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## Comments on Kraus and Pagano

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“Who really counts?” This is probably the main question one should raise when thinking about economic solidarity. And more specifically, why this or that person counts while this or that other person does not count or counts less. We know why we care about the members of our family and about our friends, but why should we care about others?

If indeed Philippe Van Parijs is right when he says that “the more there is cultural (and in particular linguistic) homogeneity within the population of a politically defined territory, the better are the prospects in terms of economic solidarity”, the question: “who counts?” would receive different, perhaps even contradictory, answers depending on whether one is supportive of cultural diversity or the social welfare of the whole population of a polity. Do we have to oppose both claims to justice? Do we have to compare the measure in which the political recognition of cultural minorities improves the situation of its members in terms of justice and the measure in which this recognition deteriorates the situation of the disadvantaged members of the society at large? Is there a direct correlation between the level of internal pluralism of a society and the degree of willingness of its member to contribute to the well being of all persons without consideration of race, cultural identity, gender, or any other form of particularism?

This problem can be analytically broken down into several distinct lines of questioning. Peter Kraus and Ugo Pagano’s contributions follow two distinct lines of reflection on the situation of the European Union.

## 1 • Accommodation of linguistic diversity and “the subsidiarity principle”

How can we best accommodate cultural and linguistic diversity in the European Union? Peter Kraus attempts to answer this question from a perspective that seems to owe much of its general orientation to the concept of recognition as proposed by Charles Taylor and Michael Walzer. He starts by pointing to certain common features of the Habsburg Monarchy and the European Union: 1) an important level of institutional complexity, prone to lead to institutional deadlocks; 2) a deficit in democratic legitimacy; 3) a comprehensive area of transnational political regulations and economic governance; 4) marked cultural heterogeneity.

Now, is the dislocation of the Austro-Hungarian Empire indicative of the type of challenge the EU has to address? Peter Kraus seems to believe so, suggesting that by reflecting on this historical reality, Europeans could hope to find some of the elements that could contribute to the elaboration of a solution to the numerous problems that lay ahead in the process of European integration, and most notably, the problems resulting from the cultural and linguistic diversity characterizing Europe.

I will leave aside in my comments this comparison, for two reasons. First, I am not sure that the suggested comparison is entirely relevant to the problem at hand. On the one hand, despite the common features of the Habsburg Empire and the EU, there are of course many elements in the history of the Austro-Hungarian Empire, besides internal pluralism, which could account for the dislocation of the Empire (Fichtner, 1997; Sked, 2001). On the other hand, we might consider that each element brought to our attention does not or did not have the same impact on the political organisations considered (e.g. the question of political legitimacy is of quite different nature and extent in both cases) and that the processes through which these organisations emerged are substantially different. While the suggested parallel may shed some light on the present situation, it is doubtful that it provides a complete picture. In other words, to look primarily to the past may not be the best option for finding appropriate solutions to the problems resulting from the European political integration, especially when it comes to trying to reconcile intergovernmental and federal features within a common institutional framework. In light of the specific character of the European institutional project (Sidjanski, 1999, 2001; Moravcsik, 1998; Croisat and Quermonne, 1999), one may then consider that the problem of the relationship between cultural diversity and political unity and the

problem of democratic legitimacy of European institutions and policies may have to be formulated in radically new terms. As Jacques Delors argued in his foreword to Dusan Sidjanski’s important book on Europe and federalism, the European integration process is all about “breaking new grounds”. “Europe, in its perpetual evolution, cannot rely on a pre-existing road map or on some historical model to guide us in this new adventure” (Sidjanski, 2000: ix). Europeans must invent new institutional arrangements (Quermonne, 2001). Short of that, the EU, undoubtedly, will fail to address the challenge of implementing democracy and solidarity among distinct national groups in an adequate way.

The second reason relates more directly to the paper itself: the fact is that Peter Kraus himself does not really proceed on the basis of this historical comparison, but instead relies firstly on an analysis based on a conceptual distinction between a perspective inspired by John Stuart Mill and another by Walter Hallstein, and secondly, on a few comments on linguistic pluralism.

According to the first perspective, classically illustrated by Mill and his *Considerations on Representative Government* (1861), the unified polity requires a culturally and linguistically unified nation. On this reading of Mill, cultural diversity is taken to be a major obstacle to civic solidarity. The *Considerations* is taken to describe the “vicious circle of non-integration”, establishing the ground on the basis of which liberals, for many years to come, will reject the idea of a multinational or plurilingual state.

The second way of thinking about diversity is exemplified by Hallstein (1962; 1972) who insisted on the value of cultural diversity in the European Union, translating it, most notably, into the principle of “integral multilingualism” requiring the equal recognition of the respective national languages of the members of the Union.

Both approaches are said to be problematic, in the sense that they equally conflate normative preferences and empirical assessments. Mill saw the pluralism as a problem and refused it flatly, while Hallstein accepted pluralism, but failed to see the problems it could lead to. Kraus rightly argues that in order to deal effectively with the problem of cultural and linguistic heterogeneity in the context of a politically integrated Union, one has to look beyond the terms of this alternative.

He considers that our present difficulties are due to the fact that the knowledge we have of the actual effect of linguistic pluralism on the institutional development of democracies is still insufficient. Our limited understanding of the correlation between linguistic pluralism and democracy must explain, according to Peter Kraus, why

John Stuart Mill's thesis remains so deeply influential. It builds on the assumption that a multilingual social structure is a challenge both in terms of administrative efficiency and of democratic legitimation.

Peter Kraus argues strongly against monolingualism and in favour of multilingualism. Adopting a Humboldtian conception of language (Humboldt, 1903-1904: 420-435), he argues that monolingualism fails to take into account the national dimension of language and its importance from the point of view of identity politics. According to him, if multilingualism leads necessarily to institutional pluralism, institutional pluralism need not be considered an obstacle to democracy (he mentions the cases of Switzerland, Belgium and Finland to support this point). Therefore, the Millian assumption according to which cultural and linguistic homogeneity is a necessary condition of political integration should be closely examined.

Dominique Schnapper, in her own paper, builds quite a different case starting with the same examples. She recognizes that Switzerland has been, for one hundred and fifty years, a "political wonder" and that multilingualism, since 1848, has been an integral part of its democratic life. Along the lines of the arguments advanced most notably by Pierre Van den Berghe (1981), she identifies — in a perspective which owes nothing to sociobiology — some of the conditions that account for the specific status of Switzerland as a multilingual democracy (*cf.* also Siegfried, 1980). But she also suggests that the Swiss model might be at a crossroad. Some significant linguistic divisions now appear in Switzerland where the English language tends to be adopted not only as a business language but also as a common language. Some theorists have shown that the English language tends, in other words, to be used, not only to communicate with English speaking foreigners, but also "for intra-Swiss purposes" (Dürmüller, 2002; 1997). In order to argue in favour of multilingualism, it would be interesting to take into account the recent evolution of Swiss society in that respect. Considering that "English is allowed to acquire a more prominent place in the language repertoire of the country, even one with a communicative function for the Swiss themselves: i.e. that of language of wider communication or lingua franca" (Dürmüller, 2002: 123), it might not prove to be so effective anymore to support a case for multilingualism based on the example of Switzerland (*contra* Grin, 2002). The Swiss model is certainly interesting to reflect upon, but it is far from evident that its language policies (Dürmüller, 1997) could or should be applied at the level of the European Union.

Peter Kraus rightly remarks that the EU acquires ever more features of a polycentric multinational community, while becoming at the same time a post-sovereign order because of the gradual emergence of a European level of government. According to the author,

the EU cannot expect to "create a close fit between the realms of politics and culture", but it can hope to be able to protect the diversity of "politically relevant cultural attachment". In any case, to avoid the risk of "negative integration" (the absence of political deliberation and decision on an object make it the object of "invisible" market forces), the EU has to work out a balance between the protection of cultural identity (beyond the identities of the nation-states) and the development of a common political framework.

The main thesis of Peter Kraus in this respect is the following: to work on a solution to the problem of articulating protection of diversity and political integration, we have to rely on the *subsidiarity principle*. This principle establishes that competences that can be best carried out at the national, regional or municipal level should not be assigned to the European Union (Dehousse, 2000). Thus understood, the subsidiarity principle could effectively contribute to the promotion of recognition. It allows a more flexible approach to the difficult question of national sovereignty, requiring neither a strict cultural and linguistic standardisation, nor a radically cosmopolitan or postnational outlook.

I would like to argue, if I may, that the subsidiarity principle is inadequate to the challenge of democratic legitimacy.

First, this principle means that the governing powers of the European Union could be given the right to promulgate law and decrees in areas with reference to which they have not been granted an exclusive competence, provided there is agreement on the fact that the goals aimed at could be better pursued at the community level: "The subsidiarity principle, which lies at the heart of any federal community, can be invoked either to increase or restrict the powers of central institutions" (Sidjanski, 2000: 412). That means that the subsidiarity principle as such does not indicate when we should favour the regional level as opposed the European level; it does not tell us when diversity has to be privileged, and when a certain homogeneity has to be given priority. The criteria have first to be spelled out. Peter Kraus does not state them explicitly but he relies on them when he suggests that the Union could decide, for example, that only a limited number of languages could be used for "official communication in a few functional domains" such as the "specific loci of deliberation or policy-making". As long as this choice is accompanied by compensation for the communities affected negatively, this appears to be acceptable to Peter Kraus. This, is a specific interpretation of the subsidiarity principle in the area of linguistic justice. Many other interpretations could be considered.

Second, Peter Kraus relies on data pertaining to the actual possibilities for direct and extensive communication in multilingual

societies which show that these possibilities are in fact extremely limited. He writes: "The spaces of political communication in the three countries considered (Switzerland, Belgium, and Finland) are divided along linguistic lines". It implies that if there is to be a public sphere in the European Union as a multinational polity, it will have to rely solely on the mediation of a "class" of multilingual individuals. I would wonder how this can possibly provide the European institutions and policies with a much-needed legitimacy? Should we rely on some sort of Hegelian framework, with a class of individuals whose special task will be to give substance to the supranational and community level of government? I find the idea of trying to tackle the issue of cultural diversity on the basis of the subsidiarity principle very stimulating. But it seems to me that we have to go further in the definition of the criteria on the basis of which it will be applied. On the one hand, the subsidiarity principle as interpreted by Peter Kraus leaves wide open the question of the democratic legitimacy of the European institutions. But, on the other hand, it does not say what could be an appropriate compensation for the fact that some languages will not be considered languages of communication in such important areas as political deliberation and policy-making.

## **2 • The social requirements of a European federal integration**

Peter Kraus focuses his attention on the relation between linguistic diversity and "political citizenship", while Ugo Pagano, in his paper, is more concerned with the relation between cultural diversity and "social citizenship" (Marshall and Bottomore, 1992). His question is this: how can we establish an optimal equilibrium between cultural-linguistic diversity and social protection in the European Union? His answer is of a negative kind, in the sense that it consists in demonstrating that what he characterizes as the "American conception of federalism" cannot be taken, for economic and social reasons, as a model for Europe.

With regard to "American federalism", Ugo Pagano argues that the diversity of jurisdictions gives individuals the possibility of choosing between them, on the basis of their preferred choices, political, economic or cultural. He insists on the fact that this conception of federalism relies on neo-classical theories and models such as that of Charles Tiebout (1956), which require that the costs attached to mobility are extremely low. In that perspective, the states don't have to strive to accommodate their minorities, because everyone is sup-

posed to have the possibility of choosing to be a member of another state in which his preferences are shared by a majority. Here, a minority — to push the argument to its logical conclusion — is always a deliberate minority.

According to Ugo Pagano, this type of federalism is not an appropriate model for a European federalism, precisely because there are high costs attached to mobility in Europe. Before considering why, we should say a word about the reason why people should consider mobility an option for themselves in the first place. In order to understand this, Ugo Pagano reminds us of the contrast drawn by Ernest Gellner between agrarian societies and market economy society. It all has to do with the modern call for standardisation and social mobility.

The neo-classical theories on which the competitive conception of federalism relies fail to capture the idea that there could be heterogeneity in some dimensions of the polity (for example: linguistic and cultural differences), while there could be homogeneity in some others (example: a common conception of social justice). And it fails to see that those dimensions could be complementary.

Over the years, we have come to understand that the division of labour in a market economy is not only about the maximisation of “learning by doing” (Adam Smith), but has also something to do with minimising the training time. The “learning by doing” thesis was limited, 1) because of the repetitive nature of the task involved; 2) because of the process described by Schumpeter (1976) as a process of creative destruction which rapidly makes specialised skills obsolete. The highly specialised worker is the most likely victim of the process of creative destruction. The more specialised the skills, the lower their liquidity. The high economic and social mobility that characterises market societies may, in that sense, limit specialisation, while encouraging adaptability and mobility.

Nationalism, understood historically as a process of cultural and linguistic standardisation, contributed to the development of the national market economy. It contributed, through standardisation, to make skills less specific and thereby to increase their liquidity.

If cultural standardisation and social protection can be considered an alternative insurance device, it is precisely because when the liquidity of skills is high, the need for social protection is low. In light of this consideration, Ugo Pagano argues that cultural standardisation can operate, to a certain extent, as a substitute for forms of social protection.

Now, if — as is the case in the countries of the European Union — cultural standardisation is too costly, then it might be appro-

priate to limit this process and to implement instead some form of social solidarity. With that in mind, Ugo Pagano, with Massimo D'Antoni, has elaborated a framework on the basis of which the welfare of the agent can be maximised by choosing an optimal mix of cultural standardisation and social protection.

In the perspective previously explored by David Miller (1999), Ugo Pagano argues that cultural standardisation and social protection are self-reinforcing institutions. Cultural standardisation helps make solidarity possible and, conversely, economic solidarity contributes to cultural standardisation. This point takes us to the consideration of a paradox. When the level of cultural standardisation is low, a high level of social protection (because of the low level of liquidity of specialized skills) is needed. But of course, it is precisely when cultural standardisation is low that it is extremely difficult to reach any kind of agreement on forms and level of social redistribution. In other words, redistributive policies are most needed precisely when it is more difficult to define, justify and implement them.

Leaving behind the competitive conception of federalism, European federalism should aim at overcoming this paradox. According to Ugo Pagano, federalism allows for the creation of differentiated spaces, some referred to our cultural attachments and some operating on the basis of an advanced cultural standardisation (that may rely linguistically on a *lingua franca*). This type of federalism can lead to the creation of a common identity with regard to certain spaces, while otherwise protecting people against forced mobility by the implementation of redistributive policies. Ugo Pagano considers that such institutional arrangements might contribute to standardisation without upsetting regional and national identities.

This proposal has great merit, and I share the concern for social justice on which it is based. But I would like to make three observations in this connection.

Ugo Pagano explains that cultural standardisation can operate as a substitute for forms of social protection. He argues that the European Union, considering the high costs of mobility, should aim at instituting an equilibrium between cultural standardisation and social protection. But my impression is that, whether we like it or not, the processes of "spillover" (Simon, 1997) and of "negative integration" might lead us in the direction of cultural standardisation. If that is the case, will that mean that social protection will not be needed so much anymore? I'm quite sure that it is not what Ugo Pagano is arguing for, but it seems to me that his analysis could be interpreted as presupposing that if there were no costs attached to mobility, social protection policies wouldn't be as necessary. But can all the

problems that social policies aim to address really solved through mobility?

Ugo Pagano notes that the social solidarity required by redistribution policies may suffer “when there is no cultural and linguistic standardisation and, vice versa, the latter may be rather difficult when there is no shared feeling of solidarity among different ethnic groups”. Is this remark not a departure from the previous argument that insisted on the possible articulation of cultural standardisation and social protection? If the cultural standardisation is not pushed to its fullest, it is to maintain the integrity of cultural identities and to take into account the costs of mobility. The framework thus elaborated is intended to make possible an equilibrium between both, in that very context. So why should it be difficult all of a sudden? Ugo Pagano considers that we have to maintain an equilibrium between cultural standardisation and social protection. His argument is that if we push too far in the direction of standardisation, without complementing it by social solidarity, we might increase the feeling of insecurity of the people belonging to disadvantaged groups. So in order to keep under control the feeling of insecurity (and sometimes resentment) they may experience, it is said to be necessary to associate cultural standardisation and social protection. Both devices can certainly be seen as complementary, but can they really be thought of as addressing the same type of insecurity? The “non-standardised” individual can certainly feel that the marginalisation of his culture and language constitutes a loss. But the insecurity associated with this feeling of loss is of a nature quite different than the social one associated with his economic redundancy. So it may be difficult to see how social protection could fully compensate the perceived effects of cultural and linguistic standardisation as is the case of the individual who realises that he is both economically and culturally redundant.

### **3 • Democratic challenge and social justice in the EU**

Both authors argue that the European Union could actually find a way of accommodating, at the institutional level, linguistic and cultural diversity. But their arguments are quite different. Peter Kraus’ approach is sociological, while Ugo Pagano is economic. They both agree that the EU *should* strive at protecting diversity, and, they point in the direction of an institutional arrangement which could allow the Union to go further in the direction of political and economic integration, without requiring an excessive cultural and linguistic homogeni-

sation of differentiated national spaces as they presently stand. The point they make could be thought of as complementary: from a positive point of view, Peter Kraus says that the subsidiarity principle is an appropriate answer to what Philippe Van Parijs, referring to Mill, has termed the “democratic challenge” (“No viable democracy without a linguistically unified demos”) (Van Parijs, 2000), while Ugo Pagano, from a negative point of view, argues that if the European Union ought to move towards federalism, then this federalism should not be of a competitive nature.

I would like to distinguish two different kinds of problem here. The first one has to do with language planning and the second with solidarity in the context of heterogeneous societies. And my general suggestion will be that by aiming at the institution of a European government, we might hope to find ways of both accommodating cultural and linguistic diversity and ensuring the required level of social redistribution.

### **3.1 Language planning and the European Union**

The European Union is faced with a challenge. It has to reconcile two distinct sources of legitimacy: that of the member-states and that of the Europeans citizens through elections. It has in other words to conjugate two very different logics of decision-making: an intergovernmental one and a Community one. The first is diplomatic in nature and proceeds on the basis of discussions and negotiations between the different national governments of the EU, while the other, called the “Community method”, is both supranational and intergovernmental. The Community method operated quite successfully for about fifty years, taking the Union from the structure of a “common market” to the one of a “single market”. In 1992, the Maastricht treaty introduced great changes. The community system is now only one of the pillars of the Union, associated as it is now with two intergovernmental pillars (Quermonne 2001). On the one hand, the weakening of the Community institutions has left much of the power of initiative to the diplomatic level of coordination. On the other hand, far from moving towards the implementation of the “single institutional framework” (art. 3 TEU), a dichotomy remains, in spite of the “spillover effect”, between intergovernmental diplomacy and Community procedures. The extension of the Union’s tasks and of the Union itself requires that it goes — if it does not wish to become a mere free trade area — beyond the scope of governance and institutes a genuine “mixed” government (Quermonne 2001: 73-81; 2002: chap. 9).

I will not consider the question of whether the type of federation corresponding to this mixed European Government should be a “Federation of Nations-States” or not. I just would like to emphasise the fact that the move towards a European Government, in the context of an enlarged union, might require the adoption of a common language for administrative purposes, for the deliberation of Members of Parliament and representatives of national governments, and maybe even for the relations between European institutions and the citizens. Philippe Van Parijs is quite convincing when he suggests that English is already the language of Europe (Van Parijs 2004). The *Law of the linguistic maximin*, as he puts it — according to which, if one wants to be understood by the greatest number of people with different linguistic backgrounds, one does not choose the language understood by the majority, but the language which is the best understood by the person who understands it least — this law is already at work.

I will not discuss the possible self-fulfilling dimension of this widely shared prophecy, but it is clear that no language other than English seems to be in a position to claim the status of a *lingua franca* in Europe and in the world. The fact that it is English and not French, German, Italian, Latin or Esperanto, is purely incidental and doesn't really matter. There certainly will be questions of social justice that will need to be addressed, in the sense that it gives indeed an unfair advantage to native English speakers (Van Parijs 2002). But most importantly, it seems, first, that it might be less difficult to accept one common language, than to accept to have one's national language not used in the Europeans institutions when three or four other national languages are. Second, even if the cost of translation and interpretation is not particularly high, it is still significant. We could then consider that it is best to spend the money on people learning a common language, than to have them always relying on translation and interpretation. It might help improve as well the quality of communication, public deliberation and negotiation. Finally, I mentioned that English tends to become the common language in Europe (de Swaan 2001), but we could still ask: why *should* this common language be English? If only for that reason: because to learn English is not only about learning a language that can be used within Europe, it is also about learning a language that can be used throughout the world.

I am perfectly aware of the controversial nature of this suggestion. But I do not see how choosing English as an mere instrument of communication at the European level could destroy national or regional cultural and linguistic identities. It is true though that the decision to opt for a common language at the European level needs to be supplemented by a firm European language policy designed to

preserve a multilingual Europe. One can be ready to have a certain number of decisions taken in a language that she does not identify as her own, without accepting to relinquish her national language and culture altogether. The value of cultural membership (Kymlicka 1995) has to be asserted and can be so at the national level, whether this level refers to nation-states or stateless nations, on the basis of a language policy which could associate elements from territoriality and personality principles. At the very least, the European citizen ought to be bilingual. And almost every trend of linguistic sociology shows that she will so become.

### **3.2 Social justice in the European Union**

In order to preserve this linguistic and cultural diversity, however, even an adequate European language policy might not be sufficient. As argued by Ugo Pagano, social redistribution can contribute to that objective. With regard to that goal, I would like to suggest that instead of trying to determine at what point the extent of the political recognition of cultural minorities — or, in other words, the extent of the internal cultural pluralism of a society (its heterogeneity) — becomes a threat to the economic solidarity of its members, we might consider determining how economic solidarity could be best achieved in the context of a strongly heterogeneous society such as Europe. It is not that we should doubt the fact that economic solidarity is more easily achievable in the context of a homogeneous community, whose members feel they ought to provide a certain level of support to their fellow citizens (Miller, 1999). Rather, we should consider the legitimacy of a partial but significant de-nationalisation of the question of economic solidarity.

I am not unaware of the far-reaching character, to say the least, of this suggestion, which counters general opinion. But is it so unrealistic? Some are convinced that it is. But my impression is that this suggestion is far less unrealistic or optimistic than the anthropological or sociobiological premises behind the idea that solidarity requires homogeneity. Nations have not been built on a feeling of solidarity or spontaneous acceptance. This kind of feelings has been progressive and institutionally induced. People, acquiring a sense of living in a shared space, learn how to live and work with people whom they see as different.<sup>1</sup>

Why do people contribute to a social system at all? Is it because they essentially constitute a people with fellow feelings? If this is the case, then indeed it is of the utmost importance to ensure that the community remain sufficiently homogeneous so as not to undermine the social system of insurance and redistribution mecha-

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<sup>1</sup> For a similar argument applied to city politics, see the very interesting book by Gerald Frug (1999).

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nisms. In that perspective Mill's "democratic challenge" could be rephrased as follows: "Among a people without fellow-feelings, especially if they read and speak different languages, the united public opinion necessary to the working of (the welfare state) cannot exist... (It) is in general a necessary condition of (the welfare state) that the boundaries of governments should coincide in the main with those of nationalities." (Mill 1972: 230, 233). We could think of it as the "social democratic challenge" or to say it differently, the democratic challenge is a *social* democratic challenge.

When speaking about social justice in Europe, however, it is not sufficient to call for European solidarity. One has to try to determine which institutional arrangements solidarity requires in order to be implemented. As Paul Pierson has rightly said: the problem is that "debates over the complex relationship between the process of European integration and the evolution of social policy often generates more heat than light" (Pierson 1998). With Ugo Pagano's paper, we got some light. He suggests that we should look in the direction of a form of federal arrangement on the basis of which spaces could be differentiated, in order to protect national identities from cultural standardization.

He proceeds, however, as he openly confesses, on the basis of a simplified definition of competitive federalism. There is indeed a very wide diversity of forms of federal integration, each trying to respond to the specific requirements of a given region and constitutional tradition (Watts 1996). We know that this diversity can be explained by the great number of different states that moved in that direction, a number so great that D. Elazar, a few years back, felt that he could speak, in that respect, of a genuine "paradigm shift" (Elazar 1996); it can also be explained by the variety of ways of understanding federalism (Croisat 1999: 11-31). If the European model of federalism should not be of the competitive type, we can suppose that it should take one form or other of "cooperative federalism", such as is said to have emerged in the United States, in the context of the New Deal (Frenkel 1986: 91). In the context of the European Union, it means that intergovernmental cooperation and community action must reach beyond the capacities and competences of each national government, in various areas: political, economic, social and cultural. Yet, this qualification of the EU as a federation is still very far from the level at which the more resilient problems materialize, because the question is precisely about finding ways of thinking through the *Spillover* effect and, possibly, extend it and constitutionalize it. If one of the main problems facing Europe is a democratic problem, it may also be because the EU is not doing enough at the individual level in terms of social justice. We could suppose that the

Europeans would be more supportive of the European integrative process if the EU had a strong social dimension attached to it. Right now, it is not the case: “in contrast to the highly developed social welfare states of Western Europe, the emerging European regulatory state is only marginally involved in social welfare policy” (Moravcsik 1998: 24). My view is that, in order to face the democratic challenge, the EU has to define as one of its goal, the promotion of social justice. As said previously, this suggestion is based on the assumption that multiculturalism does not impede social solidarity.

David Miller, in his contribution, shows “that cultural differences appeared not to have a significant impact on basic principles of justice”. If people tend to apply these principles a bit differently, they nevertheless hold on to the same criteria (equality, need, merit). In Europe, this homogeneity is reinforced by the fact that the individual/collective divide does not operate significantly between members of the European Union. Now, the second point made by David Miller is that “cultural divisions may reduce or destroy people’s desire to act on principles of justice towards others whom they regard as belonging to an alien culture”. He concludes his paper stating that trust is essential to social justice and that “cultural differences do create barriers to trust”. He writes that if we start thinking that other people are, for example, cheating on their tax returns, “we will feel much less compulsion to act under the constraints of justice ourselves”. If he’s right, then indeed the EU will not be able to promote social justice.

Trust certainly plays an important part in the regulation of our behaviour. But we could also consider that the interpersonal relations, if important in many ways, are not decisive here. As long as I trust the legal and judiciary system I can reasonably expect that people “will practise similar restraint”. It seems to me the problem might more likely arise because of the unwillingness of culturally and socially differentiated groups to support social policies that would be perceived as being more advantageous for groups other than their own. In other words, the poor belonging to another cultural group are not considered as *their* poor (Miller).

There are two ways of solving this problem. One is suggested by David Miller when he writes that, given the right pattern of interaction, the barriers of trust can be overcome, while, at the macro-level, we could rely on an inclusive identity accessible to members of all cultural groups. The other way would be to try to convince people that associating distrust with difference is simply wrong morally and that we should not let cultural differences get in the way of social solidarity. David Miller has argued (1995; 2000) that solidarity always requires “a national identity in the normal sense”, so the second option will not look feasible to him.

My suggestion is that it is not because solidarity does require homogeneity that it *should*. We might therefore consider it appropriate to work at loosening the considered tie between economic solidarity and partiality by allowing principles of justice to be applied impartially or, at least, at extending considerably the scope of partiality. Michael Sandel has insisted in *Liberalism and the Limits of Justice* on the fact that, as subjects, we are embedded in a network of loyalties which define not only our identity, but also the community towards which we feel obliged in a way that goes beyond the scope of mere justice. He argued that partiality is not contrary to justice, and following John Stuart Mill, in that respect, it could be considered *just* to be partial. May I recall the following passage of John Stuart Mill's *Utilitarianism*: "A person would be more likely to be blamed than applauded for giving his family or friends no superiority in good offices over strangers, when he could do so without violating any other duty" (Mill 1861, chap. 5).

In his vindication of partiality and ethical particularism, Sandel is more radical than Mill: "we cannot regard ourselves as independent in this (deontological) way without great cost to those loyalties and convictions whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are — as members of this family, or community or nation or people, as bearers of this history, as sons and daughters of that revolution, as citizen of that republic" (Sandel 1982: 179). These loyalties and convictions define, according to him, the allegiances that "allow that to some I owe more than justice requires or even permits, not by reason of agreements I have made but instead in virtue of those more or less enduring attachments and commitments which taken together partly define the person I am" (Sandel 1982: 179). In short, those allegiances are, in a way, produced by a history which "draws me closer to some and more distant from others; it makes some aims more appropriate, others less so" (Sandel 1982: 179).

The argument is strong, as is the objection traditionally made in such case: why should history be considered the tribunal of reason? Why should my membership of a nation determine what I consider to be the relevant universe of distribution. Such a relevant universe could be defined in the light of a European political project associating many different nations.

The problem, here, is not so much to consider what should be done to avoid the fragmentation of any given nation-state in order to preserve a strong sense of obligation among its members, especially with regard to economic solidarity, but to think how economic solidarity can be achieved in the context of a reasonably multicultural or

multinational society. This question is crucial whether we consider a relationship between industrialised societies and developing ones, the relationship between the member states of the EU, the relationship between different groups within multinational and multicultural states. It is essentially about finding ways of expanding the scope of ethical concern, beyond ethnocultural allegiances.

What we may have to consider is, as Onora O'Neill puts it, the status of "the distant stranger", of the "distant needy". By accepting the idea that economic solidarity requires cultural homogeneity, we make it, if not impossible, quite difficult to justify what should be the next move for proponents of an extensive and inclusive conception of social justice, which is "transnational economic justice" (Singer 2002; O'Neill 2000).

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