship, identity and migration which the EU Member States operate for people with a long-standing family history within those states and people who have entered from beyond the Union. For those with the passport of an EU state the Union is almost a legal and political cocoon: for those from without, it is a battlefield for the achievement of entry and basic rights. This 'protective Union may well be a defective even one were to be heard, that would be an achievement indeed.

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The Political Economy of Competitiveness in an Enlarged Europe, by J. Pellegrin (Basingstoke/New York: Palgrave, 2001, ISBN 0333775724); xii+198pp., £50 hb.

The subject of outward processing traffic (OPT) between multinational corporations based in the EU and enterprises in eastern Europe has been relatively neglected in view of its importance. Julie Pellegrin has redressed this imbalance with a meticulous analysis of the process of OPT and its implications for the competitiveness of the ten accession states in central and eastern Europe (CEE-10). OPT principally involves the export of materials by EU manufacturers for processing in another country and re-export back to the EU. The measurement of OPT has been complicated by the reduction and elimination of EU tariffs and quotas on trade with the CEEC-10 which has removed the incentive for firms to record this form of operation as OPT to gain tariff, or quota, relief. Nevertheless it is apparent that the growth of OPT, which was not insignificant in the communist era, has been rapid since the collapse of communism and has resulted in the establishment of lasting supply relationships between multinationals and CEEC enterprises. OPT remains strongest in the clothing and textiles industry which accounted for 68 per cent of recorded OPT in 1997, but is also of growing importance in trade in electrical and mechanical machinery which accounts for 16.2 per cent of OPT. As a result it is proportionately more important for the major textile exporters including Romania where recorded OPT accounted for 24.4 per cent of exports to the EU in 1997, Lithuania (16.7 per cent), Bulgaria (14.3

per cent) and Poland (8.7 per cent) where over 80 per cent of trade in textiles and clothing was conducted under OPT arrangements. Germany is by far the largest EU participant in the process accounting for 70 per cent of OPT between the EU and the CEECs, including significant volumes of OPT in electrical machinery with Czech and Hungarian companies.

Pellegrin combines statistical measurement of OPT with an analysis of its significance for regional economic integration, and its relevance to international trade theory and relationships between states, enterprises and the EU. One major criticism to emerge is that OPT has replaced existing supply networks with inputs from the EU, thereby cutting out domestic suppliers, and has deprived domestic producers of choices over suppliers and hindered them from developing their own brand-named products. Furthermore, it is argued that by providing multinationals and enterprises in the CEECs with a method of avoiding (or reducing) tariffs and quotas that was not available to other forms of production and specialization, OPT effectively displaced alternative forms of trade and inter-firm collaboration. This has helped to create a dependency relationship between CEEC enterprises and multinationals in the EU which has survived after trade has been liberalized. Pellegrin has provided a thought-provoking analysis which is a welcome addition to the literature on trade relations between the EU and the CEECs.

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Developments in French Politics 2, edited by A. Guyomarch, H. Machin, P. A. Hall and J. Hayward (Basingstoke: Palgrave, 2001, ISBN 0333764552); xv+320pp., £15.99 pb.

Like other western European countries, France has undergone many conflicting changes since the 1980s. The early Mitterrand era saw the paradoxical combination of a shift towards greater pluralism in a variety of areas (cultural and ethnic, economic and social) and, on the other hand, the continued vigour of a voluntaristic political paradigm (undoubtedly kept alive by the Gaullist imprint on the state) and a centralized administration, inherited from the nineteenth century, and given a new lease of life in the post-war 'Keynesian' decades. Already visible to informed observers in the 1980s (if not well before), the tension between these poles lay behind much of the public malaise which characterized France in the 1990s. The merit of this book is to unravel many of the strands which constitute the development of France in this recent period from a public-policy perspective. This approach has two distinct advantages. First, it is able to identify the considerable continuity of policy from one government to the next. Second, it is disinclined to give way to the customary cant of French elites about the 'exceptionalism' of their nation, since, on this playing-field, comparisons are part of the game. Indeed, much of the thrust of this book is about the constraints imposed by the 'Europeanization' of policy-making at all levels in France. 'Developments 2' (which is an update of the 1990 and 1994 editions) brings together 14 chapters by ten acknowledged specialists from Britain, Canada, France and the USA under coherent editorship. While each chapter is self-contained, there is

- the alliance was successful (out of the eight where it participated), three CDU, two FDP and two DP candidates were elected. According to the *Landesproporz* system then in force, 17 MPs were to be elected in Hamburg in 1953, of which eight in SMDs and nine from party lists. The DP obtained 5.9% of the second votes cast in the *Land*, which would have entitled the party to one seat. Thanks to the electoral alliances, the party obtained instead two seats (in SMDs), and therefore was allocated a surplus seat. See James Pollock, 'The West German Electoral Law of 1953', *American Political Science Review* 50/1 (1955), pp.107-30.
28. In return for the support given to the Zentrum in one SMD, a CDU candidate was placed at the top of the Zentrum regional list, and he was elected.
29. The most illustrious victim of the 1953 electoral reform was the KPD. Interestingly, the party tried to exploit the possibility of obtaining seats via the alternative threshold by moving electors in a SMD (that of Remscheid-Solingen) in order to win that seat. The 1949 electoral law allowed electors to cast their vote (by presenting a certificate that they had to be away from their own district on that day) in any SMDs of their *Land*, and the 1953 electoral law extended this possibility to all SMDs of the country. (See Derek Urwid, 'Germany: Continuity and Change in Electoral Politics', in Richard Rose (ed.), *Electoral Behavior: A Comparative Handbook* (New York: Free Press 1974), pp.109-70.) The introduction of the postal vote in 1956, which allowed the elector to vote when away from her own district, but having her vote counted in her own district, rendered the tactic used by the KPD in 1953 unviable for the future.
30. Also its sixth seat (in district 131 - Marburg) could have been due to the electoral alliance between the DP and the Freie Volkspartei (FVP). This is more difficult to establish, however, given the small size of the latter group. See Statistik der Bundesrepublik Deutschland, *Die Wahl zum 3. Deutschen Bundestag* (Wiesbaden: Kohlhammer 1957), Heft 1, p.22.
31. Eckhart Lesse, *Wahlrecht zwischen Kontinuität und Reform* (Düsseldorf: Droste 1985), p.256.
32. Wolfgang Rudzio, *Das politische System der Bundesrepublik Deutschland* (Opladen: Leske & Budrich 3rd edn 1991), p.124.
33. In 1949 the groups representing the refugees expelled from the eastern regions that Germany had lost in the war were not admitted to participate into elections (see Richard Stöss, 'Einleitung: Struktur und Entwicklung des Parteiensystems der Bundesrepublik - Eine Theorie', in Stöss (ed.), *Parteihandbuch*, vol.1, pp.17-295).
34. Giovanni Sartori, *Parties and Party Systems* (Cambridge: Cambridge University Press 1970), pp.178-9.
35. See e.g. Jochen A. Frowein, 'Die Rechtsprechung des Bundesverfassungsgerichts zum Wahlrecht', *Archiv des öffentlichen Rechts* (1974), pp.72-110.
36. This is instead still considered a viable option against (much smaller) extreme right-wing parties, such as the NPD. In January and March 2001, the Federal Government and the president of the two chambers of parliament have deposited at the Federal Constitutional Court the request to join the NPD as opposing the 'basic liberal democratic order' on the basis of its racist, anti-Semitic, and Nazi-like positions. See *Süddeutsche Zeitung*, 30 March 2001.

Review Article

European Immigration Politics

MAARTEN VINK

Immigration and Welfare. Challenging the Borders of the Welfare State. Edited by M. BOMMIES and A. GEDES. London and New York: Routledge, 2000. Pp.xii + 291; £60 (cloth) ISBN 0-415-22372-5.

Immigration and European Integration. Towards Fortress Europe? By A. GEDES. Manchester and New York: Manchester University Press, 2000. Pp.xi + 196; £14.99 (paper) ISBN 0-7190-5689-6.

Migrants and Citizens. Demographic Change in the European State System. By R. KOSLOWSKI. Ithaca and London: Cornell University Press, 2000. Pp.xi + 221; \$39.50 (cloth) ISBN 0-8014-3714-8.

Citizenship, Identity and Immigration in the European Union. Between Past and Future. By T. KOSTAKOPOULOU. Manchester and New York: Manchester University Press, 2001. Pp.ix + 214; £40 (cloth) ISBN 0-7190-5998-4.

The Europeanisation of Refugee Policies: Between Human Rights and Internal Security. By S. LAVENEX. Ashgate, 2001. Pp.x + 246; £42.50 (cloth) ISBN 0-7546-1803.

The New Germany and Migration in Europe. By B. MARSHALL. Manchester and New York: Manchester University Press, 2000. Pp.xii + 186; £14.99 (paper) ISBN 0-7190-4336-0.

Kosovo's Refugees in the European Union. Edited by J. VAN SELM. London and New York: Pinter, 2000. Pp.x + 239; £17.99 (paper) ISBN 1-85567-641-9.

Immigration politics have become of major importance in the European Union (EU) during the 1990s. The most salient aspect is probably the question of asylum and burden-sharing, but immigration also relates more generally to free movement and citizenship. Whereas the intra-EU migration regime dates back as far as the Treaty of Rome (1957), the first migration regime dates back as far as the Treaty of Rome (1957), the first ad hoc co-operation on police matters and border control started in the so-called Trevi Group (1975). This was followed by intergovernmental co-operation under the Schengen Agreement (1985) and the Dublin Convention (1990). The Maastricht Treaty (1992) proclaimed the 'citizenship of the Union', which underscored the differentiation between Union citizens and third-country nationals. Intergovernmental co-operation on justice and home affairs continued under the 'third pillar' of the EU, but suffered from lack of decisiveness under the unanimity rule. Following the Amsterdam Treaty (1997), a new directorate-general for justice and home affairs was instituted in the European Commission, and a start was made to 'communitarize' a large part of the European immigration *acquis*.

The literature on European immigration politics has been steadily growing over the past few years. Scholars from traditional disciplines such as political philosophy, comparative (legal) politics and international relations now form an ever more closely related group of academics studying the broad range of issues connected to immigration in the EU. Burrying into the same people at conferences and seeing the same names often popping up in acknowledgement sections of books reveals how interconnected this academic group is. Four monographs and one edited volume on the topic of immigration and European integration are reviewed here, as well as two other books which deal with the issue only in passing. Besides three books more generally on immigration (and European integration), two focus specifically on the politically salient issue of asylum in the EU and two others with European citizenship. I conclude by reflecting briefly on achievements and problems related to the study of European immigration politics.

IMMIGRATION

A solid and concise introduction to European immigration politics is provided by Andrew Geddes' *Immigration and European Integration*. This book sticks to the main issues and developments, without losing empirical details, and is both informative and a pleasure to read. Geddes adopts a

rather straightforward approach by studying the development of European immigration politics over the years (from the Treaty of Rome to the Amsterdam Treaty) mainly from the perspective of 'fortress Europe'. His most explicit hypothesis, which perhaps deserved slightly more elaboration, is that free movement of persons has drawn immigration into the realm of European integration. The logic behind this argument is that the completion of the internal market needs to be accompanied by 'flanking measures' such as external border control and rules on responsibility for asylum-seekers. Hence, Geddes sees European immigration policy as a manifestation of 'positive integration', as an attempt to re-regulate at the European level in reaction to the 'negative integration' of free movement.

Concern about the sustainability of domestic welfare states is often assumed to be one of the prime reasons for member states' hesitance to concede all power to control immigration to the EU. *Immigration and Welfare*, edited by Michael Bommes and Andrew Geddes, tries to map this challenge to welfare states posed by immigration. Bommes and Geddes contend that European integration constitutes an important challenge to the national welfare state. The best illustration of this is given in Uwe Hunger's chapter on EU-induced transnational labour migration. By going into the case of the German building industry, which suffered heavily from relatively cheap foreign labour, he shows how the collective wage system is being hollowed out. On the whole, this edited volume, unfortunately like so many others, contains chapters of varying quality and above all lacks a coherent structure. The editors' introduction in particular is rather disappointing. Instead of introducing the key theoretical and methodological issues which are at stake, it basically does not offer much more than a summary of the following chapters.

In *The New Germany and Migration in Europe*, Barbara Marshall presents a knowledgeable introduction to the specific case of the united Germany in the 1990s. Basically, the theoretical objective of this book ('consider together some of the more important facets of migration for Germany', p.4) is not very ambitious, and *a fortiori* the empirical account of key events such as the 1992 asylum compromise or the 1999 dual nationality debate is rather straightforward. Overall, she concludes that German migration policies have been short-term, pragmatic responses to specific emergencies. And, above all, not much dissimilar from what Green concluded recently in this journal,² that Germany is learning to live with migration as part of the new 'normality' of the Berlin Republic.

Asylum policy is undoubtedly the most salient aspect related to immigration in the EU. This is reflected in the fact that it features prominently in all books under review. Co-operation on asylum issues has developed within the framework of the 1990 Dublin Convention, which explicitly aimed at preventing 'asylum-shopping': only one state should be responsible for each asylum-seeker. With more than 400,000 asylum applications in 1992 alone, for Germany it was of vital importance to share the 'burden' of asylum-seekers with other European countries. However, as Marshall states rather crudely, 'the rest of the EC was loath to comply with this' (p.120). Hence Geddes is probably right in seeing co-operation on asylum as a 'typical problem of 'positive integration': some member states are very eager to establish a European asylum policy, but because this requires unanimity, collective action is difficult to bring about. It is therefore not surprising that the most important European instruments include two non-binding resolutions from 1992 on safe countries of origin and safe third countries (the so-called 'London Resolutions').

In the field of asylum policy, it is often heard that European integration leads to a convergence of domestic asylum policies. Indeed, Europe is blamed for bringing about lowest common denominator policies. Yet, although a common trend towards more restrictive asylum policies can hardly be denied, the mechanism linking European with domestic policies is far from univocal. Sandra Lavenex, well known for her work on the external effects of Europeanisation in Central and Eastern European countries,³ deals particularly with this question in *The Europeanisation of Refugee Policies*. This book, based on her dissertation, is very well structured. After a presentation of her analytical framework, she gives a detailed account of post-war European and EU asylum policies (or 'refugee policies' as she calls it), and then sets out to analyse the impact of European co-operation on domestic policies in Germany and France. Lavenex clearly shows that Europeanisation in the field of asylum has brought to the fore the normative tension between human rights and internal security (I would phrase the latter more broadly as national interests). The only thing one might hold against her is that, although she convincingly shows a correlation and even entanglement between European and domestic events, in the end she fails to give a definite account of the causal mechanisms of Europeanisation. Were restrictive changes in both countries implemented under pressure from highly symbolic European agreements, or were these changes rather induced by

a domestic need not to be the 'reserve asylum country' of Europe (like Germany in 1992)?

Lavenex also appears as the author of a chapter on the French case in *Kosovo's Refugees in the European Union*. This volume, edited by Joanne van Selm, is a valuable account of how seven EU member states dealt with the displacements of Kosovars in early 1999. What makes this book particularly worthwhile, and the editor must be congratulated for her work in this respect, is that all seven empirical chapters consistently follow the same approach. They go into the response to the Kosovo crisis against the specific national background of asylum debates, show what lessons were learned from the Bosnian refugee crisis from 1992 to 1995 (basically that European solidarity was a long way off), and analyse how EU integration impacted on domestic policy making. This book is especially useful for empirical reference by those interested in the problem of asylum and burden sharing in the EU.

CITIZENSHIP

The last two books relate immigration in the EU to the issue of citizenship, although from quite different angles. *Migrants and Citizens* by Rey Koslowski studies the impact of international migration and demographic change on European politics. *Citizenship, Identity and Immigration in the European Union* by Theodora Kostakopoulou focuses on identity and puts forward alternatives to the current European practices. Both books are based substantially on articles and chapters that have been published before.

Koslowski connects to regime theory by questioning the assumption of territoriality in international relations that traditionally assumes the congruence of territory and authority. In his view, international migration brings to the fore not just an anomaly of traditional theoretical frameworks, but indeed 'a problem in the conceptualisation of world politics in general' (p.18). At the core of Koslowski's argument is his observation that modern European political institutions of citizenship developed within the demographic context of millions of Europeans leaving their countries. Hence these institutions are ill-suited to deal with immigration. Koslowski is most convincing when he discusses the development of citizenship laws in the light of changing international norms with respect to dual nationality, indeed a key political issue.⁴ Whereas European state practices were originally quite liberal in order to keep alive the bond between emigrants and sending countries, these became more restrictive in response to

conflicts over military obligations, but in the 1990s again more liberal to facilitate immigrant integration in host societies. In this way international migration challenges the principle of singular nationality underlying the idea of the nation state, and, according to Koslowski, also neo-realist international relations theory. Less convincing is Koslowski's 'demonstration' of the transformation of sovereignty in the field of asylum policy and border control: the EU *acquis* may be steadily increasing, but it is still unclear how it relates to domestic politics. After all, as Koslowski himself admits, 'strictly speaking' Germany's 1993 policy change was unilateral in nature (p.162). And, even when European asylum co-operation matters, it can be seen as a two-level game, where the EU strengthens, rather than impedes, state sovereignty (p.164).

Kostakopoulou is one of the most original and profound scholars in this field, more or less working on the intersection of law and political philosophy, which is strongly reminiscent of the work by Joseph Weiler (including his baroque language).⁵ Her book is a critical evaluation of EU citizenship and immigration policy and a discussion of how these might be reformed. Kostakopoulou puts forward assumptions, arguments and conclusions that remain mostly implicit in much of the literature on European immigration politics. The author's basic argument, without paying due attention to the full richness of her thought, can be summarised as follows: European citizenship should create a democratic, inclusive and heterogeneous European polity, but at the moment falls into the 'trap' of being not much more than national citizenship transformed to a European level (that is, non-inclusive). In contrast with Bauböck's advocacy of transnational citizenship,⁶ Kostakopoulou rejects the strategy of including immigrants through naturalisation or residency, and instead proposes a complete departure from the 'nationality model of citizenship' (p.97). Apart from the questionable feasibility of such a strategy, I see greater problems in Kostakopoulou's use of the concept of democracy in relation to citizenship. For example, if one holds that there is a close connection between the ways a polity responds to the challenge of migration and its values, collective understandings and institutions (p.1), does not this make a radically different immigration policy unlikely in light of these given values and understandings? And, is it not rather contradictory to argue for more democracy by including third-country nationals into European citizenship, but at the same time curtail democracy by dismissing public opposition to a more relaxed immigration policy as 'folkloric' and 'conjunctural' (p.138)?

The study of European immigration politics is developing more and more into a distinct field of study in political science. Although the books from Bonnes/Geddes and Marshall can still be placed within the broader field of immigration politics, the other five clearly have European politics at the centre of their analysis. The thorough empirical work that is at the basis of all seven books provides an invaluable contribution to the understanding of immigration politics and European integration. Most important, when comparing the books reviewed here to an earlier generation of books,⁷ I note a shift towards a down-to-earth approach of a 'normal' field of study. More substantially, however, all books (some more implicit) take a negative stance towards current European developments on immigration. The rather ambiguous notion of 'Fortress Europe' as a remnant from the past still casts a gloom over most work carried out in this field. Although it is true that European integration and immigration bring to the fore important normative challenges that need to be dealt with, for example in relation to issues of multiculturalism and postnational citizenship, it is the almost inherent commitment to the political agenda of migrant inclusion that is probably most puzzling to me.

In my view, now that much of the nitty-gritty work has been done, the study of European immigration politics would profit from adding more explicitly theory and methods from either international relations, comparative politics or European studies. There are many questions related to the workings of European and national institutions, judicial politics, dynamics of European integration, executive-legislative relations, or interest representation, that need to be understood properly but are only touched upon in the contemporary literature. I am thinking for example of studies in line with the pioneering work by Virginie Guiraudon on courts and bureaucracies.⁸ Other topics that are yet underexposed in this field are negotiations in the Council of Ministers, the domestic impact of (non-binding) European policies, and the impact of national traditions on contemporary immigration politics (particularly in small European countries because Germany, France and the UK have been studied quite extensively). Foremost, the study of European immigration politics needs to be carried beyond Fortress Europe-thinking.

Book Reviews

Theodora Kostakopoulou, *Citizenship, Identity, and Immigration in the European Union: Between Past and Future* (New York: Manchester University Press, 2001), pp. 224, \$74.95 Hardcover.

Kostakopoulou's is a postmodern work of normative political theory relating to citizenship, immigration, and identity in the European Union. She rejects conventional approaches to understanding the EU, such as neo-functionalism and intergovernmentalism, arguing that these are unsuitable explanations for a decreasingly state-based future Europe. Instead, Kostakopoulou presents a provocative, though idealistic, argument for transforming institutions, democracy, and citizenship, with implications for broader human rights.

The author begins with an assessment of ideas about European identity, including a typology of identity options such as the Euro-nationalist mode, constitutional patriotism based on Habermas, and a contractualist mode, and concludes that a constructivist notion of European identity is most appropriate. In this, identity "emerges out of a complex web of institutionalised practices of co-operation and participation" (pp. 35-36).

In chapter 2, Kostakopoulou traces the emergence of European citizenship during the development of the EU. Early efforts to advance the freedom of movement established the basis of an exclusive brand of citizenship for EU (EEC) nationals. In the 1970s and early 1980s, as discussions of political union emerged, the forging of a restrictive European identity began with the instigation of a passport union and other more symbolic gestures that reflected a (inappropriate, according to Kostakopoulou) nation-state building approach by the political elites. The Single European Act, the Schengen Agreement, the Maastricht Treaty, and the continued development of symbols such as the EU anthem and flag, were further moves toward exclusivity of citizenship and identity, particularly with regard to third-country nationals.

In chapter 3, the author argues for a new European citizenship based on the idea that citizenship is no longer the sole purview of nation-states, but that citizenships can be multiple and nested. This new idea of citizenship, Kostakopoulou concedes, ultimately will erode "the link between citizenship and state membership on one hand and national identity on the other" (p. 69). In chapter 4, she analyzes and critiques existing frameworks for building a new theory of European citizenship. In chapter 5, she advocates a "constructive citizenship" that will be democratic, inclusive, respectful of others, and "beyond the nation-state" (p. 101). The argument is built through a series of propositions addressing points such as multiple identities, social membership, human rights, social justice, and the like.

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In chapter 6, Kostakopoulou provides a critique of European immigration policy, arguing that the labeling of immigration and asylum as security concerns conflicts with a "positive obligation" (p. 128) to accept migrants. An exclusive immigration policy, she writes, will ultimately compromise internal democratic processes and make for a "defective" Union based on an exclusive European identity (p. 131). Finally, in chapter 7, Kostakopoulou outlines her ideas for institutional reforms that will re-shape human behavior and ways of thinking. This reform process, she allows, must be in the hands of individuals who engage with one another at a variety of levels of governance to form transnational avenues of interest articulation.

Kostakopoulou's constructive citizenship is a call for a fundamental restructuring of EU citizenship and immigration policies. This restructuring should be interwoven with a redefined, inclusive European identity that is delinked from history, culture, and nationality, and is instead based on political participation. This will enhance democracy at all levels, creating a more accepting environment for third-country nationals, thereby enhancing broader human rights. The argument is challenging to conventional methods of viewing and conceiving of membership in the European community. Her argument merits attention for its innovation, yet it is easy to question the practicality of implementing her proposals in a Europe where control over the entry and naturalization of foreigners has remained firmly in the hands of the states.

Though provocative, the text is jargon-filled and, at times, disjointed. Realists will struggle with the idealistic proposals, such as advocating porous external borders because "conceiving community in terms of that nation-state projects boundaries as barriers (stopping points) — not as permeable membranes (meeting points)" (p. 134). The book is suitable for advanced graduate students and beyond and for libraries with a strong research orientation.

Jean Abshire, *Indiana University Southeast*

Neil Winn and Christopher Lord, *EU Foreign Policy Beyond the Nation-State: Joint Actions and Institutional Analysis of the Common Foreign and Security Policy* (London: Palgrave, 2001), pp. 192, \$65.00 Hardcover.

In *EU Foreign Policy Beyond the Nation-State*, Winn and Lord make a number of important empirical and theoretical contributions, although it is fair to say that they try to do too much in too brief a space. The core of the book is an analysis of how the three-pillar structure of the European Union influenced decisions in the EU's Common Foreign and Security Policy (CFSP). The authors have added a useful brief note on changes introduced by the Treaty of Amsterdam; but the book primarily focuses on joint actions under the now somewhat superseded Maastricht Treaty.

The authors illuminate the CFSP through three case studies: the Dayton Peace Agreements, the Yugoslavia/MOSTAR Joint Action, and the policy towards the

POLITICAL STUDIES BOOKS

EUROPE

CITIZENSHIP, IDENTITY AND IMMIGRATION IN THE EUROPEAN UNION
by **Dora Kostakopoulou**

Manchester: Manchester University Press, 2001. 223, £40.00, ISBN 0 7190 5998 4

Rating: ****

Reviewer: AMALENDU MISRA
(Queen's University Belfast)

Although predominantly white and loosely Christian in orientation, a significant minority population in the European Union does not belong to either of the above. How do these non-whites and non-Christians feel about a new political structure where there is a constant demand to ascribe to a European identity? Do they share the same spirit of belonging as their counterparts who could trace their ancestry back hundreds of years? If the answer to the last question is negative: should the European identity be restricted to those who can racially identify their origin within its geographical confines?

CONSTRUCTING EUROPE'S IDENTITY: the external dimension
by **Lars-Erik Cederman (ed.)**

Boulder CO: Lynne Rienner, 2001. 277, £46.50, ISBN 1 55587 872 5

Rating: ***

Reviewer: AMALENDU MISRA
(Queen's University, Belfast)

This is something that has escaped the attention of mandarins in Brussels. Perhaps they have simply preferred to ignore this issue. Unfortunately, the EU's official discourse and policy on the question of European identity, Kostakopoulou writes, is quite ambiguous. Despite the official rhetoric and bonhomie on citizenship and aspirations 'to move towards a civic inclusive mode of identity, the EU adheres to a civic but exclusionary mode of identity'. How does one explain policies that exclude third-country nationals residing legally and permanently in the Union from the free-movement provisions and other benefits of EU citizenship, for instance? The logic of exclusion exists everywhere. The catalogue of discrimination is very thick indeed.

A very sensitive issue is handled with cool detachment. And the result is a theoretically rigorous and legally compelling body of arguments. Kostakopoulou argues in favour of a principled and non-restricted European migration policy, which would be not only theoretically consistent but also practical in meeting policy concerns and compatible with norms underpinning the European Union's constitutional orders. Is Brussels listening?

That finally Europe is beginning to look like a single entity is reflected in two key areas: first, the absence of border control within the European Union; second, the introduction of a new single currency. But does this imply that Europeans now think of themselves as part of a single monolithic nation sharing one unifying identity – not only in the political or economic domain, but in the areas of culture?

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Kevin. What makes these chapters so strong is their recognition that, for all the globalization and integration which Europe has witnessed over the past four decades, it is still the nation-state which remains the major player, and if we truly desire a fully democratic Europe, then our democracy must be one which is firmly rooted in the nation-state. It would matter a lot less that the institutions of the EU would fail any democratic audit if the Member States which make up the Union were themselves the repositories of full (representative and deliberative) democracy. The focus of Blichner's argument is on national parliaments, on the ways in which they hold their respective governments to constitutional and political account for their policies, decisions, and actions in the Council of Ministers, and on the ways in which national parliaments talk with one another about this. This is, in part, what the European Parliament was for before direct elections were introduced in 1979. Before 1979 the EP was a forum in which the representatives of the various national parliaments could meet together. Now, that forum has had to be replaced by the far less transparent (and more informal) COSAC; the *Conférence des Organes Spécialisés dans les Affaires Communaires*.

The European Parliament may be democratically elected, but in other respects it is a bad democratic joke. It is neither particularly open nor accountable. The citizens of Europe know little of what it does and care even less. It comes across too often as an institution more concerned with enhancing its own powers than with reporting back to the people of Europe about how their governments are spending (and wasting, and losing) their tax-euros. If we really want to know what our governments are mandating the Commission to do on our behalf, we should insist that our national parliaments find out for us: after all, that is what they are for. And as Blichner demonstrates, there are far too many Member States with only eviscerated parliamentary oversight of European decision-making. The existence of the European Parliament acts as an expedient fig-leaf – without it the indecency of European governance is fully exposed such that no national parliament would any longer put up with it. In this sense Europe would be more democratic without the EP than with it. Schlesinger and Kevin remind us in their excellent contribution that the essence of democratic accountability is information. Unless we know what it is that those in positions of power are proposing to do, how can we hold them to account for it? And political communication, of course, continues to revolve around national institutions: namely, the press, and the broadcasters. While political communication remains focused on this level, so too must democratic control if it is to be at all meaningful.

A. Tomkins
Oxford

T. Kostakopoulou, *Citizenship, Identity and Immigration in the European Union: Between Past and Future*. Manchester: Manchester University Press, 2001. 214 pages, ISBN 0-7190-5998-4, GBP 40.

What sets Kostakopoulou's book apart from most others that consider the three title themes is the author's attempt to fuse normative and positive theory with empirical evidence and then derive policy implications. This is an ambitious and perhaps even audacious project. Unsurprisingly, it is not entirely successful, although the attempt is laudable. Kostakopoulou appeals to post-modern and critical theory to argue for less restrictive European immigration policy and a "constructive" citizenship. The first chapter examines various options for European identity and settles on a constructivist approach which "conceives of the emerging community identity as a task" (p. 35). Kostakopoulou

the constructivist model of European citizenship transcends the limitations of the nationality model and instead fosters the creation of a community of expectations and civic engagement, a democratic polity that takes "difference" seriously and critically while remaining inclusive. In the second chapter, the author turns attention to the institutional construction of European identity, examining the policies that culminated in the introduction of EU citizenship in the Maastricht Treaty. Her key point is that the early decision to restrict free movement provisions to nationals of Member States "biased the process of the institutional construction of a European identity by filtering out alternative considerations about a civic and inclusive mode of European identity" (p. 62). While this is clearly true, Kostakopoulou is perhaps being somewhat optimistic about the political prospects for wider application: would the Member States really have agreed to free movement rights if they had extended not just to EC nationals but also others?

The third chapter continues the history of the construction of European identity, citizenship and migration through to the Amsterdam Treaty. The chapter, in line with other parts of the book, provides a useful summary of the case law. Kostakopoulou argues that policies concerning expansion" and writes that, if European citizenship is to become a "genuine form of citizenship beyond the nation-state and "mature" as an institution, then the normative foundations and boundaries of membership in the Euro-polity must be rethought" (p. 79). Kostakopoulou's political preferences are clear. Yet, although genuineness and maturity are perhaps desirable, it is less obvious why such a rethinking of European citizenship is necessary. Supporters of the status quo would counter the author's assertion that conceptual change is necessary of nation-state argument that the current model, in which EU citizenship remains derivative of national citizenship and in which individuals who are not citizens of Member States can claim only limited European rights, is fine and perfectly defensible. Kostakopoulou pursues her search for alternative institutional designs from a more theoretical angle in the short fourth chapter, which seeks a theory of European citizenship. The chapter is a literature review, which concludes that existing theories of citizenship are inadequate because they remain wedded to the territorial nation-state. In the book's fifth chapter, Kostakopoulou expounds her own "framework for democratic citizenship beyond the nation-state which is inclusive and respectful of 'difference'" (p. 101). This framework, which the author terms "constructive citizenship", is based on seven propositions. Constructive citizenship acknowledges citizens' multiple identifications and is therefore based on domicile; focuses on social membership; conceives of rights as tools for individual empowerment; encourages participation in democratic decision-making; implies more egalitarian distribution of socio-economic benefits; requires citizens to be concerned with justice; show respect for others, and be critical; and should be open to contestation. Some of these elements are more recognizable than others, but the author argues that together they form a single framework.

After laying out her vision of constructive citizenship, Kostakopoulou turns her attention to its potential implications for European immigration policy. Because immigration provisions mirror prevailing conceptions of membership, the author posits that her conception of constructive citizenship might change the way we think about immigration. The result of this reconsideration, she suggests, is the conclusion that "democracy in the Union [requires not only] flexible membership and a constructive model of citizenship, but also porous boundaries and a more liberal immigration policy" (p. 127). The chapter goes into a high level of detail about the design of this more liberal policy, but the central idea is the "transfer of migration-related issues into the full competence of the Community" (p. 146). This is a radical proposal, and it is certainly true that a "legally-binding, constitutional framework for immigration would free immigration from the whims and prejudices of transient majorities" (p. 150). Whatever the theoretical attractiveness of transferring responsibility for immigration policy to the Community, it is difficult, however, to imagine it occurring in the current context of rising populism and anti-immigration fears in the Member States; political opposition almost

Many readers, if they have followed the author's policy-oriented analysis to this point, will be unfamiliar with the kinds of arguments presented in the seventh chapter to refute sceptics such as this reviewer. There, Kostakopoulou reaches the conclusion that "Heidegger's conception of boundary as *horismos* can be used to subvert the authoritative disciplining of boundaries by replacing the boundary-obsessed territorialism accompanying statism with a focal sense of territoriality" (p. 164). In other words, she proposes that Heideggerian thought can alter traditional concepts of the relationship between territoriality and nationality and thereby foster a new democratic sensibility. For Kostakopoulou, Europeans have "the responsibility to think about dwelling and to act for the sake of dwelling; to question narrow articulations of national interest and official discourses which undermine community by scapegoating migrants and admission seekers; to think what political belonging can be in the European polity; to think about exile and human suffering and to give an enlightened moral response to the plight of migrants and refugees" (p. 163). This responsibility, the author argues, grounds the "ethic of the other" and will lead to the realization of the institutional designs and more liberal citizenship and immigration policies her book suggests. For those not regularly exposed to discussions in political philosophy, it may seem extremely unlikely that any "democratic discourse of belonging" can "induce the readjustment of the individuals' cognitive structures" by "creating the right conditions for a philosophical and critical relation to reality" (p. 154). It may indeed well be the case that we remain so mired in concepts inherited from the construction of democratic nation States that we cannot conceive of new forms of postnational democracy. Nevertheless, Kostakopoulou's book is one step in the direction of overcoming the difficulties of such conceptual and political shifts.

W. Maas
Yale

V. Korah, *Cases and Materials on EC Competition Law*. Second edition. Oxford: Hart Publishing 2001. 687 pages. ISBN 1-84113-300-0. GBP 30.

Valentine Korah's second edition of *Cases and Materials on EC Competition Law* is a gem of a casebook for students, teachers, and practitioners with probing minds. This volume was published six years after the 1995 cut-off of the first edition. Those six years at the turn of the 20th century have been rich ones for EC competition law. Indeed, they have seen a maturing of European competition law in a direction long advocated by Professor Korah. In this brief review, I will first describe the structure and methodology of the book. Second, I will identify cases and developments that, if not directly influenced by Korah, have followed the path she has lighted. Third, I will identify issues that remain targets of Korah's pen and ask whether a future third edition of the casebook might be celebrating a Valentinian triumph. I offer a hypothesis at the start: globalization is pushing EC competition law in the directions (efficiency and market-reliance) that Korah has persistently advocated from the start.

Structure and methodology. Casebooks are different from treatises. Treatises are secondary law. They summarize the law. They seldom convey much about the analytical framework of the cases. But especially in competition law, the cases are the "real thing". They are the primary sources (along with the legislation), at least in common law methodology; and European competition law is some 80% common law. For a student or practitioner of competition law, understanding the analytical methodology is infinitely more important than knowing outcomes of particular past cases. The intricate mix of microeconomics, socio-economic policy, and the economic generalizations made to accommodate the demands of the legal system, distinguish the study of competition law from most other bodies of law and enhance the importance of a good casebook. The writer of a European competition casebook has a unique challenge: how to

omissions in coverage on the Community side, most notably there is no discussion of *Oscar Bronner* when addressing Article 82, and while EEA exhaustion is covered, no mention is made of international exhaustion and the controversial *Silhouette* judgment and subsequent cases like *Micro Leader*. There is little discussion of the European Union's enlargement and it might have been interesting to include a chapter covering the competition laws of an accession state such as Poland to review the "Europeanisation" of competition policy in Eastern Europe.

The book is a descriptive account of the substantive law, with some useful examples from the case law. The section on Japanese antitrust law is especially well set out, explaining the political background to the many amendments. Each chapter is fairly well organised and although there is the occasional comparative reference, the book could have benefited from adopting a stronger comparative perspective throughout, specifically in the light of the book's final reflections as to the possibilities for developing a global competition policy.

As a matter of form, the author consciously decided not to include footnotes to enhance readability, however had footnotes been used at least to indicate the sources of some quotes and journal articles, this would have assisted the interested reader immensely, especially as the bibliography is only selective and as the case list only contains United States and Community cases, so that chasing up cases and articles referred to is well nigh impossible especially for the intended readership of this book.

The book is clearly written and a competition law novice will find it informative, however the price is rather high.

Giorgio Monti*

CITIZENSHIP, IDENTITY AND IMMIGRATION IN THE EUROPEAN UNION. BETWEEN PAST AND FUTURE by *Theodora Kostakopoulou*. [Manchester: Manchester University Press. 2001. ix + 214 pp. inc. index. Hard cover. ISBN 0 719 05998 4. £40.00.]

This book brings together Union citizenship, immigration policy and identity as highly interdependent categories. This idea is successfully realised in the structure of the argument permeated by the major concepts throughout the book and reinforced by numerous cross-references.

In the first two chapters Dr Kostakopoulou addresses the issue of European identity, including the "conditions of possibility for a European identity", typology of European identity options and the institutional construction of European identity. The author does not follow the well-trodden path of scepticism based on the vision that people are the pre-given part of body politic and thus determine the identity discourse. On the contrary, she builds her conception on the premise that identity is always in the process of change due

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to various social and political factors and, therefore, by approaching the formation of European identity as a political process the sense of community among the population of the Union may be significantly fostered.

The discussion on identity is continued in the last chapter which examines the impact of the politically endorsed concepts of territoriality on the ways in which individuals relate to other individuals and groups. The comprehensive overview of political and philosophical theories developed to date serves the author's conclusion that boundaries are used in the official discourses to affect behaviour by controlling access to the territory and the structure of relationships creating negative perceptions about immigration through such strategies as assimilation, integration or differential exclusion of resident migrants. Bearing in mind that the spatial factor in the E.U. is characterised by multiplicity of territorial and non-territorial spaces, a different thinking about boundaries and spatiality is needed to help advance a new way of being together in the European polity and prompt reorientation of European immigration policy. According to Dr Kostakopoulou, a new European Union democratic discourse of belonging requires an alternative conceptual basis which lies in Heidegger's concepts of dwelling and being, namely the idea of perception of "selfhood" through "otherness" where the element of "space" is not limited by geo-political boundaries. According to the author, a new political discourse built around those concepts could promote respectful relationships among "dwellers" in inclusive communities with flexible membership. Within this matrix the problem of hegemonic national narratives could be solved without dissolution of the State's boundaries. Although this part of the chapter deserves to be praised for an innovative approach, there could be made, it is respectfully submitted, two critical remarks. Firstly, the fact that the ideation of identity is disunited in such a way that a conceptual part of it appears in the last chapter of the book gives the impression of an upside down pyramid. Secondly, Heidegger's philosophical heritage is marked by both genius and controversy. This does not mean that the reviewer shares the opinion that Heidegger's engagement with Nazism was necessarily a public enactment of his philosophical convictions. However, the choice of such a foundation for one's assertions requires that one should hone every detail of the argument. The problem is that the chapter seems to be too short to allow the author to fully corroborate the conceptual issues. As a corollary, some Heideggerian insights into the human condition are taken out of the context and extrapolated to the socio-political realities of emergent European Union identity without adducing grounds for such an interpretation which results in mixing up the existential and social.

Chapters 3, 4 and 5 are devoted to citizenship. The core of this part of the book is an alternative "constructive" paradigm of the Union citizenship presented in the form of an unfolding set of seven propositions which focus on such facets of citizenship as domicile-based status, social membership, citizenship rights and institutional reform. The argument is reinforced by the analysis of the limitations of Union citizenship and a critical overview of the main theoretical concepts of citizenship which is short but well referenced.

The problems of European Union immigration policy are scrutinised in Chapter 6 where Dr Kostakopoulou challenges the "fortress" logic and the "invasion syndrome" dominating the approach laid down in the Schengen Agreement and proposes an alternative framework for the European migration policy. She presents a strong argument for a non-

restrictive migration policy, the transfer of migration-related issues into the full competence of the Community and adoption of a Charter on European migration and refugee policy.

This volume could not, for objective reasons, include analysis of the Treaty of Nice or the Charter of Fundamental Rights of the European Union which are undoubtedly pertinent to the issues of Union citizenship and identity, especially with regard to the enlargement of the Union, although their imminent adoption is taken into account. However, this does not diminish the value of the book for the problems raised in it have not been removed from the agenda and, last but not least, this scholarly work offers the reader an original conceptual framework which makes it a fine analytical tool for judging the forthcoming developments.

Oxana Golynger*

NEGOTIATING EUROPE'S IMMIGRATION FRONTIERS by *Barbara Melis*. [The Hague: Kluwer. 2001. xv + 250 pp. inc. index. Hard cover. ISBN 9 041 11614 1. £53.30.]

Immigration policy has steadily increased in terms of political and legal relevance to the European Union, at least since the mid-1980s. A clear turning point occurred in 1999 with, first, the insertion of a new legal competence for immigration in the E.C. Treaty and, second, the political agreement of the Tampere European Council to act upon this new legal framework. In this book, Barbara Melis examines comprehensively the evolution of European Union immigration law and policy up to, and including, the Tampere European Council. As such, it provides an invaluable overview, which helps to explain the context within which the "Area of Freedom, Security and Justice" is being elaborated.

The book commences with an analysis of the key factors and influences informing policy and legal developments in the immigration field; sensibly, she does not attempt to consider also asylum law and policy and she successfully manages to maintain the distinction between these two overlapping fields. Her book is then divided into two main parts. First, there is a series of chapters concerned with "immigrants policy"; measures relating to third country nationals already present within the Union, such as rights regarding working conditions or social security entitlements. Within this part, there is an excellent analysis of the contribution made to the rights of third country nationals through judicial interpretation of agreements between the European Union and third countries. The other principal part of the book focuses on "immigration policy"; in this case, instruments and strategies relating to the control of access to European Union territory for those not already present. This section considers matters such as visas and expulsions.

Running throughout the book is a strong critique of European Union immigration policy based on issues of gender and race. The most innovative of these perspectives lies in relation to gender and her concentration on the multiple discriminations faced by women as a consequence of restrictive immigration policies. For example, Melis argues that white, European women have improved their position in the labour market often by

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SOCIAL & BEHAVIORAL SCIENCES
Political Science - Comparative Politics

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The following review appeared in the June 2002 issue of CHOICE:

01-6057 JN30 2001-30114 MARC
Kostakopoulou, Dora. **Citizenship, identity and immigration in the European Union: between past and future.**
Manchester, 2001. (Dist. by Palgrave) 214p bibl index ISBN 0-7190-5998-4, \$74.95

Kostakopoulou combines critical theory and a postnational perspective with policy prescriptions to argue for what she terms "constructive" citizenship and a less restrictive European immigration policy. Constructive, for the author, means democratic citizenship beyond the nation-state, which is inclusive yet respectful of difference. Although it is grounded in Kostakopoulou's 1995 PhD dissertation--with several chapters being revised versions of previously published articles--the book reflects the current preoccupation of European academics and political elites with the same themes. Starting with a review of the history of the construction of European identity through to the Treaty of Amsterdam, the author next elucidates the limits of existing theories of citizenship before presenting her own solution. Kostakopoulou's policy recommendations will strike many as unrealistic, but her normative focus deserves attention, although it too requires further elaboration to be truly convincing. The book ends with a Heideggerian vision of political praxis, a view perhaps only tenuously related to the case law and policy practices described earlier. This book is recommended for specialist collections in European integration and is likely to interest primarily graduate students, faculty, and practitioners. -- *W. Maas, Yale University*

one another as neighbours. Silver's argument represents multiculturalism at its most divisive and reactionary – rejecting any community that does not have as its basis racial division.

While the book's contributors celebrate the freedom that the internet gives users not to be tied down by racial assumptions they will not permit internet users to abandon racial identity altogether. The most degenerate thing about online anonymity – the irresponsibility of speech that cannot be accounted for – these authors promote. The most progressive thing about online anonymity – the fact that it allows us to communicate, not as members of a particular race or gender, but as human beings – these authors reject.

In the book's concluding chapter, Beth E. Kolko bemoans the absence of race tags for users in the virtual environments known as MUDs (Multi-User Dungeons – a text-based interactive discussion/games-playing environment). 'Bringing race to the forefront in a text-based virtual world will provide information that can be useful in graphical worlds and other computer-mediated communication systems', she says (p. 230). But 'useful' for what? How is it useful to know the race of the people you communicate with, unless you subscribe to the racist assumption that one's race is essential to one's character?

The Internet is, potentially, a universal communications medium which transcends race. But the authors of *Race in Cyberspace* would prefer the Internet to consist of an infinitude of divided racial categories. Despite their radical credentials, theirs is a deeply conservative project.

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Citizenship, Identity, and Immigration in the European Union: Between Past and Future

Theodora Kostakopoulou
 Manchester University Press, 2001
 HBK: ISBN 0719059984 £40.00
 pp. 214 (including: bibliography, index)

Citizenship, Identity, and Immigration offers an introduction, an overview and proposals for reform on citizenship and immigration policy in the context of European integration. Beyond that, it aims to develop an approach to 'constructive citizenship' with the twofold goal of applying normative critical thought towards developing proposals for institutional reform. This two-tiered perspective is labelled a 'constructivist' approach (p. 2). While taking a critical stance that aims at rigorous scrutiny of current theory and practice of citizenship, the book maintains an optimistic tone. Expectations for change in the area of citizenship are based on the particularity of the emerging Europolity as one that stems from a process of institution building which is *in flux*. In a nutshell, and following a number of other works on citizenship published in the 1990s, Kostakopoulou takes the unfinished Europolity's key features of process and pluralism as the cornerstones for her work. The novelty of this book is the ambition to develop a normative new 'political theory of European integration' (p. 5) that is not limited to a politico-theoretical debate on democracy and legitimacy but that strives to make concise proposals for institutional reform as well. Taking process as the key issue for both theory and practice, the book finds 'that there



are good reasons for thinking about things differently and for considering alternative institutional designs which are both normatively justified and feasible' (p. 65). More specifically, Kostakopoulou seeks to elaborate and justify a normative political theory of European integration based on changed concepts and practices of citizenship and immigration. Her concern is with prevailing unequal power relations generated by structural conditions of inequality brought about by race and gender relations. If there is no institutional change which specifically attempts to undermine these conditions of inequality, she contends, they will stabilise, hence her plea to grasp the chance and 'engage in normative theorising on the emergent institutional designs of European citizenship and immigration' now (p. 1). As a project, this approach means identifying the key features of constructive citizenship. It is addressed in seven chapters. Similar to the actual development of citizenship policy in the European Union (and previously in the European Community), the book begins with discussions of European identity and democracy, its importance in general, its emergence in the process of European integration, as well as the difficulty of making sense of the concept in a non-state realm. Here both theoretical and institutional perspectives (Chs. 1, 2) are offered at first, followed by selected references to the debate over citizenship that is not bound to the nation-state. In particular, she examines the legal case material on citizenship in the EU (Chs. 3, 4). The second half of the book entails at times more rigorously elaborated theoretical perspectives including 'propositions for constructive citizenship in the European Union' (Ch. 5), an 'alternative framework for a European migration policy' (Ch. 6) and 'Heideggerian insights' on 'dwelling, boundaries and belonging' (Ch. 7).

Despite the impressive display of theoretical knowledge and imagination as well as the application of a detailed expertise in European case law, this book, while provocative in its core argument, is likely to generate more questions than answers, given the somewhat idiosyncratic approach to existing debates and the resulting incoherence in theoretical and methodological clarity, explanation and detail. Particularly, those who have been following the respective debates in the manifold academic fields touched by the ambitious argument, including political theory, historical sociology, comparative politics and European integration studies and law will feel that methodological and theoretical terminology is used in a way which stretches beyond the challenge of interdisciplinarity towards an eclecticism that unnecessarily undermines the otherwise strong philosophical and empirical knowledge conveyed in this book. Yet, it is perhaps the author's readiness to engage with the challenge of interdisciplinarity that any academic studying the European Union is faced with (and few dare to take on) that contributes to the at times puzzling, if always interesting and provocative, reading. The overwhelming breadth of theory, ranging from scratching the surface of debates over European integration theory and European citizenship, to engaging more deeply with general theories of citizenship and proposals for migration policy – the strongest chapters of the book – to the final and unexpected turn towards Heidegger's notion of 'dwelling' as a basis for capturing the European Union's complex notion of belonging amongst and despite diversity (p. 160-164), leaves the reader uncertain as to the major theoretical thrust of the book. While the reference to Heidegger is not necessarily misplaced, after all, the Heideggerian turn sustains the book's core argument that 'belonging in the Union is not only multiple and flexible, but is also critical and transformative' (p. 163), it still comes as a surprise and is then left relatively unexplored.

The fact that some of the chapters are relatively dated, including, for example the, albeit revised, re-publication of several previously published articles in the

book as well as reference to material generated by a doctoral dissertation submitted in 1995 may have prevented a focus and in-depth exploration of some of these questions. Still, a more structured approach to presenting the important and innovative argument at the book's core, laying out the author's normative approach to constructive citizenship based on process and pluralism and an inherent *Herrschaftskritik* would have done both author and readers great service. However, there is no doubt that this book is likely to take the debate further and make an interesting additional reading for postgraduates and scholars.

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Globalization and Nationalism, the Changing Balance in India's Economic Policy 1950-2000

Baldev Raj Nayar

Sage Publications [New Delhi], 2001

HBK: ISBN: 0761995366 £29.99

pp. 287 (including: index, bibliography)

We live in an age of globalization. Although it may not constitute an entirely new phenomenon, globalization in its current phase can be described as an intensification of political, economic and cultural interconnection across national boundaries. However, not everybody experiences globalization in the same way, nor is every society convinced of the efficacy and benefits of global markets. There are then many stories to be told about current global trends and distinct national dispositions. Baldev Raj Nayar unfolds for us one such important story: about the changing roles of markets and the state in India. This book is especially important for those who want to know how ethnically divided countries like India incorporate and carry forward the new neo-liberal dispensation. Nayar carefully delineates the passage of new economy through the maze of India's coalition politics and federal polity. Set against the background of a declining Congress that had ruled as a majority party for more than four decades, the beginning of governments by coalitions – which has been an alliance of several ethnically based regional parties – marked a decisive turning point in Indian politics. That it should coincide with the dismantling of the state-led development and beginning of market-based reforms, have raised at least three questions about the changes in the past decade: Why did India abandon the commitment to state led growth? What role did the regionally based ethnic parties play in this transition? How would the new coalition politics determine the pace and success of the new economy? Nayar's book seeks to answer these questions. It outlines how ethnically divided societies deal with globalization and market reforms.

Although Nayar outlines the halting but enduring pace of economic reforms through the periods of crises and re-engagement in India, this study goes well beyond the purely economic explanations. It does what the bulk of the economic literature has largely ignored: incorporate in its analysis compulsions emanating from India's ethnic diversity, institutional structures, electoral rhythms. Nayar argues that for the Indian leaders, political independence and national security – each essential for domestic legitimacy – could not be separated from the quest for economic development. India rejected the 'Shock therapy' so enthusiastically advocated by the Harvard economists in the early 1990s because that would have meant dismantling the edifice of ethnic and regional collaboration so carefully