
European Agenda

European Agenda provides a location for the publication of more specialized research notes, or short articles to promote scientific debate, on matters falling within the Journal's domain (see inside front cover). Additionally, it will provide occasional reviews of important policy developments. Prospective contributors should consult the notes on the last text page of this issue.

Why a 'Community of Europeans' Could be a Community of Exclusion: A Reply to Howe

THEODORA KOSTAKOPOULOU

*Schools of Law and Social Sciences,
University of East Anglia,
Norwich NR4 7TJ, England*

Howe, in 'A Community of Europeans: The Requisite Underpinnings' (1995), refutes the idea that community-building in the European Union (EU) requires some form of tangible homogeneity. He argues that the EU is 'poised to become a genuine community of Europeans', but its crucial building block will be neither some measure of cultural or ethnic homogeneity as Smith (1992) assumes, nor communicative efficiency, as Deutsch (1966) believes. Instead, Howe argues, a community can be created on the basis of the abstract 'belief that others are of the same community'.

I sympathize with Howe's intention to produce an account of community-building in Europe which does not rely on homogeneity, and wholeheartedly agree with his more 'optimistic' account of the prospect of forging a community

in the EU. I disagree, however, with the basis of Howe's conclusion and, in more substantive terms, with the way he conceives the emerging community in Europe. Whereas Howe uses the lens of the nation-state model in its civic territorial form, in order to theorize developments in the EU, I believe that the uniqueness of the European Union order in the making requires new conceptual tools and a fundamental rethinking of standard models.

The grafting of old concepts onto the new scenario leads Howe to the paradoxical situation that, the more he relies on the model of modern national communities to build his argument on European societal integration, the less his account of community-building in Europe will fulfil the criteria of heterogeneity and achieve what he intended. This methodology also prevents an understanding of both the incompleteness and the non-teleological character of European integration. It is therefore not surprising that Howe assumes that the process of European political integration is bound to yield the formation of a European nation (Howe, 1995, pp. 34, 37, 41). But if community in the EU is viewed as a 'national community oriented towards the future' in which 'the Monnets, Mitterrands and Kohls of Europe are following in the footsteps of North American nation-builders' (Howe, 1995, p. 32), will not this process yield the most undesirable political implications for both Europe's ethnic migrant population, and the nature of the emerging polity in Europe?

Howe's conception of the community of Europeans as a 'community of destiny', constructed along the lines of the North American nation-building, forms the second source of my disagreement.

Howe is sceptical as to whether Smith's ethno-national approach (1986, 1991, 1992) can be adequately applied to European societal integration. If applied to the EU, it would lead to the pessimistic conclusion that the prospects for 'a community of Europeans are bleak' (p. 31), since the European Union lacks the shared myths, symbols, memories, common history, shared cultural heritage and ethnic pedigree, in short all the crucial elements which, according to Smith, are required for national community building. In order to avoid this impasse, Howe (1995, p. 32) advances a 'future-oriented' approach to EU community-building. The idea of a shared destiny, of a sense of common purpose could, according to Howe, furnish the nationalist myths and memories required for the creation of 'a community of Europeans'.

Is Howe's forward-looking approach a genuine alternative to Smith's approach which Howe himself criticizes? Howe shares two crucial assumptions with Smith. First, that the forging of a 'community of Europeans' will follow the patterns set by the process of nation-state building, albeit in the form of the 'shared destiny' element which was crucial for North American and post-colonial nation-building. Clearly, Howe gains his inspiration for this forward-looking approach from the formation of North American civic territorial states.

He assumes that the forging of a 'community of Europeans' will be founded on nationalist myths and, in later phases, will most probably rely on more 'organic phases of community building' (1995, p. 34), following thus the patterns set by the process of nation-state building in its civic form. Although Howe rejects Smith's ethno-national approach in favour of the civic form of nationalism, it is nevertheless still the framework of the nation-state which informs his views on community-building in the European Union. This is shown by remarks such as, 'the argument is not that the people of Europe are ready to will themselves to be part of a new nation, but simply they will acquiesce as the political structures that typically precede such a development are put in place, after which the more organic phase of community-building will naturally run its course' (1995, p. 34), and by several references to a 'nascent' European nation (1995, pp. 34, 36, 37, 41).

But nationalist projects and 'organic community-building' (Howe, p. 34) have often brought about practices of exclusion of different people, ill treatment of minorities and defamation of aliens. In this respect, the modelling of the emerging community in Europe on the civic nationalist framework is very likely to yield undesirable political consequences for both Europe's ethnic population and the nature of the European project. Civic nationalist narratives, for instance, have, by no means infrequently, been susceptible to ethno-cultural interpretations and have led to exclusion by positing some form of imagined homogeneity.

The case of the United States' nation-building¹ is an instructive example of the articulation of such a nationalistic mythmoteur which, in the absence of an ethno-cultural pedigree, did not hesitate to invent one. In the process of the founding of the American nation, the assumed homogeneity of the American people which made them embrace free institutions, became entangled with exclusionary racial concerns when the first naturalization laws were debated in the 1790s. Although Thomas Jefferson (Notes on the State of Virginia, Query VIII, in Peterson, 1975, pp. 124–5) feared that the admission of people from non-republican backgrounds ('the servile masses of Europe') would transform the 'homogeneous' and 'peaceable' American people into a 'heterogeneous, incoherent, distracted mass' unfit for republican government, the early laws included a requirement for racial homogeneity and the exclusion of all non-whites from eligibility for naturalization (Schuck and Smith, 1985, p. 51).

¹ Although Howe draws his inspiration for his forward-looking approach from North American nation-building, he fails to discuss the exclusionary nature of the American political community at the nation's founding. It may be interesting to note here that Chief Justice Roger B. Taney, in the *Dred Scott* case (*Dred Scott v. Sandford*, 60 U.S. 393 (1857)) argued that African Americans were not parties to the social contract that created the United States. US citizenship, therefore, was confined to the original white parties and their descendants, since the United States was a white community until it explicitly decided to become otherwise (Schuck and Smith, 1985, p. 68).

Furthermore, one cannot but wonder how an abstract belief in the intrinsic value of others, which is posited by Howe as the essence of the modern liberal American community (p. 39), is compatible with the structures of inequality (i.e. race, gender, and so on) and discrimination that belie formal equality. In this connection, it can be said that to apply the national state framework to the European Union and, thus, to introduce a possible replication of the problems and contradictions that have accompanied national identity-building on the European level, is to deal the European project a fatal blow. In practice, such an idea could only legitimize exclusionary citizenship laws and restrictive immigration and asylum policies which portray immigrants as a 'problem' or 'threat' to the alleged 'relative homogeneity' of the European people. In so doing, it could fuel European racism and xenophobia by culture-baiting ethnic minorities as 'aliens' threatening to corrode the character of Europe.²

The second crucial assumption that Howe shares with Smith is the idea that national communities are not imagined communities. Towards the end of his article, Howe (1995, p. 44) lists what, in his opinion, are limitations on new community formation. These include: 'there must be events of note to furnish the raw stuff of nationalist myth, for leaders presenting ideas about new nations must embellish, not fabricate'; 'there cannot be bones of contention, such as starkly opposed political values, that will generate misapprehension and conflict among community members'. These ideas coupled with the statement that only in some populations could a new belief in community take hold, suggest that Howe believes that there is an underlying rationality in the process of community formation which predetermines in a way the outcome of the practices of its articulation. Howe thus, like Smith, subscribes to essentialism.

My doubts as to whether Howe has in fact provided a conception of community which avoids the pitfalls of Smith's ethno-national approach, become reinforced as Howe proceeds to spell out the more precise terms of his alternative belief. In particular, he argues that, 'the essence of the modern liberal community' is a sense of the 'intrinsic value of all members of the community' – a sense derived from the abstract 'belief that others are of the same community'. Clearly, this belief presupposes and, in turn, requires some common homogenizing framework, a set of shared political values. Howe (p. 40) confirms this by saying that 'there may be other factors apart from the homogenizing norms of modern liberal communities and the idea of the intrinsic value of all members

² Note, for instance, the slogan, 'Europe for the Europeans' featuring the extreme Right's discourse, as well as the current discourse on immigration which seeks to create a consensus on the exclusion of immigrants and refugees by portraying them as culturally 'other'. Balibar and Wallerstein (1991, pp. 15–27) give a very good analysis of this new face of racism which is clothed as cultural differentialism. Taguieff (1985, pp. 69–98) remarks that under this type of racism, immigrants have to be repatriated not because they are 'inferior' people (biological racism), but because they are culturally 'other' and, as such, an alleged threat to the ethnic and spiritual homogeneity of the national collectivity (a mixophobic racism).

that underpins them'. He also notes that 'recent history suggests that while [assimilation] may be a necessary precondition for successful integration – the communities in question must be at or above a certain threshold of mutual affinity – the latter may be the factor that determines the outcome' (p. 35). Furthermore, Howe's claim that 'there cannot be bones of contention ...' (p. 44) indicates his belief that dissent poses an important limitation on new community formation.³

On the basis of these considerations, it can be argued that, although Howe seeks to deny the claim that the process of community formation in Europe requires some tangible homogeneity, his alternative approach relies heavily on some measure of homogeneity. In defence of his argument, Howe could always point out here that the homogeneity he has in mind is neither ethnic nor cultural – it is political. But it must be noted that distrust and fear of persons with different cultural backgrounds usually finds expression in language emphasizing a conflict of values (Karst, 1989, p. 29). In addition, political homogeneity may equally be exclusive insofar as it disallows dissent and silences disagreement. Homogeneity, in terms of political values and/or agreement over a community's shared final ends, is very often the result of hegemony (Shapiro, 1994, p. 134). Indeed, bearing in mind the extent of Member States' disagreement over both the future and the nature of the European Union, as well as the degree of contention over even the definition of central political values (i.e. the meaning and function of subsidiarity, the allocation of competences to the subnational tier of government), it seems reasonable to argue that any agreement on a particular conception of the Union's destiny will most probably be the result of hegemony.

In addition, it may be problematic to speak about a shared destiny, bearing in mind that Europe's destination is unknown. It might be more appropriate to conceive the European project as a dynamic and often contradictory process the final shape or telos of which is indeterminate, rather than as a teleology. Besides, if the end, the telos, is perceived as the formation of European nation as Howe (pp. 37, 41) says in his analysis, then it seems most certain that those who will be perceived as 'other' (i.e. not belonging to a community of 'Europeans') will be excluded from the process of the collective shaping of that destiny.

It is precisely the issue of exclusion or, more precisely, the politics of 'belonging' and 'exclusion' that accompany any process of community-building that seem to evade Howe's consideration. Howe may premise community in the EU on the abstract belief that others are of the same community but, in reality, the opposite belief – that certain others are not of the same community – seems to permeate the process of EU community-building. The fact that Howe (pp. 30,

³ The positing of 'a community of some common purpose and destiny' (p. 33) logically presupposes the idea of a frictionless, homogeneous community in which there is consensus, agreement as to what this destiny might be. (Howe talks about the transcendence of ethnic and historical differences (p.33).)

39, 40, 43, 44) says that his alternative belief requires a liberal institutional framework provides no assurance, for he fails to examine: (a) the complex systems of discrimination and oppression belying the public sphere of impartiality of norms and equal citizenship;⁴ (b) the tension between the liberal philosophical principles Howe himself invokes and the nationalist-statist framework on which these principles are brought to bear. Arguably, the liberal commitment to the intrinsic moral worth of all individuals, equality of opportunity for self-realization, and so on, does not square with the idea of exclusionary communities with fortified borders and restrictive conditions of membership. And yet the latter issues appear pertinent for the formation of community in Europe.

Howe does not address, for example, the exclusionary personal scope of Union citizenship,⁵ which, in fact, can be said to have resulted from the imposition of nationalist trappings onto supranational ideals and institutions (i.e. on Union citizenship), not to mention the EU-wide consensus on restrictive immigration policies, stringent policing of Europe's outer frontiers and the policing of migrant communities in the EU via various forms of internal control (i.e. security service co-operation, identity checks, the establishment of the Schengen Information System (SIS) etc.). Notably, the policies that have resulted from the intergovernmental pattern of co-operation on immigration and asylum related matters⁶ have given credence to suspicions that a 'Fortress Europe' is being created in secret and with little democratic debate, aiming at excluding Third World immigrants and refugees (Bunyan, 1991, pp. 19–24).

Howe's failure to discuss the issues of exclusionary Union citizenship and restrictive immigration policies cannot but reveal the limitations of his argument. Interestingly, he acknowledges that membership rules have a significant bearing on the nature of a polity (p. 42). But he considers it sufficient to say here that 'every community has another sets of rules specifying who is to count as a member' (p. 40). As he remarks: '[n]ational self-determination is held, by the international community at large, to be the only just principles for maintaining borders within which individuals move freely and partake equally of the benefits of community. Why may a Spaniard take a position in Germany offering a

⁴This is a criticism which has been advanced by feminist and anti-subordination literature. Compare Pateman (1979), Okin (1989) Young (1990) and Anthias and Yuval-Davis (1992).

⁵According to Article 8(1) of the Treaty on European Union, nationality of a Member State and not a domicile determines the beneficiaries of the Union's citizenship provisions. This means that third country nationals residing on a lawful and permanent basis in the territories of the Union have been excluded from the benefits of Union citizenship.

⁶The possibility of the 'Communitarization' of immigration and asylum policy under Article K9 of the 1992 Treaty may be a positive step, but it falls short of the prospect of devising a Union immigration policy. Indeed, the Commission's draft decision on the External Frontiers Convention and the draft Visa Regulation seem to suggest that there is, at present, a consensus on the legitimacy of the Schengen Convention as a model for the development of a Union immigration policy. On this, see O'Keefe (1995a, b).

handsome salary, while a Bulgarian may not? Why may Spaniards and Germans decide together who will require a visa to enter the EU? The implicit justification, even if it is not common currency today, is that Spaniards and Germans are European citizens; and the institutions of the European Union that provide for their interaction are those of a nascent European nation engaged in the process of self-determination' (p. 41). Instead of questioning the exclusionary scope of Union citizenship, and reflecting on both the procedural and substantive rights' deficits of the intergovernmental pattern of co-operation in the context of the Union, Howe seems to legitimize the above policies by presenting: (a) membership rules, in general, as something natural and unproblematic; (b) European Union citizenship and immigration rules as an institutional expression of a 'nascent European nation engaged in the process of self-determination'.

On the basis of the discussion so far, it may be concluded that Howe's alternative conception of community-building in the EU, founded on the belief that 'others are of the same community', not only suffers from internal limitations, but it is also likely to yield unattractive results if applied to the European Union. As his approach is somewhat entangled with the nationalist framework and the idea of 'organic community building', Howe ends up subjugating difference under the rubric of homogeneity. By applying the model of national integration by contract to the emerging community in the EU, Howe fails to suggest a framework of community which respects 'differences' and, thus, is considerably less exclusionary than the ethno-nationalist narratives of community which he criticizes. Indeed, Howe's failure to reflect seriously on the political implications of his argument and to develop a framework for community in the European Union which is respectful of difference, leads me to argue that Howe might have been led to the conclusion that cultural homogeneity is not the requisite underpinning for a 'community of Europeans', not out of a philosophical discussion of difference and of a normative appreciation of the merits of diversity, but out of the mere 'fact of Europe's diversity'.

References

- Anthias, F. and Yuval-Davis N. (1992) *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle* (London: Routledge).
- Balibar, E. and Wallerstein, I. (1991) *Race, Class, Nation: Ambiguous Identities* (London: Verso).
- Bunyan, T. (1991) 'Towards an Authoritarian European State'. *Race and Class*, Vol. 32, No. 3, January–March, pp. 19–24.
- Deutsch, K. (1966) *Nationalism and Social Communication* (Cambridge MA: MIT Press).
- Howe, P. (1995) 'A Community of Europeans: The Requisite Underpinnings'. *Journal of Common Market Studies*, Vol. 33, No. 1, March, pp. 27–46.

- Karst, K. (1989) *Belonging to America* (New Haven: Columbia University Press).
- O'Keeffe, D. (1995a) 'The Emergence of a European Immigration Policy'. *European Law Review*, Vol. 20, pp. 20–36.
- O'Keeffe, D. (1995b) 'Recasting the Third Pillar'. *Common Market Law Review*, Vol. 32, pp. 893–920.
- Okin, S. (1989) *Justice, Gender and the Family* (New York: Basic Books).
- Pateman, C. (1979) *The Problem of Political Obligation: Critique of Liberal Theory* (Berkeley: University of California Press).
- Peterson, D. M. (1975) *The Portable Thomas Jefferson* (Harmondsworth: Penguin).
- Schuck, H. P. and Smith, M. R. (1985) *Citizenship without Consent. Illegal Aliens in the American Polity* (New Haven: Yale University Press).
- Shapiro, I. (1994) 'Three Ways To Be a Democrat'. *Political Theory*, Vol. 22, No.1, February, pp. 124–51.
- Smith, T. A. (1986) *The Ethnic Origins of Nations* (Oxford: Blackwell).
- Smith, T. A. (1991) *National Identity* (Harmondsworth: Penguin).
- Smith, T. A. (1992) 'National Identity and the Idea of European Unity'. *International Affairs*, Vol. 68, January, pp. 55–76.
- Taguieff, P-A. (1985) 'Le Neo-Racisme Differentialiste'. *Langage et Société*, No. 34, December, pp. 69–98.
- Young, M. I. (1990) *Justice and the Politics of Difference* (Princeton: Princeton University Press).