IDENTITY BUILDING THROUGH CULTURAL POLICY IN THE EUROPEAN UNION

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY

BY

NESLİHAN TEMELAT

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF SCIENCE
IN
THE DEPARTMENT OF INTERNATIONAL RELATIONS

DECEMBER 2007

Approval of the Graduate School of (Name of the Graduate School)

_____

Prof. Dr. Sencer Ayata
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Science.

_____

Prof. Dr. Meliha Altunışık
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Science.

_____

Prof. Dr. Nuri Yurdusev
Supervisor

Examining Committee Members

Prof. Dr. İhsan Dağı	(METU, IR)	_____
Prof. Dr. Nuri Yurdusev	(METU, IR)	_____
Assist. Prof. Dr. Aykan Erdemir	(METU, SOC)	_____

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Name, Last name : Neslihan Temelat

Signature :

ABSTRACT

IDENTITY BUILDING THROUGH CULTURAL POLICY IN THE EUROPEAN UNION

Temelat, Neslihan

M.Sc., Department of International Relations

Supervisor : Prof. Dr. Nuri Yurdusev

December 2007, 181 pages

This thesis aims to analyze the identity building dimension of the process of European integration and to examine how the Community cultural policy has been constructed by investigating the general discourse produced by the Community institutions since the 1970s in order to inculcate a sense of belonging among European citizens, to give an emotional aspect to the integration process, and to overcome the legitimacy problem. The themes of "unity" and "diversity," enshrined in the official motto of "unity in diversity" of the European Commission, constitute the cornerstone of the Community cultural policy. This thesis analyzes the embodiment of European identity in the Community cultural policy with a special focus on three selected areas: audiovisual, educational and language policies. In conclusion, this thesis maintains that the mild, abstract and ambiguous notion of "unity in diversity" that accommodates heterogeneous European cultures and characteristics in conformity with the multi-layered EU polity is the most plausible and desirable mode of European cultural identity for the EU bureaucratic elites. However, this identity building strategy has limitations stemming from the intrinsic nature of the EU and the absence of a coherent definition of European identity.

Keywords: European Union, Cultural Policy, Identity-Building, European Integration

ÖZ

AVRUPA BİRLİĞİNDE KÜLTÜREL POLİTİKA ARACILIĞIYLA KİMLİK İNŞASI

Temelat, Neslihan
Yüksek Lisans, Uluslararası İlişkiler Bölümü
Tez Yöneticisi : Prof. Dr. Nuri Yurdusev

Aralık 2007, 181 sayfa

Bu tez Avrupa entegrasyon sürecinin kimlik inşası boyutunu analiz etmeyi ve Avrupa Topluluğu kurumlarının 1970'li yıllardan bu yana Avrupa vatandaşlarına Topluluğa aidiyet hissi kazandırmak, entegrasyon sürecine duygusal bir yön vermek ve meşruiyet sorununu aşmak amacıyla ürettiği genel söylemi inceleyerek Topluluk kültür politikasının nasıl inşa edildiğini araştırmayı amaçlamaktadır. Avrupa Komisyonunun resmi "farklılıkta birlik" sloganında birleştirilen "birlik" ve "farklılık" temaları Topluluk kültür politikasının temelini oluşturmaktadır. Bu tez, Topluluk kültür politikasının Avrupa kimliği boyutunu seçilmiş üç spesifik alana, görsel-işitsel, eğitim ve dil politikalarına, odaklanarak analiz etmektedir. Sonuç olarak, bu çalışma çok katmanlı AB rejimi ile uyumlu, heterojen Avrupa kültürleri ile özelliklerini birarada yaşatan ılımlı, soyut ve muğlak "farklılıkta birlik" kavramının AB elitleri açısından en makul ve cazip Avrupa kültürel kimliği modeli olduğunu; bununla birlikte, AB'nin mahiyetinin ve tutarlı bir Avrupa Kimliği tanımının mevcut olmamasının bu tür bir kimlik inşa stratejisini sınırlandırdığını savunmaktadır.

Anahtar Kelimeler: Avrupa Birliği, Kültürel Politika, Kimlik İnşası, Avrupa Entegrasyonu

To My Mother
For your endless love, sacrifice and support

ACKNOWLEDGMENTS

The writing process of this thesis has taken a long time. Many people and institutions have supported me directly or indirectly in this process. I am indebted to my thesis supervisor Prof. Dr. Nuri Yurdusev for his encouragement, advice, perceptiveness and insight throughout the research and for giving me inspiration and vision since the start of my undergraduate studies. I would also like to thank Prof. Dr. İhsan Dağı and Assist. Prof. Aykan Erdemir, the members of my thesis examination committee, for their invaluable suggestions and comments.

I would like to thank the Middle East Technical University, particularly to Prof. Dr. Sencer Ayata, the director of the Graduate School of Social Sciences, for providing fellowship in the form of graduate assistantship that has greatly helped me to complete my thesis and graduate study and to Prof. Dr. Hüseyin Bağcı for his contributions to my academic and professional experience.

I would like to acknowledge the European Commission's Erasmus scholarship scheme that I used at the Euromasters programme of the Hamburg Universität during Winter 2006/2007 Semester. My research also benefited from a joint research scholarship of the European Commission and the Center for European Studies (CES), METU which gave me the chance to make research in the United Kingdom, at the London School of Economics (LSE) and King's College London and to meet Prof. Francis Snyder, Prof. Damian Chalmers, Dr. Jan Palmowski and Dr. Ulrich Sedelmeier. The discussion with Dr. Palmowski and his constructive criticisms were very stimulating for organizing my research. I am particularly grateful to Prof. Francis Snyder for his supportive attitude and invitation to a seminar held at LSE under a travel and accommodation grant scheme. Prof. Wolfgang Voegeli (Hamburg Universität) also instructed me in the context of a master's course on the "Foundations of European Law" and the meeting in June 2007. I am grateful to Prof. Dr. Attila Eralp and Assist. Prof. Dr. Galip Yalman for qualifying me for this research trip.

I would also like to express my gratitude to the organizers of the 5th EuPRA (European Peace Research Association) General Conference "Challenges of Peace and Democracy in Europe" held in Sakarya University, Turkey in August 2007 for enabling me to present an earlier version of my research.

Lastly, this work would not be possible without the love, patience and encouragement of Nebahat and Yasemin throughout my life in general and thesis-writing period in particular.

TABLE OF CONTENTS

LIST OF FIGURES

FIGURES

CHAPTER 1

INTRODUCTION

In recent years, the discourse and thinking about the European Union (EU) have been centralized around the concepts of "identity" and "culture." As stated by José Manuel Barroso, current president of the European Commission, "the EU has reached a stage of its history where its cultural dimension can no longer be ignored."[1] It is a common place argument that culture promotes European identity which is seen by the EU elites as an instrument of advancing European integration and as an antidote to the EU's legitimacy problem. In order to overcome the problem of legitimacy or the so-called "democratic deficit," the idea of European identity has been inculcated in various Community law and policy documents since the 1970s. The contested notions such as "European identity" and "common cultural heritage" have been frequently mentioned in official Community discourse related to cultural domain and the EU elites have been using these concepts as identity-building tools for enhancing the European citizens' self-identification with the Community.

The process of European integration, which began in 1951 with the aim of providing economic development and making war unthinkable among European states, came to a point where permissive consensus was no longer enough to obtain public support for achieving further economic and political integration. With the aim of increasing the awareness of European peoples on European identity, the Community pursued a *de facto* cultural policy until the introduction of the Treaty on the European Union (henceforth "the Maastricht Treaty") in 1992. In order to create "a sense of community," the Community introduced tangible symbols and took other identity-building measures in several cultural policy areas such as education and audiovisual broadcasting. Although this sort of cultural policy has definitely been carried out with the objective of Europeanization, national and regional considerations about cultural standardization/homogenization and loss of cultural

[1] Barroso, J.M. (2006), Speech at the opening of the *Berlin Conference 'A Soul for Europe'*, Germany, 17-19 November 2006. Quoted at http://www.berlinerkonferenz.net/uploads/media/A_SOUL_FOR_EUROPE_Concept_of_the_initiative_07_02.pdf.

sovereignty have culminated in the inclusion of Article 128 to the Maastricht Treaty, which granted legal cultural competence to the Community institutions for the first time.

As a result of domestic considerations about cultural initiatives, the drafting of Article 151 EC (ex-Article 128), incorporating the principle of subsidiarity and unanimity requirements, has not produced a genuine Community cultural policy. However, in the post-Maastricht period, cultural action continues to be one of the important elements of strengthening the ties among European peoples and providing political and cultural legitimacy for the EU. In this context, culture has been seen as a key factor in integrating diverse societies in Europe and as a tool to make European citizens reach their heritage, to broaden pan-European media and to develop foreign language skills that would enable the transcendence of political communication into national frontiers. The post-Maastricht cultural policy can be identified with increasing emphasis on the notion of "unity in diversity" and on the linkage between culture and European citizenship in various cultural policy areas.

This thesis examines the identity-building politics of the Community in the cultural policy sphere. It attempts to explain how culture has been utilized by the Community to carry out its identity and legitimacy building strategies starting from the 1970s. The embodiment of European identity in Community cultural policy will be analyzed by referring to several Community policy and law documents. It should be stressed that this thesis adopts a constructivist approach to European identity, because it more adequately handles the changeable and multiple nature of identity and explains that policy agendas and formal institutions can affect how collective identities are constructed, expressed and reshaped. Nonetheless, as required by the nature of the multi-disciplinary "identity" concept, this work will benefit from the insights of other disciplines such as psychology, sociology, anthropology, political science, international relations and law.

This thesis provides answers to the following questions: First, why did the Community start to carry out an identity and legitimacy building strategy? What kind of European identity has the Community embodied in its cultural policy? Is this European identity compatible with national identities? How did a *de facto* Community cultural policy emerge consequent to Community action in the cultural field? In what ways does the Community

intervention in cultural policy area purpose to affect public identification with the Community? Is the Community identity-building strategy plausible? This thesis will not explore answers to the questions about the future of European integration; rather it will examine which policies the Community has pursued in order to create and strengthen European identity as well as to further European cultural integration.

It is maintained that Community cultural policy is one of the primary tools through which European identity has been forged among Europeans. However, it is also accepted that the Community cultural policy does not merely consist of cultural dimension. In other words, the Community cultural policy, the contours of which have been shaped by identity building policies of the EU institutions, has not been developed just for the sake of culture; economic dimension has also been effective as evident in the need to regulate cultural area for ensuring free movement rights or in the perceived role of cultural policy in eliminating regional disparities and creating employment in the union. Yet, this thesis will not focus on the economic dimension of Community cultural policy.

Rather, the focus is the identity and cultural aspect of Community cultural policy which has been considered by the elites as an instrument to communicate the EU and enhance public identification with the EU. This cultural dimension is distinguished by its "unity in diversity" paradigm. This paradigm will be studied in relation to the identity building measures of the Community both in the general development of Community cultural policy and in three selected cultural policy areas: audiovisual policy, education and language policies. An examination of the EU discourse concerning the cultural policy area reveals that the EU's embodiment of the ambiguous concept of "unity in diversity" in the shaping of cultural policy, is the most viable and desirable option for constructing a heterogeneous European identity (in view of present and future challenges such as immigration and enlargement). However, this European identity is limited due to the nature of the EU and the non-existence of a coherent definition of European identity. This point forms the main argument of this thesis.

The thesis consists of three main parts. The first part offers a conceptual and theoretical framework on the nexus of identity, legitimacy and European integration. In this context, the entrance of identity question into the realm of International Relations and European

Integration, the conception of identity, the basics of European integration, the legitimacy problem and the emergence of "European identity" in public and political discussions, European identity as a collectivity, the compatibility of European identity with national identities, the models of multiple identification, main approaches to European identity, and the "others" of European identity will be outlined briefly. Particularly, the development of the notion of European identity will be touched upon by problematizing the sources of legitimacy and popular support for the European integration.

The second part deals with the top-down legitimacy and identity building efforts as from the 1970s and the development of the Community cultural policy in two periods: before and after the Maastricht Treaty. The pre-Maastricht period is important because the need to incorporate a cultural dimension to European integration and to create a sense of belonging to the Community as well as the application of free movement rules to cultural area culminated in the development of a *de facto* Community cultural policy well before 1992. Within this framework, the Community adopted several cultural initiatives, invented and put in use Community-wide symbols in order to gain popular support for the European project. However, increasing Community cultural intervention triggered national worries about cultural sovereignty and led to a shift in the conception of European identity that reflects an accentuated embodiment of the notion of cultural diversity including the wording of Article 151 EC. In the post-Maastricht period, the adopted Community symbols and the discourse on culture also point to an increasing emphasis on the concept of "diversity" in cultural policies.

The second part analyzes the role of the EU and its institutions in identity building, the general role and legal competence of the Community institutions regarding culture, the adoption of the concept of "European identity" and entrance of culture in Community action, the introduction of tangible Community-wide symbols and their identity-building role, the intervention of the European Court of Justice (ECJ) in the free movement of cultural goods, the introduction of the Maastricht Treaty and the importance of Article 151 EC as regards cultural action, the notion of "unity in diversity" and finally the fundamentals of the post-Maastricht Community cultural action.

The third part makes an analysis of the three selected areas of Community cultural policy, namely audiovisual, educational and language policy areas. Although other fields such as sports, food labeling or the external dimension of cultural cooperation have also a cultural dimension, for the purposes of limiting the scope of this thesis, the case study covers only the above-mentioned three areas in an historical analysis – from the 1970s to today, with the exception of educational policy. The "European identity" notion will be analyzed in these policy fields.

The objective of this chapter is not to explain the every detail in the development of the policy areas in question, but instead, to make a thorough examination of the adoption of the concepts related to "European identity" such as "diversity," "common heritage," "common culture," or "European dimension" by deconstructing the official documents and in this way, to demonstrate that the EU involvement in the cultural policy sphere does not aim at constructing an overarching European identity or eroding national identities. Instead, at least officially, respect for not only national, but also regional diversity of the Member States has become the main pillar of the EU cultural policy since the EU elites are conscious of the fact that only a heterogeneous post-national identity would legitimate the EU in a sound manner in the eyes of all European citizens. The main tendency is towards the formation of a heterogeneous European identity encompassing all segments of European societies, accommodating the co-existence of multiple identities and conforming to expanding boundaries of the EU; but this sort of diversity should capture some degree of commonality at the same time in accordance with the "unity in diversity" paradigm.

The selected policy areas will show the efforts of the EU towards uncovering commonalities between European peoples via educational mobility, creating a pan-European media as well as highlighting national and regional cultural diversities. In addition, this analysis aims to point out the limitations to the promotion of European identity under the diversity policy.

The Community institutions have produced countless official documents – decisions, reports, resolutions, directives, regulations, communications, proposals, green and white papers, presidency conclusions, and written questions which envisaged the promotion of European identity, European dimension, common heritage, cultural and linguistic diversity

in several cultural policy areas such as arts, literature, information, audiovisual media, education, language and citizenship. These policy documents and the case law of the ECJ will be deconstructed, by taking into consideration the political and economic context of the integration process and other factors where necessary.

Some limitations of this work must be mentioned. First, this thesis will focus on the internal dimension of European identity, rather than external dimension, that is the global status of the union as a political and economic actor. Secondly, the top-down identification initiatives will be the primary focal point. The significance of bottom-upwards dimension in the creation of a European identity or the Europeanization of norms and culture through, e.g., the citizens' use of the right to free movement is not denied. Yet, this dimension, an analysis of which requires a rich sociological background and wide empirical study, transcends the aim and scope of this thesis. Lastly, it must be acknowledged that although various single and comparative case studies and empirical studies will be addressed throughout this thesis in order to reveal the unknowns about the relation between "national and European identities" or "Community cultural initiatives, notably symbolic actions, and individual and public identification with the EU," these mirror country-specific conclusions and are not sufficient to reflect EU-wide tendencies.

CHAPTER 2

CONCEPTUAL FRAMEWORK ON THE NEXUS OF EUROPEAN INTEGRATION, LEGITIMACY AND EUROPEAN IDENTITY

The notion of "European identity" was launched in official EU jargon in the midst of the process of European integration and started to be studied fashionably in the literature in the 1990s. The end of the Cold War and the rise of post-positivist theories enabled the examination of identity politics within various disciplines. In addition, the developments in Europe since the demise of the Soviet Union such as the introduction of the Maastricht Treaty, immigration challenge or incorporation of the Central and Eastern European countries to the EU politicized European integration and identity politics gained salience. The disappointing results of the Maastricht referenda in certain Member States and the subsequent developments demonstrated that "permissive consensus" could not be taken for granted to gain support for European integration and that not only instrumental, but also an identity-oriented affective support was necessary for legitimation of the EU polity. Thus, the connection between "democratic deficit" and identity became a hotly debated topic. This chapter reviews various approaches to legitimacy and concludes that national statist models of legitimacy do not conform to the multi-tiered EU polity, which is definitely more than an international organization but less than a state.

Assuming that the legitimation of the multi-tiered EU polity requires the co-existence of multiple identities, this chapter argues that European identity is non-monolithic and compatible with other types of identities at lower levels of identification in geographical terms. The compatibility between European identity and national and sub-national identities will be established by a concise examination of recent Eurobarometer surveys, studies of social and political sciences as well as models of multiple identities. Given the possibility of peaceful co-existence of European identity with other geographical points of reference, this chapter will glance at various approaches to European identity such as ethno-nationalist and civic models. It will be argued that the open-ended, future-oriented type of European identity in construction is the most viable form of European identity. This constructivist model of European identity is based on multiplicity and does not have an

exclusionary essence that might cause alienation or animate the feeling of otherness among new EU Member States, candidate states and immigrants in the EU.

2.1 The Emergence of Identity Question in Social and Political Science Literature

Smith states that "there is nothing peculiarly modern about the problem of identity. It is almost as old as recorded history."[2] Identity, a concept of ancient Greek philosophy and mathematics, entered into the realm of social sciences in the end of the nineteenth century with its inclusion to the discipline of psychoanalysis.[3] However, only in the 1970s and 1980s did the concept become an essential part of mainstream social science.[4] Although psychology and anthropology are the senior disciplines that study identity,[5] political science, international relations and other disciplines have also come to be interested in identity question. In the 1980s, identity and the self-other nexus began to be problematized in the discipline of international relations. For instance, Jepperson, Wendt and Katzenstein argued that "cultural or institutional elements of states' global or domestic environments […] shape identity."[6]

The concept of identity opens new windows for the explanation of political phenomena. For example, threat perception is connected with the identity notion. Even if two nations, one being perceivedly ally and the other enemy, take the same action, this might lead to different threat perceptions and therefore the adoption of different national foreign

---

[2] Smith, A.D. (1995b), 'The Formation of National Identity', in Harris, H. (ed.), *Identity*, New York: Oxford University Press, p. 129.

[3] Stråth, B. (2002), 'A European Identity: To the Historical Limits of a Concept', *European Journal of Social Theory*, Vol. 5, No. 4, p. 387.

[4] Ibid., p.387. See also Jepperson, R.L., Wendt, A. and Katzenstein, P.J. (1996), 'Norms, Identity, and Culture in National Security', in Katzenstein, P.J. (ed.), *The Culture of National Security: Norms and Identity in World Politics*, New York: Columbia University Press, p. 34.

[5] Wintle, M. (2000), 'The Question of European Identity and the Impact of the Changes of 1989/1990', in Shahin, J. and Wintle, M. (eds.), *The Idea of a United Europe: Political, Economic and Cultural Integration since the Fall of the Berlin Wall*, London: Macmillan, p. 12.

[6] Jepperson, R.L. *et al.* (1996), *op.cit.*, p. 52.

policies.[7] In Michael Barnett's view, states face two major issues when evaluating whether to join an alliance: the identification of the threat and the question of with whom to ally. In this process, not only material interests, but also identification is important in considering what constitutes a threat and which states might be desirable as partners.[8]

Indeed, issues of social, cultural and political identity have been studied in a wide range of disciplines including not only psychology, anthropology, international relations, and political science, but also law, history, education, religion, media studies and even archeology.[9] Identity has become an important category in theoretical approaches of social sciences to different questions. For instance, nationalism is studied around the notion of national identity, psychology deals with identities in relation to attitudes, personality or group belonging. Besides, new developments such as globalization have compelled sociology to reconsider the concept of identity.

The same is valid also for European Integration Studies. Since the 1970s, the process of European integration has been tied to identity question. Throughout the 1990s, the search for European identity increased rapidly and reached unprecedented levels in social and political sciences literature to such an extent that the EU has come to support a "coming of age of European Identity awareness across national borders."[10]

Besides, the accelerating process of globalization, the rise of multinational corporations, social networks, international and regional organizations have led to the construction of new identity units both below and above the nation-state level, including European identity. As mentioned by Rich, the discussions over the identity of the EU were also

---

[7] Campbell, D. (1992), *Writing Security: United States Foreign Policy and the Politics of Identity*, Minneapolis: University of Minnesota Press.

[8] Barnett, M. (1996), 'Identity and Alliances in the Middle East', in Katzenstein, P.J. (ed.), *The Culture of National Security: Norms and Identity in World Politics*, New York: Columbia University Press.

[9] Lubkin, G.P. (1997/1998), 'Is Europe's Glass Half Empty or Half Full? Alcoholic Beverage Taxation and the Development of a European Identity', *Colombia Journal of European Law*, Vol. 3, p. 359.

[10] Delgado-Moreira, J.M. (1997), 'European Politics of Citizenship', *The Qualitative Report*, Vol. 3, No. 3, available at http://www.nova.edu/ssss/QR/QR3-3/delgado.html. See also Mayer, F.C. and Palmowski, J. (2004), 'European Identities and the EU – The Ties that Bind the Peoples of Europe', *Journal of Common Market Studies*, Vol. 42, No. 3, p. 574.

triggered by the salience of constructivist studies in IR discipline. The reconfiguration of the Central and Eastern Europe with the fall of the Soviet Union led to new discussions on European identity and culture in the post-Cold War era.[11]

During the 1990s, democratic deficit and legitimacy crisis have become "codewords" in the integration literature.[12] Constructivist approach to identity allows discussing the issues of identity, legitimacy and identity-building policies in a non-state centric manner and facilitates the analysis of multiple identities. In other words, constructivism enables the conceptualization of the EU in different and richer ways[13] in the face of the EU agenda: the controversial Maastricht Treaty, expanding EU competences, legitimacy problem, the end of the Cold War, the reunification of Germany, the enlargement waves in 2004 and 2007 to include Central and Eastern European countries, problems related to immigration and xenophobia, and the desire of the EU to establish an independent military capability under Common and Foreign Security Policy (CFSP).

Identity politics plays an important role in revealing the phenomena of European integration. For instance, British objection to transfer some part of its sovereign powers to the EU cannot be explained without referring to the historical British identity. Similarly, that Portugal and Spain were not accepted to EU membership until 1986 and the fall of Salazar and Franco are not just confined to realpolitik considerations.

This thesis adopts constructivism as the theoretical outlook since it fits to the acknowledgement that the transformative process of European integration is connected with social institutions and intersubjective ideas and that it reshapes the interests, identities and behaviors of the Member States and citizens. The intersubjective epistemology and

---

[11] Rich, P. (1999), 'European Identity and the Myth of Islam: A Reassessment', *Review of International Studies*, Vol. 25, No. 3, pp. 435-436.

[12] Friis, L. and Murphy, A. (2000), 'And Never the Twain Shall Meet?: The EU's Quest For Legitimacy and Enlargement', in Kelstrup, M. and Williams, M.C. (eds.), *International Relations Theory and the Politics of European Integration: Power, Security and Community*, London: Routledge, p. 226.

[13] Cowles, M.G. and Curtis, S. (2004), 'Developments in European Integration Theory: The EU as 'Other'', in Cowles, M.G. and Dinan, D. (eds.), *Developments in the European Union 2*, Basingstoke, New York: Palgrave MacMillan, p. 306. See also Smith, S. (2000), 'International Theory and European Integration', in Kelstrup, M. and Williams, M.C. (eds.), *International Relations Theory and the Politics of European Integration: Power, Security and Community*, London: Routledge, pp. 33, 51.

social ontology of constructivism consist of ideas and identity, norms and institutions, language and discourse.[14] Within this framework, collective identity formation is a historical process of political and social construction. Thus, identities should not be taken for granted since they are more often than not politicized.

2.2 The Concept of Identity

Social and political scientists have been conducting studies to find out why people identify with Europe and to define what European identity is. However, these studies show that perceptions of European identity are manifold and multidimensional[15] just as the term "identity" itself. Although the term "identity" proliferates in academic and public debates, it is still vague in meaning as a tool for analysis and a theoretical category.[16] This section gives a basic framework of the concept in order to provide a background to subsequent elaborations on European identity. The propositions of identity theories, ranging from social identity theory to identification theory, have a crucial role in the analysis of personal meanings, feelings and perceptions of the EU as well as configurations of identification with Europe.

Identity, having both individual and social components, can be defined as "self-conception rooted in society, a sense of who we are in relation to others."[17] In the literature, some commonly accepted propositions about the concept of identity are as follows: First, identities are both given and socially constructed and therefore can alter under internal and external dynamics. Second, "others" have influence on individual and group identities with

---

[14] Jèorg, F. (2004), *European Approaches to International Relations Theory: A House with Many Mansions*, London; New York: Routledge, p. 116.

[15] Breakwell, G.M. (2004), 'Identity Change in the Context of the Growing Influence of European Union Institutions', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers.

[16] Stavrakakis, Y. (2005), 'Passions of Identification: Discourse, Enjoyment, and European Identity in Discourse Theory', in Howarth, D. and Torfing, J. (eds.), *European Politics: Identity, Policy and Governance*, New York: Palgrave Macmillan, pp. 68-69. See also Erikson, E.H. (1968), *Identity: Youth and Crisis*, New York: Norton, p. 9; Mayer, F.C. and Palmowski, J. (2004), *op.cit.*, p. 576.

[17] Caporaso, J.A. (2005), 'The Possibilities of a European Identity', *Brown Journal of World Affairs*, Vol.XII, Issue 1, p. 66.

varying degrees and identities can be constructed, modified or differentiated in time through relations with "significant others." Lastly, "multiple identities are possible both for individuals and for communities, especially in layered structures."[18]

One of the important questions with respect to identity is whether identity is fixed and given by nature or socially constructed and subject to change. David Laitin argues that identity is formed at the personal level and that individuals are exposed to family community and national histories starting from a young age. To a certain extent, elements of personal identity such as gender are given by nature but some other aspects of identity are subject to change and thus constructed.[19] Identification, an ongoing and dynamic process, is the mechanism of internalizing social values and attitudes by individuals starting from infantry as a means of providing psychological security and well-being.[20] Individuals' identities are constructed according to their social and physical environment (climate, bloodline, genes and so forth) and change largely over space and time.[21]

Identity is socially determined and it develops in relation to other individuals within a social background. Zetterholm argues that individuals "have a need for transcendency, i.e. to experience themselves as something more than just individuals with short-life span and to partake in the cultural life of the social group."[22] Thus, individuals engage in social groups and develop a sense of social identity. Social identity is defined by Tajfel, the developer of Social Identity Theory along with Turner, as "that part of the individual's self-concept which derives from his self-knowledge of his membership of a social group (or

---

[18] Baykal, S. (2005), 'Unity in Diversity? The Challenge of Diversity for the European Political Identity, Legitimacy and Democratic Governance: Turkey's EU Membership as the Ultimate Test Case', *Jean Monnet Working Paper*, NYU School of Law, No.09/05, p. 31.

[19] Laitin, D.D. (1998), *Identity in Formation: the Russian-speaking Populations in the Near Abroad*, Ithaca: Cornell University Press.

[20] Bloom, W. (1990), *Personal Identity, National Identity and International Relations*, Cambridge; New York: Cambridge University Press.

[21] Wintle, M. (2000), *op.cit*., p. 13.

[22] Zetterholm, S. (1994), 'Why is Cultural Diversity a Political Problem? A Discussion of Cultural Barriers to Political Integration', in Zetterholm, S. (ed.), *National Cultures and European Integration: Exploratory Essays on Cultural Diversity and Common Policies*, Oxford: Berg Publishers, p. 71.

groups) together with the value and emotional significance attached to that membership."[23] This definition entails also behavioral connotations such as collective action and acceptance of institutions since identification drives emotion, attachment, loyalty and a sense of obligation to the group.[24] Bloom also confirms that shared identifications provide a psychological bond among individuals and increase their tendency to act as one unit and to mobilize as a harmonious mass movement for protecting and enhancing their common identity.[25] Thus, identity determines our judgments, evaluations, intentions and actions.

Groupness denotes "the sense of belonging to a distinctive, bounded, solidary group."[26] Von Busekist notes that collective identities draw boundaries and include a "central motif as in music or a pertinent common denominator that permits individuals to recognize and articulate their attachment when it is conscious."[27] Collective identities are social identities that stem from large-scale and significant differences.[28] That is to say, identity involves a sense of distinctiveness and the sharing of commonalities.

According to social identity theory, the formation of group identity entails definition of an in-group with common characteristics and negation of this boundary with an out-group with different and often negative characteristics.[29] The dialectical essence between in-group and out-group, the "self" and the "other" is commonly discussed in identity theorization. Neumann notes that the definition of in-group and out-group characteristics is

---

[23] Tajfel, H. (1981), *Human Groups and Social Categories*, Cambridge: Cambridge University Press, p. 255.

[24] Herrmann, R.K. and Brewer, M.B. (2004), 'Identities and Institutions: Becoming European in the EU', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers, p. 6.

[25] Bloom, W. (1990), *op.cit*.

[26] See Brubaker, R. and Cooper, F. (2000), 'Beyond Identity', *Theory and Society*, Vol. 29, No.1, p. 20.

[27] Von Busekist, A. (2004), 'Uses and Misuses of the Concept of Identity', *Security Dialogue*, Vol. 35, No. 1, p. 82.

[28] Kohli, M. (2000), 'The Battlegrounds of European Identity', *European Societies*, Vol. 2, No. 2, p. 117.

[29] In some cases, the other of a group may be its past, e.g. German identity, or an inner group of the society, e.g. Hutus/Tutsis in Rwanda during 1994 massacre.

an important element of identity construction[30] since only the outsider can recognize and validate us.[31] The "lineation of an "in-group" must necessarily entail its demarcation from a number of "out-groups," and that demarcation is an *active* and ongoing part of identity formation."[32] In a similar vein, Kostakopoulou argues that identity is created and transformed via communication with others.[33] In the non-existence of differences, they are often fabricated.[34] Therefore, it can be maintained that, to a certain extent, identities are based upon the perceptions of the others, rather than the self.[35]

In this framework, Erickson defines two ways of group identity formation that differ in terms of their definition of differences with the out-group: "dichotomization" defining the differences of out-group from in-group as irreconcilable and negative and "complementarization" that refers to a comparative terminology to handle cultural differences and defines the out-group as different, not as inferior.[36] According to Zetterholm, not every group identity includes a negative imagination of out-groups. However, if there is historical hostility or threat perception toward a group, the development of adverse connotations for that group is highly probable.[37]

---

[30] Neumann, I.B. (1996), 'Self and Other in International Relations', *European Journal of International Relations*, Vol. 2, No. 2, pp. 139-174. The definition of in-group and out-group also provides an explanation for European states inclusion to or exclusion from EU membership. See also Neumann, I.B. (2001), 'European Identity, EU Expansion, and the Integration/Exclusion Nexus', in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner Publishers.

[31] Neumann, I.B. (2006), 'European Identity and Its Changing Others', *Norwegian Institute of International Affairs*, No. 710, p. 6. See also Neumann, I.B. (1998), *Uses of the Other: "The East" in European Identity Formation*, Minneapolis: University of Minnesota Press, p. 3.

[32] Neumann, I.B. (1998), *op.cit*., p. 4. In the same line of argument, Wendt proposes that for certain type of identities, "others" possessing relevant counter-identities are necessary. See Wendt, A. (1999), *Social Theory of International Politics*, Cambridge: Cambridge University Press.

[33] Kostakopoulou, T. (2001), *Citizenship, Identity and Immigration in the European Union: Between Past and Future*, Manchester: Manchester University Press, p. 11.

[34] Tajfel, H. (1974), 'Social Identity and Intergroup Behaviour', *Social Science Information*, Vol. 13, p. 75.

[35] Baykal, S. (2005), *op.cit*.

[36] Eriksen, T.H. (1995), 'We and Us: Two Modes of Group Identification', *Journal of Peace Research*, Vol. 32, No. 4, pp. 427-436.

[37] Zetterholm, S. (1994), *op.cit.*, pp. 69-70.

The conceptualization of self and other is interwoven in a complicated and mutually reinforcing manner. Just as the perception of others is effective upon self-perception, according to Klein, the commonalities characterizing a social group determines the treatment of outsiders.[38] The other of an identity can change according to the relevant context or time.[39] For instance, in the context of audiovisual field, the other of European identity has been "American cultural imperialism."

Social identity theory is complemented by multiplicity of identities because social identities are multiple.[40] Individuals can identify themselves with different social groups at different levels: for instance, with a socio-economic group in a local setting, with a political party at the national level, with national attributes in an international context. An individual or group identity can be determined by "gender, family, class, region, religion, age group, kin group, nation and so on."[41] In other words, individuals and collectivities may have multiple identities combined in different configurations[42] including multiple loyalties to different geographical levels, e.g. identification with both Portugal and Europe.

Wendt sees various identities as being "activated selectively depending on the situations in which we find ourselves."[43] To illustrate, an individual can have female, Florence, Italian and European identities at the same time. Her female identity might be more dominant in a class full of males; she may feel more attachment to Florence identity in Southern Italy when she encounters South Italians, whereas to Italian (Mediterranean) identity in North Europe or to European identity in another region of the world. Kaelble cites the British colonel and writer J.F.C. Fuller who defined his identification with Europe during a visit to

[38] Klein, O., Licata, L., Azzi, A.E. and Durala, I. (2003), 'How European am I? Prejudice Expression and the Presentation of Social Identity', *Self and Identity*, Vol. 2, No. 3, pp. 251-264.

[39] Eriksen, T.H. (1995), *op.cit.*, p. 431.

[40] Kohli, M. (2000), *op.cit.*, pp. 113-137.

[41] Wintle, M. (2000), *op.cit.*, p. 3.

[42] Ifversen, J. (2002), 'Europe and European Culture – A Conceptual Analysis', *European Societies*, Vol. 4, No. 1, p. 15.

[43] Wendt, A. (1999), *op.cit.*, p. 230.

the US in 1926 in these words: "I no longer felt an Englishman [...], I now felt that I was a European; that I belonged not to a different country, but to a different civilization."[44] Thus, one of the elements of multiple identities may become more prominent depending upon space, time and context.

The existence of multiple identities is possible in a constructivist understanding of identity formation. In the literature, there are two main approaches to identity formation: essentialist and constructivist. Essentialist approach treats collective identities as given and independent from identity politics, therefore rejects the socio-historical process of fabrication behind identities. For instance, Weiler refers to primordial account of nationality as a form of identity, which takes precedence over other types of identities. In this account, an individual can be a Christian German, a feminist German or a German Christian, German feminist, in any case a German; it is impossible to escape *Volkish*, national identity.[45] However, with increasing number of empirical studies affirming the invention of social categories, essentialist approaches began to lose strength in the 1960s.[46]

It has come to be widely accepted that identities can change according to time, space, as well as context. In the words of Jenkins, identities are socially constructed, "always the outcome of agreement or disagreement, always a matter of convention and innovation, always to some extent shared, always to some extent negotiable."[47] According to the constructivist approach, any identity category is defined culturally and socially, and thus not predestined. Even ostensibly straight identity categories like gender may be influenced by subjective definitions and social interactions. Identities can also be subject to political construction and deliberate manipulation. As argued by Kohli, "much of identity politics is

[44] Kaelble, H. (2005), 'European Self-Understanding in the Twentieth Century', in Eder, K. and Spohn, W. (eds.), *Collective Memory and European Identity: The Effects of Integration and Enlargement*, England: Ashgate, p. 24.

[45] Weiler, J.H.H. (1995), 'Does Europe Need a Constitution? Demos, Telos, and the German Maastricht Decision', *European Law Journal*, Vol. 1, No. 3, p. 227.

[46] Eley, G. and Suny, R.G. (1996), 'Introduction: From the Moment of Social History to the Work of Cultural Representation', in Eley, G. and Suny, R.G. (eds.), *Becoming National*, New York: Oxford University Press.

[47] Jenkins, B. and Sofos, S.A. (eds.) (1996), *Nation and Identity in Contemporary Europe*, London: Routledge, p. 4.

strategic behavior, dependent on incentives and mobilization efforts by political entrepreneurs and thus more a response to opportunity structures than an indication of a thickly particularistic self-definition in an essentialist sense."[48]

2.3 Why and How European Identity Has Become a Community Priority?

Since 2000, the mainstream European integration studies literature shifted from classical integration theories to a governance approach that takes the Euro-polity for granted. Scholars began to deal with the nature of this Euro-polity, i.e. the meaning, boundaries and identity of the Euro-polity. In this context, the construction of a collective European identity has been a focal point and that multiple identities can be shared by an individual has been recognized. Scholars work on not only the nature of EU polity, but also the questions of legitimacy and democracy.[49]

This section analyzes why and how European identity has become indispensable for legitimacy-building within the process of European integration. It will be held that dealing with the EU legitimacy on the basis of national statism is not plausible for a multi-layered EU polity.

2.3.1 The Process of European Integration and Popular Support

The level of integration achieved by the Community Member States is unprecedented in modern history.[50] As the first step in the process of European integration, the European Coal and Steel Community (ECSC) was founded in 1951 by six countries "to tame the dark side of nationalism and to build a common future."[51] In 1957, the Treaty Establishing the

[48] Kohli, M. (2000), *op.cit.*, p. 130.

[49] Cowles, M.G. and Curtis, S. (2004), *op.cit.*, pp. 301-304.

[50] Dinan, D. (1994), *Ever Closer Union? An Introduction to the European Community*, Boulder, Colorado: Lynne Rienner.

[51] Friis, L. and Murphy, A. (2000), *op.cit.*, p. 231. The ECSC was based on Schuman Plan, devised by Jean Monnet, aiming at putting the control of coal and steel production – the cornerstone of war industry – of six countries (France, Germany, Italy, Belgium, the Netherlands and Luxembourg) under a common High Authority and in this way, reducing the likelihood of a future armed conflict. This would provide

European Community (EEC Treaty or the Treaty of Rome) aroused from the ECSC. The EEC was established with a political motivation, but its objectives were primarily economic. The Treaty of Rome envisaged that the EEC would improve the citizens' quality of life by establishing a customs union, a common market and an external trade policy.

The EEC underwent great crisis. General de Gaulle, then French President, constantly objected to the expansion of Community competence and of Community institutions' powers. Therefore, during 1965-1966, French officials boycotted the Council of Ministers through "empty chair policy" which was terminated in 1966 with the approval of the Luxembourg Accord. Regarding this crisis, the Commission and some Member States, particularly Brandt's Germany argued that "efforts should be made to develop a deeper sense of community by developing direct forms of legitimacy. Brandt specially referred to the need to give the Community a 'human face'."[52] In addition to this political deadlock, the Member States suffered the global economic recession in the early 1970s.

The legitimacy and democratic accountability of the Community structures were affected by developments in international political economy which therefore became decisive in the launch of the term of European identity in the Community jargon. It was no coincidence that term was activated by the European Council as a core concept in 1973 when the Community lost legitimacy due to dollar collapse and oil price shock impairing the established international order of political economy.[53]

When the economic conditions were restored, the political mood shifted towards deepening and widening the integration process. Over time, not only the scope of competences of the EEC, but also the number of Member States increased.[54] Nevertheless, the "single market"

French national security and German economic recovery at the same time. See Dinan, D. (1994), *op.cit.*, pp. 23-24.

[52] Friis, L. and Murphy, A. (2000), *op.cit.*, p. 232.

[53] Stråth, B. (2000), 'Introduction: Europe as a Discourse', in Stråth, B. (ed.), *Europe and the Other and Europe as the Other*, Bruxelles: Peter Lang Publishing. See also Stråth, B. (2002), *op.cit.*, pp. 387-401.

[54] In two enlargement waves, the UK, Denmark, Ireland, Portugal, Spain and Greece became Community members. The powers of the Council of Ministers were enhanced. See Dinan, D. (1994), *op.cit.*, pp. 100-102. In June 1979, the first direct elections to the European Parliament were held.

constituted a crucial step in the development of the Community. In 1986, the Single European Act (SEA) amended the EEC Treaty and the customs union developed into a common internal market ensuring the free movement of people, goods, capital and services. Besides, the Community competence extended to areas such as social policy, environment and structural policy. Yet, the Maastricht Treaty can be termed as a landmark in the history of European integration.

With the Maastricht Treaty signed in 1992, the European Community underwent a great metamorphosis and turned into the European Union through the creation of an economic and monetary union. A substantial part of the Member States' jurisdiction in strategic matters was formally transferred to the EU. To give example for the extent of communitarization from Germany, the Deutsche Bundesbank delegated its jurisdiction for independent monetary policy to the European Central Bank. The German Federal Constitutional Court and other upper courts became subject to the jurisdiction of the European Courts, Community law preceding national law. This entailed the reconfiguration of the loyalties of European citizens according to new levels of governance. The EU has become a reference point for a collective identity as a result of the process of European integration and the broad extension of its area of judiciary and competence. Although the EU is not a state yet, it has become a polity in-between that cannot be described properly by employing national statist models.[55]

With the ratification of the Maastricht Treaty, the support for European integration began to decline[56] and the legitimacy of the Community was questioned as the EU became more intrusive in national affairs[57] and high politics. The Maastricht Treaty included initiatives in important areas such as CFSP, an economic and monetary union and a European citizenship which were considered by some segments of European populations as a threat

[55] Lepsius, M.R. (2001), 'The European Union: Economic and Political Integration and Cultural Plurality', in Eder, K. and Giesen, B. (eds.), *European Citizenship between National Legacies and Postnational Projects*, New York: Oxford University Press.

[56] Van Kersbergen, K. (2000), 'Political Allegiance and European Integration', *European Journal of Political Research*, Vol. 37, No. 1, p. 11.

[57] Cederman, L.-E. (2001), 'Nationalism and Bounded Integration: What it Would Take to Construct a European Demos', *European Journal of International Relations*, Vol. 7, No. 2, p. 153.

to national identity.[58] It was understood that genuine affiliation of Europeans to the EU was a major condition for the EU to obtain popular support for supranational policies with implications transcending nation-state.

When the Community was established, the founding fathers, in a neofunctionalist logic, expected that the integration process in the economic field would soon gain dynamism and spill over into other fields culminating in a federalist United States of Europe. While furthering European economic and political integration, the European elites and national officials took Europeans' support for granted and assumed that a European identity would emerge as a result of the integration process. This presumption sustained until the 1970s.[59] Therefore, the European governments had been pursuing European integration assuming that the public gave them a "permissive consensus"[60] toward deeper cooperation but this assumption was challenged by the result of the referenda in certain Member States over the ratification of the Maastricht Treaty and by subsequent developments.[61] Before mentioning these developments, it is necessary to distinguish between dimensions of support for European integration.

According to Hewstone, the two aspects of political support for European integration are utilitarian and affective dimensions that are interconnected. Affective support is defined as "an emotional sentiment in response to the idea of European integration. It is related to the perceived legitimacy and popularity of, and loyalty to, the Community" whereas "utilitarian support is more cognitive and related to perceptions of concrete gains and

[58] Friis, L. and Murphy, A. (2000), *op.cit.*, p. 234.

[59] Friis, L. and Murphy, A. (2000), *op.cit.*, p. 232.

[60] Lindberg and Scheingold state that "permissive consensus" allows elites to advance the integration process. Accordingly, the publics had allegiance to the common market to the extent that it provided clearly perceived benefits and accorded with a fundamental affective-identitive sentiment. The support for supranational policies and institutions was more dominant than feelings of shared interests and needs. See Lindberg, L.N. and Scheingold, S.A. (1970), *Europe's would-be polity*, Englewood Cliffs, NJ: Prentice-Hall.

[61] Føllesdal, A. (2004), 'Legitimacy Theories of the European Union', *Arena Working Papers*, Centre for European Studies, University of Oslo, No. 04/15, p. 3. See also van Kersbergen, K. (2000), *op.cit.*, p. 11.

losses."[62] Obradovic states that if the EU is to be more than an integrated market, perceived economic advantages are not sufficient to generate public support for EU policies on matters of high politics. The EU can enter into a crisis if the EU policies fail to produce positive economic outcomes.[63] Starting from the mid-1980s, certain developments in the process of European integration increased the significance of affective support for the Community and pure utilitarian factors proved to be inadequate to provide the necessary level of support for furthering European integration.

With the demise of the Soviet Union, the 1992 Maastricht ratification crisis, pressures for EU enlargement, the growth of regionalism, and the immigration challenge, European integration became increasingly politicized disclosing the nexus of European project, identity and legitimacy. With the politicization of European integration, questions related to identity politics such as "who are we" and "who belongs" and the emotional dimension of integration, "community-building," became salient. It became clear to governments that they should take into account public opinion and create individual allegiance to the EU.[64]

During 1992-1993, the UK, Ireland, France, Denmark and Germany experienced crises of ratification of the Maastricht Treaty.[65] Additionally, the triumph of the far-right and anti-

[62] Hewstone, M. (1986), *Understanding Attitudes to the European Community: A Social-Psychological Study in Four Member States*, Cambridge: Cambridge University Press, pp. 41-42. Hewstone argues that the perception of gains, benefits or advantages is conditional for building of trust and confidence (p.43). For other studies pointing to economic dimension of public opinion on European integration, see Christin, T. and Trechsel A.H. (2002), 'Joining the EU?: Explaining Public Opinion in Switzerland', *European Union Politics*, Vol. 3, No. 4, pp. 415-443; Eichenberg, R. and Russell, D. (1993), 'Europeans and the European Community: The Dynamics of Public Support for European Integration', *International Organization*, Vol. 47, No. 4, pp. 507-534. In the literature, there are varying views on the sources of popular support for the integration process. According to Inglehart and Rabier, who employs the theory of cognitive mobilization, in case education and access to information increases, citizens gain a more cosmopolitan perspective which in turn enhances support for European integration. See Inglehart, R. and J.R. Rabier (1978), 'Economic Uncertainty and European Solidarity: Public Opinion Trends', *Annals of the American Academy of Political and Social Science*, Vol. 440, No. 1, p. 86.

[63] Obradovic, D. (1996), 'Policy Legitimacy and the European Union', *Journal of Common Market Studies*, Vol. 34, No. 2, p. 193.

[64] Laffan, B. (1996), 'The Politics of Identity and Political Order in Europe', *Journal of Common Market Studies*, Vol. 34, No. 1, pp. 82-102. See also Schild, J. (2001), 'National v. European Identities? French and Germans in the European Multi-Level System', *Journal of Common Market Studies*, Vol. 39, No. 2, p. 332; Føllesdal, A. (2004), *op.cit.*, pp. 3-4.

[65] In France, the vote was poorly in favor, 51.05% to 48.95%. The first Danish referendum rejected the Treaty with 51% and in the second referendum the following year, thanks to the opt-out of Denmark

integration FPÖ (Freedom Party) (gaining even more votes than pro-integration ÖVP and SPÖ) in Austria in 1999 parliamentary elections, the emergence of Eurosceptic political parties in many Member States, the Irish rejection of the Nice Treaty in the first referendum in 2001, Swedish rejection of Euro in 2003 referendum, French and Dutch rejection of the Constitutional Treaty in 2005 referenda have demonstrated that popular support for further EU integration could no longer be taken for granted.[66] Additionally, "enlargement increased the internal heterogeneity within the Union by adding several new conceptualizations or polity-ideas about what a legitimate Union should look like."[67]

All of these developments led to the termination of oversimplified approaches to the legitimacy problem of the EU and the problem begin to be discussed extensively in academic and public realms. The EU policy makers came to the conclusion that the EU should be made more appealing to public by creating an emotional bond between the citizens and the EU. As Valéry Giscard d'Estaing stressed, "only if there is a meaningful feeling of identification between Europeans can questions about taxation, social policy and the distribution of public funds be settled at a European, rather than national, level."[68] As the EU continues to influence the daily lives of citizens, "the public's acceptance of the EU as a lawful, rightful entity is critical."[69]

---

from the single currency, 56.8% of the Danish voters approved the Treaty. In the UK, the House of Commons approved the Treaty in 1993 with difficulty. In Denmark and Germany, both the Danish Supreme Court and German Constitutional Court, though eventually holding that the treaty was in accordance with the constitutions, challenged the Treaty in relation to the transfer of sovereign powers to the Community. For more information, see Føllesdal, A. (2004), *op.cit.*, pp. 3-4.

[66] Regarding the referenda on the ratification of the treaty creating a Constitution for Europe, French nationals voted negatively by 54.67% on 29 May 2005 while Dutch nationals did so by almost 62% on 1 June 2005.

[67] Friis, L. and Murphy, A. (2000), *op.cit.*, p. 233.

[68] Mayer, F.C. and Palmowski, J. (2004), *op.cit.*, p. 574.

[69] Cowles, M.G. and Curtis, S. (2004), *op.cit.*, p. 308.

2.3.2 The Legitimacy Problem and the Identity Question

Different conceptions of legitimacy lead to different prescriptions to the problem.[70] This section reviews certain models of legitimacy and argues that collective identification is a precondition of the project of European integration and of remedying the EU's legitimacy problem. However this should not entail that the prescription is a shared identity comparable to that of nation-state. Instead, the prescription looked like a shared identity based on the "unity in diversity" paradigm in conformity with the multi-tiered EU polity.

As stated by Bellier and Wilson, "the building of the EU is not only a process of harmonization and integration, but one of legitimization, in which the structures and aims of the EU must find approval and meaning among its people."[71] Ruiz Jiménez suggests that "the relevance of this European identity for democratic legitimation of the EU is evident from both an empirical and theoretical point of view."[72] Accordingly, Eurobarometer survey 57.1 (2002) demonstrates that the percentage of citizens with exclusive national identities who trust in EU institutions is less than those individuals with dual identities. Indeed, legitimacy is the prerequisite, indicator and outcome of the citizens' support for European integration and collective identification with the EU. The Norwegian political scientist Østerud also confirms that "the number one challenge to supranational integration is popular legitimation of institutions and decision-making at this level."[73]

Legitimacy depends on the people's sense of belonging, consent to and trust in the governance of that political system. European citizens' lack of confidence in EU

---

[70] Føllesdal, A. (2004), *op.cit.*, p.6.

[71] Bellier, I. and Wilson, T.M. (2000), 'Building and Experiencing Europe: Institutions and Identities in the European Union', in Bellier, I. and Wilson, T.M. (eds.), *An Anthropology of the European Union: Building, Imagining and Experiencing the New Europe*, New York: Berg, p. 15.

[72] Ruiz Jiménez, A.M. (2003), '¿Y Tú de Quién Eres? Identidad europea y lealtad a la nación', Universidad Nacional de Educación a Distancia, available at http://www.uned.es/dcpa/Actividades/SeminarioDpto/Aruiz2003identidades.pdf, p. 4, my translation.

[73] Østerud, Ø. (1996), 'Democracy Between National Governments and Supranationality – A Concise Exposition', in Smith, E. (ed.), *National Parliaments as Cornerstones of European Integration*, The Hague: Kluwer, p. 179.

institutions is driven by the perceived undemocratic structure of these institutions that is called "democratic deficit." A recent Eurobarometer survey reveals that only slightly more than half of the European citizens have a positive image of the EU and trust in the EU institutions. In addition, 48% describe the EU as "technocratic" whereas 37% as "inefficient."[74] However, as argued by Føllesdal, trust and trustworthiness are preconditions of the perceived "normative legitimacy" of the EU that would in turn influence existing compliance and long-term support for the EU.[75]

In the literature, the two main dimensions of the crisis of EU legitimacy are defined as "a lack of popular identification with the EU and the undemocratic structure of its institutions."[76] The absence or low-level of identification with the EU manifests itself in citizens' disinterest and non-participation in European political matters such as the ratification of the Constitution of Europe and direct elections to the European Parliament which culminate in typical low voter turnouts particularly when compared to turnout rates in national and local elections. For this reason, European elections came to be named as "second order" elections.[77] To illustrate, according to a recent Eurobarometer survey, only 34% of British citizens were reported to have voted in 2004 European elections[78] whereas the voter turnout rate in 2005 UK general elections was 61.3%.[79] According to the model of "legitimacy through participation," participation in directly held referenda would

[74] Standard Eurobarometer 67, 'Public Opinion in the European Union', June 2007.

[75] Føllesdal, A. (2004), *op.cit*.

[76] Banchoff, T. and Smith, M.P. (1999), 'Conceptualizing Legitimacy in a Contested Polity', in Banchoff, T. and Smith, M.P. (eds.), *Legitimacy and the European Union: The Contested Polity*, New York: Routledge, p. 1.

[77] Frognier, A.P. (2002), 'Identity and Electoral Participation: For a European Approach to European Elections', in Perrineau, P., Grunberg, G. and Ysmal, C. (eds.), *Europe at the Polls: The European Elections of 1999*, Basingstoke: Palgrave. Nonetheless, it should be born in mind that the citizens take the European Parliament elections also as an opportunity to vote against national leaders on domestic grounds rather than on European affairs. For instance, it is a well-known fact that in the Netherlands, the negative result of the referendum on the Constitutional Treaty stemmed from the public opposition to Turkey's EU membership rather than the content of the Constitutional Treaty.

[78] Flash Eurobarometer 192, 'Attitudes towards the EU in the United Kingdom', February 2007.

[79] BBC Website: http://news.bbc.co.uk/2/hi/uk_news/politics/vote_2005/constituencies/default.stm.

increase the legitimacy of the EU.[80] As stated before, there is a great deal of academic discussion over the definition, sources and types of legitimacy, some of which will be mentioned below.

Output legitimacy originates from the substance of political decisions and their effectiveness in problem solving.[81] It depends on political output, not on the citizens' participation in the formation of that output.[82] Scharpf argues that output legitimacy should be the mere standard to evaluate EU policy-making, because it is impossible to take for granted the pre-political conditions for a democratic polity transcending nation-state, such as collective identity.[83] State-centric approaches to legitimation, i.e. liberal intergovernmentalism or neorealism, are rather output-oriented. According to these approaches, the sense of European identity is not necessary and the legitimation of European policy of nation-states instead of a European polity is sufficient.[84]

On the other hand, according to the procedural legitimacy model, what matters is the relation between the ruler and the rules through mechanisms of representative democracy, i.e. representation, responsibility, accountability and public scrutiny. As Ruiz Jiménez posits, even when the policy outputs are not beneficial, citizens would consider a governance as legitimate if institutions function in accordance with democratic values such as consent, representation and accountability.[85]

From this perspective, the EU seems to have problems of procedural legitimacy because of the European Parliament's structural defects[86] and restricted powers "relative to the

[80] Føllesdal, A. (2004), *op.cit.*, p. 9.

[81] Scharpf, F.W. (1999), *Regieren in Europa: Effektiv und demokratisch?*, Frankfurt am Main: Campus, pp. 20-28.

[82] Ruiz Jiménez, A.M. (2003), *op.cit.*, p. 4.

[83] Scharpf, F.W. (1999), *op.cit*.

[84] Schild, J. (2001), *op.cit.*, p. 333.

[85] Ruiz Jiménez, A.M. (2003), *op.cit.*, p. 4.

[86] Jachtenfuchs, M. (1995), 'Theoretical Perspectives on European Governance', *European Law Journal*, Vol. 1, No. 2, p. 127.

Commission and the Council ... even in the wake of the Maastricht and Amsterdam treaties"[87] besides the obscure structures of accountability within and between the European institutions.[88] Within this framework, some hold that there is no genuine European system of political representation which constitutes one of the preconditions of a legitimate democratic political system.[89]

Scholars, who tend to deal with the cultural legitimation of the EU by using the derivations for the legitimacy of a nation-state, argue that the non-existence of substantial demos[90] that would give legitimacy to EU institutions is a major factor in the EU's legitimacy problem. For instance, Grimm suggests that the lack of a European demos with a collective identity is an impediment to the democratic legitimacy of the EU.[91] It is clear that if measured on the basis of the conceptions of nation-state, democratic legitimacy of the EU is not without limitations. The polity of the EU is short of most characteristics of the state, that is to say, standard culture, centralized control or mass political participation.[92] Against the above-mentioned statist conceptualizations of representation, Banchoff and Smith stress that as a multilevel polity, where national and supranational institutions interact, the EU created

---

[87] Banchoff, T. and Smith, M.P. (1999), *op.cit.*, p. 10.

[88] Héritier, A. (1999), 'Elements of Democratic Legitimation in Europe: An Alternative Perspective', *Journal of European Public Policy*, Vol. 6, No. 2, p. 269. See also Newman, M. (1996), *Democracy, Sovereignty and the European Union*, London: Hurst & Company. For instance, concerning its relatively restricted powers, the European Parliament, the only directly representative body of the EU, has the formal right to dismiss the entire Commission, but not to appoint the new commissioners. Thus, the EU citizens have a limited and circuitous role in the selection process of Commissioners. See Hirsi Ali, A. (2005), 'Islam and the EU's Identity Deficit', *The Brown Journal of World Affairs*, Vol. 12, No. 1, p. 54.

[89] Schmitt, H. and Thomassen, J. (1999), 'In Conclusion: Political Representation and Legitimacy in the European Union', in Schmitt, H. and Thomassen, J. (eds.), *Political Representation and Legitimacy in the European Union*, Oxford; New York: Oxford University Press, pp. 256-257.

[90] In sociology, it refers to population of commoners in ancient Greece; common people, "the masses"; group of people that functions as a political unit.

[91] Grimm, D. (1995), 'Does Europe Need a Constitution?', *European Law Journal*, Vol. 1, No. 3, pp. 282-302.

[92] Van Kersbergen, K. (2000), *op.cit.*, p. 3.

novel forms of representation in the absence of strong central democratic institutions.[93] This forms the multi-level governance approach to legitimation.

Accordingly, categories of analysis applied to the nation-state are improper to evaluate recognition and representation in the EU, because the EU has come to be referred as a contested, evolving, multi-level polity,[94] "first truly postmodern political form,"[95] and a "network state."[96] "The EU is a complex, composite and hybridized political entity defined by betweenness and multicultural diversity."[97] Thus, most political scientists converge on the point that the EU is a multi-levelled polity that exists alongside the nation-state in constantly altering relations. In this overlapping, poly-centric form of governance, national, regional and European actors gather in complex networks of policy and influence or control political decisions and outputs.[98]

Risse and Steeg hold that if the EU is conceived "as an emerging democratic polity beyond the nation-state, the issue of a European public sphere is raised quite naturally."[99] They argue that "a meaningful concept of a public sphere … implies the emergence of a

---

[93] Banchoff, T. and Smith, M.P. (1999), *op.cit*. However, Banchoff and Smith do not explain, why public identification with the EU is still low despite such compensatory mechanisms of representation and participation. In a similar vein, Héritier also argues that democratic legitimation is substituted by elements such as the Commission's transparency programme and the development of supportive networks and that accountability is enhanced by structural and processual elements inherent in European policy-making. See Héritier, A. (1999), *op.cit*.

[94] Friis, L. and Murphy, A. (2000), *op.cit*. See also Banchoff, T. and Smith, M.P. (1999), *op.cit*.

[95] Ruggie, J.G. (1993), 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization*, Vol. 47, No. 1, p. 140.

[96] Castells, M. (1996), *The Rise of the Network Society*, Cambridge: Blackwell Publishers. See also Castells, M. (2000), *End of Millenium*, Malden, MA: Blackwell Publishers.

[97] Van Ham, P. (2001), *European Integration and the Post-Modern Condition: Governance, Democracy, Identity*, London; New York: Routledge, p. 69. See also Laffan, B. (1998), 'The European Union: A Distinctive Model of Internationalization', *Journal of European Public Policy*, Vol. 5, No. 2, pp. 235-253.

[98] Schild, J. (2001), *op.cit.*, p. 334.

[99] Risse, T. and van de Steeg, M. (2003), 'An Emerging European Public Sphere? Empirical Evidence and Theoretical Clarifications', paper presented at the *Conference on the Europeanization of Public Spheres, Political Mobilization, Public Communication and the European Union*, Science Center Berlin, 20-22 June 2003, available at http://www.fu-berlin.de/atasp/paperstodownload.htm, p. 1.

community of communication"[100] that is "based on collective European identities" and "established through discursive practices"[101] for which the absence of a common language do not pose an obstacle.

In the light of the discussion above, important questions come to mind: Is it reasonable for European bureaucratic elites to carry out a project of creating a European people through nation-building strategies? Would such a strategy viable? In other words, just as Massimo D'Azeglio, a member of Risorgimento, who announced in 1860 after the legal unification of Italy that "having made Italy, we must now make Italians," should the EU elites begin to seek ways of "making Europeans" after having made Europe?

It is true that any imaginable "European political union" would not be "transformed into a one-nation-state aimed at homogenizing societies and cultures"[102] because "homogenising the plurality of national cultures to form a European nation is a project that is neither practicable nor useful"[103] given the objection of the European public to the possibility of being "dissolve[d] in Europe like a sugar cube in a cup of tea."[104] Therefore, making a parallelism between the nation-state and EU in terms of legitimation would be misleading on several grounds, primarily the different characteristics of the nation-state polity from that of the EU.

---

[100] Ibid., p. 19.

[101] Risse, T. and van de Steeg, M. (2007), 'The Emergence of a European Community of Communication: Insights from Empirical Research on the Europeanization of Public Spheres', *Research Paper*, available at http://www.atasp.de/downloads/eps_vandesteeg_risse_070513.pdf, p. 22.

[102] Reif, K. (1993), 'Cultural Convergence and Cultural Diversity as Factors in European Identity', in García, S. (ed.), *European Identity and the Search for Legitimacy*, London; New York: Pinter Publishers, p. 151.

[103] Fuchs, D. and Klingemann, H.D. (2000), 'Eastward Enlargement of the European Union and the Identity of Europe', *Discussion Paper FS III 00-206*, Berlin: Wissenschaftszentrum Berlin Fuer Sozialforschung (WZB), p. 2.

[104] In August 2002, the abandonment of selecting open donuts and other pastries with hands in line with the EU health regulations caused sharp protests and fear that Czech national culture would disappear as noted by Václav Klaus, former Czech Prime Minister, in these words: "We mustn't allow ourselves to dissolve in Europe like a sugar cube in a cup of tea." See McAllister, J.F.O. (2002), 'The EU: Love It or Leave It', Time, 13 October 2002.

According to Gellner, states are legitimate and sound if they are isomorphic with nations and nations are differentiated from other communities by cultural divergences.[105] The states have considered cultural and linguistic unity as an important component of political unity. Cultural homogenization and unity are inherent to the nation-building process.[106] Citizens of state, in certain cases, are ready to fight or even die for protecting national territory. On the other hand, "[a]ny kind of allusion to a 'fatherland' as in the case of Germany or a 'motherland' as in the case of Greece do not exist within the EU understanding."[107]

The essentialities of the nation-state are composed of the historical memories of the collective *ethnie,* sovereignty, "a territoriality bounded by national frontiers," centrality, and nationality, which is "a destiny of communal belonging, a collective *Gemeinschaft,* for which you are supposed to make sacrifices."[108] There is not yet a European *Gemeinschaft*, i.e. "the life-and-blood characteristics of an internal, living and organic entity." [109]

Identity is central to all kinds of polities, be it nation-state or the EU. Regardless of the type, all polities need "an identity to provide a psychological frame of reference in which to function" and to "define their values and serves as the basis for ranking their priorities."[110] The EU also needs a common identity and legitimation as a political

---

[105] Gellner, E. (1983), *Nations and Nationalism*, Oxford: Blackwell.

[106] Banús, E. (2002), 'Cultural Policy in the EU and the European identity', in Farrell, M., Fella, S. and Newman, M. (eds.), *European Integration in the 21st Century: Unity in Diversity*, London: SAGE, p. 159.

[107] Kolyva, K. (2002), 'EU Cultural Policy: Framed between a Vertical Modern Memory and a Horizontal Postmodern Space', Rencontre du CEDEM, available at http://www.cedem.ulg.ac.be/m/wp/16.pdf, p. 5.

[108] Hedetoft, U. (1999), 'The Nation-state Meets the World: National Identities in the Context of Transnationality and Cultural Globalization', *European Journal of Social Theory*, Vol. 2, No. 1, p. 81.

[109] van Ham, P. (2000), 'Identity Beyond the State: The Case of the European Union', *Working Paper*, Copenhagen Peace Research Institute, No.15/2000. Van Ham distinguishes between three types of identity: *Gemeinschaft*, *Gesellschaft*, i.e. "contractual arrangements of common value" among citizens and finally, multiculturalism. According to van Ham, given the "multifarious character of Europe" and the non-existence of a truly European *Gemeinschaft*, European identity can only be based upon multiculturalism and on the acknowledgment of cultural diversity. Whereas *Gemeinschaft* implies identity in a communitarian understanding, *Gesellschaft* refers to civic identity.

[110] Prizel, I. (1998), *National Identity and Foreign Policy: Nationalism and Leadership in Poland, Russia and Ukraine*, Cambridge: Cambridge University Press, p. 2.

community by the Member States and the individuals. As stated by Reif, "a certain level of common identity is required in order to legitimize the existence and further development of European integration."[111] The legitimation of the EU polity requires an identity-oriented and affective support[112] that can be fostered by the identity-building policies of the EU. But what kind of identity should the EU foster? It was discussed above that the creation of a European demos with a sensible collective identity does not seem plausible for the legitimation of the EU.[113]

This question does not have a direct answer since identity is an ambiguous, many-stranded phenomenon and "there cannot be such a thing as a European identity in the singular but only a plurality of European identities that clash and reconstruct one another in the process that is identity politics."[114] Thus, although the kind of European identity that the EU has been trying to inculcate among the European citizens is difficult to demarcate unmistakably, it is the one that embraces the heterogeneous European society, that is to say, a post-national European identity. As emphasized by van Ham:

> Contemporary Europe shows a diversity of peoples and communities with only marginally overlapping points of reference regarding values, meaning and identities. Europe's cultural and social topography is fragmented, lacking clear unifying principles and shared experiences around which people could identify.[115]

The invention and construction of a shared identity, culture and heritage among the European citizens as a mechanism of establishing legitimacy in the European institutions by the bureaucratic elites has been based upon the theme of "unity in diversity" of the European Commission which is in accordance with the multi-level, contested EU polity.[116]

---

[111] Reif, K. (1993), *op.cit.*, p. 131.

[112] Schild, J. (2001), *op.cit.*, p. 335.

[113] Lepsius, M.R. (1999), 'Die Europäische Union. Ökonomisch-politische Integration und kulturelle Pluralität', in Viehoff, R. and Segers, R.T. (eds.), *Kultur, Identität, Europa. Über die Schwierigkeiten und Möglichkeiten einer Konstruktion*, Frankfurt am Main: Suhrkamp.

[114] Neumann, I.B. (2001), *op.cit.*, p. 160.

[115] Van Ham, P. (2001), *op.cit.*, p. 59.

[116] Pantel, M. (1999), 'Unity-in-Diversity: Cultural Policy and EU Legitimacy', in Banchoff, T. and Smith, M.P. (eds.), *Legitimacy and the European Union: The Contested Polity*, New York: Routledge.

The paradigm of "unity in diversity" is based upon a delicate balance stroke between crafting a degree of commonality and maintaining diversity in the union. This paradigm accepts the possibility of multiple identities. As suggested by Friis and Murphy, the multi-level governance perspective emphasizes the co-existence of multiple identities as a feasible basis of a legitimate and sound polity.[117]

2.4 The Literature on European Identity

Before passing to the literature review, it must be stated that the concept of "European identity" has at least two meanings: "a sense of belonging" to the EU or "a collective sense of what it means to be European."[118] The first implies identification with the European project, whereas the second is concerned with European identity as a collectivity. An individual might feel European, while not supporting European integration.

However, in the literature, identification with Europe and identification with the EU began to be used interchangeably.[119] The term "Europe" gradually signifies "the political and social space occupied by the EU."[120] It has been widely acknowledged in the literature that it is difficult to give a consistent definition or specify the content of European identity[121] since it is a political project in construction.[122] The term changes and implies different

[117] Friis, L. and Murphy, A. (2000), *op.cit.*, p. 228.

[118] Diez Medrano, J. and Gutiérrez, P. (2001), 'Nested Identities: National and European Identity in Spain', *Ethnic and Racial Studies*, Vol. 24, No. 5, p. 754.

[119] Laffan, B. (2004), 'The European Union and Its Institutions as "Identity Builders"', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers.

[120] Risse, T. (2004), 'Social Constructivism', in Wiener, A. and Diez, T. (eds.), *European Integration Theory*, Oxford: Oxford University Press, p. 169. The term might connote either the former or the latter depending upon the context throughout this thesis; "European identity" also refers to "EU identity."

[121] Toggenburg, G.N. (2004), 'The Debate on European Values and the Case of Cultural Diversity', *European Diversity and Autonomy Papers*, No. 1/2004, p. 8.

[122] Stråth, B. (2002), *op.cit.*, p. 405. See also Pagden, A. (2002), 'Europe: Conceptualizing a Continent', in Pagden, A. (ed.), *The Idea of Europe: From Antiquity to the European Union*, New York: Cambridge University Press, p. 33.

things in different contexts.[123] In the absence of an overarching definition of European identity, the selected literature on the conceptual and theoretical framework of European identity will be revisited.

It was established in the previous section that the EU has a multi-level system of governance. The type of identities that can best correspond to the multi-tiered European governance are multiple identities in territorial terms. These multiple identities are composed of sub-national (local and regional), national and European identities. The main argument of this section is that multiple identities are in agreement with the legitimation of the European multi-level system of governance. The possibility of multiple identities implies that there is no need for a conflict between national and European identities and that identification with the EU need not be at the expense of national and sub-national identifications.[124]

To substantiate this argument, a brief comparison will be made between national and European identities by giving some of their essentials and divergences. In addition to the studies on the relation between national identity and support for European integration, there is a growing literature of empirical studies, which explore both public support for the European integration process and public and individual attachment to the EU. These studies point to the possibility of multiple identification. That peaceful coexistence of multiple allegiances (at different geographical levels) within a single collective identity is possible has also been confirmed by multiple identity models.

Establishing that European identity is complementary to national identity, the mainstream approaches to European identity, such as ethno-nationalism, constitutional patriotism and constructivism will be outlined. It will be maintained that none of these approaches

---

[123] Boxhoorn, B. (1996), 'European Identity and the Process of European Unification: Compatible Notions?', in Wintle, M. (ed.), *Culture and Identity in Europe*, Aldershot: Ashgate, pp. 137-139. Burçoğlu also argues that European identity consists of a complex sum of identities, subject to change according to the analyst and time. See Burçoğlu, N.K. (2004), 'Avrupa ve Avrupalılık', *Journal of Academic Studies*, No. 23, p.10.

[124] Banchoff, T. and Smith, M.P. (1999), *op.cit.*, p. 13. See also Pantel, M. (1999), *op.cit.*, p. 46; Friis, L. and Murphy, A. (2000), *op.cit.*, p. 228; Schild, J. (2001), *op.cit*.

provides a flawless or all-encompassing framework. Yet, constructivism provides the most appropriate lenses for dealing with the concept of European identity.

2.4.1 European Identity as a Collectivity

This section firstly deals with European identity as a collectivity and maintains that objective elements of European identity (geography, history, language, religion etc.) have certain limitations in forming a common reference point for all Europeans.[125] These elements divide Europeans rather than bringing them together. Therefore, a primordialist framing is not appropriate in a European context.

First and foremost, it must be reiterated that "there are endless debates about the ethnographical and historical meanings of the word Europe."[126] The definitions and depictions of Europe vary, the half naked Europa on the back of a bull being the most popular one.[127] Many scholars have pointed to the vagueness of the terms of "Europe" and "Europeanness" in terms of a shared culture, history, geography, language and religion. Even the European Commission stated ambiguously that Europe "combines geographical, historical and cultural elements which all contribute to the European identity"[128] without specifying the content of these elements. The European Commission refrained from giving way to sharp political debates and stressed that "it is neither possible not opportune to establish now the frontiers of the EU, whose contours will be shaped over many years to come."[129]

---

[125] Boxhoorn, B. (1996), *op.cit.*, p. 141.

[126] Boxhoorn, B. (1996), *op.cit.*, p. 134.

[127] "Europe," as a symbol, is based on a myth that dates back to the 7th century BC. According to Greek mythology, Europa, the daughter either of Phoenix or of Agenor, king of Phoenicia, inspired the love of Zeus, who approached her in the form of a white bull and carried her away from Phoenicia to Crete. The name of Europa, who later married to the King of Crete and never returned to her hometown, was given to the continent of Europe. Europa is depicted as a half naked woman on the back of bull and accepted as the symbol of the EU in some sources. See Burçoğlu, N.K. (2004), *op.cit.*, p. 9.

[128] See European Commission (1992), 'Europe and the Challenge of Enlargement, Rapport prepared for the European Council in Lisbon, 26-27 June 1992', Bulletin of the EC, Supplement 3/92, p. 11.

[129] Ibid.

Geographically, Europe has always been a contested and elusive concept and defined in ideological parameters.[130] Delanty mentions that "the 'geographical entity' which is being called Europe is simply too large and too abstract to be imagined in any meaningful sense."[131] Additionally, the definition of what Europe means and where it ends varies[132] across Madrid, Hamburg, London, Thessaloniki or Prague. In fact, there is a long-standing tendency among European states toward defining European borders outside their territories[133] contrary to Metternich, who put a geographic limitation to Europe inside Austrian borders in his oft-quoted words: "Asia begins at the Landstrasse" district of Vienna.[134] In response to De Gaulle's restrictive definition of Europe as stretching from the Atlantic to the Urals,[135] Lepsius argues that neither the Urals nor the Sea of Okhotsk constitute European political and cultural borders.[136] According to Wallace, Europe began to be identified with the EU. Therefore, accession or denial of accession to the EU began to signify inclusion to or exclusion from Europe and European identity.[137]

Concerning the cultural borders of Europe, Neumann stresses that it is impossible to speak of a cultural trait shared by all Europeans or not shared by any non-European.[138] Europe hosts many different cultural groups and the cultural borders of Europe have constantly expanded through enlargement waves.

---

[130] Ifversen, J. (2002), *op.cit.*, pp. 2-3. See also Kohli, M. (2000), *op.cit.*, pp. 113-114.

[131] Delanty, G. (1995a), *Inventing Europe: Idea, Identity, Reality*, London: MacMillan Press, p.132.

[132] Wallace, W. (2002), 'Where Does Europe End? Dilemmas of Inclusion and Exclusion', in Zielonka, J. (ed.), *Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union*, London; New York: Routledge, p. 79.

[133] Neumann, I.B. (2006), *op.cit.*, p. 10.

[134] Waller, M., Crook, M. and Andrew, J. (2000), 'Introduction: The Remaking of Europe', in Andrew, J., Crook, M. and Waller, M. (eds.), *Why Europe? : Problems of Culture and Identity*, New York : St. Martin's Press, p. 1.

[135] Boxhoorn, B. (1996), *op.cit.*, p. 137.

[136] Lepsius, M.R. (2001), *op.cit.*, p. 205.

[137] Wallace, W. (2002), *op.cit.*, p. 81. See also Ifversen, J. (2002), *op.cit.*, p. 4.

[138] Neumann, I.B. (2006), *op.cit*.

The roots of European history are generally sought in Greece and Rome. However, the Roman Empire reminds the separation into western and eastern empires. European history, replete with bloody wars for more than 1500 years, would highlight the differences between European states rather than forming a solid basis for a shared European identity.[139] Besides, some important events, which are assumed to unite Europe historically, have not been experienced by entire Europe. To illustrate, Roman Empire had never encompassed Scandinavia and Eastern Europe.[140]

Despite the claims that Europe has a common linguistic heritage with some exceptions such as Finnish, Hungarian or Basque, there is not a common language in Europe. Although Northern Europeans are able speak English at a higher proportion, this varies from country to country. Besides, English is a global language, not a language specific to Europe.

That the roots of European identity lie in Christianity is prevalent in European discourse. Weiler argued that the proposed European Constitution should include a reference in its Preamble to the Judeo-Christian tradition.[141] Bondevik, the former Norwegian prime minister, stated that European values were essentially Christian but there were some values that were shared with Muslims.[142] The former President of the EU Commission Jacques Santer famously stated that the essence of the European identity should be sought in Greek, Latin and Christianity. However, such an exclusionary discourse ignores that Christianity has been a fissiparous factor in European history, that the recent two EU enlargement waves incorporated large Orthodox populations, and that there are large Muslim populations in European countries.[143]

---

[139] Karnoouh, C. (2001), 'Europe: Common Heritage and Differences', in Council of Europe, Forward Planning: The Function of Cultural Heritage in a Changing Europe, available at http://www.coe.int/T/E/Cultural_Co-operation/Heritage/Resources/ECC-PAT(2001)161.pdf, pp. 29-30.

[140] Laçiner, S. (1999), 'Türkiye-Avrupa İlişkilerinde Kültür ve Medeniyet Boyutu', *Liberal Düşünce*, Vol. 13, No. 4, pp. 40-57.

[141] Delanty, G. (2005a), 'Cosmopolitanism and Europe: What does it mean to be a 'European'?', *Innovation: European Journal of Social Science*, Vol. 18, No. 1, pp. 11-22.

[142] Agence Europe, 08/09/2004, Brussels.

[143] Delanty, G. (2005a), *op.cit*.

Anthony Smith, although stressing the limitations of language, geography, religion and outsiders as common reference points for the peoples of Europe, maintains that there is a minimum common denominator in the form of traditions and heritages shared by all Europeans. These comprise "Roman law, political democracy, parliamentary institutions, and Judeo-Christian ethics and cultural heritages like Renaissance humanism, rationalism and empiricism, and romanticism and classicism" constituting a European "family of cultures."[144] On the other hand, Laçiner argues that Renaissance never reached Northern and Eastern Europe and that the Reform Movements remained limited with Latin Christianity.[145] In the light of the argument above, the nation model cannot be transposed to the European level. Essentializing the principal elements of Europeanness would culminate in a homogeneous picture of Europe and exclusion/othering of EU populations and immigrants, who provide the multicultural and colorful facet of Europe.

The existence of numerous representations of "Europe" and "Europeanness" does not entail that the formation of a European identity is impossible to achieve, because ideas on European identity have been "produced and reproduced in a wide array of discourses marked by political power."[146]

2.4.2 Previous Research on the Compatibility of National and European Identities

This section takes European identity as "a sense of belonging" to the EU and analyzes the compatibility of national and European identities. Individuals can perceive themselves as attached to many groups and communities simultaneously without having to select principal identification. The same is valid also for national and European identities. One of the factors confirming the compatibility between national and European identities has been the EU discourse and policies. The EU, by highlighting unity in diversity in its cultural policies, seeks not to undermine the national and regional cultures of the Member States and shows its respect for distinct national identities as confirmed by Article 6(3) of the

---

[144] Smith, A.D. (1992), 'National Identity and the Idea of European Unity', *International Affairs*, Vol. 68, No. 1, p. 70. See also Smith, A.D. (1991), *National Identity*, Harmondsworth: Penguin, p. 11.

[145] Laçiner, S. (1999), *op.cit.*

[146] Kostakopoulou, T. (2001), *op.cit.*, p. 27.

Maastricht Treaty stipulating that "the Union shall respect the national identities of its Member States." Further, the Maastricht Treaty introduced and did not prioritize European citizenship over national citizenship. Therefore, legally, it does not appear like European identity has superseded national identities.

Nevertheless, the promotion of European identity have engendered opposition to some extent particularly among European far right-wing political parties and actors, who considered integration as a threat to national identity and sovereignty,[147] such as Le Pen in France and religious populist discourse in Greece.[148] This sort of perception of European identity as a substitute for national identity is more prevalent in the UK and Denmark where national identities and sentiments against the European project are very strong and emotional identification with the EU is weaker when compared to other Member States. Indeed, these two Member States are the most reluctant ones to move forward with European political integration.[149] The British media, warning the public about the threats against conventional British loaf or three-pin electricity plugs, is replete with negative depictions of European integration and European identity.[150] In Denmark, there is an alleged zero-sum game between the Danish nation-state and European project.[151]

---

[147] Pantel, M. (1999), *op.cit.,* p. 58.

[148] Stavrakakis, Y. (2005), *op.cit.,* p. 87.

[149] Laffan, B. (1996), *op.cit.*, p. 87. See also Marks, G. and Hooghe, L. (2003), 'National Identity and Support for European Integration', *Discussion Paper 2003-202*, Berlin: Wissenschaftszentrum Berlin für Sozialforschung (WZB), available at http://skylla.wz-berlin.de/pdf/2003/iv03-202.pdf, p. 6. For further comments on the Britain's European identity in connection with the European project, see Garton Ash, T. (2001), 'Is Britain European?', *International Affairs*, Vol. 77, No. 1, pp. 1-13. Garton Ash emphasizes that there is a need for a stronger European identity and emotional identification in Britain to become an effective participant in the European project.

[150] Stavrakakis, Y. (2005), *op.cit.,* pp. 87-89.

[151] Neumann, I.B. (1998), *op.cit*. For instance, the study of Buch and Hansen emphasizes that the perceived threat to the Danish welfare model, loss of national identity and cultural traditions were effective on 53% "no" votes in 2000 referendum on Danish participation in the European single currency and the third phase of the Economic and Monetary Union (EMU). For an analysis of Danish votes in and attitudes toward the European Parliament elections and EU referenda in 1972-2000, see Buch, R. and Hansen, K.M. (2002), 'The Danes and Europe: From EC 1972 to Euro 2000–Elections, Referendums and Attitudes', *Scandinavian Political Studies*, Vol. 25, No. 1, pp. 1-26.

There are differing views in the literature as regards the compatibility between identification with Europe and lower-level national and local units. Some assess European identity on the basis of a zero-sum game in which a European identity gain is followed by a national identity loss.[152] The possibility of multi-identification is closely related with the relation between national identity and European identity, hence support for European integration. This section, outlining both opposing standpoints on the issue, argues that multi-identification at different territorial units is possible.

A group of studies point to the relation between higher levels of national identity and lower levels of European identity and support for European integration. For instance, Carey holds that higher feelings of national identity diminish support for European integration due to clash of sovereignty as regards single European currency, the increased primacy of European law and the European Central Bank.[153] According to Kaltenthaler and Anderson, stronger the national identity, less the support for common currency.[154] McLaren argues that antipathy toward other cultures and perceived threat by the process of European integration toward national identity and culture is decisive in hostility toward the EU.[155] Van Kersbergen proposes that double allegiance,[156] forming the basis of European integration, consists of primary allegiance to the nation-state and secondary allegiance to the EC/EU that is contingent on the degree that European integration facilitates nation-states to provide the sources upon which primary allegiance depends.[157] Smith and Østerud

[152] Münch, R. (2001), *Nation and Citizenship in the Global Age: From National to Transnational Ties and Identities*, New York: Palgrave.

[153] Carey, S. (2002), 'Undivided Loyalties: Is National Identity an Obstacle to European Integration?', *European Union Politics*, Vol. 3, No. 4, pp. 387-413.

[154] Kaltenthaler, K. and Christopher, J.A. (2001), 'Europeans and Their Money: Explaining Public Support for a Common European Currency', *European Journal of Political Research*, Vol. 40, No. 2, pp. 139-170.

[155] McLaren, L. (2002), 'Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat?', *Journal of Politics*, Vol. 64, No. 12, pp. 551-566.

[156] Allegiance is defined by Milward as "the range of all those elements which induce citizens to give their loyalty to institutions of governance, whether national, international or supranational." See Milward, A.S. (1997), 'The Springs of Integration', in Gowan, P. and Anderson, P. (eds.), *The Question of Europe*, London; New York: Verso.

[157] Van Kersbergen, K. (2000), *op.cit*.

are also pessimistic about the emergence of a European identity so long as national ethnic-cultural identities continue to be strong.[158]

Nonetheless, not only the compatibility of national and European identities, but also the credibility of multi-identification is questioned by some scholars. For instance, Kraus argues that multiple identities have a potential for conflict due to interaction of distinctive dimensions of cultural and political allegiances.[159] Stavrakakis, stressing the upper-hand of national identity in collective identity, holds that not all components of multiple identities are equally important and that in case there is a conflict of loyalties, certain components are prioritized.[160] Stavrakakis also refers to Wilson and van der Dussen who state that "the total disintegration of personal identity into identity atoms might not be psychologically manageable."[161]

On the other hand, many scholars point out that people can have allegiance to different institutions/polities that may even seem to conflict or theoretically tend to exclude each other[162] such as loyalty to both nation and the EU. Reif notes that "a stronger sense of belonging to the more immediate communities does not imply a rejection of a European political community."[163] Vice versa, European identity need not emerge or increase at the expense of other identities. It is more viable to assume that in general "there is not a zero-sum struggle between a national and a European identity."[164]

---

[158] Smith, A.D. (1995a), *Nations and Nationalism in a Global Era*, Cambridge: Polity Press. See also Smith, A.D. (1999), *Myths and Memories of the Nation*, Oxford: Oxford University Press; Østerud, Ø. (1999), *Globalisenringen og Nasjonalstaten*, Oslo: Ad Notam Gyldendal. For further accounts of incompability between national and European identities, see also Eichenberg, R. and Russell, D. (1993), *op.cit.*; Deflem, M. and Pampel, F.C. (1996), 'The Myth of Postnational Identity: Popular Support for European Unification', *Social Forces*, Vol. 75, No. 1, pp. 119-143.

[159] Kraus, P.A. (2003), 'Cultural Pluralism and European Polity-Building: Neither Westphalia nor Cosmopolis', *Journal of Common Market Studies*, Vol. 41, No. 4, p. 683.

[160] Stavrakakis, Y. (2005), *op.cit.*, pp. 84-85.

[161] Wilson, K. and van der Dussen, J. (1995), *The History of the Idea of Europe*, London: Routledge and Open University Press, p. 207.

[162] Wintle, M. (2000), *op.cit.*, p. 14.

[163] Reif, K. (1993), *op.cit.*, p. 138.

Furthermore, since the second half of the twentieth century, increasing globalization and transnational social networking have broadened the process of social construction of identities beyond the nation-state level. Therefore, it is possible that national identities cease to be the primary identities of people.[165] On the contrary, as argued by Kohli, so far European integration has neither superseded nation-states, nor rendered them obsolete. Although Member States surrendered a part of their sovereignty to the European level, they have remained the key centers of political power and legitimacy.[166] Both Kohli and Cerutti, though having different views regarding the power of nation-state, do accept the compatibility of national and European identities.

Eurobarometer surveys reveal that there has been a perceived compatibility between European identity and national identities. This point is also substantiated by several empirical studies which show that individual identities to distinct territorial communities are "mutually inclusive, rather than mutually exclusive."[167] For instance, in Bruter's view, multiple identities are not only compatible, but also mutually reinforcing and that European identity is positively correlated with national, regional and local identities.[168] Citrin and Sides, who deploy concepts of social identity theory in their study, point out that people identifying with their nation-state also feel a sense of belonging to Europe.[169]

Moreover, Hooghe and Marks show in their quantitative analysis that a person with a high attachment to a territorial community tends to have a comparatively high attachment to

---

[164] Kamphausen, G. (2006), 'European Integration and European Identity: Towards a Politics of Differences?', *International Issues and Slovak Foreign Policy Affairs*, No. 01/2006, p. 29.

[165] Cerutti, F. (1992), 'Can There be a SupraNational Identity?', *Philosophy and Social Criticism*, Vol. 18, No. 2, pp. 147-162.

[166] Kohli, M. (2000), *op.cit*.

[167] Marks, G. and Hooghe, L. (2003), *op.cit.*, p. 7. See also Hooghe, L. and Marks, G. (2001), *Multi-Level Governance and European Integration*, New York: Rowman & Littlefield Publishers.

[168] Bruter, M. (2005b), 'Conference Paper: Political Identities and Public Policy: Institutional Messages and the Politics of Integration in Europe', *Refugee Survey Quarterly*, Vol. 24, Issue 4, p. 44.

[169] Citrin, J. and Sides, J. (2004), 'More than Nationals: How Identity Choice Matters in the New Europe', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers.

other territorial communities and that attachment to a territorial community "is not a zero-sum competition in which an increase at one level is compensated by loss of attachment at other levels."[170] Duchesne and Frognier note that "[p]eople who fully identify with their country will tend to identify with Europe as well, provided "Europe" is visible enough" as "some people feel the need to define themselves in relation to different circles in which they move, whereas others do not, despite objectively "belonging" in such circles."[171]

Karl-Dieter Opp in his study on the three identifications with such hierarchical regions as Europe, nation-state and sub-national regions (in his case, specifically Leipzig, Germany and Europe) found a positive correlation and objected to the argument that increased identification with Europe diminishes identification with the lower-level national and sub-national units.[172] In a similar vein, Diez Medrano and Gutiérrez establish that "people who identify strongly with Spain or/and their region also identify strongly with Europe. Spaniards have thus developed a sort of hyphenated identity with respect to Europe."[173] Ruiz Jiménez also found, in her study combining qualitative and quantitative analysis, that Spanish and European identities of the Spaniards were compatible, even though national identity remained strong and grounded on ethno-cultural elements.[174]

---

[170] Hooghe, L. and Marks, G. (2001), *op.cit.*, p. 55. Nevertheless, when it comes to the linkage between national identity and support for European integration, Hooghe and Marks argue in later studies that whereas strong national identities accord with support for European integration, exclusive national identity (in which case citizens conceive of their national identity as exclusive of other territorial identities) restrain support particularly in countries where referenda on European integration have been held. See Marks, G. and Hooghe, L. (2003), *op.cit.*; Hooghe, L. and Marks, G. (2005), 'Calculation, Community and Cues: Public Opinion on European Integration', *European Union Politics*, Vol. 6, No. 4, pp. 419-443. They claim that the effect of individuals' identity on their attitude toward European integration is non-uniform and politically constructed – by political parties, political ideologies and political elites in domestic realm.

[171] Duchesne, S. and Frognier, A.-P. (1995), 'Is there a European Identity?', in Niedermayer, O. and Sinnot, R. (eds.), *Public Opinion and Internationalized Governance*, Oxford: Oxford University Press, p. 203.

[172] Opp, K.-D. (2005), 'Decline of the Nation-State? How the European Union Creates National and Sub-National Identifications', *Social Forces*, Vol. 84, No. 2, pp. 653-680.

[173] Diez Medrano, J. and Gutiérrez, P. (2001), *op.cit.*, p. 772.

[174] Ruiz Jiménez, A.M. (2004b), 'Representations of Europe and the Nation: How do Spaniards see themselves as Nationals and Europeans?', *Jean Monnet/Robert Schuman Paper Series*, Vol. 4, No. 13.

Thus, a person may have a strong affiliation with nation or region within his/her single collective identity, without eradicating identification with supranational institutions such as the EU.[175] In the same way, people can "feel simultaneously attached to multiple identities based on different subjective factors of identification" and since "national and European identities are different, the development of a European identity does not necessarily imply the transfer of loyalties from the national to the supranational level."[176] All these studies contradict the obsolete presumption that national and European identities are irreconcilable.

2.4.3 Models of Multiple Identities

Multi-identification is based on a model of peaceful coexistence of different objects.[177] Risse conceptualizes three configurations of multiple identities - related to political and territorial spaces – in a system of multiple allegiances: nested, crosscutting and marble cake models.[178] These are elucidated briefly.

The nested model indicates a series of concentric circles like Russian Matruska dolls with one identity taking place inside the next one. In this case, supranational identity would contain national, regional and local identities respectively, in a hierarchical order. In this instance, European identity constitutes the external boundary whereas regional or national identity forms the core.[179]

---

[175] Wintle, M. (2000), *op.cit.*, p.14.

[176] Ruiz Jiménez, A.M. (2004a), 'Cultural, Instrumental, Civic and Symbolic Components of National and European Identities in Old and New European Union Member States', *Jean Monnet/Robert Schuman Paper Series*, Vol. 4, No. 9, p. 4.

[177] Stavrakakis, Y. (2005), *op.cit.*, p. 84.

[178] Risse, T. (2003), 'The Euro Between National and European Identity', *Journal of European Public Policy*, Vol. 10, No. 4, pp. 487-505. See also Risse, T. (2005), 'Neofunctionalism, European Identity, and the Puzzles of European Integration', *Journal of European Public Policy*, Vol. 12, No. 2, pp. 237-254.

[179] Risse, T. (2005), *op.cit.*, pp. 295-296; Herrmann, R.K. and Brewer, M.B. (2004), *op.cit.*, p. 8. See also Diez Medrano, J. and Gutiérrez, P. (2001), *op.cit*.

In crosscutting model, some members of an identity group belong also to another identity group, i.e. feeling a strong gender identity and a strong European identity simultaneously, such identities not necessarily entailing each other.[180]

The marble cake model proposes that several constituents of individual identity are blended and interdependent; therefore, it cannot be divided on different levels. For instance, one's self-understanding as German may intrinsically include aspects of Europeanness defined by German elites as overcoming the militarist and nationalist past. Then, loyalty to German national community would imply identification with Europe too. Thus, European identity might have different meanings for different people because through EU membership, identity is entangled with diverse national identity constructions and this interaction does not culminate in a generalized EU identity.[181] In this context, Herrmann and Brewer argue that individuals, who share the same identities, might perceive configuration of multiple identities differently.[182] Mayer and Palmowski also point to the fact that European identity might be inherent in a specific national identity.[183]

Which one of these models best describes the configuration of multiple identities at the individual level? Although the configuration of multiple identities varies from person to person, the marble cake model seems to provide the most satisfactory framework; because as noted by Lepsius, European identity is not distinct from national identity as a hierarchical superordinate level of identification, but a part of it.[184] MacDonald and Eco argue that there is not *a priori* hierarchy between multiple identities that are not peelable

[180] Risse, T. (2003), *op.cit.*, p. 491.

[181] Risse, T. (2003), *op.cit.*, pp. 491, 498-499. See also Risse, T. (2005), *op.cit.*, pp. 295-296.

[182] Herrmann, R.K. and Brewer, M.B. (2004), *op.cit.*, pp. 8-9. Let's assume two Turkish people who feel both Turkish and German, but one is immigrant in Germany who could not acquire German citizenship and the other has German citizenship living in this country since his/her birth. The configuration of their multiple identities might be different in terms of being nested, crosscutting or separate.

[183] Mayer, F.C. and Palmowski, J. (2004), *op.cit.*, p. 578.

[184] Lepsius, M.R. (2001), *op.cit.*, pp. 215-217.

like an onion. Instead, identities are relational and contextual. It is possible to "be British one minute, Scottish another, and then European when you go to Japan or the US."[185]

As in the nested model, the EU institutions "may be subjectively represented for some individuals as a superordinate group within which national identities are nested."[186] However, it is more reasonable to assume that in most cases, "the various components of an individual's identity cannot be neatly separated on different levels … but rather influence, mesh and blend into each other" like in a marble cake.[187] In addition, the presence and activities of the EU certainly has an effect on national identities, which varies from country to country, depending upon the basic characteristics of national identity. The way the EU influences German identity is not the same as it affects British identity.[188]

2.4.4 Mainstream Approaches to European Identity

This section outlines the main models of European identity offered by ethno-nationalism, civic nationalism, constitutional patriotism, cosmopolitanism and constructivist approaches. Some of their shortcomings are outlined and it is argued that constructivist approach promises the most viable model of European identity.

In ethno-nationalist approach, the historical models of nation-building have been used by some scholars as the criteria of the emergence of a European identity. Smith posits that the traditional glue binding communities is ethnicity and objects to the likelihood of the emergence of a community of Europeans with a collective identity in the non-existence of a shared European ethnic heritage and common past. Accordingly, the multiplicity of myths, memories and symbols in Europe constitutes an impassable barrier to the formation of a European identity.[189] Since European polity is short of nation-state characteristics,

---

[185] European Commission & Belgian Presidency (2001), 'Final Report: Brussels, Capital of Europe', available at http://ec.europa.eu/dgs/policy_advisers/archives/publications/docs/brussels_capital.pdf.

[186] Herrmann, R.K. and Brewer, M.B. (2004), *op.cit.*, p. 10.

[187] Risse, T. and Maier, M.L. (eds.) (2003), *Europeanization, Collective Identities and Public Discourse*, Final Report, RSCAS, EUI, Florence, p. 3.

[188] Breakwell, G.M. (2004), *op.cit.*, p. 26.

ethno-nationalists are pessimistic about the formation of a European identity which can only survive through a political unity based on common past and traditions.[190]

Kostakopoulou criticizes the approach of Smith for looking from the lenses of nation-state despite the lack of empirical proof supporting a statist or national vision regarding Europe and for not explaining why "European identity should be conceived as a collective cultural identity for which Europeans should make sacrifices, rather than a political identity."[191] The logic of European integration is irreconcilable with the conventional nation-building approaches, because a nation is composed of people who are ready to spill their blood on behalf in case of a war, a condition that is unimaginable for the EU.

Advocating an EU identity grounded upon some universalistic values, Schmidtke emphasizes that the European project is created "via a specific cultural value orientation and ideational reference points delineating a future project rather than glorifying a common past of primordial origin."[192] Kostakopoulou also submits that the European project lies "in the possibilities for new beginnings which transcend past failures."[193] In a similar vein, Howe adopts a future-oriented approach by thinking of the prospect of a "community of Europeans," a European nation based on modern liberal values, joint destiny and common goals.[194] Although Howe favors a civic mode of nationalism, he does not avoid using the model of nation-state.

---

[189] Smith, A.D. (1992), *op.cit*.

[190] Delanty, G. (1995b), 'The Limits and Possibilities of a European Identity: A Critique of Cultural Essentialism', *Philosophy & Social Criticism*, Vol. 21, No. 4, pp. 15-36.

[191] Kostakopoulou, T. (2001), *op.cit.*, p. 28.

[192] Schmidtke, O. (1998), 'Obstacles and Prospects for a European Collective Identity and Citizenship', in Hedetoft, U. (ed.), *Political Symbols, Symbolic Politics: European Identities in Transformation*, Brookfield, VT: Ashgate, p. 57.

[193] Kostakopoulou, T. (2001), *op.cit.*, p. 29.

[194] Howe, P. (1995), 'A Community of Europeans: The Requisite Underpinnings', *Journal of Common Market Studies*, Vol. 33, No. 1, pp. 27-46.

Weiler expressed his uneasiness with 1993 Maastricht decision of Bundesverfassungsgericht (German Federal Constitutional Court),[195] which, conceptualizing European demos on the basis of an ethno-culturally homogeneous "Volk" and associating citizenship with nationality, makes double loyalty problematic by producing a zero-sum relation between member state and Europe and fails to grasp EU supranationalism that accommodates individuals belonging to multiple *demoi*. Weiler defines the people of a polity, Volk or *demos*, as a concept with subjective and socio-psychological ingredient rooted in objective organic conditions.[196] Accordingly, there is no European *demos* as neither subjective component, nor objective elements exist: "Long-term peaceful relations, with ever closer economic and social intercourse, should not be confused with the bonds of peoplehood and nationality forged by language, history, ethnicity and the rest."[197] For Weiler, although European citizens lack organic similarity and familiarity, they share a civic and political culture that transcends organic-national differences. In other words, there is a European supranational civic, value-driven *demos* that coexists with national organic-cultural ones and tames possible intolerance and xenophobia.[198] This perspective can be criticized for overlooking civic dimensions of national community.

Jürgen Habermas envisages the construction of a European political identity shared by all citizens with different national-cultural characteristics through "constitutional patriotism" or *Verfassungspatriotism*. Accordingly, individuals' sense of collectivity and loyalty to supranational civic institutions and constitutional principles (democracy, rule of law, separation of powers, respect for human rights etc.) are grounded upon the separation of demos from ethnos, of democratic political culture from national-cultural setting. In this

[195] See Bundesverfassungsgericht, Decision of 12 October 1993 - 2 BvR 2134, 2159/92, published in: BVerfGE 89, 155. In the decision, the Court held that "there is no European demos" which implies, according to Weiler, that the German Constitutional Court thinks of the EU polity in organic national terms.

[196] Weiler, J.H.H. (1995), *op.cit*.

[197] Weiler, J.H.H. (1997), 'Does Europe Need a Constitution? Reflections on Demos, Telos and Ethos in the German Maastricht Decision', in Gowan, P. and Andersson, P. (eds.), *The Question of Europe*, London: Verso, pp. 272-273.

[198] Weiler, J.H.H. (1995), *op.cit*.

way, the EU would be the basis of political identification, whereas nation would be common reference point of cultural identification.[199]

Habermas succeeded in pointing out to the possibility of a European identity regardless of the nature of EU polity. However, in his later works, Habermas contemplated the crystallization of supranational common norms and values in a European constitution that would provide the catalyst for the creation and enhancement of a European public culture and European public sphere of ethical discourse and communication.[200] The outcome of referenda over European Constitution demonstrated that such civic identification has not materialized. Two of the weaknesses of this approach are mentioned by Østerud as follows: Firstly, there are great linguistic and geographical barriers before a European political public sphere. Secondly, it is not certain whether such political culture would be probable without any cultural content.[201] Besides, "culture and politics can seldom be separated."[202] It can be stated that constitutional patriotism ignores the affective dimension of a European political community[203] and creates "the paradox of having to appeal to notions of commonality while denying the existence of an underlying 'We' as a community of fate."[204]

Kostakopoulou noted that the exploration of the concept of European identity requires a new way of thinking[205] as offered by constructivism. According to constructivist view,

---

[199] Habermas, J. (1994), 'Struggles for Recognition in the Democratic Constitutional State', in Gutmann, A. (ed.), *Multiculturalism: Examining the Politics of Recognition*, Princeton: Princeton University Press; Habermas, J. (1998), *The Inclusion of the Other: Studies in Political Theory*, Cambridge, MA: MIT Press.

[200] Habermas, J. (2003), 'Toward a Cosmopolitan Europe', *Journal of Democracy*, Vol. 14, No. 4, pp. 86-100.

[201] Höjelid, S. (2001), 'European Integration and the Idea of European Identity: Obstacles and Possibilities', Workshop 19: Identity Politics, Grenoble: ECPR Joint Sessions, p. 9.

[202] Boxhoorn, B. (1996), *op.cit.*, p. 143.

[203] Kostakopoulou, T. (2001), *op.cit.*, p. 32.

[204] Delanty, G. and Rumford, C. (2005), *Rethinking Europe: Social Theory and the Implications of Europeanization*, London; New York: Routledge, p. 103.

[205] Kostakopoulou, T. (2001), *op.cit*.

history and politics shape communities which are cultural products and imagined communities. Collective identity formation is a historical process of social and political construction. This socially constructed collective identity can change in consequence to political and historical negotiation, social bargaining, institutional and power structures and public policy making.

The constructivist approach to European identity thinks of the emerging European community as a political design, and the European identity as a task. In this conceptualization, European identity, which is an unfinished process and project, "emerges out of a complex web of institutionalised practices of co-operation and participation"[206] within the process of European integration. European identity is substantiated by identity-building in the EU and novel ways of thinking about the Community, which go beyond the nation-building model. Therefore, European identity is neither contrary, nor identical to national identities. As a political process, "the constructivist mode of European identity seeks to face up to the challenge of how to construct a community in a genuinely multinational, polyethnic, multireligious, polycultural and polyglossic environment."[207] Thus, in a constructivist view, European identity is characterized by fluidity and multiplicity.

2.4.5 The "Other" of European Identity

The inclusion-exclusion debate takes place at the center of the identity formation process; because it is argued that self-identification is both an internal (emphasis on common culture and characteristics) and external (negation of others, distinction, differentiation) process.[208] Based on this dimension of identity formation process, scholars try to find out whether European identity should be built upon inclusive or exclusive grounds. The

[206] Kostakopoulou, T. (2001), *op.cit.*, p. 36.

[207] Kostakopoulou, T. (2001), *op.cit.*, p. 37.

[208] Yurdusev, A.N. (2002), 'Identity Question in Turco-European Relations', in Ismael, T. and Aydın M. (eds.), *Turkey's Foreign Policy in the 21st Century: A Changing Role in World Politics*, New York: Ashgate.

mainstream approach is toward the inclusive European identity[209] given that "if Europe has been structured around one idea that idea is diversity and coping with that diversity."[210] This section maintains that although European identity has prevalently been defined against "others" in history, an inclusive approach should form the basis of an official discourse on European identity.

The most significant and decisive external force in the formation of the modern European identity having been shaped by encounters with other civilizations is the Ottoman Empire.[211] For more than 500 years "Europe defined itself partially in opposition to the Ottoman Empire."[212] The historical European identity is based upon opposition to others such as the American, Oriental/Asian and the East European.[213] This implies that the "others" of European identity were not always sought outside the European continent. In certain periods of European history, Jews and communism were described as the "others" of European identity. With the end of the Cold War, communism and East Europeans ceased to be the "other."

Thomas Diez, in a poststructural theoretical framework, distinguishes between temporal and spatial/geographic othering of European identity. Accordingly, whereas during the Cold War, temporal logic was dominant as reflected in the othering of European past, after the Cold War, conventional geographical/geopolitical othering began to gain prominence. Within this framework, in the post-Cold War process, the United States (US) began to be otherized based on the distinction between hard power and soft power as highlighted in Kagan's famous words "the US is from Mars, Europe is from Venus."[214]

---

[209] Van Ham, P. (2001), *op.cit.*, p. 73. See also Calhoun, C. (2001), 'The Virtues of Inconsistency: Identity and Plurality in the Conceptualization of Europe', in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner Publishers.

[210] Schöpflin, G. (2000), *Nations, Identity, Power: The New Politics of Europe*, London: Hurst & Company, p. 34.

[211] Delanty, G. (1995a), *op.cit.*, p. 84.

[212] Mayer, F.C. and Palmowski, J. (2004), *op.cit.*, p. 575.

[213] Stråth, B. (2002), *op.cit.*, p. 391.

[214] Diez, T. (2004), 'Europe's Others and the Return of Geopolitics', *Cambridge Review of International Affairs*, Vol. 17, No. 2, pp. 319-335.

During the Lisbon process, the EU stressed the necessity of formulating, securing and disseminating internationally a European model of society. In this model, with respect to civilizational differences, Europe and the United States are on the sidelines over issues such as trade liberalization in culture and language, security conceptions, environmental matters as Kyoto agreement and death penalty.[215] It is possible to add the International Criminal Court, the end of the Anti-Ballistic Missile Treaty, the Iraqi war, the nuclear issues in relation to Iran and North Korea, and the problems of the Middle East to the othering of the US. In this sense, Timothy Garton Ash notes that Europeans spend more time to discussing the US and the Iraqi war than European constitution.[216]

Islam is also constructed as a geopolitical other of Europe[217] specifically after the 9/11 events and 2004 Madrid bombings which can be depicted in securitization of migration in the EU and treatment of Islam in European media[218] as illustrated in the caricature crisis in Denmark stemming from the representation of prophet Mohammed. Delanty warns against such an exclusionary approach by emphasizing that "European identity is rapidly becoming a white bourgeois populism defined in opposition to the Muslim world and the Third World."[219] According to Neumann, instead of divergences, commonalities between Islam and Christianity, that they are of common origin and have structural similarities like monotheism can be recognized.[220]

---

[215] Olsen, J.P. (2002), 'The Many Faces of Europeanization', *Journal of Common Market Studies*, Vol. 40, No. 5, p. 939. According to Standard Eurobarometer 63 (2005), EU citizens think that the EU has a more positive role when compared to the US in peacekeeping (63% vs. 43%), environmental protection (62% vs. 18%), fight against terrorism (60% vs. 43), global economic growth (50% vs. 38), and fight against world poverty (49% vs. 20).

[216] Garton Ash, T. (2004), *Free World: America, Europe and the Surprising Future of the West*, New York: Random House.

[217] Indeed, Islam played a historical role, the role of other, in the formation of European identity. For more detail on the subject, see Rich, P. (1999), *op.cit.*, pp. 435-451. See also Yurdusev, N. (2006), 'Islam Niçin ve Hala Avrupa'nın Ötekisidir?' (Why Is Islam Still the Other of Europe?), *Türkiye Günlüğü*, Vol. 84, Spring 2006, pp. 66-69.

[218] Diez, T. (2004), *op.cit*.

[219] Delanty, G. (1995a), *op.cit.*, p. 155.

[220] Neumann, I.B. (2006), *op.cit.*, p. 10.

Neumann and Welsch made a historical case study that shows how "the Turk" has been essential for European identity in modern history.[221] Accordingly, othering play a significant role in providing cultural homogeneity and group cohesiveness. On the other hand, it is known that self-other relations of the EU does not always lead to othering practices. Bahar Rumelili argues that the "EU's interactions with Morocco, Turkey, and states in Central and Eastern Europe are situated differently on the dimensions of difference, social distance, response of other, and hence exemplify different kinds of self/other relationships."[222]

2.5 Concluding Remarks

This Chapter has tried to outline the nexus of identity and legitimacy building and European integration by problematizing the concepts of "identity" and "legitimacy." It was mentioned that identity involves a sense of distinctiveness and sharing of commonalities and that identification with institutions leads to emotional attachment and loyalty to those institutions. It was also argued that this kind of attachment is one of the requirements of further support for European integration in the light of the ambitious agenda of the EU. This provides a basic framework to revealing the rationale of identity politics of the Community in the cultural domain. The next chapter will explore these top-down initiatives towards increasing awareness of commonalities between European peoples and emphasizing the distinguishing features of European identity through cultural measures in order to create a sense of attachment to the EU institutions and to obtain greater support for the EU policies and for the process of European integration.

It has been maintained that the constructivist approach is crucial to the understanding of European identity since it affirms that identities are socially constructed and complies with the constantly changing nature and boundaries of the EU polity. This approach provides a plausible alternative to the ethno-nationalist and other types of European identity models which fall short of explaining various aspects of European identity. The constructivist

[221] Neumann, I.B. and Welsh, J. (1991), 'The Other in European Self-Definition: An Addendum to the Literature on International Society', Oslo: Nupi Papers.

[222] Rumelili, B. (2004), 'Constructing Identity in Relating to Difference: Understanding the EU's Mode of Differentiation', *Review of International Studies*, Vol. 30, No. 1, pp. 29-30.

perspective allows for the construction of a European identity in a way that conforms to heterogeneous and multicultural environment of the Community. In this context, the following chapter will point to the adoption by the Community of the "unity in diversity" paradigm and to the gradual shift in the official rhetoric from the notion of "unity" towards "diversity" within the context of the Community cultural policy. The reflection of diversity in an increasing manner arises from the need to take into consideration the heterogeneous character of the Community which does not permit to an overarching definition of European identity.

In the last section of this chapter, it was hold that historically, European identity has been widely defined against various "others" as self-identification has both an inclusion and exclusion dimension. Also, in the EU framework, the self-other relations may lead to "othering" practices which are contextual. In the remaining of this thesis, different "otherings" of the EU will be addressed: For example, in the audiovisual policy area, "American cultural imperialism" has been otherized. Besides, the EU, by referring to such civic values as democracy, rule of law or respect for human rights in, e.g., the 1973 "Declaration on European Identity," has otherized non-democratic values.

CHAPTER 3

EUROPEAN IDENTITY AND CULTURE IN THE GENERAL FRAMEWORK OF COMMUNITY CULTURAL POLICY

> There is no essence of Europe, no fixed list of European values. There is no 'finality' to the process of European integration. Europe is a project of the future.[223]

This chapter points out that identity politics of the EU has been manifest in the Community cultural policy since the 1970s as the European elites realized the importance of communicating the EU to the public and gaining their loyalty to the EU for advancing the European project. The competences of the Community institutions in relation to culture are investigated for a sound discussion of the identity-building role of the Community and its institutions as well as the development of the Community cultural policy from the 1970s until today.

The Community cultural policy is studied in two periods: before and after the Maastricht Treaty of 1992. The Maastricht Treaty constitutes the turning point in the development of the Community cultural policy, because it gave legal competence to the Community institutions in the cultural domain. The institutions had been pursuing a *de facto* cultural policy beforehand. The transformation is not limited only to the institutional competences. As reflected in the wording of Article 151 EC on culture, the paradigm of "unity in diversity" has been adopted as the cornerstone of the Community cultural policy. The discourse of the Community cultural policy demonstrates that increasingly the notion of "diversity" has been given more emphasis than the notion of "unity." The political reasons and the implications of this strategic choice will be explained.

[223] Biedenkopf, K., Geremek, B. and Michalski, K. (2004), *The Spiritual and Cultural Dimension of Europe: Concluding Remarks*, Reflection Group initiated by the President of the European Commission and Coordinated by the Institute for Human Services, Vienna/Brussels, p. 12.

3.1 Identity-Building and the Community Cultural Policy

That the future of European integration is tied to identity and legitimacy building has been widely acknowledged in the literature. With the questioning of the credibility of "permissive consensus," which had driven support for European integration, affective dimension of the integration process gained prominence. Identity "is no longer a passive outcome of integration but now shapes the possibility of further integration."[224] Within the framework of European integration, European identity has been regarded by various scholars as the "we feeling," "sense of community," "emotional aspect of integration," "socialization of citizens to the Community," "sense of belonging" and so forth.

In this context, Karl Deutsch included identity-related notions in the conceptualization of integration and referred to the "sense of community."[225] According to Deutsch, the central element in building and maintaining communities is social communication. His social communication theory projects that effective intra-group communication on diverse topics would produce cohesive communities through socially "learned memories, symbols, myths, habits, operating preferences, and facilities."[226] While this theory is not without certain shortcomings,[227] it can reasonably be assumed from Deutsch's standpoint that the decline of border controls, increased travel within Europe, multilingualism policies and educational exchanges would facilitate communication among Europeans and thereby strengthen European identity.[228]

Having realized this, the Community institutions began to communicate the idea of a European identity to the European public in order to create a "we-feeling" and to solve the

---

[224] Hooghe, L. and Marks, G. (2001), *op.cit.*, p. 51.

[225] Deutsch, K.W. et al. (1957), Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience, Princeton: Princeton University Press.

[226] Deutsch, K.W. (1966), *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality*, Cambridge, MA: MIT Press.

[227] Howe, P. (1995), *op.cit*.

[228] Hooghe, L. and Marks, G. (2001), *op.cit.*, pp. 62-63.

political legitimacy problem of the EU[229] as confirmed by the official discourse. In 2000, Antonio Guterres, former President-in-Office of the EU Council and Portuguese Prime Minister, stated that in view of different problems facing Europe such as European political deficit or the public opinion's lack of confidence in political classes, "the construction of a European heritage is of utmost importance."[230] It can spaciously be assumed that providing citizens' support for and trust in the EU institutions ranks high among the priorities of the bureaucratic elites to advance European integration.

It is true that identity became a political object through identity politics.[231] Both the EU bureaucrats and Community institutions engage in identity politics. Olsen suggests that institutions "provide purpose and legitimacy to rules and practices. They equip individuals with an identity and constitutive belonging, cultural affiliations and boundaries, and interpretations and accounts which help individuals make sense of their life."[232] Thus, through their actions and policies, the EU institutions can shape individual identities. For instance, Breakwell suggests that enlargement or the introduction of Euro as the common European currency might influence identity development at the level of the individual citizen or groups of people.[233] Höjelid confirms that in the long run, the growing importance of the EU institutions would strengthen feelings of political community and European identity.[234]

Furthermore, Laffan notes that the increasing institutionalization of the EU has already created the "possibility of a reconfiguration and redefinition of identities in Europe."[235] In

---

[229] Shore, C. (2000), *Building Europe: The Cultural Politics of European Integration*, London: Routledge, p. 3.

[230] Agence Europe, 22/02/2000, Brussels.

[231] Ifversen, J. (2002), *op.cit.*, p. 14.

[232] Olsen, J.P. (1996), 'Europeanization and Nation-State Dynamics', in Gustavsson, S. and Lewin, L. (eds.), *The Future of the Nation-State. Essays on Cultural Pluralism and Political Integration*, London: Routledge, p. 251.

[233] Breakwell, G.M. (2004), *op.cit*.

[234] Höjelid, S. (2001), *op.cit.*, p. 4.

[235] Laffan, B. (2004), *op.cit.*, p. 77.

Laffan's view, the EU, as a "macrosocial organisation," has influenced the politics of identity in Europe and become a significant dimension of the normative cognitive structures in Europe. Accordingly, the EU acts as an identity-builder in four ways: by designating the rules for membership through inclusion and exclusion, projecting a collective identity on the international scene, promoting its normative dimension in civic statehood, and configuring a common framework of meaning through symbols, that is cognitive dimension.[236]

One of the concerns of the EU identity politics is public communication as revealed by the 1993 De Clercq report on information and policy. Drawn up by a group of wise men chaired by Willy de Clerq, a Belgian MEP and former commissioner, the report was prepared in the aftermath of the disappointing French Maastricht referendum in 1992. Quite naturally, the report pointed to diversified public opinion:

> There is not, as such, a European public opinion. Expectations vary considerably from one country to another, depending on the economic, political and cultural situation. There is little feeling of belonging to Europe. European identity has not yet been engrained in peoples' mind […] Europe and the Institutions responsible for its construction must not remain remote and abstract. They must be brought close to the people, implicitly evoking the maternal, nurturing care of 'Europa' for all her children.[237]

The report emphasized the importance of addressing the audience "with feeling and respect." Accordingly, all European citizens, notably "key specific groups" such as journalists, women, youth, editors, programme directors, business people, officials and politicians had to be convinced that the EU and the work of the its institutions is for the common good. The strategy of "positioning," a concept used by companies for marketing brand new products, would be used for the EU and its institutions.

> The Commission should be clearly positioned as the guarantor of the well being and quality of life of the citizens of Europe, ensuring high standards of living and working conditions in a prosperous and competitive economy. It must be presented with a human face: sympathetic, warm and caring.[238]

---

[236] Laffan, B. (2004), *op.cit*.

[237] European Commission (1993), 'De Clerq Report: Reflection on Information and Communication Policy of the European Community', OP-EC/3240, March 1993.

[238] Ibid.

Politics is based on invention and imagination. In the words of Wallace, "Europe is an imaginary space, shaped and reshaped by politicians and intellectuals to serve their changing purposes."[239] In this framework, the EU identity has become a major site of branding and symbolic production, and the EU cultural policy an instrument for building a European identity since the EU's cultural policies include the creation and invention of common symbols which have a central role in the construction and legitimation of an "imagined community"[240] which exists as a reality of the mind. These cultural measures are termed as efforts to "sell the community."[241]

Craufurd-Smith stresses that culture is seen by EU elites as vital for the future development of the EU since it creates some sort of identification with the EU. Craufurd-Smith continues by saying that the Community cultural policy is mostly instrumental and rarely based on just "a desire to promote culture for culture's sake."[242] This recalls Seger's definition of culture as "the collective programming of the mind which distinguishes the members of one group or category of people from people." Accordingly, culture is a mental construction of a specific community and powerful institutions are determinant for the formation of a dominant outside construction.[243]

Nonetheless, it is noteworthy that identity building in the Community is not only restricted with cultural dimension. The EU has also added civic elements to European identity besides EU citizenship. For instance, the Article 6(1) of the Maastricht Treaty defined the "principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" as principles "common to the Member States." Additionally, 2007 Berlin

---

[239] Wallace, W. (2002), *op.cit.*, p. 82.

[240] Anderson, B. (1991), *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London: Verso.

[241] Sassatelli, M. (2002), 'Imagined Europe: The Shaping of a European Cultural Identity through EU Cultural Policy', *European Journal of Social Theory*, Vol. 5, No. 4, p. 436.

[242] Craufurd-Smith, R. (2004a), 'Article 151 EC and European Identity', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press, pp. 277-294.

[243] Segers, R.T. (1995), 'Europe: A Cognitive or an Emotional Concept? Introductory Remarks', *SPIEL*, Vol. 14, No. 1, pp. 4-5.

Declaration highlighted the "common ideals" of the union as the individual, human dignity and equality of men and women as well as values of peace and freedom, democracy and the rule of law, tolerance and solidarity.[244]

3.1.2 The Role and Competences of the Principal Institutions regarding Identity Building and Cultural Integration

This section sheds light to the way in which EU carries out identity politics in cultural policy area by examining, in general terms, the roles and competences of the EU institutions in the cultural sphere. This is necessary to provide a general framework to understand the rationale behind the identity-building efforts of the EU and the relevant means. In this brief examination, it is possible to recognize some differences between the institutions. It is noteworthy that the Commission and the Parliament are the most ambitious actors as regards further competence for cultural policy.

Concerning the institutional framework in general, Community cultural action has been taken in the form of supportive instruments designed and elaborated mainly by the Commission's Directorate General (DG) Education and Culture with the consultation of other interested DGs. The Information and Media DG of the European Commission is also active in cultural action. With supportive measures, funding is conveyed to various cultural projects. The European Parliament, particularly its Committee on Culture, Youth, Education, the Media and Sport, has also been active in cultural matters. The European Parliament, which has produced a vast amount of non-binding resolutions on culture, has been promoting, under the co-decision procedure for incentive measures, respect for cultural differences and protection of less-widely spoken languages and less-diffused cultures. On the other hand, it is the Council of Ministers that makes the final decisions on the adoption of cultural actions since the unanimity rule provides the Member States with the opportunity to use their veto rights for undesired cultural activities.

[244] See Germany 2007 - Presidency of the European Union (2007), 'Declaration on the Occasion of the Fiftieth Anniversary of the Signatory of the Treaties of Rome, 25 March 2007', available at http://www.eu2007.de/de/News/download_docs/Maerz/0324-RAA/English.pdf.

The Commission constitutes the EU's integration engine and seeks to combine all disparate interests in the union under an "even-handed and mutually-acceptable framework."[245] As noted by Laffan, regarding the observation of national and European interests, the Commissioners face cross-cutting identity pressures between the national and European as they represent state preferences in the Commission and the EU in their respective country. The commissioners generally observe European interests and DG concerns and avoid showing favoritism toward their home countries due to their role as policy initiator and guardian of the treaties. There is an extensive inter-sectoral conflict within the Commission[246] which will be ostensible in the section of audiovisual policy.

The Commission set up an administrative unit in order to deal with cultural matters in 1973. This unit established "a strategic bridgehead for advancing further claims for competence in cultural affairs."[247] The internal organization of the Commission has evolved in time to meet challenges related to culture and to strengthen the Community's legitimacy in the cultural field.[248] In 1986, Commission DG X, only responsible for information until then, assumed competence in cultural matters[249] and culture began to be dealt with under DG X on information, communication and culture.[250] In 1988, the Commission set up the Committee on Cultural Affairs to monitor the implementation of actions decided by the Council. In addition, the Commission established a Commissioner for Cultural Affairs and a Department for Cultural Affairs within then DGXXII that included audiovisual sector, information, communication and culture. Subsequent to the restructuring of the Commission in 1999, cultural policy began to be dealt with by the

[245] Lubkin, G.P. (1997/1998), *op.cit.*, p. 377.

[246] Laffan, B. (2004), *op.cit.*, pp. 76, 90.

[247] Shore, C. (2006), '"In uno Plures" (?) EU Cultural Policy and the Governance of Europe', *Cultural Analysis*, Vol. 5, p. 14.

[248] Bekemans, L. (1990), 'European Integration and Cultural Policies: Analysis of a Dialectic Polarity', *EUI Working Paper in European Cultural Studies*, Florence: European University Institute, No. 90/1, p. 49.

[249] See Murray, S.J. (1998), *Cultural Standardisation: A Byproduct of European Integration?*, Unpublished masters thesis, Institute of Comparative Law, McGill University, Montreal, p. 44. See also Banús, E. (2002), *op.cit*.

[250] Bekemans, L. (1990), *op.cit.*, p. 48.

Education and Culture Directorate General.[251] Presently, there is a commissioner with special responsibilities for Culture.

Starting from the mid-1970s, the Commission, together with the Parliament, became concerned about the weak popular support for European integration, which could cripple the future development of the EU.[252] In 1977, the Commission produced its first communication on culture. Collins argues that during the initial phases of its cultural initiatives, including the Television without Frontiers Directive (to be referred as "TWF Directive" henceforth), the Community adopted a classical nationalist rhetoric which based the survival of the Community upon a common European culture and defined the role of cultural industries as agencies of social cohesion.[253]

Nonetheless, given the looseness of cultural ties that bind Europeans, the Community was compelled to reconsider culture in new terms. The reformulation of the Commission's cultural stance found its expression in "unity in diversity," in other words, the promotion of national and regional cultural diversities. This motto, constituting a reflex action against national and regional considerations over their respective cultural competences, was embraced by all Community institutions.

Yet, the Commission has been lax in initiating cultural proposals for two main reasons: First, the Commission cannot exclude national interests when formulating policies and proposing initiatives due to the fact that an ambitious cultural proposal is not likely to pass through the Council of Ministers. Secondly, culture is not a priority item on the Commission's agenda.[254] It must be mentioned that the latter point seems contradictory given the Commission's increasing specialization and interest in cultural matters in the

---

[251] Shuibhne, N.N. (2001), 'The European Union and Minority Language Rights', *International Journal on Multicultural Societies*, Vol. 3, No. 2, p. 75.

[252] Theiler, T. (2001b), 'Why the European Union Failed to Europeanize its Audiovisual Policy', in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner Publishers, p. 118.

[253] Collins, R. (1994), 'Unity in Diversity? The European Single Market in Broadcasting and the Audiovisual, 1982-92', *Journal of Common Market Studies*, Vol. 32, No. 1, pp. 89-102.

[254] Murray, S.J. (1998), *op.cit.*, pp. 44-45.

recent period. However, it is true that on many occasions, the Council of Ministers has exercised its veto right and blocked proposals with overtones. As emphasized by Craufurd-Smith, the Commission is conscious of the fact that specifically culture-oriented Community measures might be troublesome for Member States, in particular for Germany, where Länder has the competence as regards cultural issues, Denmark, watchful to the further Community interference in the national realm, and for the UK eager to restrain Community budget.[255]

Thus, it is not very surprising since the national politicians in the Council of Ministers remain the representatives of national preferences and therefore "have a limited capacity for the articulation of a European identity."[256] The Member States determine internally their respective national priorities and policies which are protected and promoted by responsible ministers of member state in the Council that is a decision-making body approving the policies proposed by the Commission. Apart from its blocking role in cultural proposals, the Council is the pioneer of some cultural initiatives such as the European City of Culture.

On the other hand, it is the European Parliament that has always pushed for incorporation of cultural matters to Community activities and for a genuine Community cultural policy.[257] Culture was mentioned in a Parliament resolution for the first time in 1974. Since then, various resolutions on cultural issues have been adopted by the Parliament.[258] However, one must bear in mind that resolutions of the Parliament are not legally binding

[255] Craufurd-Smith, R. (2004b), 'Community Intervention in the Cultural Field: Continuity or Change?', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press, p. 21.

[256] Laffan, B. (2004), *op.cit.*, p. 94.

[257] See European Parliament (1997), 'Resolution on the first reports of the Commission on the consideration of cultural aspects in European Community action', OJ C 055, 24/02/1997, p. 37.

[258] Some of the Parliament resolutions include: European Parliament (2004), 'Resolution on the role of schools and school education in maximizing public access to culture', OJ C 098 E, 23/04/2004, p. 179; European Parliament (2002), 'Resolution on the European Capital of Culture 2005', OJ C 177 E, 25/07/2002, p. 59; European Parliament (1989c), 'Resolution on the European film and television industry', OJ C 069, 20/03/1989, p. 138; European Parliament (1991), 'Resolution on the promotion of the theatre and music in the European Community', OJ C 305, 25/11/1991, p. 518.

on the Member States or the Community institutions. Nonetheless, they point to its activeness in cultural matters.

In addition, as mentioned by Bekemans, while the Parliament pioneered the debates over cultural matters, its Cultural Affairs Committee played an active role in identification of cultural problems and in outlining possible solutions.[259] The Parliament and its special Committee on Youth, Culture, Education, Media and Sport have been the most innovative and ambitious actors regarding further Community cultural action, the promotion of cultural diversity as well as regional and minority languages and cultures since, as stated by Lubkin, the Parliament, representing geographically defined districts, is a forum for discussion of national, regional, minority or transnational interests.[260]

The ECJ is the main court of the Community and has jurisdiction to hear cases brought by a Member State or a Community institution. It also hears cases brought by private litigants in Member States. It cannot be argued that the ECJ is on the sidelines in regard to cultural matters. Having been authorized by the EC Treaty to have jurisdiction on direct actions against Community institutions and Member States and to make preliminary rulings, the ECJ has played a key role in the advancement of European integration and in ensuring effective and uniform application of the Community law.[261] It has often been noted by European lawyers that the ECJ, while interpreting the European Treaties, discovers and applies principles of European law, which are not clearly mentioned in the legislation or the treaties.[262] Through preliminary references, the ECJ has helped the establishment of the principles such as direct effect, supremacy, implied powers, protection of human rights within the legal order of the Community.[263] For example, the Solange cases of the German

[259] Bekemans, L. (1990), *op.cit.*, p. 48.

[260] Lubkin, G.P. (1997/1998), *op.cit.*, p. 378.

[261] Skouris, V. (2004), President of the European Court of Justice, Presentation: 'The Position of the European Court of Justice in the EU Legal Order and its Relationship with National Constitutional Courts', Constitutional Court of the Republic of Slovenia, available at http://www.us-rs.si/en.

[262] Palermo, F. (2001), 'The Use of Minority Languages: Recent Developments in EC Law and Judgments of the ECJ', *Maastricht Journal of European and Comparative Law*, Vol. 8, No. 3, p. 303.

[263] Skouris, V. (2004), *op.cit*.

Bundesverfassungsgericht (Federal Constitutional Court) played a crucial role in the development of ECJ's case law regarding the integration of human rights into the European legal order.

The ECJ is one of the most authoritative institutions of the EU and its rulings have been followed by other EU institutions, as codified in European regulations and directives. The ECJ, with its case law, effects national identities and constructs identity at the European level through other actors.[264] Mayer and Palmowski also attribute a special role to the ECJ in the articulation of substantive aspects of a European identity in the absence of a meaningful common European historical identification. Accordingly, by means of decisions and opinions on social, cultural and economic rights, the ECJ laid the indispensable basis for a common European identity. The decisions of the ECJ express "what Europe is and what it aspires to be."[265] The ECJ, while gaining momentum to European integration, has not made explicit definitions of or references to European identity or culture. However, it examines the compatibility of domestic measures hindering free movement rights, with the Community law. Since cases of an economic or industrial nature may sometimes have cultural dimensions or be based on cultural grounds, the ECJ has dealt with cases possessing cultural aspects.

It must be noted that apart from the ECJ case law related to the free movement rights, the European citizens' use of these rights itself has also been effective in the Europeanization of collective identities. Kurzer points to the fact that the use of free movement rights - thanks to the completion of internal market and the eradication of borders of Europe - gives European citizens the opportunity to engage in "sin tourism" and to reach goods and services that are non-available or expensive in their own home countries. Accordingly, increasing mobility puts pressure on national arrangements and leads to bottom-upwards Europeanization of national peculiarities in three areas, i.e. the restrictive alcohol control

[264] Voogsgeerd, H. (2005), 'Does the ECJ 'produce' identity?', Workshop 4B: Do EU Institutions and Policies "Produce" European Identity?, *Polis 2005 Plenary Conference on European Identity and Political Systems*, Science Po, Paris, 17-18 June 2005, available at http://www.epsnet.org/2005/pps/Voogsgerd.pdf.

[265] Mayer, F.C. and Palmowski, J. (2004), *op.cit.*, p. 587.

policy in Sweden and Finland, the liberal drug policy in the Netherlands, and conservative abortion policy in Ireland.[266]

3.3 The Launch of European Identity in Official EC Jargon and the Development of a *De Facto* Community Cultural Policy in the Pre-Maastricht Period

If we were to do it all again we would start with culture.

Jean Monnet

The concept of identity has begun to be expressed frankly in the treaty texts only recently. Article 6(3) of the Maastricht Treaty stated that "[t]he Union shall respect the national identities of its Member States."[267] In addition to this modest use of the term "identity,"[268] the preamble mentioned that the implementation of a common foreign and security policy would reinforce European identity. Article 2 also set the objective of the union as asserting its identity on the international scene. Thus, in the Maastricht Treaty, the term "identity" was also used in an external context[269] just as the 1987 Single European Act, which stated that "closer cooperation on questions of European security would contribute in an essential way to the development of a European identity in external matters."[270] Besides, Article 22 of the Treaty of Nice provides that "the Union shall respect cultural, religious and linguistic diversity."

As mentioned above, the original Treaty of Rome did not devise a Community cultural policy or give explicit authority to the Community to take cultural actions. The only provisions with a cultural dimension were Article 30 EC (ex-Article 36 EEC) permitting

---

[266] Kurzer, P. (2001), *Markets and Moral Regulation: Cultural Change in the European Union (Themes in European Governance)*, Cambridge: Cambridge University Press.

[267] Treaty establishing the European Union (Consolidated text), OJ C 325, 24/12/2002, p. 5.

[268] Boxhoorn, B. (1996), *op.cit.*, p. 142.

[269] De Witte distinguishes between two forms of identity: internal and external. Accordingly, whereas internal identity refers to the accomplishments within the Community, external identity denotes external recognition of the EU as an entity. See de Witte, B. (1987), 'Building Europe's Image and Identity', in Rijksbaron, A., Roobol, W.H. and Weisglas, M. (eds.), *Europe from a Cultural Perspective*, Amsterdam: Nijgh en Van Ditmar.

[270] Single European Act, OJ L 169, 29/6/1987, p. 1, Title III, 30(6).

Member States to restrict free movement of goods in order to protect "national treasures possessing artistic, historic or archeological value," and Article 182 EC (ex-Article 131 EEC) on Community association with third countries to assist their "cultural development."[271]

The early treaty texts' lack of explicit reference to identity and formal Community competence in cultural policy should not entail that identity and culture had been ignored during the process of European integration. Article 308 EC (ex-Article 235 EEC) can be conceived as involving the Community in culture as it stipulates that in case the functioning of the common market necessitates, the Council of Ministers is authorized to act unanimously in areas which are not explicitly mentioned in the EEC Treaty. Additionally, although the European project did not aim at cultural unification but merely economic and political integration in the beginning, there was a loose cultural agenda in the founding treaties. Whereas the 1951 Treaty establishing the European Coal and Steel Community referred to "a broader and deeper community among peoples long divided by bloody conflicts," the founding Treaty of the European Economic Community unfolded the objective of "laying the foundations of an ever closer union among the peoples of Europe."[272]

During its initial two decades, the Community did not have ambitions of public or cultural relations except a modest information unit affiliated to the Commission - primarily responsible for liaising with journalists - and the publishing of leaflets and brochures for schools and public.[273] In late 1960s, it was understood that the EEC was more than an economic construction. In 1969, the Heads of State or Government stated that "a Europe composed of States, which, in spite of their different national characteristics, are united in their essential interests ... is indispensable" for the preservation of "development, progress

[271] A further discretionary exemption was added in the Maastricht Treaty with Article 87(3)(d) on state aids promoting culture and heritage conservation.

[272] See the first indent of the Preamble to the Treaty establishing the European Coal and Steel Community (1951).

[273] Theiler, T. (2005), *Political Symbolism and European Integration*, Manchester; New York: Manchester University Press, pp. 54-55.

and culture."[274] The Paris Summit of 1972, during which the members of the enlarged community gathered for the first time, mentioned that "economic expansion is not an end in itself … In the European spirit special attention will be paid to non-material values."[275] By the early 1970s, the policy makers came to the conclusion that European identity, culture and values could offer a solution to the problem of negative attitudes towards European integration.[276]

For the first time in 1973, the year of the formation of Eurobarometer research unit by the Community to measure its public standing, then nine Member States of the EEC drew up a specific document on European Identity. In this "Declaration on a European Identity" produced by the Heads of State and Government at the Copenhagen meeting on 14 December 1973, the Member States decided to "define the European Identity with the dynamic nature of the Community in mind" for the purposes of "carrying the work further in the future in the light of the progress made in the construction of a United Europe."[277]

According to the Declaration, defining the European Identity involved a review of the common heritage, interests and the degree of unity achieved within the EC until then. Besides stressing unity and commonalities, it expressed the determination of the nine Member States to defend the principles of representative democracy, the rule of law, social justice and respect for human rights. Despite the lack of any clear definition of European identity, this document is an indicator of the fact that the EEC had recognized the importance of identity factor in achieving European political unity. It explicitly stated that it was "[t]he diversity of cultures within the framework of a common European civilization that gave the European identity originality and dynamism."[278]

---

[274] See 'Final Communiqué of the 1969 Hague Summit' (1970), Bulletin of the EC, No. 1, p. 11, para. 4.

[275] See 'Declaration of the 1972 Paris Summit' (1972), Bulletin of the EC, No. 10, p. 14, para. 3.

[276] Theiler, T. (2005), *op.cit.*, p. 56.

[277] See 'Declaration on the European Identity of the 1973 Copenhagen Summit' (1973), Bulletin of the EC, No. 12, p. 118.

[278] Ibid., para. 3.

This unity in diversity logic had been embraced by other Community institutions as well. The Parliament, considering cultural heritage as fundamental to European cultural diversity and unity, produced its first resolution related to culture in 1974 as mentioned above.[279] This was followed by the resolution proposing "the promotion of cultural exchanges of every type as an excellent means of making the citizens of the Community more aware of European identity."[280] The resolution mentioned the necessity of initiatives "designed to make the culture of other Community countries available to broader sections of the population"[281] and called on the Commission to foster, particularly, translation of literary works and cultural events.

A high profile Community document, the 1975 Report on European Union, prepared by then Prime Minister of Belgium Leo Tindemans at the request of the European Council, recommended the strengthening of a "People's Europe" through concrete manifestations of the European solidarity by means of tangible signs in everyday life and greater Community involvement in the fields of culture, education, news and communications. In addition, the report, by stating that "Europe cannot proceed to a greater degree of political integration without the underlying structure of a unifying identity"[282] affirmed the connection between European identity and further political integration. However, due to the oil shock and the recession in the 1970s, these initiatives could not be realized effectively.[283]

In the meantime, despite the calls by the European Parliament for a Community policy on culture, the Community was not aspiring to elevate its competence regarding a solid cultural policy[284] due to the aforementioned national considerations. In 1977, the

[279] European Parliament (1974), 'Resolution of 13 May 1974 on Measures to Protect the European Cultural Heritage', OJ C 62, 30/5/1974, p. 5. The resolution called for Commission action in cultural matters such as the protection of cultural heritage, exchange of cultural works, taxation of cultural institutions, restoration activities, fight against theft and illicit trafficking of art works.

[280] European Parliament (1976), 'Resolution of 8 March 1976 on Community action in the cultural sector', OJ C 79, 5/4/1976, p. 6, para. 3.

[281] Ibid., para. 6.

[282] Tindemans, L. (1976), 'Report on the European Union', Bulletin of the EC, Supplement 1/76.

[283] Friis, L. and Murphy, A. (2000), *op.cit.*, p. 233.

[284] Shuibhne, N.N. (2001), *op.cit.*, p. 74.

Commission, in its Communication on Community Action in the Cultural Sector, published by DG XII-Research, Science and Education, stated that the Community intrusion in cultural matters did not mean the inauguration of a fully-fledged Community cultural policy, but that rather it was just the application of the EEC Treaty to the cultural sector. According to the Commission, just as "cultural sector" did not imply "culture," Community action in the cultural sector did not constitute a "cultural policy."[285] The Commission used socio-economic arguments to justify the Community's cultural activity. On the other hand, the Commission also emphasized the role of the European institutions in the preservation of the Community's cultural richness and development of cultural exchanges as a medium of demonstrating "the similarities, links and affinities between all the countries and regions of the Community, and at the same time, the various national and regional contributions to that culture."[286]

The same DG produced another Communication in 1982 entitled "Stronger Community Action in the Cultural Sector."[287] It reiterated similar considerations and emphasized that "Community action in the cultural sector is a form of economic and social action" consisting of the application of the EEC Treaty and Community policies to the situations. Additionally, the Community would not "encroach on the responsibilities of governments or of other international organisations," instead "would firmly keep within the bounds of competence assigned to it."[288] The Community would not coordinate the Member States' cultural policies as there would be "no pretension to ... launching a European cultural policy."[289] Instead, stronger Community action in cultural sector would stem from the requirements of free movement.[290] The Communication also refrained from making a

---

[285] European Commission (1977), 'Communication to the Council, Community action in the cultural sector', Bulletin of the EC, Supplement 6/77.

[286] Ibid., pp. 19-21.

[287] European Commission (1982), 'Communication to the Council and Parliament, Stronger Community action in the cultural sector', Bulletin of the EC, Supplement 6/82.

[288] Ibid., p. 5.

[289] Ibid., p. 21.

[290] The Commission focused on the free movement of cultural goods and workers, improving the living and working conditions of cultural workers, promoting live music and live theatre, preserving

definition of culture.[291] Thus, it can be maintained that entrepreneurship of the Community was limited in this period and that the Commission adopted a rather meticulous approach in order to silence domestic voices about excessive Community intervention in cultural sphere. According to the Commission, although the application of market principles to the cultural sector was legitimate, the development of separate cultural policies was not. However, this position was about to change henceforth.

In 1983, in Stuttgart, the Heads of Government signed the Solemn Declaration on European Union, which invited Member States to promote "European awareness and to undertake joint action in various cultural areas," particularly in education, language, cultural heritage, arts, and audiovisual area. According to Shore, the Commission interpreted this as having been given a green light to carry out cultural initiatives, not for their own sake but "in order to affirm the awareness of a common cultural heritage as an element in the European identity."[292] The declaration laid down the connection between cultural actions and development of European identity.

In the meantime, the Community entered into the cultural field in a contested way, through a hybrid institution with an ambiguous legal status: the Ministers responsible for cultural affairs began to hold informal meetings within the Council in order to discuss possibilities for cultural action and cooperation, notably on Community dimensions of cultural industries such as book sector, audiovisual sector or on the cultural aspects of Community economic and social policies such as the financing of culture, living conditions of artists.[293]

Whereas only the Commission and the Parliament were active between 1977 and 1982, the first period of Community action in cultural area, the Ministers responsible for cultural

---

architectural heritage, harmonization of taxation, and harmonization of copyright. These issues were treated on economic arguments.

[291] Ibid., pp. 3-4. Accordingly, no one could expect "the Community to become involved in academic argument over the definition, purpose and substance of culture, or to arrogate any executive powers or even the slightest guiding function."

[292] European Council (1983), 'Solemn Declaration on European Union', Stuttgart, 19 June 1983, Bulletin of the EC, 6-1983, Article 1.4.3 cited in Shore, C. (2000), *op.cit.*, p. 45.

[293] Bekemans, L. (1990), *op.cit.*, pp. 23, 46-47.

affairs began to meet informally within the Community framework in 1982 with the beginning of the second period of Community cultural action.[294] "Ministers responsible for cultural affairs meeting within the Council," labeled in a "semi-Community-related, semi-intergovernmental"[295] manner, took *ad hoc* cultural actions in the form of resolutions. In June 1984, the first formal meeting of the Ministers of Culture of the Member States was held in Luxembourg. In the pre-Maastricht period, at such meetings, various cultural initiatives were taken including the designation of a "European City of Culture," the protection of Europe's architectural heritage and the strengthening of European cultural networks.[296]

In May 1988, the Council and Ministers responsible for cultural affairs meeting within the Council agreed on setting up a Committee on Cultural Affairs consisting of the representatives of the Member States and of the Commission assigned with the task to evaluate all proposals related to cultural cooperation and to monitor the implementation of the actions decided within the Community system or in the context of intergovernmental cooperation.[297]

In this pre-Maastricht period, the EC usually resorted to economic reasons for justifying cultural actions, which was not a difficult task given the non-existence of impassable boundaries between economy and culture.[298] In 1985, Jacques Delors, then the Commission President, disclosed this strategy as follows:

---

[294] McMahon, J.A. (1995), *Education and Culture in European Community Law*, London: Athlone Press.

[295] Theiler, T. (2005), *op.cit.*, p. 62.

[296] Council (1985), 'Resolution of the Ministers responsible for Cultural Affairs meeting within the Council of 13 June 1985 concerning the annual event 'European City of Culture'', OJ C 153, 22/6/1985, p. 2; Council (1986b), 'Resolution of the Ministers with Responsibility for Cultural Affairs, meeting within the Council of 13 November 1986 on the Protection of Europe's Architectural Heritage', OJ C 320, 13/12/1986, p. 1; Council (1991), 'Resolution of the Council and the Ministers for Culture Meeting within the Council of 14 November 1991 on European Cultural Networks', OJ C 314, 05/12/1991, p. 1.

[297] Council (1988b), 'Resolution of the Council and of the Ministers responsible for cultural affairs meeting within the Council of 27 May 1988 on the future organization of their work', OJ C 197, 27/07/1988, p. 1.

[298] Shore, C. (2006), *op.cit.*, p. 12.

> [T]he culture industry will tomorrow be one of the biggest industries, a creator of wealth and jobs. Under the terms of the Treaty we do not have the resource to implement a cultural policy; but we are going to try to tackle it along economic lines. It is not simply a question of television programmes. We have to build a powerful European culture industry that will enable us to be in control of both the medium and its content, maintaining our standards of civilisation, and encouraging the creative people amongst us.[299]

However, in the late 1980s, culture softly began to be freed from purely economic notions[300] and the European Commission attracted attention to the importance of a "common European heritage" and increasing Community cultural action. In 1987 communication entitled "A Fresh Boost for Culture in the European Community," the Commission presented European culture as an instrument of acquiring popular support for European integration and noted that the Community would comprise a larger European cultural identity, "a shared pluralistic humanism based on democracy, justice and freedom."[301] This last statement indicates a uniform understanding of European identity.

Again, the European Commission's 1988 communication on the "People's Europe" stated that "action is needed in the cultural sector to make people more aware of their European identity in anticipation of the creation of a European cultural area."[302] Thus, culture was identified by EC policy-makers as a medium to be used in "explicit exercises of 'consciousness-raising'."[303]

---

[299] Collins, R. (1994), *op.cit.*, p. 90.

[300] Cunningham, C.B. (2001), 'The Unrealized Potential of Article 151(4) of the EC Treaty and the Consequences for EC Cultural Policy', *Cornell International Law Journal*, Vol. 34, p. 130.

[301] European Commission (1987), 'Communication on a fresh boost for culture in the European Community', COM 1987, 603 final. The Commission explicitly stated that "[t]he sense of being part of European culture is one of the prerequisites for that solidarity which is vital if the advent of the large market, and the considerable changes it will bring about in living conditions within the Community is to secure popular support it needs." The Commission also presented the guidelines of a programme framework for the period 1988-1992 consisting of five areas of concrete action: the creation of a European cultural area, the promotion of the European audio-visual industry, access to cultural resources, training for the cultural sector and intercultural dialogue with other countries.

[302] European Commission (1988), 'Communication on A People's Europe', Bulletin of the EC, Supplement 2/88.

[303] McDonald, M. (1996), ''Unity in Diversity': Some Tensions in the Construction of Europe', *Social Anthropology*, Vol. 4, No. 1, p. 54.

Meanwhile, the cultural budget of the Commission increased from ECU 26.700 (0.0003% of the total Community budget) in 1976 to ECU 11.370.000 (0.026%) in 1988. The modest budgetary allocation to cultural sector were in the form of *ad hoc* distribution to diverse, unstructured and small-dimensioned cultural activities such as the Royal National Eisteddfod festival of Wales, a jazz orchestra, the restoration of Acropolis, networking of cultural organizations, book projects, translation of major European cultural works etc. Besides, structural funds - instruments of regional policy operated to mitigate unbalanced development in the Community - were put in use in order to support cultural initiatives, particularly in the field of cultural heritage protection.[304] In sum, the Community did not have a comprehensive approach to culture.

The expectations from Community cultural actions to increase public consciousness in the process of European integration did not lead to the concretization of competences to be assigned to the Community. The 1986 European Single Act also failed to mention cultural policy. It was with the introduction of the 1992 Maastricht Treaty, which created the European Union and introduced the legal category of "European citizenship," that the EU gained explicit formal competence as regards culture. Until then, the Community was pursuing a *de facto* cultural policy by means of market and policy integration, inciting criticisms by the Member States concerned about the erosion of their domestic cultural sovereignties. Before examining the Community intervention in cultural sphere via market integration, the role of symbols in constructing the EU will be analyzed briefly below.

3.4 Construction of A "People's Europe" through Symbols

The EC initiated direct elections to the European Parliament in 1979. In 1984, the low turn-outs in European Parliament elections pointed to the lack of popular support for European integration and provided the necessary environment for the introduction of a more

[304] See Bekemans, L. (1990), *op.cit.*, pp. 49-50. See also Shore, C. (2006), *op.cit.*, p. 15; Barnett, C. (2001), 'Culture, Policy and Subsidiarity in the European Union: From Symbolic Identity to the Governmentalisation of Culture', *Political Geography*, Vol. 20, No. 4, p. 409.

ambitious cultural agenda and dissemination of a European consciousness among citizens to enhance identification with the Community.[305]

At the European Council meeting in Fontainebleau on 25-26 June 1984, the European Council agreed to assign an *ad hoc* Committee presided by Pietro Adonnino, an Italian MEP, to propose measures "to strengthen and promote the Community's identity and its image both for its citizens and for the rest of the world."[306] This *ad hoc* committee was asked to examine symbols such as anthem, flag, European coinage or European sports team. The Adonnino Committee, which included public relations and marketing experts as well as senior Commission officials including its future Secretary General David Williamson, produced two reports in 1985 with the intention of forging a collective European identity and consciousness by Europeanizing the cultural sector.[307] These reports included proposals such as the mutual recognition of equivalent diplomas and professional qualifications, simplification of border-crossing procedures and the entitlement of those living in another member state to take part in local and European elections in the country of residence.

The report noted that "through action in the areas of culture and communication, which are essential to European identity and the Community's image in the minds of people ... support for the advancement of Europe can and must be sought."[308] These actions included the creation of a common audiovisual area with the launch of a European multilingual television channel, a European Academy of Science, Technology and Art that would accentuate the attainments of European science and originality of European civilization with its diversity and wealth, and a Euro-lottery the results of which could be expressed in ECU. The Committee also suggested the disclosure of information on issues important for

[305] See Shore, C. (2000), *op.cit.*, p. 46. See also Schlesinger, P. and Foret, F. (2006), 'Political Roof and Sacred Canopy? Religion and the EU Constitution', *European Journal of Social Theory*, Vol.9, No.1, p.70.

[306] Adonnino, P. (1985), 'A People's Europe: Reports from the Ad Hoc Committee', Bulletin of the EC, Supplement 7/85.

[307] Shore, C. (2006), *op.cit.*, p. 14.

[308] Adonnino, P. (1985), *op.cit.*, p. 21.

the Community and its citizens, learning of at least one Community language in addition to native language, inauguration of school exchange programmes and voluntary work camps for young people and the inclusion of a European dimension in education.

The Community's campaign for a "people's Europe" culminated in ambitious proposals by the Adonnino Committee that devised various symbols, through which the European people started to feel the existence of Europe in tangible forms in their everyday lives. According to the European Commission, a new set of symbols was necessary to communicate the principles and values upon which the Community is grounded since:

> Symbols play a key role in consciousness-raising, but there is also a need to make the European citizen aware of the different elements that go to make up his European identity, of our cultural unity with all its diversity of expression, and of the historic ties which links the nations of Europe.[309]

Among these symbols for communicating the European idea were a European emblem and flag consisting of a circle of twelve gold stars on a blue background taken from the Council of Europe in 1986 by the European Council as "the symbol par excellance of European identity and European unification,"[310] European passport, European driving license and car number plate in addition to the European anthem, Ode to Joy. This anthem, as the "representative of the European idea," would be played at appropriate ceremonies and events and when there is a need to bring the Community into the attention of public.[311] The Committee also proposed the creation of European postage stamps commemorating important events in Community history such as the accession of Spain and Portugal, therefore used, according to Shore, as an instrument in the invention of Community history.[312]

Other initiatives included the EC Youth Orchestra, Opera Center, the European Woman of the Year Award, the European Literature Prize and more than one thousand Jean Monnet

---

[309] European Commission (1988), *op.cit.*

[310] European Commission (1988), *op.cit.*

[311] European Commission (1988), *op.cit.*

[312] Shore, C. (2000), *op.cit.*, p. 48.

Awards for the development of European integration studies at the universities. The Commission also introduced a new calendar such as Europe Weeks, European Culture Months and a series of theme-based European Years. Besides, May 9 - commemorating the anniversary of the Schuman Declaration - was designated as the official "Europe Day." The underlying political objective behind these initiatives was "to reconfigure the symbolic ordering of time, space, information, education and the media in order to reflect the 'European dimension' and the presence of European Community institutions."[313]

3.5 The Importance of Symbols in the Construction of European Identity

Delanty argues that "Europe has been symbolically constructed as an imaginary" in various ways and that the symbolic form of Europe is cultivated when combined with wider socio-cognitive structures.[314] It can be maintained that symbols play an essential role in the construction of common novel frames of meaning and provide orientations for the interpretation of the world. The EU symbols have served for the internalization of the union as a social reality by the individuals.[315] According to Hall, myths of shared and distinctive identity that are in the form of "[s]tories, symbols, images, rituals, monuments, historic events, typical landscapes" are essential for the cohesiveness and meaningfulness of the imagined communities.[316] Thus, visual productions and imaginations are central to shaping a sense of European belonging[317] and to the EU's institutional communication. "People in general need clear and tangible concepts in order to develop a sense of belonging" which "is an indispensable factor in achieving and maintaining European integration."[318]

---

[313] Shore, C. (2000), *op.cit.*, p. 50.

[314] Delanty, G. (2005b), 'The Idea of a Cosmopolitan Europe: On the Cultural Significance of Europeanization', *International Review of Sociology*, Vol. 15, No. 3, p. 409.

[315] Laffan, B. (2004), *op.cit.*, p. 83.

[316] Hall, S. (2003), '"In but not of Europe": Europe and its Myths', in Passerini, L. (ed.), *Figures d'Europe: Images and Myths of Europe*, Brussels. Peter Lang, p. 39.

[317] Passerini, L. (2003), 'Dimensions of the Symbolic in the Construction of Europeanness', in Passerini, L. (ed.), *Figures d'Europe: Images and Myths of Europe*, Brussels: Peter Lang.

[318] Wistrich, E. (1994), *United States of Europe*, London: Routledge, p. 80.

However, Schlesinger and Foret argue that the modest success of the EU symbols indicate the intrinsic restraints of this sort of identity-building initiatives. To illustrate, May 9, the anniversary of the Schuman Declaration, although retained its status as Europe Day, has not become a holiday for all Europeans.[319] Against such arguments that symbols are of secondary importance or ineffective, it has been established by certain empirical studies that symbols of European integration increase individuals' European identity. For instance, Bruter, distinguishing between civic (identification with the EU as a relevant political institutional system) and cultural (general identification with Europe) components of European identity, found that cultural identities of Europeans are more influenced by exposure to symbols of European integration.[320]

In addition to political and cultural Community symbols such as flag, anthem, passport, citizenship and so forth, Euro banknotes and coins were introduced on 1 January 2002 as one of the most significant EU symbols and identity markers. Just as a national currency contributes to the national identity of users,[321] Euro helps the enhancement of European identities. Between November 2001 and January 2002, the proportion of those agreeing with the following statement increased from 13 to 51-64 percent: "By using euros instead of national currencies, we feel a bit more European than before."[322]

That there is a relation between Euro and identification with the EU has been established in not only Eurobarometer surveys, but some empirical studies. Risse found that Euro, providing a visible connection from Brussels to daily lives and reifying Europe as a political order, enhances the Euroland citizens' identification with the EU and the entitativity of the EU for its citizens.[323] Luna-Arocas *et al.* established in an empirical study

[319] Schlesinger, P. and Foret, F. (2006), *op.cit.*, p. 70.

[320] See Bruter, M. (2003), 'Winning Hearts and Minds for Europe: The Impact of News and Symbols on Civic and Cultural European identity', *Comparative Political Studies*, Vol. 36, No. 10, pp. 1148-1179. See also Bruter, M. (2005b), *op.cit.*, pp. 43-46; Bruter, M. (2005a), *Citizens' Europe? The Emergence of a Mass European Identity*, Basingstoke: Palgrave MacMillan.

[321] Flash Eurobarometer 214, 'Introduction of the Euro in the New Member States', November 2007.

[322] Flash Eurobarometer 121/4, 'Euro Attitudes - Euro Zone', October 2002.

[323] Risse, T. (2003), *op.cit.*, pp. 487-505. See also Risse, T. (2006), 'The Euro between National and European Identity', in Fishman, R.M. and Messina, A.M. (eds.), *The Year of the Euro: The Cultural,*

that the support of Spanish and Portuguese citizens for Euro stems more from European identity than economic expectations or knowledge of the consequences.[324] These two studies, when combined, may be taken to point out that there is a positive correlation between Euro and European identity. Further, in a Eurobarometer survey held in September 2007 to assess the public attitudes toward euro in new Member States, a weak majority (54% of the respondents) stated that they did not believe that adopting the euro would lead to a loss of identity for their country.[325]

On the other hand, it is known that in the nineteenth and twentieth centuries, national political elites have also forged frontiers, flags, national passports, national anthems, national independence days, and postage stamps in nation-building processes. In this context, Delanty regards the EU's use of the tools of nationalism while trying to overcome nationalism as ironic.[326] However, the symbols adopted by the EU should not be considered as part of a European nation-building project because nation-building symbols were employed by the European states then in different historical contexts. In this sense, Craufurd-Smith objects to drawing a flawed historical parallelism between the introduction of EU symbols and nation-building strategies such as the institutionalization of the French Republic in the aftermath of the French Revolution. She argues that the adoption of such quasi-state symbols might point to an outward-looking cultural policy aiming at rendering the Community a visible political unit to the outside world.[327]

Another criticism about the EU symbols is that the use of same symbols as national ones might be counterproductive and invite competition.[328] On the contrary, Laffan and Pantel

---

Social and Political Import of Europe's Common Currency, Notre Dame, Indiana: University of Notre Dame Press.

[324] Luna-Arocas, R., Guzmán, G., Quintanilla, I. and Farhangmehr, M. (2001), 'The Euro and European Identity: The Spanish and Portuguese Case', *Journal of Economic Psychology*, Vol. 22, No. 4, pp. 441-460.

[325] Flash Eurobarometer 214, 'Introduction of the Euro in the New Member States', November 2007.

[326] Delanty, G. (1995a), *op.cit.*, p. 128.

[327] Craufurd-Smith, R. (2004a), *op.cit.*, pp. 282-283.

[328] Neumann, I.B. (2006), *op.cit.*, p. 9.

maintain that these symbols are not intended to replace or are in competition with national symbols.[329] Thus, these symbols connote the coexistence of national and EU symbols, the interpretation and internalization of which depend on their compatibility with national symbols and individuals' attitudes toward the European project.[330] In a similar vein, Graham also argues that "the successful integration of Europe might demand an iconography of identity that would complement, but not necessarily replace national, regional and local identities."[331] Within this framework, it can be maintained that the EU symbols might contribute to the creation and enhancement of popular allegiance to the EU in case they do not substitute for national and sub-national symbols.

It can be argued that the EU has become sensitive in evading from national connotations in the design or selection of the EU symbols. Increasingly, the EU prioritizes the notion of "diversity" rather than "unity" in EU symbols. Five examples can be given in this respect. These symbols, having multicultural and multicolored essence, address and communicate cultural diversity.

Firstly, despite the fact that the EU passports have a standard red cover, some Member States have marked the interior of the passports with national content. For instance, the Dutch passport "shows a brief pictorial history starting with the ancient Batavi and leading up to the present-day Netherlands."[332]

The second example concerns the design of Euro notes and coins including an important identity dimension. As known, the obverse (national) side of Euro coins is designed with a symbol of national significance which varies according to the respective Euro-zone country.[333] For instance, whereas the obverse side of German 2 Euro coin depicts eagle,

---

[329] Laffan, B. (2004), *op.cit*. See also Pantel, M. (1999), *op.cit*.

[330] Laffan, B. (2004), *op.cit*., pp. 83, 96.

[331] Graham, B. (1998), 'The Past in Europe's Present: Diversity, Identity and the Construction of Place', in Graham, B. (ed.), *Modern Europe: Place, Culture and Identity*, London: Arnold, pp. 42-43.

[332] Van Ham, P. (2001), *op.cit*., p. 76.

[333] According to a Eurobarometer survey, to the question of whether that euro coins have national sides that differ from country to country is a good thing, 57% of the respondents said it was a good thing. 65% of those in favor of national sides stated that the main reason for this viewpoint was that it was an

the traditional symbol of German sovereignty, Spanish 2 Euro coin shows the portrait of Spanish King Juan Carlos I de Borbon y Borbon. The external dimension of the European identity, cooperation and flexibility of the EU borders are also reflected in the design of Euro coins, described by the EU as follows:

> Every Euro coin will carry a common European face. On the obverse, each Member State will decorate the coins with their own motifs. *No matter which motif is on the coins they can be used anywhere inside the 11 Member States. For example, a French citizen will be able to buy a hot dog in Berlin using a Euro coin carrying the imprint of the King of Spain* … The 1, 2 and 5 cent coins put emphasis on Europe's place in the world while the 10, 20 and 50 present the Union as a gathering of nations. The 1 and 2 Euro coins depict Europe without frontiers.[334]

On the other hand, regarding the preparation of Euro banknotes, "abstract/modern" themes were selected to represent a specific period of Europe's architectural history: Classical, Romanesque, Gothic, Renaissance, Baroque and Rococo, the age of iron and glass architecture, and modern twentieth century architecture. The designs of these themes were chosen through a design competition, the most important criterion of which was "avoidance of any national bias." The euro banknotes differ from national ones, because instead of "people, portraits or identifiable places," the euro banknotes "present a series of abstract architectural features such as doorways, arches, windows and bridges – none of which are supposed to represent an existing monument."[335] In this sense, a common heritage was symbolized through abstraction.

Thirdly, Brussels was formally designated as the capital of the EU in May 2001. Then President of the Commission, Romano Prodi, and the Belgian Prime Minister, Guy Verhofstadt gathered with a group of intellectuals and made brainstorming on the role that Brussels could play as a European capital. The final report of this meeting pointed to the importance of communicating the EU as a whole and the need for "new, old-fashioned forms of representation."[336] The report emphasized that "[i]f the European capital does not

---

expression of cultural diversity. Special Eurobarometer 287, 'National Sides of euro coins Topline Report', September 2007.

[334] EU server "Europe" cited in van Ham, P. (2001), *op.cit.*, pp. 76-77.

[335] Shore, C. (2000), *op.cit.*, p. 112.

[336] European Commission & Belgian Presidency (2001), *op.cit.*, p. 21.

follow the national model, then it would be wise and coherent not to worry too much about a European identity and leave that problem to the national states, who invented it in the first place"[337] and that:

> The European capital ... should be a stable but "light" capital, linking the diversities that lie at the heart of the European project. This should be achieved through exchanges and cultural contacts rather than through a reduction of differences and the establishment of hierarchies ... The European identity should be conceived as a plural one...[338]

Fourthly, in the above-mentioned report, the Dutch architect Rem Koolhaas proposed a flag barcode which would "represent both the diversity and unity of Europe in a more attractive way." This flag barcode, which combined the flags of Member States in a series of colored vertical stripes, was firstly used by the Austrian Presidency of the EU Council in 2006 as official logo.[339] It was thought to represent "Europe's diverse, colourful character."[340]

Figure 1: Official Logo of 2006 Austrian Presidency of the EU Council
Source: http://www.eu2006.at/de/

Fifthly, in July 2006, the EU launched a competition for the designation of a birthday logo as the official symbol for the 50th anniversary of the Treaty of Rome. The winning logo, adapted to 23 official EU languages, is characterized by different colors, letters and

---

[337] Ibid., p. 20.

[338] Ibid., p. 3.

[339] See BBC News (2002), Down With EU Stars, Run Up Stars, 8 May 2002, available at http://news.bbc.co.uk/2/hi/europe/1974721.stm. See also official website of Austria 2006 Presidency of the European Union, available at http://www.eu2006.at/en/index.html.

[340] Austria 2006 Presidency of the European Union, http://www.eu2006.at/en/The_Council_Presidency/Logo.html. For use of this flag barcode at various instances during the Austrian Presidency of the EU Council, see Europa im Blick, Das Logo im Öffentlichen Raum, available at http://www.eu2006.at/de/News/information/Bildband_210x210_rd.pdf.

typefaces which "express the diversity in European history and culture, and are kept "together" by the meaning of the word itself."[341] The unity discourse is not totally absent. EU communication commissioner Margot Wallström stated at the official EU birthday logo award ceremony that "[t]he winning logo represents the diversity and vigour of Europe and at the same time it underlines the desired unity and solidarity of our continent."[342]

Figure 2: Official Logo of the 50th anniversary of the Treaty of Rome
Source: http://europa.eu/50/anniversary_logo/index_en.htm

The introduction of Community-wide symbols firstly by the Adonnino Committee was not the mere indicator of the development of a *de facto* Community cultural policy. Before the adoption of the Maastricht Treaty, both policy and market integration had also been effective in the evolution of a *de facto* Community cultural policy as examined below.

3.6 Community Intervention in Cultural Sphere in the Pre-Maastricht Period: Policy and Market Integration

This section demonstrates that the lack of explicit legal competence did not prevent the development of the Community *de facto* cultural policy through both policy (positive) integration and market (negative) integration.

---

[341] See http://europa.eu/50/anniversary_logo/index_en.htm. The second and third winners also included the notions of diversity in their logos. See http://europa.eu/50/anniversary_logo/competition_en.htm.

[342] Europa Press Release: 'EU 50th Birthday Logo Selected', IP/06/1415, Brussels, 17 October 2006, available at http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1415&format=HTML&aged=1&language=EN&guiLanguage=en.

Essentially, the Community law manifests itself through policy and market integration.[343] The former refers to the harmonization or replacement of national rules for the proper functioning of the common market. In this framework, the Community institutions have produced a huge amount of legislation in various policy sectors with cultural connotations. Such legislation include, for example, Directive 77/486/EEC on the education of the children of migrant workers, Directive 92/77/EEC on VAT rates approximation, and the 1989 TWF Directive[344] as well as Regulation 3911/92/EEC on the export of cultural goods and Directive 93/7/EEC on the return of cultural goods and objects exported illegally which are directly related to the Member States' cultural heritage, but just for the sake completion of internal market.[345]

It has been put forward that direct effect of transposition of the Community law into domestic laws leads to the Europeanization of collective identities. For instance, Duina and Breznau argue that the Community, by means of ontological and normative definitions in its secondary law, gives rise to the emergence of a supranational European culture. For instance, the Pregnant Workers Directive 92/85 EEC, by defining "pregnant workers, recent birthing and breastfeeding workers as being a 'specific risk group' in the workplace … contrasted sharply with Scandinavian countries' liberal and individualistic conceptions of motherhood."[346] In a similar vein, Lubkin in a case study on Community law regarding alcohol excise taxation, argues that through the enactment and enforcement of the Community secondary legislation harmonizing domestic measures, the Member States learn to develop "some sort of common attitude" transcending firmly rooted national and regional particularism.[347] Although these examples do not point to a European identity as

[343] Loman, J.M.E. et. al (1992), *Culture and Community Law: Before and After Maastricht*, Deventer; Boston: Kluwer Law and Taxation, pp. 14-18.

[344] Psychogiopoulou, E. (2006a), 'The Cultural Mainstreaming Clause of Article 151(4) EC: Protection and Promotion of Cultural Diversity or Hidden Cultural Agenda?', *European Law Journal*, Vol. 12, No. 5, pp.580-581.

[345] Lasok, K.P.E. (2001), *Law and Institutions of the European Union*, London: Butterworths, pp. 821-822.

[346] For detailed information on the subject, see Duina, F. and Breznau, N. (2002), 'Constructing Common Cultures: The Ontological and Normative Dimensions of Law in the European Union and Mercosur', *European Law Journal*, Vol. 8, No. 4, pp. 581-583.

[347] Lubkin, G.P. (1997/1998), *op.cit*.

we understand the term, they imply Europeanization of collective identities as a result of harmonization besides the consequences of the use of free movement rights as mentioned above.

Market integration prohibits Member States from legislating domestic measures (even if they reflect national or regional identity) restricting free movement provisions except those restrictions justified on above-mentioned grounds such as the protection of national treasures possessing historic, artistic or archaeological value. The ECJ examines the compatibility of these national measures (impeding intra-Community trade) with Community primary and secondary law. As stated by Bekemans, there are no clear-cut dividing lines between culture and economy. Therefore, the Community law entirely applies to cultural goods and activities as they have an economic aspect.[348] Although the ECJ has diligently evaded commenting on the role of cultural policy within the Treaty framework,[349] its case law has applied to cultural matters as well.[350] Through the jurisdiction of the ECJ, the first sort of Community involvement in cultural issues has arisen.[351] A brief look at the pre-Maastricht case law of the ECJ would show its position and influence regarding domestic identities and cultures.

Foremost, with the *Italian Art Treasures*[352] case, it became clear that the ECJ treats objects possessing artistic or historical value in the same way as it treats other commercial products and does not exempt them from Community rules regarding the free movement of

[348] Bekemans, L. (1990), *op.cit*., p. 26.

[349] McMahon, J.A. (1995), *op.cit*.

[350] One of the most popular cases that concerned the conflict between treaty provisions on freedom of movement and member state cultural priorities is *Union Royal Belge des Societes de Football Association v. Bosman* case (commonly known as Bosman decision) in which the ECJ held that the Community law did not allow for national football association rules restricting the number of foreign players to be fielded in competition matches. The judgment of the ECJ was criticized for leading to the inflow of non-Dutch players and therefore to erosion of specific Dutch playing style. See Voogsgeerd, H. (2005), *op.cit*., p. 9.

[351] See Lasok, K.P.E. (2001), *op.cit*., p. 821. See also Psychogiopoulou, E. (2006a), *op.cit*.; Shore, C. (2006), *op.cit*., p. 12 and Craufurd-Smith, R. (2004b), *op.cit*.

[352] Case C-7/68 *Commission v. Italy* [1968] ECR 423.

goods. Therefore, the case revealed that protectionist cultural arguments of national authorities could not be a method of avoiding their internal market responsibilities.

Indeed, the so-called "Cassis de Dijon doctrine"[353] exempts national measures forming an obstacle to free movement if certain criteria are satisfied. Correspondingly, such a national measure can be deemed necessary in order to meet "mandatory requirements relating in particular to the effectiveness of fiscal supervision, the protection of public health, the fairness of commercial transactions and the defence of the consumer"[354] and can only be depended upon insofar as there is no Community rule on the matter. Besides, in order to allege mandatory requirement in a successful manner, the measure under discussion must be applied without discrimination on the basis of origin, be necessary, appropriate and proportional to the cultural objectives furthered at the national level.

At first, the ECJ was not very willing to apply Cassis de Dijon doctrine to cultural-based interests. For instance, in the *French Books*[355] case, the ECJ rejected a justification for book pricing regulations based on cultural interests and held that Article 36 must be interpreted strictly and cannot be extended to include the protection of creativity and cultural diversity in publishing for derogating from Community rules. Nonetheless, this case should not lead to the conclusion that the ECJ has always disregarded cultural concerns or arguments, proposed by the Member States, in favor of strict advancement of market integration.

In the *Tourist Guides* cases, the ECJ clearly acknowledged that the "general interest in the proper appreciation of places and things of historical interest and the widest possible dissemination of knowledge of the artistic and cultural heritage of a country"[356] constitutes

---

[353] Case C-129/78 *Rewe v Bundesmonopolverwaltung für Branntwein* [1979] ECR 649. The doctrine emerged from 1979 Cassis de Dijon decision in which the principle of "mutual recognition" was established. Accordingly, if a product is manufactured and marketed in a Member States within the confines of law, there is no valid reason for not introducing the same product into another Member State.

[354] Case C-129/78 *Rewe v Bundesmonopolverwaltung für Branntwein* [1979] ECR 649 para. 8.

[355] Case C-229/83 *Leclerc v Au blé vert et al.* [1985] C.J.E.C. Rep I.

[356] See Cases C-154/89 *Commission v France* [1991] ECR I-659, C-198/89 *Commission v Greece* [1991] ECR 727 and C-180/89 *Commission v Italy* [1991] ECR 709. However, the ECJ held that imposing license requirement on non-national tourist guides, travelling with tourist group from another Member

a paramount reason to justify a national measure restricting the freedom to provide services.

Similarly, the ECJ, in the *Dutch Media* cases, recognized that "[a] cultural policy with the aim of safeguarding the freedom of expression of the various (in particular, social, cultural, religious and philosophical) components of a Member State"[357] can form an important general interest justifying restrictions on the freedom to provide services. Although the ECJ legitimated the Dutch national interests based on cultural pluralism in the audiovisual sector, these cases could not pass the proportionality case like the *Tourist Guides* cases. However, it must be noted that the ECJ regarded the maintenance of cultural pluralism in relation to freedom of expression as one of the basic rights guaranteed by the Community legal order.[358]

The *Groener* case can be counted as a landmark decision concerning the positive approach of the ECJ towards the Irish policy of promoting Irish language as an element of national identity although this policy restricts the free movement of workers within the Community.

The case concerned Anita Groener, a Netherlands national, who applied to a permanent full-time art teaching position at the college she had been teaching for two years as part-time art lecturer. According to Irish administrative measures, only persons holding a certificate of proficiency in the Irish language could be appointed to a permanent full-time post and Mrs. Groener was rejected on the ground that she did not have enough knowledge of Irish language despite the fact that the art course was to be taught in English, not Irish. In order to evade that limitation, she argued that that requirement restricted the principle of free movement of workers. The Court did not accept that argument and instead held that "although Irish is not spoken by the whole Irish population, the policy followed by Irish governments for many years has been designed not only to maintain but also to promote

---

State, to guide in places except museums and historical monuments is incompatible with the Community law on the disproportionality basis.

[357] See Cases C-353/89 *Commission v the Netherlands* [1991] ECR 4069 and C-288/89 *Stichting Collectieve Antennevoorziening Gouda and others v Commissariaat voor de Media* [1991] ECR 4007.

[358] Case C-288/89 *Stichting Collectieve Antennevoorziening Gouda and others v Commissariaat voor de Media* [1991] ECR 4007 para. 23. See also Case C-4/73 *Nold v Commission* [1974] ECR 491, para. 13.

the use of Irish as a means of expressing national identity and culture." Furthermore, the Court considered that Irish language requirement was reasonable when the essential role of teachers in teaching, participation in daily life of the school and relations with their students were taken into account.[359]

Respecting for national identity of Member States, while assuring common rights to EU nationals can give rise to a conflict between defense of national culture and acknowledgment of free movement rights. In the above-mentioned case, the Court did not limit Irish policy of promoting Irish language as an element of national identity even when this policy constituted a restriction on the free movement of workers within the Community. On the other hand, the ECJ put certain limitations on the acknowledgement that cultural interests may legitimate national measures restricting free movement.

As demonstrated in *Commission v. Belgium*, the ECJ rejected the arguments of the Belgian government based on cultural considerations (maintenance of pluralism in the printed press, the conservation and development of artistic heritage and the viability of the national broadcasting stations) and stated that the real objective of the national measure was economic protectionism in order to mitigate competition with the national broadcasting stations for maintaining their revenue from advertising.[360]

Contrary to the arguments for the readiness of the ECJ judges "to acknowledge cultural preoccupations as overriding reasons of general interest," the restrictive interpretation did not "leave much space for culture justifying measures contrary to the economic freedoms well established in the Treaty."[361] The ECJ has not exempted cultural interests or

[359] Case C-379/87 *Anita Groener v. Minister for Education and City of Dublin Vocational Educational Committee* [1989] ECR 3967. This case is a very good illustration to the riddle between national and cultural considerations of the Member States and economic diversity in the Community. In this case, Groener referred to Regulation 1612/68 which entitles Europeans to find employment in any Member State, nonetheless enables the host country to restrict this freedom where linguistic knowledge is necessary by reason of the nature of the relevant post.

[360] Case C-211/91 *Commission v Belgium* [1992] ECR I-6757.

[361] Mitsilegas, V. (1998), 'Culture in the Evolution of European Law: Panacea in the Quest for Identity?', in Fitzpatrick, P. and Bergeron, J.H. (eds.), *Europe's Other: European Law Between Modernity and Postmodernity*, Aldershot: Ashgate, pp. 116-117.

considerations of the Member States from national measures hindering the free movement principles and rather exercised its jurisdiction on an *ad hoc* case-by-case basis.

3.7 The Maastricht Treaty and Introduction of Article 151 and Its Implications for the Community Cultural Action

The pre-Maastricht experience demonstrated the indissoluble connection between market and culture, while inciting criticism by the Member States keen on thwarting excessive Community interference in their domestic cultural domains and protecting their cultural diversity. The Member States' worries had also increased with the institutionalization of qualified majority voting under the Single European Act (SEA). Previously, unanimity requirement in the Council decision-making enabled the use of veto right in order to block community actions perceived by Member States as excessive involvement in national sovereignty. Thus, not only the non-existence of an explicit provision on culture in the Treaties, but also Member State politics was effective in lack of a genuine Community cultural policy.

During the Intergovernmental Conference (IGC) on Political Union in January 1990, the governments of Denmark, France, Germany, the Netherlands and Spain proposed the expansion of the Community competence to include culture. This proposal was welcomed by other Member States, which highlighted the need to protect European cultural heritage, except the Netherlands. The Dutch government stated that such a cultural policy could not be justified because of the need to protect the "pluralistic nature of the societies which make up the Member States." Further, according to Denmark, the Community had to focus on promotion of culture, not on its management. [362]

Thus, Article 151 EC introduced by the Maastricht Treaty was the result of a pursuit for providing a balance between the need to provide a legal basis for Community cultural action and the desire to prevent unwanted cultural intervention by the Community by

[362] See Dutch Government (1990), First Memorandum: Possible Steps Towards European Political Union and Danish Government (1990), Memorandum Approved by the Market Committee of the Folketing, 4 October 1990 reprinted in Cunningham, C.B. (2001), *op.cit*., pp. 134-135.

stressing the principle of subsidiarity. Although Article 151 EC did not make any mention of the phrase "EU cultural policy," it specifically dealt with culture and for the first time explicitly conferred direct cultural powers upon the Community. For Shore, this incorporation of culture *de jure* as a treaty provision also legitimized the EU's previous cultural activities and interests.[363]

The differences between the original draft and final text of Article 151 EC reflect the sensitivity of the Member States and the Community concerning the protection of member state pluralism and prevention of an emphasis on the uniformness among diverse cultures. The original draft of Article 151 required the Community to "contribute to the flowering of the cultures of each Member State, at the same time bringing *European identity* and the *European cultural dimension* to the fore" (emphasis added).[364] These references to "European identity" and "European cultural dimension" were replaced with a milder language. Additionally, the original wording of "the flowering of *European culture* in all its forms"[365] (emphasis added) was replaced with "the flowering of the cultures of the Member States" in the final text.[366]

In this way, cultural richness of the Member States was enshrined in Article 151 EC. Paragraph 1 of Article 151 EC stipulates that "[t]he Community shall *contribute* to the flowering of the cultures of the Member States, while *respecting their national and regional diversity* and at the same time *bringing the common cultural heritage to the fore*" (emphasis added). It appears that "national and regional diversity" (of Member States) in the Article reflects the identity of not only states, but also sub-national groups within states.[367]

---

[363] Shore, C. (2006), *op.cit*., p. 16.

[364] Luxembourg Presidency (1991), ''Non-Paper': Draft Treaty Articles With a View to Achieving Political Union', tit. XVI (1), 12 April 1991 reprinted in Cunningham, C.B. (2001), *op.cit*., p.134.

[365] Ibid., p.135.

[366] Cunningham, C.B. (2001), *op.cit*., pp. 134-135.

[367] Lasok, K.P.E. (2001), *op.cit*., p. 823.

Article 151(1) EC both confirms the supremacy of the diversification of national and regional cultures and highlights a shared cultural heritage. Thereby, with a cautious wording, it seeks to strike a balance between diversity and unity in the EU. However, it is evident that these vague elements of unity and diversity signify certain inconsistencies, ambiguities and tensions which will be touched upon in the next section.

Article 151(2) EC lays down areas of action for the Community as the improvement of the knowledge and dissemination of Europeans' culture and history; preservation and safeguarding of cultural heritage of European significance; non-commercial exchanges; artistic and literary creation, including in the audiovisual sector. In these areas, the Community action is restricted with "encouraging co-operation between Member States and, *if necessary*, supporting and supplementing their action" (emphasis added).

Article 151 (5) EC defines the legal instruments for Community cultural action as merely "recommendations"[368] and "incentive measures." Incentive measures are to be adopted in co-decision by the European Parliament and the Council with the obligation of consulting the Committee of the Regions.[369] Besides, to "prevent any centralisation of cultural policy,"[370] incentive measures are excluded from "harmonization"[371] of Member State legislations in accordance with the "principle of subsidiarity" which is enshrined in the Maastricht Treaty in general terms and specifically formulated in articles concerning

---

[368] It is remarkable that Article 151 requires unanimity even for recommendations, a non-binding legal instrument in Community legislation.

[369] The main objective of the Committee of the Regions, established in 1994, is to represent the common interests of local and regional authorities by providing the institutions their opinions on issues and proposals and keeping the citizenry informed. In certain areas, the Commission, Council and the Parliament must consult with COR before taking any action. See http://www.cor.europa.eu. Barnett holds that wider representation of regional interests by the Committee of the Regions can extend support for cultural sector. For more detail on cultural policy agenda of the Committee of the Regions, see Barnett, C. (2001), *op.cit*.

[370] Shore, C. (2006), *op.cit*., p. 16.

[371] Domestic legislations are harmonized through directives issued by the Council. Harmonization aims at ensuring the proper functioning of the internal market (Articles 94-97 EC). The addition of a provision to Article 151 on the prohibition of harmonization of domestic cultural legislations indicates that the Community law cannot supersede Member State legislation in the cultural area and that in this way Member States can maintain their cultural peculiarities.

culture, education and vocational training.[372] In this sense, Article 151 EC is one of the few provisions which required both codecision between the Council of Ministers and the Parliament and unanimity in the Council. The requirement of unanimity among Member States has severely restricted the Community's ability to take cultural actions because sometimes unanimity for cultural action may become "the hostage of any government wishing to manipulate the Council for reasons that have nothing to do with culture." [373]

According to de Witte, until the introduction of this negative competence clause in the Maastricht Treaty, "the absence of any explicit denial of powers to the Community ha[d] allowed the dynamic expansion of the range of Community policies. The prohibition to harmonize is precisely designed to pre-empt any further expansion in the fields of culture and education."[374] For Psychogiopoulou, the clause served to set the boundaries rather than "giving the green light to the Community further to delve into cultural affairs."[375] Similarly, Forest also stated that Article 151 EC "contains a balance struck between member states which wanted culture in the Treaty in order to allow wider Community action and those who wanted it mentioned in order to set limits beyond which it should not go."[376]

---

[372] According to the principle of subsidiarity, "decisions should be taken at the lowest level possible for effective action." See McCormick, J. (2005), *Understanding the European Union: A Concise Introduction*, New York: Palgrave Macmillan, p. 111. Article 3b of the Maastricht Treaty enshrines the principle of subsidiarity: "In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or the effects of the proposed action, be better achieved by the Community."

[373] European Report, No. 2110, Brussels, 24 February 1996, p. 6 cited in Murray, S.J. (1998), *op.cit.*, p. 29. It took almost three years for the Community to adopt the Ariane and Kaleidoscope cultural programmes, because the Council could not attain unanimity. The UK blocked the adoption of the Raphael programme at the 1996 Cultural Council as a protest against the Community prohibition on imports of by-products of British beef. The proposals for the replacement of unanimity requirement with qualified majority voting (QMV) which would facilitate the adoption of cultural measures have not been accepted at the Amsterdam and Nice Intergovernmental Conferences. See Murray, S.J. (1998), *op.cit.*, pp. 28-31.

[374] De Witte, B. (1993a), 'Cultural Legitimation: Back to the Language Question', in García, S. (ed.), *European Identity and the Search for Legitimacy*, London; New York: Pinter Publishers, p. 166.

[375] Psychogiopoulou, E. (2006b), *The Integration of Cultural Considerations in EU Law and Policies*, Florence: European University Institute, p. 25.

[376] Forrest, A. (1994), 'A New Start for Cultural Action in the European Community: Genesis and Implications of Article 128 of the Treaty on European Union', *European Journal of Cultural Policy*,

The principle of subsidiarity in Community cultural action was reiterated in a recent communication of the Commission which stated that the EU would undertake cultural actions "in full respect of the principle of subsidiarity, with the role of the EU being to support and complement, rather than to replace, the actions of the Member States."[377] The Commission further affirms that the role of the Community in cultural action is subordinate to that of Member States. That the Community cultural policy is not designed to substitute for domestic cultural action is explicitly stated also by the Council of Ministers: "Actions should not supplant or compete with activities organized at national or regional level but provide added value and promote interchange between them."[378] This can also be interpreted as a justification for Community involvement in a cross-national context which can respond better to the requirements of the relevant cultural action.

It is possible to argue that via the employment of subsidiarity principle, the Community does not recognize much lebensraum for itself regarding action in cultural sphere. On the contrary, Craufurd-Smith argues that with open-ended phrases such as "cultural heritage of European significance," "European peoples," or "common cultural heritage," Article 151 EC provides a wider scope of its implementation and a suitable framework for instrumental use of culture to attain political objectives. Craufurd-Smith warns against the deliberate use by the Community of Article 151 EC to further European integration for that might increase the sense of alienation among certain sections of Europe's population.[379]

Vol.1, No. 1, p. 17. Against the view that incentive measures are not strong legal instruments for Community cultural action, Steyger holds that incentive measures accompanied by Community subsidies can exercise influence on national authorities by shaping and altering their cultural agenda in order to become eligible for Community funding. See Steyger, E. (1997), *National Traditions and European Community Law: Margarine and Marriage*, Aldershot: Dartmouth, p. 88.

[377] See European Commission (2007a), 'Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on A European Agenda for Culture in A Globalizing World', COM 2007, 242 final, p. 4.

[378] Council (1992b), 'Conclusions of the Ministers of Culture meeting within the Council of 12 November 1992 on guidelines for Community cultural action', OJ C 336, 19/12/1992, p. 1.

[379] Craufurd-Smith, R. (2004a), *op.cit*., p. 294. On the same point, De Witte also argues that a Community cultural policy promoting a common cultural identity can be questionable or even counterproductive if perceived excessively political or instrumental. See de Witte, B. (1987), *op.cit*., p. 137. For more information regarding the dangers and complexities inherent in use of cultural policy to foster European identity, see Craufurd-Smith, R. (2004a), *op.cit*., pp. 277-297.

Article 151 (4) adopts a horizontal, cross-sectional approach as regards the consideration of cultural aspects in Community action under other provisions of the Maastricht Treaty, "in particular in order to respect and to promote the diversity of its cultures."[380] Thus, cultural considerations must be reflected in other policy sectors as well. This clause gives a wider margin for Community cultural action but has not been utilized effectively until now.[381]

3.8 Unity in Diversity: An Ambiguous and Paradoxical Theme as a Viable Option

The concept of "unity in diversity" was incorporated to Article 151(1) EC which mentioned respect for "national and regional diversity" and in this way went beyond Article 6(3) EC that only referred to "national identity" as the cornerstone of each Member State. The idea of "unity in diversity" has been the underlying theme of the Community discourse on cultural policy since the 1970s. The main argument of this section is that in its efforts toward creating and enhancing European identity in order for legitimacy building, the Community pursues a tactical strategy to adopt the paradigm of "unity in diversity" – an ambiguous and paradoxical theme – in cultural policy as it is the most viable European identity model that would appeal to and encompass all heterogeneous European societies. However, the theme is paradoxical, because if diversity is taken as the common reference point, then what would be the element that unites European citizens? This section aims to explain the rationale behind the adoption by the Community institutions of the "unity in diversity" paradigm as the leitmotif of cultural integration and policy, to highlight some of the ambiguities lying beneath the theme through the problematization of the concept of "unity in diversity" and an examination of some policy documents and academic debates related to the concept.

According to Reif, "European identity is becoming increasingly identified with a capacity to tolerate considerable cultural diversity."[382] Indeed, European identity not only tolerates but is also characterized by diversity as revealed by the Community discourse on "unity in

---

[380] The section in italics was added with modifications in the Treaty of Amsterdam.

[381] Cunningham, C.B. (2001), *op.cit*.

[382] Reif, K. (1993), *op.cit*., p. 131.

diversity." However, the notion of "unity in diversity" is regarded as an empty rhetoric,[383] as "little more than a rhetorical exercise"[384] or a formal solution without substance.[385]

Before all else, it should be mentioned that it is "extremely challenging, to elaborate a European cultural project which embraces both the differences in European cultures and its common European roots."[386] Boxhoorn goes further and questions the possibility of reconciliating unification and diversity.[387] However, until now, the Community discourse has included notions of both unity ("common heritage," "common cultural heritage," "common roots," "European culture," "shared history," "European cultural identity") and diversity ("mosaic of cultures," "differences," linguistic, religious, national or local diversities) in its handling of cultural policy. For instance, the European City of Culture event was designed with the objective of strengthening "the expression of a culture which, in its historical emergence and contemporary development, is characterized by having both common elements and a richness born of diversity."[388] According to the Commission, "the keystone of the ambitious construction which aims at European Union" is "the unity of European culture as revealed by the history of regional and national cultural diversity."[389] In the Parliament's view, cultural action involves "making the most of all aspects of this diversity, thereby turning European culture into a *culture of cultures* by creating the most fertile environment possible" (emphasis added).[390]

---

[383] Wintle, M. (1996), 'Cultural Identity in Europe: Shared Experience', in Wintle, M. (ed.), *Culture and Identity in Europe*, Aldershot: Ashgate, p. 5.

[384] Boxhoorn, B. (1996), *op.cit*., p. 141.

[385] Sassatelli, M. (2002), *op.cit*., p. 440.

[386] Bekemans, L. (1990), *op.cit*., p. 59.

[387] Boxhoorn, B. (1996), *op.cit*., p. 143.

[388] Council (1985), *op.cit*.

[389] European Commission (1987), *op.cit*., p. 7.

[390] See European Parliament (1989b), 'Resolution of the European Parliament of 17 February 1989 on a Fresh Boost for Community action in the cultural sector', OJ C 69, 20/3/1989, p. 180, point E.

Whereas for the Commission and Parliament, the "unity in diversity" paradigm provided the appropriate framework for the adoption of Community cultural initiatives, for the Council, the commitment to maintain cultural diversity could ease or even remove the impediments in the Community decision-making process. The conception of "unity in diversity" could mitigate national and regional fears of losing cultural sovereignty - particularly of the Belgian regions and German Länder - or concerns about the standardization or homogenization of national and regional cultural peculiarities. These fears were also triggered by the introduction of the free movement of people and institutionalization of qualified majority voting under SEA.

Indeed, from the 1980s onwards, the Community institutions, particularly the Commission and Parliament have increasingly recognized the importance of not only national, but also regional and local identities for constructing a European consciousness and for the integration process. Thus, the Community does not intend to engineer a homogeneous or overarching European identity and culture, because instead of a monolithic European identity, the "unity in diversity" paradigm would be more convenient to multiple identities and a multi-tiered EU polity. The EU discourse on cultural policy points to "commonalities rather than uniformity; affinities among Europeans, not their cultural homogeneity."[391] Even the reference in the EEC Treaty to the "peoples of Europe" points out that the EEC did not aim to forging a unity of member state nationals.

It is widely accepted in the literature that defining European identity in the parameters of national identity would lead to erroneous conclusions or assumptions. Contrary to Münch, who claims that European identity is formed through internal homogenization, i.e. homogenization of culture and identity,[392] a viable European identity would be the one that embraces all sub-cultures and identities. Cultural diversity would impede the EU's acquisition of a nation-state like identity based on othering and exclusion. Thus, the final objective of the EU is not cultural unification.[393] Howe also agrees that the community of

[391] Pantel, M. (1999), *op.cit*.

[392] Münch, R. (2001), *op.cit*., pp. 146-147.

Europeans do and will preserve their cultural diversities and that "[t]angible homogeneity is not among the requisite underpinnings for a community of Europeans."[394] Thus, national-statist paradigm-related conceptual categories and ideological presumptions, which do not match the EU's institutional peculiarities, should not be duplicated at the European level.[395]

Legally, Article 151(1) EC embodied national and regional diversities within the framework of the principle of subsidiarity. The provisions in Article 151 EC regarding consultation to the Committee of the Regions in accordance with the subsidiarity principle, can be understood as a means of preventing cultural homogenization and providing the necessary conditions for flourishing of national and sub-national cultures. In this context, the Committee of the Regions made its stance clear in various opinions. The Committee supports a greater role for localities and regions in the formulation and implementation of cultural policy, which should not be based purely on economic motivations, and stands for a definition of culture that would allow "the integration of every cultural group into local society."[396]

According to the Committee, the "cross-border areas, which are in contact with several national cultures, hold the greatest potential for the development of a European identity."[397] Within this framework, Pantel points to the possibilities for "a new conception of the relationship between European unity and European diversity" through the incorporation of the Committee to Article 151 EC and encouragement of regional actors to seek finance for culture-related projects from the EU structural funds.[398] Another clause, Article 151(2) EC

---

[393] Panebianco, S. (2004), 'European Citizenship and European Identity: From Treaty Provisions to Public Opinion Attitudes' in Moxon-Browne, E. (ed.), *Who are the Europeans now?*, Aldershot: Ashgate, p. 29.

[394] Howe, P. (1995), *op.cit*., p. 28.

[395] Kostakopoulou, T. (2001), *op.cit*., p. 31.

[396] Committee of the Regions (1998), 'Opinion on 'Culture and Cultural Differences and their significance for the future of Europe'', OJ C 180/11, 11/6/1998, p. 63.

[397] Committee of the Regions (2006), 'Opinion on the Proposal for a Decision of the European Parliament and of the Council establishing the programme 'Citizens for Europe' to promote active European citizenship for the period 2007-2013', OJ C 115/18, 16/5/2006, p. 81.

covering cultural action areas supports encounters, contacts, dialogues, exchanges and awareness-raising measures which obliterate prejudices, promote recognition of differences, mutual respect and understanding between diverse cultures. Article 151(2) EC by referring to history and cultures of *European peoples* instead of Member States affirms the diffusion of not only national, but also sub-national identities and diversities.

On the other hand, Article 151 EC refers to "common heritage of European significance" and a "shared cultural heritage" which are problematic according to some scholars. To illustrate, Shore asks how one can "celebrate national and regional diversity while simultaneously bringing the common cultural heritage to the fore."[399] Besides, Mokre stresses that the two conflicting objectives in the article, diversity and common cultural heritage, connote a tension between the national and European level.[400] In a similar vein, Sassatelli points to the difficulty of "fostering the common European heritage without provoking the reaction of national or local cultures."[401] The essential question about the conception of unity in diversity is whether it is a contradiction or duality.

Apart from the above-mentioned scholars, Mayer and Palmowski also view heterogeneity as a problematic concept for the notion of identity that has an inherent characteristic of similarity and community. Cultural identities underscored by heterogeneity can "scarcely provide for a popular and substantive identification at a European level to reflect and support ever closer political integration."[402]

---

[398] Pantel, M. (1999), *op.cit*., p. 57.

[399] Shore, C. (2006), *op.cit*., p. 16.

[400] Mokre, M. (2007), 'European Cultural Policies and European Democracy', *The Journal of Arts Management, Law, and Society*, Vol. 37, No. 1, p. 34.

[401] Sassatelli, M. (2002), *op.cit*., p. 440.

[402] Mayer, F.C. and Palmowski, J. (2004), *op.cit*., pp. 582-583.

3.9 Community Cultural Policy in the Post-Maastricht Period

In the post-Maastricht period, "rather than utilizing the new cultural competence to explore alternative ways of protecting culture, Parliament simply proposed expanding future funding programs to include new types of culture."[403] The areas enlisted in Article 151(2) EC constituted the essence of EU cultural policy. In this context, three sectoral framework programmes were initiated between 1996 and 1999 and received financial assistance: *Kaleidoscope* supporting artistic and cultural activities, *Ariane* supporting books and reading including translations, and *Raphael* directed toward cultural heritage protection.[404]

The funding system of these programmes was based on direct grants provided to certain institutions and cultural projects as well as granting subsidies given to projects presented under a relevant heading. These funds were distributed in small amounts over disparate projects on the protection of architectural and archaeological heritage, support for archives, training of professionals on culture notably translators and restorers, promotion of theatre and music, support for translations especially of works in minority languages, European literature and translation awards, financing of the European Youth Orchestra and the Baroque Orchestra, exhibitions for young artists, library cooperation, and promotion of reading for youth.[405]

European dimension of a cultural project denotes an eligibility criterion for gaining finance. In the financed projects, this European dimension was reflected either through

---

[403] Cunningham, C.B. (2001), *op.cit*., p. 141. See European Parliament (1994), 'Resolution on Community Policy in the Field of Culture', OJ C 44, 14/02/1994, p. 184. The Parliament encouraged a Community cultural policy to promote a European cultural identity and invited the Commission to "draw up proposals for the benefit of music, theatre, dance, the plastic arts, literature, historical research, cinema and all other forms of art" (p. 187).

[404] See European Parliament and Council (1996), 'Decision 719/96/EC of the European Parliament and of the Council of 29 March 1996 establishing a programme to support artistic and cultural activities having a European dimension (Kaleidoscope)', OJ L 99, 20/4/1996, p. 20; European Parliament and Council (1997a), 'Decision 2085/97/EC of the European Parliament and of the Council of 6 October 1997 establishing a programme of support, including translation, in the field of books and reading (Ariane)', OJ L 291, 24/10/1997, p. 26; European Parliament and Council (1997b), 'Decision 2228/97/EC of the European Parliament and of the Council of 13 October 1997 establishing a Community action programme in the field of cultural heritage (Raphael)', OJ L 305, 8/11/1997, p. 31.

[405] Banús, E. (2002), *op.cit*., p. 161.

incorporating a cross-border element – inclusion of various partner-collaborator Member States to the project – (addition model) or through facilitating the spread of member state cultures and supporting new forms of cultural expression (par excellence model), e.g. projects funding buildings acceptedly representing common European heritage. This funding approach stemmed from the ambiguity of the terms of "European culture" and "common heritage." Nevertheless, it can be maintained that the first series of incentive measures, instead of establishing of a homogeneous culture, sought to increase awareness on cultural richness among Member States and to promote high-quality cultural activities, despite the modest budget.[406]

With a view to increase the efficiency and coherence of these disparate programmes, which were criticized for not having required impact on citizens, a single cultural cooperation instrument combining the three programmes, the *Culture 2000* programme, was launched for the period of 2000-2006.[407] In accordance with the spirit of Article 151, the programme comprised "a single financing and programming instrument for cultural cooperation." *Culture 2000* aimed at creating a common European cultural area by promoting cultural dialogue and mutual knowledge of Europeans' culture and history, encouraging creativity and transnational diffusion of culture, highlighting cultural diversity, sharing and mentioning "the common cultural heritage of European significance" and improving citizens' access to and participation in culture in the EU.[408]

---

[406] Psychogiopoulou, E. (2006b), *op.cit*., pp. 40-41. See also Banús, E. (2002), *op.cit*., p. 163 and Sassatelli, M. (2002), *op.cit*., p. 445.

[407] The adoption of the three cultural programmes was delayed because the Council could not reach unanimity on budgetary allocations. See *supra note* 373. In view of this situation, in 1998, the Commission, upon the request of the Council, produced a proposal for a single source of funding for cultural actions. See Council (1997), 'Council Decision of 22 September 1997 regarding the future of European cultural action', OJ C 305, 07/10/1997, p. 1; European Commission (1998b), 'Proposal for a European Parliament and Council Decision Establishing a Single Financial and Programming Instrument for Cultural Cooperation (Culture 2000 Programme)', OJ C 211, 07/07/1998, p. 18.

[408] European Parliament and Council (2000a), 'Decision 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme', OJ L 63, 10/3/2000, p. 1. Culture 2000 witnessed institutional differences of opinion concerning the title of the programme. Interestingly, the Parliaments proposal to change the title of the programme from "cultural action" to "cultural policy" was rejected by the Commission on grounds that there was no basis in TEU for taking over the role of member states in the cultural domain. See Barnett, C. (2001), *op.cit*., p. 414 and Banús, E. (2002), *op.cit*., p. 161. See also European Parliament (1998), 'Proposal for a European Parliament and Council decision establishing a single financing and programming instrument for cultural cooperation: proposed amendments', OJ C 359, 23/11/1998, p. 28.

The *Culture 2000* programme functioned between 2000 and 2004 with a budget of €167 million and was extended afterwards to December 2006 with a budget totalling €236.5 million. The programme provided assistance to three types of cultural actions: specific innovative and/or experimental actions; integrated actions covered by structured, multi-annual cultural cooperation agreements; and special cultural events with a European and/or international dimension.

Culture 2000 programme embraced the initiative of European City of Culture in 1999 and renamed it as the European Capital of Culture.[409] As mentioned above, the European initiative was launched in 1985 by the Council of Ministers. The primary objective of the initiative is "to highlight the richness and diversity of European cultures and the features they share, promote greater mutual acquaintance between European citizens, foster a feeling of European citizenship."[410] The event is regarded as "a salient example of the attempts at awakening a European consciousness by diffusing its symbols, while respecting the contents of national and local cultures."[411] Each year, the city nominated by the Council earns the title of "European City of Culture" and is granted a modest budget by the Commission. The respective city designates a specific cultural programme that might be in the form of theme-based cultural festivals or annual programmes.[412]

Under revision, a new selection procedure was introduced. Since 2007, two cities share the title in order to include the twelve Member States that entered into the EU in 2004 and 2007 as well as non-EU European countries. For instance, Sibin from Romania was selected for 2007, whereas Stavanger from Norway for 2008. In 2010, there will be three European Capitals of Culture: the German city of Essen, the Hungarian city of Pécs and the Turkish city of Istanbul.

---

[409] European Parliament and Council (2005), 'Decision No. 649/2005/EC of the European Parliament and of the Council of 13 April 2005 amending Decision No 1419/1999/EC establishing a Community action for the European Capital of Culture event for the years 2005 to 2019', OJ L 117, 04/05/2005, p. 20

[410] Official website of the European Commission "European Capital of Culture", more information available at http://ec.europa.eu/culture/eac/ecocs/present_cap/present_cap_en.html.

[411] Sassatelli, M. (2002), *op.cit*., p. 436.

[412] Sassatelli, M. (2002), *op.cit*., p. 436. See also Mokre, M. (2007), *op.cit*., p. 35.

In 2006, a codecision of the European Parliament and the Council required the applications to "include a cultural programme with a European dimension" based on cultural cooperation and in accordance with Article 151 EC, to highlight "the European added value" and to be consistent with national or regional cultural strategies and policies provided that they do not "aim to restrict the number of cities" to be designated as European Capitals of Culture.[413] The selection would be made by selection panels (one for each member state) comprising totally 13 experts, 6 national and 7 European. Therefore, "in positioning themselves in relation to the 'European dimension', cities must persuade judges of the presence of a 'richness of cultural diversity' both in terms of a range of cultural activities and social heterogeneity."[414]

Further, the preamble to the *Culture 2000* programme regarded culture both as an economic factor and a factor of citizenship and social integration.[415] Concerning the economic dimension, since 1996 the attempts to redefine culture in accordance with economic imperatives of the EU have led to a growing emphasis on the employment impact of the cultural sector which can increase the creativity and employability of citizens, thereby contribute to social and economic cohesion and to the reduction of regional disparities.[416] Ján Figel, the European Commissioner for Education and Culture, proudly announced in 2006 that the EU cultural sector, accounting for the employment of six million people and 2.6 % of GDP, is no longer a luxury but "a sound and necessary investment."[417] Ján Figel stated that the study of the European Commission affirms that:

---

[413] European Parliament and Council (2006a), 'Decision No. 1622/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Action for the European Capital of Culture event for the years 2007 to 2019', OJ L 304, 3/11/2006, p. 1.

[414] Aiello, G. and Thurlow, C. (2006), *op.cit*., p.156. It is significant that the promotion strategies of the initiatives incorporate the notion of cultural diversity. For instance, "Sibiu/Hermannstadt as European Capital of Culture in 2007 aims at opening gates through which the city's rich cultural landscape and diverse life will meet that of Europe." See the website of Sibiu European Capital of Culture 2007: http://www.sibiu2007.ro/en3/about.htm.

[415] See European Parliament and Council (2000a), 'Decision 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme', OJ L 63, 10/3/2000, p. 1, preamble, 2nd recital.

[416] Barnett, C. (2001), *op.cit*., p. 418.

[417] Figel, J. (2006), Speech at the opening of the *Berlin Conference 'A Soul for Europe'*, Germany, 17-19 November 2006, available at http://www.berlinerkonferenz.net/222.0.html. For official discourse on the

> the arts and culture are far from being marginal in terms of their economic contribution. Indeed, they are a major employer, and as a sector, the culture and arts contribute to innovation and the economic and social development of the EU, its regions and cities. The culture sector is the engine of creativity, and creativity is the basis for social and economic innovation. As such, I firmly believe that the EU's arts and culture are a dynamic economic and social driver for achieving more growth, and more and better jobs.[418]

A multilingual and digital Europe with a robust audiovisual sector is considered as the means of reaching Lisbon targets[419] in terms of providing knowledge-based economy, cohesion, growth and employment. Thus, a strong Community cultural industry began to be presented as a precondition of strong economic presence in the world, signifying the external dimension of European identity.

The external dimension was also emphasized strongly in 2007 Communication on a European agenda for culture in a globalizing world. Accordingly, the Commission's public diplomacy including cultural events would "convey important messages in third countries about Europe, its identity and its experience of building bridges between different cultures" and the incorporation of the cultural dimension to Europe's international relations would "help promoting knowledge of and understanding for Europe's cultures throughout the world."[420] These can be interpreted as the Commission, having sought to protect the distinctiveness of European culture(s) from outside influences notably from the US (as will be seen in the audiovisual policy section), has decided to assume an active role itself regarding the external promotion of European identity, values culture(s) by taking into account "the realities of today's globalizing world." The Commission identifies the EU as "soft-power" and links European identity to the EU's global role and influence:

---

relationship between culture and economic and social cohesion, employment, regional development, fostering of creativity and flexibility, see European Commission (1996), 'Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Cohesion Policy and Culture: A contribution to employment', COM 96, 512 final. See also European Commission (1998a), 'Culture, the Cultural Industries and Employment', Commission staff working paper, SEC(98) 837, Brussels.

[418] KEA European Affairs assigned by the European Commission (2006), 'Study on the Economy of Culture in Europe' available at http://ec.europa.eu/culture/eac/sources_info/studies/studies_en.html.

[419] See European Council (2000), 'Presidency Conclusions, Lisbon European Council, 23-24 March 2000'.

[420] See European Commission (2007a), *op.cit.*, pp. 7, 10.

> Europe's cultural richness and diversity is closely linked to its role and influence in the world. The European Union is not just an economic process or a trading power, it is already … perceived as an unprecedented and successful social and cultural project. The EU is, and must aspire to become even more, an example of a "soft power" founded on norms and values such as human dignity, solidarity, tolerance, freedom of expression, respect for diversity and intercultural dialogue, values which, provided they are upheld and promoted, can be of inspiration for the world of tomorrow.[421]

Indeed, this communication can be considered as a landmark concerning the Community cultural policy because for the first time, the Commission powerfully draws a different and more active external direction for future Community cultural policy, perhaps in an attempt to effectively command the European cultural area which is subject to the inevitable effects of globalization such as cultural homogenization.

In the communication, the paradigm of "unity in diversity" is described as a contributing element of the success of European project:

> The originality and success of the European Union is in its ability to respect Member States' varied and intertwined history, languages and cultures, while forging common understanding and rules which have guaranteed peace, stability, prosperity and solidarity – and with them, a huge richness of cultural heritage and creativity to which successive enlargements have added more and more. Through this unity in diversity, respect for cultural and linguistic diversity and promotion of a common cultural heritage lies at the very heart of the European project. This is more than ever dispensable in a globalizing world.[422]

In response to the criticisms that the EU identity-building policies are in the form of a top-down process, the Commission expanded the content of the subsidiarity principle as far as possible and included not only Member States and regions, but also stakeholders in the field of culture, i.e. professional organisations, cultural institutions, NGOs, European networks, and foundations through an "open method of coordination."

3.10 Concluding Remarks

This Chapter has explained the identity-building policies of the Community within the evolution of the Community cultural policy. With the objective of driving public support

[421] See European Commission (2007a), *op.cit.*, p. 3.

[422] See European Commission (2007a), *op.cit.*, p. 2.

for European project, the Community has launched significant initiatives toward the formation and enhancement of European identity such as European City of Culture, the TWF Directive, the introduction of Community-wide symbols and the EU citizenship, and the promotion of cultural diversity.

An analysis of these identity-building initiatives has shown that the Community has increasingly strived for not disregarding the national and regional considerations over identity and culture and not competing with national identities. These factors have been taken into consideration by the Community in, e.g., the drafting of Article 151 EC or the design of European symbols. The wording of Article 151 EC demonstrated that the EU has sought to forge an element of commonality in diversity in projecting a sense of European identity. It was argued in this chapter that this sort of European identity expressed as "unity in diversity" contained some tensions and contradictions, though being the most viable and desirable mode of European identity presently.

This Chapter has also mentioned that the notion of "diversity" has increasingly been embraced in the official EU discourse and was enshrined in Article 151 EC with the principle of subsidiarity. The following chapter will show that the Community has made great effort to promote European identity in three selected cultural policy areas, i.e., audiovisual, educational and language policies, though subject to national priorities and preferences. Thus, although the concept of European identity has been effective in the development of specific Community cultural policy areas and is deeply embedded in several policy documents, the identity politics of the Community in this context has been limited due to national and regional cultural considerations and the inherent features of the Community decision-making process, i.e. the unanimity requirement. It will be pointed out in the next chapter that this unanimity requirement has been the main reason for the rejection of, for instance, the ambitious proposals of the Commission in the audiovisual policy area. In this sense, the "othering" of "American cultural imperialism" provided a useful tool to give an impetus to various related initiatives and to gain the support of France on cultural matters.

CHAPTER 4

EU CULTURAL POLICY IN FOCUS

This Chapter seeks to analyze the embodiment of the notion of European identity in three selected areas of cultural policy: audiovisual policy, education and language policies respectively. Reviewing the main Community initiatives in these areas, this Chapter finds that the notions of "unity" and "diversity" are deeply embedded in policy documents. The Community has sought to increase awareness and knowledge of other European cultures, to create a pan-European television, to raise the educational mobility schemes and to promote multilingualism, albeit with certain shortcomings. All these policy areas, though not having been developed just for the sake of culture, have incorporated essential identity dimensions over time and become an instrument of promoting European identity. Nevertheless, the existence of European particularities and national and regional priorities has made the Community shift its focus towards elements of diversity in a gradual manner and avoid making an overarching definition of European identity. Despite this, identity building initiatives of the Community in such sensitive and identitive fields have proved to be limited.

4.1 Audiovisual Policy

In terms of the resources allocated to its production and the time spent on consumption, television can be said to be the prevalent cultural instrument. Television, as the dominant instrument of mass communication, unquestionably plays a significant role in the transmission and development of culture.[423] This is reflected in a report of the European Parliament stating that "[t]he audiovisual sector is of great importance to the cultural identity of peoples, regions and nations."[424] Similarly, in 1986, the Resolution of the

[423] Holmes, J. (2004), 'European Community Law and the Cultural Aspects of Television', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press, pp. 169-170.

[424] European Parliament (1989a), 'Report on the European Community's film and television industry' (De Vries Report). PE 119.192/final.

Council and of the Ministers responsible for Cultural Affairs on the European cinema and television year (1988) emphasized that:

> [T]he audiovisual media are among the chief means of conveying information and culture to the European citizen and contribute to the strengthening of the individual European cultures, as well as the European identity … Europe must be strongly represented in the making and distribution of audiovisual products, thus contributing to laying the foundations of an ever closer union among the peoples of Europe…[425]

In accordance with the Resolution, 1988 was declared to be European Cinema and Television Year with the objectives of increasing awareness on the significance of a strong globally-competitive audiovisual industry and reflecting European identity in the audiovisual media, providing the conditions for the development of the European audiovisual sector. Thus, the need for a Community audiovisual policy was recognized.

Perhaps, the following statement of the European Commission may expose one of the most important rationales of the Community intervention in the audiovisual sector: "Unless Europeans are able to watch stories, dramas, documentaries and other works that reflect the reality of their own lives and histories, as well as those of their neighbours, they will cease to recognise and understand them fully" therefore the EU must support "the development of audiovisual projects with an European dimension and the circulation and promotion of works."[426]

Apart from these identity considerations, American cultural imperialism has constituted the "other" of European identity in the audiovisual sector. As stated by Bourdon, during the General Agreement on Tariffs and Trades (GATT) negotiations in 1993, the audiovisual policy was an issue of tension between the EU and the US. In December 1993, "culture" was officially excluded from the GATT upon the insistence of the Commission for the

[425] Council (1986a), 'Resolution of the Council and of the Ministers Responsible for Cultural Affairs, meeting within the Council of 13 November 1986 on the European Cinema and Television Year', OJ C 320, 13/12/1986, p. 4.

[426] See European Commission (2004a), 'Communication from the Commission: Making Citizenship Work: Fostering European Culture and Diversity through Programmes for Youth, Culture, Audiovisual and Civic Participation', COM 2004, 154 final, pp. 13-14.

removal of audiovisual products, particularly television and cinema, from the negotiations based on cultural exception.[427]

The audiovisual policy of the Community has three main pillars, namely the Satellite Television Transmission Standards Directives, the Television Without Frontiers (TWF) Directive[428] and the MEDIA programmes. Particularly, the Television Without Frontiers Directive is the most ambitious initiative of the Community in the audiovisual sector. Although the Directive was enacted under Article 47(2) (ex-Article 57(2)) and Article 55 (ex-Article 66) and therefore based on economic justifications, cultural considerations were also noteworthy.[429] MEDIA programmes promoting cultural and linguistic pluralism were a means of compensating the integrative and unifying function of the directives.

The purpose of this section is not to analyze all dimensions of the Community audiovisual policy, but instead to explore elements of identity and culture in relevant policy initiatives. This section argues that European identity is embedded in the Community audiovisual policy the agenda of which has been shaped as much by cultural motivations as economic ones. The first part examines the idea of cultural integration in the formation of audiovisual policy before the enactment of 1989 TWF Directive; the second analyzes the TWF Directive including the changes brought with Article 151 and modernization initiative in 2003. The final part outlines the incentive measures designed to promote the development of the European audiovisual sector, the MEDIA programmes.

[427] Bourdon, J. (2007), 'Unhappy Engineers of the European Soul: The EBU and the Woes of Pan-European Television', *International Gazette*, Vol. 69, No. 3, pp. 269-270.

[428] Council (1989b), 'Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities', OJ L 298, 17/10/1989, p. 23 as amended by European Parliament and Council (1997c), 'Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities', OJ L 202, 30/7/1997, p. 60.

[429] Holmes, J. (2004), *op.cit.*, p. 192.

4.1.1 The Emergence of the Community Audiovisual Policy and Pan-European Television Channel

In 1974, the ECJ confirmed in the case of *Sacchi* that television broadcasting was subject to the free movement rules.[430] This is not controversial given that "[e]conomy and culture are not two watertight compartments, but closely interrelated social spheres; the economic categories and legal rules of the EC Treaty include cultural activities whenever these present a transnational economic dimension."[431] Thus, starting from the late 1970s, the ECJ began to settle disputes in audiovisual and broadcasting sector arising from differences in national media regimes[432] that indicate the need for the creation of a common broadcasting area under the responsibility of DG III-Internal Market and Industrial Policy. Whereas DG III adopted a market liberalization perspective toward satellite broadcasting, DG X responsible for information and communication affairs noted that trans-border satellite had a significant cultural dimension enhancing the Community's popular appeal. DG IV-Competition also intervened in audiovisual policy area.[433] The concerned DGs reflected different standpoints within the Commission.[434]

---

[430] Case C-115/73, *Giuseppe Sacchi* [1974] ECR 409.

[431] De Witte, B. (1993b), 'The Cultural Dimension of Community Law', in *Collected Courses of the Academy of European Law*, Vol. IV, Book 1, p. 249.

[432] See, for instance, Joined Cases 60-61/84 Cinéthèque SA and others v Fédération nationale des cinemas français [1985] ECR 2605 in which the Court decided that French legislation prioritizing the distribution of cinematographic works through cinema for a certain initial period was justifiable and that Article 30 EEC on the free movement of goods did not apply to national legislation governing the distribution of cinematographic works.

[433] Psychogiopoulou, E. (2006b), *op.cit.*, pp. 221-222.

[434] Collins, R. (1995), 'Reflections across the Atlantic: Contrasts and Complementarities in Broadcasting Policy in Canada and the European Community in the 1990s', *Canadian Journal of Communication*, Vol.20, No. 4, pp. 483-504. Collins distinguishes between the standpoints of liberals and dirigistes, deregulators and interventionists. According to dirigistes, a collective European consciousness can be formed by means of film and broadcasting. They tend to support quota and subsidy for films and established public-service broadcasting monopolies. Liberals give priority to consumer interests and the advantages of competition for the Community's audiovisual sector. For Collins, the European Parliament aligned itself with dirigistes. On the other hand, the Commission was not unitary and there were policy conflicts within the Commission and between the Commission and the Parliament. Whereas DG X and DG XIII-Innovation were more dirigiste and interventionist, DG III and DG IV were more liberal and deregulatory (which is more advantageous for English-speaking countries like the UK that has comparative market advantages). Collins points out that the most significant broadcasting initiatives toward deregulation of broadcasting came from the Commission as DG III and DG IV had been more powerful than DG X and DG XIII. Fore more detail, see Collins, R. (1994), *op.cit.*; Collins, R. (1998),

In parallel to DG X, the European Parliament considered trans-border satellite as an important instrument of European political and cultural integration. Altiero Spinelli, who became the chairman of the first directly elected European Parliament in 1979, and other parliamentarians believed that support for the EC and a shared sentiment of collective European identity that transcend national identities among the EC citizens could be fostered via television "bringing information about the political institutions and practices of the Community" and "circulating representations of the culture and civilisation of Europe to Community citizens."[435]

Despite the lack of a Community specific competence in the Treaty of Rome, the Community was eager to intervene in the audiovisual field for two reasons: Firstly, the European Commission and the Parliament considered audiovisual policy as a tool to nurture European identity on a mass level. Secondly, European elites were anxious about cultural Americanization and the considerable audiovisual trade deficit of the Community with the US since the end of World War II.[436] In 1980, the Parliament pointed out in a resolution that "reporting of European Community problems by national radio and television companies and the press … [has] been inadequate, in particular as regards integration" which necessitates the "establishment of a European radio and television company with its own channel."[437]

In 1982, the European Commission's Communication, Stronger Community Action in the Cultural Sector, highlighted economic and cultural dimensions of the audiovisual sector and the necessity for taking specific measures.[438] The European Parliament, particularly its Committee on Youth, Culture, Education, Information and Sport, by issuing reports and

---

From Satellite to Single Market: New Communication Technology and European Public Service Television, New York: Routledge.

[435] Collins, R. (1998), *op.cit.*, p. 24.

[436] Theiler, T. (2001b), *op.cit*.

[437] European Parliament (1980), 'Motion for a resolution on radio and television broadcasting in the European Community', EP Doc. 1-409/80.

[438] European Commission (1982), *op.cit*.

resolutions, also advocated the importance of audiovisual policy in fostering European political and cultural union.[439]

The Committee submitted the Hahn Report on Radio and Television Broadcasting in the European Community[440] to the European Parliament in February 1982. The Hahn Report, accepting the audiovisual media as carrier of knowledge and political information and emphasizing the potential role of the new technology of satellite television in European cultural and political union, proposed the establishment of a joint European television channel and a conception of Community broadcasting policy as a path toward political unification. It noted that:

> European unification will only be achieved if Europeans want it. Europeans will only want it if there is such a thing as a European identity. A European identity will only develop if Europeans are adequately informed. At present, information via the mass media is controlled at national level. The vast majority of journalists do not 'think European' because their reporting role is defined in national or regional terms. Hence the predominance of negative reporting. Therefore, if European unification is to be encouraged, Europe must penetrate the media.[441]

The following month, the European Parliament produced its first resolution on broadcasting, the Resolution on Radio and Television Broadcasting in the European Community.[442] In the so-called Hahn Resolution, the European Parliament emphasized the centrality of broadcasting in "increasing European awareness" and promoting "the essence of European culture, namely diversity in unity."[443] It called on the Commission to examine the legal and political grounds for the realization of a television channel that is "European in origin, transmission range, target audience and subject matter."[444]

---

[439] Collins, R. (1998), *op.cit.*, p. 25.

[440] European Parliament (1982a), 'Report of 23 February 1982 on Radio and Television Broadcasting in the European Community on behalf of the Committee on Youth, Culture, Education, Information and Sport', Rapporteur: Mr. W. Hahn., Doc. 1-1013/81, PE 73/271/fin.

[441] Ibid.

[442] European Parliament (1982b), 'Resolution of 12 March 1982 on Radio and Television Broadcasting in the European Community', OJ C 87, 5/4/1982, p. 110.

[443] Ibid., pp. 110-111.

[444] Ibid.

In 1983, the Commission, in its interim report on realities and tendencies in European television, embraced the initiative of the European Broadcasting Union (EBU) toward the establishment of a pan-European satellite channel that would keep "Europe's citizens aware of the European dimension in their lives in political, economic, social as well as cultural areas" and assist in laying "the foundations of an ever closer union among the peoples of Europe."[445] The European Parliament's Committee on Youth, Culture, Education, Information and Sport was assigned to draw up an own-initiative report based on the interim report of the Commission. The so-called Arfé Report on a policy commensurate with new trends in European television, submitted to the European Parliament in March 1984, considered a unified television transmission system as "an essential prerequisite for the production of multilingual European programmes."[446]

In 1984, three resolutions were passed by the Parliament including the Arfé Resolution: resolutions on policy commensurate with new trends in European television, broadcast communication in the European Community and European media policy.[447] All these resolutions indirectly ascribed a functional, unifying role to the cultural aspect of broadcasting.[448] In accordance with the above-mentioned resolutions, both the Commission and the Parliament supported transnational European audiovisual initiatives like the EBU's satellite television services Eurikon and Europa that were established in 1982 and 1985 respectively.[449] These services, intended to disseminate a European culture, contribute to the formation of a European identity by, for instance, reporting from a "European point of view," failed mainly due to the culturally and linguistically fragmented nature of Europe.[450]

---

[445] European Commission (1983), 'Report on realities and tendencies in European television', COM 83, 229 final, p. 32.

[446] European Parliament (1984b), 'Report of 16 March 1984 on a policy commensurate with new trends in European television on behalf of the Committee on Youth, Culture, Education, Information and Sport', Rapporteur: Mr. G. Arfé., Doc. 1-1541/83, PE 85/902/fin, p. 7.

[447] See European Parliament (1984d), 'Resolution of 30 March 1984 on policy commensurate with new trends in European Television', OJ C 117, 30/4/1984, p. 201. See also European Parliament (1984a), 'Resolution of 13 April 1984 on broadcast communication in the European Community', OJ C 127, 14/5/1984, p. 147 and European Parliament (1984c), 'Resolution of 25 April 1984 on European media policy', OJ C 172, 2/7/1984, p. 212.

[448] Psychogiopoulou, E. (2006b), *op.cit.*, p. 224.

[449] Collins, R. (1998), *op.cit.*, p. 25.

The failure of Europa TV was partly caused by rejection of almost all participating Member States to provide its terrestrial distribution.[451]

That "[c]ross-frontier radio and television broadcasting would make a significant contribution to European integration" was reiterated in the European Commission's 1984 Green Paper Television Without Frontiers.[452] However, the Green Paper prepared by DG III did not include any cultural policy component and sparked criticism from the Economic and Social Committee, the European Parliament and DG X.[453]

Subsequently, concentration shifted from the instrumental role of culture in unification toward preservation of European cultural diversity. In fact, single market in broadcasting fostered by satellite technologies provided the suitable conditions for intrusion of cheap US productions into European media market suffering structural weaknesses and hence for the Americanization of European culture, posing a threat to the cultural diversity and richness in Europe.[454] This perceived threat and arguments of cultural diversity as a shield was expressed by the European Commission as follows:

> At the end of 1986 the whole European television scene will be transformed by the appearance of Europe's first direct television satellites... The choice is clear: Either a strengthening of exchanges within Europe and a deepening of Community cooperation to promote the identity of our continent in all its diversity; or a surrender to powerful competitors and their cultural models, be it the Americans today, or the Japanese tomorrow.[455]

---

[450] Bourdon, J. (2007), *op.cit.*, p. 271. See also Theiler, T. (2001a), 'Viewers into Europeans?: How the European Union tried to Europeanize the Audiovisual Sector, and Why It Failed', *Canadian Journal of Communication*, Vol. 24, No. 4, pp. 1-29.

[451] For more detail on the subject, see Theiler, T. (2005), *op.cit.*, pp. 92-95.

[452] European Commission (1984), 'Green Paper on the establishment of the common market for broadcasting, especially by satellite and cable, Television Without Frontiers', COM 84, 300 final/2, p. 28

[453] Psychogiopoulou, E. (2006b), *op.cit.*, p. 224.

[454] See Collins, R. (1994), *op.cit.*, p. 91. See also Collins, R. (1998), *op.cit.*; Theiler, T. (2001b), *op.cit.*, p. 121. For different conceptions of audiovisual sector between the US and EU and the EU efforts to exclude cultural goods and services from GATT negotiations, see Schlesinger, P.R. (2001), 'From Cultural Protection to Political Culture? Media Policy and the European Union', in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner.

[455] European Commission (1986b), 'Television and the Audio-visual Sector: Towards a European Policy', European File 14/86, Luxembourg: Office for Official Publications of the European Communities. For emphasis on American domination in the television and film sector see also European

The Commission and the Parliament's positioning of European audiovisual sector in connection with other "cultural models," "other civilizations" and as an area to be protected from external threats rendered concepts such as "European culture" more uncontestable and turned them into "seemingly self-evident social and historical facts."[456]

As a response to the need to construct and reinforce European identity by involving in audiovisual policy, the European Parliament united two conflicting positions, namely the integrationist approach and cultural diversity approaches, in its resolution on a framework for a European media policy which stressed "the increased importance of radio and television for the democratic development of the European Community, the emergence of a European consciousness and maintenance of Europe's cultural diversity and identity."[457]

In a similar vein, the Social and Economic Committee emphasized that a Community media policy should "make the European ideal more tangible for the Community's citizens" without weakening "local, regional and national broadcasting potential."[458] In the late 1980s, with the adoption of institutional reforms and support mechanisms, cultural diversity shifted from being a factor in market fragmentation to "a source of renewal to an industry in which creativity plays a decisive role."[459]

In 1992, the Maastricht Treaty incorporated audiovisual policy under the scope of Article 151 EC on culture. The same year, the Ministers of Culture meeting within the Council concluded that Community action in the audiovisual sector must be advanced.[460] Thus, a

---

Commission (1986a), 'Action Programme for the European Audiovisual Media Products Industry', COM 86, 255 final.

[456] Theiler, T. (2001b), *op.cit.*, p. 123.

[457] European Parliament (1985), 'Resolution on a framework for a European media policy based on the Commission's Green Paper on the establishment of the common market for broadcasting, especially by satellite and cable', OJ C 288, 11/11/1985, p. 113.

[458] See Social and Economic Committee (1985), 'Opinion of the Social and Economic Committee on the Green Paper on the establishment of the common market for broadcasting, especially by satellite and cable', OJ C 303, 25/11/1985, pp. 13-14.

[459] European Commission (1990), 'Communication from the Commission to the Council and European Parliament on Audiovisual Policy', COM 1990, 78 final.

[460] Council (1992b), *op.cit*.

new understanding emerged concerning the embeddedness of culture and the audiovisual industry as reflected in the European Commission's communication on principles and guidelines for the Community's audiovisual policy in the digital age mentioning that "it is the social and cultural role of the audio-visual media that forms the point of departure for policy making."[461]

4.1.2 The Television Without Frontiers Directive

The most important Community legislative initiative in audiovisual sector, the TWF Directive 89/552/EEC of 3 October 1989 amended by Directive 97/36/EC of 30 June 1997 and came into effect in October 1991, envisaged the creation of a common broadcasting area stipulating in Article 2(2) that "Member States shall ensure freedom of reception and shall not restrict retransmission on their territory of television broadcasts from other Member States for reasons which fall within the fields coordinated by this directive."

Undoubtedly, not all Member States have embraced the Directive with great enthusiasm, in particular, Denmark and Belgium that voted against the directive. Denmark objected Community intervention in cultural policy and it was backed by the UK, which has been against the extension of Community powers in general, though it did not vote against the Directive since it has comparative advantage in single market in television market.[462]

As stated above, DG III had prepared the 1984 Green Paper TWF, the basis of TWF Directive. The Commission official, who played the prominent role in metamorphosis of the Green Paper to Directive, Ivo Schwartz of DG III, stressed the economic significance of the single market and stressed that common broadcasting market was a logical outcome of the EEC Treaty. Schwartz belittled the implications of single broadcasting market on distinct cultural identities of the Member States. Cultural objections grew after the

---

[461] See European Commission (1999), 'Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Principles and Guidelines for the Community's audiovisual policy in the digital age', COM 1999, 657 final, p. 7.

[462] Collins, R. (1992-1993), 'The Screening of Jacques Tati: Broadcasting and Cultural Identity in the European Community', *Cardozo Arts & Entertainment Law Journal*, Vol. 11, No. 2, pp. 366-367.

publication of the Green Paper and the political bargaining between the culturalists/interventionists and the single-market supporters resulted in the inclusion of European content requirements in the TWF Directive[463] in line with the European Parliament's resolution of 1985 suggesting measures "to increase European content in broadcasting" for providing "a creative and cultural stimulus in Europe."[464]

It is suggested that the TWF Directive was designed to fulfil both economic and cultural objectives – strengthening the cultural identity of each Member State and reflecting the European identity as a whole.[465] The adoption of TWF meant the Commission's acknowledgement of inclusion of cultural matters within its jurisdiction and legitimate place of cultural considerations in broadcasting policy[466] as the Community did not have explicit audiovisual or cultural power at the time of the adoption of the Directive. According to Shore, TWF reveals that an "imagined" European Community emerged "not only through the symbolic organization of time and space and in the invention of history, but also … through an attempt to construct an integrated field of communication."[467]

In this context, Article 4 on European content requirements and Article 5 on arrangements for independent production are crucial. Article 4(1) of the TWF Directive requires that Member States are obliged to "ensure where practicable and by appropriate means, that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext and teleshopping."[468] Practically, the majority of transmission

[463] Ibid., pp. 373-375.

[464] European Parliament (1985), *op.cit*.

[465] Wilkins, K.L. (1991), 'Television without Frontiers: An EEC Broadcasting Premiere', *Boston College International and Comparative Law Review*, Vol. 14, pp. 195-211.

[466] Collins, R. (1992-1993), *op.cit.*, p. 375.

[467] Shore, C. (1993), 'Inventing the 'People's Europe': Critical Approaches to European Community 'Cultural Policy'', *Man*, Vol. 28, No. 4, pp. 779-800.

[468] The meaning of "European works" is clarified when it is read jointly with Article 6 which defines the term as works "originating from" Community member states, European third states that are party to the European Convention on Transfrontier Television of the Council of Europe, or other European states with which the EC has concluded a special agreement, subject to the conditions laid down in other

time implies that more than 50% of transmission time should be allocated to European audiovisual productions annually. Article 5 stipulates that broadcasters must also reserve at least 10% of their transmission time or 10% of their programming budget for European works from independent producers.

Since their inception, Articles 4 and 5 led to intense debates within the Community between those in the sector advocating the development of European production and therefore supporting quotas on foreign broadcasts and those broadcasting executives who want to attain high audience ratings with relatively cheaper and more successful foreign productions, particularly US productions. Smaller Member States in the Community were concerned about the dominance of larger Member States in the market.[469] Further, the Directive was being criticized for including an element of concealed economic protectionism which was denied by Roberto Barzanti, an Italian MEP in these words: "We're not talking about protectionism. This is about the necessity to preserve the richness and diversity of our cultural heritage."[470] The same line of cultural diversity arguments in connection with audiovisual sector abounded in Community documents later. It was mentioned that the TWF Directive "represents a pertinent and effective instrument in support of the European audiovisual sector and of cultural diversity."[471] On the other hand, Lasok criticizes the provision in that the Community pays lip service to cultural diversity and that "it takes a great act of faith to identify European works with European 'cultural works' for what passes for 'European' does not necessarily represent a 'cultural' value."[472]

---

conditions of the directive. In other words, the Directive does not limit European audiovisual works only to works originating from EU member states and covers works from other European states.

[469] Wilkins, K.L. (1991), *op.cit*.

[470] Cited in Wilkins, K.L. (1991), *op.cit.*, footnote 32, p. 199. For an analysis of the dispute between the EC and the US over the implementation of the Directive's majority quota on non-Community television programming, see Lupinacci, T.M. (1991), 'Pursuit of Television Broadcasting Activities in the European Community: Cultural Preservation or Economic Protectionism?', *Vanderbit Journal of Transnational Law*, Vol. 24, pp. 113-154. See also Filipek, J. (1991-1992), '"Culture Quotas": The Trade Controversy over the European Community's Broadcasting Directive', *Stanford Journal of International Law*, Vol. 28, pp. 323-370.

[471] European Commission (2002), 'Fourth Report From the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 89/552/EEC "Television without Frontiers"', COM 2002, 778 final.

[472] Lasok, K.P.E. (2001), *op.cit.*, p. 823.

The application of Articles 4 and 5 were not flawless. Since the Directive does not set any fixed schedule for broadcasting of European works and independent productions, broadcasters are able to choose off-peak hours. However, the major shortcoming is that the soft drafting of the Directive creates a big loophole giving broad discretion to Member States as regards the interpretation of practicability[473] and appropriateness and may render the implementation of the Directive almost ineffective.[474] De Witte argues that the ambiguous and flexible language of the European content requirements may have been a factor that facilitated the adoption of the Directive by Germany and the UK which secured a statement in Council minutes that such content requirements are just political by nature.[475] Wilkins also argued that quota system was indeed non-binding in nature.[476]

Essentially, according to Article 249 EC, directives are binding on Member States as to the results to be achieved. The Commission also confirmed the binding nature of the TWF Directive in its reply to a written question of the European Parliament and stated that despite the fact that the Directive is legally binding, the term "where practicable" adds "an element of flexibility indicating that the attainment of the objectives can be overridden by technical constraints or economic imperatives."[477] In 1995, the Commission, in an effort to eradicate this pliability, proposed the deleting of "where practicable and by appropriate means" stipulation[478] in accordance with the outlook of France, "the staunchest and most consistent backer of audiovisual involvement by the EU."[479] On the contrary, Germany and

---

[473] Wilkins, K.L. (1991), *op.cit.*, p. 201.

[474] Holmes, J. (2004), *op.cit.*, p. 195.

[475] De Witte, B. (1995), 'The European Content Requirements in the EC Television Directive – Five Years After', in Barendt, E. (ed.), *The Yearbook of Media and Entertainment Law*, USA: Oxford University Press, p. 114.

[476] Wilkins, K.L. (1991), *op.cit.*, p. 208.

[477] Written Question, No. 758/89 by Kenneth Collins to the Commission of the European Communities, Broadcasting Directive, OJ C 97, 17/4/1990, p. 21.

[478] European Commission (1995), 'Proposal for a European Parliament and Council Directive amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in the Member States concerning the pursuit of television broadcasting services', OJ C 185, 19/7/1995, p. 4.

[479] Theiler, T. (2001b), *op.cit.*, p. 123.

the UK were in favor of elimination of the content requirements. As a trade-off, the original wording of Articles 4 and 5 were maintained in the amended directive.[480]

Under Article 4(3) of the Directive, Member States must submit a report to the Commission every two years regarding the application of Articles 4 and 5 of the Directive. Then, based on these national reports, the Commission must prepare a summary report, which spotlights the degree to which Member States have complied with the provisions of Articles 4 and 5, for Council review. According to August 2006 Commission report covering the period 2003-2004 for EU-25, despite the slight decrease in the level of programming of European material, scheduling of European works has stabilized in the EU at a level above 60% of total transmission time, well above the threshold of 50% specified by TWF Directive. Furthermore, the average proportion of European works by independent producers also increased on all European channels. Thus, the Commission concluded that the implementation of Articles 4 and 5 was satisfactory considering the inclusion of the data from the ten new Member States and the secondary channels in Europe in method of calculation.[481]

Concerning the cultural aspect of the TWF Directive and Articles 4 and 5 in particular, it must be stated that although the Directive is not principally an instrument of cultural policy, it has a cultural inclination as clarified in the reference to Article 151(4) EC in recital 25 of the 97/36/EC Directive. Psychogiopoulou argues that the European content requirements were created not to promote the construction of a common European cultural identity against American cultural homogenization; rather they "should be viewed as a positive regulatory measure, which gives a Community dimension to national cultural preoccupations, recognising their valuable relevance within a primarily economic and industry-favoring environment."[482]

---

[480] European Parliament and Council (1997c), *op.cit.* See Schlesinger, P.R. (2001), *op.cit.*, pp.100-101.

[481] European Commission (2004b), 'Sixth Communication to the Council and the European Parliament on the application of Articles 4 and 5 of Directive 89/552/EEC "Television without Frontiers", as amended by Directive 97/36/EC, for the period 2001-2002', COM 2004, 524 final.

[482] Psychogiopoulou, E. (2006b), *op.cit.*, p. 238.

In Member States, traditional public service broadcasting had collective identity building function by spreading common cultural values, promoting national identity and providing diversified programming directed toward minorities and domestic cultural communities. However, a free audiovisual space included the risk of invasion of weak media sectors of some Member States by content originating from other Member States having robust audiovisual structures and comparative advantages of language.[483]

Since the Member States lacked the power to formulate their audiovisual policies in line with cultural considerations due to prohibition of national discriminatory measures favoring the promotion of domestic cultural values under the Community law, European content requirements were enacted as a corrective measure to negate loss of cultural diversity arising from "establishment of the single market, by creating propitious conditions for the production and distribution of diversified content that radiates the vast array of interests and tastes exhibited by European societies."[484]

Nevertheless, as demonstrated by the case law of the ECJ, Member States are not allowed to subject broadcasts emanating from other Member States to intensive control even if such broadcasts are claimed to be incompatible with the cultural policies or considerations of the receiving states.[485] On the other hand, the TWF Directive enables Member States to impose stricter linguistic requirements on domestic broadcasters.[486] Thus, the Member States put additional conditions on the TWF Directive in accordance with their domestic cultural policy objectives.

According to an independent study carried out in 2005 on behalf of the European Commission, in Greece 25% of qualifying broadcast time must be allocated for works produced in Greek; France imposes 60% European works quota; in France, Finland and

---

[483] Collins, R. (1994), *op.cit*. See also Psychogiopoulou, E. (2006b), *op.cit.*, p. 238.

[484] Psychogiopoulou, E. (2006b), *op.cit.*, p. 239.

[485] Case C-11/95, *Commission v Belgium*, [1996] ECR I-4115. The Court held that Article 151 "does not in any way authorize the receiving State, by way of derogation from the system established by Directive 89/552,to make programmes emanating from another Member State subject to further controls" (para.50)

[486] Article 3(1) of the TWF Directive.

Austria, public service broadcasters are required to provide support for domestic film production. Six Member States, namely France, Finland, the Netherlands, Italy, Spain and the UK, enforce percentage requirements higher than those in the Directive on broadcasters.[487] The same report stresses that European content requirements provided an increase in the volume of European works and independent productions broadcasted in the EU.[488]

This independent study is part of a reform process in European audiovisual industry launched with the Commission's Fourth Report on the application of Directive which invited all interested parties to submit their opinions regarding the updating of the TWF Directive in public hearings to be hold in 2003.[489] This modernization of the audiovisual industry was necessitated by the so-called second major revolution arising from the convergence of technologies and services, expansion of fixed broadband, digital TV and 3G networks, innovations in non-linear service delivery like video on demand, intertwined linear and non-linear services and so forth.[490]

In accordance with the report, two series public hearings were organized in Brussels and interested parties made their written contributions.[491] In its 2003 Communication on the future of European audiovisual regulatory policy, the Commission designed focus groups to discuss revision of the Directive in meetings to be held in 2004-2005.[492] The conclusions of the focus groups were discussed with Member States at seminar in Luxembourg in May

[487] David Graham & Associates Limited (2005), 'Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive on behalf of the Audiovisual, Media and Internet Unit, Directorate-General Information Society and Media, European Commission', available at http://ec.europa.eu/avpolicy/docs/library/studies/finalised/4-5/27-03-finalreport.pdf, pp. 11-12.

[488] Ibid., pp. 14-17, 180-181.

[489] European Commission (2002), *op.cit*.

[490] See http://ec.europa.eu/avpolicy/reg/tvwf/modernisation/index_en.htm.

[491] For entire texts of 150 contributions, see http://ec.europa.eu/avpolicy/reg/tvwf/modernisation/consultation_2003/contributions/index_en.htm.

[492] European Commission (2003c), 'Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Future of European Regulatory Audiovisual Policy', COM 2003, 784 final.

2005.[493] In September 2005, Liverpool Audiovisual Conference was organized under the British Presidency.[494] In the aftermath of these extensive studies and meetings, the Commission submitted a proposal for a new Audiovisual Services Directive in December 2005,[495] the modernized form of the TWF Directive.

Consequently, the new amended and renamed "Audiovisual Media Services Directive" of December 2007 stressed that the Member States "should encourage broadcasters to include an adequate share of co-produced European works or of European works of non-domestic origin"[496] while implementing the provisions of Article 4 of TWF Directive. Thus, the European content requirements are seen as not instruments of supporting merely domestic audiovisual production sectors, but rather of promoting cultural interaction, exchange and tolerance through the roaming of non-national works representing diverse European cultures within the Community. The display of programmes representing non-national European cultures on broadcasts of the Member States is critical given that 94 percent of European television consumption is composed of viewers watching domestic channels and programmes.[497]

4.1.3 MEDIA Programmes

An early co-production scheme which would provide the representation of non-national European productions was not welcomed by the national ministers of culture despite the

[493] See http://ec.europa.eu/avpolicy/reg/tvwf/modernisation/focus_groups/index_en.htm

[494] For speeches and final reports of the working groups at the Liverpool Conference, see http://ec.europa.eu/avpolicy/reg/tvwf/modernisation/liverpool_2005/index_en.htm.

[495] European Commission (2005b), 'Proposal for a Directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities', COM(2005) 646.

[496] European Parliament and Council (2007), Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, OJ L 332, 18/12/2007, p. 27.

[497] Stewart, C. and Laird, J. (1994), *The European Media Industry: Fragmentation and Convergence in Broadcasting and Publishing*, London: Financial Times Business Information, p. 5.

anti-American cultural stance. For instance, in April 1985, the Commission proposed a Council regulation on a "Community aid scheme for non-documentary cinema and television co-productions" with the aim of increasing "the number of mass-audience cinema and television co-productions involving nationals of more than one Member State."[498] Several Member States objected to the Commission's proposal which required the unanimous consent of all member states. Germany put forward that it was costly under the influence of Länder fears about losing their constitutional powers in culture and broadcasting. The Danish government argued that the proposal exceeded the cultural policy limits of the Treaties of Rome and similarly the Thatcher government, sceptical of anti-American rhetoric and European identity, refused the Community intervention in this area.[499]

After the Commission's submission to the Council of a communication for an "Action programme for the European audio-visual media products industry"[500] in 1986, MEDIA ("Measures for Encouraging the Development of an Industry of Audiovisual") programme was approved by the Council and since 1991 renewed multiannually, the last being MEDIA 2007 (2007-2013). The objective of MEDIA programme is to support the circulation of national audiovisual productions inside and outside the Community and to strengthen "efforts, including cooperation, to develop Europe's audiovisual capacity ... so as to provide an opportunity of demonstrating the richness and diversity of European culture."[501] Collins argues that the MEDIA programmes were launched by the EC as a compensatory mechanism to counterbalance the implications of the single market in audiovisual sector and ensuing decline in diversity of a common market in broadcasting and to foster cultural pluralism.[502]

---

[498] European Commission (1985b), 'Proposal for a Council regulation (EEC) on a Community aid scheme for non-documentary cinema and television co-productions', COM 85, 174 final.

[499] Theiler, T. (2001b), *op.cit.*, pp. 125-126. See also Theiler, T. (2005), *op.cit.*, pp. 100-101.

[500] See European Commission (1986a), *op.cit*.

[501] Council (1990), 'Council Decision 90/685/EEC of 21 December 1990 Concerning the Implementation of an Action Programme to promote the Development of the European Audiovisual Industry (Media, 1991 to 1995)', OJ L 380, 1/12/1990, p. 37.

[502] Collins, R. (1992-1993), *op.cit.*, p. 373. See also Collins, R. (1994), *op.cit*.

The MEDIA programmes provide support for processes of distribution, production, promotion, festivals, training, new technologies and exhibition. Since 2003, MEDIA has been promoting the participation of European films and professionals at major international film festivals and trade fairs such as MIP-TV, MIPCOM (Cannes), the Cannes Film Festival, Berlin Film Festival.[503]

Both the Commission and the Parliament employed a cultural discourse as regards MEDIA and assumed that watching the same films and programmes would create communal feelings among Europeans and promote dialogue between European cultures. However, gradually their cultural discourse shifted from the theme of unity to diversity. To illustrate, with respect to the MEDIA 2007 programme, the Commission Communication of 9 March 2004 referred to "the need for the acquisition of skills for the creation of films and other audiovisual works with a European dimension, together with the need to address an insufficient circulation of non-national audiovisual works within the European Union."[504] In line with the Communication, the MEDIA 2007 programme purposes to "preserve and enhance European cultural and linguistic diversity and its cinematographic and audiovisual heritage, guarantee its accessibility to the public and promote intercultural dialogue" and refers to the role of European audiovisual industry in the emergence of European citizenship by transporting shared basic social and cultural values of the EU to Europeans.[505] Nevertheless, it has been noted that MEDIA has little impact on overall policy and constitutes efforts to produce a specific genre, not mass culture.[506]

---

[503] See more information available at http://ec.europa.eu/information_society/media/index_en.htm.

[504] See European Commission (2004a), *op.cit.*, p. 14.

[505] European Parliament and Council (2006b), 'Decision No. 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007)', OJ L 327, 24/11/2006, p. 12.

[506] See Bourdon, J. (2007), *op.cit.*, p. 271. Regarding the shortcomings of MEDIA programmes, Holmes states that the amount of finance provided under the MEDIA programmes is insignificant when compared to subsidies to television and film production at the national level or Community initiatives of research and development in audiovisual equipment. Besides, despite the provision on incentive measures in audiovisual sector under Article 151 EC, the MEDIA II programme and subsequent MEDIA programmes have been based on Articles 157 (ex 130) and 150 (ex 127) which degrade the importance attached to the content of productions and reflect the absence of political consensus regarding the funding of cultural production at the European level. See Holmes, J. (2004), *op.cit.*, pp. 197-198.

4.2 Education

Education has been considered by European bureaucratic elites as one of the most efficient ways to reinforce the feeling of European identity and to further European cultural integration. EU educational policy promotes academic mobility in the union and enables European citizens to get acquainted with the cultural attributes of other European societies. It is believed that education would contribute to the development of mutual understanding between European peoples and societies and increase support for European integration.

This section argues that well before the inclusion of Article 149 (ex-Article 126) in 1992 Maastricht Treaty, the founding fathers of the Community had recognized the importance of education in the creation of European identity and consciousness and manifested such recognition in their statements and actions though these did not challenge the relevant legal competences. European dimension began to be injected formally to the Community educational policy in the 1970s. Currently, European dimension and linguistic and cultural diversity form the cornerstones of EC educational policy. This argument will be elaborated in three parts: first, early educational initiatives in the Community, second, the introduction of European dimension in education and the legal basis of Community competence in educational area and finally, the educational programmes of the Community with a multi-cultural and multi-linguistic dimension.

4.2.1 Early initiatives toward the development of European identity

As argued by Isabelle Petit, despite the lack of an explicit provision on education in the founding treaties, the union's pioneers and the Commission, until the incorporation of Article 149 into the Treaty of Maastricht in 1992, had not remain stationary regarding the socialization of the European peoples to the new European architecture and the instilling in them a feeling of belonging to the Community.[507] Jean Monnet, in his memoirs, had talked about informing the public, "adjusting minds" for the true realization of the Community.[508]

[507] Petit, I. (2006), 'Dispelling a Myth? The Fathers of Europe and the Construction of a Euro-Identity', *European Law Journal*, Vol. 12, No. 5, pp. 661-679.

[508] Monnet, J. (1976), *Mémoires*, Paris: Fayart, p. 506. Quoted in ibid. p. 664.

This would be realized through education. In a similar vein, Robert Schuman had also referred to the evolution of European thinking and the detoxification of history books as an urgent necessity.[509]

The founding fathers, not only through their statements, but also their activities, pointed to the importance of education in creating a sense of belongingness among European nationals and raising their awareness of European integration. To illustrate, Jean Monnet set up the Action Committee for the United States of Europe Documentation Centre in 1957, a European Community Institute for University Studies Association in 1958, the Institute of European Historical Research in 1963, all of which were crucial for studying European integration. Robert Schuman took an active part in the 1954 foundation of the European Cultural Foundation that aimed at nurturing "feelings of mutual understanding ... between the European nations through cultural and educational activities."[510]

Furthermore, the European Commission did not await Article 149 EC to intervene in education and in the 1950s and 1960s, it began to take and support initiatives in primary and secondary education in addition to higher and post-graduate education. As regards the latter, the Commission initiatives can be counted as supporting studies on European integration, EC law, creation of higher education institutions with European orientation, particularly European University Institute established in 1972 in Florence and the Bruges College of Europe which have close ties with the Community. Concerning primary and secondary education, the Commission participated in forums targeting the expansion of courses on European society and culture or Europenization of the course contents. It also supported initiatives like "Europe in the schools" competition aiming at enabling children to discover and understand the European dimension in the values and destiny shared by young Europeans. The winners of this competition gained the right to a study tour to six Community states which would provide them with the opportunity, in Jean Monnet's words, "to see for themselves the geographic variety and harmony of Western Europe and, through visits to cities and monuments, to learn about the long cultural and artistic heritage

[509] Schuman, R. (1964), *Pour l'Europe*, Paris: Nagel, p. 47. Quoted in ibid., p. 665.

[510] Obaton, V. (1997), *La promotion de l'identité culturelle européenne depuis 1946,* Genève: Institut européen de l'Université de Genève, p.112. Quoted in ibid., p. 667.

uniting their people."[511] The Commission also supported European schools at the levels of primary and secondary education.[512]

4.2.2 European dimension in Education and Educational Competence of the EC/EU

According to Article 149(1) EC:

> The Community shall contribute to the development of quality education by encouraging cooperation between the Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

Article 149 EC charges the Community with "developing the European dimension in education, particularly through the teaching and dissemination of the languages of the member states" subject to the principle of subsidiarity. Both Articles 149(1) and Article 150(1) indicate that the content and organization of education and vocational training are within the Member States' sphere of responsibility. Articles 149(4) and 150(4) forbid any harmonization of the legislations of the Member States in educational area. Also according to a Council Resolution of 1995, it is the responsibility of the Member States to decide the content and organization of education systems and their cultural and linguistic diversity.[513]

Indeed, education is a sensitive field, where national traditions are still effective.[514] Member States intend to retain their sovereignty when configuring the institutional framework for education particularly in sensitive issues such as national history writing or changes in university as they are intimately related to national and sub-national identities.[515] Nonetheless, such recognition of member state sovereignty in education must not lead to the conclusion that national measures on education have not been challenged

[511] Petit, I. (2006), *op.cit.*, pp. 668-672.

[512] Petit, I. (2006), *op.cit.*, pp. 673-674.

[513] See Council (1995c), 'Council Resolution of 31 March 1995 on improving and diversifying language learning and teaching within the education systems of the European Union', OJ C 207, 12/8/1995, p. 1.

[514] McMahon, J.A. (1995), *op.cit.*

[515] Olsen, J.P. (2002), *op.cit.*, pp. 931-932.

before the ECJ due to their incompatibility with the use of the right of free movement in the union. On the other hand, this section mainly aims at explaining the introduction of European dimension in education by the Community and related limitations; therefore it will dwell upon neither the details about the ECJ case law on education, nor the whole development of Community education policy.[516]

Article 149(2) EC confirms that one of the objectives of the Community is to develop the European dimension in education through certain activities.[517] However, long before the adoption of the Maastricht Treaty, European dimension in education had been acknowledged officially.

The 1973 Commission's Report for a Community Policy on Education, known as Janne Report, formulated the first principles of an education policy at Community level. The report explicitly stated that "[t]he Europeans' feeling of political, social and cultural belonging can no longer be exclusively national if a part of the attributes of the nation-state has been tested in the Community."[518] The report also mentioned the introduction of European dimension in education and noted that education must be used in order that European peoples know each other better and more accurately with the disappearance of stereotypes and prejudices. This would be achieved through actions such as incorporating illustrations and examples that raise knowledge of Europe and European peoples into

[516] The original Treaty of Rome contained few references to education and the first action in education has not been taken until the adoption of a Council resolution of 1971. See Council (1971), 'Resolution of the Ministers of Education of 1971', Bulletin of the EC, Supplement 1/70. Then, Community educational policy began to develop.

[517] Article 149(2) EC states:
Community action shall be aimed at:

- developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States,
- encouraging mobility of students and teachers, by encouraging inter alia, the academic recognition of diplomas and periods of study,
- promoting cooperation between educational establishments,
- developing exchanges of information and experience on issues common to the education systems of the Member States,
- encouraging the development of youth exchanges and of exchanges of socioeducational instructors,
- encouraging the development of distance education.

[518] Janne, H. (1973), 'For a Community Policy on Education', Bulletin of the EC, Supplement 10/73.

teaching practices and reading texts, erasing or amending nationalistic or biased elements in history textbooks, linguistic teaching with a focus on shared structures of European languages, or progressive teaching of European civics.[519]

Despite the fact that the Janne Report was advisory, it was significant because of its timing. The release of the report coincided with the "Declaration on European Identity" of 1973. It was an opportunity for the Commission to turn the Member States' verbal commitments into concrete steps. Then, the Commission itself was being restructured as a new Directorate for Education and Training was formed within the new Directorate-General for Research, Science and Education (DG XIII) which was to be headed by the then German Commissioner Ralf Dahrendorf, enthusiastic for turning the content of the Janne report into tangible policy initiatives. After the assignment of Dahrendorf, the Commission issued a draft resolution for "Cooperation in the field of education" which included the Janne report's recommendations related to "European dimension." However, the resolution failed to be adopted by the Member States which referred the matter to a newly formed "education committee" consisting of Commission representatives and national education ministries. The committee passed an action programme which lagged behind the initial proposals on European dimension and did not include the introduction of "European content" into national school curricula. [520]

In 1985, the Adonnino Report on a People's Europe and the Commission White Paper on the Completion of the Internal Market defined, respectively, education as one of the promoters of European integration and the medium of improving the social dimension of the Community. Commission's White Paper stated that cooperation programmes between educational establishments would help "young people, in whose hands the future of the Community's economy lies, to think in European terms."[521]

---

[519] Ibid., pp. 51-52.

[520] See Theiler, T. (2005), *op.cit.*, pp. 115-116.

[521] See European Commission (1985a), 'Completing the Internal Market: White Paper from the Commission to the European Council (Milan, 28-29 June 1985)', COM 85, 310 final, p. 26.

In 1988, the Resolution of the Council acknowledged the European dimension to education contributing to the "ever closer union" among the peoples of Europe and to the consciousness of the European identity among young people, through improving their knowledge of the Community and the Member States.[522] Accordingly, the Member States were required, "*within the limits of their own specific educational policies and structures*," to incorporate European dimension in their education systems, school programmes, teaching materials and teacher training and to enable pupils and teachers to experience European integration and life realities in other Member States through exchanges, meetings and contacts across boundaries .

In a resolution of 1992, the Council emphasized that in developing the European dimension, higher education must "offer access to the rich diversity of European culture and languages while maintaining common European values."[523] It is possible to read the paradigm of unity in diversity in this statement. Instead of carrying out a language unification policy in a way resembling to nation-building, the Community encouraged linguistic diversity that would address the heterogeneous European society.

Linguistic diversity was recognized as an essential element of education in Article 149 EC. In fact, the Community education policy has been shaped by the desire to create a stronger Community through the encouragement of linguistic diversity. Language education and dissemination have been considered as indispensable to the exercise of the free movement right by the European citizens and to the proper functioning of the single market. Multilingualism would increase communication in the union, which would enable European peoples to understand each other better and develop solidarity between them.

[522] See Council (1988a), 'Resolution of the Council and the Ministers of Education Meeting within the Council of 24 May 1988 on the European dimension in Education', OJ C 177, 6/7/1988, p. 5.

[523] See Council (1992a), 'Conclusions of the Council and of the Ministers of Education Meeting within the Council of 27 November 1992 on measures for developing the European dimension in higher education', OJ C 336, 19/12/1992, p. 4.

The first linguistic educational measure taken at the EC level was a Council Directive of 1977.[524] According to the Directive, Member States are responsible for organizing special language education for the children of migrant workers from other Member States and facilitating their integration by teaching the/an official language of the host state. Article 3 of the Directive also envisaged that the host state should encourage teaching of the culture and language of the country of origin. This would improve the linguistic skills of the children of European migrant workers and thereby increase the mobility of their parents.[525]

Nonetheless, the most significant initiatives with respect to linguistic and cultural diversity combined with European dimension in education, the basis of EC educational policy, have been taken under the Community action programmes that aim at increasing tolerance towards other European countries and cultures by promoting knowledge of them, and making European citizens aware of the fact that they share a multi-cultural European environment.

4.2.3 Educational Programmes and Cultural Integration

Socrates, the principal Community educational action programme, was adopted in 1995 under Articles 149 and 150 EC with a view to enrich "the European dimension in education at all levels so as to strengthen the spirit of European citizenship, drawing on the cultural heritage of each Member State" and to foster "a quantitative and qualitative improvement of the knowledge of the languages of the European Union ... leading to greater understanding and solidarity between the peoples of the European Union."[526]

[524] Council (1977), 'Council Directive of 25 July 1977 on the education of the children of migrant workers (77/486/EEC)', OJ L 199, 06/08/1977, p. 32.

[525] See De Witte, B. (1993a), *op.cit.*, p. 168.

[526] See European Parliament and Council (1995), 'Decision 819/95/EC of the European Parliament and of the Council of 14 March 1995 establishing the Community action programme 'Socrates'', OJ L 87, 20/4/1995, p. 10, Article 3.

The underpinning of Socrates is life-long education and training as recognized by the extraordinary Luxembourg European Council on employment.[527] Socrates, involving 30 countries including Turkey,[528] stresses "the multi-cultural character of Europe as one of the cornerstones of active citizenship"[529] and seeks to create a "Europe of knowledge,"[530] to promote language learning and to encourage innovation and mobility. The second phase of Socrates was carried out during 2000-2007 and substantial support was provided to the projects within the scope of thematic actions Comenius, Erasmus, Grundtvig, Lingua and Minerva.[531] The Decision of the European Parliament and the Council establishing lifelong learning programme allocated EUR 6 970 000 000 to these programmes for the period of 2007-2013 and made some amendments.[532] Accordingly, Comenius, Erasmus and Grundtvig remained under lifelong learning, Leonardo was brought under the scope of lifelong learning and Jean Monnet action was transformed into a programme.

The Comenius programme aims at developing understandings of and between diverse European cultures and cultivating the notion of active European citizenship through enhancement of European dimension, improvement of the quality of education, exchanges and cooperation between schools in different countries, foreign language learning and development of use of ICT and pedagogical approaches.[533]

---

[527] European Council (1997), 'Presidency Conclusions, Luxembourg European Council, 12-13 December 1997'.

[528] The Memorandum of Understanding on Turkey's participation in the Socrates, Leonardo da Vinci and Youth programmes was signed by the Commission and Turkey on 15 April 2004 and entered into force on 8 May 2004.

[529] See http://ec.europa.eu/education/programmes/socrates/shorten.pdf, p.3.

[530] European Commission (1997), 'Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Towards a Europe of Knowledge', COM 1997, 653 final.

[531] In fact, Socrates comprises eight actions totally. The other three are observation and innovation of education systems and policies; joint actions with other European programmes; and supplementary measures.

[532] See European Parliament and Council (2006c), 'Decision No. 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning', OJ L 327, 24/11/2006, p. 54.

[533] Ibid., p. 55.

Projects funded under the Comenius programme might be about learning the national history, culture, heritage, identity, customs, and language of another country through intercultural dialogue[534] or art works; enabling the pupils and community living in an isolated rural area to meet their European neighbors and enlarge their horizons through inter-cultural educational activities;[535] enhancement of regional identity and active citizenship;[536] fight against racism and xenophobia via inter-cultural education and multimedia;[537] and acquisition of a common cultural strategy leading to acceptance and reflection on European identity.[538]

Erasmus, encouraging student and teacher mobility, is the first major Community programme in the field of higher education. Since its launch in 1987, more than 1.5 million students benefited from the scheme in other European universities, almost all of which are involved in Erasmus.[539] Some scholars question the positive effects of Erasmus on the strengthening of European identity and argue that such contact through exchanges only increases sympathy towards the country of Erasmus partner institution. Others suggest that this number is not ignorable given its importance in eradicating stereotypes through intense contact not only with the nationals of the country of the host Erasmus partner university but also other Europeans coming from other partner universities including those in non-EU states.

---

[534] See Comenius Project entitled 'A la Rencontre de Nouvelles Cultures', available at http://www.europe-education-formation.fr/comenius-fiche-projet.php?projet_id=439.

[535] See Comenius Project entitled 'Connaître nos voisins européens à travers les jeux', available at http://www.europe-education-formation.fr/docs/Comenius/Comenius-FR.doc.

[536] See Comenius Project entitled 'RIAC – Regional Identity and Active Citizenship', available at http://www.isoc.siu.no.

[537] See Comenius Project entitled 'Community - Diversity - Communication Building Bridges in the Multicultural European Classroom', available at http://www.isoc.siu.no.

[538] See Comenius Project entitled 'European Borders and Limits; Values – Necessities?', available at http://www.vkg.werro.ee/comenius/en/

[539] European Commission (2007b), 'Gateway to Education: Socrates European Community Action Programme in the field of Education (2000-2006)', available at http://ec.europa.eu/education/programmes/socrates/generalen.pdf, p. 9. See also http://ec.europa.eu/education/news/erasmus20_en.html.

Gruntvig operates in the field of adult education. The subjects of projects financed under the Gruntvig programme include, for instance, the promotion of intercultural awareness and active European citizenship through foreign language learning,[540] or through international voluntary service,[541] further integration of immigrants,[542] or empowering women to active European citizenship by developing curricula on European politics and policies.[543]

The Lingua Programme,[544] a multiannual scheme created by the EC in 1989, aimed at increasing the quality of language teaching and learning, promoting lifelong learning and encouraging and supporting linguistic diversity throughout the community by providing the mobility of students and teachers to get foreign language education. The actions under Lingua sought to amalgamate language-learning methodologies with raising awareness of cultural and linguistic diversity.[545] Besides, some projects targeted the promotion of European citizenship through language learning[546] or arousing an interest in learning a foreign language.[547]

---

[540] See Grundtvig Project entitled 'Practice makes Perfect: Promoting European Citizenship through Language', available at http://ec.europa.eu/dgs/education_culture/publ/pdf/grundtvig/success-stories_en.pdf, p. 13.

[541] See Grundtvig Project entitled 'Still Active! Performing Voluntary Service After 55 Years Old A (Survival) Training Scheme', available at http://ec.europa.eu/dgs/education_culture/publ/pdf/grundtvig/success-stories_en.pdf, p. 6.

[542] See Grundtvig Project entitled 'Immigrant Pathways', available at http://ec.europa.eu/dgs/education_culture/publ/pdf/grundtvig/success-stories_en.pdf, p. 17.

[543] See Grundtvig Project entitled 'Empowering women to Active European Citizenship', available at http://www.isoc.siu.no.

[544] Council (1989a), 'Council Decision 89/489/EEC of 28 July 1989 establishing an action programme to promote foreign language competence in the European Community (Lingua)', OJ L 239, 16/8/1989, p.24. The eighth indent of the Decision states that "greater foreign language competence will ... enhance understanding and solidarity between the peoples which go to make up the Community, while preserving the linguistic diversity and cultural wealth of Europe."

[545] See Lingua Project entitled 'Fasten Seat-Belts to the World', available at http://ec.europa.eu/education/programmes/socrates/lingua/community/community15.pdf. See also the project entitled 'Fairy Tales Before Take-Off' at 1.

[546] See Lingua Project entitled 'Learning by Moving', available at http://ec.europa.eu/education/programmes/socrates/lingua/community/community15.pdf, p. 5.

[547] See Lingua Projects entitled 'Taste the Language' and 'Language Festivals', available at http://ec.europa.eu/education/programmes/socrates/lingua/community/community15.pdf, pp. 1, 6.

Minerva is directed towards open and distance learning via ICT. For example, the theme of a Minerva project was European citizenship and European identity which would be promoted through teleconferencing between five schools in the UK, Greece, Denmark and Netherlands and thereby presentation of drawings, videos and legends of the related countries to each other.[548]

Leonardo[549] focuses on vocational education and training under Article 150 EC. Having been initiated in 1995, it is now in the third phase. The financed projects include themes such as vocational language training in specific sectors to provide employment mobility,[550] multilingual and intercultural communication to facilitate mobility and integration of young graduates,[551] or use of advanced methodologies and self-assessment materials to increase language competencies of those people participating in international peacekeeping operations.[552]

Jean Monnet Action, launched in 1990, was turned into a Programme under the lifelong learning programme. Its objective is to support European Integration Studies in higher education institutions in 60 countries through Jean Monnet Chairs, Centres of Excellence, teaching modules, multilateral research groups and so forth. Jean Monnet programme contributed to increased knowledge of subjects like European constitutional law, various publications on European integration or taught modules on European identity. [553]

---

[548] See Minerva Project entitled 'Telelearn – Lessons in Primary Schools across Europe through Telematics Services', available at http://www.isoc.siu.no.

[549] Council (1994), 'Council Decision 94/819/EC of 6 December 1994 establishing an action programme for the implementation of a European Community vocational training policy', OJ L 340, 29/12/1994, p.8.

[550] See Leonardo Project entitled 'Elpvoll – European Language Portfolio: Promoting a Lifetime of Vocationally Oriented Language Learning', available at http://leonardo.cec.eu.int/pdb.

[551] See Leonardo Project entitled 'Leonardo's Multilingual Engineers Project- Multicultural communication in Europe', available at http://leonardo.cec.eu.int/pdb.

[552] See Leonardo Project entitled 'Linguapeace – Language Audit, ESP Self-Learning Programme and Multilingual Glossary for Peacekeeping Operations', available at http://leonardo.cec.eu.int/pdb.

[553] European Commission (2007c), 'Jean Monnet Success Stories: Europe for Lifelong Learning', Luxembourg: Office for Official Publications of the European Communities, available at http://ec.europa.eu/dgs/education_culture/publ/pdf/monnet/success-stories_en.pdf.

Clearly, the Community educational and vocational training policies and programmes have an important cultural aspect. The inclusion of European dimension, active European citizenship, European identity, intercultural dialogue, foreign language learning, mobility of cultural practitioners, respect for minority cultures, eradication of racism and xenophobia into the themes of Community activities demonstrate that such policies and programmes are not only directed towards an advanced knowledge-based economy and increased mobility and employment in the union, but also have important inclinations of and implications for European cultural integration.

However, that does not mean that the Community educational activities and programmes are not limited regarding the advancement of cultural integration. For instance, the drafting of Erasmus and Lingua programmes were subject to many controversies, difficulties related to funding or legal basis. They received less funding than originally envisaged. The Member States played a significant role in their implementation and European identity has not much diffused into school curricula except Lingua to a certain extent.[554]

4.3 Language

> La langue, pour sa part, n'est pas seulement un moyen de communication, mais elle a aussi une function symbolique, reflétant la culture, le mode de pensée, voire l'identité individuelle et nationale.[555]

Kedourie notes that "language is the means through which a man becomes conscious of his personality. Language is not only a vehicle for rational propositions, it is the outer expression of an inner experience, the outcome of a particular history, the legacy of a distinctive tradition."[556] In fact, language is a significant aspect of not only personal, but also group identity. According to the Greeks of Antiquity, non-Greek speaking people made noises scornfully described as "bar-bar" and therefore mocked as "barbarians."[557]

---

[554] See Theiler, T. (2005), *op.cit.*, p. 120.

[555] Schübel-Pfister, I. (2005), 'Enjeux et Perspectives du Multilinguisme Dans L'Union Européenne: Après L'Élargissement, La "Babélisation"?', *Revue du Marché Commun et de l'Union européenne*, No. 488, May 2005, p. 325.

[556] Kedourie, E. (1966), *Nationalism*, London: Hutchinson, p. 62.

[557] Sparkes, B.A. (ed.) (1998), *Greek Civilization: An Introduction*, Oxford: Blackwell, p. 65 cited in Creech, R.L. (2005), *Law and Language in the European Union: The Paradox of a Babel 'United in Diversity'*, Groningen: Europa Law Publishing, p. 12.

In addition to the individual and group levels of identity, language is also an important element of national identity to such an extent that states sharing the same official language can make linguistic differences an issue of political identity.[558] Lepsius states that "native language is the immediately accessible medium of information and communication from which cognitive and emotive symbols of identification arise."[559]

Just as language is an important element of national identity,[560] multilingualism and linguistic diversity have been at the centre of European identity and Community language policies. Multilingualism is seen as a means of intercultural communication and cultural integration during study and work in another member state. It is also deemed as the tool of employment in other Member States and advanced use of the right to free movement in the EU.[561] The Community law ensures that language policies of the Member States do not constitute an obstacle to free movement within the union or put nationals or residents of a member state in a disadvantageous position when compared to the nationals or residents of other Member States.

Currently, the number of the EU Member States is 27 whereas the number of the official languages of the EU is 23.[562] The EU legislation is issued in all official languages and all

---

[558] For instance, Austria incorporated a list of 23 articles into the protocol of EU accession. This list gives the Austrian equivalents of the words in German language. Accordingly, if an EU document in German refers to one of these articles, it has to give the word pair, i.e. Kartoffel-Erdapfel (that means potato in Germany and Austria respectively). See Neumann, I.B. (1998), *op.cit.*, pp. 6-7.

[559] Lepsius, M.R. (2001), *op.cit.*, p. 218.

[560] French language is an essential element of French national identity. French Toubon Law enacted in 1994 mandates the use of French in many public service and economic activities. See Loi du 4 août 1994 relative à l'emploi de la langue française in Journal Officiel de la République française of 5 August 1994, p 11392. For the clash between Toubon Law and the Community principle of free movement, see Feld, S.A. (1998), 'Language and the Globalization of the Economic Market: The Regulation of Language as a Barrier to Free Trade', *Vanderbilt Journal of Transnational Law*, Vol. 31, No. 1, pp. 153-202.

[561] European Commission (2007d), 'Report on the implementation of the Action Plan 'Promoting Language Learning and Linguistic Diversity'', COM 2007, 554 final, p. 3.

[562] See http://ec.europa.eu/education/policies/lang/languages/index_en.html for the list of these 23 official languages. As such official languages as English, German and Dutch are national languages of more than one EU member state, the number of the official languages is less than the actual number of member states.

versions must be "equally authentic" in accordance with Article 314 EC (ex-Article 248). However, sometimes the terms used in legal texts might have different connotations in different languages. According to the ECJ, in case of a divergence between different versions, the provision in question must "be interpreted by reference to the purpose and general scheme of the rules of which it forms part."[563] This implies that the ECJ does not give precedence to any language and rather adopts a multilingual and supranational approach.[564]

Nonetheless, there are both juridical and practical problems arising from multilingualism in the Community. The rising number of official languages with the enlargement brought problems of finance and interpretation to the fore.[565] Thus, for practical reasons, not all official languages are working languages of the EU institutions. Despite the limitation of the number of languages used in internal administration, officially all languages have an equal status and the Community rigorously pursues the "policy of official multilingualism as a deliberate tool of government" aiming at making the Community "more transparent, more legitimate and more efficient."[566]

This section will analyze the embodiment of linguistic diversity and language learning in Community language policy and the relevance of language for strengthening European identity. It is argued that the Community policies of linguistic diversity and multilingualism, addressing the heterogeneous European society, constitute an important element of European identity and have been carried out despite its shortcomings such as translation problems or underrating of regional and minority languages. The section examines firstly the Community policy of linguistic diversity by referring to several policy

[563] Case C-30/77 Regina v Bouchereau [1977] ECR 1999, paragraph 14. XX

[564] Vaičiukaitė, J. and Klimas, T. (2005), 'Interpretation of European Union Multilingual Law', *International Journal of Baltic Law*, Vol. 2, No. 3, pp. 9-10.

[565] Regarding the difficulties of interpretation, it has been noted that English is an ambiguous language that is hard to interpret. Another problem is the arrangement of meetings in premises without sufficient place for interpreters, who work via video connection called tele-interpreting, a situation which makes interpreters unable to analyze the body language and expressions of the speakers. See Agence Europe, 13/01/2006, Brussels.

[566] See Europa Languages Portal: http://europa.eu/languages/en/home.

documents, and secondly multilingualism in the internal administration of the Community institutions.

4.3.1 Policy of Linguistic Diversity

Linguistic diversity and language learning are considered by the EU bureaucratic elites as a means of promoting intercultural communication and mobility in the EU, enabling European citizens to work or study in another member state, and facilitating the integration of immigrants as confirmed by the adoption of the European Parliament of a report on the promotion of language learning for integration of immigrants and provision of linguistic diversity.[567]

According to a recent Barometer survey, not only the elites, but also 83% of the European citizens believe in the importance of speaking a language other than their native languages.[568] Again recently, a Eurobarometer survey revealed that 56% of the 30,000 respondents were able to speak a foreign language, about one third could speak two foreign languages and 11% could speak three foreign languages.[569]

Linguistic diversity is enshrined in the European Treaties, the Charter of Fundamental Rights of the European Union, and innumerable policy documents. As mentioned before, Article 149 of the Maastricht Treaty stipulates that the Community competence in education must respect for the "cultural and linguistic diversity" of the Member States, despite the fact that it is not clear whether this sort of diversity refers to inter-member state diversity or both intra- and inter- Member State diversity. The second standpoint is in conformity with Article 151 EC stipulating that the Community shall respect the Member States' national and regional diversity.[570]

---

[567] Agence Europe, 18/10/2005, Brussels.

[568] The survey is carried out in November and December 2005 on a sample of 29,000 from 25 Member States as well as Turkey, Bulgaria, Romania and Crotia. See Agence Europe, 21/02/2006, Brussels.

[569] Special Barometer 243, "Europeans and their Languages" February 2006.

[570] De Witte, B. (2004), 'Language Law of the European Union: Protecting or Eroding Linguistic Diversity?', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press, p. 206.

In addition, Article 22 of the Charter of Fundamental Rights of the European Union, adopted in 2000, affirmed that the Union shall respect linguistic diversity and Article 21 prohibits discrimination on several grounds including language. The 2001 Laeken Declaration also made an implicit reference to the polyglot nature of the EU. The Declaration defined Europe as "the continent ... of liberty, solidarity and above all diversity, meaning respect for others' languages, cultures and traditions."[571]

There have been criticisms that although linguistic diversity constitutes the cornerstone of Community language policy and there are 23 official EU languages in the aftermath of 2004 enlargement, there are many citizens who speak languages that are not official in any member state, e.g. Catalan. European citizens whose native languages are regional and minority languages cannot use them with EU officials. The European Parliament persists on greater recognition of regional and minority languages and carries out its sessions in all Regulation languages (official or national languages of the Member States). Its ambitious stance over minority and regional languages is reflected in its 2003 initiative report inviting the Commission to better accommodate regional and lesser-used languages in the context of cultural diversity and enlargement.[572] On the other hand, the Council is less ambitious, reflecting the considerations of national governments.

This difference between the two institutions was apparent in a 1997 disagreement between the European Council and the Parliament, referred to the ECJ, over the economic or cultural basis of the linguistic diversity programmes.[573] The case concerned a Council decision "on the adoption of a multiannual programme to promote the linguistic diversity

---

[571] European Council (2001), 'Laeken Declaration of 15 December 2001 on the future of the European Union', Annex I to the Presidency Conclusions – Laeken, 14-15 December 2001, p. 21.

[572] European Parliament (2003), 'Report with recommendations to the Commission on European regional and lesser-used languages – the languages of minorities in the EU – in the context of enlargement and cultural diversity', A5-0271/2003 final of 14/7/2003.

[573] Case C-42/97, *Parliament v. Council,* 1999 ECR I-869. In it judgment, the ECJ held that "[t]he object of the programme, namely the promotion of linguistic diversity, is seen as an element of an essentially economic nature and incidentally as a vehicle for or element of culture as such" and therefore based only on Article 130 entitling the Council to ensure the competitiveness of the Community industry. However, this should not overshadow or be taken as the denial of the cultural dimension of the Community's linguistic diversity policy, explicit, for instance, in the Lingua programme launched in 1989 and the educational actions adopted afterwards.

of the Community in the information society" which stated that "the advent of the information society" can offer citizens of Europe "an outstanding opportunity for access to the cultural and linguistic wealth and diversity of Europe."[574] In this context, Creech notes that the rhetoric on linguistic diversity has been predominated by multilingualism, cultural distinctiveness and humanistic values, but related programmes stress the economic advantages of learning a foreign language, notably English, French and German.[575]

Linguistic diversity through language learning has been consolidated by several Community policy documents and measures. In 1995, the Council passed a resolution that called for the improvement and diversification of the teaching and practice of languages of the union which would provide citizens' "access to the cultural wealth rooted in the linguistic diversity of the Union."[576] Besides, under a joint project, the EU and the Council of Europe, designated 2001 as the European Year of Languages highlighting language learning and diversity.[577]

In the previous section, the dimension of linguistic diversity in education was examined. Accordingly, the Community realized that eradication of linguistic barriers through language learning would strengthen mutual understanding, intercultural dialogue and facilitate integration of immigrants to the Community. In practice, a Community directive dated 1977 envisaged the organization of language education for the children of immigrants and various Community educational programmes sought to foster linguistic diversity. However, just as the aforementioned 1995 Council Resolution, which reconfirmed the equal status of the languages of the union without applying to the Community regulation languages, the programmes were criticized for having limitations.

---

[574] Council (1996), '96/664/EC: Council Decision of 21 November 1996 on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society', OJ L 306, 28/11/1996, p. 40.

[575] Creech, R.L. (2005), *op.cit.*, p. 51.

[576] Council (1995c), *op.cit*.

[577] See http://ec.europa.eu/education/policies/lang/awareness/year2001_en.html.

The most prominent education programme concerning language teaching and learning as well as linguistic diversity is the Lingua Programme criticized by De Witte for being limited to the teaching of the official languages including Irish and Letzebuergesch – spoken by a few hundred thousand people – but Catalan spoken by 8-10 million people. [578] For de Witte, the exclusion of unofficial languages from the Lingua Programme revealed that "the Community's professed commitment to linguistic diversity is selective, and does not extend all along the line."[579]

Indeed, the regional and minority languages were not totally ignored in the Community educational policies. For instance, under the Erasmus programme, the EU decided to give grants for masters-level programmes that provide for the "use of at least two European languages spoken in the Member States where" the partner Erasmus institutions are located.[580] This provision was interpreted by a MEP as excluding the use of Catalan and referred to the Commission in the form of a written question. In its answer, the Commission stated that the provision "does not refer to 'official' Union but rather 'European' languages and does not prejudge - or exclude – the use of any particular language as the language of instruction."[581]

Nevertheless, it must be stated that the major beneficiaries of the educational programmes are the regulation languages. In this context, Lingua was acknowledged to have certain deficiencies. The EU Socrates Evaluation Report of 2000 noted that the programme "aimed to prioritise the less widely used and lesser taught languages (LWULT) but the most common target languages were firstly English with French in second position, followed by German" because "the less taught languages ... are not taught and therefore not a priority when approving requests for a grant."[582] This is remarkable given that the scope of Lingua

[578] De Witte, B. (1993a), *op.cit.*, p. 169.

[579] De Witte, B. (1993a), *op.cit.*, p. 169.

[580] European Commission (2003a), 'Amended proposal for a Decision of the European Parliament and of the Council establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through co-operation with third countries (Erasmus World) (2004-2008)', COM (2003) 239 final, 2002/0165 (COD).

[581] Answer to Written Question E-1811/03, [2004] CIIE/230.

[582] EU Socrates Evaluation Report (2000), p.226.

extended to cover the languages spoken in the European Economic Area, Norwegian and Icelandic.

The EU has taken small measures to promote unofficial languages. The European Bureau for Lesser-Used Languages established in Dublin in 1982 channels financial support to regional and minority languages but this initiative should not be exaggerated for it rests upon a non-binding decision of the European Parliament and has a modest budget.[583] The EU financed EBLUL under the most important channel of EU support for the protection of regional and minority languages, the budget's Action Line for the Promotion and Safeguard of Minority and Regional Languages and Cultures opened in 1983, which was suppressed in 2001.[584]

In addition to EBLUL, the EU has supported Mercator, a network composed of three research and documentation centers, aiming at providing information on minority languages and linguistic communities.[585] In 2000, the EU co-funded projects for regional and minority languages and cultures covered the promotion of, for example, Sorbian, Frisian, Walser, Ladin, Catalan, Breton, Corsican, Occitan, Basque or Alsatian.[586] A report produced in 1996 by Euromosaic, commissioned by the EU, expressed pessimism regarding the situation of regional and minority languages such as Mirandese, spoken by almost 10,000 people in Portugal, Occitan and Breton – the latter case being the result of French monolingualism policy.[587]

---

[583] De Witte, B. (1993a), *op.cit.*, p. 169.

[584] EBLUL (2002), 'Final Report: Support for Minority Languages in Europe'.

[585] The three institutions which have their own field of specialization are the Fryske Akademy in the Netherlands, CIEMEN in Spain and the University of Wales in the UK. See http://www.mercator-central.org/ which is produced in six languages: English, German, French, Catalan, Welsh, and Frisian.

[586] These projects were financed following Call for Proposals EAC/19/00 published in the OJ C 266 of 16 September 2000. For full list of the projects see http://ec.europa.eu/education/policies/lang/languages/langmin/files/language_en.pdf.

[587] Creech, R.L. (2005), *op.cit.*, pp. 58-59.

The EU constantly avoided interfering in the internal cultural diversity of any Member State. In its answer to a written question in relation to the legal status of Basque in the Spanish province of Navarre, the Commission stated that "[t]he language arrangements applicable in the Member States fall within the competence of the Member States themselves or the relevant public authorities at national level."[588]

The competence of Member States over their language policies was not challenged also in the programme on 2001 European Year of Languages. The programme sought to "raise awareness of the richness of linguistic and cultural diversity within the European Union and the value in terms of civilisation and culture embodied therein" through public events and information campaigns.[589] Thus, it can be discerned that this cultural initiative also employed the theme of "unity in diversity." The decision establishing the programme covered "the official languages of the Community, together with Irish, Letzeburgesch, and other languages in line with those identified by the Member States for the purposes of implementing this Decision." Apart from economic advantages of language learning, the decision also referred to cultural benefits and stated that "[a]ccess to the vast literary heritage" in the original languages "would contribute to developing mutual understanding and giving a tangible content to the concept of European citizenship." Moreover, language learning would assist in eradicating racism, xenophobia, anti-Semitism and intolerance.

In the same direction, the European Parliament called for measures to foster language learning and linguistic diversity in its resolution dated 13 December 2001. The following month, the Council mentioned language learning as a prerequisite for the European citizens' participation in and integration into the European knowledge society and for social cohesion. The Council invited Member States to take relevant initiatives and the Commission to prepare proposals for action by 2003.[590]

---

[588] Answer to Written Question E-0075/01 [2001] C174E/251.

[589] European Parliament and Council (2000b), 'Decision No. 1934/2000/EC of the European Parliament and of the Council of 17 July 2000 on the European Year of Languages 2001', OJ L 232, 14/09/2000, p.1.

[590] Council (2002), 'Council Resolution of 14 February 2002 on the promotion of linguistic diversity and language learning in the framework of the implementation of the objectives of the European Year of Languages 2001', OJ C 50, 23/2/2002, p. 1.

In July 2003, the Commission published its Action Plan specifying several language policies to be taken by the EU for the period 2004-2006.[591] The Action Plan, in line with the conclusion of 2002 Barcelona European Council which called for the teaching of at least two foreign languages from an early age, stressed that each "European citizen should have meaningful communicative competence in at least two other languages in addition to his or her mother tongue."[592] The Action Plan, like a sort of answer to the criticisms about the non-promotion of the less commonly used languages,[593] adopted a more inclusive approach by covering regional, minority, migrant languages and even the languages of the major trade partners of the EU. However, in terms of the resources to be allocated for the Action Plan, the Commission was not as much ambitious.

The Action Plan led to the adoption by several Community actions of the promotion of language learning through European programmes. According to the report of the Commission on the implementation of the Action Plan, not only Socrates and Leonardo, but also the Town-Twinning, E-learning, Culture, Youth in Action, Europe for Citizens and the Framework Research Programmes put emphasis on promoting linguistic diversity and language learning. Besides, the budget of Socrates and Leonardo programmes increased by 60% in the period 2004-2006 when compared to 2000-2002. However, the report also admitted that multilingualism policies worked in favor of English language. For instance, whereas the Comenius project contributed to the improvement of language skills, it did so "mainly in English at the expense of other languages."[594]

The Member States have expressed their criticisms towards the enhancement of the dominant languages in the EU. For instance, in 2006, Forza Italia MEP Alfredo Antoniozzi

[591] European Commission (2003b), 'Communication of 24 July 2003 to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006', COM 2003, 449 final.

[592] European Council (2002), 'Presidency Conclusions. Barcelona European Council, 15-16 March 2002', p. 3.

[593] For further criticism about the EU approach toward minority and regional languages, see Shuibhne, N.N. (2001), *op.cit.*; De Witte, B. (2004), *op.cit.*

[594] European Commission (2007d), 'Report on the implementation of the Action Plan 'Promoting Language Learning and Linguistic Diversity'', COM 2007, 554 final, p. 7.

called on the European Council to discuss the question of multilingualism to "prevent the strong Franco-German lobbies from pushing to a reinforcement of the trilingual English-French-German system" to the disadvantage of Italian.[595]

Subsequent to the launch of Action Plan, the Commission speeded up its efforts and in 2005 produced the first Communication directly dealing with multilingualism entitled "A New Framework Strategy for Multilingualism" which regarded multilingualism policy as a precondition for the legitimation of the EU as follows:

> prerequisite for the Union's democratic legitimacy and transparency that citizens should be able to communicate with … institutions and read EU law in their own national language, and take part in the European project without encountering any language barriers.[596]

In 2006, the European Commission adopted a decision on the establishment of a High Level Group of Multilingualism based on its 2005 Communication on a new framework strategy for multilingualism. The objectives of the group to be composed of 11 wise persons were defined as the development of new initiatives, giving fresh impetus to multilingualism and formulation of new ideas for a comprehensive approach on multilingualism in the EU.[597]

The High Level Group of Multilingualism completed its report in September 2007. The report, defining the EU emphasis on multilingualism as "an ideological hobby horse," made various recommendations for effective and comprehensive promotion of multilingualism by referring both to cultural and economic dimension of

---

[595] Agence Europe, 28/04/2006, Brussels. Antoniozzi expressed the national concerns of Italy on the announcement by Finland that during its presidency merely English and French would be used. He also complained that English, French and German enjoy "preferential path which is justified by no legal basis or objective criterion agreed together and inter-institutional level" quoted in Agence Europe, 02/12/2005, Brussels.

[596] European Commission (2005a), 'Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, A New Framework Strategy for Multilingualism', COM 2005, 596 final.

[597] Agence Europe, 22/09/2006, Brussels. See European Commission (2006), 'Commission Decision of 20 September 2006 setting up the High Level Group on Multilingualism (2006/644/EC)', OJ L 263, 23/09/2006, p. 12. The need for a comprehensive EU language regime was recognized also by MEPs who invited the Commission to define "a whole legal framework on the language regime of the Union, for one and for all." See Agence Europe, 02/12/2005, Brussels.

multilingualism.[598] The report stressed that the language learning strategies of the EU served to enhance the role of English as 90% of all pupils in secondary education in the EU learning English.[599]

The dilemma here is that while multilingualism policies facilitate the learning and widespread use of English and therefore lead to the flourishing of the Anglo-Saxon culture rather than particular national cultures and languages, they also enhance communication and interaction among Europeans.[600] As stated by Hnízdo, "[a] Spaniard and a Swede meeting each other for the first time are most likely to communicate in English."[601] English is the native language of around 65 million European citizens.[602]

Nonetheless, it appears like the Community wants to break with the past policies of supporting primarily English and other official languages, and to adopt a more extensive understanding on multilingualism. The final report of the aforementioned High Level Group of Multilingualism highlighted the fact that "the first decade of the new century has seen the introduction of an inclusive language education policy, seeking to promote the learning of all languages, including regional or minority, migrant and major world languages."[603] This new approach is discernable in the recent restructuring in the Commission in that one Commissioner, Leonard Orban, was assigned to multilingualism as

---

[598] These recommendations included launching information campaigns to increase awareness of language learning; increasing motivation for language learning through sports and extra-curricular activities for young people; creating pan-European benchmarks to professionalize the training of third-country languages such as Chinese, Arabic, Hindi and Russian; developing masters and higher education programmes in translation and interpretation.

[599] High Level Group on Multilingualism assigned by the European Commission (2007), 'Final Report', Luxembourg: Office for Official Publications of the European Communities. The statistics was based on Eurydice (2005), 'Key Data on Teaching Languages at School in Europe', available at http://www.eurydice.org/ressources/eurydice/pdf/0_integral/049EN.pdf.

[600] Field, H. (1998), 'EU Cultural Policy and the Creation of a Common European Identity', Contemporary European Studies, Griffith University, http://www.eusanz.org/pdf/conf98/Field.pdf.

[601] Hnízdo, B. (2006), 'Bonjour, Hola or Hello?', *The New Presence: The Prague Journal of Central European Affairs*, Autumn Issue, Vol. 8, No. 3, p. 44.

[602] Special Barometer 243, "Europeans and their Languages" February 2006.

[603] High Level Group on Multilingualism assigned by the European Commission (2007), *op.cit.*, p. 5.

a separate portfolio in the beginning of 2007, signalling "the development of a coherent and comprehensive EU language policy."[604]

Otherwise, the EU commitment to linguistic diversity, which gave emphasis to the regulation languages, notably English, German and French, is subject to further criticism for resembling "to an environmental program that seeks to promote ecological diversity by protecting the strongest and most populous species in a given ecosystem while doing next to nothing to protect the seriously endangered ones."[605]

4.3.2 Language Regime in Internal Administration of the Community Institutions

It is a well-known fact that the internal working language of the ECJ is French. Indeed, English and French are the principle intra-institutional working languages. English has become *de facto lingua franca* in the EU and is widely used in meetings and drafting of documents.[606] German has also been occasionally used. On the other hand, as aforementioned, the Parliament keenly conducts its affairs in all regulation languages. Considering the last enlargement wave, the interpretation and translation tasks pose a high financial burden on the EU budget, which is exaggerated according to Commission arguing that they only cost 1.05% of the EU budget or € 2.28 per citizen annually.[607] Nevertheless, it has been argued that translation matters also hamper efficiency and communication.

---

[604] Ibid. The Commission launched an online consultation process, "Have Your Say" corner that enables citizens and other interested actors to submit their views concerning the questions on the problems of multilingualism policy of the Community such as the inferior position of less spoken languages or the costs of a multilingual EU administration. Besides, Leonard Orban, European Commissioner for Multilingualism, set up a group of intellectuals, chaired by the French-Lebanese writer Amin Maalouf, to discuss the contribution of multilingualism to 2008 European Year of Intercultural Dialogue. See Europa Press Release: 'The Commission launches a *Have Your Say* corner and an on-line consultation on multilingualism', IP/07/1395, Brussels, 26 September 2007.

[605] Creech, R.L. (2005), *op.cit.*, p. 63.

[606] According to 2002 statistics, 57% of community documents were elaborated in English, 25% in French and 5% in German. See Frankfurter Allgemeine Zeitung, 15.06.2004, p. 23. Quoted in Schübel-Pfister, I. (2005), *op.cit.*, p. 327, footnote 12.

[607] European Commission (2005a), *op.cit.*

Many scholars have defined the lack of a common language in the EU's internal structure as a negative factor in relation to the emergence of a European public sphere.[608] For instance, Dieter Grimm argues that "the lack of a common language in Europe is the biggest obstacle to Europeanisation of the political substructure" as language forms the basis of "the functioning of a democratic system and the performance of a parliament depends."[609] Similarly, Klaus Eder, making an analogy between the construction of national identity and European identity, states that "the communicative form of togetherness presupposes a shared language."[610] It was also stressed that the non-existence "of a common language has not only hindered the practical business of the EU, it has also hindered the popular identification of Europeans with their politicians, and with each other."[611]

In this context, in 1995, a French MEP tentatively suggested the reduction of the number of administration languages to five: English, French, Spanish, German and Italian. Doubtless, this motion was rejected. The Flemish Euro MPs, arguing that the said motion would cause negligence of the cultures of smaller countries, objected strongly. Based on the impracticability and expensiveness of the abundance of official languages, there are calls for selecting one language as official language and against such calls, it is suggested that the European language must be Esperanto (the most commonly known invented language) which is not a viable argument.[612]

The Council responded to these debates with its resolution which reconfirmed that "[l]inguistic diversity is a component of the national and regional diversity of the cultures of the Member States referred to in Article 128" and reiterated the equality of the official

---

[608] Kraus, P.A. (2003), *op.cit*., p. 675.

[609] Grimm, D. (1995), *op.cit*., p. 295.

[610] Eder, K. (2001), 'Integration through Culture?', in Eder, K. and Giesen, B. (eds.), *European Citizenship between National Legacies and Postnational Projects*, Oxford: Oxford University Press, p. 231.

[611] Mayer, F.C. and Palmowski, J. (2004), *op.cit*., p. 581. On the contrary, Risse and Steeg argue that common language is not necessary for communication in European public sphere (2003).

[612] Hnízdo, B. (2006), *op.cit*., p. 43.

languages with the working languages.[613] Indeed, the Member States take language as a matter of national prestige and want to preserve and enhance the status of their national culture and language within the EU.

The dominance of English is not only lamented by Member States but also the European Economic and Social Committee which noted that the accord on the use of three pivot working languages of the EU institutions is not respected. The Opinion of the Committee also stated that the European citizens "must be enabled to learn and communicate in languages belonging to different linguistic groups, whilst respecting the cultures and identities which make up the European identity (and underlie European values)."[614] It seems that in spite of deficiencies, the EU is fully committed to its language policy of promoting linguistic diversity and multilingualism which constitutes an essential element of European identity.

4.4 Concluding Remarks

This chapter has analyzed how the notions identity and culture are firmly embedded in the development of three particular cultural policy areas. In the audiovisual policy area, efforts have been made to create a pan-European television that failed due to national particularisms and different tastes. Content requirements were introduced with the aim of scattering the productions of European countries into national frontiers and increasing knowledge of other European cultures with the help of othering "American cultural homogenization." On the other hand, the unifying language of the TWF directive was to be compensated by the pluralistic vision of MEDIA programmes that could be more effective had there been a greater budget.

Concerning the educational policy, the Community has launched ambitious schemes to provide academic mobility in the union, to promote cultural and linguistic diversity and to

[613] Council Conclusions of 12 June 1995 on Linguistic Diversity and Multilingualism in the European Union.

[614] European Economic and Social Committee (2006), 'Opinion of the European Economic and Social Committee on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – A new framework strategy for multilingualism', COM(2005) 596 final, OJ C 324, 30/12/2006, p. 68.

support European Integration Studies etc. However, it must be born in mind that the development of European dimension in education is subject to the principle of subsidiarity, and thus to Member State responsibilities. Besides, in the area of language policies, the main priority of the Community is to promote linguistic diversity and multilingualism. Yet, this policy is criticized by some Member States for leading to the dominance of primarily English and German and French which has been regarded by certain scholars as a good opportunity for the strengthening of European identity and European public sphere.

CHAPTER V

CONCLUSION

The European integration process started 57 years ago primarily with the objective of economic development and cooperation in Western Europe. Over time, the political agenda and the deepening and widening of the integration reached to such a degree that the importance of strengthening Europeans' identification with the Community came to be recognized by the Community elites who understood that permissive consensus, which had been the locomotive of European integration process, was no longer sufficient to derive the required loyalty and support from Europeans in order to further integration. This time, not only institution-building and policy integration, but also community building, the inculcation of a "we-feeling" was necessary to carry on European integration.

The inter-boundedness of European integration with identity and legitimacy problems has driven the engineers of the grand European project to take identity and legitimacy building initiatives starting from the 1970s. Community cultural policy provided an appropriate platform to create and enhance individual allegiance to the Community and its institutions. In this way, Euroscepticism could be challenged and a sense of belonging could be placed in the heart and minds of Europeans. These cultural initiatives ranged from the Tindemans report suggesting the strengthening of a "People's Europe" to the launch of Community-wide symbols under the Adonnino Committee, from the introduction of EU citizenship to the establishment of a pan-European media. The Community has invented, constructed and used certain symbols to increase the European citizens' consciousness and enhance popular support for the European project.

From the start, the Community had to opt for a cultural strategy that should not conflict with national and regional cultural consideration. National and regional forces concerned with the cultural domain were opposed to excessive Community involvement in this respect. These considerations have determined the destiny of the Community cultural policy to a great extent. Until 1992, the introduction of Article 151 within the Maastricht

Treaty, the Community had to carry out a *de facto* cultural policy lacking a comprehensive approach and a significant budget. Even the institutions that are most ambitious over the improvement of community cultural competences have sometimes acted hesitantly with the fear that their agenda or proposal would not be accepted by the Council that represents national interests strongly. In the absence of such a cultural competence, cultural initiatives were launched with economic motivations. In fact, the mere rationale behind the emergence of a Community cultural policy was not pursuing identity-building measures. There was also a need to regulate the free movement of cultural objects in the Community since economy and culture are intertwined factors in the process of European integration. However, these said national and regional considerations impeded the creation of a more genuine cultural policy in time.

Facing the national and regional objections to identity politics based on Euro-nationalism, the Commission adopted the official motto of "unity in diversity" which has provided the general framework of the Community attitude to culture. In the first part of this thesis, it was established that whereas it is possible to talk about a more or less homogeneous society under the umbrella of nation-state, the EU consists of complex and diverse societies that requires the promotion and acceptance of a heterogeneous post-national European identity that is dissimilar to national identity and does not compete with or challenge sub-level national or regional identities. Thus, a constructivist model of European identity that accommodates heterogeneous cultures and characteristics is in accordance with the multi-layered EU polity. Such a constructivist mode of European identity is also not incompatible with the possibility of multi-identification with different territorial identity units.

Therefore, the "unity in diversity" paradigm refers to the projection of a shared European identity while not ignoring national and regional diversities enshrined in the Community treaties. Only such a mild, ambiguous and abstract notion as "unity in diversity" could make the Member States and other cultural actors feel unthreatened by the side-effects of cultural integration measures such as the introduction of European symbols which are associated with national conceptions. The abstraction in the design of Euro banknotes can be taken as an indicator that the EU's politics of identity is based on an open-ended, future-oriented and flexible European project. This sort of identity politics does not clash with national identities or the EU's geographical and cultural borders changing via

enlargements, therefore is a viable strategy. However, the ambiguity placed in the notion of the EU's cultural strategy is not without implications, tensions and contradictions.

These contradictions were ostensible in the drafting of Article 151 EC which equipped the Community with direct cultural powers in the cultural domain for the first time. The pre-Maastricht experience was decisive in Member States' willingness to thwart excessive Community interference in their cultural domain. This led to a balance between giving formal competences to the Community institutions and preserving national and regional cultural authorities. The "unity in diversity" paradigm was again enclosed in the principle of subsidiarity introduced with the Maastricht Treaty in general, and in Article 151 EC in particular. This principle of subsidiarity allocated the national and regional authorities and actors a great space maintaining their cultural interests and agendas. On the other hand, the incorporation of regional authorities such as the Committee of the Regions has given the EU a chance to influence their priorities by using the funding channel. In order to attract financial sources, the applicants should take into consideration the cultural considerations of the EU. In this way, the EU enables the observance of elements such as European heritage, intercultural dialogue, linguistic diversity, European dimension, increasing knowledge of other European cultures and so forth within the financed projects.

In the post-Maastricht period, the EU cultural policy has continued to include both cultural and economic dimension as the pre-Maastricht period. Cultural policy has been presented as an instrument that would allay the problems of unemployment, increase the creativity of citizens, and therefore contribute to social and economic cohesion and diminish regional disparities. Whether the incorporation of such economic justifications are meant to provide a basis for Community involvement in cultural matters as in the pre-Maastricht period or the inter-connectedness of culture and economy or both is open to discussion. Nevertheless, it is clear that cultural agenda of the EU continues to expand and as manifested in the recent 2007 communication of the Commission, has gained a strong external dimension officially.

What is more, in the post-Maastricht period the theme of diversity has gained much more salience. Throughout this thesis, discourses and texts related both to the general framework of the community cultural policy in the 1973-2007 period and to the three pre-selected

cultural policy areas, namely audiovisual and broadcasting policy, educational and language policies, were examined. This examination demonstrated that European identity is deeply embedded in the Community cultural policy mainly in the form of an awareness of the fact that the EU has a shared identity and diverse national and regional cultures and identities, i.e. unity in diversity. While in the audiovisual and broadcasting policy, European identity was mainly reflected in the Television Without Frontiers Directive enacted under the rhetoric of protecting European culture from the "other" – the US cultural imperialism and to increase knowledge of other European diversities, in the educational policy area, the Community introduced the European dimension. Finally, no matter how expensive or inefficient the policy of multilingualism in the official sense, the EU has carried out this policy rigorously.

Depending upon the examination of these three fields, that the rhetoric of cultural policy of the Community has shifted from the theme of unity towards the theme of diversity is a reality. This is evident in the audiovisual policy discourse changing from "European unification" to the "European content requirements;" the educational mobility schemes and educational activities promoting active European citizenship, European identity, intercultural dialogue, respect for minority cultures; and the recent EU initiatives to adopt a more comprehensive approach for regional and minority languages which had been neglected according to some critics.

In conclusion, it can be said that the EU cultural policy, though have achieved relative success, has had limitations in terms of constructing a consolidated and cohesive European identity because of the limits inherent in the nature of both the EU polity and European identity. The dependence of the Community on requirements of unanimity and subsidiarity in decision-making process with respect to the launch of cultural actions, national and regional considerations about cultural sovereignty, and the non-existence of a homogeneous cultural framework in the EU and of a commonly defined European identity have led to the embodiment of "unity in diversity" notion as the most viable and desirable mode of European identity in the EU cultural policy area, albeit with limitations.

BIBLIOGRAPHY

Aiello, G. and Thurlow, C. (2006), 'Symbolic Capitals: Visual Discourse and Intercultural Exchange in the European Capital of Cultural Scheme', *Language and Intercultural Communication*, Vol. 6, No. 2, pp. 148-162

Anderson, B. (1991), *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London: Verso

Banchoff, T. and Smith, M.P. (1999), 'Conceptualizing Legitimacy in a Contested Polity', in Banchoff, T. and Smith, M.P. (eds.), *Legitimacy and the European Union: The Contested Polity*, New York: Routledge

Banús, E. (2002), 'Cultural Policy in the EU and the European identity', in Farrell, M., Fella, S. and Newman, M. (eds.), *European Integration in the 21st Century: Unity in Diversity*, London: SAGE

Barnett, M. (1996), 'Identity and Alliances in the Middle East', in Katzenstein, P.J. (ed.), *The Culture of National Security: Norms and Identity in World Politics*, New York: Columbia University Press

Barnett, C. (2001), 'Culture, Policy and Subsidiarity in the European Union: From Symbolic Identity to the Governmentalisation of Culture', *Political Geography*, Vol. 20, No. 4, pp. 405-426

Barroso, J.M. (2006), Speech at the opening of the *Berlin Conference 'A Soul for Europe'*, Germany, 17-19 November 2006

Baykal, S. (2005), 'Unity in Diversity? The Challenge of Diversity for the European Political Identity, Legitimacy and Democratic Governance: Turkey's EU Membership as the Ultimate Test Case', *Jean Monnet Working Paper*, NYU School of Law, No. 09/05

Bekemans, L. (1990), 'European Integration and Cultural Policies: Analysis of a Dialectic Polarity', *EUI Working Paper in European Cultural Studies*, Florence: European University Institute, No. 90/1

Bellier, I. and Wilson, T.M. (2000), 'Building and Experiencing Europe: Institutions and Identities in the European Union', in Bellier, I. and Wilson, T.M. (eds.), *An Anthropology of the European Union: Building, Imagining and Experiencing the New Europe*, New York: Berg

Biedenkopf, K., Geremek, B. and Michalski, K. (2004), *The Spiritual and Cultural Dimension of Europe: Concluding Remarks*, Reflection Group initiated by the President of the European Commission and Coordinated by the Institute for Human Services, Vienna/Brussels

Bloom, W. (1990), *Personal Identity, National Identity and International Relations*, Cambridge; New York: Cambridge University Press

Bourdon, J. (2007), 'Unhappy Engineers of the European Soul: The EBU and the Woes of Pan-European Television', *International Gazette*, Vol. 69, No. 3, pp. 263-280

Boxhoorn, B. (1996), 'European Identity and the Process of European Unification: Compatible Notions?', in Wintle, M. (ed.), *Culture and Identity in Europe*, Aldershot: Ashgate

Breakwell, G.M. (2004), 'Identity Change in the Context of the Growing Influence of European Union Institutions', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers

Brubaker, R. and Cooper, F. (2000), 'Beyond Identity', *Theory and Society*, Vol. 29, No.1, pp. 1-47

Bruter, M. (2005a), *Citizens' Europe? The Emergence of a Mass European Identity*, Basingstoke: Palgrave MacMillan

Bruter, M. (2005b), 'Conference Paper: Political Identities and Public Policy: Institutional Messages and the Politics of Integration in Europe', *Refugee Survey Quarterly*, Vol. 24, Issue 4, pp. 43-46

Bruter, M. (2003), 'Winning Hearts and Minds for Europe: The Impact of News and Symbols on Civic and Cultural European identity', *Comparative Political Studies*, Vol.36, No. 10, pp. 1148-1179

Buch, R. and Hansen, K.M. (2002), 'The Danes and Europe: From EC 1972 to Euro 2000– Elections, Referandums and Attitudes', *Scandinavian Political Studies*, Vol. 25, No. 1, pp. 1-26

Burçoğlu, N.K. (2004), 'Avrupa ve Avrupalılık', *Journal of Academic Studies*, No. 23, pp. 9-20

Calhoun, C. (2001), 'The Virtues of Inconsistency: Identity and Plurality in the Conceptualization of Europe' in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner Publishers

Campbell, D. (1992), *Writing Security: United States Foreign Policy and the Politics of Identity*, Minneapolis: University of Minnesota Press

Caporaso, J.A. (2005), 'The Possibilities of a European Identity', *Brown Journal of World Affairs*, Vol. XII, Issue 1, pp. 65-75

Carey, S. (2002), 'Undivided Loyalties: Is National Identity an Obstacle to European Integration?', *European Union Politics*, Vol. 3, No. 4, pp. 387-413

Castells, M. (2000), *End of Millenium*, Malden, MA: Blackwell Publishers

Castells, M. (1996), *The Rise of the Network Society*, Cambridge: Blackwell Publishers

Cederman, L.-E. (2001), 'Nationalism and Bounded Integration: What it Would Take to Construct a European Demos', *European Journal of International Relations*, Vol. 7, No. 2, pp. 139-174

Cerutti, F. (1992), 'Can There be a SupraNational Identity?', *Philosophy and Social Criticism*, Vol. 18, No. 2, pp. 147-162

Citrin, J. and Sides, J. (2004), 'More than Nationals: How Identity Choice Matters in the New Europe', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers

Christin, T. and Trechsel A.H. (2002), 'Joining the EU?: Explaining Public Opinion in Switzerland', *European Union Politics*, Vol. 3, No. 4, pp. 415-443

Collins, R. (1998), *From Satellite to Single Market: New Communication Technology and European Public Service Television*, New York: Routledge

Collins, R. (1995), 'Reflections across the Atlantic: Contrasts and Complementarities in Broadcasting Policy in Canada and the European Community in the 1990s', *Canadian Journal of Communication*, Vol. 20, No. 4, pp. 483-504

Collins, R. (1994), 'Unity in Diversity? The European Single Market in Broadcasting and the Audiovisual, 1982-92', *Journal of Common Market Studies*, Vol.32, No.1, pp.89-102

Collins, R. (1992-1993), 'The Screening of Jacques Tati: Broadcasting and Cultural Identity in the European Community', *Cardozo Arts & Entertainment Law Journal*, Vol.11, No. 2, pp. 361-385

Cowles, M.G. and Curtis, S. (2004), 'Developments in European Integration Theory: The EU as 'Other'', in Cowles, M.G. and Dinan, D. (eds.), *Developments in the European Union 2*, Basingstoke, New York: Palgrave MacMillan

Craufurd-Smith, R. (2004a), 'Article 151 EC and European Identity', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press

Craufurd-Smith, R. (2004b), 'Community Intervention in the Cultural Field: Continuity or Change?', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press

Creech, R.L. (2005), *Law and Language in the European Union: The Paradox of a Babel 'United in Diversity'*, Groningen: Europa Law Publishing

Cunningham, C.B. (2001), 'The Unrealized Potential of Article 151(4) of the EC Treaty and the Consequences for EC Cultural Policy', *Cornell International Law Journal*, Vol.34, pp. 119-163

de Witte, B. (2004), 'Language Law of the European Union: Protecting or Eroding Linguistic Diversity?', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press

de Witte, B. (1995), 'The European Content Requirements in the EC Television Directive – Five Years After', in Barendt, E. (ed.), *The Yearbook of Media and Entertainment Law*, USA: Oxford University Press

de Witte, B. (1993a), 'Cultural Legitimation: Back to the Language Question', in García, S. (ed.), *European Identity and the Search for Legitimacy*, London; New York: Pinter Publishers

de Witte, B. (1993b), 'The Cultural Dimension of Community Law', in *Collected Courses of the Academy of European Law*, Vol. IV, Book 1, pp. 229-299

de Witte, B. (1987), 'Building Europe's Image and Identity', in Rijksbaron, A., Roobol, W.H. and Weisglas, M. (eds.), *Europe from a Cultural Perspective*, Amsterdam: Nijgh en Van Ditmar

Deflem, M. and Pampel, F.C. (1996), 'The Myth of Postnational Identity: Popular Support for European Unification', *Social Forces*, Vol. 75, No. 1, pp. 119-143

Delanty, G. (2005a), 'Cosmopolitanism and Europe: What does it mean to be a 'European'?', *Innovation: European Journal of Social Science*, Vol. 18, No. 1, pp. 11-22

Delanty, G. (2005b), 'The Idea of a Cosmopolitan Europe: On the Cultural Significance of Europeanization', *International Review of Sociology*, Vol. 15, No. 3, pp. 405-421

Delanty, G. (1995a), *Inventing Europe: Idea, Identity, Reality*, London: MacMillan Press

Delanty, G. (1995b), 'The Limits and Possibilities of a European Identity: A Critique of Cultural Essentialism', *Philosophy & Social Criticism*, Vol. 21, No. 4, pp. 15-36

Delanty, G. and Rumford, C. (2005), *Rethinking Europe: Social Theory and the Implications of Europeanization*, London; New York: Routledge

Delgado-Moreira, J.M. (1997), 'European Politics of Citizenship', *The Qualitative Report*, Vol. 3, No. 3, available at http://www.nova.edu/ssss/QR/QR3-3/delgado.html

Deutsch, K.W. (1966), *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality*, Cambridge, MA: MIT Press

Deutsch, K.W. et al. (1957), *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience*, Princeton: Princeton University Press

Diez, T. (2004), 'Europe's Others and the Return of Geopolitics', *Cambridge Review of International Affairs*, Vol. 17, No. 2, pp. 319-335

Diez Medrano, J. and Gutiérrez, P. (2001), 'Nested Identities: National and European Identity in Spain', *Ethnic and Racial Studies*, Vol. 24, No. 5, pp. 753-778

Dinan, D. (1994), *Ever Closer Union? An Introduction to the European Community*, Boulder, Colorado: Lynne Rienner

Duchesne, S. and Frognier, A.-P. (1995), 'Is there a European Identity?', in Niedermayer, O. and Sinnot, R. (eds.), *Public Opinion and Internationalized Governance*, Oxford: Oxford University Press

Duina, F. and Breznau, N. (2002), 'Constructing Common Cultures: The Ontological and Normative Dimensions of Law in the European Union and Mercosur', *European Law Journal*, Vol. 8, No. 4, pp. 574-595

Eder, K. (2001), 'Integration through Culture?', in Eder, K. and Giesen, B. (eds.), *European Citizenship between National Legacies and Postnational Projects*, Oxford: Oxford University Press

Eichenberg, R. and Russell, D. (1993), 'Europeans and the European Community: The Dynamics of Public Support for European Integration', *International Organization*, Vol.47, No. 4, pp. 507-534

Eley, G. and Suny, R.G. (1996), 'Introduction: From the Moment of Social History to the Work of Cultural Representation', in Eley, G. and Suny, R.G. (eds.), *Becoming National*, New York: Oxford University Press

Eriksen, T.H. (1995), 'We and Us: Two Modes of Group Identification', *Journal of Peace Research*, Vol. 32, No. 4, pp. 427-436

Erikson, E.H. (1968), *Identity: Youth and Crisis*, New York: Norton

Feld, S.A. (1998), 'Language and the Globalization of the Economic Market: The Regulation of Language as a Barrier to Free Trade', *Vanderbilt Journal of Transnational Law*, Vol. 31, No. 1, pp. 153-202

Field, H. (1998), 'EU Cultural Policy and the Creation of a Common European Identity', Contemporary European Studies, Griffith University, http://www.eusanz.org/pdf/conf98/Field.pdf

Figel, J. (2006), Speech at the opening of the *Berlin Conference 'A Soul for Europe'*, Germany, 17-19 November 2006, available at http://www.berlinerkonferenz.net/222.0.html

Filipek, J. (1991-1992), '"Culture Quotas": The Trade Controversy over the European Community's Broadcasting Directive', *Stanford Journal of International Law*, Vol. 28, pp. 323-370

Føllesdal, A. (2004), 'Legitimacy Theories of the European Union', *Arena Working Papers*, Centre for European Studies, University of Oslo, No. 04/15

Forrest, A. (1994), 'A New Start for Cultural Action in the European Community: Genesis and Implications of Article 128 of the Treaty on European Union', *European Journal of Cultural Policy*, Vol. 1, No. 1, pp. 11-20

Friis, L. and Murphy, A. (2000), 'And Never the Twain Shall Meet?: The EU's Quest For Legitimacy and Enlargement', in Kelstrup, M. and Williams, M.C. (eds.), *International Relations Theory and the Politics of European Integration: Power, Security and Community*, London: Routledge

Frognier, A.P. (2002), 'Identity and Electoral Participation: For a European Approach to European Elections', in Perrineau, P., Grunberg, G. and Ysmal, C. (eds.), *Europe at the Polls: The European Elections of 1999*, Basingstoke: Palgrave

Fuchs, D. and Klingemann, H.D. (2000), 'Eastward Enlargement of the European Union and the Identity of Europe', *Discussion Paper FS III 00-206*, Berlin: Wissenschaftszentrum Berlin Fuer Sozialforschung (WZB)

Garton Ash, T. (2004), *Free World: America, Europe and the Surprising Future of the West*, New York: Random House

Garton Ash, T. (2001), 'Is Britain European?', *International Affairs*, Vol. 77, No. 1, pp. 1-13

Gellner, E. (1983), *Nations and Nationalism*, Oxford: Blackwell

Graham, B. (1998), 'The Past in Europe's Present: Diversity, Identity and the Construction of Place', in Graham, B. (ed.), *Modern Europe: Place, Culture and Identity*, London: Arnold

Grimm, D. (1995), 'Does Europe Need a Constitution?', *European Law Journal*, Vol. 1, No. 3, pp. 282-302

Habermas, J. (2003), 'Toward a Cosmopolitan Europe', *Journal of Democracy*, Vol. 14, No. 4, pp. 86-100

Habermas, J. (1998), *The Inclusion of the Other: Studies in Political Theory*, Cambridge, MA: MIT Press

Habermas, J. (1994), 'Struggles for Recognition in the Democratic Constitutional State', in Gutmann, A. (ed.), *Multiculturalism: Examining the Politics of Recognition*, Princeton: Princeton University Press

Haesly, R. (2001), 'Euroskeptics, Europhiles and Instrumental Europeans: European Attachment in Scotland and Wales', *European Union Politics*, Vol. 2, No. 1, pp. 81-102

Hall, S. (2003), '"In but not of Europe": Europe and its Myths', in Passerini, L. (ed.), *Figures d'Europe: Images and Myths of Europe*, Brussels. Peter Lang

Hedetoft, U. (1999), 'The Nation-state Meets the World: National Identities in the Context of Transnationality and Cultural Globalization', *European Journal of Social Theory*, Vol. 2, No. 1, pp. 71-94

Héritier, A. (1999), 'Elements of Democratic Legitimation in Europe: An Alternative Perspective', *Journal of European Public Policy*, Vol. 6, No. 2, pp. 269-282

Herrmann, R.K. and Brewer, M.B. (2004), 'Identities and Institutions: Becoming European in the EU', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers

Hewstone, M. (1986), *Understanding Attitudes to the European Community: A Social-Psychological Study in Four Member States*, Cambridge: Cambridge University Press

Hirsi Ali, A. (2005), 'Islam and the EU's Identity Deficit', *The Brown Journal of World Affairs*, Vol. 12, No. 1, pp. 51-64

Hnízdo, B. (2006), 'Bonjour, Hola or Hello?', *The New Presence: The Prague Journal of Central European Affairs*, Vol. 8, No. 3, pp. 42-44

Holmes, J. (2004), 'European Community Law and the Cultural Aspects of Television', in Craufurd-Smith, R. (ed.), *Culture and European Union Law*, Oxford: Oxford University Press

Hooghe, L. and Marks, G. (2005), 'Calculation, Community and Cues: Public Opinion on European Integration', *European Union Politics*, Vol. 6, No. 4, pp. 419-443

Hooghe, L. and Marks, G. (2001), *Multi-Level Governance and European Integration*, New York: Rowman & Littlefield Publishers

Howe, P. (1995), 'A Community of Europeans: The Requisite Underpinnings', *Journal of Common Market Studies*, Vol. 33, No. 1, pp. 27-46

Höjelid, S. (2001), 'European Integration and the Idea of European Identity: Obstacles and Possibilities', Workshop 19: Identity Politics, Grenoble: ECPR Joint Sessions

Ifversen, J. (2002), 'Europe and European Culture – A Conceptual Analysis', *European Societies*, Vol. 4, No. 1, pp. 1-26

Inglehart, R. (1977), *The Silent Revolution: Changing Values and Political Styles Among Western Publics*, Princeton University Press

Inglehart, R. and J.R. Rabier (1978), 'Economic Uncertainty and European Solidarity: Public Opinion Trends', *Annals of the American Academy of Political and Social Science*, Vol. 440, No. 1, pp. 66-87

Jachtenfuchs, M. (1995), 'Theoretical Perspectives on European Governance', *European Law Journal*, Vol. 1, No. 2, pp. 115-133

Jenkins, B. and Sofos, S.A. (eds.) (1996), *Nation and Identity in Contemporary Europe*, London: Routledge

Jèorg, F. (2004), *European Approaches to International Relations Theory: A House with Many Mansions*, London; New York: Routledge

Jepperson, R.L., Wendt, A. and Katzenstein, P.J. (1996), 'Norms, Identity, and Culture in National Security', in Katzenstein, P.J. (ed.), *The Culture of National Security: Norms and Identity in World Politics*, New York: Columbia University Press

Kaelble, H. (2005), 'European Self-Understanding in the Twentieth Century', in Eder, K. and Spohn, W. (eds.), *Collective Memory and European Identity: The Effects of Integration and Enlargement*, England: Ashgate

Kaltenthaler, K. and Christopher, J.A. (2001), 'Europeans and Their Money: Explaining Public Support for a Common European Currency', *European Journal of Political Research*, Vol. 40, No. 2, pp. 139-170

Kamphausen, G. (2006), 'European Integration and European Identity: Towards a Politics of Differences?', *International Issues and Slovak Foreign Policy Affairs*, No.01/2006, pp. 24-31

Karnoouh, C. (2001), 'Europe: Common Heritage and Differences', in Council of Europe, Forward Planning: The Function of Cultural Heritage in a Changing Europe, available at http://www.coe.int/T/E/Cultural_Co-operation/Heritage/Resources/ECC-PAT(2001)161.pdf

Kedourie, E. (1966), *Nationalism*, London: Hutchinson

Klein, O., Licata, L., Azzi, A.E. and Durala, I. (2003), 'How European am I? Prejudice Expression and the Presentation of Social Identity', *Self and Identity*, Vol. 2, No. 3, pp. 251-264

Kohli, M. (2000), 'The Battlegrounds of European Identity', *European Societies*, Vol. 2, No. 2, pp. 113-137

Kolyva, K. (2002), 'EU Cultural Policy: Framed between a Vertical Modern Memory and a Horizontal Postmodern Space', Rencontre du CEDEM, available at http://www.cedem.ulg.ac.be/m/wp/16.pdf

Kostakopoulou, T. (2001), *Citizenship, Identity and Immigration in the European Union: Between Past and Future*, Manchester: Manchester University Press

Kraus, P.A. (2003), 'Cultural Pluralism and European Polity-Building: Neither Westphalia nor Cosmopolis', *Journal of Common Market Studies*, Vol. 41, No. 4, pp. 665-686

Kurzer, P. (2001), *Markets and Moral Regulation: Cultural Change in the European Union (Themes in European Governance)*, Cambridge: Cambridge University Press

Laçiner, S. (1999), 'Türkiye-Avrupa İlişkilerinde Kültür ve Medeniyet Boyutu', *Liberal Düşünce*, Vol. 13, No. 4, pp. 40-57

Laffan, B. (2004), 'The European Union and Its Institutions as "Identity Builders"', in Herrmann, R.K., Risse, T. and Brewer, M.B. (eds.), *Transnational Identities*, Oxford: Rowman & Littlefield Publishers

Laffan, B. (1998), 'The European Union: A Distinctive Model of Internationalization', *Journal of European Public Policy*, Vol. 5, No. 2, pp. 235-253

Laffan, B. (1996), 'The Politics of Identity and Political Order in Europe', *Journal of Common Market Studies*, Vol. 34, No. 1, pp. 82-102

Laitin, D.D. (1998), *Identity in Formation: the Russian-speaking Populations in the Near Abroad*, Ithaca: Cornell University Press

Lasok, K.P.E. (2001), *Law and Institutions of the European Union*, London: Butterworths

Lepsius, M.R. (2001), 'The European Union: Economic and Political Integration and Cultural Plurality', in Eder, K. and Giesen, B. (eds.), *European Citizenship between National Legacies and Postnational Projects*, New York: Oxford University Press

Lepsius, M.R. (1999), 'Die Europäische Union. Ökonomisch-politische Integration und kulturelle Pluralität', in Viehoff, R. and Segers, R.T. (eds.), *Kultur, Identität, Europa. Über die Schwierigkeiten und Möglichkeiten einer Konstruktion*, Frankfurt am Main: Suhrkamp

Lindberg, L.N. and Scheingold, S.A. (1970), *Europe's would-be polity*, Englewood Cliffs, NJ: Prentice-Hall

Loi du 4 août 1994 relative à l'emploi de la langue française in Journal Officiel de la République française of 5 August 1994, p 11392

Loman, J.M.E. *et al.* (1992), *Culture and Community Law: Before and After Maastricht*, Deventer; Boston: Kluwer Law and Taxation

Lubkin, G.P. (1997/1998), 'Is Europe's Glass Half Empty or Half Full? Alcoholic Beverage Taxation and the Development of a European Identity', *Colombia Journal of European Law*, Vol. 3

Luna-Arocas, R., Guzmán, G., Quintanilla, I. and Farhangmehr, M. (2001), 'The Euro and European Identity: The Spanish and Portuguese Case', *Journal of Economic Psychology*, Vol. 22, No. 4, pp. 441-460

Lupinacci, T.M. (1991), 'Pursuit of Television Broadcasting Activities in the European Community: Cultural Preservation or Economic Protectionism?', *Vanderbit Journal of Transnational Law*, Vol. 24, pp. 113-154

Marks, G. and Hooghe, L. (2003), 'National Identity and Support for European Integration', *Discussion Paper 2003-202*, Berlin: Wissenschaftszentrum Berlin für Sozialforschung (WZB), available at http://skylla.wz-berlin.de/pdf/2003/iv03-202.pdf

Mayer, F.C. and Palmowski, J. (2004), 'European Identities and the EU – The Ties that Bind the Peoples of Europe', *Journal of Common Market Studies*, Vol. 42, No. 3, pp. 573-598

McAllister, J.F.O. (2002), 'The EU: Love It or Leave It', Time, 13 October 2002

McCormick, J. (2005), *Understanding the European Union: A Concise Introduction*, New York: Palgrave Macmillan

McDonald, M. (1996), ''Unity in Diversity': Some Tensions in the Construction of Europe', *Social Anthropology*, Vol. 4, No. 1, pp.47-60

McLaren, L. (2002), 'Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat?', *Journal of Politics*, Vol. 64, No. 12, pp. 551-566

McMahon, J.A. (1995), *Education and Culture in European Community Law*, London: Athlone Press

Milward, A.S. (1997), 'The Springs of Integration', in Gowan, P. and Anderson, P. (eds.), *The Question of Europe*, London; New York: Verso

Mitsilegas, V. (1998), 'Culture in the Evolution of European Law: Panacea in the Quest for Identity?', in Fitzpatrick, P. and Bergeron, J.H. (eds.), *Europe's Other: European Law Between Modernity and Postmodernity*, Aldershot: Ashgate

Mokre, M. (2007), 'European Cultural Policies and European Democracy', *The Journal of Arts Management, Law, and Society*, Vol. 37, No. 1, pp. 31-47

Monnet, J. (1976), *Mémoires*, Paris: Fayart

Möllers, Thomas M.J. (2000), 'The Role of Law in European Integration', *The American Journal of Comparative Law*, Vol. 48, No. 4, pp. 679-711

Murray, S.J. (1998), *Cultural Standardisation: A Byproduct of European Integration?*, Unpublished masters thesis, Institute of Comparative Law, McGill University, Montreal

Münch, R. (2001), *Nation and Citizenship in the Global Age: From National to Transnational Ties and Identities*, New York: Palgrave

Neumann, I.B. (2006), 'European Identity and Its Changing Others', *Norwegian Institute of International Affairs*, No. 710

Neumann, I.B. (2001), 'European Identity, EU Expansion, and the Integration/Exclusion Nexus', in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner Publishers

Neumann, I.B. (1998), *Uses of the Other: "The East" in European Identity Formation*, Minneapolis: University of Minnesota Press

Neumann, I.B. (1996), 'Self and Other in International Relations', *European Journal of International Relations*, Vol. 2, No. 2, pp. 139-174.

Neumann, I.B. and Welsh, J. (1991), 'The Other in European Self-Definition: An Addendum to the Literature on International Society', Oslo: Nupi Papers.

Newman, M. (1996), *Democracy, Sovereignty and the European Union*, London: Hurst & Company

Obaton, V. (1997), *La promotion de l'identité culturelle européenne depuis 1946*, Genève: Institut européen de l'Université de Genève

Obradovic, D. (1996), 'Policy Legitimacy and the European Union', *Journal of Common Market Studies*, Vol. 34, No. 2, pp. 191-221

Olsen, J.P. (2002), 'The Many Faces of Europeanization', *Journal of Common Market Studies*, Vol. 40, No. 5, pp. 921-952

Olsen, J.P. (1996), 'Europeanization and Nation-State Dynamics', in Gustavsson, S. and Lewin, L. (eds.), *The Future of the Nation-State. Essays on Cultural Pluralism and Political Integration*, London: Routledge

Opp, K.-D. (2005), 'Decline of the Nation-State? How the European Union Creates National and Sub-National Identifications', *Social Forces*, Vol. 84, No. 2, pp. 653-680

Østerud, Ø. (1996), 'Democracy Between National Governments and Supranationality – A Concise Exposition', in Smith, E. (ed.), *National Parliaments as Cornerstones of European Integration*, The Hague: Kluwer, pp.179-186

Østerud, Ø. (1999), *Globalisenringen og Nasjonalstaten*, Oslo: Ad Notam Gyldendal

Pagden, A. (2002), 'Europe: Conceptualizing a Continent', in Pagden, A. (ed.), *The Idea of Europe: From Antiquity to the European Union*, New York: Cambridge University Press

Palermo, F. (2001), 'The Use of Minority Languages: Recent Developments in EC Law and Judgments of the ECJ', *Maastricht Journal of European and Comparative Law*, Vol.8, No. 3, pp. 299-318

Panebianco, S. (2004), 'European Citizenship and European Identity: From Treaty Provisions to Public Opinion Attitudes', in Moxon-Browne, E. (ed.), *Who are the Europeans now?*, Aldershot: Ashgate

Pantel, M. (1999), 'Unity-in-Diversity: Cultural Policy and EU Legitimacy', in Banchoff, T. and Smith, M.P. (eds.), *Legitimacy and the European Union: The Contested Polity*, New York: Routledge

Passerini, L. (2003), 'Dimensions of the Symbolic in the Construction of Europeanness', in Passerini, L. (ed.), *Figures d'Europe: Images and Myths of Europe*, Brussels: Peter Lang

Petit, I. (2006), 'Dispelling a Myth? The Fathers of Europe and the Construction of a Euro-Identity', *European Law Journal*, Vol. 12, No. 5, pp. 661-679

Prizel, I. (1998), *National Identity and Foreign Policy: Nationalism and Leadership in Poland, Russia and Ukraine*, Cambridge: Cambridge University Press

Psychogiopoulou, E. (2006a), 'The Cultural Mainstreaming Clause of Article 151(4) EC: Protection and Promotion of Cultural Diversity or Hidden Cultural Agenda?', *European Law Journal*, Vol. 12, No. 5, pp. 575-592

Psychogiopoulou, E. (2006b), *The Integration of Cultural Considerations in EU Law and Policies*, Florence: European University Institute

Reif, K. (1993), 'Cultural Convergence and Cultural Diversity as Factors in European Identity', in García, S. (ed.), *European Identity and the Search for Legitimacy*, London; New York: Pinter Publishers

Rich, P. (1999), 'European Identity and the Myth of Islam: A Reassessment', *Review of International Studies*, Vol. 25, No. 3, pp. 435-451

Risse, T. (2006), 'The Euro between National and European Identity', in Fishman, R.M. and Messina, A.M. (eds.), *The Year of the Euro: The Cultural, Social and Political Import of Europe's Common Currency*, Notre Dame, Indiana: University of Notre Dame Press

Risse, T. (2005), 'Neofunctionalism, European Identity, and the Puzzles of European Integration', *Journal of European Public Policy*, Vol. 12, No. 2, pp. 237-254

Risse, T. (2004), 'Social Constructivism', in Wiener, A. and Diez, T. (eds.), *European Integration Theory*, Oxford: Oxford University Press

Risse, T. (2003), 'The Euro Between National and European Identity', *Journal of European Public Policy*, Vol. 10, No. 4, pp. 487-505

Risse, T. and van de Steeg, M. (2007), 'The Emergence of a European Community of Communication: Insights from Empirical Research on the Europeanization of Public Spheres', *Research Paper*, available at http://www.atasp.de/downloads/eps_vandesteeg_risse_070513.pdf

Risse, T. and van de Steeg, M. (2003), 'An Emerging European Public Sphere? Empirical Evidence and Theoretical Clarifications', paper presented at the *Conference on the Europeanization of Public Spheres, Political Mobilization, Public Communication and the European Union*, Science Center Berlin, 20-22 June 2003, available at http://www.fu-berlin.de/atasp/paperstodownload.htm

Risse, T. and Maier, M.L. (eds.) (2003), *Europeanization, Collective Identities and Public Discourse*, Final Report, RSCAS, EUI, Florence

Ruggie, J.G. (1993), 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization*, Vol. 47, No. 1, pp. 139-174

Ruiz Jiménez, A.M. (2004a), 'Cultural, Instrumental, Civic and Symbolic Components of National and European Identities in Old and New European Union Member States', *Jean Monnet/Robert Schuman Paper Series*, Vol. 4, No. 9

Ruiz Jiménez, A.M. (2004b), 'Representations of Europe and the Nation: How do Spaniards see themselves as Nationals and Europeans?', *Jean Monnet/Robert Schuman Paper Series*, Vol. 4, No. 13

Ruiz Jiménez, A.M. (2003), '¿Y Tú de Quién Eres? Identidad europea y lealtad a la nación', Universidad Nacional de Educación a Distancia, available at http://www.uned.es/dcpa/Actividades/SeminarioDpto/Aruiz2003identidades.pdf

Rumelili, B. (2004), 'Constructing Identity in Relating to Difference: Understanding the EU's Mode of Differentiation', *Review of International Studies*, Vol. 30, No. 1, pp.27-47

Sassatelli, M. (2002), 'Imagined Europe: The Shaping of a European Cultural Identity through EU Cultural Policy', *European Journal of Social Theory*, Vol. 5, No. 4, pp. 435-452

Scharpf, F.W. (1999), *Regieren in Europa: Effektiv und demokratisch?*, Frankfurt am Main: Campus

Schild, J. (2001), 'National v. European Identities? French and Germans in the European Multi-Level System', *Journal of Common Market Studies*, Vol. 39, No. 2, pp. 331-351

Schlesinger, P.R. (2001), 'From Cultural Protection to Political Culture? Media Policy and the European Union', in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner

Schlesinger, P. and Foret, F. (2006), 'Political Roof and Sacred Canopy? Religion and the EU Constitution', *European Journal of Social Theory*, Vol. 9, No. 1, pp. 59-81

Schmidtke, O. (1998), 'Obstacles and Prospects for a European Collective Identity and Citizenship', in Hedetoft, U. (ed.), *Political Symbols, Symbolic Politics: European Identities in Transformation*, Brookfield, VT: Ashgate

Schmitt, H. and Thomassen, J. (1999), 'In Conclusion: Political Representation and Legitimacy in the European Union', in Schmitt, H. and Thomassen, J. (eds.), *Political Representation and Legitimacy in the European Union*, Oxford; New York: Oxford University Press, pp. 255-267

Schöpflin, G. (2000), *Nations, Identity, Power: The New Politics of Europe*, London: Hurst & Company

Schübel-Pfister, I. (2005), 'Enjeux et Perspectives du Multilinguisme Dans L'Union Européenne: Après L'Élargissement, La "Babélisation"?', *Revue du Marché Commun et de l'Union européenne*, No. 488, May 2005, pp. 325-333

Schuman, R. (1964), *Pour l'Europe*, Paris: Nagel

Segers, R.T. (1995), 'Europe: A Cognitive or an Emotional Concept? Introductory Remarks', *SPIEL*, Vol. 14, No. 1, pp. 3-19

Shore, C. (2006), '"In uno Plures" (?) EU Cultural Policy and the Governance of Europe', *Cultural Analysis*, Vol. 5, pp. 7-26

Shore, C. (2000), *Building Europe: The Cultural Politics of European Integration*, London: Routledge

Shore, C. (1993), 'Inventing the 'People's Europe': Critical Approaches to European Community 'Cultural Policy'', *Man*, Vol. 28, No. 4, pp. 779-800

Shuibhne, N.N. (2001), 'The European Union and Minority Language Rights', *International Journal on Multicultural Societies*, Vol. 3, No. 2, pp. 67-83

Skouris, V. (2004), President of the European Court of Justice, Presentation: 'The Position of the European Court of Justice in the EU Legal Order and its Relationship with National Constitutional Courts', Constitutional Court of the Republic of Slovenia, available at http://www.us-rs.si/en

Smith, A.D. (1999), *Myths and Memories of the Nation*, Oxford: Oxford University Press

Smith, A.D. (1995a), *Nations and Nationalism in a Global Era*, Cambridge: Polity Press

Smith, A.D. (1995b), 'The Formation of National Identity', in Harris, H. (ed.), *Identity*, New York: Oxford University Press

Smith, A.D. (1992), 'National Identity and the Idea of European Unity', *International Affairs*, Vol. 68, No.1, pp. 55-76

Smith, A.D. (1991), *National Identity*, Harmondsworth: Penguin

Smith, S. (2000), 'International Theory and European Integration', in Kelstrup, M. and Williams, M.C. (eds.), *International Relations Theory and the Politics of European Integration: Power, Security and Community,* London: Routledge

Sparkes, B.A. (ed.) (1998), *Greek Civilization: An Introduction*, Oxford: Blackwell

Feld, S.A. (1998), 'Language and the Globalization of the Economic Market: The Regulation of Language as a Barrier to Free Trade', *Vanderbilt Journal of Transnational Law*, Vol. 31, No. 1, pp. 153-202

Stavrakakis, Y. (2005), 'Passions of Identification: Discourse, Enjoyment, and European Identity in Discourse Theory', in Howarth, D. and Torfing, J. (eds.), *European Politics: Identity, Policy and Governance*, New York: Palgrave Macmillan

Stewart, C. and Laird, J. (1994), *The European Media Industry: Fragmentation and Convergence in Broadcasting and Publishing*, London: Financial Times Business Information

Steyger, E. (1997), *National Traditions and European Community Law: Margarine and Marriage*, Aldershot: Dartmouth

Stråth, B. (2002), 'A European Identity: To the Historical Limits of a Concept', *European Journal of Social Theory*, Vol. 5, No. 4, pp. 387-401

Stråth, B. (2000), 'Introduction: Europe as a Discourse', in Stråth, B. (ed.), *Europe and the Other and Europe as the Other*, Bruxelles: Peter Lang Publishing

Tajfel, H. (1981), *Human Groups and Social Categories*, Cambridge: Cambridge University Press

Tajfel, H. (1974), 'Social Identity and Intergroup Behaviour', *Social Science Information*, Vol. 13, pp. 65-93

Theiler, T. (2005), *Political Symbolism and European Integration*, Manchester; New York: Manchester University Press

Theiler, T. (2001a), 'Viewers into Europeans?: How the European Union tried to Europeanize the Audiovisual Sector, and Why It Failed', *Canadian Journal of Communication*, Vol. 24, No. 4, pp. 1-29

Theiler, T. (2001b), 'Why the European Union Failed to Europeanize its Audiovisual Policy', in Cederman, L.-E. (ed.), *Constructing Europe's Identity: The External Dimension*, London: Lynne Rienner Publishers

Thurlow, C. and Jaworski, A. (2006), 'The Alchemy of the Upwardly Mobile: Symbolic Capital and the Stylization of Elites in Frequent-Flyer Programs', *Discourse & Society*, Vol. 17, No. 1

Thym, D. (2005), 'The European Constitution: Notes on the National Meeting of German Public Law Assistants', *German Law Journal*, Vol. 6, No. 4

Toggenburg, G.N. (2004), 'The Debate on European Values and the Case of Cultural Diversity', *European Diversity and Autonomy Papers*, No.1/2004

Vaičiukaitė, J. and Klimas, T. (2005), 'Interpretation of European Union Multilingual Law', *International Journal of Baltic Law*, Vol. 2, No. 3, pp. 1-13

van Ham, P. (2001), *European Integration and the Post-Modern Condition: Governance, Democracy, Identity*, London; New York: Routledge

van Ham, P. (2000), 'Identity Beyond the State: The Case of the European Union', *Working Paper*, Copenhagen Peace Research Institute, No.15/2000

van Kersbergen, K. (2000), 'Political Allegiance and European Integration', *European Journal of Political Research*, Vol. 37, No. 1, pp. 1-17

von Busekist, A. (2004), 'Uses and Misuses of the Concept of Identity', *Security Dialogue*, Vol. 35, No. 1, pp. 81-98

Voogsgeerd, H. (2005), 'Does the ECJ 'produce' identity?', Workshop 4B: Do EU Institutions and Policies "Produce" European Identity?, *Polis 2005 Plenary Conference on European Identity and Political Systems*, Science Po, Paris, 17-18 June 2005, available at http://www.epsnet.org/2005/pps/Voogsgerd.pdf

Wallace, W. (2002), 'Where Does Europe End? Dilemmas of Inclusion and Exclusion', in Zielonka, J. (ed.), *Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union*, London; New York: Routledge

Waller, M., Crook, M. and Andrew, J. (2000), 'Introduction: The Remaking of Europe', in Andrew, J., Crook, M. and Waller, M. (eds.), *Why Europe? : Problems of Culture and Identity*, New York : St. Martin's Press

Weiler, J.H.H. (1997), 'Does Europe Need a Constitution? Reflections on Demos, Telos and Ethos in the German Maastricht Decision', in Gowan, P. and Andersson, P. (eds.), *The Question of Europe*, London: Verso

Weiler, J.H.H. (1995), 'Does Europe Need a Constitution? Demos, Telos, and the German Maastricht Decision', *European Law Journal*, Vol. 1, No. 3, pp. 219-258

Wendt, A. (1999), *Social Theory of International Politics*, Cambridge: Cambridge University Press

Wilkins, K.L. (1991), 'Television without Frontiers: An EEC Broadcasting Premiere', *Boston College International and Comparative Law Review*, Vol. 14, pp. 195-211

Wilson, K. and van der Dussen, J. (1995), *The History of the Idea of Europe*, London: Routledge and Open University Press

Wintle, M. (2000), 'The Question of European Identity and the Impact of the Changes of 1989/1990', in Shahin, J. and Wintle, M. (eds.), *The Idea of a United Europe: Political, Economic and Cultural Integration since the Fall of the Berlin Wall*, London: Macmillan

Wintle, M. (1996), 'Cultural Identity in Europe: Shared Experience', in Wintle, M. (ed.), *Culture and Identity in Europe*, Aldershot: Ashgate

Wistrich, E. (1994), *United States of Europe*, London: Routledge

Yurdusev, A.N. (2002), 'Identity Question in Turco-European Relations', in Ismael, T. and Aydın M. (eds.), *Turkey's Foreign Policy in the 21st Century: A Changing Role in World Politics*, New York: Ashgate

Yurdusev, A.N. (2006), 'Islam Niçin ve Hala Avrupa'nın Ötekisidir?' (Why Is Islam Still the Other of Europe?), *Türkiye Günlüğü*, Vol. 84, Spring 2006, pp. 66-69

Zetterholm, S. (1994), 'Why is Cultural Diversity a Political Problem? A Discussion of Cultural Barriers to Political Integration', in Zetterholm, S. (ed.), *National Cultures and European Integration: Exploratory Essays on Cultural Diversity and Common Policies*, Oxford: Berg Publishers

Internet Resources

Austria 2006 Presidency of the European Union, available at http://www.eu2006.at/en/

BBC News (2002), Down With EU Stars, Run Up Stars, 8 May 2002, available at http://news.bbc.co.uk/2/hi/europe/1974721.stm

BBC Website: http://news.bbc.co.uk/2/hi/uk_news/politics/vote_2005/constituencies/default.stm

Committee of the Regions: http://www.cor.europa.eu

Europa, 50th Anniversary of the Treaty of Rome, Anniversary Logo: http://europa.eu/50/anniversary_logo/index_en.htm

European Union Portal: http://europa.eu/

European Capital of Culture: http://ec.europa.eu/culture/eac/ecocs/present_cap/present_cap_en.html

Sibiu European Capital of Culture 2007: http://www.sibiu2007.ro/en3/about.htm

http://www.europe-education-formation.fr/comenius-fiche-projet.php?projet_id=439

http://www.isoc.siu.no

http://www.vkg.werro.ee/comenius/en/

http://leonardo.cec.eu.int/pdb

http://www.mercator-central.org/

EC/EU DOCUMENTS

Adonnino, P. (1985), 'A People's Europe: Reports from the Ad Hoc Committee', Bulletin of the EC, Supplement 7/85

Answer to Written Question E-0075/01, [2001] C174E/251

Answer to Written Question E-1811/03, [2004] CIIE/230

Committee of the Regions (2006), 'Opinion on the Proposal for a Decision of the European Parliament and of the Council establishing the programme 'Citizens for Europe' to promote active European citizenship for the period 2007-2013', OJ C 115/18, 16/5/2006, p. 81

Committee of the Regions (1998), 'Opinion on 'Culture and Cultural Differences and their significance for the future of Europe'', OJ C 180/11, 11/6/1998, p. 63

Council (2002), 'Council Resolution of 14 February 2002 on the promotion of linguistic diversity and language learning in the framework of the implementation of the objectives of the European Year of Languages 2001', OJ C 50, 23/2/2002, p. 1

Council (2000), 'Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus - Development, Distribution and Promotion) (2001-2005)', OJ L 336, 30/12/2000, p. 82

Council (1997), 'Council Decision of 22 September 1997 regarding the future of European cultural action', OJ C 305, 07/10/1997, p. 1

Council (1996), '96/664/EC: Council Decision of 21 November 1996 on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society', OJ L 306, 28/11/1996, p. 40

Council (1995a), 'Council Decision 95/563/EC of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (Media II - Development and Distribution) (1996- 2000)', OJ L 321, 30/12/1995, p. 25

Council (1995b), 'Council Decision 95/564/EC of 22 December 1995 on the Implementation of a Training Programme for Professionals in the European Audiovisual Programme Industry (Media II – Training)', OJ L 321, 30/12/1995, p. 33

Council (1995c), 'Council Resolution of 31 March 1995 on improving and diversifying language learning and teaching within the education systems of the European Union', OJ C 207, 12/8/1995, p. 1

Council (1994), 'Council Decision 94/819/EC of 6 December 1994 establishing an action programme for the implementation of a European Community vocational training policy', OJ L 340, 29/12/1994, p. 8

Council (1992a), ‘Conclusions of the Council and of the Ministers of Education Meeting within the Council of 27 November 1992 on measures for developing the European dimension in higher education’, OJ C 336, 19/12/1992, p. 4

Council (1992b), ‘Conclusions of the Ministers of Culture meeting within the Council of 12 November 1992 on guidelines for Community cultural action’, OJ C 336, 19/12/1992, p. 1

Council (1991), ‘Resolution of the Council and the Ministers for Culture Meeting within the Council of 14 November 1991 on European Cultural Networks’, OJ C 314, 05/12/1991, p. 1

Council (1990), ‘Council Decision 90/685/EEC of 21 December 1990 Concerning the Implementation of an Action Programme to promote the Development of the European Audiovisual Industry (Media, 1991 to 1995)’, OJ L 380, 1/12/1990, p. 37

Council (1989a), ‘Council Decision 89/489/EEC of 28 July 1989 establishing an action programme to promote foreign language competence in the European Community (Lingua)’, OJ L 239, 16/8/1989, p. 24

Council (1989b), ‘Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities’, OJ L 298, 17/10/1989, p. 23

Council (1988a), ‘Resolution of the Council and the Ministers of Education Meeting within the Council of 24 May 1988 on the European dimension in Education’, OJ C 177, 6/7/1988, p. 5

Council (1988b), ‘Resolution of the Council and of the Ministers responsible for cultural affairs meeting within the Council of 27 May 1988 on the future organization of their work’, OJ C 197, 27/07/1988, p. 1

Council (1986a), ‘Resolution of the Council and of the Ministers Responsible for Cultural Affairs, meeting within the Council of 13 November 1986 on the European Cinema and Television Year’, OJ C 320, 13/12/1986, p. 4

Council (1986b), ‘Resolution of the Ministers with Responsibility for Cultural Affairs, meeting within the Council of 13 November 1986 on the Protection of Europe’s Architectural Heritage’, OJ C 320, 13/12/1986, p. 1

Council (1985), ‘Resolution of the Ministers responsible for Cultural Affairs meeting within the Council of 13 June 1985 concerning the annual event ‘European City of Culture’’, OJ C 153, 22/6/1985, p. 2

Council (1977), ‘Council Directive of 25 July 1977 on the education of the children of migrant workers (77/486/EEC)’, OJ L 199, 06/08/1977, p. 32

Council (1971), ‘Resolution of the Ministers of Education of 1971’, Bulletin of the EC, Supplement 1/70

Council Conclusions of 12 June 1995 on Linguistic Diversity and Multilingualism in the European Union

Danish Government (1990), Memorandum Approved by the Market Committee of the Folketing, 4 October 1990

'Declaration of the 1972 Paris Summit' (1972), Bulletin of the EC, No. 10, p. 14

'Declaration on the European Identity of the 1973 Copenhagen Summit' (1973), Bulletin of the EC, No. 12, p. 118

Dutch Government (1990), First Memorandum: Possible Steps Towards European Political Union

European Commission (2007a), 'Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on A European Agenda for Culture in A Globalizing World', COM 2007, 242 final

European Commission (2007b), 'Gateway to Education: Socrates European Community Action Programme in the field of Education (2000-2006)', available at http://ec.europa.eu/education/programmes/socrates/generalen.pdf

European Commission (2007c), 'Jean Monnet Success Stories: Europe for Lifelong Learning', Luxembourg: Office for Official Publications of the European Communities, available at http://ec.europa.eu/dgs/education_culture/publ/pdf/monnet/success-stories_en.pdf

European Commission (2007d), 'Report on the implementation of the Action Plan 'Promoting Language Learning and Linguistic Diversity'', COM 2007, 554 final

European Commission (2006), 'Commission Decision of 20 September 2006 setting up the High Level Group on Multilingualism (2006/644/EC)', OJ L 263, 23/09/2006, p. 12

European Commission (2005a), 'Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, A New Framework Strategy for Multilingualism', COM 2005, 596 final

European Commission (2005b), 'Proposal for a Directive of the European Parliament and of the Council amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities', COM(2005) 646

European Commission (2004a), 'Communication from the Commission: Making Citizenship Work: Fostering European Culture and Diversity through Programmes for Youth, Culture, Audiovisual and Civic Participation', COM 2004, 154 final

European Commission (2004b), 'Sixth Communication to the Council and the European Parliament on the application of Articles 4 and 5 of Directive 89/552/EEC "Television

without Frontiers", as amended by Directive 97/36/EC, for the period 2001-2002', COM 2004, 524 final

European Commission (2003a), 'Amended proposal for a Decision of the European Parliament and of the Council establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through co-operation with third countries (Erasmus World) (2004-2008)', COM (2003) 239 final, 2002/0165 (COD).

European Commission (2003b), 'Communication of 24 July 2003 to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006', COM 2003, 449 final

European Commission (2003c), 'Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Future of European Regulatory Audiovisual Policy', COM 2003, 784 final

European Commission (2002), 'Fourth Report From the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the application of Directive 89/552/EEC "Television without Frontiers"', COM 2002, 778 final

European Commission (1999), 'Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Principles and Guidelines for the Community's audiovisual policy in the digital age', COM 1999, 657 final

European Commission (1998a), 'Culture, the Cultural Industries and Employment', Commission staff working paper, SEC(98) 837, Brussels

European Commission (1998b), 'Proposal for a European Parliament and Council Decision Establishing a Single Financial and Programming Instrument for Cultural Cooperation (Culture 2000 Programme)', OJ C 211, 07/07/1998, p. 18

European Commission (1997), 'Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Towards a Europe of Knowledge', COM 1997, 653 final

European Commission (1996), 'Communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Cohesion Policy and Culture: A contribution to employment', COM 96, 512 final

European Commission (1995), 'Proposal for a European Parliament and Council Directive amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in the Member States concerning the pursuit of television broadcasting services', OJ C 185, 19/7/1995, p. 4

European Commission (1993), 'De Clerq Report: Reflection on Information and Communication Policy of the European Community', OP-EC/3240, March 1993

European Commission (1992), 'Europe and the Challenge of Enlargement, Rapport prepared for the European Council in Lisbon, 26-27 June 1992', Bulletin of the EC, Supplement 3/92

European Commission (1990), 'Communication from the Commission to the Council and European Parliament on Audiovisual Policy', COM 1990, 78 final

European Commission (1988), 'Communication on A People's Europe', Bulletin of the EC, Supplement 2/88

European Commission (1987), 'Communication on a fresh boost for culture in the European Community', COM 1987, 603 final

European Commission (1986a), 'Action Programme for the European Audiovisual Media Products Industry', COM 86, 255 final

European Commission (1986b), 'Television and the Audio-visual Sector: Towards a European Policy', European File 14/86, Luxembourg: Office for Official Publications of the European Communities

European Commission (1985a), 'Completing the Internal Market: White Paper from the Commission to the European Council (Milan, 28-29 June 1985)', COM 85, 310 final

European Commission (1985b), 'Proposal for a Council regulation (EEC) on a Community aid scheme for non-documentary cinema and television co-productions', COM 85, 174 final

European Commission (1984), 'Green Paper on the establishment of the common market for broadcasting, especially by satellite and cable, Television Without Frontiers', COM 84, 300 final/2

European Commission (1983), 'Report on realities and tendencies in European television', COM 83, 229 final

European Commission (1982), 'Communication to the Council and Parliament, Stronger Community action in the cultural sector', Bulletin of the EC, Supplement 6/82

European Commission (1977), 'Communication to the Council, Community action in the cultural sector', Bulletin of the EC, Supplement 6/77

European Commission & Belgian Presidency (2001), 'Final Report: Brussels, Capital of Europe', available at http://ec.europa.eu/dgs/policy_advisers/archives/publications/docs/brussels_capital.pdf

European Council (2002), 'Presidency Conclusions. Barcelona European Council, 15-16 March 2002'

European Council (2001), 'Laeken Declaration of 15 December 2001 on the future of the European Union', Annex I to the Presidency Conclusions – Laeken, 14-15 December 2001

European Council (2000), 'Presidency Conclusions, Lisbon European Council, 23-24 March 2000'

European Council (1997), 'Presidency Conclusions, Luxembourg European Council, 12-13 December 1997'

European Council (1983), 'Solemn Declaration on European Union', Stuttgart, 19 June 1983, Bulletin of the EC, 6-1983

European Economic and Social Committee (2006), 'Opinion of the European Economic and Social Committee on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – A new framework strategy for multilingualism', COM(2005) 596 final, OJ C 324, 30/12/2006, p. 68

European Parliament (2004), 'Resolution on the role of schools and school education in maximising public access to culture', OJ C 098 E, 23/04/2004, p. 179

European Parliament (2003), 'Report with recommendations to the Commission on European regional and lesser-used languages – the languages of minorities in the EU – in the context of enlargement and cultural diversity', A5-0271/2003 final of 14/7/2003

European Parliament (2002), 'Resolution on the European Capital of Culture 2005', OJ C 177 E, 25/07/2002, p. 59

European Parliament (1998), 'Proposal for a European Parliament and Council decision establishing a single financing and programming instrument for cultural cooperation: proposed amendments', OJ C 359, 23/11/1998, p. 28

European Parliament (1997), 'Resolution on the first reports of the Commission on the consideration of cultural aspects in European Community action', OJ C 055, 24/02/1997, p. 37

European Parliament (1994), 'Resolution on Community Policy in the Field of Culture', OJ C 44, 14/02/1994, p. 184

European Parliament (1991), 'Resolution on the promotion of the theatre and music in the European Community', OJ C 305, 25/11/1991, p. 518

European Parliament (1989a), 'Report on the European Community's film and television industry' (De Vries Report). PE 119.192/final

European Parliament (1989b), 'Resolution of the European Parliament of 17 February 1989 on a Fresh Boost for Community action in the cultural sector', OJ C 69, 20/3/1989, p. 180

European Parliament (1989c), 'Resolution on the European film and television industry', OJ C 069, 20/03/1989, p. 138

European Parliament (1985), 'Resolution on a framework for a European media policy based on the Commission's Green Paper on the establishment of the common market for broadcasting, especially by satellite and cable', OJ C 288, 11/11/1985, p. 113

European Parliament (1984a), 'Resolution of 13 April 1984 on broadcast communication in the European Community', OJ C 127, 14/5/1984, p. 147

European Parliament (1984b), 'Report of 16 March 1984 on a policy commensurate with new trends in European television on behalf of the Committee on Youth, Culture, Education, Information and Sport', Rapporteur: Mr. G. Arfé., Doc. 1-1541/83, PE 85/902/fin

European Parliament (1984c), 'Resolution of 25 April 1984 on European media policy', OJ C 172, 2/7/1984, p. 212

European Parliament (1984d), 'Resolution of 30 March 1984 on policy commensurate with new trends in European Television', OJ C 117, 30/4/1984, p. 201

European Parliament (1982a), 'Report of 23 February 1982 on Radio and Television Broadcasting in the European Community on behalf of the Committee on Youth, Culture, Education, Information and Sport', Rapporteur: Mr. W. Hahn., Doc. 1-1013/81, PE 73/271/fin

European Parliament (1982b), 'Resolution of 12 March 1982 on Radio and Television Broadcasting in the European Community', OJ C 87, 5/4/1982, p. 110

European Parliament (1980), 'Motion for a resolution on radio and television broadcasting in the European Community', EP Doc. 1-409/80

European Parliament (1976), 'Resolution of 8 March 1976 on Community action in the cultural sector', OJ C 79, 5/4/1976, p. 6

European Parliament (1974), 'Resolution of 13 May 1974 on Measures to Protect the European Cultural Heritage', OJ C 62, 30/5/1974, p. 5

European Parliament and Council (2007), Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, OJ L 332, 18/12/2007, p. 27

European Parliament and Council (2006a), 'Decision No. 1622/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Action for the European Capital of Culture event for the years 2007 to 2019', OJ L 304, 3/11/2006, p.1

European Parliament and Council (2006b), 'Decision No. 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007)', OJ L 327, 24/11/2006, p. 12

European Parliament and Council (2006c), 'Decision No. 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning', OJ L 327, 24/11/2006, p. 45

European Parliament and Council (2005), 'Decision No. 649/2005/EC of the European Parliament and of the Council of 13 April 2005 amending Decision No 1419/1999/EC establishing a Community action for the European Capital of Culture event for the years 2005 to 2019', OJ L 117, 04/05/2005, p. 20

European Parliament and Council (2004), 'Corrigendum to Decision No 846/2004/EC of the European Parliament and of the Council of 29 April 2004 amending Council Decision 2000/821/EC on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus – Development, Distribution and Promotion) (2001-2005) (OJ L 157, 30.4.2004)', OJ L 195, 02/06/2004, p. 2

European Parliament and Council (2001), 'Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005)', OJ L 026, 27/01/2001, p. 1

European Parliament and Council (2000a), 'Decision 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme', OJ L 63, 10/3/2000, p. 1

European Parliament and Council (2000b), 'Decision No. 1934/2000/EC of the European Parliament and of the Council of 17 July 2000 on the European Year of Languages 2001', OJ L 232, 14/09/2000, p. 1

European Parliament and Council (1997a), 'Decision 2085/97/EC of the European Parliament and of the Council of 6 October 1997 establishing a programme of support, including translation, in the field of books and reading (Ariane)', OJ L 291, 24/10/1997, p. 26

European Parliament and Council (1997b), 'Decision 2228/97/EC of the European Parliament and of the Council of 13 October 1997 establishing a Community action programme in the field of cultural heritage (Raphael)', OJ L 305, 8/11/1997, p. 31

European Parliament and Council (1997c), 'Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities', OJ L 202, 30/7/1997, p. 60

European Parliament and Council (1996), 'Decision 719/96/EC of the European Parliament and of the Council of 29 March 1996 establishing a programme to support artistic and cultural activities having a European dimension (Kaleidoscope)', OJ L 99, 20/4/1996, p. 20

European Parliament and Council (1995), 'Decision 819/95/EC of the European Parliament and of the Council of 14 March 1995 establishing the Community action programme 'Socrates'', OJ L 87, 20/4/1995, p. 10

'Final Communiqué of the 1969 Hague Summit' (1970), Bulletin of the EC, No. 1, p. 11

Germany 2007 - Presidency of the European Union (2007), 'Declaration on the Occasion of the Fiftieth Anniversary of the Signatory of the Treaties of Rome, 25 March 2007', available at http://www.eu2007.de/de/News/download_docs/Maerz/0324-RAA/English.pdf

Janne, H. (1973), 'For a Community Policy on Education', Bulletin of the EC, Supplement 10/73

Luxembourg Presidency (1991), ''Non-Paper': Draft Treaty Articles With a View to Achieving Political Union', tit. XVI(1), 12 April 1991

Single European Act, OJ L 169, 29/6/1987, p. 1

Social and Economic Committee (1985), 'Opinion of the Social and Economic Committee on the Green Paper on the establishment of the common market for broadcasting, especially by satellite and cable', OJ C 303, 25/11/1985, p. 13

Tindemans, L. (1976), 'Report on the European Union', Bulletin of the EC, Supplement 1/76

Treaty establishing the European Coal and Steel Community (1951)

Treaty establishing the European Union (Consolidated text), OJ C 325, 24/12/2002, p. 5

Written Question, No. 758/89 by Kenneth Collins to the Commission of the European Communities, Broadcasting Directive, OJ C 97, 17/4/1990, p. 21

Eurobarometer Surveys

Flash Eurobarometer 192, 'Attitudes towards the EU in the United Kingdom', February 2007

Flash Eurobarometer 214, 'Introduction of the Euro in the New Member States', November 2007

Special EuroBarometer 243, 'Europeans and their Languages', February 2006

Special Eurobarometer 287, 'National Sides of euro coins Topline Report', September 2007

Standard Eurobarometer 67, 'Public Opinion in the European Union', June 2007

Reports

David Graham & Associates Limited (2005), 'Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive on behalf of the Audiovisual, Media and Internet Unit, Directorate-General Information Society and Media, European Commission', available at http://ec.europa.eu/avpolicy/docs/library/studies/finalised/4-5/27-03-finalreport.pdf

EBLUL (2002), 'Final Report: Support for Minority Languages in Europe'

Eurydice (2005), 'Key Data on Teaching Languages at School in Europe', available at http://www.eurydice.org/ressources/eurydice/pdf/0_integral/049EN.pdf

High Level Group on Multilingualism assigned by the European Commission (2007), 'Final Report', Luxembourg: Office for Official Publications of the European Communities

KEA European Affairs assigned by the European Commission (2006), 'Study on the Economy of Culture in Europe' available at http://ec.europa.eu/culture/eac/sources_info/studies/studies_en.html

Press Releases

Europa Press Release: 'EU 50th Birthday Logo Selected', IP/06/1415, Brussels, 17 October 2006, available at http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1415&format=HTML&aged=1&language=EN&guiLanguage=en

Europa Press Release: 'The Commission launches a *Have Your Say* corner and an on-line consultation on multilingualism', IP/07/1395, Brussels, 26 September 2007

Table of Cases (European Court of Justice)

Case C-11/95, *Commission v Belgium*, [1996] ECR I-4115

Case C-115/73, *Giuseppe Sacchi* [1974] ECR 409

Case C-129/78 *Rewe v Bundesmonopolverwaltung für Branntwein* [1979] ECR 649

Case C-211/91 *Commission v Belgium* [1992] E.C.R. I-6757

Case C-229/83 *Leclerc v Au blé vert et al.* [1985] C.J.E.C. Rep I

Case C-288/89 *Stichting Collectieve Antennevoorziening Gouda and others v Commissariaat voor de Media* [1991] ECR 4007

Case C-30/77 Regina v Bouchereau [1977] ECR 1999

Case C-379/87 *Anita Groener v. Minister for Education and City of Dublin Vocational Educational Committee* [1989] ECR 3967

Case C-4/73 *Nold v Commission* [1974] ECR 491

Case C-42/97, *Parliament v. Council,* 1999 ECR I-869

Case C-7/68 *Commission v. Italy* [1968] ECR 423

Cases C-154/89 *Commission v France* [1991] ECR I-659, C-198/89 *Commission v Greece* [1991] ECR 727 and C-180/89 *Commission v Italy* [1991] ECR 709

Cases C-353/89 *Commission v the Netherlands* [1991] ECR 4069 and C-288/89 *Stichting Collectieve Antennevoorziening Gouda and others v Commissariaat voor de Media* [1991] ECR 4007

Joined Cases 60-61/84 Cinéthèque SA and others v Fédération nationale des cinemas français [1985] ECR 2605

Agence Europe and European Report

Agence Europe, 22/02/2000, Brussels

Agence Europe, 08/09/2004, Brussels

Agence Europe, 18/10/2005, Brussels

Agence Europe, 02/12/2005, Brussels

Agence Europe, 13/01/2006, Brussels

Agence Europe, 21/02/2006, Brussels

Agence Europe, 28/04/2006, Brussels

Agence Europe, 22/09/2006, Brussels

European Report, No. 2110, Brussels, 24 February 1996