

Introduction – Rethinking Approaches to Europeanization of Minority Politics

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It is today nearly impossible to understand transformations of domestic politics and legislation in European states without factoring in the process of European integration. Minority rights constitute a policy field significantly affected by European-level policies, legislation and new normative frames. Europeanization studies developed as European integration deepened and as domestic effects were traceable to the growing European-level policies, institutions and legislation. While early European integration studies focused on explaining why member states join an integration process, even if national sovereignty may be reduced (Caporaso, 1999; Moravcik, 1998), Europeanization research treats European integration as the independent variable whose effects are studied in domestic political arrangements (Featherstone and Radaelli, 2003; Graziano and Vink, 2007; Ladrech, 2010). Empirically Europeanization research has emphasized change in, for instance, domestic institutions, among political actors domestically or in policy styles (Bulmer and Radaelli, 2012), but also how normative appraisals are affected (Radaelli and Exadaktylos, 2014). Early scholarly work treated the European Union (EU) as the main source of change; compliance with EU law was studied and legal convergence was predicted between domestic and European-level politics (Ladrech, 1994; Goetz and Hix, 2000). Later Europeanization studies try to explain differential domestic change, by examining what factors enable or hinder processes of change (Falkner, *et al.*, 2005). Besides change in formal rules, Europeanization is also studied as a source which affects ideas and cultural developments (Hay and Rosamond, 2002).

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Sociologists study how individuals and collective actors translate European norms into domestic practices (Jacquot and Woll, 2010). The gradual shifts have introduced new theoretical positions into Europeanization research, new conditioning factors expected to affect domestic change and broader versions of Europeanization effects.

Europeanization as a research agenda remains to be explored in minority studies. Earliest studies on the Europeanization of minority rights attracted scholarly attention with the three recent EU enlargement rounds (Ram, 2003; Kelley, 2004; Schweltnus, 2006; Rechel, 2009). The main reason for such interest was that minority protection became a key criterion for EU accession. Most studies therefore evaluated the EU's role during the accession process in Central and Eastern Europe; the politics of conditionality was treated as the main mechanism of change and Europeanization came to be measured by the degree of compliance with EU law (Grabbe, 2005; Schimmelfennig and Sedelmeier, 2005). Besides such overly "compliance-driven studies", less attention has been paid to the Europeanization of minority rights. There are two important reasons for this: first, it is due to the paucity of competencies on minority rights in EU frameworks which could be used to harmonize domestic minority policies and, second, to the common assumption that Europeanization is equivalent to 'EU-ization'. Thus the lack of legal competences in EU frameworks, preventing the EU from producing standards on minority rights and from prescribing clear rules to the EU member states, made Europeanization a neglected framework in minority studies.

1. New bridging of Europeanization and minority studies

Why then bring the two together? Three recent developments make the bridging of the two fields not only warranted, but also necessary, in order to understand the effects of European-level norms and rules pertaining to minority rights both on domestic policy and among minority groups *i.e.* the impact of Europeanization. First, Europeanization as a framework has developed approaches applicable to the study of changes noted in domestic minority policies and the shifting activities of minority groups in Europe. Although Europeanization research developed through studies that emphasized domestic change through the implementation of well-established and formal EU policies (Ladrech, 1994), such top-down studies now coexist with a broader interest in the role of both formal and informal rules as catalysts of domestic change (Irondele, 2003; Graziano and Vink, 2007). Top-down Europeanization

focused on the alignment of domestic rules and norms with requirements or pressure coming from European organizations. Such top-down strategies departed from identifying a variable at the European level and impact was traced down to the domestic level (Lynggaard, 2011: 22). Besides pressure to bring domestic policies or legislation in line with European requirements, Europeanization now also includes bottom-up and retroactive dynamics. That is, Europe can also operate as a learning opportunity, a venue for leadership, discourse and policy action, in which case Europeanization is considered a resource for domestic political action (Jacquot and Woll, 2010) or an “encounter” for domestic actors (Radaelli and Pasquier, 2007). Bottom-up approaches begin from studying change observed at the domestic level, for example among actors and how they use Europe as an opportunity, and effects are then traced upwards to the European level (Lynggaard, 2011: 23).

Of relevance to minority studies is that Europeanization research acknowledges more mechanisms capable of affecting domestic policies, without presupposing that a European policy needs to exist for Europeanization to occur (Radaelli and Exadaktylos, 2014). New perspectives emerged with sociology, confirming a trend that Europeanization can also produce ideational effects, by occurring without pressure or in the absence of clear policy models. Here the focus is, then, on domestic change beyond legal adaptation, with emphasis on micro-level questions and/or change in norms, ideas and beliefs at the domestic level (Pasquier, 2005; Jacquot and Woll, 2010; Favell and Guiraudon, 2011). Domestic change can be voluntary and emerge through non-binding instruments, informal politics and cognitive perspectives (Jacquot and Woll, 2010). Even less institutionalized policy areas at the European level can generate domestic effects (Irondelle, 2003; Radaelli, 2008), by encouraging more horizontal variants of diffusion through state-to-state interaction. Such an ideational dimension of Europeanization has been linked to EU’s international presence and how the EU can shape international co-operation by projecting its normative power through principles and norms (Manners, 2002). In this way, Europeanization can become a process that alters beliefs among domestic actors, by contributing to reformulation of collective understandings at the domestic level (Radaelli and Pasquier, 2007). Domestic actors change behaviour when confronting European-level norms and rules, by pushing for different roles in domestic policy or within the European political architecture. Encounters with European-level norms, principles and practices can also affect identities (Bourne, 2014). The European level

can serve as an opportunity structure for civil society and influence new forms of mobilization, offering new channels for political action or second chances to actors who are weaker at home (della Porta and Caini, 2009: 12). Regional affairs can be reframed through new demands from European regional policies, which can inspire new “spaces for politics” (Carter and Pasquier, 2010) and accumulation of new roles among minority groups (Hoch Jovanovic, 2014). Europeanization research as such has coalesced into a means of understanding not only national politics, institutions and public policy developments, but also regional and local actors, along with interaction with less institutionalized policy areas.

Although Europeanization as a research agenda developed to understand the domestic significance of the EU, the research agenda today also incorporates European regional integration at large. Both the EU and the Council of Europe (CoE) include mechanisms which help to increase international scrutiny of domestic minority policy conduct through critical positions, recommendations and regular monitoring. For example, the CoE’s monitoring processes aim to improve the reality and practice of minority protection (Henrard, 2003/4: 20), providing new opportunities to bring about Europeanization.

A second reason for bridging Europeanization and minority studies is that the latter have also recently started to address new questions which can benefit from Europeanization approaches. For a long time, national minority studies were dominated by questions of how to ensure minority protection (Jackson-Preece, 1998; Henrard, 2000). The role of international and European-level organizations was assessed according to their capacity to ensure protection and they often failed this test. Different reasons have been identified for this failure. Classic dilemmas are found at the state level and in the desire to retain sovereignty over people. In conformity with classic notions of international law, minority treaties make states the key contractors of international legal instruments and conventions. This principle still applies and European-level instruments on national minority rights continue to place responsibility for ratification and implementation in the hands of states. Moreover, international and European-level minority instruments have been weakly formulated and they often lack judicial enforcement (Alfredsson, 2000). It has been difficult to reach a consensus on minimum standards at the European level (Weller, 2008) and introducing vague or unenforced treaties or declarations has often solved this difficulty. The combination of the above factors has led many to conclude that

international and European mechanisms on minority rights have been insufficient to ensure change on the ground, where minorities live (Schwellnus, 2006), for being conceptually unstable (Kymlicka, 2007), and that state implementation has been uneven, sporadic and often an instance of ‘windowdressing’ (Galbreath and McEvoy, 2012: 190).

New strands of research have started to claim that minority rights can be fulfilled through means other than legal protection by considering the role of political interactions, empowerment, social capital and mobilization trends among national minorities (Palermo and Woelk, 2003; Ahmed, 2010; Malloy, 2014). One example is the so-called “law of diversity” which proposes moving beyond protection towards empowerment of national minorities (see *JEMIE* Special Issue 2, 2014), by emphasizing the importance of self-empowerment, participation and co-operation. Characteristic of this approach is that protection of minorities should be considered as a ‘transversal and shared objective to be realized by different actors and instruments in a combined approach’ (Palermo and Woelk, 2003: 7). Although a coherent approach needs to ensure that minorities’ distinct identities are safeguarded and allowed to flourish, national minorities also make claims that are important for entire (including majority) populations. National minority demands include access to a ‘good life’ (Malloy, 2010: 3) and the right to participate in the management of regional affairs (*ibid.*); the right to effective participation in public life (Marko, 2008); economic and social cohesion (Veenman, 2003); the right to co-operate across boundaries and with a kin-state (Klatt and Kühn, 2006); and cultural activities that stimulate diversity and heritage preservation (Ahmed and Hervey, 2003). National minorities also show interest in political participation at different levels. Interest in the European level as a new political space for action and experimentation is only growing.

Approaches such as empowerment suggest that individuals and groups can become their own agents of change. National minorities have started to make their own discoveries of new opportunities offered by Europe and to experiment with new forms of governance, as they seek to advance own interests and to gain new legitimacy for minority claims at new levels. Their relationship to Europe has motivated mobilization, as clearly seen in a number of European Citizens’ Initiatives organized between different national minorities in Europe since the Lisbon Treaty entered into force in 2009. Involvement with European-level policy making brings the

scope of a *group agency* among minority groups into a new light, underlining new role acquisition and experimental action (see Hoch Jovanovic, 2014). Studying members of minorities as *subjects* or *users* of policy and law can thus indicate how they make use of European-level policies and laws and how new coalitions are built. This also lends important insights into ongoing shifts in minority studies. Many empirical developments among minorities in Europe show a linkage to studies which suggest that minority groups should be viewed as more than objects or as passive recipients of legal standards, and increasingly as subjects of standards and policies (Malloy, 2014). The European level offers different possibilities to minority members to try out new political roles, to voice their own standpoints during policy drafting and to contribute to implementation processes. Such studies are thus advocating a need to make use of more bottom-up and inductive strategies.

And third, there are also important empirical developments within European institutions, norms and rules that carry significance for domestic minority policies and for minority groups and their activities. Both the CoE and the EU deserve new attention in relation to Europeanization. Together the CoE and the EU possess a combination of instruments to increase scrutiny of and pressure on domestic minority policies, demanding different degrees of adjustment in domestic policy conduct. It is important to note that such pressure is not about legal compliance or minority protection only, but there is an increased interest in affecting the conduct of domestic national minority policy more broadly. Both top-down and bottom-up Europeanization approaches are useful in this context. On the one hand, possibilities for top-down Europeanization have multiplied as the discourse on minorities grew stronger through the 2004 (unratified) Constitution for Europe and the Lisbon Treaty. Both documents introduced a new vocabulary in EU frameworks with relevance to minorities. The term “minority” appears in EU primary law for the first time and the 2000 Charter of Fundamental Rights reiterates that the EU is committed to respecting diversity and to prohibiting discrimination based on belonging to a national minority. The issue of minorities is also being linked to other internal developments, such as EU policies prohibiting discrimination, policy domains of social inclusion and the EU’s commitment to promoting cultural and linguistic diversity internally (see Ahmed, 2010). As the CoE’s Framework Convention for the Protection of National Minorities (FCNM) enters its fourth monitoring cycle, a European system of minority protection and benchmarks are being “routinized” by specific expert groups,

resembling another crucial top-down Europeanization mechanism. Regarding the European Convention on Human Rights (ECHR), although it does not address minority protection directly, the ever growing use of the ECHR and the European Court of Human Rights (ECtHR) among national minorities since the 1990s, coupled with judgments favourable to minorities, has introduced another important instrument to exert pressure for change upon national governments.

On the other hand, European-level norms and rules, and especially EU policy-making processes, encourage new mobilization patterns which also extend to minority groups, thereby multiplying opportunities for bottom-up Europeanization. The way that significant parts of EU law and policy is drafted and executed may offer a host of previously unknown opportunities for political action and organization to less formal actors. Although studies of minority groups' usage of and mobilization around European policy making are still in their infancy, minority-minded actors, minority representatives and varied associations increasingly make their own interpretations and search for linkages between their cause and EU law and policy. Although this perspective has to be explored much more, some recent bottom-up studies of minorities' usage of European-level norms and rules has been described as 'an ongoing actorness formation' (see Hoch Jovanovic, 2014), possibly adding new insights into the very understanding of how best to fulfil minority rights through minority groups' own activity.

Thus, changes in Europeanization research, shifting trends in minority studies, new developments in norms and rules and the growing mobilization of national minority actors provide an important rationale for (re)considering the impact of Europeanization on domestic minority policy and on minority groups and their activities.

2. About the special issue

This volume takes the above developments as a starting point and explores new ways of understanding the Europeanization of minority politics. One central aim is to move beyond earlier predictions which have dominated each field and limited the application of Europeanization research to minority studies. Each contribution to this volume addresses important aspects related to domestic-European interaction, focusing on specific countries, policy areas and minority groups. Following the introductory article, the special issues proceeds with an up-to-date reflection on the

EU's continued role in five Central and Eastern European states in relation to the Roma minority. **Ram** argues that despite the EU's efforts to push for improvement of the Roma's living conditions and for more rights through the mechanism of conditionality in recent EU member states during the accession period, a largely mixed situation persists today. This is explained through inconsistency between the EU's policies of inclusion, which provide support to governments and to Roma communities, while discrimination is at the same time reinforced through sustained policies of exclusion by the EU's older member states. This tension results in what the author calls "Europeanized hypocrisy". A second contribution looks at reasons for selective and restrictive forms of Europeanization of domestic minority policies. Historical contexts are assessed in order to explain modest adaptation to European-level norms and rules on minority rights. Through the case of Denmark and the German minority, **Hoch Jovanovic** and **Lynggaard** illustrate how existing interstate relations, bilateral agreements (even when non-binding) and kin-states continue to be important filters of Europeanization. This is followed by a contribution on ongoing developments among minority communities in older EU member states and how they have started to mobilize in response to changes emerging from European integration. **Crepaz** takes a bottom-up approach and looks at how the Breton minority in France and the German minority in South Tyrol try to upload their own goals to the European level. The different status of the two groups at the domestic level, including factors such as the degree of recognition and the extent of political and cultural representation, are important conditioning variables that help to explain the success in drawing benefits from the European level in order to advance their own interests. A bottom-up approach is also adopted by **Bourne** who assesses the ongoing Europeanization of secession debates in Catalonia and Scotland by focusing on strategic uses of Europe among pro-and anti-independence activists. The author understands Europe both as a force of the EU and as a context in which experiences between states in Europe help to install an environment for change (Europeanization). The article makes a much needed assessment of how Europe provides activists with both opportunities and constraints which they in turn use in ongoing secessionist debates.

One central element in all four articles is their illustration of new ways of bringing together Europeanization and minority studies. This helps to address

limitations that deserve more attention in minority studies by introducing a number of underexplored Europeanization concepts into the study of minority rights.

First, nearly all contributions understand *Europeanization as more than EU-ization*. It is difficult to speak of European-level norms and rules on minority rights while isolating the instruments and working methods of other organizations, such as the CoE. The mechanisms by which the CoE articulates minority rights reform through the FCNM, the European Charter for Regional or Minority Languages (ECRML) or the ECHR towards its members is one of the clearest examples of Europeanization, through pressure to adopt domestic policy and legislation. As long as the EU continues to lack clear competencies on minority rights in the *acquis* and clear benchmarks with which it could exercise pressure on its member states, vertical Europeanization will need to acknowledge the role of the CoE and its instruments as important machineries of domestic change. Besides vertical top-down processes which depart from clear European-level rules or norms, Europeanization can also occur in a state-to-state fashion, thus taking a horizontal route. In this volume, Bourne treats Europeanization as “lesson drawing” and looks at how experiences between European states provide actors with either opportunities or constraints, which in turn helps to assess a different type of change.

Second, *Europeanization is not only a source of legal convergence* whose end-goal is to harmonize domestic legislation on minority rights. The articles are not limited to explanations of compliance and non-compliance with European legislation. Although legal changes are important for minority regimes, legal change alone does not account for variation in Europeanization processes, while the sole focus on legal consequences obscures other changes taking place. Besides legal implications as a Europeanization effect, the contributions to this volume encapsulate different types of outcomes, showing how Europeanization can result in increased mobilization among minority communities (Crepaz; Bourne), reinforced discourses of minority rights in older EU member states (Crepaz), selective attitude towards Europeanization among state authorities (Hoch Jovanovic and Lynggaard) and inconsistent protection of minority rights among the newer member states once EU membership is guaranteed and the exceptional tool of conditionality no longer applies (Ram).

Third, the contributions illustrate that Europeanization and minority rights are *not limited to new EU member states and EU enlargement conditionality* is not the only mechanism of change. The volume shows the usefulness of a broader range of

techniques from Europeanization research but which to date are less explored in minority studies. Moreover, three contributions also assess Europeanization in the context of older EU member states, corresponding to another lesser explored perspective. One contribution investigates the reasons for policy/institutional change in existing minority policy in Denmark (Hoch Jovanovic and Lynggaard). Another contribution looks at two of the original EU member states, assessing how minority communities in Italy and France are affected by different European norms and rules (Crepaz). A highly up-to-date analysis is provided on how Europe as an actor and political context affects ongoing independence debates in Scotland and Catalonia (Bourne). Finally, one of the contributions underlines the importance of continuing to study the post-enlargement scenario in new EU member states, by illustrating the ways in which the situation of the Roma in Central and Eastern European states has continued to develop even after the EU's tool of conditionality no longer applies (Ram).

Fourth, the volume addresses the unfair division between *top-down* and *bottom-up* approaches common to both Europeanization research and to minority studies, with top-down approaches dominating both. In Europeanization research, studies have examined domestic impact through the implementation of well-defined policy areas at the EU level where a policy template exists (see Lynggaard, 2011). Similarly, minority studies have looked at implementation of national and international legislation, and how these have been implemented by governments and public bodies (see Ahmed, 2010). Such top-down approaches have mainly analysed state-level processes. Europeanization research has begun to explore bottom-up approaches, often by studying local actors and how they seize or interpret European rules and opportunities (Pasquier, 2005). In minority studies, bottom-up studies are explored even less, although recent literature on empowerment points in this direction (see *JEMIE* Special Issue 2, 2014). Two contributions in this volume address this much needed and neglected perspective. Both Bourne and Crepaz show the usefulness of applying concepts and research strategies associated with bottom-up Europeanization approaches in order to understand what actors do and how they bring about change through their own uses of Europe. Bourne does this by assessing how secessionist activists use Europe as an opportunity or constraint for advancing their own claims, while Crepaz argues that “uploading” tendencies to the EU are developing among minority groups because the EU lacks its own competences. Both

contributions help to demonstrate how change can occur in the absence of clear policy templates at the European level without pressure to align or through horizontal interaction, prompting important insights on how European integration can influence minority politics through unintended and indirect means.

And finally, the volume considers a *broader range of intervening variables/conditioning mechanisms* than previous minority studies by examining processes of Europeanization. Instead of focusing solely on the EU as the key source of change in domestic minority performances, the volume considers a broader range of variables in order to explain variation in Europeanization processes of change and its outcomes. In line with institutional theories, Hoch Jovanovic and Lynggaard's article on Danish minority policy shows how historical institutionalism brings in factors which are important in the exercise of minority rights but are less explored as conditioning variables of Europeanization, namely inter-state relations and bilateral agreements. Their study demonstrates how specific historical experiences influence the process of interpretation and translation of European-level norms and rules within domestic arrangements by pointing to the importance of a minority's kin-state. A kin-state's role vis-à-vis Europeanisation processes, including the distinction between minorities with a kin-state and minorities without a kin-state, has yet to be tested through further case studies.

In the context of minority rights and Europeanization, case selection needs to pay attention not only to the choice of state, but also to the selection of minority group. This selection has important effects on research design and hypotheses development. Ram's article on the persistent discrimination of the Roma is a good illustration of how decisive group-specific factors are when assessing the impact of Europeanization in the field of minority rights. It is important not to assume that the same conditions apply to all minority groups within one and the same country (see Hoch Jovanovic, 2014). For example, a comparison between Roma and the Hungarian minority in most Central Eastern European states which joined the EU since 2004 would involve different conditioning variables and different Europeanization outcomes, both on domestic policy and on minority groups' activities. Hoch Jovanovic and Lynggaard's article on Danish minority policy also shows how the concept of path dependency becomes associated with a unique historical experience, itself linked to one particular minority group, which underlines that one should not

assume that the same Europeanization outcomes apply to other minorities in Denmark.

The inclusion of what is normally difficult to ignore in minority studies, namely the powerful imprint of domestic constellations, into research on Europeanization and minority rights helps to address some of the limitations of existing studies. That is, by addressing the question of how to explain Europeanization beyond the EU's application of conditionality and measuring compliance with EU law, the volume points towards designs that pay more attention to factors at the domestic level in explaining differential Europeanization processes and outcomes. This also questions some earlier ideas which have defined the EU's role in the context of minority rights. For example, in the context of EU enlargement, it was largely assumed that the EU held transformative power due to asymmetrical relations with EU accession countries (Grabbe, 2005). Such conclusions drew on the powerful function of incentives offered by EU membership which in the context of minority rights served as the key mechanism of Europeanization (Schimmelfennig and Sedelmeier, 2005). Ram's contribution in this volume demonstrates well that these earlier assumptions are less relevant when assessing the post-enlargement situation. By recasting the focus away from the *EU variable* to variables found at other levels—be they national, regional, local or interstate—broader fields of examination and explanatory models are suggested. Europeanization as such draws attention to different factors affecting change in minority politics, helping us to study transformations of minority rights and group activities at times of European integration.

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