



## UvA-DARE (Digital Academic Repository)

### The Others in Europe: Legal and Social Categorization in Context

Bonjour, S.; Rea, A.; Jacobs, D.

**Publication date**  
2011

[Link to publication](#)

#### **Citation for published version (APA):**

Bonjour, S., Rea, A., & Jacobs, D. (2011). *The Others in Europe: Legal and Social Categorization in Context*. (Etudes européennes). Les Editions de l'Université de Bruxelles.

#### **General rights**

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

#### **Disclaimer/Complaints regulations**

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

# Introduction

Andrea REA, Saskia BONJOUR and Dirk JACOBS<sup>1</sup>

Judging by the results of the Eurobarometer surveys, identification with the European Union remains weak for large parts of the population of the EU member states. Perhaps this should not surprise us, as European citizenship has up till now *a priori* been regarded to be a complement and not a substitute to national citizenship (Martiniello, 1995). Jacobs and Maier (1998) have argued that processes of Europeanization have nevertheless led to the creation of new identity boundaries. The old distinction between nationals and foreigners seems to have transformed itself into a triangular logic distinguishing nationals, EU citizens and third country residents. In the process, the *Other* has increasingly become the “non-European Other” – even if it is still unsettled who the European *We* might exactly be.

This book aims to provide a trans-disciplinary analysis of the construction of migration-related “Otherness” in Europe. It is the result of a midterm conference of the research project entitled *Outsiders in Europe. The Foreigner and the “Other” in the Process of Changing Rules and Identities*, conducted by the center for transdisciplinary research Migration, Asylum and Multiculturalism (MAM) of the *Université Libre de Bruxelles*. We do not pretend to be able to integrate different disciplines (law, sociology, political sciences, social psychology and anthropology) into one unified frame of analysis. Instead, MAM strives to enhance disciplinary dialogue whereby the differences between the disciplinary approaches are not dissolved but exploited so as to be able to do justice to the complexity of social reality. This trans-disciplinary dialogue is realised on both the theoretical and empirical levels to acknowledge the

---

<sup>1</sup> With the collaboration of Alejandra ALARCON HENRIQUEZ, Assaad AZZI, Emmanuelle BRIBOSIA, Philippe DE BRUYCKER, Nicole GRÉGOIRE, Chloé HUBLET, Yves PASCOU, Pierre PETIT, and Isabelle RORIVE.

diversity of interpretations of social reality. Within the framework of MAM we did this quite literally through monthly meetings in which academics of different disciplinary backgrounds openly discussed theories and methods of their respective disciplines, without fearing to go back to the basics or “ask silly questions”. This has proven to be a productive and enriching enterprise. This book contains contributions by ULB team members – partly reflecting the results of our transdisciplinary meetings – and contributions by non-ULB international scholars, who participated to our midterm conference. They all relate to the issues we have discussed within the framework of the MAM-project “Outsiders in Europe”, and which we will further outline in this introduction. The first six chapters of the book will provide a legal, political and sociological approach of the issue of the Others in Europe. The five remaining chapters offer the perspective of social psychology and anthropology.

### **Changing migration flows and European identity**

Starting as early as the 1960s, the ways in which European immigration policies are implemented – (post) colonial and/or temporary labour migration mostly organized through bilateral agreements, etc. – have converged with relatively little intergovernmental dialogue. Deepening European integration has led to the creation of an institutional framework for a Europeanization of immigration and asylum policy. If regulation of foreigners’ entry, freedom of movement and right to stay in EU territory is the focal point of legal and political debates in European and national institutions, issues regarding the integration of foreigners and especially access to citizenship have traditionally remained within the realm of national sovereignty. Nevertheless, convergences between national policies appear in this area as well, notably in the generalisation of *jus soli* in the 1980s and 1990s. The issue of immigration and integration in Europe is characterised by a paradoxical process: policies in Europe are converging, without losing their national specificities.

The emergence of a European Union immigration and asylum policy since the 1990s has been influenced by at least two new processes. The first one is the development of new migrations with specific characteristics. The processes of globalisation and growing urbanisation that characterise the 21<sup>st</sup> century are bringing about a new age of migrations (Castles and Miller, 2003). Mobility and freedom of movement are values that are pursued and are essential for social advancement. This contributes to increasingly complex migratory models. Indeed, the simple duality of labour immigration and settlement immigration is no longer operational. The entry of tourists or students feeds these new migration processes as much as labour immigration, asylum or family reunification. In addition, freedom of movement within Europe strengthens movements of migration. In Europe today, national origins and statuses of new migrants are very different from what they once were. Since the fall of the Berlin Wall and the enlargement of the European Union, many immigrants have come from Central and Eastern Europe. The era of dominance of the illiterate male immigrant from a rural area is long gone: the new migrants are more often women, city-dwellers and highly educated.

The second process is the transformation of identities in Europe. The Europeanization underlying the creation of a European citizenship (Martiniello, 1994)

is also at the basis of the reframing of existing identities and the production of new ones. These processes contribute to the creation of new “imagined communities” (Anderson, 1983), as well as an “imagined European community”, pulling together opposite identities and pushing apart closely related identities. This affects nationals as well as foreigners. As a supranational identity is being created at the European level, European states are faced with re-emerging national and regional identities which may occasionally be very strong. In addition, legal tools, institutional practices, social interactions and representations all contribute to the metamorphosis of the image of the foreigner in Europe. Immigration policies used to be largely based on economic considerations, in particular on the demands of the labour market. Today, however, social tensions and political passions produced by immigration are mostly linked to issues of belonging and identity. The representation of the foreigner is no longer solely defined by his or her place on the labour market or in the social hierarchy. European society is increasingly questioning its “cultural and ethnic identity” as a result of its enlargement and immigration flows.

The different processes of European enlargement have brought peoples and identities closer to each other, endlessly renewing European identity. The accompanying rhetoric often insists on the proximity and shared destiny of the old and new Member States and populations of the European Union (cf. the debates over references to Christianity in the European Constitution or over the accession of Turkey). This alleged proximity is however more of a performative speech act than a lived reality. Several Eurobarometer surveys and the European Social Survey indicate that the fear of the Other is fairly strong in Europe. This has been confirmed over the years by the emergence and durable presence of extreme right wing and populist parties that use racism as their favourite electoral argument. This fear of the Other targets not only new immigrants, but also descendants of old migrations, who still see the legitimacy of their presence in European societies called into question. They are often victims of what has been called a European racism (Balibar, 1992; Rea, 1998) or of the racialization of European society (Fassin, 2010). Old migrations, especially those assimilated to colonial migrations not only by former colonial powers but by the whole European continent, and the descendants of immigrants who claim a specific identity linked to Islam are now “re-colonized” (Balibar, 2001) not only within the national boundaries (Rex, 1973) but also within European boundaries.

As a consequence, boundaries between internal identities within States are being redefined. Some non-nationals that have become nationals may remain confined to the status of outsider while other non-nationals, i.e. EU citizens, may be considered culturally similar. Legal and social categorizations are reshaping the image of the foreigner in Europe: this image becomes that of the Other, “the non-European Other”, whose legal and symbolic definition varies and wavers with different social situations. Thus, the European construction goes hand in hand with processes of identity redefinition: them/us, national/non-national, European/third country national, the majority recognised as *homo nationalis*/the minority denied recognition as *homo nationalis*, local/global. We will focus specifically on the European/non-European distinction, which defines majority/minority positions constructed by legal and institutional devices, media messages and discourse, social dynamics, mobilizations

and other processes of representation, which differentiate groups and individuals. Within the European construction, two generic origins seem to crystallize cultural diversity and feed fears in Europe (cultural conflicts, clash of civilizations, terrorism, etc.): “Sub-Saharan Africans” or “Blacks” on the one hand and “Muslims” on the other, two specific figures of Otherness in Europe, of Outsiders in Europe.

### **The Europeanization of immigration and the *re-categorization* of the Other**

Since the Amsterdam Treaty which was signed on the 2<sup>nd</sup> of October 1997 and came into effect in 1999, immigration and asylum policy has in principle become a European matter. The communitarization of this field corresponds with the end of the intergovernmental method and the transfer of competences over asylum and immigration to the supranational institutions, as well as the selection of a certain number of areas for which a common policy is put forward. The study of different measures in asylum (Dias Urbano de Sousa and De Bruycker, 2004; Guild, 2004) and immigration (De Bruycker, 2003; Guild, 2009) fields tends to show the emergence of a relative convergence of national policies in Europe. This trend towards convergence was brought to light long before the communitarization of public action in this field (Geddes & Favell, 1999 ; Guiraudon, 2000 ; Geddes, 2003). However, States remain primary actors in the definition of immigration policy. For example, each country continues to consider economic migration as a matter of national sovereignty, while regretting the lack of coherence between public policies (quotas in Italy and Spain, green card in Germany, points-based policy in the United Kingdom, etc.).

If the *modus operandi* of immigration policies reveals a limited level of European integration, this is not the case for the legal categories, particularly those of non-national and of European citizens. The European construction has led to a re-categorization of the legal definitions of national legislations, in particular those pertaining to issues of entry and stay of non-nationals. By introducing a principle banning nationality-based discrimination as early as 1957, the European construction has had an impact on traditional legal categories (Bribosia *et al.*, 1999). In fact, the classic distinction between nationals and foreigners has become more complex. Today, there are at least three different categories: the national, the EU Member State national and the third country national. This new categorisation did not erase all distinctions between nationals and nationals of other Member States, also called EU citizens. However, it helped to accentuate the common aspects and bring EU citizens closer to nationals while pushing non-European foreigners out. If some of the new rights obtained by third-country nationals within the European framework stem from the new rights that have been awarded to EU citizens, notably the creation of a European zone of free movement, clear-cut differences in treatment remain between EU and non-EU citizens. The debates concerning these differences have been analysed as the expression of either the passage from national to societal security issues (Waever, 1993), or from a control of territories to a control of populations (Bigo, 1996 ; Huysmans, 2006). This differentiation illustrates the way in which non-European foreigners are considered a threat, entailing the need for Nation-States and national institutions to acquire the means necessary to reduce the perceived risks.

In the first chapter of this book, Kees Groenendijk presents a vigorous analysis of labelling by national and EU law of statutory categories of immigrants. Using a historical approach beginning with the first European Treaty (1957) through to the Stockholm Programme (2009), he demonstrates how new EU migration law creates new categories and new distinctions amongst people. However, he argues that the labelling process of the EU law is not so different from Member States's national law. He points out that the main difference between EU and national law is that the potential for divergence in moving from the legislative process to the application of those laws is greater with EU law. With Union citizenship, EU law creates an opposition between "We", Unions citizens versus "Them", third country nationals. However this categorization does not automatically produce stigmatization. Stigmatization follows from the rules that allow for the selective use of new technology (EU immigration databases) for third country nationals in irregular situation.

The most visible sign of the Europeanization of immigration and integration policies lies clearly in the production of European legal norms, the Long Term Resident and Family Reunification Directives in particular. Political scientists have largely focused on analysis of the institutional framework (Radaelli, 2003) with supranational institutions and multi-level governance as their objects of study; legal scholars have also considered the legal tools produced at the European level and their translation at the national level. There is a recurrent question throughout this type of research: does Europeanization lead to a widening or a reduction of the rights of foreigners? The hypothesis of the alignment towards the lowest standards is most often suggested. According to a widely shared opinion, the legislative suggestions of the Commission were practically emptied of all substance by the Council of Ministers as a result of its obligation to reach unanimous decisions by representatives of all Member States. In this way, the academic image of the legislative process tends to align itself with the long-standing criticism of NGOs defending foreigners' interests who claim that harmonization is bringing about a generalization of the lowest standards among the Member States and is thus unfavourable to the interests of foreigners. If this hypothesis is corroborated, then it would be time to question whether the European framework introduces more obstacles to foreigners obtaining rights than the national framework does. If this proves to be the case, it would seem that Europeanization tends to reinforce the threatening figure of the foreigner.

Many elements encourage a more moderate vision. Relations between European law and national law on immigration matters are much more complex than the hypothesis of a harmonization towards the lowest standards suggests. There are few points on which there has been harmonization and Member States have created numerous ways out of the obligations set by European law (including the introduction of non-constraining measures in directives that are by definition legally binding). Moreover, the fact that the Council, in each Directive, gives the Member States the right to maintain or introduce more favourable national provisions tends precisely to avoid a general harmonization towards the lower minimum standards agreed upon unanimously by Member States.

The story is more complicated when migrant integration policy is concerned. We cannot talk about a genuine European policy making effort aimed at harmonization.

Although the Lisbon Treaty for the first time provides an explicit legal basis to the European Union for activities in the domain of migrant integration, it also explicitly mentions the EU cannot try to harmonise legislations: “the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States” (Article 79 (4) TFEU). This, however, does not mean there are not converging trends to be observed in the European Union.

### **Integration and risk management**

Whereas national immigration policies since the 1960s have mostly been blind to the cultural specificities of immigrants, it seems that this will no longer be the case in future. Even though European States refuse to consider themselves immigration countries like the United States or Canada, Europe seeks to implement immigration policies that incorporate demands for cultural conformity. Europe as a political community, intends to use its control over immigration in an utilitarian perspective, in response to needs in population and competencies (Bribosia & Rea, 2002), but also in an identity perspective. When European countries called upon Moroccan, Algerian, Turkish and Pakistani workers they did not worry about the cultural or religious identity of these populations. They were first and foremost a workforce. Today however, cultural and ethnic identity is becoming a preoccupation of policy makers, even if this preoccupation is not directly translating into material political measures. This is proven by the emergence of a European integration policy (Groenendijk, 2004). With the help of the Commission, Member States have thus set up a network of National Contact Points on immigration matters. On November 19<sup>th</sup>, 2004, the Council of Ministers of Justice and Internal Affairs adopted the Common Basic Principles on integration. The use of such instruments is not set within a legally-binding framework. However, it does participate in the Europeanization process and affects Member States’ policies.

Political and media discourses rely on a rhetoric of peril (Hirshman, 1991), thus broadening classic discursive registers. Immigrants have often been represented as a danger to the stability of welfare systems, on the one hand, and to public peace, on the other. They are suspected of either working in conditions that threaten competition or of unlawfully taking advantage of the benefits of the Welfare State. Moreover, the inextricable link between immigration and delinquency leads to a systematic questioning of immigrants’ irreproachability. Since the 1990s, these two discursive registers have been complemented by the rhetoric of threat to the specificity of the European identity and to the external security. The growth of majority or minority multiple identities feeds the theory of the “clash of civilizations”. Certain cultural or religious specificities, particularly those linked to Islam, are seen to endanger European identity. Numerous disagreements appear in Europe on subjects linked to the management of cultural diversity (the Islamic veil, gendered space-division, dietary laws, religious holidays, etc.). These conflicts or litigations are regulated either socially (negotiation, mediation, etc.) or through the judiciary (court cases).



These new discursive registers lead to the implementation of precautionary risk-management measures aimed at new migrations (Rea, 2009). The perceived risks linked to certain cultural characteristics are becoming an important factor in the choice of new recruitment areas for new migrants. While still fulfilling their duty of protecting refugees as well as foreigners already settled on their territory, Member States increasingly intend to control the cultural identities of new migrants. They are thus adopting the principle that the right to emigration finds its limits in the right for a political community to preserve its specific way of life. The introduction of integration criteria, prior to new migrants entering the territory, in certain Member States indicates that European countries are seeking to control the entrance of immigrants onto European soil on a basis of cultural belonging. The principle of precaution is aimed at ethnic minorities whose practices and cultural and religious claims seem to endanger the compromises negotiated historically to institutionalise Church-State relations in European countries.

After a period of acceptance of diversity in certain European countries such as the Netherlands and Sweden, multiculturalism is now being questioned (Joppke and Morawska, 2003; Jacobs, 2004) everywhere in Europe. New policies are being introduced that focus instead on cultural conformity. There is a tendency to introduce more active integration policies in European countries. They are articulated along two axes: knowledge of the national language and knowledge of the host society and its political system. Contrary to the hypothesis of Joppke (2007) that the proliferation of such integration policies signals the end of “national models” of integration in Europe, it may be argued that the implementation of integration policy is still determined by national models, even if some components of this policy are shared by different countries (Jacobs and Rea, 2007). After all, the aims of these integration policies vary significantly in different European countries: reducing cultural diversity, conditioning access to social or civil rights and learning about the social, institutional and cultural context in which the new migrants are living.

In Chapter II of this book, Yves Pascouau highlights the importance accorded to integration issues in the European Union and the Member States with special attention to mandatory integration provisions. He demonstrates that the issue enjoys political support at the highest level, is implemented in Member States, and is accompanied by operational instruments. Yves Pascouau argues that these integration measures or conditions adopted in the EU seem to act as tools of migration policy. Focusing on Dutch and French implementation of integration policy and more particularly family reunification, Yves Pascouau demonstrates that integration rules function as a criterion to limit migration flows. More precisely, integration requirements are established in order to deter family members from exercising their right to family reunification. Therefore, the extension of pre-departure measures in the framework of external relations is relevant in this regard. In Chapter III of this book, Saskia Bonjour also analyses integration policies. Both France and the Netherlands have recently introduced policies which require migrants to learn about the language and customs of the host country before being granted entry. Dutch civic integration abroad policy however is much more restrictive than the French. Bonjour compares parliamentary decision-making regarding civic integration abroad policies in order



to evaluate whether “national models” are capable of explaining this difference. She argues that while Dutch and French politicians define the “problem” at hand in highly similar ways, their policy responses are shaped by country-specific discursive and institutional structures.

### **The Europeanization of anti-discrimination policies**

In certain areas the action of the European Union has clearly contributed to the extension of the rights of non-national residents. By deepening and complementing the actions of several international organisations such as the United Nations and the Council of Europe working towards the protection of human rights, the European Union has led Member States to develop their legislative protection of the principle of equal treatment and to reinforce their national anti-discrimination policy (Guiraudon, 2006). Anti-discrimination tools are usually constructed through a multi-stage process (Simon, 2004). This process starts when the issue of discrimination is put on the political agenda, sometimes as a result of a mobilization campaign. Then, the usual first type of reaction consists of admitting that the most blatant cases of discrimination (“direct” discriminations) should be brought to justice. The limitations of such a reaction and the lack of substantial improvement to the situation of the discriminated groups lead to recognition that the systematic nature of these discriminations must be taken into account. As a consequence, “indirect” discriminations, that may be unintentional, can be tackled. The fight against discriminations strives to remedy inequalities inscribed in general rules, for instance through the implementation of “reasonable accommodations” that would benefit particular groups.

It is crucial to understand the impact of the European Union on anti-discrimination policies in this context. On the one hand, the elaboration of these European policies proceeds partially through a bottom-up mechanism where national laws and practices inspire and feed into a common norm. On the other hand and conversely, Europeanization also implies the impact of the common norm on the legal orders of the Member States. This latter dimension is present, in particular, in the banning of discriminations based on nationality – indeed in this case the European normative level was the driving force. However, as far as ethnic and religious discriminations are concerned, the European level is grafted onto existing national laws and practices, taking inspiration from as well as completing them. Without creating new categories, the European Union contributes to the reshaping of identities and to the creation of new ones. The fundamental principle of fighting against nationality-based discrimination that has been at the heart of European integration since its beginnings, is now completed by tools used to fight against discriminations based on race and ethnic origin on the one hand, and on religion and beliefs on the other. Today however, this latter policy remains underdeveloped at the European level. The Amsterdam Treaty introduced the legal basis allowing for the adoption – through a unanimous decision of the Council – of European policies against discriminations based on gender, sexual orientation, handicap as well as race, ethnic origin, religion and beliefs. Despite the fact that unanimity was required, the political context (i.e. the increasing electoral power of extreme right-wing parties in Europe) facilitated the rapid adoption of two European directives on this matter: Directive 2000/43/EC implementing the principle

of equal treatment between persons irrespective of racial or ethnic origin (the Race Equality Directive) and Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (the Employment Equality Directive) (Bell, 2002).

In Chapter IV, Chloé Hublet analyses the application of the principle of non-discrimination on the grounds of nationality to third country nationals in European Union law. Recognising that Article 18 TFEU, prohibiting discrimination on the grounds of nationality, cannot apply to them, as the ECJ confirmed this classic interpretation in its recent *Vatsouras* case, she examines additional means of protection which could be available in EU law. Her conclusion is that a gap exists in the protection of third country nationals against discrimination on the grounds of nationality, a gap which hinders their integration in Europe.

These legal tools also enable us to measure the transformations of the figure of the foreigner. After living in Europe for over forty years, some immigrants, most of whom have become nationals, as well as their descendants, are, in some degree, maintained in an immigrant status which is the cornerstone of their racial and ethnic discrimination. These figures of foreigners whose legitimate presence is still disputed are always suspected of refusing to integrate. Rising racism and increasing racial and/or religious discrimination, also in institutional categories such as “non-western”, confirm the construction of an ethnic European society. This is a mosaic of national identities as well as a budding supranational identity strewn with minority ethnic identities resulting from successive migrations. The figure of the foreigner is growing larger, encompassing even those persons of migration background who are citizens of European countries. One of the consequences is that they increasingly become targets for monitoring and profiling, which, however, are becoming increasingly sophisticated.

On this topic, in Chapter V, Didier Bigo, Julien Jeandesboz, Francesco Ragazzi and Philippe Bonditti offer an important contribution to the debate. They question how the border and the politics of bordering produce the categorisation of Otherness. In this perspective Otherness is the result of techniques for governing populations. Techniques for controlling mobility constitute a way to construct categories of people defined as “undesirable” or “potentially dangerous”, people who should be blocked at the border, while others, defined as “desirable persons”, should see their travel expedited through technology. This approach insists on the fluidity of border. Rather than stopping or blocking, emphasis is on filtering or sorting people and more efficiently banning the undesirable. These practices have been coined in recent years as “smart border technology” and result from the Schengen experiment. The virtualisation of borders contributes to the securitisation of borders, which is a way to govern populations on the move, to trace them and to sort them out “smoothly”, without hurting them. The visibility of coercion at the borders is then often limited and violence is relocated to the bureaucratic procedures of categorising, profiling and tracing people through the selection of computerized data. One might actually wonder to what extent the increasing invisibility and technical sophistication of border control is not only linked to the imperative of free movement of people within

the European Union but is also to be understood in the light of a stronger emphasis on anti-discrimination policy making on the European level.

The introduction of anti-discrimination instruments at the European level is, indeed, not without challenges. One can observe a shift from a logic centred on the nationality criterion to an increased focus on the ethnic criterion, and in a lesser degree to religion. However, the law is less at ease with ethnic or religious categories than with the traditional category of nationality, which is more easily objectively identified. Furthermore, the Race Equality Directive prohibits not only direct and intentional discriminations, but also indirect ones. As a consequence, one can notice a shift from the individual to the group that involves a connection to categories based on ethnicity. The recourse to statistics as a major way to prove indirect discriminations strengthens the need of an ethnical classification in Member States (De Schutter and Ringelheim, 2010). The notion of ethnic category is, however, far from being defined in the same way in various European countries. In addition, categorization based on religion is tricky. Several tools used to fight against discriminations are not easily deployed in the field of religious discriminations, where the separation between Church and State as well as the principle of neutrality of the State are at stake. For instance, some States are reluctant to address the requests of “reasonable accommodation” put forward by some religious groups or individuals (e.g. allocation of a praying area at work, availability of special diets in canteens, etc.) (Woehrling, 1998). Finally, to a certain extent, the impact of these policies could be paradoxical: by protecting individuals identified on an ethnic or religious ground one could contribute to strengthen the categories built on such criteria and increase the process of racialization of society.

In Chapter VI, Emmanuelle Bribosia, Andrea Rea, Julie Ringelheim and Isabelle Rorive consider the relevance of the concept of reasonable accommodation as a device for handling religious plurality in European labour relations. They offer a trans-disciplinary approach of the reasonable accommodation issue, integrating a legal and a sociological analysis. Considering EU law, the ECHR and national laws and policies regarding accommodation of minority religious practices (Belgium), the authors assess that a legal duty to provide accommodation for religious reasons could be derived from antidiscrimination and/or religious freedom norms. After a presentation of the main findings of a study on what sorts of adjustments are *de facto* asked for in the employment sector and how employers cope with such demands, the authors highlight that despite the absence of any clear right to reasonable accommodation, informal practices of negotiated accommodation can be observed in various employment settings. The legalisation of accommodation practices could contribute to the equality of individuals in the treatment of their demands but at the same time it could also cause some inconveniences (employers might avoid hiring Muslim employees, fearing that they might invoke the right to reasonable accommodation).

### **Denials of recognition and identity mobilization**

As mentioned earlier, even though many immigrants and their descendants have become nationals, they are not necessarily perceived as fellow citizens or as European citizens. Some of them remain stigmatized as outsiders, especially Muslims and Black Europeans. Despite their social, economic and political integration, some nationals

are assigned an identity of otherness that may not be of their own choosing. Victims of racial and ethnic discrimination, they continue to suffer from a lack of recognition. In addition to being excluded from national “imagined communities”, immigrant groups are excluded from the emerging European identity, which is increasingly homogenised by political discourses and media imagery. As a consequence, their identity becomes marginalized and stigmatised in both the national and the European contexts.

The theory of the struggle for recognition (Honneth, 1996) and its application to the issues of racism and xenophobia (Sanchez-Mazas, 2004) suggest an analysis of these phenomena in terms of the denial of recognition, which can take various forms such as a denial of rights (citizenship rights, social rights, freedom of movement, etc.), a denial of social esteem such as negative opinions of the culture and/or religion of the Other, or a denial of “voice” which delegitimizes the demands and aspirations of these groups, especially in a public sphere perceived as secular and in need of protection against the influence of religion. Different forms of denial of recognition are likely to occur simultaneously when public discourse conflates two very different types of concerns under the single label of “immigration issues”: on the one hand matters linked to immigration *per se*, such as the number of entries (legal and/or illegal) into a territory, and on the other hand those due to the (often permanent presence) on this territory of immigrant populations or ethnic minorities. The constitution of a European identity and the shifting of the ethnic boundaries of the figure of the Outsider are certainly at the source of the persistence or even reinforcement of the denial of recognition in the social sphere, i.e. the denial of social esteem: access to national citizenship does not give immigrants access to the recognition granted to native European citizens.

However, the assertion of their identity by minorities cannot be understood as a mechanical consequence of the discourses and practices of majority groups: ethnic groups are always stake-holders in the construction of their identity. Belonging to a group comes about through an imputation and a subscription process: it is only to the extent that a person identifies him/herself or is identified by others that ethnicity is manifested by distinctive features (Barth, 1968). Seen from this angle, ethnic identity is a resource that can be used by groups to create and recreate their boundaries. To do so, these groups mobilize the most diverse symbolic marks from the most blatant to the most subtle, sometimes including the emblem of their own racial or ethnic stigmatisation which they then use as the banner of their identity (Eriksen, 1993). The production of “us/them” relations by the surrounding society is mirrored by a symmetric construction, which inverts the order of inferiority. Such a process supposes that the actors consciously perceive this categorization and the attributes that bring it to life. However, this sensitivity is strongest amidst opinion leaders and social entrepreneurs. Their role is absolutely crucial when identities are studied under the angle of mobilization.

In Chapter VII, Didier Fassin explores the development of racialized social boundaries in France over the previous decades. Racialization, he argues, has to be understood as a process as well as a problematization, a specific way of describing the world. The “racial scene” is comprised of processes of ascription and self-identification. The descriptions of intellectuals and politicians, which have a performative effect,

contribute to this construction. Fassin questions the delayed public recognition of the phenomenon by the French, which is due, in his view, to three peculiarities that have long made up a colour-blind country, where the State is idealised as treating all its citizens equally: the Republican imaginary, the assimilationist ideology of the Nation and the sole reference to class in assessing inequalities. Although his reflections are based on the French case, he argues that they can be broadened to contemporary Western Europe. The European scene is also a racialized scene comprised of citizens who are considered and consider themselves as aliens because of their phenotype, origin, culture or religion. This fact must be taken into account rather than denied or occulted.

Applying a social psychological approach, Chapters VIII and IX of this book are dedicated to the effect of categorization imposed by the majority group on ethnic minority group members. Maykel Verkuyten reviews the literature in social psychology on ethnic identification and perceived discrimination. He discusses how ethnic identification can influence discrimination perceptions, but also how perceived discrimination influences ethnic identification with the country of origin and the host society. Coping strategies of individuals facing discrimination are also explored. In Chapter IX, Alejandra Alarcon-Henriquez and Assaad Azzi explore the reactions to ethnic or religious discrimination in a qualitative study. Particular attention is paid to what inhibits or favours the use of legal actions in the struggle against discrimination. Social psychologists have investigated the motivations of disadvantaged group members in their fight against inequalities by focusing mainly on collective action. They analyze whether this literature can also be applied to legal anti-discrimination actions.

Whereas, in the past, associations linked to immigrant communities mostly focused on issues of equal social or civil rights or on the struggle against racism and xenophobia, today new associations are emerging as an answer to the processes of Europeanization or globalization. Similar to what happened in the United States where the struggle of African Americans for civil rights largely gave way to an Afro-centrism that places the debate on the cultural level (Fauvelle-Aymar *et al.*, 2000), associations are appearing in Europe with an agenda that hesitates between political and cultural demands on a national or transnational basis. The social embeddedness of ethnic minorities is increasing, as they constitute transnational networks which facilitate the movement of people and merchandise (Basch *et al.*, 1994). These emerging networks, favoured by new communication technologies can take on different forms, from the reinforcement of ties to the country of origin to the creation of a true archipelago of identities uniting communities present in several EU countries in a single *ethnoscape* (Appadurai, 1996). Transnational identities are thus born on European territory, nationally disembedding themselves and sometimes becoming diasporas such as the Turkish, Moroccan, Pakistani, Albanian, or Congolese communities in Europe.

The construction of ethnic boundaries by minority groups is now taking place within national spheres and at the European level. Whether the issues are religious specificities such as the Islamic veil or the affirmation of “black” culture amongst many youths of African or West Indian origin, the practices of “voice” are spreading to all minority groups in Europe. New forms of discursive assertiveness often come

from younger generations who refuse the denial of cultural difference and in particular its stigmatization or derogation. The identities carried by these new generations are often not in accordance with those of their parents: they are more generic than the old national references. Associations and individual actions with a collective reach, such as strategic litigation in favour of minority ethnic groups (ERRC *et al.*, 2004) are working towards the development of a multicultural citizenship in Europe, without necessarily taking on the classic form of social movements (Martiniello, 1997).

From a more anthropological perspective, Nicole Grégoire and Pierre Petit describe and analyze the recent development and redefinitions of Pan-African ideologies in the African associational milieu of Belgium in Chapter X of this book. Comparing the way Pan-Africanism is utilized to build a Belgian “African community” similar to developments in the US, the authors illustrate that the nature and scope of reactions to the majority’s construction of Otherness must be subjected to careful contextual and historical analysis. In Chapter XI of the book, Bruno Riccio focuses on the associational creativity of youth of immigrant background in an Italian context marked by a “backlash against diversity”. Drawing on case studies of seven second generation associations, he shows how they differ from first generation migrants’ associational involvement. Being more assertive, they challenge Italian common representations of otherness and discrimination by putting forward cosmopolitan identities and claiming equal citizenship and opportunities of social mobility. Their socio-political trajectory, the author argues, shows citizenship as a process that is negotiated, contested and can never be taken for granted.

We hope this introduction to the topics addressed in this book gives a flavour of the added value of analysing the construction of Otherness in Europe from multiple disciplinary perspectives. The completion of this volume would not have been possible without financial contributions from the *Ministère de la Communauté française de Belgique, Direction recherche scientifique* (who also funded the MAM-project as a *Action Recherche Concertée*) and the Faculty of Social and Political Sciences (ULB). For their intellectual input, we wish to thank the participants of the International Symposium organised by the MAM, which took place in Brussels on the 6<sup>th</sup> March 2009. This Symposium could not have taken place without the energy and commitment of Irina Bussoli. Special thanks go to Marco Martiniello who provided the conclusions to this International Symposium as well as to Virginie Guiraudon for her extensive contribution on this occasion. We also thank Kerri Poore for her priceless efforts in proofreading the manuscript, and Daniel Zamora for his valuable work on the layout.