

Understanding Tangled Hierarchies: European Citizenship and Transnationalism

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Abstract

The relation between nation-states, European citizenship, and transnationalism is analyzed on a theoretical level from a perspective that combines new institutionalism and complexity studies. In doing so the paper attempts to broaden the range of models that social scientists utilize to think about European citizenship. The launching of European identity, multiculturalism, or the advance of the transnationalist agenda further entangle a potentially conflictive situation without being able to reflect on their basic assumptions. Concepts such as tangled hierarchies and self-organization are invoked to expose how European identity and citizenship could relate to nation-states, as well as to argue in favor of subsidiarity and national citizenship.

Nation-states still represent the main political institution and are tied to the administration of citizenship -- yet they find themselves notably overshadowed by global and regional economy (across nations), transnational movements that intend to protect human rights and the environment, and the rise in the internal politics of difference. This scenario is considered widespread and a must in every social and political research agenda. Moreover, the study of the EU affords the additional complication

of an emerging, full-fledged supranational body, economic, political and sociocultural. In general, studying such institutional crossroads requires from the analyst the exhaustive analysis of a particular institution, or an aspect of one. To attain this goal the institution has to be untangled and stripped of its context. Such reduction is a basic scientific operation and it is not my intention to criticize it. However, many researchers are increasingly focusing on a remarkably recurring phenomenon. Time and again we encounter that the most diverse EU research topics require a multilevel approach. Be it environmental policies or the treatment of minorities, a single-level approach seems to leave out far more than it encompasses.

In this paper I set out to explore the entanglement in itself rather than its numerous multilevel disentanglements. The complex crossing of scales is made the center of attention instead of the first empirical obstacle. In lieu of scales or levels I call the phenomenon tangled hierarchies, borrowing the concept from Hofstadter (1979). Where a multilevel analysis of one dimension is usually conducted (e.g. multilevel democracy, multilevel defense policy, etc.) I propose a one-dimensional spotlight on the entanglement of the web. This shift would be impossible to accomplish without any reference at all to any EU case study. Therefore, as a secondary interest, I shall refer to tangled hierarchies in respect to European citizenship. But my main concern in this paper is with broadening the theoretical models through which we deal with the tangled hierarchies of European Union.

By way of introduction, a brief review of the extension of the phenomenon will be presented by means of an analytic cut (not a typology). I shall draw on my previous work (Delgado-Moreira, 1995: 1996: 1997). Afterwards, it will be examined how new institutionalism and complexity studies could enlighten our understanding of tangled hierarchies. Finally, I shall try to illustrate the theoretical points with examples of how to cope with complexity in regard to citizenship and transnationalism.

1. What tangled hierarchies?

There is a tangled hierarchy at the economic level. Globalization means worldwide free trade and the principles of market liberalism. Even if we agree with Brittan (1994) and believe that the EU together with international institutions such as WTO are the best tools to defend European economic interests in the international arena, regional development across national borders in Europe will build world-class business centers and reach beyond both the states and the union level (Moller, 1995).

There is a tangled hierarchy in the law, as shown by the difficult implementation of the principle of subsidiarity and the current status of the regulations set forth to lay the foundations of European citizenship. Without resorting to concrete examples, hypothetically A could be a state member of the EU with an statute that develops a law of B, the Union itself, which complies with C, the rights of personhood; and notwithstanding this hierarchy the statute of A could be found against C (Human rights) in the tribunal of justice of the European Union (B).

There is tangled hierarchy in the practices of citizenship and cultural identities. Two processes have citizenship and the nation-state as an obstacle to their growth. Both are inspired by the success of the category of personhood. On the one hand, cultural and political demands once only placed before the state are now joining the human rights agenda and becoming transnational affairs: political participation in the host country for legal aliens (remember the motto 'the right to vote is a human right'), right of immigrants to be taught in their native language (the mother tongue is a human right, as claimed by Turkish parents and teachers in Stuttgart, Germany, October 1990, cited in Soysal, 1994). This process is transnational and overrides the idea of citizenship, rendering it apparently useless: "National citizenship is no longer an adequate concept upon which to base a perceptive narrative of membership in the postwar era" (Soysal, 1994:167).

On the other hand, there is the decades old need for social citizenship. After civil and political entitlements and duties, in the XXth century jobs, housing, education and the like have become the number one priority rights of the citizen¹. In fact, according to Soysal's analysis, this transformation of citizenship has already been brought about by the status that guestworkers and other immigrants have achieved in many European countries. In other words, under certain circumstances, citizenship would not be distinguishing any more between members and non-members. Rather, the notion of personhood would be dominating: "[guestworkers also] participate in the educational system, welfare schemes, and labor markets. They join trade unions, take part in politics through collective bargaining and associational activity, and sometimes vote in local elections" (Soysal, 1994:2).

Many scholars (Habermas amongst them) believe that the natural destination of the very notion of citizen, especially when seen from the perspective of the entitlements of personhood, should be a world or global citizenship. Turner (1994: 159) has also talked about the concept of cultural citizenship as synonymous with social citizenship, with particular emphasis on the education in the national system of values. In his view, not only does citizenship involve the idea of a common status and a national structure of politics, but it also entails "in cultural terms the notion of a common culture" and a common educational system. Turner highlights that there is tension between this modern idea of citizenship and "postmodern cultural complexity" and its relativism (p. 165-166), and fears a coalition between postmodern culture and the idea of global human rights. He envisages a world of polytheistic value conflicts². It is precisely the lack of an explicit relation between these institutions -- citizenship and ethnic and minority groups -- that is becoming a problem when dealing with conflicting demands of the state, and political groups³.

On top of this, the European Union has to deal with a number of internal tensions: a) the reaction against Union citizenship from those countries that perceive it as a threat in identity terms (Waeber et al., 1993); b) xenophobic attitudes towards immigration; c) still uncertain results from EU's

launching of European identity (Shore and Black, 1994; Shore, 1993; Delgado-Moreira, 1997). All these phenomena clearly question segmentary models of hierarchical belonging. Shore posits the problem: "parallels can be drawn between European Commission's notion of a 'European identity' and functionalist, segmentary-type models of identity-formation within anthropology. One consequence of this is a classification of 'European' that stands juxtaposed to an increasingly polarized category of the non-European 'Other'. The result is that EC policy-makers tend to privilege a static, bounded and exclusivist definition of 'European identity' and fail to give adequate attention either to their own political bias, or to the conflicting interests and identities that are subsumed within their own functionalist representations of the new Europe" (Shore, 1993: 781).

And if that were not already sufficient, we could add that there is also a tangled hierarchy in conceptual terms within the realm of citizenship and cultural identities. In a highly interdependent world, social and cultural identities⁴ are being defined internally, in lieu of the former taxonomic accounts made by external observers. Cultural identity is a historical constancy or continuity which is traced and narrated by collectives as stemming from and consisting of a variety of phenomena. For example, nationality is a producer of cultural identity. So is ethnicity. Citizenship belongs in this group too. Being an ecologist, a militia member, a feminist or a member of the gay and lesbian community are other examples of bearing certain cultural identities. All cultural identities share a set of characteristics and functions⁵ -- they provide personal identity, are ethical communities, build historical constancy, are made up by belief, tend to mark a territory, have practical purposes, are thought by their members as conferring marks that differentiate them from the others, enable patterns of behavior, beliefs and a shared language, and have a public presence. An individual can combine⁶ a number of these identities, though it's typical of cultural identities to claim monopoly of their members' behavior and thinking in certain domains of action at every moment, or even in all domains all the time.

Cultural identities are local phenomena. They arise in a particular place at a particular moment and are truly historical artefacts. The universal part of the concept of cultural identities is that they are conceived of by the social sciences as universal -- every human society needs a number of institutions that confer identity and produce solidarity.

Although cultural identities and institutions are connected in a creative circular manner, it is worth emphasizing that whereas all cultural identities come from institutions or are institutions in themselves (or react against institutions), there are institutions that do not confer identity, or to be more precise, that do not comply with all the attributes of cultural identities. Nationality is an institution that produces and conveys cultural identity. Conversely, courtesy is another institution, but does not provide collective identity.

Personhood, human rights and the defense of the environment are not cultural identities. They are values. I would like to emphasize that they are not automatically universal, *per se*. They are local, historical and relative, just as other cultural phenomena. Historically, it has not always been so widely accepted to condemn a massacre on account of the ethical commitment to the protection of the victims. Beyond the rhetoric, it is not respected everywhere in the world that women are equal to men. It is unthinkable in certain cultural contexts -- for example in an orthodox or conservative Catholic one -- that gay and lesbian couples are a form of family.

Societies have and continue to peacefully exist and even flourish without respecting human rights or the environment. It is a current trend that the rights of personhood are defended as an open set of universal values. For example, transnational movements express their demands as human rights. According to the terminology sketched above, certain local values are raised to the status of universal by all available means, including coercive mechanisms.

Hence, it follows that these values (human rights and personhood) are in technical conflict with cultural identities (citizenship, nationalities, ethnicities, religions, etc.), as much as they [cultural

identities] are in potential conflict among themselves. This is obvious even in the most homogeneous country that one can imagine. Their relation is that of chronic partial overlapping and cultural conflict, since all "universal" rights of personhood and "local" ethnicities compete against the others for the same resources -- namely, to monitor human behavior and provide meaning, as stated above in the characteristic⁹ and functions of cultural identities.

Oddly enough, there is no tangled hierarchy (nor anything else of the kind, it seems) in terms of European polity. The political hierarchy is the least entangled of all the dimensions reviewed. It is no surprise that multilevel studies and traditional institutional analysis have blossomed in this field. As we shall see, for good or ill, the political institutions were easier to replicate at the supranational level. This comment does not imply that such multiplicity of levels is free from trouble. It points out that measures internal to a political institutional analysis such as democracy, accountability, balances, and the like prove efficient enough to handle the structure that the EU has developed. As I shall try to show, no sooner are political institutions combined with a broader view of the civil society and the judicial system than they become part of a much more fuzzy hierarchy.

2. A word from new Institutionalism

In fact, the reality of European Communities since 1957 has hardly ever allowed a segmentary model. Segmentary models are descriptions based on class-member relations and a well-ordered hierarchy of levels (state level, community level, etc.). More often than not these models are rooted in some form of functionalism. As regards the idea of multilevel hierarchical relations between bodies of law, we might be facing yet another seduction by the iron cage of rationalism. Such a depiction of institutional agreements seems to have been selected on the basis of its widespread legitimacy, rather than for its own descriptive merits.

In this section, I will have a descriptive focus. I intend to discuss aspects of current institutional analysis that would make better frameworks to tackle the tangled hierarchies of Europe.

There is an essential diversity in the beginning. The EU is a cluster of central institutions created by a set of rules upon which nation-states agree. One can hardly overstate the fact that international institutions, international sets of rules and nation-states have never formed hierarchies. This belief lies on a narrow rationalist theory and seems launched from the perspective of nation-states. Political and economic behavior of the union is construed as the aggregate consequence of nation-states' choice. Nation-states, in turn, are characterized after individuals. Thus we arrive at the underlying idea of aggregated individual decisions being oriented by competition and efficiency. It corresponds to classic liberal economics. Yet if that were alone a basic assumption of the dynamic of the EU, we would be led to analyze the union as just a market. I shall come back to this point in the section devoted to complexity. On the contrary, the EU arena is described only as part of a delicate equilibrium of national interests in a highly bureaucratized context. And in doing so, it appears to be a fully purposeful institution, or at least a balance of purposeful institutional and national interests. My contention is that we should place an institutional study of the EU precisely in between the balance of purposeful states and sheer anarchy. All the following points may help us to refine our conceptual framework.

Institutional analysis in international relations rejects the tenet of anarchy and focuses on the study of formal organizations such as the WTO or the EU for that matter. The new tenet is that bodies of rules such as these do not merely reflect the preferences and power of the units constituting them, but that "the institutions themselves shape those preferences and that power" (DiMaggio and Powell, 1991: 8). It is not only that states give up areas of sovereignty. In addition to that, international institutions develop an agenda and activity of their own. For example, a member state can be required

by the EU to explain an aid program to an industry found potentially inconsistent with EEC Treaty article 92.1. This can be the case even though the Union had been properly notified.

Also, by providing new rules, such international institutions alter the social and economic relations inside every nation. By way of example, one can return to my previous scenario. The inspection initiated by the EU might have been triggered by a whistle-blowing company, national of the member state under scrutiny yet left out of the aid program in favor of an American giant manufacturer.

It has also been said that the idea of statehood in itself proves the point of absence of human design. Its history is comprised of random, unintended consequences, paradoxes, etc. Not even in economic regulations do institutions and agreements comply with a rationalist myth of conscious design and achievement of efficiency (a hierarchy of class-elements being one of its main features). I have studied elsewhere (Delgado-Moreira, 1995) the extent to which the relationship among WTO, EU and Spanish commercial regulations is a web of changing order between levels (in terms of which one has the upper hand, at a given time). None of the participants can claim that the practices allowed and disallowed were fully planned, foreseen or much less desirable in many cases.

In other situations, such relationships are downright contradictory. Away from the functionalist paradigm of segmentary models, Alford and Friedland (1991: 241) emphasize that "To restore meaning into social analysis in a way which is neither subjectivist, functionalist, nor teleological, the notion of institutional contradiction is vital". I contend that this idea of society as a "potentially contradictory interinstitutional system" is also relevant to institutional analysis on an international level.

Along with Alford and Friedland, other scholars have called attention to the symbolic dimension of institutions. In the case of EU, such concern seems to have gained the upper hand very recently. The wording of some EU proposals reveals a growing and somewhat hasty concern for the

symbolic dimension of statutes. For instance, the Decision of the Representatives of the Governments of the Member States of 12/19/95 on protection for citizens on European Union by diplomatic and consular representations reads: "Whereas such common protection arrangements will *strengthen the identity of the Union as perceived in third countries*; Bearing in mind that the introduction of common protection arrangements for citizens of the Union in third countries will also *strengthen the idea of European solidarity as perceived by the citizens in question...*" (Italics added). Likewise, the progress report on the preparation of 1996 Intergovernmental Conference, released on 9/27/95 echoes that the desired adoption of a European citizenship, as regarded in the Maastricht Treaty itself, "is perceived as a threat to national identity in some Member States, and that, unless that perception is corrected, they do not think it appropriate to develop either the content or essence of the concept". Moreover, the report stresses the need for spelling out such hostility by preparing "an explanation in clear language which citizens can understand". It reflects as well on "the possibility of holding a referendum at Union level on certain matters of general interest, as a transparency measure which could also help to strengthen the idea of belonging". Last, the agenda of the Italian Presidency, as reported by the Reuter European Community Report on 12/18/95, includes provisions to boost European identity, such as "to act more effectively and visibly in areas of great symbolic value, which are capable of contributing towards enhancing shared community values (culture, youth, education, tourism, health care)".

All these examples show little awareness of the fact that there has always been a symbolic dimension to every institutional decision. At a time when the EU seems to need identity cohesion, these measures arise with an intended symbolic effect. Little do they know that identities are not created overnight and much less with top down, central propaganda.

But sociological institutionalism describes more intriguing performances of the symbolic dimensions of institutions. In principle, there is no reason to believe that the long road of European integration has escaped from dynamics that affect all other organizations. Among the features that

distinguish sociological institutionalism from other types of institutionalism we find the codetermination of action and thought. Conventions are more rule-like: they involve action and thought: they emphasize that individual choices cannot be understood outside institutional frameworks, that formal institutions are slow to change, that they constrain options, etc. "In other words, some of the most important sunk costs are cognitive" (DiMaggio and Powell, 1991: 11). From a macrosociological perspective institutions too obtain legitimacy when they evolve along the lines of their contemporary social and political thought. The principle "free trade brings prosperity" may as well be a salvation mantra. Yet we have to acknowledge its performance as an institutional constraint that reduces the actions and thoughts even before they are being considered feasible or consistent with existing laws. Such is the realm where policies hook up to theories and cognitive costs. Moreover, such is yet another proof of the extent to which the EU involves social and political reproduction and undermines the narrative of sheer efficiency and rectifiable hierarchies. It is this context which best fits the critiques of the EU's alleged yearning for becoming a superstate. On the part of supporters of the idea of the United States of Europe the following description might sound like a narrative of their difficulties to pass a regulation amid the gridlock of national interests. "Institutionalized products, services, techniques, policies, and programs function as powerful myths, and many organizations adopt them ceremonially. But conformity to institutionalized rules often conflicts sharply with efficiency criteria: conversely, to coordinate and control activity in order to promote efficiency undermines an organization's ceremonial conformity and sacrifices its support and legitimacy" (Meyer and Rowan, 1991: 41). The nation-states and their national identities and citizenship are the dominant sources of legitimacy in the international political sphere. It is only too understandable that the EU has imitated that institutional legitimacy as much as their own members have permitted so. That is also why the tangled hierarchies of belonging to the European Union reflect dramatically the myths and problems of such institutions in their own national environments. The authors call this imitation or structural

reflection "isomorphism". Elsewhere DiMaggio and Powell (1983) distinguish three mechanisms of this institutional isomorphic change: coercive (which has to do with legitimacy), mimetic and normative (associated with professionalization). I have already reviewed EU examples that match each of them. See Hamerton-Kelly (1997) for an study on mimetic isomorphism in international relations based on the theories of René Girard.

3. Complexity

The new institutionalism permits us to place EU tangled hierarchies in the right context. We cannot deal with EU institutions under the functionalist paradigm of institutions. Just as we do not apply such perspectives to other fields of organization. Maastricht ratification referenda were a reality test that refuted a rational and functionalist theory of institutions, not European integration. It proved that institutions are not built by design only, that there are other things in public opinion than economic prosperity and the "segmented citizen" --consumer, worker, traveler (Neunreither, 1995). With the exception of subsidiarity, as we shall see, most of the proposals draw on the same models of institutions on hand. They accelerate the isomorphism between EU and a superstate because nation-states enjoy the democratic legitimacy that EU needs. Thus, the inclusion of citizenship as the banner of all political parties in 1994 European Parliament elections or the development of what Neunreither has called "indirect citizen" clearly resemble the cultural identity aspect of citizenship of member states.

A Copernican revolution is needed and it has to do with the conceptualization of multiple levels in international institutionalism. Despite the adjective, tangled hierarchies is not only an accurate description of a temporary situation but also a prolegomena towards a new theory of institutions in the EU. It should not be understood as a temporary and dysfunctional state of a well-

defined hierarchy. Nor does it connote that in fact there is no hierarchy altogether. Rather, tangled hierarchies are the external appearance of complex systems. In other words, tangled hierarchies are what observers, either internal or external, perceive as characteristic of the working of complex systems, whose subsystems are endowed with autonomy. First, I shall try to further describe the model within EU terms. Afterwards, I will discuss the origins of the metaphor in systems theory and the process of translation into institutional analysis.

European integration is an ongoing process of institution construction. It encompasses diversity in many respects, not the least of which is cultural and ethnic diversity. But in terms of system operation, EU brings together different traditions of practice in the rules of democracy and politics, different degrees of regional decentralization or federalism. The self-organization of all these elements has taken shape through history. Consequently, the results at any given time cannot be judged from the perspective of what we would do now if we were to build it anew. EU attempts to combine all sources of legitimacy and efficiency. Its internal diversity is more than an imperfect system of checks and balances, it is a system that contains different political models: a handpicked executive secretariat (European Commission), an elected European Parliament, a Council of Ministers, a supreme European Court of Justice, intergovernmental conferences, rotating presidencies, the Committee of the Regions, and sectorial committees such as the Economic and Social Committee. All in all, tangled hierarchy arises in the form of a duplicated yet largely unconnected representative system⁷ or a regional committee of regions which have different degrees of self-government within their respective states. In such a system, every institution functions as a partly autonomous subsystem that has to push its agenda through the fabric of institutions and the calendar. Complexity arises from the fact that subsystems remain autonomous (and partly unaware) of the plans of each other and have to keep on readjusting their coupling. Moreover, institutional competencies are sometimes overlapped and intertwined, yet at the same time each can be partially redrawn along the functioning, if not in the letter at least through

informally coupled networks. It could be said that each institution treats the rest as its environment. In fact, such corrections of the couplings entail the faculty to redraw boundaries between subjects and institutions.

This tangled hierarchy cannot be fixed or rectified with some brush strokes. Nor is it just lacking democracy and citizenship. The perceived threats to national identities will not be calmed by more democracy and Union citizenship. It was only to achieve circulation and legitimacy that fear was expressed under these headings. I contend that they are not even that important. Arguably only the European Commission can be targeted as non-democratic, since the Parliament and the Council are democratically elected or composed of ministers who come from democratically elected national governments.

The threats stemmed from dealing with a unique international institution in a global context where nation-states were very much at stake already, due to free trade, immigration and transnational rights of personhood. In other words, the main challenge that the EU faces is not even fine-tuning its institutions but solving the growing gulf separating them from the people. This gulf is part of a similar gap that separates people from governments throughout Europe and the Americas. And both are amid the tangle hierarchies created by empowered economic regions (some aiming at the status of world trade centers), questioned nation-states and transnationalism. Neunreither describes these gulfs as an structural characteristic of eroded nation-states. The citizen would have been left without sources of identification other than commodities and the Media network. In the EU "this intermediate structure does not exist and consequently citizens are directly confronted with the decision-making power" (Neunreither, 1995: 12).

Before we examine how the EU could cope with the complexity of tangled hierarchies a word on the context of this concept for system analysis is in order. The latest developments in modern system analysis focus on the concept of self-producing or self-organizing systems, i.e. systems that

produce themselves and their boundaries. The idea comes from the biological theory of autopoietic systems. In fact living beings are endowed with operational or organizational closure, produce their own components and boundary and are thus capable of coupling with the environment. It is in the analysis of self-organization and self-referentiality in other fields where the idea of tangled hierarchy is first summoned up by Hofstadter (1979). The image *drawing hands* designed by M.C. Escher is the icon of this idea. It is found as the best description for how wholes and parts relate in living self-producing systems. It is not only that the whole is more than the sum of its parts, but that the whole is in the parts as much as the parts in the whole (Dupuy, 1983: 378). For Dupuy, the analogy holds valid in social studies: "tangled hierarchy is the form of self-externalization proper both to the self-constitution of the social order and to its spontaneous decomposition or deconstruction" (1990: 122).

But it is also encountered in pure logic analysis, as a descriptive alternative to the theory of logical types. Hofstadter describes tangled hierarchies as relations in which it is blurred the distinction between rules and meta-rules, higher and lower logical hierarchies. The logical types so dear to Russell and Bateson appear all too often entangled. Dupuy (1990) highlights that self-referential sentences like "This sentence has thirty-one letters", "This sentence is false" or "This proposition is not provable in the formal system S" generate tangled hierarchies when set in motion. "In each one of these cases, we are dealing with a very specific and puzzling logical pattern which requires both hierarchy and its entanglement" (Dupuy, 1990: 105). Such reversal of levels is equal to a causal circularity or other vicious circles. It is a true oscillation between levels. In addition to recognizing all the above, Hofstadter has pointed out that underneath all tangled hierarchies (or strange loops, as he has also called them) there is an inviolable level. In the case of Escher's drawing hands there are Escher's own drawing hands outside the painting. Furthermore, one can access one's own thoughts but not the neurons. In Dupuy's account we find also that levels oscillate within the system, but the ultimate hierarchy between a class and its members can not be altered.

Much has been written on whether this seminal description can be applied (beyond the analogy) to social systems, and a full discussion is beyond the scope of this paper. Here I shall contend that it is highly relevant to an institutionalist study of the EU. As an analytical tool tangled hierarchies have a claim to existence just as good as normal hierarchies do. It is plain that a segmentary, functionalist and hierarchical model does not fit the complexity of the EU in regard to institutional dynamics, citizenship and identity, nation-states and transnationalism. I am also persuaded that a basic notion of self-organization, although self-referential, non-linear and complex is not a metaphor but a legitimate framework to conceptualize the EU. We are witnessing a self-organizing process in spite of the fact that member states and union have little in common with a living being. It is true that the EU has not created the states (as it is an ontological property of autopoietic living beings), but it is hardly an overstatement to say that it might redefine them in the future. Within the limits of membership, which form the inviolable level pointed out by Hofstadter, there is an oscillation between whole and parts in many respects. The sooner we cope with it in terms of complexity, the better chances for us to understand it and for the system to survive. This is so because our knowledge does influence the process via the rule of reflexivity in human affairs. While autopoietic theories do next to nothing to the way a cell lives.

4. Coping with complexity

In this context, subsidiarity is an example of how the EU can provide complex rules to cope with complex situations. Subsidiarity is a meta-rule on how to find the best level of government: in areas which do not fall within its exclusive competence, the Community shall intervene "...only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the member states and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the

Community..." (article 3b of the Maastricht Treaty). As Brittan acknowledges (1995: 17), "the S-word became a mascot for Euro-sceptics and enthusiasts alike, both using it to champion their vision of European integration". Likewise, doubt has been cast on whether the famous subsidiarity check will be decidable in the first place by the European Court of Justice (Neuwahl, 1995). Subsidiarity is held responsible for more centralization and more decentralization alike, while it is widely admitted that the Maastricht Treaty intended to protect the sovereignty of the states⁸. But then again we can turn to Marquardt (1994, 637-640) for an understanding of subsidiarity as essentially corrosive to the nation-state. Regardless of one's own stand subsidiarity ought to be credited as a rule on how to handle a multilevel cluster of institutions. It is a meta-rule that aims at profiting from the flow of interests in a tangled hierarchy, instead of trying to set a static procedure so as to rectify the relation between them. Enthusiasts of the measure (Brittan, for one) truly believe that "rigorous respect for subsidiarity will produce a more moderate, flexible and pragmatic Union, responding to the task in hand without tilting Europe towards any particular ideology" (1995: 20). He trusts this will reassure those who fear a US-style Euro government as well as those who fear Europe's slipping back to independent nations. Those who foresee a nation-state erosion might as well benefit from this approach.

Yet what I want to highlight is that tangled hierarchies cannot be managed with simple content measures. Subsidiarity opens the Pandora's box of coping with complexity by means of acknowledging a flow between subsystems that can continuously alter the hierarchy depending on the issues. Together with increasing cooperation between certain regions across national borders, this dynamic is likely to afford us oscillations in hierarchies: at some point Catalonia, Northern Italy, Austria and some German states can coordinate themselves to adopt certain regulations at the regional level and thus synchronize a substantial portion of EU population without their nation-states or the EU's intervention.

The inclusion of subsidiarity in Maastricht Treaty is not a systems-theory measure laid down out of a vacuum. It implements the value of efficiency as an adjusting means-ends relation. And in

doing so it brings forth the fact that we are never discharged from the need to set values for our institutions (Parsons, 1990: 326). Not even when dealing with institutions with the help of new institutionalism and systems theory. Likewise, values and subsidiarity-style concepts can be recommended to EU policy-makers in regard to the tangled hierarchies of citizenship and transnationalism. I shall elaborate on this last point.

It has been repeated that cultural decentralization will be the norm in EU. Furthermore, there is a widespread consensus on the local nature of cultural identity. Consequently, it stands to reason that almost no regulation having to do with the rights to local sources of cultural identity will find in the union level the best level of government. The same conclusion holds true for identities at the national level. Therefore, the launching of European identity discussed in the first section is a clear breach of a rule of subsidiarity. This is consistent with the evolution of citizenship up to date, split into a cultural identity side operated by the nations and functionalist market-related aspects tackled by the union. The entitlements associated with what has been called the segmented and indirect citizen (in other words, the market-related citizen) have little to do with fostering EU identity. Their goal had been to level the field for commerce. If we recall Marshall's classification of the phases of citizenship evolution in Western democracies, I could say that such entitlements do not go beyond homogenizing the civil aspects of national citizenship. European identity fails the subsidiarity check. More blatantly put, the gap between European polity and European population is not to be filled with Union citizenship and democracy out of a vacuum. Rather, it will be crossed by people's practices oscillating between levels, by means of regional associations, transnational claims of migrants, etc. Or it will not be covered at all, and the subsidiarity check will have to face that EU is no alternative to national sources of identification for the citizen. In line with this idea I would like to conclude with three points.

1. A global world needs global values and the protection of personhood is an achievement of mankind. However, these values will collide with the complex web of cultural identities and national citizenship if they are stretched so as to include "universal" rights such as providing services from the states in the language of the immigrant or local minorities, respecting religious holidays, and so on. The conflict seems clearer if we picture all of them reaching the highest level of government possible to determine their rank of application. In other words, they will collide with the complex web of cultural identities and national citizenship if they are stretched so as to include each and every cultural redefinition of the democratic rules of states in which those values were fostered in the first place. Here again individuals do not handle multiple identities in a segmentary fashion. They might be conflicting ones, double binds, etc.

Therefore I would argue that the defense of personhood as a global phenomenon has to stop at the level of freedom, peace, equality and justice. It would leave vernacular languages, religion, relations to minorities and the like to the nations, below the economic and political unions, and, by the same token, to the internal politics of citizenship and local government. This is, I believe, the best level of government for this phenomena. Since many countries are officially laic, in a context of freedom of creed, it follows that their position is to ensure the freedom, not to administer the representation of all religions in the classroom. In other words, citizenship is a historically crafted rule of the democratic game, whereas cultural complexity is one of the contents of this game. If I may extend the metaphor without confusing the reader, I would add that rules belong to a higher logical type, are the environment of the game, but are not part of the act of playing the game (Wilden, 1987). Wilden repeats here the same idea expressed by Hofstadter in terms of inviolable level. Dupuy's recognition of the relation between a class and its members is also consistent with this distinction. One should not forget that tangled hierarchies are not vicious circles, but oscillations in hierarchy between subsystems in a self-organizing context.

2. Citizenship need not become culturalized in any case, beyond its traditional alliance with nationality. The only culture that citizenship has to foster is that of freedom, political participation, and the like (in entitlements and duties). Civil, political and social citizenship fulfill their task by providing equal access and opportunities to all the members of the community. Under my extension of the meta-rule of subsidiarity, whenever citizenship attempts to take over other forms of cultural identity, it triggers a conflict perceived as a threat in identity terms. It could hardly be otherwise since the impossibility of universal consensus and the necessary presence of cultural identities are an anthropological *a priori* to these relations. The reverse argument applies to the reportedly desirable "global citizenship", or "citizenship of the world" that Habermas (1992) envisages as the true destination of the whole idea of membership. Whenever citizenship fails to refer to a state-like system of membership, it loses its policy-making and people-binding potential. This praiseworthy and well-meaning desire (of global citizenship) disregards the other side of the contemporary sociological agenda -- that of the particularization, rise in ethnic nationalism and enaction of tradition precisely as a *reaction* caused by the globalization. My view is that this twofold tendency, rather than ending the meaning of state-related citizenship, presents the state with new challenges for which, to the surprise of some scholars, is one of the most suitable institutions we can resort to. As regards to the territorial aspect of citizenship, my position coincides with Bauböck's: "A comprehensive concept of citizenship which contains individual as well as collective rights, civil and political as well as social rights can only be institutionalized within communities bounded both territorially and in terms of membership" (1994: 19). The territoriality of every citizenship is its means to accomplish its goals as institutions, not a nonsensical limitation to higher aspirations.

3. In addition to citizenship, I believe that Nationality à la US is the only institution whose "cultural administration" corresponds to the nation-state government. Whenever possible, it should be sought to shrink the cultural requirements of the nationality to a handful of clear symbols. The idea of social

citizenship, whose management has directly to do with the Welfare State, is not to be confused with cultural differences or bottom-up proposals of cultural citizenship such as Rosaldo's (1994). What Turner calls cultural citizenship is indeed a set of regulations and values, highly mixed, resulting from centuries of cultural blend. Yet it has come to equal the rules of democratic game. It does not match any longer the wide coverage of everyday decisions that other cultural identities enjoy, ethnic or religious ones being notable examples.

From the citizens' viewpoint, all citizenship are cultural. All participation in the democratic life of the state is shaped by their experience in their home region within the country, in their ethno-racial minority, etc. There are no performances or understandings of citizenship more "cultural" than others. Cultural citizenship is a privately inspired but publicly performed enterprise. The more interpretations or motivations the citizenship of a country is triggered by, the larger the number of choices. In terms of the reproduction of the social system, diversity improves its chances of survival. But it does so as long as it remains aware of the presence of a meta-level on which the rules that allow its diversity have to be preserved. To ask about the relationship between cultural identities and citizenship actually means to question the relationship between the duet formed by nationality and citizenship (comprising also social citizenship) and all the other co-producers of cultural identities. I insist that cultural identities exclude (or not necessarily include) the body of human rights. The subsidiarity check provides the answer: it is not necessary (and even not convenient) to have a relation between nationality/citizenship and other cultural identities from the government's viewpoint. And there can be any such linkage from the citizen's perspective. In a tangled hierarchy, the lower the level the bigger the degrees of freedom and chaotic behavior, so that oscillations will bring forth better chances to adapt to environmental perturbations.

Conclusion

Functionalist models and rational analysis of institutions have a tendency to untangle multilevel phenomena and emphasize problems/solutions based on balance and representation. Thus, for instance, human rights, European identity, European citizenship, national identities, sub-national identities and cultural decentralization appeared as non-problematic concentric circles. Empirically as well as theoretically a shift in the attention to the dynamics of tangled hierarchies allows a more complex and elegant view of multilevel phenomena within the EU. Subsidiarity is praised as an example of the type of regulations that point at the systemic level. I have referred to it as the level of the rules of the game, as opposed to its content. It permits tangled hierarchies to prosper and adapt to each situation without relying on a delicate balance of anarchy at the level of the global system. In regard to citizenship and transnationalism, the perspective of tangled hierarchies and the subsidiarity check would discourage the alleged need for European identity or European cultural citizenship. European citizenship would have to wait until a European polity is developed. A true cultural decentralization would return citizenship ("national citizenship") to the state level, where it belongs. The transnational model, which has long held an emphasis on the opposite trend, fails to recognize the locally imbedded nature of cultural identities.

Notes

1. As Marshall (1964:72) has it, social citizenship is about "the whole range from the right to a modicum of economic welfare and security to the right to share to full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society. The institutions most closely connected with it are the educational system and the social services". See also Bart van Steenberghe (1994) for an updated reminder of what he calls the big exclusion of the underclass: "socially marginalized, isolated, politically harmless, economically superfluous. They survive physically, but not socially".
2. It is important to point out that this very notion of social and cultural citizenship, as well as the inflation of the idea of human rights, are relatively recent processes. Both human rights and cultural citizenship as described by Turner (1994) underscore and overflow the original concept of citizenship. Human rights underscores citizenship in functional terms. Human rights are non-binding values, they are far from satisfying the functional demands that citizenship does in the framework of nation-states. Cultural citizenship as described by Turner overflows citizenship, because citizenship, as a form of cultural identity, did not originally imply (neither in the letter nor in the spirit, nor should in the future) a whole set of social, cultural and educational values. To produce a sentence as effective as Turner's slogan I would say that citizenship was traditionally monotheistic, in regard to public participation in the legal and political community, while it implied freedom of creed elsewhere.
3. For instance, a gay community may claim that same sex marriage is an entitlement of its citizens, whereas the opposite claim could be made by the Christian collective. The Danish reaction to Maastricht Treaty in Europe was widely interpreted as a resistance to the idea of European citizenship. By the amendments that the Danish people had the European Union include prior to a second referendum on Maastricht, they were defending their Danish citizenship against the "uncontrolled" extension of its entitlements to citizens or legal aliens of the member states of the European Union. They did not want to lose the management of the boundaries of their citizenship and nationality.
4. Within the current social sciences, by attaching the plural form 'identities' to the definition of social and cultural I mean that I do not focus on the psychological aspects of identity, nor do I study identity in kinship relations or other face-to-face groups. Instead, I choose an approach closer to the old sociological *problematique* of "mechanic solidarity", which is how people are held together today, when they are usually not in or cannot even resort to face-to-face *Gemeinschaft*-like organic-solidarity relationships.
5. Miller's "In defence of nationality" (in Gilbert & Gregory, 1994) is an interesting paper in this regard.
6. Cohen (1994) takes this widely admitted combination of identities within the individual to the point where it seems to disavow my hypothesis of the social conflict between identities. I remain far less optimistic.
7. I am referring to the simultaneous presence of the European Parliament and the indirect representation of National Parliaments through government officials.

8. I am closer to this idea. So much so that the "best level" can even slip to lower levels, namely the regional and local ones. Brittan (1995: 17) acknowledges the feasibility of this interpretation highlighting that under subsidiarity "the burden of proof would fall on those arguing for decisions to be taken at EU level".

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