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NORMS AND VALUES IN THE
EUROPEAN MIGRATION AND REFUGEE CRISIS

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Toward a Cosmopolitan Europe: Normative Requirements for EU Refugee Policy in the Light of Empirical Possibilities and Constraints

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Key observations and policy recommendations

In the wake of the so-called refugee crisis in 2015, the question about the future shape of Europe's immigration and refugee policy has become central to political discourse. References to "European values" figure prominently in debates about this question. However, these "values" as well as their normative implications with regard to the treatment of refugees are interpreted in strongly diverging and even contradictory ways. This holds especially for the EU's cosmopolitan commitments, i.e. first and foremostly the respect and protection of human dignity and human rights: Some argue that these commitments imply strong duties toward refugees and demand a much more open immigration policy. Others stress the need to protect the European "value order" and argue for a restrictive immigration and integration policy on that basis. Yet others go one step further and claim that cosmopolitan norms are at odds with protecting Europe's cultural identity, or should not count as European values in the first place.

This situation prompts the following question: **What kind of cosmopolitan order "fits" the EU, i.e. is both normatively defensible, feasible and in line with its own normative self-understanding?**

In the NOVAMIGRA research project we have **examined the meaning and normative implications of so-called European values in different contexts and from a variety of perspectives**, and with the help of both normative reflection (moral and political philosophy) and empirical research (social sciences). More specifically, we have

(1) reconstructed the EU's fundamental norms and values on the basis of central documents such as the EU Charter of Fundamental Rights: How can the EU's normative commitments be interpreted in a normatively defensible way?

(2) investigated how European values are "at work" in practice: What role do European values play in various social practices as well as in political discourse, and how are European values interpreted by various policymakers and civil society agents?

Finally, in a third step, we have

(3) reflected upon the interconnections and tensions between the normative conclusions on the one hand and the empirical findings on the other hand: How, if at all, do the empirical findings affect the normative conclusions and vice versa? And what follows from these normative and empirical analyses with regard to the question what kind of cosmopolitan order would be both normatively defensible and feasible for the EU?

Our main **normative conclusion** is that so-called European values should be understood in an inclusive, rights-based way – meaning essentially: in terms of (human) rights that Europe ought to respect rather than in terms of (European) values that it ought to protect.

Our **empirical analyses** of populist discourse and immigrant integration practices yield the following main results:

◆ In populist discourse, cosmopolitan norms *are* associated with the EU, yet in a negative sense: They allegedly threaten national sovereignty and the "true" European identity. By contrast, in the immigrant integration context, cosmopolitan norms are invoked affirmatively. However, here these norms are presented as national values rather than as European values. Overall,

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references to European values play a much less vital role in actual immigrant integration practices than one might expect, and than they arguably should.

◆ Contentwise, there is partly convergence between European values and values that are invoked on a national level. However, in practice, national values are frequently brought into opposition with European values.

◆ Although states are the main actors in "transmitting" certain values to immigrants, our analysis shows that official, governmental integration activities aim in large part at the protection of certain values and the assimilation of newcomers. By contrast, the importance of a genuine commitment to cosmopolitan norms (and the duties they imply), both generally and for the self-image of the EU, is mainly emphasized by NGOs.

◆ In practice, hardly any difference is being made between different normative concepts like values, norms, principles and rights – neither implicitly nor explicitly. Nor does there seem to be an awareness of these differences and their practical implications.

Overall, our normative analysis clearly shows that and how so-called European values can be interpreted in a normatively defensible way. Our empirical findings, by contrast, show a large unclarity about what European values are, what kinds of duties go along with them and how they ought to be interpreted. **This observation should be the starting point for thinking about a suitable cosmopolitan ideal for Europe:**

◆ **The overall goal should be to create a deeper understanding what European values mean and imply** – not in order to fix one "correct" interpretation once and for all, but in order to facilitate a more reasonable societal dialogue about them. It seems clear that **various agents support the norms, principles and rights that underlie "European values", yet lack a clear understanding of their deeper meaning**. Such a dialogue would also be an important bulwark against populist (pseudo-)arguments.

◆ **This discourse, we want to suggest, should not be conducted in terms of 'European values'.** "Value talk" has the merit of facilitating emotional commitment – which however may easily lead into the wrong direction without proper understanding. **The dialogue should instead focus on the EU's commitment to human dignity and human rights.** Many Europeans, it seems, deem it important that Europe is committed to these principles. The problem is then not so much that they disagree with this normative orientation on a fundamental level, but rather that cosmopolitan norms seem over-demanding. This is also reflected in our empirical analysis: The protection of national values as well as national and European self-interest is frequently presented as the antidote of following cosmopolitan norms. What is needed therefore is more clarity about the normative implications of human rights and their relationship to preserving cultural identity.

◆ In this respect it is also important to note that **what counts as a coherent, normatively defensible interpretation of human dignity and human rights is neither arbitrary nor completely open, nor is it fixed once and for all**. Human rights raise many difficult questions about corresponding duties and duty bearers, questions that can and should only be addressed in societal dialogue. However, **any genuine commitment to human rights also has some direct**

implications, implications that should be clarified and explained to EU citizens. This regards in particular:

➢ their rights-character: Human rights articulate standards that are owed to people. Accordingly, the protection of human rights is not some benevolent, supererogatory practice by Europeans – it is a moral, political and legal duty.

➢ their universal scope: Human rights are not exclusively or even primarily the rights of Europeans. They are rights of all human beings, without qualification. Therefore, without a serious commitment to the human rights-protection of non-Europeans, it cannot be maintained that the EU is committed to human rights.

➢ their moral character: To say that the EU is committed to human rights is to say that it commits itself to a moral standard that it has neither invented nor is fully at its disposal. This does not mean that there is no room for interpretation. But it does mean that it is not merely arbitrary what follows from this commitment.

➢ their institutional implications: Human rights are not "merely" a moral idea. Rather, it is clear that the human rights idea implies a moral and political obligation to establish institutions that guarantee an effective protection of human rights. What kinds of institutions this requires in the case of the EU is and should be one of the central questions.

It is clear that creating more clarity about the underlying normative commitments would still leave many questions unanswered, e.g. how to deal with those who disagree on a more fundamental level, how a true "European identity" based on these norms can be built, what exactly this implies for various institutions, etc. And yet it seems to us that such a clarification would be a crucial and indeed inevitable step in the direction of a cosmopolitan Europe.

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1. Introduction: Competing Interpretations of "European Values"

In the wake of the so-called refugee crisis in 2015, the question about the future shape of Europe's immigration and refugee policy has become central to political discourse. Since then, it has hardly lost any of its urgency, nor of its controversial nature, and a joint European answer still seems far away – let alone an answer that one might deem justifiable from a normative perspective.

References to "European values" figure prominently in debates about this question. However, rather than to provide more common ground for argument, these "values" are themselves interpreted in strongly diverging and even contradictory ways. This holds especially for the EU's cosmopolitan commitments, i.e. first and foremostly the respect and protection of human dignity and human rights: Some argue that these commitments imply strong duties toward refugees and demand a much more open immigration policy. Others stress the need to protect the European "value order" and argue for a restrictive immigration and integration policy on that basis. Yet others go one step further and claim that cosmopolitan norms are at odds with protecting Europe's cultural identity, or should not count as European values in the first place. **So, it is not only disputed which "values" should count as "*European* values". It also seems almost arbitrary what they imply practically with regard to the treatment of refugees and migrants.**

From a normative perspective, this situation is of course anything but satisfying. It prompts the following question:

- ◆ **What kind of cosmopolitan order "fits" the EU, i.e. is both normatively defensible, feasible and in line with its own normative self-understanding?**

In the NoVaMigra research project we have examined the meaning and normative implications of so-called European values in different contexts and from a variety of perspectives, and with the help of both normative reflection (moral and political philosophy) and empirical research (social sciences). More specifically, we have

- ◆ (1) reconstructed the EU's fundamental norms and values on the basis of central documents such as the EU Charter of Fundamental Rights: How can the EU's normative commitments be interpreted in a normatively defensible way?[2]
- ◆ (2) investigated how European values are "at work" in practice: What role do European values play in various social practices as well as in political discourse, and how are European values interpreted by various policymakers and civil society agents?[3]

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[2] See Düwell, Marcus / Philips, Jos (October 2018): Conceptual Map of the "Value-Related" Grammar, NoVaMigra Deliverable D1.2 (confidential); Facchi, Alessandra / Parolari, Paola / Riva, Nicola (2019): Values in the EU Charter of Fundamental Rights. A Legal-Philosophical Analysis with a Focus on Migrants' Rights. Torino: G. Giappichelli Editore; and Facchi, Alessandra / Parolari, Paola / Riva, Nicola (March 2019): Report on the normative content, genesis, historical background and implementation of the EU Charter, NoVaMigra Deliverable D1.3 (confidential).

[3] See Gozdziak, Elzbieta / Main, Izabella (September 2019): Summary report on value agents in public and civil society institutions, NoVaMigra Deliverable D3.1, https://doi.org/10.17185/duepublico/70631.

Finally, in a third step, we have

> (3) reflected upon the interconnections and tensions between the normative conclusions on the one hand and the empirical findings on the other hand: How, if at all, do the empirical findings affect the normative conclusions and vice versa? **And what follows from these normative and empirical analyses with regard to the question what kind of cosmopolitan order would be both normatively defensible and feasible for the EU?**

This is the main question of this Policy Research Alert. Addressing it systematically will yield **a clearer idea of the kind of cosmopolitan order that is suitable for Europe, and the necessary steps that should be taken in its direction.**

To this end we will
- summarize the main findings of our analyses;
- point out links and tensions between our empirical findings on the one hand and the results of our normative reconstruction on the other hand;
- develop normative conclusions and policy recommendations on that basis.

2. Interpreting "European Values" in a Normatively Defensible Way

In current political debates, "European values" are often invoked to justify restrictive immigration and integration policies: These values, so the argument goes, define our cultural identity, our "value order", our "European way of life" – and hence need to be protected, also and especially against non-Europeans who allegedly embrace a different "canon of values". In political discourse, references to "European values", thus, often have a strong exclusive tendency: They seemingly justify "keeping people out".
This "exclusive" interpretation of European values is not only normatively problematic. At closer look, it is also at odds with those very norms, principles and rights that are frequently summarized as "European values" – and, thus, with the EU's own normative self-understanding. Human dignity and human rights emphasize the equal moral status of all human beings as right-holders and hence point in the direction of a much more "inclusive" approach to immigration and refugee policy. Also, central documents that express the EU's core normative commitments, for instance the EU Charter of Fundamental Rights, clearly allow for such an inclusive interpretation of European values.

Europe's core normative commitments – whether one refers to them as "European values" or differently – can and should be understood in an inclusive, rights-based way. This is the main conclusion of the normative part of our research.[4]

More specifically, in the present context, these are our **most important findings**:

- From a normative perspective, it is crucial to distinguish between

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[4] See Facchi, Alessandra / Parolari, Paola / Riva, Nicola (2019): *Values in the EU Charter of Fundamental Rights. A Legal-Philosophical Analysis with a Focus on Migrants' Rights.* Torino: G. Giappichelli Editore; Facchi, Alessandra / Parolari, Paola / Riva, Nicola (March 2019): *Report on the normative content, genesis, historical background and implementation of the EU Charter,* NOVAMIGRA Deliverable D1.3 (confidential).; and Düwell, Marcus / Philips, Jos (October 2018): *Conceptual Map of the "Value-Related" Grammar,* NOVAMIGRA Deliverable D1.2 (confidential).

➢ the norms, principles and (human) rights *themselves* that are frequently presented as "European values" – human dignity, human rights, freedom, solidarity, the rule of law, and maybe others;

➢ and *presenting* these norms, principles and (human) rights *as* "European values".

This distinction is important for two interrelated reasons:

➢ It makes us aware of the tension between the universal moral character of some of these norms (in particular human dignity and human rights) on the one hand and their (re)interpretation as something specifically European on the other hand.

➢ The moral and political duties that follow from (universal moral) values differ to a certain extent from the moral and political duties that follow from (universal moral) norms, principles and (human) rights – in a nutshell: Values might be interpreted so as to call for their protection, e.g. the protection of a European value order. Rights, by contrast (to stick with that example), require respect of the right-holder, and in the case of human rights even unconditional respect. It is clear that there is a tension here as well. It is therefore crucial to see that **most if not all so-called European values are not values, properly speaking, but norms, principles and (human) rights.**

◆ **To (mis)interpret human dignity and human rights as European values is strongly misleading:** Among other things, it opens up the possibility to present them as conditions for admission ("immigrants need to respect and live European values"), as is reflected e.g. in the common charge that Muslim immigrants disrespect gender equality (human right to non-discrimination on grounds of gender) and hence pose a threat to the "European value" of human rights. Whether the EU's "cultural identity" ought to be protected, and with what means, is one question; what it takes for the EU to meet its human rights commitment is quite another.

◆ For these reasons, **we favor a rights-based approach to European values over a value-based approach:** Human rights should be taken seriously as what they are – rights, i.e. legitimate claims, by all human beings, rather than merely or primarily by Europeans.

◆ Our reconstruction of the values and norms in the EU Charter of Fundamental Rights shows that **the EU's normative commitments clearly allow for a much more inclusive approach to immigration than is frequently maintained.** So, such an approach is not only required from a moral perspective. Rather, the values and the corresponding rights as they are expressed in the Charter could and should represent a starting point to imagine a more inclusive Europe, capable of meeting its cosmopolitan responsibility.

◆ There are many different definitions and interpretations of 'cosmopolitanism'.[5] Here we refer primarily to 'moral cosmopolitanism': By 'moral cosmopolitanism' we understand the idea that certain actions are morally owed to every human being, simply as a human being, i.e. independently of his or her ethnic or national origin, social position, individual lifestyle etc. In other words, every human being has human dignity and inalienable human rights. A commitment to moral cosmopolitanism is clearly at the heart of the EU Charter of

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Fundamental Rights. This leaves many questions about the corresponding duties open for debate, but there are also some things that one cannot reasonably argue about. One of them is that **moral cosmopolitanism necessarily implies political cosmopolitanism.** By 'political cosmopolitanism' we understand the idea that the policies and political institutions of a country (or here the EU) morally ought to reflect its cosmopolitan commitments. So, if the EU is serious about its commitment to moral cosmopolitanism, then it must also recognize a moral duty to shape European policies and institutions in such a way that they aim to respect and protect the human dignity and human rights not only of EU citizens but of non-Europeans as well. Without recognizing this, the EU's commitment to human dignity and human rights would be a sham from the very start.

In this section we have summarized the most important results of our normative analysis. In the next two sections we will present the main results of our empirical analysis of how various agents interpret "European values" in practice.

3. Values in Practice I: European Values in Right-Wing Populist Discourse

It is frequently claimed that the recent rise of right-wing populism in Europe is a *reaction* to the so-called "refugee crisis" in 2015.[6] However, is that really so? And if "yes", in what ways more precisely did the "refugee crisis" affect the populist discourse in EU member states? In order to arrive at a more nuanced answer to these questions, in this part of our research we systematically analysed right-wing, anti-immigration and (typically in the same breath) anti-EU populist arguments in the time period 2013 to 2017, i.e. before and after the "refugee crisis".[7] We focused on seven different countries: the Netherlands, France, Germany, Sweden, Poland, Hungary and Greece. The leading question was:

◆ **How, if at all, did the "refugee crisis" affect the positions and arguments of right-wing populist movements in these countries?**

Here, too, we focused on values:

◆ **What values or, more broadly put, what kind of normative grammar is invoked in populist anti-immigration and anti-EU arguments before and after 2015?**

◆ **What role, if any, do references to European values play in such arguments?**

In the present context, these are our most important findings:

◆ Our analysis shows that **almost all right-wing populist movements that figure centrally in the anti-immigration discourse after 2015 did not only exist long before 2015, but also had an anti-immigration agenda before that. So, it is *not* the case that the "refugee crisis" initially caused the emergence of these movements. *Nor* are their immigration-critical positions a reaction to the "refugee crisis".**
An exception to this finding is Poland: While Poland has quite a long history of right-wing populism, the topic (anti-)immigration did not play any significant role in Poland's political

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discourse before 2015. In the wake of the "refugee crisis", by contrast, it moved to the center of political debates, and was taken up by populists accordingly.

◆ In all countries but Greece, populist movements clearly profited from the "refugee crisis" in terms of increased popularity, influence and numbers of voters. The "crisis" came to them as a "present", as Alexander Gauland (one of the leading figures of the German *AfD*) put it. They received more public attention and were able to capture "frustrated voters".

◆ Another effect of the "refugee crisis" is a radicalization of the populist positions on immigration, as mirrored e.g. in the claim by the Dutch PVV to close the borders for any refugees whatsoever. However, it is important to emphasize that in most countries the immigration discourse generally moved to the right after 2015. Hence one can often discern a large convergence between the immigration-critical positions defended by right-wing populist parties and by "mainstream" political parties of the political center. What distinguishes the populists are often not their positions as such but rather a certain rhetorical style of defending them.

◆ Apart from this radicalization, **did the "refugee crisis" lead to a significant change in the populists' positions regarding immigration? On a fundamental level, the answer for all countries but Poland (see above) is "no". However, in several countries one can observe a shift of paradigm in the anti-immigration discourse.** One example is France: Before 2015 the anti-immigration discourse revolved mostly around "liberty", whereas since 2015 it is mainly about "security" and the "Islamization" of France as a threat to French civilization.

◆ How are anti-EU and anti-immigration arguments connected to one another in populist discourse before and after 2015? Most right-wing populist parties that we examined did not only articulate anti-immigration positions but also anti-EU positions before 2015. However, the terms of EU-criticism change in the wake of the "refugee crisis" so as to become much closer entangled with the topic immigration: The threat that the EU allegedly poses to its member states is now presented in terms of its immigration policy.

◆ Part of this argumentative shift is a reinterpretation of the idea of sovereignty, which figures centrally in populist anti-EU discourse: The "threat to national sovereignty" that the EU allegedly poses is no longer understood primarily in economic terms ("economic sovereignty") but in cultural terms ("cultural sovereignty"). Immigration and the EU have become interchangeable enemies in that regard: They allegedly threaten national sovereignty, the national identity and culture of EU countries.

◆ What values and other normative ideas figure in the anti-immigration and anti-EU arguments of right-wing populist parties in the relevant period?:

  ➢ **Explicit references to European values mostly play a negative role in populist arguments: They are brought into opposition with national values.** European values are then mostly associated with "universal ideas" or "ideology" (humanitarianism, human rights, solidarity, cosmopolitanism, etc.), which allegedly are imposed upon nations without their consent and, hence, threaten national sovereignty.

  ➢ At the same time it is also interesting to see that **many European values are invoked on a national level – however, not *as* European but *as* national values.**

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> ➢ As already mentioned above, populist arguments have in common that immigrants and the EU are typically presented as a threat. On the one hand, this alleged threat is framed in similar ways in the different countries, and the values that are associated with it accordingly – namely: "Immigrants threaten security ('more immigration = more criminality'); they are an economical burden; they are a threat to national or cultural sovereignty and identity; and they threaten social cohesion."

> ➢ On the other hand, **in what ways precisely immigrants are supposed to threaten national or cultural identity is spelled out in country-specific terms, and that means: in strongly diverging and partly contradictory ways.** For instance: In Poland's populist discourse, religion (Catholicism) or "Christian values" play a central role. (Muslim) Immigrants and the EU are presented as threats to "Polish values" such as the family and Catholicism; the EU is negatively associated with values like modernization, laicism and secularism. In the French populist discourse, by contrast, secularism is precisely invoked as a "French value", alongside other "French values" such as liberty, equality and fraternity – which are allegedly threatened by (Muslim) immigrants and the EU. Similarly, in the Netherlands, where (Muslim) immigrants are presented as a threat to the "Dutch value" of non-discrimination on grounds of gender or sexual orientation**.**

> ➢ Overall it can be observed that questions about religion and gender equality play a particularly important role in populist debates, while the answers given by the populists differ quite fundamentally in different countries.

4. Values in Practice II: European Values in the Immigrant Integration Activities of Selected EU Countries

Complementing our analysis of the role of values in populist discourse, in this part of our research we focused on practices of refugee and immigrant integration in eight EU member states (France, Germany, Sweden, the Netherlands, Poland, Hungary, Italy and Greece).[8] The guiding question was:

- ◆ **What values figure centrally in integration programs and initiatives, and motivate and guide the relevant agents, in public and in civil society organizations?**

More specifically we asked, among other things:

- ◆ Are European values reflected in these practices, and if so, how are they interpreted?
- ◆ On what basis do the relevant agents refer to certain values – e.g. religion, ideology, national identity, European identity?
- ◆ Are these values framed as national or as European values, or as something else?;

In the present context, these are our most important findings:

- ◆ One might expect the EU's fundamental values to play a key role in the immigrant integration activities of EU member states – not least because of the well-known claim that the values of immigrants (meaning in particular *Muslim* immigrants) potentially conflict with European values. However, our analysis shows that this is clearly not so. **Rather, in the immigrant**

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integration context, national values are prioritized. (Italy was found to be the only exception to this.)

◆ **Contentwise, these national values sometimes – yet certainly not always – overlap with European values.** For instance, respect of human rights is considered a national value in some countries. **However, they are *not presented as* European values.** There is an interesting parallel here to the populist discourse, where certain "European" values sometimes figure in anti-immigration arguments, yet are presented as national values and, hence, turned into anti-EU arguments. One should probably not take this parallel too far but it is worth thinking about nonetheless.

◆ A wide range of values is transmitted to immigrants in each country. Some of these values overlap across countries: For instance, in France, Germany and Sweden, equality is regarded as a central national value.

◆ However, as one might expect, every country also emphasizes different values: In France, the "values of the republic" are most important, i.e. secularism, democracy and equality of all citizens; in Germany, values related to *Leitkultur* [defining culture] and *Heimat* [home] play an important role; Sweden promotes values such as equality, freedom, dignity, democracy, participation, the rights of the child and ecological sustainability; the "Dutch core values" are often taken to be freedom, equality, solidarity and participation.

◆ Looking at Hungary and Poland, there is once again a parallel to our populism analysis: In both countries, discussions about values focus on the question how "European values" can be protected against the bad influence of "Islamic values", which are regarded as incompatible with "Christian European values". Both countries also feel threatened by liberal values promoted by the EU, such as gender equality and respect for diversity.

◆ Our analysis reveals that **governmental and non-governmental organizations refer to different values to some extent. Moreover, they frequently interpret the normative consequences of these values differently.** For instance, NGOs that expressly do not so much "teach" values as support immigrants in their integration process refer more frequently to human dignity and human rights. Also, governmental organizations often interpret "integration" and "participation" as grounding a duty of immigrants to participate and integrate (themselves). NGOs by contrast usually interpret integration and participation as mutual processes that imply both efforts by the immigrants and duties by the state.

◆ Finally, the last-mentioned point can also be expressed in a more general fashion: At first glance, one may easily get the impression that different countries and social actors emphasize the same values. This is so because they frequently use the same term – e.g. 'equality'. However, at closer look, **these values are often interpreted in strongly diverging ways,** e.g. with regard to their concrete implications (What kinds of norms follow from them, and for whom?) and their relative importance compared to other values.

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5. Conclusions and Policy Recommendations

Our main normative conclusion was that so-called European values should be understood in an inclusive, rights-based way – meaning essentially: in terms of (human) rights that Europe ought to respect rather than in terms of (European) values that it ought to protect. On the basis of our empirical

findings just sketched, we can identify **commonalities and tensions between a normatively defensible interpretation of European values on the one hand and their actual interpretation in various practices on the other hand.** Eventually they allow us to develop a clearer idea what steps should be taken more concretely toward realizing the vision of a EU that acts in line with cosmopolitan norms. In what follows we will first highlight some of these tensions and then indicate how they might be dealt with in a constructive fashion:

◆ Comparing the results of our analyses of populist discourse and immigrant integration practices, we are confronted with an almost paradoxical picture: **In populist discourse, cosmopolitan norms *are* associated with the EU, yet in a negative sense: They allegedly threaten national sovereignty and the "true" European identity. By contrast, in the immigrant integration context, cosmopolitan norms are invoked affirmatively. However, here these norms are presented as national values rather than as European values.** Overall, references to European values play a much less vital role in actual immigrant integration practices than one might expect, and than they arguably should.

◆ **Contentwise, there is partly convergence between European values and values that are invoked on a national level. However, in practice, national values are frequently brought into opposition with European values.** They appear as "two different sets of values", and sometimes even mutually exclusive sets, rather than one set of values that is formulated in different contexts and on different levels of abstraction.

◆ Although states are the main actors in "transmitting" certain values to immigrants, our analysis shows that official, governmental integration activities aim in large part at the protection of – European, or arguably mainly national – values and the assimilation of newcomers. By contrast, **the importance of a genuine commitment to cosmopolitan norms (and the duties they imply), both generally and for the self-image of the EU, is mainly emphasized by NGOs.**

◆ In practice, **hardly any difference is being made between different normative concepts like values, norms, principles and rights** – neither implicitly nor explicitly. Nor does there seem to be an awareness of these differences and their practical implications.

Overall, our normative analysis clearly shows that and how so-called European values can be interpreted in a normatively defensible way. Our empirical findings, by contrast, show a large unclarity about what European values are, what kinds of duties go along with them and how they ought to be interpreted. This observation should be the starting point for thinking about a suitable cosmopolitan ideal for Europe:

◆ **The overall goal should be to create a deeper understanding what European values mean and imply** – not in order to fix one "correct" interpretation once and for all, but in order to facilitate a more reasonable societal dialogue about them. It is clear that populists in particular will hardly be impressed by rational argument. However, for a start, it is crucial to create more awareness that one central populist argument against Europe's commitment to cosmopolitan norms is evidently wrong: Cosmopolitan norms are not imposed upon European member states in a quasi-external fashion. Nor are they only stated in certain documents. Rather, they do play a role in the actual practices of various agents, and contentwise converge with what many EU member states would call their national values. It seems clear therefore that **various agents support the norms, principles and rights that underlie "European values", yet lack a clear understanding of their deeper meaning.** So, such a dialogue would also be an important bulwark against populist (pseudo-)arguments.

◆ **This discourse, we want to suggest, should not be conducted in terms of 'European values'.** "Value talk" has the merit of facilitating emotional commitment – which however may easily lead into the wrong direction without proper understanding. **The dialogue should instead focus on the EU's commitment to human dignity and human rights.** Many Europeans, it seems, deem it important that Europe is committed to these principles. The problem is then not so much that they disagree with this normative orientation on a fundamental level, but rather that cosmopolitan norms seem over-demanding. This is also reflected in our empirical analysis: The protection of national values as well as national and European self-interest is frequently presented as the antidote of following cosmopolitan norms. What is needed therefore is more clarity about the normative implications of human rights and their relationship to preserving cultural identity.

◆ In this respect it is also important to note that **what counts as a coherent, normatively defensible interpretation of human dignity and human rights is neither arbitrary nor completely open, nor is it fixed once and for all.** On the one hand, there are limits to how human rights may be plausibly interpreted – for instance, to make it a precondition for admission to Europe that one has "internalized" human rights in some sense is clearly *not* an immediate implication of the human rights idea. On the other hand, there can and should of course be a societal discourse about what follows from them, and they can also to some extent be interpreted in a context-specific fashion. So, it would be crucial to explain that **there is not necessarily a contrast between national values and cosmopolitan norms.** This is one core element of the dialogue we want to suggest.

◆ Human rights raise many difficult questions about corresponding duties and duty bearers, questions that can and should only be addressed in societal dialogue. However, **any genuine commitment to human rights also has some direct implications, implications that should be clarified and explained to EU citizens.** This regards in particular:

➢ their rights-character: Human rights articulate standards that are owed to people. Accordingly, the protection of human rights is not some benevolent, supererogatory practice by Europeans – it is a moral, political and legal duty.

➢ their universal scope: Human rights are not exclusively or even primarily the rights of Europeans. They are rights of all human beings, without qualification. Therefore, without a serious commitment to the human rights-protection of non-Europeans, it cannot be maintained that the EU is committed to human rights.

➢ their moral character: To say that the EU is committed to human rights is to say that it commits itself to a moral standard that it has neither invented nor is fully at its disposal. This does not mean that there is no room for interpretation. But it does mean that it is not merely arbitrary what follows from this commitment.

➢ their institutional implications: Human rights are not "merely" a moral idea. Rather, it is clear that the human rights idea implies a moral and political obligation to establish institutions that guarantee an effective protection of human rights. What kinds of institutions this requires in the case of the EU is and should be one of the central questions.

It is clear that creating more clarity about the underlying normative commitments would still leave many questions unanswered, e.g. how to deal with those who disagree on a more fundamental level,

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how a true "European identity" based on these norms can be built, what exactly this implies for various institutions, etc. And yet it seems to us that such a clarification would be a crucial and indeed inevitable step in the direction of a cosmopolitan Europe.

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About NOVAMIGRA

Several, partly interconnected crises have profoundly challenged the European project in recent years. In particular, reactions to the arrival of 1.25 million refugees in 2015 called into question the idea(l) of a unified Europe. What is the impact of the so-called migration and refugee crisis on the normative foundations and values of the European Union? And what will the EU stand for in the future? NOVAMIGRA studies these questions with a unique combination of social scientific analysis, legal and philosophical normative reconstruction and theory.

This project:

- Develops a precise descriptive and normative understanding of the current "value crisis";
- Assesses possible evolutions of European values; and
- Considers Europe's future in light of rights, norms and values that could contribute to overcoming the crises.

The project is funded with around 2.5 million Euros under the European Union's Horizon 2020 research and innovation programme for a period of three years.

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