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European Integration, Immigration and the Nation State:
Institutionalising Transnational Political Action?

ADRIAN FAVELL and ANDREW GEDDES

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ABSTRACT

To what extent does European integration - and the EU's developing range of competencies over free movement, immigration and asylum - open new spaces for pro-migrant transnational mobilisation? Migration scholars have to date not been well-placed to assess these developments, because of a lack of precision about the technical dynamics of EU integration. Short of this, their analyses of migrant mobilisations in the EU tend to be framed either as classic national struggles for inclusion misleadingly projected to a higher level; or, when attention has turned to the emergent supranational and transnational dimensions of the EU, to be dominated by a normative counter-factual logic, that stresses grassroots mobilisations, notions of multicultural inclusion and idealistic notions of European citizenship. These various approaches bear little relation to *extant* EU competencies, capacities and powers to act, and provide weak empirical explanations. Our paper pays close attention, therefore, to the actual institutional context of policy at EU level, in order to demonstrate the ways in which migrant exclusion/inclusion is structured by legal, political, institutional and symbolic sources of power, that have been created above all by its core market-making objectives. A range of migration issues have indeed become Europeanised, and a clearer specification of these institutional contexts - and the constraints and opportunities associated with them - may help to pinpoint possible policy outcomes. We argue that the élite pattern of European integration has stimulated and induced almost exclusively élite-led political activity within the EU's emergent "political field" in this sector, that bear little if any relation to grassroots "ethnic mobilisation". Moreover, despite some largely rhetorical adherence to global ethical norms, European integration in fact stimulates the development of a specifically regional frame of reference, which may offer some prospects of non-national membership for legally resident third country nationals in the future, but which does not substantiate arguments that these rights are linked to an idea of universalised post-national membership based on global ethical norms and values.

BIOS

Adrian Favell is lecturer in European Studies at the University of Sussex, and a PhD of the European University Institute, Florence.

Andrew Geddes is lecturer in Politics at the University of Liverpool, and was a fellow of the European University Institute's Forum on International Migrations 1997-1998.

INTRODUCTION

Debates about European integration often comment on the challenge this process poses to the sovereignty of European nation states, but less frequently note that post-war immigration to Europe has challenged the primacy of the nation state in Europe along many similar lines. As with European integration, the individual nation state's unambiguous control over territorially defined policy-making, population movement and citizenship has in recent years been compromised by the continued flow of new and increasingly diverse migrants to the continent (Joppke 1998). This paper explores the degree to which these two phenomena are interlinked: the ways in which European integration has led to the development of European Union (EU) competencies for free movement, immigration and asylum, that in turn may be inducing specifically transnational political action over migration-related issues.

For this to happen would be a novelty. In the post-war period, control over immigration has been strictly the domain of nation states - indeed a defining hallmark of national sovereignty - and immigration policy has thus been predominantly a national level question. However, internal labour migration (the free movement of persons) is a foundational tenet of EU treaties, and in recent years the somewhat artificial division of powers between free movement and immigration has been blurred. The connection has led to the emergence of new European co-operative measures which respond to the growing recognition that the strictly controlled post-colonial and labour migrations of the post-war period have, in the 1980s and 90s, given way to a set of "new migration" phenomena, unprecedented in scale and diversity, that cannot be managed by nation states in isolation (King 1998; Koser and Lutz 1998). With increasing ease of communication and travel, "transnational" forms of ethnic and migrant organisation have emerged as a side-effect of the increased interdependency and porousness of nations (Portes 1997): developments linked together within the academic rubric of "globalisation". And, as with other attempts to control and harness these forces - of which the new "age of migration" is a striking example - the EU seems caught between two contradictory roles: as a forum for intergovernmental cooperation to save the declining powers of the nation state; or, alternately, the context for establishing a genuinely new, regional supranational body, in which forms of transnational social and political action are enabled beyond the classic confines of national political and societal arenas.

Scholars in migration, race and ethnic studies have, however, had a problem convincingly accounting for the developing European dimension to immigration politics in western Europe. For sure, everyone is aware that Europe matters, but there are few existing studies which specify in a precise,

institutionalist style, the new constraints and opportunities opened by the Europeanisation of immigration politics. Instead, an all-too familiar activist rhetoric has dominated and compromised academic studies of the effects of the EU on immigration issues: lamenting the building of "fortress Europe", the inevitable "exclusion" of ethnic and migrant minorities, and the inexorable progress of "racist" or "fascist" Europe; and often exaggerating the powers that EU institutions in fact have for good or ill. Such rhetoric may be an effective strategy for protest by groups who feel marginalised by the EU institutions, but is misleading when analysing what is actually going on at this level. Mainstream EU scholars who might be able to temper these claims, meanwhile, have mostly overlooked the subject.

Our paper seeks to remedy these deficiencies (for more comprehensive empirical studies along these lines, see Favell 1998b, 1998c; Geddes, 1998, 2000fc). We strip back the question to its essentials: asking what, if any, forms of action or mobilisation can be associated *directly* with the emergence of free movement, immigration and asylum competencies. We work through a two-stage approach to this question: first, specifying the institutional *context*, then specifying the *actual* (rather than imagined or normatively desirable) dynamics that it has induced because of the opportunity structure it sets up. To do this will require bringing together two rather distinct literatures. First, we will specify what is of use in the institutionalist and political opportunity structure literature on Europeanisation; second, we will show why existing approaches to 'European' transnational mobilisation by migration and ethnic studies scholars fail to engage with the institutional nature and dynamics of the EU. Our aim here is in fact to show how - because of the institutional properties of this particular policy sector at the European level - the question of transnational mobilisation on immigration can, unlike in others, be reduced to a study of the "Brussels game". "Transnational" mobilisation of other kinds associated with immigration issues in Europe, is in fact not linked directly to the European integration process but other sources of political and social power. We find that there *is* indeed pro-migrant and pro-minority activity associated with sources of legal, political and symbolic power at EU level, but that this has little to do with the kind of ethnic mobilisation imagined by some scholars. However, despite its essentially élite nature, by specifying the actual constraints and opportunities created by European integration on immigration policy enables us to show *how* and *why* the ongoing institutionalisation of aspects of migration policy may lead to new supranational laws and policy on anti-discrimination or rights for non-nationals in Europe.

Beyond this, our study identifies a "globalisation paradox" inherent in the European integration process. EU level co-operation and integration may appear at first sight to be enabling nation states to regain control over matters that were slipping beyond them in a globalising age: immigration control being the case in point. Yet the subsequent institutionalisation of an EU context itself reinforces the decline of the classic nation state as the context and bounded arena of social and political action, as new actors emerge to push and extend these opportunities. The opportunity structure of a cross-national regional entity such as the EU is thus very different in character to the universal "global" norms of "personhood" (Soysal 1994; Boli and Thomas 1997) or "international justice" (Black 1995; Klotz 1995) claimed by many scholars to be the motor of empowerment for marginalised groups.

INSTITUTIONALISING EUROPEAN INTEGRATION

To understand why only certain forms of transnational mobilisation are successful at EU level, it is necessary to explain mobilisation opportunities by reference to the specific legal, political and institutional structures and dynamics of European institutions. This takes us back to considering how mainstream EU studies conceptualize European integration. Throughout its history, the study of European integration has been characterised by a macro-level IR dispute between positions that are locked into the same meta-theoretical rationalist paradigm. The essence of the dispute is between state-centred intergovernmentalism and supranationally-oriented "neo-functionalist" approaches; but to ask whether it is the member states or supranational institutions that are in charge is actually likely to elicit the response: "both, sometimes" (Putnam 1988). European integration has, on the one hand, been advanced at supranational level by the technocratic ethos of the European Commission, with its key role as policy proposer and implementer. The European Court of Justice which enforces adherence to Treaty agreements - and hence the body of European Community law - has actively carved out its role as a supranational overlord to national level legislation. Integration thus establishes scope for *constitutionalisation* - characterised by IR scholars as the "domestification of international politics" - which involve the transformation of Treaties between states into laws that bind those states. Supranational laws establish a triangular relationship between EU citizens, the member states and the EU that empowers individuals and constrains the discretion and competence of member states (Guild 1998). In turn, this generates an *institutionalising* dynamic, which establishes sources of power, authority and capacity to act at EU level and may induce certain new forms of interest group activity and mobilisation at the Europe level among specific groups able to engage with and

use these new European resources.

At the same time, the member states have always exhibited caution about the extent of supranational authority, which means that legislative power resides with the Council of Ministers, upon which national governments are represented, and not the relatively weak European Parliament. A strong intergovernmental counterbalance to supranationalism has thus always sat at the heart of European integration. This creates a blurred and fluid context, with different balances struck in different policy sectors. Only a careful examination of the interaction between these structures and the agency of actors working within them allows accurate assessment of actual political opportunities created at EU level.

What we identify, then, as "transnational" action would consist of political action or mobilisation enabled outside of the existing opportunity structures of national level state politics, as a direct or indirect result of intergovernmental decisions to integrate in a certain policy sector. A case in point in the field of environmental politics, for example, is the apparent effectiveness of certain transnational environmental organisations - such as Greenpeace - to become active voices in the policy making process in Brussels. Such transnational action takes its cue from the effective lobbying undertaken by transnational corporations at the European level. It is also facilitated by the specifically élite and technocratic focus of policy making in the EU, which seeks to incorporate a range of non-state and non-national actors. Transnationalism of both kinds works in the new spaces of governance opened up by the internationalisation of political structures. Transnational action or mobilisation, can be distinguished from the formal legal and institutional sense of the term "supranational"; the latter refers to the formal structures of European politics, the former to actors and organisations within them. The institutionalisation of policy competencies at supranational level means that to talk about "transnationalism" in the EU context is to talk about understanding the specific sources of "social power" enabled to specific people or organisations by European integration. The institutional channels, resources and symbolic sources of this empowerment are defined by the EU's institutional structures, which are neither universal in their scope nor applicable across all Europeanised policy sectors.

The organisational form, motivations, patterns of interaction, strategic calculations and alliance-building strategies of Euro-groups will be structured by opportunities and constraints related to the extent of policy institutionalisation, which can be measured along three axes (Stone-Sweet and Sandholtz 1998). First, there is the delineation of formal policy competencies by Treaty and associated legislation. Second, is the establishment of decision-making

competencies for EU institutions to build on the Treaty framework and develop, implement and adjudge the legislative framework. Third - and much less clear cut - is the refocusing of patterns of political mobilisation by societal interests affected by transferred competencies, which can reinforce existing integration and build pressure for deeper integration. That said, a weakness of formal institutional approaches is a neglect of prior issue problematisation. Scholars of immigration politics need little reminding that the construction of the immigration *problematique* is fundamental. The contemporary immigration issue in fact comprises a bundle of concerns relating to movement of people, the prevention of such movement and the scope for inclusion of migrants and their descendants. A core aspect is that certain forms of migration are viewed negatively as a "threat" and become security-related concerns. This is particularly the case for undocumented migrants and so-called "bogus" asylum-seekers. Other forms of migration are, however, viewed positively, for instance high-skilled labour migration, and are often positively encouraged. The task, then, is to inquire as to the extent to which the EU's institutional context reflects and potentially refracts core migration issues and, thereby, establishes scope for transnational political activity in relation to constitutionalised and institutionalised competencies.

The motor of institutionalisation lies in the process by which formal and informal resources associated with particular policy sectors begin, via their elaboration and discussion in the EU environment over time to take more formalised meanings (Fligstein and Mara-Drita 1996; Wiener 1998). These processes of definition, redefinition and elaboration of common interests become more than an intergovernmental process and certain new relations can become routinised. A typical process of institutionalisation has been the European Court's free movement and equal treatment logic. Thus by "low" politics (legal rulings, jurisprudence and associated campaigning, funding, directives etc.) rather than "high" politics (intergovernmental treaties, parliamentary business etc.) actors mobilise around and operationalise the new informal opportunities and pressure for their formal institutionalisation in both low and high arenas. As access to privileged finance/consultancy roles usually is opened up by the Commission, then the institutionalisation of policy induces specific forms of political organisation and mobilisation. Typically, this results in lobbying activity directed towards the Commission as the privileged interlocutor in processes of elaboration of interests at EU level. Moreover the Commission itself is a "multi-organisation", not a monolith, in which there can be conflicts of interest and policy among even those committed to extend the remit of its powers (Cini 1996, Cram 1996, Hooghe 1997). There is convergence on "Euro-norms" linked to the Commission's role as the putative engine of European integration (and associated socialisation processes on those who live and work in

this environment; see Abélès 1996), but intra-organisational competition often also occurs: especially in policy areas such as migration that so ambiguously fall across different DGs and different institutional competencies.

Given these patterns of constraints and opportunities, what new forms of political action or organisation might be expected to thrive in the EU's institutional terrain? As a wealth of studies on EU interest groups and lobbying shows, interest representation at the EU level has been monopolised by "insider" forms of political action (Mazey and Richardson 1993; Aspinwall and Greenwood 1997). The technocratic corridors of power in Brussels have specifically encouraged specialised lobby groups and networks, and have privileged the co-option of experts and special interests into technical committees which often articulate interests very different to national governments. European integration has also placed a premium on specifically legal forms of politics, capitalising on the role of the ECJ as the most dynamic arm of supranational power. Among the new forms of action and organisation inspired are a wide of new transnational groups: lawyers (Burley and Mattli 1993; Schepel and Wessering 1997), business interests (Coen 1997), scientific experts (Joerges and Neyer 1997), and dynamic NGOs in the fields of environmentalism or consumer affairs (Rootes 1997; Greenwood 1997) are some of the more well known.

Although one or two commentators have been moved to see these forms of institutionalised action as an "élite social movement" (Fligstein and Mara-Drita 1996) - and hence as the mobilisation of a new Euro-élite campaigning against the order of power and privilege of élites at national levels (Favell 1998c) - transnational mobilisation would ordinarily be sought in more conventional social movements terms. That is, as a public demonstration or conflict strategy, "in the streets" so to speak; as a public protest movement against existing political institutions and patterns of power (Tarrow 1998). Classic social movements type approaches to mobilisation put the focus of mobilisation on the action of marginal and excluded groups to force representation in political systems which silence or fail to represent their voices. Some recent work has been done along these lines by EU scholars, in search of transnational social movements enabled or provoked by the Europeanisation of European politics. One example is the work by Sidney Tarrow on trades unions, and the cross-national coordination of union campaigns against the closure of the French Renault car factories in Vilvoorde, Belgium and the privatisation of European railways (Tarrow 1995). Other authors, such as Marks and McAdam (1996) make the emergence of highly institutionalised European social movements a hallmark of multi-levelled governance, in which certain groups frustrated at the nation level have learned to re-focus their activities at the European level, and

re-shape their organisational forms to the specific institutional terrain of the EU. Typically, environmental groups, transnational regional developmental agencies, and well-organised ideals based organisations such as Amnesty have been successful in this context, but others with more nationally rooted forms of lobbying and organisation (such as trades unions) have found the corridors of power in Brussels harder to penetrate.

The technocratic and hybrid nature of European institutions and the integration process means that it is perhaps misleading to package such forms of Europeanisation as a "social movement" type of mobilisation. This is because, in its classic argument, social movements were associated with the rise of the modern state, and the steady accumulation of powers by central government and legal institutions (Tilly 1995). Social movements mobilized in the margins for inclusion, gaining rights and incorporation in return for acquiescence to the social regime: a logic of the kind made famous by T.H.Marshall's study of citizenship in Britain (Marshall 1950). Behind this logic, inevitably, lies a vision of nation state building and the social integration of all sectors of society in a common national identity (Crowley 1998). The projection of a similar line of development - all too common in the many worried counterfactual reflections on European "identity" or democracy (for example, the influential work of Weiler 1998) - is a wholly misleading misrepresentation of the EU as an emergent "state-like" thing on a par with national liberal democratic states. It is reliant on kind a teleological normative and federalising logic, that sees the movement of European politics as one towards more democratisation and the emergence of a unified European "public sphere", as the preliminary to the ultimate emergence of a (legitimate, democratic) European superstate.

Empirically speaking, actual European integration upsets this teleological account and its assumptions about the modern nation state and associated social change. As much of the recent reflection on the "nature of the beast" has argued, European integration may call for a new vocabulary of political analysis that is not entirely associated with the stable reference points of nation state politics, which, in any given policy sector such as immigration, locks us into a misleading replication of nationally bounded debates about representation, mobilisation and power (Schmitter 1996; Risse 1995). It might be more appropriate to think of the EU as a post-modern state without a centre or as a regulatory state where key terms become decentralisation, deregulation and/or liberalisation, not the social movements language of public spheres, democratisation and mobilisation against exclusion (Majone 1996; Caporaso 1996).

More specifically, when looking at transnational action and organisation at the European level, the distinction between interest groups and social

movements is getting harder to draw, and the specialization of successful organisations at the European level (including highly organised social movements type groups such as Amnesty or Greenpeace), often entails the separation of these élite groups with the (mass public) constituency they are said to be representing. European integration, as an uneven and non-linear process, should therefore be understood as not being on a state-building path, but rather as opening different "political fields" of action in a state of definition, which are not fully controlled by the intergovernmental actors that created them. Actors who successfully invest in the European level of action can also try to pull up the drawbridge behind them, by defining themselves in relation to other specifically Euro-policy networks and insider contacts, simultaneously trying to extend the powers of the European field, in rivalry with the national level political actors, bureaucrats, lawyers and so on, who previously would have monopolised political activity in any given sector.

MOBILISING AGAINST "FORTRESS EUROPE"

Many studies of the new forms of lobbying and transnational organisation at the European level have focused on sectors which for one reason or another are much more supranationalised than others. Our goal here is not to assess the political opportunity structure literature on Europeanisation, or discuss highly Europeanised sectors of policy campaigning, such as environmentalism. Rather, we wish to examine and explain why a much less developed field such as immigration policy - which is still largely intergovernmental rather than supranational in nature - is in fact unlikely to share these characteristics. Also, having signaled the élite, technocratic nature of interest representation and political action within European institutions - and the distinct institutional patterns likely across different sectors - we seek to question why so few studies of supposedly transnational "ethnic" mobilisations in Europe recognise these constraints in their discussions. These structuring factors ought to be seen as the single most important determining factor delimiting the range of immigration-related action enabled by the European integration process.

For sure, since the mid-80s, there has certainly been a strong "Europeanisation" of ethnic and racial studies (i.e. Wrench and Solomos 1993; Miles and Thränhardt 1995; King 1993; Cesarini and Fulbrook 1996; Baldwin-Edwards and Schain 1994). Immigration and/or ethnic minority issues are now routinely referred to as a litmus test of the nature of the emergent European entity, extending the way these subjects have been studied at a national level: that is, read as a challenge to the principles of liberal democracy and its attempts to internalise elements of cultural pluralism and diversity (Favell 1998a).

However, this engagement with Europe is distracted by the superficial normative rhetoric of European integration, rather than attuned to its institutional substance. Studies are typically framed by counterposing the "exclusionary" tendencies of "fortress Europe" and its culturally and racially exclusive "European identity" with a liberating, "inclusionary" multicultural agenda pushed from below by ethnic mobilisation around pro-migrant or anti-racist ideas. Via the usual counter-factual normative reasoning, the emptiness of "European citizenship" provisions is also routinely pointed to as an example of "democratic deficit" - and the problem of legitimacy - that could be remedied by an improved "recognition" of cultural and racial diversity. This kind of work rarely exposes the actual political dynamics behind such archetypal forms of Euro-rhetoric; or the very limited institutionalised resources (in terms of the specific definition we have laid out above) available for a mobilisation of the kind prescribed.

It was only in the early 1990s that work on migrants and minorities in Europe began to shift from a Marxist (and predominantly anti-racist) emphasis on systematic structural exclusion and discrimination (for example: Bovenkerk, Miles and Verbunt 1990), to one which focused on ethnic minority agency and collective action, and hence questions of participation, mobilisation and representation in a comparative perspective. The cross-national project headed by John Rex was perhaps the first European attempt to develop this paradigm (Rex and Drury 1994), and since then there has been a number of other collaborative projects following these lines (Alund and Schierup 1993; Martiniello 1995; Kastoryano 1998; Modood and Werbner 1998). In addition, scholars using neo-institutionalist theories and a political science focus on participation and representation, have opened up a new research program on immigration in Europe, which emphasises the development of explanatory theories and comparative method rather than an activist anti-racist or multiculturalist agenda (Ireland 1994; Soysal 1994; Freeman 1995; Guiraudon 1997; Joppke 1998).

Rex's earlier work on Britain - and its theoretical frame developing "a political sociology of multicultural society" - provided the cue for work which links the normatively desirable (and counter-factual) endpoint of a fully democratic, multi-national, multi-cultural Europe, with the need for a bottom-up ethnic mobilisation that pushes for the recognition of ethnic minority and migrant groups in Europe (Rex 1985; 1997). For all the fine hopes expressed, the problem, once again, is the unspecified role of actual EU legal and political institutions in these idealised mobilisations. Underlying Rex's still unsurpassed democratic theory of a successful multicultural society, is a vision of ethnic incorporation which still explicitly hinges on the Marshallian model of

incorporation; and hence on a nation state centered vision of integration. The prescribed social change towards a democratic multiculturalism is still firmly anchored in a nation state structured field of opportunities and constraints, in which a mix of élite partisanship, bottom-up mobilisation, conflict over ethnic difference, and progressive ideas of citizenship, welfare-based justice and equality, provide the sources of social power necessary to challenge the existing exclusionary social order. There is no progress without a recognition of the legitimate (national) membership - and hence rights-claims - of ethnic minorities and new immigrants. Implicitly or explicitly nearly all scholars in the field are still working within this progressive *integrationist* paradigm. For reasons evident from our discussion above, however, the transfer of this model of multicultural change to "Europe" as a whole reflects rather poorly the *extant* legal, political and institutional context and the possible dynamics of change it might lead to. The EU's uneven institutional structure, in fact throws up new opportunities and constraints in places where the European integration process leads to a differentiation (and disintegration) of the political system, and hence new spaces of autonomous action for certain political groups. This might be fairly described as a fragmentation of "the state": rather than its opposite, the building of a Marshallian incorporating state.

The second problem running through most recent work on ethnic mobilisation in Europe is the location of the sources of social power and successful collective action - and hence the motor of social change - in the mobilisation of "difference". That is, ethnic groups which have successfully pushed for improved recognition within the multicultural state - an often cited example being Islamic organisations in Europe - are said to have done so by mobilising cultural, racial or religious "identity" as a collective force (Soysal 1997; Cordell 1999). Ethnicity, however, is only a successful mobilising force under certain institutional conditions, and therefore ethnicity by itself is not an independent variable. To test whether there are mobilisations of this kind, the question has to be posed in a different way: that is, by examining conditions under which EU institutions may induce "ethnic" mobilisation.

In the one or two examples of studies that have explicitly looked for transnational ethnic mobilisation in the new European context, both of the two errors identified above have been made. Kastoryano (1999) reads an emerging transnational multicultural state into the European integration process and then connects it with a range of successful transnational "ethnic" mobilisations that in fact have very little grounding in actual institutional developments at the European level. Here, an idealised, normative idea of an emergent "European citizenship" is doing all the explanatory work; an idea of European citizenship that has little or no basis in the rather empty legal status of European citizenship

which exists in European treaties. Meanwhile, in earlier, EU-focused studies by Soysal (1993) and Ireland (1991), the emerging European institutions and patterns of cooperation are read as offering a fertile, preferential ground for new "ethnic" based mobilisations, seeking to address claims to European level institutions rather than traditional national ones. The danger here is to vastly overestimate what the EU as a institutionalised "state" power can do, as well as to wrongly assume that it is naturally progressive in its leanings on immigrant or ethnic politics. Such arguments also misrepresent the degree to which the genuine new opportunities that do exist, can or have been seized by ethnic groups themselves, conceived romantically in social movements terms. Ironically, this over-estimation of the EU is paralleled in anti-European accounts - the demonic visions popular among activists on the alert for "fortress", "fascist" or "racist" Europe - in which the success of a few actors such as police and border officials in wresting a degree of European autonomy of action, is misleadingly read as the "state" thereby increasing its own powers. In fact, this phenomenon again points again to the opposite conclusion: to the decline of the nation state's ability to control and organise *even* the activities of its own agents.

Would a strictly defined institutionalist approach to EU immigration politics reveal action not structured by the pre-existing national level opportunity structures that is specific to the European integration process? Examples at the national level, are Ireland's institutionalist study (1994) of city level immigrant participation and representation in six French and Swiss cities, or Bousetta's work on Moroccan mobilisation in Belgian, French and Dutch cities (1999fc) which find that the degree of specifically ethnic-based mobilisation and representation found in each case is related directly to the institutional structure of local opportunities and constraints: that is, neither to any common ethnic variable across city contexts, nor to the overarching national political frameworks. Successful mobilisation and political action is explained in a way which specifies when and where the variable of ethnic identity becomes salient and effective.

An equivalent institutionalist approach to EU immigration politics reveals that those "ethnic" mobilisations claimed to show the existence of a European transnational opportunity structure are in fact grounded in institutionalised structures that have little or nothing to do with anything thrown up by the European integration process. Successful transnational mobilisation, such as Islamic protest movements across Europe (Blom 1999), Turkish political organisations (Amiraux 1998; Ögelman 1998), or new cultural identities based on transnational media (Hargreaves and Mahjoub 1997) in fact only have a coincidental connection with the European integration process. They are sometimes lumped together with discussion of "European citizenship" but bear

little relation to the rather limited substantive form that this takes in institutional terms.

The emergence of the EU is indeed an example of "shifts in the post-World war II state structure" (Soysal 1994). But there are, after all, several other emergent "supra-national" institutions and institutional contexts that can be more plausibly pointed to as sources of transnational empowerment which genuinely lie outside existing nation state opportunity structures; none of these are specifically "European" in nature. First, are shifts in the global political economy, opening new opportunities for transnational business and forms of organisation (Sassen 1991; Portes 1996). Second, are shifts in the geo-political balance of world politics and international relations: such as the rise in prominence of Islam, and its increasing attraction as a pole of opposition to the hegemonic powers of the West (Ahmed 1992). Third, are shifts in international legal norms, which backed by universalistic international structures such as the UN, have provided new sources of justification for claims-making (Soysal 1997). These, indeed, may have some grounding in more diffuse "universalistic" norms about personhood or equal rights of cultural difference, as claimed by some sociological institutionalists (Meyer et al 1997; Boli and Thomas 1997).

What none of these approaches reveals is anything specifically EU related about the emergent transnational opportunity structures, whether material or symbolic in kind. The claim in earlier work by Soysal, Ireland and Kastoryano was that there was something in the European integration process - either the formal institutions created or the new symbolic Euro-ideas they give rise to - which have enabled some specifically ethnic groups to mobilise transnationally. These claims have remained primarily theoretical assertions, not backed by any specific findings about the policy impact of such mobilisations in Brussels. Indeed, more recent work offers empirical refutation of such readings. A recent study shows that different ethnic groups in Italy and Spain display vastly different successes in organisation in relation to supposed new European opportunities, which in fact depend on the help of go-between advocacy groups such as trades unions and the church (Danese 1998). Moreover, the organisational behaviour of different ethnic groups is still strongly structured by national political structures and/or the nature of local opportunities; and, despite a great deal of talk about new European opportunities, there is a clear underinvestment in the European level, or, worse, the EU remains remote and uninteresting, indeed irrelevant, to these ethnic group's self-perceived interests. Other scholars also show that Europe has not and does not yet really provide formal "European" transnational sources of power for ethnic groups themselves (Guiraudon 1998; Koopmans and Statham 1998). They find the explanation for mobilisation to be invariably national in location, and most likely to do with

party cleavages, the depoliticisation of immigration politics by élites, and the structure of national level conflicts over the content and meaning of national citizenship.

In other words, to go out looking for ethnic transnational mobilisation enabled by Europe is to put the cart a long way before the horse. The institutionalisation process of immigration issues at the European level has yet to provide this kind of opportunity structure; it is at a much earlier stage. There is very little empirical evidence for it; and where opportunities exist for some at the European level, they are not necessarily salient for migrant and minority groups themselves. Whatever transnationalism associated with the immigration issue at the European level still needs to be specified in terms of the actual structure of European institutions; and when it claims to be of an "ethnic" nature, it should not be taken at face value.

NEW PATTERNS OF POLITICAL ACTION AND THEIR INSTITUTIONAL CONTEXT

What, if any, transnational forms of action or mobilisation can in fact be associated with the emergence of free movement, immigration and asylum competencies at the EU level? Approaching this question immediately takes us back to the centrality of the free movement of persons to European integration. Although initially geared to intra-EU labour mobility, these provisions have, by an incremental process of legal challenges and treaty modifications, since been extended to other categories of people, such as students, the self-employed and the retired. The key point about intra-European migration is that it arises specifically from the economic impetus underpinning the building of the common and single markets. Too many scholars in this field have been distracted by the normative discussion over European citizenship - and associated debates about "inclusion", "legitimacy" or "democratic deficit" - which is much less rooted and institutionalised in the actual structures and dynamics of politics at the European level. The sometimes grandiloquent rhetoric associated with European integration - the building of a "people's Europe", for instance - should not disguise the fact that the EU has dominantly emphasised the attainment of efficiency in relation to capital as its fundamental goal, rather than democracy as measured by either popular participation or legitimation. Free movement for people became a key EU objective because it served market integration purposes, not because it was seen as a way of building a people's Europe, or a European identity grounded in transnational citizenship. Attempts to develop some kind of European public sphere have, therefore, lagged behind the substantive construction of a European market.

The creation of a single market defined by Article 8a of the Single European Act (1986) as "an area without internal frontiers" did, however, mean that immigration and asylum policy became matters of common concern. As nationals of EC member states became able to move freely within the single market then many of the dilemmas of external frontier control shifted to those member states on the edge of the Union. The attainment of free movement for people has required "compensating" immigration, asylum and internal security measures; but this requirement does not dictate the institutional form that these measures will take – whether they will be supranational or intergovernmental or whether they are inside the formal Treaty structure or, as was originally the case with the Schengen agreement, outside it. Nevertheless, immigration and asylum have become Europeanised, even if by a non-intentional backdoor route. Moreover, this development imparts a fluidity to the nascent co-operative structures, which may offer opportunities for entrepreneurial actors interested in opening up new European level opportunities. Indeed, the very logic of using cooperative European fora in this way, may also create its own integrative institutionalising dynamic, regardless of the largely national-interest based positions of national politicians and public officials. As Koslowski (1998) charts in some detail, cooperation on restrictive policy is still a form of integration: the routinisation and elaboration of cross-national ties between the most nationalist public officials and politicians in the Brussels or Luxembourg context will still lead slowly to actors in the supranational institutions of the Commission, Parliament and Courts being drawn in to these modes of European cooperation. Ad hoc routines can thus eventually gain supranational political or legal review. Although immigration and asylum policy is not yet institutionalised at the EU level to the extent that free movement is, new informal resources for other actors accrue from this incremental refocusing of activity. The emergence of a pro-migrant NGO network in Brussels and Strasbourg are examples of this (Geddes 1998). Another is the "wining and dining culture" that has developed at European level for interior ministers from EU member states, which has important socialisation effects (den Boer 1996).

The establishment of EU immigration and asylum co-operation marks an uneasy transition from state-centred immigration policy where issues were the firm province of the nation state to Europeanised immigration and asylum policy co-operation where states remain the key actors, but where dilemmas of immigration control and immigrant integration have acquired a European resonance. The Single European Act, Maastricht Treaty and the Amsterdam Treaty have all contributed to a slow and cautious movement towards incorporation of immigration and asylum within the EU's institutional framework, driven by the core institutional dynamic of preserving and extending

free movement for EU citizens. That said, immigration and asylum cooperation have not been exclusively a by-product of single market liberalisation. Co-operation on aspects of immigration policy also builds upon the anti-terrorism/crime co-operation between interior ministries and their officials from the mid-1970s, through the Trevi Group. Although, single market liberalisation has been the key theme propelling immigration and asylum closer to the web of Europeanised policy interdependencies, patterns of security co-operation in fact have been longer established and framed structures for immigration and asylum co-operation that drew from the model for co-operation established for internal security.

The recent history of evolving immigration and asylum policy can, then, be read in terms of these general structuring principles and tensions. Three key periods in the development of co-operation in this policy sector can be identified. The "ad hoc intergovernmentalism" between 1986 and 1993 fell beyond the purview of scrutiny and accountability to either elected or judicial authority and was also criticised for exacerbating the democratic deficit. The post-SEA period failed both efficiency and democracy tests (Guyomarch 1997). The Maastricht Treaty attempted to deal with the efficiency critique of ad hoc intergovernmentalism by creating an intergovernmental Justice and Home Affairs "third pillar" as part of the new EU. Pillarisation did not mean supranational integration. Immigration and asylum became matters of "common interest", but not common policies. The "pillar" was not a part of supranational Community law, and Community institutions still played little part in policy development. Decision-making authority remained located in the Council of Ministers. Mechanisms for collective action among member states were also weak. The member states developed an array of non-binding immigration and asylum conclusions, recommendations and the like, that reflected a degree of new political activity and demonstrated routinised co-operation. These seemingly muddled and messy intergovernmental compromises have allowed member states to use European cooperation to slip domestic political and judicial constraints.

The divisions between member states over the extent of immigration and asylum policy co-operation and the possibility of supranationalisation had already become evident when the Schengen Agreement was signed in 1985 (followed by an Implementing Accord in 1990). There were important divisions among member states about the desirability of free movement for people. British governments refused to countenance the removal of its external frontier controls; although, at the same time, opposition to a frontier free Europe has been matched by enthusiasm for more and better internal security cooperation. Other member states were far more willing to push ahead to the removal of

internal frontiers for their nationals, coupled with compensating immigration, asylum and security arrangements. Schengen was an agreement in international law and fell outside of EC law. The Commission did, however, have observer status and supported Schengen's objectives because they chimed with Community objectives.

The Amsterdam Treaty of June 1997 (which came into force on May 1 1999) imports the Schengen arrangements into the Union and establishes a new Treaty chapter dealing with free movement, immigration and asylum. They have been "communitarised" by being brought into the main institutional framework of the Union and within the remit of the Commission, Court and European Parliament; but member states have also brought with them the machinery of intergovernmentalism with unanimity as the decisional *modus operandi*. ECJ jurisdiction is restricted by a "national security" clause which may potentially limit its remit (although time will tell whether this is the case). Moreover, although key aspects of Europeanised immigration and asylum policies are included within the new chapter, and a five year post-ratification target specified for their attainment, it is less clear how the five year target can be attained when unanimity remains the basis of decision-making. Amsterdam also made provision for "closer co-operation" or flexible integration. This was made manifest in the opt-outs from the free movement chapter secured by Britain, Ireland and Denmark.

Amsterdam's other significant innovation was the extension of anti-discrimination provisions. Before Amsterdam, the EU possessed capacity to act on nationality- or gender-based discrimination. Amsterdam Treaty confers upon the Union power to act with regards to discrimination based on race, ethnicity, religion, age, disability and sexual orientation. However, this new provision is not as strong as the Treaty commitment that *forbids* discrimination based on nationality. Rather, the Commission can introduce proposals in this area, which must then be agreed in the Council by unanimity. Nevertheless, the new anti-discrimination clause was lauded by pro-migrant NGOs community as indicative of successful mobilisation. Some observers have stressed (Bigo 1998; Huysmans 1995) that migration is mainly subsumed within a security paradigm, within which emphasis is placed on the development of the legislative apparatus and technologies of cross-national population control. However, there has also been a dynamic established between securitisation and liberalisation, that may lead to inclusionary effects for non-nationals legally resident in EU member states.

THE DYNAMICS OF EU IMMIGRATION POLITICS

The above overview of recent developments specifies the basic parameters of the EU immigration and asylum policy context. Given this, we may now ask: who is able to successfully engage with these new opportunities for action, and what forms does this action take? As is now common in much POS based theory, we define the opportunity structure as a political and legal combination of "material" resources (formalised resources of power or funding) and "symbolic" ones (sources of normative and discursive power) (see McAdam et al 1996). Our foregoing discussion indicates that most of the new forms of action that might be associated with European integration in this sector will be élite and technocratic in nature: bottom-up mobilisation and participation of all kinds is limited by the EU's obvious lack of channels for democratic representation. However, it would be wrong to automatically conclude that this situation will automatically reinforce "fortress Europe" tendencies that lead towards more immigrant exclusion, because there are also inclusive tendencies well established in the EU's institutionalised activities. In fact, the oft-cited argument that European integration has strengthened "fortress Europe" is weakened by our observations, which have made it clear that European integration has not created many further opportunities for promoting exclusion that were not already being exploited by the member states through existing intergovernmental fora. Insofar as further European integration creates a counterbalancing supranational force to the jurisdiction of national governments over immigration matters, it has generally worked *against* openly exclusionary tendencies. However, the "progressive" forces at work within the EU institutions are not so much "challenging the European fortress", as searching for a path towards the institutionalisation of EU authority which will be able to encompass both the "control" and "inclusion" dimensions of migration policy.

It is also significant to note that pro-migrant organisations at EU level tend to see *more* not *less* Europe as a corrective to lowest common denominator Council-based decision-making. The cure for fortress Europe and democratic deficit, they say, is more Europe (albeit often conceived as an unrealistic, counterfactual ideal of a democratic, multicultural, citizenship-grounded transnational polity). The underlying argument here, then, is not that the process of European integration *per se* is the problem; rather the problem is the actual form taken by immigration and asylum co-operation. The basic confusion in the anti-EU/pro-Europe argument may be intentional - it works in the same away as a national government's ability to generate symbolic resources by blaming the EU for its own impotence or failures - or may simply indicate a basic ignorance

of how the EU institutions in fact work, and how successful campaign groups do in fact get involved in the policy process. As long as people conceive of the EU in counterfactual normative terms that have little to do with the way the institutions actually work, they will keep making this mistake.

Most powerfully among new actors benefiting from material resources associated with the ad hoc intergovernmental fora are police, customs and military experts, redefining a cross-national security role in the aftermath of the end of the cold war (see also Anderson and den Boer 1994; Bigo 1996). They have been particularly strong in the new arenas created by the Third Pillar (such as the Third Pillar Task Force), as well as in the powerful DG1 (External Affairs). Links with the Brussels-based offices of the West European Union on military and security cooperation have also often been built around immigration and asylum matters. "Europe" also provides certain symbolic resources to the security minded officials and politicians. The double-sided nature of the fortress Europe metaphor offers significant discursive resources to those seeking to accrue powers or mobilise opinion through immigration-related fears. That is, in the encouragement of a "crisis" atmosphere over immigration and asylum - and the representation of such flows as a security threat - security focused officials and anti-immigration politicians can draw on a good deal of capital through promoting the idea that a fortress needs to be built (perhaps to protect European welfare systems, or national models of democracy...). The symbolic blaming of "Europe" for national inadequacies of immigration control, in turn reinforces the idea that any European cooperation in this sector must first and foremost be about intergovernmental security and control issues. However, the point here is that such immigration controls may already exist in each national context, but do not necessarily work; with or without Schengen. There is a drift away from addressing the reality of the actual causes of migration - primarily labour market dynamics, and standard push-pull features of east/west and south/north population movements - towards simply instrumentalising the spectre of immigration in order to legitimise new security powers. Many of the new information-based police and customs practices institutionalise a degree of technical expertise that naturally releases them from further legal or political scrutiny.

A further dimension to the security agenda has been the cooperation between these experts and private business interests concerned with providing the technology for the new security practices. On the one hand, there has been the active co-option of private companies - such as airlines - in the enforcement of immigration controls: many official passport checks are now devolved to the airlines themselves, who are heavily fined if they carry irregular passengers (Lahav 1998). On the other, there is the emergence of an industry of security,

providing the new technology of control itself: the vastly expensive computer technology that has made possible the Schengen Information System (cross-national monitoring of various 'threats' such as undocumented migrants) or, for example, the new Dutch population information system that links social security with police and city records, in order to connect the monitoring of informal labour market activities with illegal immigration.

In other, more "progressive" Europeanised circles, however, the idea of immigration is no less of a resource-stimulating area of policy activity. In some areas of European integration the "regulatory" character of policy has always created scope for "entrepreneurialism" by supranational level actors when legal and political competencies are established and a significant margin of autonomy for action has developed (Majone 1996). In such circumstances, the Commission can become a "purposeful opportunist" (Cram 1996) emboldened by the material and symbolic resources associated with European integration to push new policy lines in different sectors activity on which immigration and asylum touches. Initially, it was left wing figures within the Parliament such as Glyn Ford who were behind some of the first awareness campaigns and general declarations, but these carried little policy weight. In more recent years, numerous DGs have also opened activities relating to immigration and/or the position of minorities in Europe. DG5 (Employment and Social Affairs), DG10 (Information, Communication and Culture) and DG12 (Science, Research and Development), in particular, have been very active. Latterly, the Third Pillar Task Force and the Forward Studies Unit of the Secretariat have published reports on immigration policy, or tendered substantial sums of money for new research in this area. These entrepreneurial efforts have followed a familiar pattern of co-opting experts into the policy community (including academics, existing NGOs, public officials and so on), and some attempt at public awareness campaigning and localised activities (such as multicultural activities associated with the European Cultural Capitals program).

Brussels is a small world. In the sector under consideration here there are only a handful of people with direct responsibility within the Commission, and so strong personal contacts in Brussels can quickly lead to a prominent role in policy circles. A new - albeit small - "field" is emerging of specialist policy campaigners who have been able to monopolise European level policy thinking through their well-located awareness of key contacts and specialised know-how needed to be effective in the Brussels environment (for a more detailed study of the organisational reasons for this effectiveness, see Favell 1998c). Among those with a strong interest in immigration and migrants' rights are ECAS (European Citizenship Action Service) and the Migration Policy Group (MPG). Although only small scale offices, these organisations provide an important port of access

for wider nationally-based networks of activists and campaigners. The NGO world in Brussels is charaterised by a high degree of mobility and personal contact between the various specialist NGOs in the social policy area (i.e., groups concerned with development, inequality or gender and disability discrimination, but also some trades unions and environmental groups) who operate through a loose coalition of "kindred" organisations. Their success, however, is also linked to the gate-keeping role they play: acting as go-betweens for national-based associations, by offering a kind of "translation" and consultancy service for the confusing Brussels scene. The effect of this is to block national representatives, unschooled in the "habitus" of the Euro-world, from direct transnational participation. The Brussels specialists thus ensure they become the key "inside" players - the ones most likely to get a phone call from a sympathetic Commissioner or Chef de cabinet - via the way they offer specific products tailor made for the Commission's policy process: such as "expert" reports, draft directives, background conferences and public relations material. Their achievements on behalf of migrants and minorities, although real, are very far from substantiating the claimed existence of "transnational ethnic mobilisation" in this policy sector; quite the contrary.

While there are reasons for anticipating some confluence between Commission objectives (to promote Europe integration) and an improvement in the rights and status of Europe's migrants and minorities - because of the intimate connection between free movement commitments and the evolving immigration and asylum policy - it should not be assumed that the figures within the Commission or elsewhere will automatically have a progressive view about migrants' rights. Rather, what may exist is a positive view about the Commission's own role in this policy context, and the need to counterbalance intergovernmental tendencies created through other European channels, with supranational powers of review and protection that will turn out to be "progressive" in nature. The most likely areas, then, for progress in this sector are improved parliamentary and legal scrutiny on intergovernmental cooperation on immigration; new anti-discrimination clauses in the equality of treatment sections of the treaty; a residents charter that will finally establish basic free movement rights for Europe's 11 million "third country nationals"; and the adoption of "fair" asylum policies as they would be judged by the standards laid down in international law.

A central focus of efforts to establish these measures was the run up to the 1996/97 IGC (intergovernmental conference), in which a whole plethora of campaign groups, with well established insider positions, were able to push for new migrant and minority rights (Mazey and Richardson 1998). Prominent among these were the Starting Line Group, which linked together over 200

NGO associations from a variety of countries (though the French were notable for their absence). This group was in fact coordinated in Brussels by the Migration Policy Group. Their main tactic was to push for a starting anti-discrimination clause based on free movement/equal treatment provisions in the previous treaties. Prominent figures were associated with the London-based "Justice" organisation, the Immigration Lawyers Practitioners' Association and the Dutch "Standing Committee" of experts on the rights of migrants. It was less the moral force of the citizenship packaging used in these groups' rhetoric that enabled them to be effective, than the well-focused legal arguments on the necessary competence and coherence of European Community law in this area, and their timely presentation of draft proposals. Unfortunately, free movement provisions for third country nationals stalled in the run up to the final treaty, and consolation had to be taken with the anti-discrimination provision (Article 13) and an enhanced commitment to public awareness campaigning on anti-racist themes. This was something facilitated by the timely election of the Labour government in Britain and the green light they gave to the new anti-racist monitoring centre in Vienna. In the publicity surrounding the new treaty's movement in this area, the Commission also took the opportunity to re-launch its own plans for a residents' charter, combating some of the major deficiencies on third country national status not yet resolved by the Amsterdam Treaty. It remains to be seen whether this kind of partisan, Commission-led entrepreneurship will be able to overcome some of the formidable intergovernmental forces ranged against it.

For all this worthy activity, none of this can be classified as ethnic mobilisation. It is rather an élite social movement of ex-pat entrepreneur-campaigners, successfully investing in the new Brussels based opportunities for political involvement, that work to exclude "grass-roots" representation. The one direct attempt by the Commission to create a genuine ethnic "forum" for direct representation within the European institutions - the European Union Migrants' Forum - has fared much less happily. A large amount of money was invested by DG5 in creating this consultative body drawn from over 400 national level associations in order to give migrants and minorities a voice at the European level. However, the early years were dogged by inter-ethnic conflict over the goals and strategy of the Forum, a financial scandal amongst the executive, and an overwhelming sense of the operation as well-meaning but ineffective sounding box, in which a few migrant élites got to voice their anger at well funded conferences, but without it leading to any direct impact in the policy process. Similar things might be said about the European Year Against Racism of 1997, in which a large range of funding was spent unevenly on local projects often monopolised by go-between groups and immigrant entrepreneurs, with a weak claim to be representative of migrant and minority interests on the whole.

As with many other areas of EU intervention, good intentions and strong personal commitment among members of the relevant Commission units can be hampered by uneven implementation at national and local levels. Very little significant grass roots activity has been directly inspired by the EU's material or symbolic resources, and it remains an area of policy firmly monopolised by the gate keepers working in the shadow of the Commission; much to the anger, for example, of other local Brussels based Belgian campaign groups and migrants associations, who are most conscious of being excluded from the benefits flowing into other parts of the city.

Given, as we have argued, that market-making and the commitment to free movement are the main forces driving more inclusionary tendencies in immigration and asylum policy, it is surprising to note the absence in the past of any significant business led pressures for expansive migration policies in this sector. The fact that transnational corporations have always been active in Brussels makes this all the more surprising. Further down the line, then, there is still the possibility that the dynamics of the European labour market and business interests - as they did in the post-war boom years and the age of the guest worker - will start to have the clout within the EU agenda to push for more open immigration policies. This is a major point of difference between Europe and the US/NAFTA, where a sizable right wing pro-immigration lobby has always pushed for open borders and the import of cheap labour from Mexico and elsewhere (Freeman 1995). Perhaps on smaller, local level there is evidence for this: such as the Berlin labour market influencing new, pragmatic bi-lateral agreements between Germany and Poland; or seasonal labour needs in Spain or Italy pushing regularisation efforts by their respective governments. The involvement of transnational business interests in this way could indeed provide a decisive shift in the balance of powers in immigration policy, moving away from the intergovernmental to supranational level. To incorporate an awareness of the underlying structural labour market factors in determining population movements, would also be a significant step towards a more rational European immigration policy; a policy which at present is so hamstrung between opposite but complimentary ideological arguments about inviolable national interests and sovereignty on the one hand, and a transnational, multicultural Euro-idealism, on the other.

CONCLUSION: EUROPEANISATION VERSUS GLOBALISATION

The Europeanisation of immigration politics in Europe, potentially contains with it a fundamental challenge to one of the defining characteristics of the European nation state: its powers of self-definition and authority over a territorially bounded population. Most European nation states were built on incorporation and territorial closure through the establishment of national citizenship; many incorporated immigrants and minorities as part of this process (Brubaker 1992). The powers of the state - and the institutions of law, democracy, welfare it sustains - were centralised through this exclusive process of identity formation. Immigration and the integration of newcomers in the post-war period has previously followed this pattern in most European nations. All of the above, it would appear, is thrown into question by the establishment of supranational powers and jurisdiction over immigration questions at the EU level.

However, progress in this area is slow. We have argued that empirically it makes sense to look for a distinct European "transnational opportunity structure" in the immigration policy sector *only* where specific channels and sources of empowerment have begun to be institutionalised. As yet, these are limited and exclusive to organised élite groups. This places the accent on technocratic and judicial channels of campaigning. These efforts may indeed contribute to challenging European nation states' control over immigration, but they cannot be said to contribute to better democracy or citizenship-style inclusion for migrants and minorities in Europe. In fact, they can be said to be positively damaging to the value of national citizenship as it is understood at national level, because any new "post-national" rights - such as those based on residence or the allowing of dual citizenship - will naturally render national citizenship less meaningful, less identity forming, more instrumental, more incidental for migrants. The fear is they will no longer have to integrate as in the past. However, if the response to this is to move back towards an idea of European citizenship premised on naturalisation and incorporation, control over new populations would be returned back to the nation state, and thus the European integration process that had opened up "new opportunities" would be reversed in favour of the old Marshallian option which can see nothing beyond national identity as the background to social change (see Hansen 1998; Weil 1996). Indeed, at the point which it stands, the current empty, nation state derived, idea of EU citizenship only reinforces this older idea of national membership and belonging.

Within the strictly delimited picture of EU integration we have offered, what kind of transnational opportunities remain for a true migrant or minority led mobilisation. The symbolic resources provided by the emergent idea of

Europe should perhaps prove the most fertile source. However, transnational claims making is as yet more backed up by other more obvious "transnational structures" than the limited European context (Soysal 1997). Indeed the institutionalisation of immigration and asylum at EU level would probably prove directly damaging to the kinds of universalistic, global values powering post-national visions of membership: European-bounded rights and membership is not same thing as human rights or a world community.

The question, of course, remains as to how far supranationalising tendencies will be institutionalised at EU level. Although, the idea of European citizenship is unlikely to be extended further (citizenship surely seems destined to remain bounded within the logic of nation state building premised on social integration, solidarity and belonging), supranational powers over non national residents may well creep though under the logic of free movement and the rights of resident workers. Clearly, if this space is opened, it will provide a strong impetus to transnational communities interested in rights derived from legal residence in two or more countries, particularly if these rights are linked to the growing acceptance of dual nationality (Freeman and Ögelman 1998). There is a very anti-Marshallian kind of idea at work here: the idea that certain rights might be given to resident workers of the EU single market, unconditional on nationality, belonging, moral investment in the nation, or even national welfare contributions. These are interesting possibilities for those ethnic groups most able to organise themselves transnationally, and whose support networks and business networks in any case stretch across their nations of residence and back and forth to their homeland. Were these opportunities to develop, they may well open up a form of symbolic legitimation of action not grounded in the old equality and justice based logic of inclusion and incorporation that has been at the heart of most classic social movements style campaigning.

Behind these opportunities for claims making, there may be a link with universal human rights and evolving international ideas of personhood. However, the counter argument is that the emergence of a European free trade zone with completed free movement rights - of the kind imagined above - would constitute a European "regime" that would cause a direct deterioration of the international legal regime on rights of persons, particularly in the areas of protection of asylum seekers and the suppression of statelessness (a potential consequence of allowing dual nationality and/or rights based on residence alone, see Koslowski (1998)). There is a potential clash of international and European law here. It is instructive that NGOs and campaigners side with Geneva and internationalised legal powers rather than the emerging Europeanised ones. They believe, perhaps correctly, that the co-operative building of a distinct European legal framework will not strengthen rights against nations but rather allow

national governments to slip international responsibility. European integration is here seen as merely a covert way of returning arbitrary powers over individuals and populations back to the nation state.

What this underlines ultimately is that European integration is a particular type of internationalising process: the institution building process of a specifically *regional* cross-national cooperative entity. European integration is the political supranationalisation of sovereignty understood in its contemporary form as the right to exclude, over certain political powers and a specifically European "geographical" space, and over an uneven range of policy sectors and law, that is both responding to *globalising* transnational processes and associated powers (particularly those led by international capital), while, at the same time, creating new political and legal institutions which formalize the possibility of transnational action of a specifically delimited European kind. The essentially ambiguous dynamic of the European integration process lies here: in that it is caused by globalisation, an attempt to harness globalisation, and in some sense a campaign against globalisation. This also leaves the EU in a paradoxical relation with other forms of "transnationalism", such as the global environment or human rights movements. As a regional entity - between nation state and united nations - European institutions and Europeanisation often cut across and/or contradict these universalising movements and the universalistic norms they are built on (Klotz 1995).

This last point may pose severe difficulties for NGOs and other idealist-based social movements who ground their *raison d'être* in universal ethical norms of this kind. Europeanisation in the end leads to rather different forms of transnational action and legitimation. To date, most progressive minded campaigning on immigration issues in Europe has grounded its arguments in ethical norms, that are either based on a logic of citizenship grounded in nation state incorporation (and therefore not transnational at all), or on a logic of universal personhood (which is global, and not connected to the specific European context). Our argument suggests that both of these strategies are ineffective and poorly suited for seizing the dynamics of European integration. Campaigners would do much better to push for an immigration policy, that seeks to reconnect policy with the labour market mechanisms and market building needs that are actually a primary cause of migration flows. Were this to happen - were in other words Europeanisation genuinely be seen to truly enable claims making in virtue of being a non-national resident worker of a European common market – then the possibility of membership beyond the nation state may still turn out to true. But an extraordinary European development such as this, would also entail that the transnational rights of non-nationals in Europe are established at the expense of the more distant, global "ethical" norms and values

that have been hitherto seen as the grounding for effective transnational social and political action.

Adrian FAVELL

Lecturer in Geography and Migration Studies,
Sussex Centre for Migration Research.
School of European Studies
University of Sussex
Falmer, Brighton BN1 9QN

E-mail: a.favell@sussex.ac.uk

Andrew GEDDES

School of Politics and Communication Studies.

University of Liverpool
Liverpool, L69 3BX

E-mail: a.p.geddes@liverpool.ac.uk

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