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Conceptualising the EU's social constituency

By

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The EU is often considered as a unique entity. This assertion rests on assessments of its

institutional character more than on assessments of its social constituency, i.e. the structure

of demands and expectations that citizens and groups place on the EU. Establishing the

character of the latter is important both to understand the EU as polity and to understand its

democratic deficit. It is also of theoretical interest given the increased focus on recognition

politics, not only within nation-states but also within the transnational realm. This article

develops a conceptual-methodological framework with a set of structured tests so as to

permit us to establish the character of the EU's social constituency. This framework

combines a philosophical approach to recognition with a sociological approach to

contentious politics. A central element is the notion of 'recognition order', and the article

briefly examines whether the EU might be said to make up a unique recognition order.

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Polity building, identity, citizenship, legitimacy

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'Recognition' has become a keyword of our time. A venerable category of Hegelian philosophy, recently resuscitated by political theorists, this notion is proving central to efforts to conceptualize today's struggles over identity and difference... Hegel's old figure of 'the struggle for recognition' finds new purchase as rapidly globalizing capitalism accelerates transcultural contacts, fracturing interpretative schemata, pluralizing value horizons, and politicizing identities and differences... recognition's salience is now indisputable... (Fraser and Honneth, 2003: 1)

INTRODUCTION1

The purpose of this article is to heighten our understanding of the nature of the EU's social constituency. With <u>social constituency</u> is meant the structure of demands and expectations that citizens and groups place on the EU. The EU is widely held to be a functional-type organisation. If this is a correct assessment, it would mean that its social constituency would be made up of utility-oriented, economic interest organisations and be much narrower than that of a state.¹

Is such a conception of the EU consistent with citizens' demands and social movement involvement in, and engagement with, the EU? Is it consistent with the EU's self-conception, and how it defines its social constituency? Many studies note that the social contingent that approaches the EU exceeds well beyond the realm of functional

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interest organisations (Greenwood and Aspinwall, 1998; Greenwood, 2003). The EU also presents itself as a polity with a far more committing relationship to its social contingent, through its embrace of democratic norms and its instituting of a European citizenship.

But although the EU is approached by a broad range of actors, this does not in itself prove that it is more than a functional organisation. Actors may still approach it for material gains or in a narrow, instrumental sense. Or they may approach it, so as to curtail it and prevent it from touching on issues of fundamental importance to them. Further, that the EU seeks to portray itself as different from a functional type organisation does not necessarily mean that it really is so. In other words, for it to be meaningful to talk of an EU social constituency that is something more and different from that of a functional organisation we also need to look at the nature of concerns that the actors bring to the EU. Are these so salient as to revolve around the actors' identities, their senses of self, and their conceptions of right and wrong? If we relate this to the above quotation from Fraser and Honneth, the issue is whether actors conceive of the EU as a relevant site for recognition of identity and for rectification of injustice.

The politics of recognition has entered centre political stage, not only nationally, but also, and increasingly so, <u>transnationally</u> (Fraser and Honneth, 2003; Fraser, 2003; Hobson, 2003). Given such a development, those that hold that the EU is a mere functional type organisation, with a narrow social contingent of economic interest organisations, also claim that the EU and its social constituency are <u>exceptional</u>, in that they both have escaped entanglement with recognition politics. Those that claim that the EU is legitimate similarly imply that it is made up of a range of national recognition-oriented structures of demands and expectations and that these have not been transnationalised and (re)directed at the EU.

This article seeks to develop a conceptual-methodological framework that will help us to identify the EU's social constituency and spell out its specific traits. To this end, I seek to fuse elements of a modified version of Axel Honneth's (1995a, b, 2003) approach to recognition (the what) with the contentious politics approach (the how) associated with Charles Tilly (1978) and associates (see for instance McAdam et al., 2001). The latter apply this to the EU but not from a recognition perspective (Imig and Tarrow, 2001).

Recognition, notes Honneth, 'is of central importance today ... because it has proven to be the appropriate tool for categorically unlocking social experiences of injustice as a whole' (2003: 249). A core feature here is the notion of a <u>recognition order</u>: 'a framework within which individuals and groups are learning to see themselves as

recognised with respect to certain characteristics.' Honneth's project is to establish the characteristic features of the modern recognition order.

This framework (appropriately modified and extended) can serve as a useful heuristic tool for the conceptualisation of the EU's social constituency.³ First, it underlines that any polity generates recognition expectations. The notion of recognition has not only a social, but also a critical legal-institutional component. A person's or group's experience of injustice and disrespect relates to a set of institutionalised principles of recognition.

Second, the framework is useful not only to determine whether the EU establishes such expectations, but also what types they are, and whether the EU can be construed as a novel or unique recognition order.

Third, the framework can accommodate the alleged uniqueness of the EU also because of its inclusiveness: it provides us with a set of analytical categories whose purpose it is to encompass the entire range of motivations that could prompt people to act to rectify injustice. As such it can also capture the <u>enlarged EU's social constituency</u>. If we had developed a framework that focused on new social movements only, we would most likely have inserted an unwarranted bias in favour of Western Europe.

In the following section, I spell out the recognition framework in further detail and assess its relevance to the EU. Then, I present a framework that helps us to map and assess the structure of claims-making in the EU. These two sections demonstrate that it takes a very major research effort to establish with precision the structure of demands and expectations that are directed at the EU. A recognition-theoretical perspective underlines that such a mapping should also be seen in light of the type of recognition expectations that the EU establishes. In the subsequent section, such a brief sketch is provided. It is placed

after the mapping so as to make clear that there might be discrepancies between the social demands that are oriented at the EU on the one hand and the nature of the recognition expectations that the EU seeks to establish on the other. An assessment of the EU's social constituency requires proper attention both to the recognition expectations that the EU establishes and to the structure of social demands that is oriented at it. The latter is clearly informed by the former but cannot be derived from it. The final section holds the conclusion.

THE RECOGNITION FRAMEWORK:

PRESENTATION AND ASSESSMENT

The term recognition has roots in Hegelian philosophy, in Hegel's phenomenology of consciousness and

designates an ideal reciprocal relation between subjects in which each sees the other as equal and also as separate from it. This relation is deemed constitutive for subjectivity; one becomes an individual subject only in virtue of recognizing, and being recognized by, another subject. (Fraser, 2003: 10)

Recognition is therefore critical to identity. It speaks to how identities are constructed, sustained, and how they may be, violated. Recognition is about the moral sources of social discontent. What subjects expect from society above all is recognition of their identity claims, in other words,

subjects perceive institutional procedures as social injustice when they see aspects of their personality being disrespected which they believe have a right to

recognition. What is called 'injustice' in theoretical language is experienced by those affected as social injury to well-founded claims to recognition. (Honneth, 2003: 114)

Recognition speaks to matters moral because of people's expectations: 'every society requires justification from the perspective of its members to the extent that it has to fulfill a number of normative criteria that arise from deep-seated claims in the context of social interaction' (Honneth, 2003: 129). Recognition is a social phenomenon because individuals (and groups) direct their expectations and concerns at society.

To claim that people have a strong need for recognition is akin to saying that human beings are something more, and different from, a mere collection of atomistic actors who pursue their self-interests. Claims and issues revolve around conceptions of the good life, and what is just and valuable; and they are therefore very difficult to reconcile. They can spark extremely intense and upsetting conflicts, and can as easily break as make a fledgling entity (such as the EU). Struggles for recognition can bring with them demands for attitudinal changes, for changes in institutions and socialisation patterns, and for changes in socio-cultural valuations.

Honneth's notion of the modern recognition order consists of three sets of principles. The first principle relates to 'self-confidence', and is based on needs and emotions generally found in love, the notion of 'being oneself in another'. This notion of recognition as self-confidence highlights trust, as it is based on love. It refers to the individual's basic trust in itself and others – a taken-for-granted trust in one's own control of one's body. This is deeply harmed when the individual is deprived of basic control of his/her body, through abuse, rape, and torture.⁴ A person who is unable freely to control his

or her body will suffer a lasting loss in basic self-confidence, because of reduced trust in own ability to control own body, and that others will respect his/her physical integrity. Violation deeply affects the victims' emotive state, as it also produces a deep sense of humiliation and social shame.

The second recognition principle is termed 'self-respect'. It refers to the moral responsibility that derives from legal rights. Legal rights also have a clear recognition aspect because:

we can only come to understand ourselves as the bearers of rights when we know, in turn, what various normative obligations we must keep vis-a-vis others: only once we have taken the perspective of the 'generalized other', which teaches us to recognize the other members of the community as the bearers of rights, can we also understand ourselves to be legal persons, in the sense that we can be sure that certain of our claims will be met. (Honneth, 1995a: 108)

Legal relations highlight the general and universalisable aspect of the recognition relationship because what is recognised is the person as a holder of rights, not the particular personality traits or attributes of the person. Rights provide their bearers with the reassurance of a standardised form of entitlement and provide rights bearers with the opportunity 'to exercise the universal capacities constitutive of personhood' (Anderson in Honneth, 1995a: xv). They also offer a measure of protection against negative social evaluations. Legal recognition does not refer to a given set of human abilities which are fixed once and for all:

It will rather turn out to be the case that the essential indeterminacy as to what constitutes the status of a responsible person leads to a structural openness on the

part of modern law to a gradual increase in inclusivity and precision. (Honneth, 1995a: 110)

Failure of recognition occurs when people are excluded from possession of rights, or when they are denied certain rights. Such denial affects a person's moral self-respect. This of course refers to the sense of loss of whatever entitlements were associated with the rights. But since rights are also expressions of the social structure of belief in a given community, exclusion or denial of rights is also a sign that the person is not recognised as a full and equal member of the community. The person's sense of individual autonomy is weakened or even undermined because its ability to form moral judgements is restricted.

The third and final recognition principle is 'self-esteem'. It highlights a person's or group's sense of what makes someone special, unique, and (in Hegel's terms) 'particular'. Self-esteem highlights those distinct features or personality traits that are socially significant and valued. It is always oriented at a social setting or context in which the values are communicated and assessed. The social setting provides a framework that serves as a reference for the appraisal of particular personality features, and where the social 'worth' of such is measured in relation to societal goals and to the personality features' contribution to their realisation.⁵

Denial of recognition is under this principle associated with the denigration and insult that emanate from experiences in which one's own form of behaviour and manner of belief are regarded as inferior or even deficient. Those affected suffer a loss in self-esteem, as they recognise that their mode of life is not considered to offer anything of positive value to the community.

There is a tension in the third recognition principle between one notion of selfesteem that is ultimately settled through legal equality and another that seeks measures to ensure communal protection and preservation. The latter 'cultural' type prompts Honneth to ask whether it might make up a fourth recognition principle.

Preliminary European application and evaluation

What implications might we draw from this for the study of the EU's social constituency? As noted above, this framework is not confined to the new social movements, although they of course matter, as is for instance the case with the women's movement in Europe. But confining the framework to new social movements could mean failing to capture the nature and extent of the politically salient human suffering that is relevant to the politics of recognition. In the post-socialist era, it has become more difficult to reach agreement on what are the core social ills and injustices (as the debate between Fraser and Honneth over redistribution versus recognition brings out very clearly). Honneth consequently underlines the need to be on the constant lookout for social ills.

A critical social theory that supports only normative goals that are already publicly articulated by social movements risks precipitously affirming the prevailing level of political-conflict in a given society: only experiences of suffering that have already crossed the threshold of mass media attention are confirmed as morally relevant, and we are unable to advocatorially thematize and make claims about socially unjust states of affairs that have so far been deprived of public attention. (2003: 115–6)

This observation is relevant to the mapping of the EU's social constituency. We must develop a framework that can adequately caption the most important types of injustice. In other words, we must avoid falling into the trap that Offe spells out, namely that each society has a "hegemonic" configuration of issues that seem to deserve priority and in respect to which political success or progress is primarily measured, while others are marginal or "outside" of politics' (1987: 66).

Second, the recognition framework does not approach the question of the EU's social constituency exclusively 'from below', i.e., from the structure of citizens' demands and social movement involvement in the EU. Rather, it highlights how citizens' demands are shaped by the structure of expectations that the society or community creates. The law and in particular rights are of central importance to the framing of such expectations. The recognition relation could thus be seen to have a 'triadic character': it involves the relation between individuals (and groups/collectives), i.e., the expectations that they place on each other, and that these relations are steeped within a set of institutions that make up the framework of expectations.

Third, we need a framework that is open-ended also because the process of European integration could generate new injustices, foster new actors, and create new and different conflict configurations.⁷ European integration need not replicate nation-building. European integration can provide a new arena for claims, such as for instance for the recognition of Europe's Christian identity,⁸ and for the recognition of national language minorities (Trenz, 2004). But it can also make dominant national frames more visible and reflexive, as nationals in one state have to relate to the concerns of non-nationals within and without their state.⁹

Fourth, the Honneth framework does not confine recognition struggles to the realm of culture, but is meant to include issues of distributional injustice. This is however a problematic assertion (cf. Fraser, 1997, 2003; Fraser and Honneth, 2003). The issue is not whether recognition and redistribution are imbricated, as both Fraser and Honneth agree that they are, but rather whether we can rely on one intellectual framework steeped in recognition, or whether we need two frameworks, one steeped in recognition and the other in redistribution. The critical issue is what is lost in relying on one framework. Fraser argues that reliance on recognition alone poses two core problems: that of displacement and that of reification. With displacement is meant that cultural conflicts can overshadow, marginalise and replace redistribution struggles. The second problem, that of reification speaks to how groups involved in a recognition struggle retain and defend entrenched identities and ways of life rather than relate to, adapt to and reflect on those of its adversaries. Reification relates foremost to Honneth's third recognition mode, that of self-esteem. When reification occurs, reflexivity, learning, and transformation are inhibited.

These are important objections. In a sense, the first problem, when related to the EU, might be the opposite of displacement, a <u>reverse displacement</u>, so to speak, as those who see the EU as a functional-type organisation do not consider questions of recognition to be very relevant to the EU. Therefore, it seems important first to establish that the EU is a relevant site for recognition politics, and <u>thereafter</u> consider the role of displacement. This article is only concerned with establishing whether recognition politics is relevant to the EU.

The problem of reification is of direct relevance to the EU setting, with one possible case being national identity. If we consider the recognition order associated with the nation-

state, we find that it holds both a domestic and an international dimension. The domestic order is based on a complex mixture of self-confidence, self-respect and self-esteem. The democratic nation-state, very simply put, reins in and makes group-based notions of self-esteem subject to legal-institutional controls, foremost through the medium of individual rights. But in its relations to other states, it can still largely rely on <u>national auto-recognition</u>, which is an assurance that the state can appeal to and be recognised as an entity with a distinct national identity entrenched in the doctrine of national sovereignty and upheld by international law.

What this entails in recognition terms has nevertheless been reined in through developments in international law which have modified the doctrine of national sovereignty through a strengthened commitment to human rights. This development has been particularly pronounced in Europe, through the European Court of Human Rights and increasingly so, also through EU law. These (and other) developments point to the prospect of a <u>post-national</u> constellation (cf. Habermas, 2000). Such recognition order – whether of a cosmopolitan or of a state-based kind – would privilege the second mode: self-respect. It is steeped in individual rights, and can render the other two modes reflexive. The relevant mode of allegiance would be different from that of the nation-state, as it would be based on a post-national constitutional patriotism (cf. Habermas, 1994, 1996, 2000).

The question then is whether the EU represents a recognition order that is distinctly different from that of the nation-state. To get at this we both need to understand the nature of claims directed at the EU, and the nature of recognition expectations that the EU generates. On the identification of claims, Honneth's recognition framework has been critiqued for being static and perhaps even deterministic in terms of privileging presumed

over actual claims, and for being overly concerned with pre-political suffering. In other words, Honneth's socio-psychological framework does not provide adequate mechanisms for whether and how a sense of grievance is converted into action. The Honneth framework lacks attention to the political-organisational conditions that convert a sense of social injustice into remedial action. Hence, it cannot account for which forms of unthematised suffering, wrong-doing and injustice that actually organise and act. Further, this framework also lacks the means to spell out how the very act of politicization affects the nature of recognition, as

recognition struggles name, interpret, and make visible histories of discrimination and disrespect, and thus not only motivate an aggrieved person to become politically active or to resist, but are a crucial part of the process of self-realization of mis- and nonrecognition. (Hobson, 2003: 5)

In the following, I present a methodological strategy for mapping the EU's social constituency that seeks to take into account both Honneth's notion of unthematised suffering, and the limitations built into the Honneth recognition order. I do so first by trying to outline the possible range of claims and claimants in a European setting. Thereafter I spell out a methodology for studying the EU, with a view to capture the EU's 'recognition order', i.e., to highlight the range of expectations that people derive from and place on the EU.

IDENTIFYING CLAIMS AND CLAIMANTS

The EU has emerged within a setting with well-entrenched recognition expectations. It is built on top of nation-states, all of which are democratic, and the majority of which are welfare states. If the EU were to copy the arrangements of its Member States or somehow duplicate them, it would establish a recognition structure that would encourage citizens to have equally high expectations. What kind of recognition expectations the EU shapes will be the subject of the next part. Here I will try to identify the relevant actors: the claimsseekers or the claimants, by drawing on the contentious politics perspective. 12 This perspective has three traits that permit its combining with the recognition framework presented above. First, it permits a focus on identity. Second, it is inclusive and not confined to a specific set of actors such as social movements; and third, it highlights institutional and social interaction (Imig and Tarrow, 2001: 4). Nevertheless, this framework must also be modified to suit the recognition framework. In light of the concern expressed above pertaining to reification, the framework must permit us to distinguish between different modes of recognition, with the core distinction between selfconfidence/self-respect on the one hand and self-esteem on the other.

Recognition theorists emphasise the political salience of characteristics that are for the most part <u>not</u> self-chosen, such as gender, race, class, physical handicap, sexual orientation, age and nationality. A mapping of the EU's social constituency should therefore start with mapping these. But each such category is not an exclusive container: many people belong in several ones. To capture this, we can use Tilly's (1978) notion of

<u>catness</u> because it sees category as a variable component, that is, the categories may be more or less complete and exclusive.

But if we use category as the main criterion for selection, that would exclude all voluntary groups. Further, there is no automatic link between category and action. A category of people that suffers enormous wrong-doing and injustice (as have women and homosexuals for centuries) may go on enduring it, or they may suddenly rise to action. It is therefore imperative to consider the organisational dimension, including conditions that either facilitate or stymic mobilisation and sudden and episodic bursts of action.

Tilly's definition of organisation is largely compatible with the recognition framework. Organisation is defined as 'the extent of common identity and unifying structure among the individuals in the population; as a process, an increase in common identity and/or unifying structure...' (1978: 54). A particular category can give the organisation its identity, such as a women's organisation. The group may be loosely structured, as a network, or it may be a tightly integrated organisation. An organisation is a catnet, as it is made up of category(ies) and network(s). 'This notion of organization stresses the group's inclusiveness: how close it comes to absorbing the members' whole lives.' (Tilly, 1978: 64) To caption the dynamic character of organising, we can use Tilly's notion of netness. Organisation is then the sum of:

CATNESS X NETNESS

<u>Catnet</u>, as reflected in 'catness' and 'netness', can be both inclusive and exclusive, depending on the nature and range of categories involved, as well as the nature and density of the networks involved. But however relevant and useful this notion of catnet is, it does

not determine the particular orientation of a group and the types of demands that a group will set forth. It is not possible to infer from a particular <u>catnet</u> or organisation whether it will be foremost concerned with claims relating to self-confidence, self-respect, or self-esteem. In the extension of this, it is also not clear whether its overall orientation will be to the promotion and protection of equal dignity, or to the promotion and protection of difference/uniqueness. Groups may seek all of these, which mean that it is necessary to clarify the objectives of a given group. In addition, several other steps must be taken if the notion of <u>catnet</u> is to be used to map the scope and magnitude of concern with recognition in a given setting. In principle, such an effort involves <u>to go through all of the following steps of identification:</u>

- a) to clarify the <u>catness</u>, we need to know the nature and extent of relevant categories in the entities under study. Such categories, as noted, can be gender, sexuality, ethnicity, race, nation, age, region, religion, province, and class. Public statistics are useful, insofar as they contain information on the relevant categories. A complete mapping has to take into account, on an ongoing basis, changes caused by immigration and emigration, and births and deaths, and is therefore extremely resource-demanding. This initial mapping says nothing about subjective identification with a category, the relation between and among categories, i.e., whether they converge or diverge, coincide or compete, or political salience of the category. For that we need additional information. The next step is:
- b) to clarify <u>netness</u>, to know the nature and extent of networks within which people involve themselves. A network is made up of people with some kind of an interpersonal bond weak or strong. To map this we need to know the type and the degree of contact, and whether this firms up into an organisation. Modern societies are dynamic, are marked

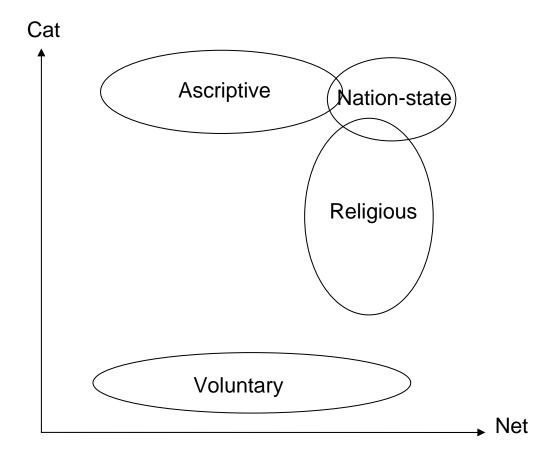
by great mobility and also increasingly by technology that facilitates contact and interaction among large numbers of people, at very different levels of personal contact and intimacy. In the European setting, with the supra and transnational EU institutions imposed on the nation-states, there is great potential for network formation.

Networks are often formed around categories, or the latter are embedded in specific networks. In the next step, we:

c) assess the <u>catness</u> and <u>netness</u> of these, in order to get a sense of their organisational status. This includes an assessment of the degree of inclusiveness and exclusiveness of each <u>catnet</u>, as well as an assessment of their organisational status, such as the resources they command, as well as how they are structured.

A further indicator of netness is the group or organisation's mobilising potential, which ranges from action taken by a group in response to an outside threat to a group's identity or sense of self (defensive), to action taken to capitalise on opportunities that have arisen (offensive) and to that of preparatory mobilisation, where a group 'pools resources in anticipation of future opportunities and threats' (Tilly 1978: 74). Organisational characteristics pertaining to goal, ideology, structure, technology and 'task environment' clearly matter to the establishment of overall netness in a society. The same applies to the nature of inter-organisational relations and the particular constellation of social costs versus opportunities involved.

As Figure 1 shows, groups and collectives place themselves differently within the two-dimensional catnet grid below:



<u>Figure 1</u>. Ilustration of the combined <u>catnet</u> strength of the nation-state.

d) to sort out <u>which catnets</u>, from the whole range of possible ones that would be the most important for us to establish the relevant claimants. This task requires theory because we need to establish criteria for sorting out the ones that are the most important.

The recognition framework cited above can serve such a theoretical purpose. The question is whether it yields sufficiently clear indicators to select claimants. We can start from any one of the following angles:

- Identify all those groups that are directly involved in the generation, maintenance and also rectification of the basic conditions that ensure self-confidence in any given society
- Identify the type and range of rights that are available to citizens in a society with the aim of sorting out those groups that are particularly involved in ensuring the conditions that underpin self-respect
- Identify those groups most closely associated with the 'hegemonic' values in any given society and then look at all those dependent on the 'hegemons' so as to establish the conditions that underpin self-esteem
- Supplemental investigations, such as for instance to obtain information on the prison population, on the presumption that disadvantaged groups tend to be more frequently incarcerated are there particular groups that dominate here?
- e) to clarify the <u>reasons</u> that groups give to seek recognition. One take is to look for the explanations that groups give to account for <u>why</u> they are concerned with recognition, and try to ascertain which mode of recognition they are most concerned with. We could interview members of the groups, study the information they produce, the interventions they make, the claims they set forth, and how they are addressed by other groups and by public authorities.
- f) to sort groups by explicit reference to the notion of <u>denial of recognition</u>. This has the advantage of focusing explicitly on those groups that subjectively see themselves as in need of recognition, and who will also be able and prone to refer to experiences of <u>denial of recognition</u> or who refer to some form of <u>denigration</u> or <u>insult</u>. This strategy is fraught with danger, as its success depends on all those with such experiences actually using this

particular language. Conversely, wide-spread public debate on and concern with recognition can have a strong mobilising and educative effect. This could improve a society's collective ability to handle recognition problems. But societies can cement into the reification of group identities. Such societies may also experience negative 'learning' processes, where the authenticity of claims is sacrificed in a competitive quest for positional advantage: groups may learn from each other what to claim, how to voice their complaints, and how to frame their claims. This can lead to improved ways of expressing grievances, but the expressions need not be authentic in the sense that they can come to reflect the learning of the socially most effective ways of expressing dissatisfaction. In that sense, resourceful groups and individuals can use the language of recognition strategically to promote their interests and concerns.

- g) to establish how and the extent to which those actors that can be categorised under the label of recognition approach the EU. Four possible ways in which claims and claimants may relate to the EU can be identified:
 - i) they focus <u>exclusively</u> on the EU as the addressee for claims
 - ii) the EU is seen as <u>supplemental</u>, meaning that there is an equal focus on the EU and on another entity, such as an organisation's home state
 - iii) the EU is a <u>subsidiary</u> addressee, meaning that there is another addressee that matters more to the groups or the organisations
 - iv) the relevant claim-seekers do not focus on the EU at all

This classification permits us to sort out claims and claimants in terms of degree of focus on and interest in the EU. It is important to establish which mode of recognition

predominates under each category, in particular whether those in i) and ii) are concerned with self-confidence/self-respect or with self-esteem.

In line with what researchers have found on the nature of contentious politics in the EU (cf. Imig and Tarrow, 2001), this set of indicators should distinguish between organising to participate in EU affairs vs. channel demands to the EU vs. channel demands dealing with EU issues through their respective national bodies.¹⁴

On the last category (iv), the larger this category of claims and claimants that do not have the EU as their addressee, the weaker the EU's social constituency. But, as noted, even if there are few claims seekers directly addressing the EU, the EU could still figure as an issue within the Member States, which might either put forth claims or be used to <u>curtail</u> the role of the EU.

The framework set out above makes clear that to properly establish the nature, scope, and salience of the politics of recognition in the recently enlarged EU requires a very comprehensive research effort. This framework helps us to spell out the specific character of this constituency from a recognition perspective, through our effort to distinguish between different modes of recognition, with self-confidence/self-respect versus self-esteem as the most important distinction. Further, such a comprehensive mapping 'from below' is also useful precisely because it does not take as its point of departure the EU's own definition of its social constituency. How the EU defines its social constituency, i.e. the nature of the expectations that the EU generates, is the theme of the next section. It is the combination of these two sets of investigations that will yield the complete picture as to the uniqueness of the EU's recognition order.

THE EU – INSTIGATOR OF A NEW RECOGNITION ORDER?

Recognition theorists have not discussed the EU in any systematic manner. Most also take the existing democratic nation-state framework as their point of departure and spend little time on developing alternative polity frameworks. These lacunae are amplified by the fact that the EU has not spelled out a clear conception of itself <u>qua polity</u>.

Our assessment should establish whether the EU generates recognition expectations and as part of this should also try to make explicit what kind of 'recognition order' the EU represents. There are three options, at least:

- a) The EU does not form an independent recognition order
- b) The EU copies or emulates the recognition order we associate with the democratic nation-state
- c) The EU makes up a distinct recognition order clearly different from that of the nation-state

With regard to a), the EU <u>does</u> establish recognition expectations. As will be further developed below, such pertain to individuals, groups and movements, regions, and Member States. There is, however, considerable opposition to the EU establishing itself as an independent recognition order. One important component of the politics of recognition that is unfolding in Europe consists in ideological and (national) identity-based efforts to <u>curtail</u> the role and scope of the EU, and to scale it down to a narrow, functional-type

organisation. These efforts have not precluded the EU from developing into an independent recognition order, however.

But the EU has only partly emulated the state-based recognition order (b). The EU is not a state but is a complex polity with a mixture of supranational, transnational and intergovernmental traits. It does subscribe to a set of basic principles that cohere with those of the democratic constitutional state, 17 but it nevertheless makes up a distinctive recognition order. One aspect of this consists in the strong presence of states as core actors in identity politics. The EU holds numerous provisions on the need for protection of national identities and emphasises diversity. But the politics of identity that is conveyed through state actors in the EU is not a mere defence of national identity. Consider the case of Germany. The Second World War and the Nazi atrocities had deeply discredited German national identity. In response, Germany embraced an inclusive European identity as a means to restore a measure of self-respect and international recognition as a democratic nation (cf. Lipgens, 1982: 60-1), 18 and this has worked. 19 One driving force behind the states' reneging of their sovereignty can be to obtain international recognition. Further, a distinctive trait of the EU is that it reduces the ability of states to pose as uniform actors who present one coherent national position. In the EU, state and societal actors contend for space and recognition, in a setting that is no doubt more permissive of national identity protection than is the case within established states, such as the US and – albeit less so – in Canada (where much of the theoretical literature on recognition and identity politics has emanated²⁰), but which is also far less permissive of national identity protection than is the international setting. The EU setting weakens or undermines national auto-recognition.

To shed further light on this, I will (a) try to clarify what is the core relation to the citizens and the social actors that the EU seeks to establish; (b) assess the extent to which the EU is set up to handle claims; and (c) shed light on the EU's recognition order by looking at the conditions for obtaining EU membership.

RE: a) The EU and its conception of its social constituency

The recognition framework presented above placed great emphasis on self-respect, and a critical instrument for generating such, is rights. Thus, it is important to establish whether the EU is a mere derivative of the Member States or an independent granter of rights. If the latter, the range of rights granted matters a lot to the nature of the expectations produced.

The EU is an independent granter of rights. What type of recognition relation does it establish through rights? Does it relate to its social constituency as a collection of functional interest organisations, and does it consider its citizens as narrowly-based economic citizens? Are the citizens referred to foremost as producers, consumers, users, and customers? Or are they considered in social and cultural terms as members of a European value community? Or are they considered as political citizens, as holders of a set of common civil and political rights?

If we consider the Charter of Fundamental Rights of the European Union (2000), which as the consolidation of the existing rights of Europeans (as culled from EU law, the constitutional traditions common to the Member States, the European Convention for Human Rights and the European Social Charter) represents the most explicit statement of the rights of European citizens, we find that the set of rights is quite comprehensive in

terms of range; it is no less encompassing than other bills of rights (Eriksen et al., 2003). The Charter, in line with EU law, recognises European citizens, not only as economic rights-holders, but also as civil, political, social and cultural rights-holders. In this sense the EU establishes a relation to its citizens through the Charter that is no different from that which any democratic state establishes in relation to its citizens. The Charter holds numerous provisions for ensuring private autonomy, as well as provisions to ensure citizens' <u>public autonomy</u>. There are also many provisions in the Charter on social rights that speak to solidarity, and which are suggestive of a commitment to the welfare state (Chapter IV, Articles 27–38).

The very invocation of the terminology of European citizenship, and its institutional manifestation in civil and political rights conveys the impression to European citizens that they live under a set of legal and political institutions that permit them to mutually recognise each other as the self-legislating citizens of a European political order.

A further distinctive trait of the EU's recognition order is that citizenship is separated from national identity. Although the EU has emulated nation-type symbols, it seeks its justification foremost in universal principles (democracy, the rule of law, justice and solidarity). The type of allegiance that the EU seeks to elicit is that of a post-national kind.

To conceptualise the EU's social constituency from a recognition perspective it is not enough to establish which principles the EU subscribes to, the principles also have to be entrenched in institutional form, so as to have binding character, as well as to establish their 'social take' or acceptance. Significant gaps between principles and statements on the one

hand, and actual arrangements and practice on the other, can generate significant recognition problems.

If we take the Charter as our point of departure, does it ensure as legal fact that the EU is a strong rights-based entity? The European Charter was a codification of existing law, and it was solemnly proclaimed at Nice in December 2000, but was not a part of the Nice Treaty. The very invocation of the term Charter was bound to generate expectations. But if its status would remain that of mere political declaration this could be construed as a case of recognition denied. Note that the process of forging the Charter did serve to mobilise aspects of Europe's civil society, and a very significant proportion of the NGOs sought a rights-based EU (Kværk, 2003, Table 5.6). Citizens who were concerned with their rights and saw that governments refused to incorporate the Charter into the Treaties could easily construe this as proof of the EU not prioritising rights. The core EU institutions declared that they would act as if the Charter were binding, but the EU was barred from incorporating the Charter in the Treaties because of opposition from some of the Member States. From this we can conclude that the EU has sought to establish a recognition order very strongly entrenched in rights, but these rights have been challenged and their role curtailed by opposition from some of the Member States.

RE: b) How and to what extent is the EU set up to handle claims?

The Charter case suggests that there is a considerable gap between the EU's standards and principles on the one hand and its actual ability to deliver on the other. This is borne out in citizenship terms. In the EU, there are clear institutional and procedural limits on the

citizens' ability to consider themselves as self-legislating citizens. First, the provisions for ensuring <u>public</u> autonomy in the Charter reflect the <u>weakly</u> developed political rights of the EU. A person must be a citizen of a Member State to qualify as a citizen of the Union, where each state's rules of incorporation vary considerably, ²² (although they have still contributed to a degree of Europeanisation of national citizenship norms). At the same time there are also provisions that ensure economic and social rights to third-country nationals who do not hold national citizenship.

Second, in institutional terms, the Union suffers from deficiencies in representation and representativeness, accountability, transparency, and legitimacy, all of which serve to stymie the Union's effectiveness in ensuring self-confidence and self-respect. Just to cite some aspects, consider for instance the pillar structure of the treaties, the still weak role of the European Parliament (EP), the closed and secretive manner of the Council's operation, the appointed character of the Commission and the limits on individual access to the European Court of Justice. The EU also, underlines Weiler, lacks a human rights policy apparatus that can enhance rights protection (2002: 577; see also Alston 1999). The net upshot is that there is a considerable gap between the commitment to provisions to ensure self-confidence and self-respect, and the legal-institutional apparatus that has been set up to realise these.

Third, the general principle guiding Union action is that the Union's competences are 'governed by the principle of conferral'. This means that 'the Union shall act within the limits of the competences conferred upon it by the Member States to attain the objectives set out in the Treaties, and competences not conferred upon the Union remain with the Member States', a provision clearly aimed at national protection. This has not served as a

very strong constraint on the scope of action, however, as new tasks have been almost constantly added so that few, if any, areas remain unaffected by the EU and completely within the remit of the Member States. The precise realm of Union competence is not easy to establish, in the way it is set out in the complex Treaties architecture. If for guidance we look at the Convention's draft, we find that most areas are within the category of complementary competences (European Convention 2003). In other words, there is a strong interweaving of Union and Member State action. At the same time, the Union's fiscal resources are limited and essentially controlled by the Member States, and the EU's redistributive ability is quite limited. The Union is far more of a regulatory agent than that of a redistributive one, although its contributions to the poor regions of Europe through the cohesion funds should not be underestimated, and the Union has consistently shown that it does not pursue a social 'race-to-the bottom' (Moravcsik, 2004).

Fourth, recognition theorists underline the role of access. Access can help to settle claims, and conversely, denial of access or strong biases in access can exacerbate recognition problems, as claimants can come to see lack of access as a denial of recognition. The EU encourages the formation of a European social constituency through support to organisation formation at the European level. It also seeks to ensure them access to the institutions. The two main channels go through (a) the national governments and the institutions of each Member State to the EU; and (b) the complex of EU institutions and arrangements, such as the Commission, the European Parliament, the Council, the system of Comitology, the European Court of Justice, and the Committee of the Regions (COR). The EU is a complex multi-level system, where Member governments have privileged

access to many of the institutions at EU level. Social actors have access to some of the EU institutions, and to their respective governments (national and regional). This adds up to a system of 'multiple arenas, venues, and points of access' (Greenwood, 2003: 29). If we look at how this system is used, Imig and Tarrow conclude that

our evidence strongly suggests that the largest proportion of contentious political responses to the policies of the European Union takes domestic rather than transnational form. In other words, although Europeans are increasingly troubled by the policy incursions of the EU, they continue to vent their grievances close to home – demanding that their national governments serve as interlocutors on their behalf. (2001: 47)

Does this suggest that the EU is after all effectively closed? The general trend over time has been for the EU to heighten transparency and openness.²⁴ It also has institutions, in particular strong publics²⁵ such as the EP, that foster transparency. The EP serves as an important forum of debate, conducts hearings, sets up committees of inquiry, receives petitions from citizens, and appoints an ombudsman, all to heighten accountability and transparency, and stimulate the development of a European public sphere. The strong publics (such as the EP) also ensure inclusion in a deliberative process where claims are presented, justified and seen in relation to possible and available solutions. Here claims are assessed against each other and the relative merits of each can be tested. According to Honneth (2003) and Benhabib (2002), this is an essential ingredient for the handling of recognition claims, although as noted, the EP's ability to translate claims into actions is more limited than that of any national parliament.

Another widely critiqued instance of lack of access is to the process of treaty-making/change. Up to recently formal treaty changes were conducted by elites and experts, in relative insulation from Europeans. In other words, citizens were only very indirectly included in this process and were only called upon to ratify what had already been wrought. In the last four years, however, this process has been opened up dramatically through the two Conventions, on the Charter and on the Constitution. These bodies have been unprecedentedly open and have provided avenues for a wide range of social actors in Europe to express their claims. As such, these processes represent not only channels for social inputs into the EU, but also arenas where the EU's social constituency reflexively comes into existence, and obtains a sense of self. They are also critical venues for constitutional reflexivity.

From the vantage-point of democracy, the problem in both Convention cases has been that their deliberations and outputs have not had a direct decisional effect. They have elicited responses from organised and unorganised European society, but after having heard them the governments have gone back and decided among themselves what to do. In a sense this can be construed as a <u>denial of recognition</u>, as the governments, not the citizens, decide on the rights that accrue to citizens. Citizens are consulted (directly or indirectly) in the ratification stage, not in their capacity as European citizens, but in their capacity as national citizens.

In sum, when we consider the recognition expectations raised by the EU, for instance through such powerful terms as European citizenship, and contrast these with institutional reality, we find a <u>recognition gap</u>, because the provisions and the institutions set up to realise citizenship, are not consistent with the expectations raised by this term. The

democratic deficit, as an acknowledgement of a gap between standards and practice, is also a case of a recognition gap. A similar argument applies to the social rights in the Charter, which are accorded a less prominent role than property rights, and whose substance the EU is not equipped to realise (Menéndez, 2003). The EU's weak institutional and fiscal capacity, its dependence on the Member States, raise serious questions as to its ability to ensure self-confidence and self-respect – with deep implications for the actual community of values that Europeans can realistically relate to.

RE: c) Enlargement – as viewed from a recognition perspective

The EU has developed through several major bouts of enlargement. The conditions for membership yield information on the recognition expectations that the EU generates. Further, the EU's actual handling of the (often lengthy) enlargement process – also affects and shapes such expectations.

With every enlargement an altered social constituency emerges. The recent enlargement to the East and South entails a great increase in the EU's social constituency, as a whole range of new claimants have entered the EU. These citizens, groups, social movements, and states come with expectations and hopes, and with a history of structured expectations of recognition and of recognition denied.²⁶

How, then, does the EU frame the recognition relation, in relation to the enlargement process? It has set out very specific conditions for enlargement, and these have emerged and firmed up over time. Those guiding the latest bout of enlargement were set out at the Copenhagen European Council (1993). To qualify as an applicant it must: (a) have a

functioning market economy with the capacity to cope with competitive pressures and market forces within the EU; (b) have achieved stability of institutions guaranteeing democracy, the rule of law and human rights; and (c) be able to take on the obligations of EU membership, including adherence to the aims of economic and political union. If we relate these criteria to the recognition framework, we see that they highlight self-confidence and self-respect: membership is conditioned on every state complying with democratic norms, and regarding each person as equal under the law. In addition to these conditions, there is an additional one that dates back to the Treaty of Rome, namely that 'any European state may apply to become a member of the Community.'

Application is voluntary but membership is restricted to European states in the way the EU defines 'European'. In other words, a question of relevance to the recognition relation that the EU establishes to its future membership is whether Europeanness is defined through universal or through Europe-specific, contextual and 'ethical' referents. If the latter is used, it brings up the issue of self-esteem, and that some states are more authentically European than others. Research has shown that the EU, which formally relies on a set of uniform criteria, in its actual justifications for enlargement, does distinguish between European states. The Central and Eastern European countries are referred to as 'us', as an intrinsic part of a shared European destiny, and the EU as having a duty to let them in, whereas Turkey, also recognised as European, is not considered in such kinship or duty terms, but rather as a strategically important partner to Europe (Sjursen, 2002: 504). In other words, Eastern and Central Europeans are considered the same kin and part of a European community of common values, whereas Turkey is not. The decision on whether to admit Turkey is therefore also a decision on Europe as a community and how it

conceives of itself, including whether it upholds recognition expectations that are ultimately founded on self-respect and self-confidence, or whether these are confined by religious affiliation.

Differences in framing which relate to self-esteem based categories such as 'kinship' can generate differences in the applicant countries' actual recognition expectations. Further, since such a framing of the issue diverges from the formal criteria, it also brings up the issue of double standards and hypocrisy.

The EU, in line with its membership requirements, presupposes that applicants become full-fledged members, which is underlined by the need for them to accept the entire acquis. Thus, whatever the justifications for including a state, once a member, it has to be treated equally. But this also means that a new Member State has no recourse to special treatment. Nevertheless, several existing Member States have obtained exemptions. Further, the EU has introduced minority protection conditions that only apply to applicants. Finally, some Member States have also introduced entrance conditionality to Eastern/Central Europeans. Note that these are the same people that were addressed in kinship terms and that were told that Western Europeans had a duty to help them. Here lies a considerable recognition gap.

In sum, the EU has established a set of entrance requirements that the applicants must accept to be included. This might look like an imposition since there is no reciprocity but the requirements are intended to be equal and universally applicable. The conditions are reflective of a recognition order foremost anchored in the notions of self-confidence and self-respect. Still, there are cases of actual practice that deviate from these norms.

CONCLUSION

In the above, I have sought to demonstrate that to clarify the nature of the EU's social constituency, the notion of recognition is useful, albeit it needs to be supplemented with a framework of analysis that helps to clarify who are the claimants and what are the claims. The process of clarifying the EU's social constituency was made difficult by the complex nature of the EU which I have suggested might make up a new recognition order. This EU-based emerging post-national European recognition order draws foremost on self-confidence and self-respect and promises to elicit a greater degree of reflexivity than is found in the nation-state. It challenges the national self-esteem based mode of recognition that has so long been taken for granted, in particular in interstate relations.

But this new recognition order has also its roots in the international system of states, so that states play an unusually significant role in the struggle for recognition within the EU. States are critical in the forging of the EU, as well as in the channelling of demands. But within the EU far more than within the international realm, state-carried demands for recognition (with variable degrees of social imprint) have to vie for space with social movements and individual rights promoters. Through Europeanisation, the state-carried national self-esteem based mode has had to enter the fray of a highly complex and multifaceted European recognition struggle. Rather than entrenching and solidifying national collective identities, the institutional structure associated with the EU increasingly challenges national auto-recognition, i.e., the taken-for-grantedness of the national point of view.

Honneth appears to be hinting at this significant state role when he says that there might be a need for a fourth recognition principle which incorporates collective actors. But what we see in Europe is not so much the emergence of a new collective mode of recognition, but rather how the established and very often taken-for-granted notion of – national – self-esteem based collective modes of recognition are challenged and are compelled to come up with justifications.

This new recognition order is both frail and is facing serious challenges. The EU has committed itself to the standards of democracy and equal citizenship, partly in response to social criticism. At the same time, some of the Member States have consistently sought to curtail the EU through placing constraints on it, so as to bar it from delivering on these commitments. Other states have pushed for the EU to take on commitments. Imposed constraints can themselves generate a dynamic in which social actors experience denial of recognition, precisely because of the EU's commitment to – but curtailed ability to comply with – the most central recognition principles. The EU's own search for institutional – and constitutional – recognition is thus intimately tied up with the social constituency's conception of the EU. This is a potentially vicious circle. The EU responds to social criticism for inadequate democratic legitimacy, but is barred from or held back by governments concerned with their own identity and interests. How vicious this circle turns out to be, depends on the social 'take' or embrace of the expectations that the EU propounds, and for us to know this a comprehensive mapping along the lines suggested above is needed.

The story and the framework listed above could perhaps best be conceived within the setting of the EU's own struggle for institutional recognition and the entire reconfiguring of the European political landscape that emanates from this.

NOTES

¹ Many analysts argue that the EU is democratically legitimate because it derives its democratic legitimacy

from the Member States. Some concede that the EU addresses a wide range of issues, but they argue that the

types of issues it handles lack the salience to spark deep social involvement and public participation (see for

instance Moravcsik, 2004).

² New social movements are generally identified with the women's movement, sexual liberation, ecologists,

the peace movement, and ethnic and linguistic minorities.

³ I do not consider the normative problems in Honneth's framework. For these consider Fraser's numerous

objections to Honneth's approach. See Fraser (1997, 2003); Fraser and Honneth (2003).

⁴ See Young (1990) for an excellent account of such different forms.

⁵ 'Unlike the sphere of rights, solidarity carries with it a 'communitarian' moment of particularity: which

particular values are endorsed by a community is a contingent matter, the result of social and cultural

struggles that lack the universality that is distinctive of legal relations.' (Anderson in Honneth 1995a: xvii)

⁶ On the role of women in the EU, see for instance Hoskyns (1996); Ackers (1999); Shaw (2000); Williams

(2003).

⁷ A prominent finding is that European integration fosters Europeanisation of domestic politics over

transnationalisation of politics (Imig and Tarrow, 2001: 48).

⁸ Consider in particular the struggle for having a reference to Europe's Christian heritage inserted into the

Draft Treaty establishing a Constitution for Europe (European Convention, 2003).

⁹ Consider in this connection Weiler's (2001, 2002) notion of constitutional tolerance.

¹⁰ Honneth's strong thesis is that 'even distributional injustices must be understood as the institutional expression of social disrespect – or, better said, of unjustified relations of recognition.' (Honneth, 2003: 114). Fraser argues that this may serve to displace issues of redistribution. (Fraser, 2003; Fraser and Honneth, 2003).

- ¹² By contentious politics is meant 'episodic, public, collective interaction among makers of claims and their objects when (a) at least one government is a claimant, an object of claims, or a party to the claims and (b) the claims would, if realized, affect the interests of at least one of the claimants' (McAdam et al., 2001: 5). See also Aminzade et al. (2001).
- ¹³ Some theorists underline this distinction more than do others. Consider for instance Taylor (1994); Young, (1990); versus Fraser (1997, 2003); Fraser and Honneth (2003) here.
- ¹⁴ My second and third categories would contain Imig and Tarrow's (2001) collective transnationalism and my third would also cover what they refer to as domestication of conflict 'in which national actors protest at home against policies of the European Union'.
- ¹⁵ Honneth's recognition framework is largely derived from the democratic constitutional state (but not necessarily the nation-state). It would likely be that of a welfare state, or a state with a social-market economy. Taylor's framework could be akin to a 'community of communities', based on 'deep diversity' (for this term, see Taylor, 1993) but Taylor does not spell out the polity requirements. From Iris Young, we may think of a pyramidal-type polity, where groups serve as vital actors. In political-institutional terms, the polity may be based on the principle of subsidiarity, in a society-encompassing and secular form (and quite unlike how the EU applies this principle).
- ¹⁶ TEAM The European Alliance of EU-critical groups, co-ordinating 47 organisations from 18 countries.

 Available at http://www.teameurope.info/>
- ¹⁷ Article 6(1) TEU states that 'The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.'

¹¹ See also Delanty (1995) on the importance of post-national citizenship.

¹⁸ The same argument, albeit in obviously different form, can be extended to Italy and other former non-democratic states, such as Portugal and Spain. These states, all of which have had discredited political regimes in the post-war period, seized upon integration as a means of attaining international respectability.

- ¹⁹ A Eurobarometer survey reveals that Germany had the lowest score among 15 West European countries on questions aimed at tapping national pride. Eurobarometer 42 (1994), 1. Germany also had the highest score on the question National pride is dangerous... (13.87%)
- ²⁰ The most prominent ones in Canada are: Taylor (1985, 1986, 1989, 1993); Tully (1995), but see also Kymlicka (1995, 1998); Kymlicka and Norman (2000). In the US the most prominent is Young (1990); but see also Benhabib (2002); Gutmann (2003). In Europe the most prominent one is Honneth (1995a, 2003).
- ²¹ For instance, Articles 39 and 40 provide for voting rights and rights to stand as a candidate in European and municipal elections.

²² For an overview, see for instance Soysal (1994).

²³ See Francis Jacobs, 'Necessary changes to the system of judicial remedies', Working Document 20 of Working Group II (Charter) of the European Convention. Available at http://european-convention.eu.int/docs/wd2/3222.pdf

²⁴ The Treaty of Amsterdam established a general principle of openness and citizen access to documents. On the Commission, and its efforts to foster openness and transparency, see Imig and Tarrow (2001: 51–2).

²⁵ For this term applied to the EU, see Eriksen and Fossum (2002).

²⁶ Minister of Foreign Affairs of the Slovak Republic, Eduard Kukan, notes that enlargement represents the 'fullfilment of desires of many generations of Slovak citizens to become equal, rightfull and respected actors on the European scene'. When entering the EU Slovakia is 'no longer just a small country from the heart of Europe' (Zagreb, 2003).

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