
23

Kraus's and Pagano's papers deal with the tension between diversity and solidarity as this applies to the institutional and political experience of the European Union. In my view, both papers do a good job by emphasising the complexities of the problems posed by such tension, but also the complexities involved in its resolution. Ugo Pagano deals with the kind of federalism that is more appropriate to the European reality, while Peter Kraus discusses linguistic recognition as an important aspect of the making of European democratic citizenship. I greatly welcome their approach since it debunks some of the more simplistic ideas that currently circulate in the European debate on both federalism and citizenship. In the following remarks, I wish to elaborate on some of the complexities they identify.

Pagano wishes to undermine the idea that competitive federalism, as often discussed in relation to the American experience, can be applied to the European reality. Competitive federalism offers, or so it is argued, a market for institutional jurisdictions, which allows people with different tastes with regard to taxation and welfare systems to move freely from one state to another, depending on their preferences. At the centre of this view, there is the assumption that competition works because people can easily move from one state to another, not only because they are entitled to do so, but also because mobility costs are irrelevant. Pagano notices that though this kind of theoretical abstraction may capture some aspects of American society, it fails to apply to the European reality, where communities are characterised by sunk investments of a linguistic and cultural nature that make it more difficult for individuals to move freely and without costs from one state to another. The application of the competitive model to the European reality would require a push towards cultural, linguistic and legal standardisation thus increasing skill liquidity and reducing mobility costs. By increasing socio-cultural homogeneity across the federal territory it would be possible for individual states to offer different jurisdictions for welfare, thus allowing citizens to group

Questions for Kraus and Pagano

Dario Castiglione

University of Exeter

themselves according to the welfare provisions co-ordinate. Pagano notices, however, that in the formation of modern market economies both functionally and historically socio-cultural standardisation and social solidarity and protection have developed as complementary processes. It would therefore seem that, in order to produce the conditions for competitive federalism in Europe, one would need to adopt a mix of standardisation and social protection policies across the federal territory. This, however, seems to contradict the very assumption of competitive federalism, that states compete with each other on the basis of the different levels of welfare and tax regimes they offer. From this, Pagano concludes that at present competitive federalism is inapplicable to the European situation. Only using standardisation and solidarity as both complementary and substitutive strategies may make it possible to arrive at a situation where mobility costs are effectively reduced, thus making some form of competitive federalism viable.

Although I am in general agreement with Pagano's line of argument, I think his conclusions are of limited use. One reason is perhaps due to the limits intrinsic to the very idea of competitive federalism. In fact, the assumption that this offers a market for jurisdictions is vitiated by an unrealistic view of what motivates people's mobility. Such decisions are rarely, if ever, based on a holistic assessment of the welfare system. People's decisions in this regards are of a more "opportunistic" nature, being dictated by particular conditions or needs. People who move in consideration of tax regimes are limited in number, since they often have very high incomes allowing them to forgo the provision of certain public goods (health, education) without too much risk, while still benefiting from the provision of others (language and cultural protection, for instance) by exploiting the advantages of frequent and short-term mobility. The other reason for the limited usefulness of Pagano's analysis is that his suggestion that Europe needs a careful policymix of standardisation and social protection measures does not address the main question presently at the centre of discussions about European "federalism", namely, whether social protection measures should be standardised across member states or whether we need to guarantee a certain level of protection without necessarily standardising social, cultural and legal practices of protection.

This leads me to Peter Kraus's paper, whose inspiration I also share. He criticises the simple opposition between those who look at the issue of language in Europe from the narrow perspective of democratic identity and public communication (a view also shared by some speakers at this conference) and those that are happy to embrace linguistic diversity without considering or trying to address

its costs. Kraus takes a middle line, recognising that there are both costs and opportunities in dealing with multilingualism in Europe. Decisions in this area need to track the related political criteria of administrative efficiency and democratic legitimacy, while being sensitive to the way in which the instrumental and expressive dimensions of language cannot easily be separated.

Peter Kraus has interesting things to say on how the European integration process has paved the way for a politics of cultural (and linguistic) recognition across Europe, but at the same time has put in place certain forms of (market based) “negative integration”, which tend to undermine that very same politics of recognition. Here, I wish merely to sketch the main areas that a politics of language in Europe will have to deal with in order to find a viable balance between integration and diversity. The identification of these areas is important in order to understand the complexity of the current European language regime, and how in the course of deepening and widening European integration the relation between these different areas will have to be carefully considered.

In brief, the language issue has relevance in five interrelated areas:

- As the instrument of public debate within the political institutions (its use in Parliament and the other main institutions, such as the European Court of Justice, the Commission, the Council);
- As the instrument of intra-institutional communication within the administrative machinery of the EU and between civil servants and experts in the conduct of normal administrative business;
- As the instrument of communication between the citizen and the administration (rights of enquiry, petition, political pressure and lobbying, etc.)
- As the main vehicle for the formation and diffusion of public debate and opinions (the general public sphere, and the way in which different specialised publics interact within the public sphere, and how this feeds in, controls and influences institutional deliberation and decision making);
- Finally, as a general instrument of social communication.

In each of these areas different considerations about rights and power need to be made in order to find a system that reflects the demands of both cultural diversity and economic solidarity.