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CULTURE AS A FLEXIBLE CONCEPT FOR THE LEGITIMATION OF POLICIES IN THE EUROPEAN UNION

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Introduction

"Culture" plays a pivotal role for the European Union (EU) (Shore 2006) and other trans-national European institutions and organizations. In fields as diverse as tourism, rural development, education, and law, culture is framed strategically as a flexible concept mediating between member state interests, integrating diverging perceptions, and creating acceptance for the EU's goals and policies amongst its citizens. Despite the current breadth of initiatives and programs on culture – from "Capitals of Culture" to "Heritage Labels" and "Work Plans for Culture" – the inclusion of culture is a relatively new development in conventions and legal frameworks of the EU itself.[1] Official EU documents do not even reference the term "culture" until 1969 (Cunningham 2001: 121). In 1992, the "culture clause" of the Maastricht "Treaty on the European Union" (TEU, European Economic Community 1992: Art. 167) gave legal basis to EU cultural policies, stressing the cultural diversity of the Union.[2] Despite this late accentuation and inertia of "culture" in official policy and legislation, it is now pervasive in many fields of the EU. Be it by stressing the "common" in European heritage or the "national and regional diversity" in the EU, culture has become a pivotal and cross-cutting concept in the EU, mobilized by a diverse range of actors for identity politics and economic policies, and used for its symbolic power.

The EU is an emergent economic, political, and territorial formation. Seeking not least to counteract the devastations brought about by warring nation states and attendant nationalist ideologies during World War II, a path was sought to create a federation of European states (Monnet 1961; Lecerf 1965; cf. Brinkley 1991). Foregrounding the benefits of economic cooperation, six countries signed the Treaty of Rome which brought forth the European Economic Community (EEC) as well as EURATOM, a body cooperating in the development of nuclear energy in 1958. In 1973, additional states joined the EEC, a common, supranational governance structure was established, and in 1979 the first direct, democratic elections to the European Parliament were held. In the post-1989 years, numerous former Eastern Bloc nations applied for EU membership, leading to vast territorial expansion and an ever

more complex federal administration, admitting more young state economies to benefit from EU economic programs, and – as has been evident over the past decade – great burdens for ailing state economies to uphold the terms of membership. Keeping with the predominance of economic motivation for cooperation, the EU established a joint currency in 2002, the Euro. At the time of this writing, 28 states are EU members and of those, 19 are also members of the Eurozone. Economic interests are not free of tensions and monetary currency not devoid of national(ist) significance. Thus campaigners for and against joining the EU in individual countries considering membership often raised political as well as cultural concerns – for instance, the Austrians worried that they might have to let go of regional nomenclatures for food specialties (Löffler 1997). In Norway, along with Iceland the only non-EU member among the Nordic countries, the pro and contra EU sentiment across the political party spectrum led to a narrow rejection in the referendum to join in 1972, although parliament had been strongly in favor; the rejection forced the government to step down (cf. Miles 1996).[3] In Germany, citizens hung on to coins of their national currency, the *Deutsche Mark*, as an icon of national identity as much as from fear that the new Euro might go under quickly. Euro coins, in turn, are imprinted with iconography of European as much as national significance, signaling the effort to shape a joint identity while offering space for cultural diversity.

In the course of roughly five decades of first planning and then slowly establishing this federation of European states, fundamentally economic interests have brought forth not just a governance structure, but also a number of treaties that contribute to socio-cultural changes. Most important among these is the Schengen Treaty of 1985 which lifted border controls between member states and granted free mobility to EU citizens within the Schengen-area.[4] The standardized passport of EU citizens simultaneously serves as the given national passport and an EU flag represents the federation, with all the nation state flags remaining intact as well. EU citizens simultaneously are also national citizens of their given place of birth or registration. They thus are flexible citizens as theorized by Aihwa Ong. Observing actors within emergent free-trade zones in developing contexts, she formulated a "concept of graduated sovereignty to denote a series of zones that are subjected to different kinds of governmentality and that vary in terms of the mix of disciplinary and civilizing regimes" (1999: 7). Thomas Biolsi made use of "Ong's remarkably provocative description of graduated sovereignty" (2005: 240) to explore what he termed "imagined geographies" available to indigenous subjects in negotiating economic, political, and legal opportunities afforded to them as dual citizens of their tribe as well as the United States. EU citizens contribute to and confront the complex maze of policy of both nation state and EU, and fostering cultural identification remains a goal of both entities.

The development of EU culture and cultural policy is also reflected in the rise of anthropological research on these issues (cf. Bendix and Löfgren 2008: 5).[5] The diagnosis of the "Europeanization" in diverse fields (Borneman and Fowler 1997; Kaschuba 2008a) as well as the construction of an overarching European identity (Shore 1993) led to inquiries into the symbolic functions of the EU (Shore 2013; Abélès, Bellier, and McDonald 1993) and the influence of EU developments on the construction of difference between European and non-European countries (Kaschuba 2008b).[6] Such studies shed light on the interplay between notions of homogeneous and heterogeneous culture within Europe, highlighting the tension between the production of cultural difference, the requirements of cooperation and the construction of a unifying "European spirit." One pervasive aspect of such studies – from anthropology as well as political sciences (Hansen and Williams 1999; Pantel 1999; Fuchs and Klingemann 2011) – is a focus on the legitimizing potential of culture for EU

policy, integration and particular interests: how are perceptions of a common European culture, shared cultural values and traits or cultural diversity in the EU framed to contribute to the legitimization of policies and development programs? And what are the properties of "culture" to be adaptable to such a broad range of issues and positions – geared not least toward establishing a sense of culture as property?

As a complex (and conflictual) constellation of national and supranational legislation, multi-scalar bureaucratic apparatus and – poignantly so – imaginaries of an interstate political project concerned with security policy as much as with identity politics, the EU regulates expanding thematic areas. This regulation is shaped not only within official EU bodies, but can just as well emerge from and be influenced by the activities of commercial interest groups, civil society, transnational cooperation or as a reaction to global initiatives such as Millennium Development Goals.[7] Likewise, EU policy principles such as "community-led local development" (CLLD)[8] promote bottom-up approaches conceptualized to have an effect on prospective policy instruments. Ratified EU development programs mobilize significant economic potentials, and EU policies resulting from convoluted negotiation processes on different levels have economic, political, as well as social repercussions, not least in the realm of cultural property.[9] Both in their negotiation and establishment, all of these instruments and policies require procedural as well as normative justification: the values or norms established demand legitimation as do the procedures through which they are to be implemented. The flexibility of the "culture concept" in established EU instruments, we argue here, is used in many of these areas to strategically leverage cultural identity, cultural difference, and culturally framed values to bolster arguments for a diverse range of policies in the EU. Especially with regard to cultural property, culture in its various discursive frames functions as a pragmatic token for the legitimation of economic programs, regulatory frameworks or ethno-nationalistic projects. In these fields, the language of "culture" and its respective linguistic registers are characterized by a high degree of ambivalence and semantic openness. Yet, their pragmatic implications can be harnessed for their potential to bridge tensions, mediate conflicts, and compensate for deficits in legitimation. We thus aim to show in this chapter how "culture" as a flexible concept is used to gloss over conflicts and inequalities of EU policy and its implementation, and how it can veil interests detrimental to the very goals argued for.

In the following sections, this chapter will probe EU cultural policies in the context of cultural property, drawing on conventions and declarations from the EU and its bodies, but also decisions from international organizations like the Council of Europe in the field of cultural property. As central dimensions, in which cultural heritage and property surface in the EU, its conventions and guidelines, we have chosen unity and diversity, cooperation, national sovereignty, and economic policies. We analyze the different notions of culture and their relation to cultural property in European conventions, providing an overview of how central definitions, discourses, and practices of cultural property are being configured in the contemporary context of the European Union. The chapter furthermore elaborates on the EU's preference for normative power and looks at how EU cultural policy functions as "soft power" in foreign relations, paying attention to how conventions normatively frame the protection of cultural property contained therein. How are protection measures and other elements of cultural policy justified, and which principles of justification are made salient in conventions? We hope to show that "culture" and "cultural property" can be considered as flexible shifters in EU policy concepts and as a useful tool for the legitimation of policies. We focus here mainly on some central dimensions in which "culture" features in EU policies, and on how "culture" and its propertization are used to foster processes of Europeanization by means of economic incentives, framed by normative references, and institutionalized as policy on national and supranational levels.

Dimensions of legitimation

EU member state policy is partly decided by EU bodies – the elected European Parliament and Council of the European Union acting as the legislative, the European Commission serving as executive, and the European Council (assembling the heads of member states) providing direction. The European Commission sets the agenda, taking up suggestions from parliament or the council, but shaping the contours of the legislative debate. National parliaments do have agency in the process: if a third of them find that a new policy is in violation of EU principles of subsidiarity, the EU bodies have to review the proposed legislation afresh. Despite relatively clear-cut procedural guidelines and formal requirements, the drafting of EU policy and its subsequent implementation on the national level is a messy process, involving a multitude of actors and diverging views, back channels, trade-offs and bargaining chips. Given that inequalities between EU member states shape this sometimes intransparent process, the question thus arises – both on the level of scholarly discourse (primarily in the political sciences) and empirically – whether and to what extent supranational EU decisions that influence national sovereignty and markets have a legitimate basis – with discussions on a "democracy deficit" of EU governance ensuing (cf. Scharpf 1999; Beetham and Lord 1998; Bellamy and Castiglione 2003). This is as much a theoretical discussion on the possibility of pursuing "just" principles in drafting and implementing policy as it is one of public discourse on specific instruments and the European unification process as a whole. Programs, initiatives and legal frameworks of the EU entail normative references and conceptualize values directed at compensating for such deficits or weak spots in their justification. In the realm of cultural property, the various instruments and frameworks regulating the protection, safeguarding and promotion of culture draw from a relatively stable range of justifications, from economic to human and cultural rights, justice and fairness, as well as the inherent value of culture (cf. Groth and May 2015). These are positioned to normatively justify cultural property instruments. However, the culture concept itself can be used strategically to provide legitimation for policies.

An example can be found in the regulation of European markets in the realm of traditional food specialties. European ethnologist Gisela Welz has traced the genesis of "European products" – that is, foods that would not exist without the European guidelines providing for them (Welz 2009, 2006). This concerns, for instance, geographic indications or GIs, which may have a prior existence as foods but achieve their labeled GI-state only through this EU instrument and its associated regulating principles. Among the regulations one finds prescriptive measures for the specific type and place of production as well as for the place of origin of ingredients which intervene not only in local traditions of production but also in transnational food markets (cf. May et al. 2015). As an example one might look at the *Eichsfelder Feldgieker*, a sausage produced in the Eichsfeld Region of Thuringia, Germany. The Origin's Association of Thuringian and Eichsfeld Sausage and Meat made application for a GI for this sausage on the basis of regional provenience, including the climatic conditions, of the meats used. Among many other factors, the application referred to specifics of production such as the "immediate post-butchering warmth" of the meat, and the traditional herbal mixture worked into the meat; the authors substantiated the "centuries of tradition" behind the product with documentary evidence reaching back to 1718 and dialect proof of existence from 1844.[10] The applicants were successful and received their GI status in 2013 and thus caught up with a competing sausage from the neighboring countryside of Göttingen – the *Göttingen Feldgieker* received its GI for much the same reason already in 2011. The goal of the GI policy is to alter market competition through seals of originality and/or quality and

thus to protect regional specialties considered representative for European culinary diversity. Such interventions require justification: they contort competition and grant special rights. To do so, arguments are drawn from culture: cultural diversity, traditional knowledge, and heritage are brought in as reasons for granting special rights. The example illustrates how the normative justification of programs appeals to culture, strategically positioning cultural and regional heritage as important elements in economic policy that establishes one type of cultural property regime. However, as the sausage example illustrates, competitors in adjoining regions (we are talking about perhaps 15 kilometers distance here) may apply for the same cultural-geographic distinction and reduce the economic benefit, not to speak of the cost involved in the application procedure. The GI, in this regard, turns into a form of branding.

This example illustrates the complexity of references to culture in competing for funds and recognition: producers of food specialities are keen to take up the possibility to frame their product as culturally valuable, adding market value and partly also legal recognition to production processes and product composition. This – through their acceptance – both strengthens and reinforces respective policy instruments offered by the EU and contributes to subsequent stages of the policy process. However, with regard to European GI applications, producers may weigh carefully whether it is worth their while to propertize the cultural component of their food product. Gisela Welz in her long-term documentation of Cypriot halloumi propertization could show how the GI, once awarded, pushed small producers out of the consortium, as they could not maintain the EU hygiene standards (Welz 2007), and how the halloumi-GI morphed – from the perspective of competitors in other countries – into a brand with which one could compete, if necessary through the European courts (Welz 2015: 93–111).

European food products are not the only example where the clinching argument justifying the establishment of a new policy is drawn from culture. Cultural heritage programs in the context of the EU are subject to this type of argument as well, so as to justify the need for such conventions and attendant guidelines for their implementation (Kockel 2013). There is a strong discursive link here between identity politics and policy. Constructing a common heritage builds on the idea of universal European values and a European identity – all of which, as Máiréad NicCraith (2012: 23) has shown, are at heart a political project and an opportunity to legitimize both cultural heritage and property. Wolfgang Kaschuba continues this train of thought, arguing that a distinctive cultural heritage opens up the "ideological basis for constructions of cultural difference" (Kaschuba 2008b: 36). Needless to say, actors within different nation states and with divergent ideological persuasions will take advantage of these opportunities, desist or change their mind. One of the more spectacular cases in Germany occurred in the city of Dresden. Here, the citizens voted to go ahead with the construction of a new bridge across the Elbe river even though this meant that the city would lose the UNESCO World Heritage status awarded in 2004, due to the loss of the unique landscape written into the award (Peselmann and Socha 2010).[11]

Anthropological and ethnological research has focused on these questions from several vantage points.[12] They contribute to an understanding of the symbolic legitimation of the EU and its programs, including the intricacies and power asymmetries connected with it. Critics demand, for instance, more inclusiveness in the realm of cultural heritage and property, opposing "authorized heritage discourses" that protect hegemonic notions of what is heritage (Smith 2006) and push aside hybrid and marginal cultural forms (Lowenthal 1995). "Culture", it has been shown in the vast body of literature over recent years, functions as a useful tool to reproduce hegemonic perceptions about which practices, artifacts, and knowledges are seen as "valuable"; it plays a crucial role for whose voices and interests are considered in the

regulation of property regimes and features in the configuration of financial flows in develop-
ment, tourism, and heritage programs. As Haidy Geismar has shown, this does not necessarily
imply the path of dependency of cultural property instruments following institutionalized and
authorized notions of culture and forms of regulation (2013). Rather, such dynamic con-
stellations hint at the potentials of culture as a flexible concept which can be harnessed by
different sets of actors and translated into various discourses. The flexibility entails – and this
is crucial for grasping the valuation and valorization processes surrounding morsels of culture –
divergent associations with regard to what kind of culture is envisioned: these range from a
classist denotation of "high" culture to an anthropologically outdated notion of holistic,
clearly bounded regional or ethnic culture (Bendix 2015).

Noteworthy in such discussion in the context of the EU is the focus on integration inside
Europe, and not on the EU's role in proffering cultural legitimacy beyond the state and
regional level. Questions of legitimacy, however, reach beyond the EU: the normative
dimensions of legal and political frameworks such as conventions and declarations influence
foreign relations of the EU as well. Especially as the EU prefers a "norms over force"
approach in foreign policy (Laïdi 2008),[13] the ways in which stances on policy issues are
framed in conventions, treaties or position papers of the EU are relevant for multilateral
negotiations and global cooperation. The importance (as well as the pervasiveness) of such a
stance is illustrated, for example, by the role that culture and perceptions of "unbroken cultural
continuity over a very long timescale" and a "benefit from an immense accumulation of
cultural heritage" in the EU play in EU–China cooperation (Lisbonne de Vergeron 2015: 4).
This facilitates the establishment of cooperation frameworks due to culture as the EU's perceived
"comparative advantage in soft power globally" (ibid.: 5).

The culture concept is thus used not only to justify cultural property frameworks, but
perceptions about cultural property can also be positioned to legitimize policies in other
areas. Within member states of the EU, between them, and in the foreign relations of the
EU, there are struggles for interpretation regarding the implications of the use of culture as a
flexible concept. As it is a means to absorb criticism, gloss over contradictions and reproduce
perceptions about "valuable" culture and the "right" methods to protect or safeguard culture,
it has become a powerful tool in EU discourse. There are thus several overlapping areas of
tension with regard to notions of culture in EU conventions.

Between unity and diversity

Preserving diversity vis-à-vis a unifying approach to common European heritage is one such
area. Giving legal basis to EU cultural policies in 1992, the "culture clause" of the Maastricht
"Treaty on the European Union" (TEU, European Economic Community 1992: Art. 167,
ex Article 151 TEC) stresses the cultural diversity of the Union while simultaneously
highlighting common cultural elements of EU member states:

> The Union shall contribute to the flowering of the cultures of the Member States,
> while respecting their national and regional diversity and at the same time bringing
> the common cultural heritage to the fore.

The respect for national and regional diversity on the one hand and the need for unity on the
other is a common theme in debates on cultural diversity (Carlier 2010). For the EU, the
balance between the two mediates in crucial ways between local, national and regional
identity politics. Adopted as the EU's official motto in 2000, "Unity in Diversity" "signifies

how Europeans have come together, in the form of the EU, to work for peace and prosperity, while at the same time being enriched by the continent's many different cultures, traditions and languages."[14]

Unity versus diversity also surfaces in the context of cultural property. Cultural anthropologist Reinhard Johler argues that the Europe of the EU has "grown to be the most important agent of the cultural, and even more so an agent encouraging diversity" (Johler 2010: 39). EU programs addressing this realm intend to generate not only economic but also political and cultural surplus by nurturing cultural heritage (ibid.). In other words, despite or because of joint and unifying EU efforts, it is the national preservation of heritage that is fostered through EU funds. As Susan Smith put it, "the presence of Europe has made the sameness and difference of social life our prime political interest," whereby difference is ascertained through distinguishability and plurality of cultural heritage (Smith 1999, cited in Johler 2010: 41). Sameness, in this formulation, comes about not through a new and shared cultural heritage that unites member states or citizens, but rather through the shared processes of producing diverse heritages and cultural products. Laurajane Smith similarly criticizes what she terms authoritative heritage discourse for the institutionalized, hegemonic processes which many states have brought forth to emphasize difference (Smith 2006). For instance, the opportunity to compete for the European Heritage Label is attached to a list of criteria established by the European Commission. The applicants thus need to narrate their potential European heritage according to those criteria which entail facets such as bringing "to life the European narrative and the history behind it. They are about much more than aesthetics."[15]

Heritage making has been termed a metacultural operation (Kirshenblatt-Gimblett 2004) – though its omnipresence has turned the meta into a traditional bureaucratic-cultural practice of its own, taking in time and effort priority over the vernacular practices that it seeks to insert into the "global hierarchy of value" (Herzfeld 2003). Heritage making requires knowledge of the standardized language through which cultural forms and practices can be turned into valuable cultural properties for a worldwide market of appreciation and visitation. Europe gains in plurality, not in unity. The "Faro Convention on the Value of Cultural Heritage for Society" by the Council of Europe from 2005[16] as much as the UNESCO heritage instruments is a policy that produces cultural diversity in the sense of a next-to-one-another; it does not acknowledge internal differentiation or hybridization. The kind of local and regional difference anthropologists have found for instance in the realm of year cycle festivities cannot figure in such supranational cultural valorization schemes. Should there be competing applicants, actors need to negotiate a ranking and preferably jointly support the winner. This programmatic concept of culture fosters cultural diversity as long as it is conceived to be morsels of culture around the globe, relying on an outdated, holistic concept of culture. Ownership claims for hybridized, creole, mixed cultural expressions are legally still more difficult to conceptualize (cf. Noyes 2014).

Nonetheless, a look at the conventions confirms that this is a development that actors within EU institutions have desired, for it is communicated quite openly. Thus, we read in the "European Agenda for Culture in a Globalising World":

> In the debate on intercultural and cultural dialogue and on what is meant by "culture", it is often understood that culture unites people together rather than being a moderator of differences. In this context, Jean Monnet could be quoted: those young people "acquainted with all that is great and good in different cultures, without ceasing to look to their own lands with love and pride, they will become Europeans".[17]

Positioning culture more as a mediator for distinctiveness, and less as a means to generate elements of common culture is as important for the construction of European identity (Shore 2013) in general as it is for fields such as regional development or culinary diversity. However, the processes that produce this distinctiveness with recourse to cultural heritage favor hegemonic forms of "authentic" and authorized culture, limiting the influence of local communities in the shaping of their piece of diversity (cf. Welz 2007; Hafstein 2014; Smith 2006). The use of the culture concept in the realm of cultural diversity thus legitimizes a streamlining of cultural forms following perceptions of culture that work for the benefit of institutionalized frameworks, and less for the strengthening of minority perspectives, subversive practices, or community empowerment.

Cooperation and mutual understanding

There is another complex of EU policies working with cultural legitimation that is directly connected to the nexus of unity and diversity. It concerns cooperation and understanding among EU member states: what are the limits of the EU motto of unity? It is particularly the harmonization of instruments and programs that is at issue. Processes and procedures are to be streamlined and a common language is to be developed for the realm of cultural property and heritage. Thus equipped, one can seek to impress and draw boundaries to the outside. The preamble of the European Cultural Convention of the Council of Europe from 1954 illustrates cooperation and mutual understanding from this perspective:

> For the purpose, among others, of safeguarding and realising the ideals and principles which are their common heritage; understanding of one another among the peoples of Europe; to safeguard and encourage the development of European culture; languages, history and civilisation of the others and of the civilisation which is common to them all.
>
> *(Council of Europe 1954)*

"Culture, history and civilisation" serve as a comprehensive if vague definition of culture with which – after World War II – a rhetorical bridge is built among states formerly at war with one another. It draws boundaries vis-à-vis the outside and works for understanding within, without letting go of national or local differentiations. One finds similar articulations in the Convention for the Protection of the Architectural Heritage of Europe (1985), the European Convention on the Protection of the Archaeological Heritage (1992, revised), and the European Landscape Convention (2000). An example illustrating the workings of this common language and streamlining is the program European Cultural Capitals. The program seeks to relate what is special about a city and country in connection with the European project; touristic interest in the cultural capitals is seen as an additional benefit fostering mutual understanding. The incentive to participate in the European Capital of Culture is strongly orchestrated from the top, but opportunities for competition are interpreted also as mobilizing forces. The EU selects for every year two countries that will be hosting such a capital, one in an old and one in a young EU state.[18] The two countries are nominated six years before it is their turn "to perform". Within the state, cities may apply to be considered for the title and vigorous planning ensues which is reported in the regional and national press. The finalists are visited by a final selection panel. In Germany for instance, public interest and support for the four cities ultimately competing for the title for 2010 was quite intense, with opinions sharply divided between those who favored Chemnitz as a recovering city in the

former GDR and those who favored Essen as an unlikely (yet ultimately victorious) representative of the post-industrial wasteland turned heritage area. As European ethnologist Daniel Habit illustrated, the interplay between the program's Europeanization strategy and the cultural logics on the ground in choosing and implementing the capitals at least somewhat redresses a perspective that foregrounds the top-down nature of this program (2011). Simultaneously, the Council of the European Union keeps adjusting the parameters of what kind of culture is to be foregrounded in the application, as shown in Gisela Welz's assessment of Cypriot cities competing for the 2017 title. Nicosia, though praised for its rich and multi-cultural heritage and lively young art scene, lost to the smaller city of Paphos. The selection committee here saw greater attention paid to the present-day cultural impact of immigration which had been emphasized in the call for nominations (2015: 140–144).

In their effort to foster cultural inroads to Europeanization, the programs we are discussing here invariably model a top-down implementation of ideas, however well intended. There are, naturally, actors who simply refuse participation and cultural initiatives that fail, such as the nearly invisible Europe Day (May 5) and the European Flag Day (May 9). But programs promising economic benefit through measures of circumscribing and elevating facets of culture have an appeal – so much so that there are also actors upset that they are excluded from participation. Thus there is a group of European villages whose leaders were incensed that only cities and not villages could become cultural capitals of Europe. After some initial planning, twelve villages from twelve EU nations joined under the heading of "cultural village of Europe." Villagers travel from one to another village to foreground and "discover the forgotten local level."[19]

Naturally, culture is thus also evident as a project of resistance and negotiation, not only as local projects are framed in the rhetoric of EU cultural policy, but also as a way to counter and contradict official programs by local initiatives as well as by nation states positioning themselves against EU majority decisions or mainstream policies by referencing the special role of culture. Perhaps the most prominent example for this is the French "exception culturelle": emerging – as a concept in multilateral negotiations – from trade negotiations in 1993, it "refers to the exemption of cultural goods" from trade agreements on the grounds that the very nature of cultural goods, as public goods, makes them unsuitable for commodification in a competitive market (Laborde 2001: 723; cf. Collarde 2000). France was, based on its longstanding cultural policies designating a special role to audiovisual goods in trade issues, the driving force behind the "exception culturelle," which was later adopted by the EU as a whole. Currently, the concept has been emphasized again in the context of TTIP (Transatlantic Trade and Investment Partnership) negotiations between the EU and the US – again, France being one of the major proponents (Bartsch 2014). The case of the "exception culturelle" illustrates how a member state's preference for a largely "uncommodified" cultural sector led to a hesitant change in EU cultural policy – and this preference was all the while partly motivated by a protectionist economic rationale. Thus, EU policy making in the realm of culture as well as in other fields does not necessarily emanate from shared positions: it is contingent upon power relations, country-specific trajectories of policy preferences, and constellations of interest in spatio-temporal contexts.

Looking at such convention texts as well as program language, the conceptual flexibility in the formulations becomes clear: it is a flexibility that would seem to ease the tension between the concepts of unity and diversity. By keeping culture relatively undefined, potential conflicts between perceptions of national culture versus regional differentiations and European values can be veiled. Such a degree of cultural relativity, especially with regard to cultural property, provides leeway for separate ownership on the one hand, and for the endurance of

cultural practices that might be deemed incompatible with values proclaimed by the EU. In contestation between national frameworks and regional movements such as in Catalonia (Noyes 2003, 2007; Crameri 2008), cultural property provides both discursive registers and regulatory tools to transgress and transform policies. It allows a broad range of actors and organizations to link up to the culture concept and draw from its legitimating potential as well as from cultural property instruments. It can then be used to leverage against both member states and regional networks, to deny funding requests on the basis of cultural integrity and to reject policy proposals citing a misfit of inherent cultural values.

Common heritage as enabler of national cultural sovereignty

From the vantage point of the EU, culture, it would appear, is utilized particularly to strengthen national identity and cultural sovereignty. To this end, initiatives described so far were developed, implemented, and if necessary, adjusted. European ethnologists have long discovered and analyzed the state's role in administering folk culture (Rassem 1979). They have also long examined state-based cultural politics and its contribution to generating "second hand folk culture" (Moser 1962) and conducted a productive discussion concerning "folklorism" (cf. Bendix 1988). Yet despite global or European contexts within which heritage programs blossom, states achieve new prominence in the planning and implementing of cultural heritage (cf. Bendix, Eggert, and Peselmann 2013; Groth, Bendix, and Spiller 2015; Hauser-Schäublin 2011).

With regard to the division of tasks, the European Parliament formulates that it is the member states that are responsible for cultural policy, while the Union may provide support, help with coordinating efforts, or establish complementary measures.[20] Thus regional cooperation and coordination balances with national arrangements. Transnational regulation for the protection of cultural heritage is generally arranged in a fashion that provides nation states with more regulatory power over cultural production (Kurin 2005), a shift evident also from the perspective of international law (Mißling 2010). Gisela Welz suspects that the intention to support traditional economies cannot really succeed precisely because of the way in which measures to protect, for instance, cultural knowledge become subject to state regulation and inspection. Protective measures generate standardized "larger, more elite nationalized forms of cultural enterprise" (Welz 2007) and marginal, heterogeneous forms of traditional knowledge and heritage are pushed to the margins. Valdimar Hafstein similarly emphasizes that the protection of cultural heritage by the state very often dispossesses and incapacitates local actors of their vernacular culture (Hafstein 2014).

The cultural heritage instruments on the European level facilitate this development. The direct protection and safeguarding of cultural heritage are a further central element for the legitimation of European cultural policies. In the "European Parliament resolution of 10 April 2008 on a European agenda for culture in a globalising world," one reads:

> Without denying the fact that it is wholly desirable to take as open an attitude as possible to every other culture, the European Union has a very special duty to safeguard Europe's cultural richness, implying that the European cultural heritage, in all its dimensions, must, by every means, be preserved, disseminated, and shared both within and outside the Union.

In connection with earlier international efforts to safeguard culture against destruction in war or looting (cf. Splettstößer and Tasdelen 2015), current instruments and measures to

safeguard, protect or promote cultural heritage and property are a forceful argument in cultural heritage debates (cf. Groth and May 2015). Despite their framing as a European safeguarding project, however, they mostly strengthen national identity and cultural sovereignty by embedding measures in a larger context – the role of the state in such processes remains strong or even grows stronger (cf. Bendix, Eggert, and Peselmann 2013).

As "'culture' became the central strategic resource of European self-perceptions" (Kaschuba 2008b: 36), cultural affiliations as the "ideological basis for the construction of cultural difference" have become "fundamental imaginaries of social order in modern Europe" (ibid.). National elements of heritage, thus, are central in efforts to protect and safeguard culture, legitimized by European notions of unity despite their fostering of authorized diversity. Paradoxically, by arguing for the protection or safeguarding of cultural property, community involvement (Adell et al. 2015) and diversity, the flexibility of the culture concept allows for the strengthening of hegemonic discourses. This may be seen in the growth of populist and right-wing parties in countries such as Greece, Austria, and France where cultural nationalism against the European Union is an important platform. At the time of writing, when the United Kingdom voted with a small majority to leave the Union, the stakes of culture have become even higher.

Culture and economic policies

Culture is increasingly built into the legitimation of economic measures and has grown into a pillar in the conception of economic policy. A report from 2014 concerning cultural heritage in the EU thus states:

> Cultural heritage is a significant force for 21st century Europe. Not only is it at the heart of what it means to be European, it is being discovered by both governments and citizens as a means of improving economic performance, people's lives and living environments. . . . Evidence demonstrates that relatively modest investment in cultural heritage can pay substantial dividends. These can be taken economically but also in terms of improving environmental sustainability and social cohesion.[21]

The economic (and environmental) potential of cultural heritage is highlighted in conjunction with its inherent values for identity politics. Similar to the case of regional development or food specialties, programs investing in cultural heritage are legitimized by a mix of cultural and economic factors. Another emblematic example is the initiative "Creative Europe 2014–2020." This endeavor builds arguments for extensive support measures on Europe's cultural diversity as it warrants hope for creative innovation and prospective revenues:

> The Commission noted that the Union needs to provide more attractive framework conditions for innovation and creativity. In that regard, cultural and creative sectors are a source of innovative ideas that can be turned into products and services that create growth and jobs and help address societal changes.[22]

Culture has accrued legitimating potential for stimulation packages both in the EU and between EU member states, within and beyond the creative sector. Simultaneously, there are groups of actors who hope for economic gain in associating themselves with stimuli such as the heritage conventions. This link between economic and cultural regimes of justification illustrates how legitimation gaps may require multiple points of reference to be stopped.

Crafts associations and guilds, waning as a professional sector all over Europe, have had some success in gaining distinction for their cultural property: traditional knowledge and forms of association. The French guilds have been included in the UNESCO intangible heritage list (Adell 2013). The German bakers have been trying to be nominated for this list as well; with the cultural prestige gained they hope to turn the tide in the struggle of craft breads versus industrialized baking and encourage young people to apprentice again despite the unattractive work hours (Bendix 2014). German brewers, dumpling makers, and other trade sectors line up with dossiers intended to turn their traditional knowledge into properties worthy of national and world heritage.

On the other hand, if arguments are not sufficient to garner political support, the economic potentials of culture and cultural heritage can be used to supplement the justification of a project such as the value of heritage status for tourism (Schnepel, Girke, and Knoll 2013; Salazar 2012; Camp, Eggmann, and Taufer 2015; cf. also Groth 2013). Similarly, with regional development programs the EU seeks to structurally support particular landscapes. These are landscapes which combine both the "special" as a unique trait of a region as well as the "typical" that stands representative for something larger, for the nation state or for Europe. Cultural anthropologist Reinhard Johler has demonstrated how reference to culture assists in this simultaneous differentiation and unification of landscape. "Culture landscapes" and "regional heritage" become the normative justification for funds to protect landscape (Johler 2001: 89; cf. also Johler 2002). What has been successfully used to attract tourists also assists in the acquisition of European funds, both with recourse to culture and cultural heritage. Thus, varying actors draw from the culture concept in the realm of cultural property to legitimize and foster their interests not necessarily aligned with those which are proclaimed on the surface.[23]

Culture as "soft power"

In addition to its functioning on behalf of the relation between European states and the European process of integration, culture plays a significant role for the external relations of the European Union. An early example is the Copenhagen Declaration on European Identity. Drafted amidst the first oil crisis and tensions in the Middle East following the Yom Kippur War of October 1973, the then nine member states of the EC explicitly posited the declaration as a foreign policy tool "to achieve a better definition of their relations with other countries and of their responsibilities and the place which they occupy in world affairs."[24] The development of this convention can partly be explained by the geopolitical situation of that time (cf. Hill and Smith 2000: 92). The oil-producing countries were willing to embargo the EU and the US (ibid.), creating the need for the EU to position itself with its own voice. The convention was an attempt to formulate a (in part) common European identity and to present a shared foreign policy. Accordingly, Anker Jørgensen, then president of the community and Danish prime minister, declared at the end of the summit:

> The nine countries affirm their common will that Europe should speak with one voice in important world affairs. They adopted the declaration on the European identity, which defines, with the dynamic nature of the Community in mind, the principles which are to underlie their action.[25]

Mainly framed in the language of identity, the declaration alludes to the "common heritage" and the "rich variety of their national cultures." This early example shows that the EU also

uses non-economic aspects in its external relations in order to argue for its role in the world. An approach to external relations that uses neither military nor economic means is called soft power, i.e. the ability to influence the behavior of other states in a way that is conducive to one's interests without military or economic pressure (Nye 2008). Immaterial values such as human rights, solidarity, peace, fairness, rule of law, good governance, or sustainable development are central to soft power. Its success on the international level would be determined by the ability of the EU to pursue the same goals as one might have sought through military or economic power based on these immaterial values.

The relations of Europe with the rest of the world after the Cold War have been increasingly determined by normative principles such as the immaterial values outlined above (Manners 2002). The EU shows a preference for soft power (Laïdi 2008; Jones 2009–2010) and, in their external relations, uses less military force or economic incentives and more soft power, thus working with references and justifications drawing from universal principles (Tulmets 2007; Michalski 2005). What is important is not necessarily the actual interest in pursuing such norms, but the framing and legitimizing effort as well as the pursuit of strategic goals by means of soft power. Further, distinguishing between "hard" and "soft" power as well as separating military and economic incentives from other, more "cultural" and "soft" factors is to a large extent a theoretical exercise with limits in its implementation. Crucial, however, is that the concept is mirrored in how the EU positions itself in many cultural policy debates. Soft power is in this regard not idealistic; rather, it is a foreign policy tool that can aid in the diffusion of norms, prompting countries that strive for cooperation with the EU to streamline their policies in accordance with EU norms.

Similarly, this European preference for norms can be illustrated with regard to EU cultural policy with the statement of Androulla Vassiliou, EU Commissioner for Education, Culture, Multilingualism and Youth in a 2014 press release:

> Culture is a vital part of our collective European identity and helps to underpin our shared values such as respect for human rights, diversity and equality. Cultural diplomacy is an opportunity for us to share these values and our European culture with other countries. Developing a more active and dynamic role for European culture on the international stage is one of my key priorities. Used intelligently, I believe this "soft power" can benefit the EU and its Member States in their relations with the wider world.[26]

With the treaty of Maastricht and its culture clause, the idea that culture is a means of soft power in the EU's external relations has gained a legal basis. With the European Agenda for Culture from 2007, the EU decided that the "'promotion of culture as a vital element in the Union's international relations' is one of the three strategic objectives of the European Agenda for Culture,"[27] alongside "cultural diversity and inter-cultural dialog, and culture as a catalyst for creativity."[28] Of course, soft power is not "pure": while the theoretical concept outlines a contra-factual distinction, soft power is intermingled with elements of hard power as external relations entail economic incentives via trade agreements or military cooperation as part of security policies. A clear-cut distinction between the two is, in the face of the economic and geopolitical potentials of culture for development and a broad range of industries – from media to pharmaceuticals to education – empirically improbable. However, the role of norms in the context of cultural property goes beyond mere hard power, and soft power aspects feature prominently in multilateral instruments and negotiations.

The self-positioning of the EU as a soft power and norm entrepreneur includes an element of competition that places the EU and its member states into a state of competition both with other states and their norms and their economic and military resources and strategies. In the European Parliament resolution on a "European Agenda for Culture in a Globalising World" from 2008, Europe portrays itself as the cradle of culture and universal values. Not only hard goods, but also "soft goods" like attention, the legitimacy of norms, and prestige (Werron 2012) feature in the competition between states for the ability to determine what the "right" norms are (Manners 2002: 23). States themselves, but also NGOs, civil society or indigenous groups are of relevance for the evaluation of these questions. As "universalized third parties" (Werron 2012: 339), they feature in the processes determining which norms are perceived as legitimate or just. In multilateral negotiations on cultural heritage and property as well as the resulting conventions and instruments, states calibrate their interests in terms of the direct economic effects and policy implications to be expected. However, they also consider how shared norms contribute to the enforcement and justification of their interests. Richard Kurin has argued that efforts to position culture as soft power "must go well beyond the most elite of arts and culture to the grass roots",[29] and thus benefit from cultural heritage beyond "high culture". For an understanding of EU policy with regard to culture this is an important point, as cultural policy needs to be adjusted accordingly to meet these requirements of norm alignment.

One example for the successful implementation of soft power in the realm of cultural heritage is UNESCO's first culture convention on world heritage from 1974. The influence of European norms in this convention is visible in the fact that the greatest concentration of world heritage sites is in Europe. As a result of the nomination process, mostly European monuments and sites have been inscribed on the list (cf. Eggert and Mißling 2015). This is due to how the convention frames the concept of heritage (Brumann 2014). The perception of cultural heritage enshrined in the convention (and other UNESCO policies) follows specifically European and Western norms (Hafstein 2014; cf. also Groth 2009) and adds to the prestige of the EU and its member states as well as to the legitimacy of said norms. Of import is not only the protected or safeguarded cultural heritage itself, in this case the number of heritage sites, but also – in the sense of the soft power concept – the values behind safeguarding instruments such as the 1974 UNESCO convention. In the convention's framing, these values are defined in predominantly European terms. The instrument and its normative justification position the EU as a central and successful norm entrepreneur and as the creator of crucial values in this context, as is expressed also in the Lisbon Treaty:

> Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law.

In addition, the "Faro Convention on the Value of Cultural Heritage for Society" by the Council of Europe from 2005[30] shows how European organizations make use of soft power. In the text, the link between human rights and cultural heritage is made for the first time in an international legally binding agreement (cf. Zagato 2015) with the formulation that "every person has the right to engage with the cultural heritage of their choice". Of course, such normative references for the justification or strengthening of policy are relatively incon-sequential if they are not followed by a specific implementation of norms in policy. It is easy to "do good" by arguing with norms or universal values, specifically in the context of cultural heritage (cf. Labadi 2013) and with reference to cultural or human rights.

In multilateral negotiations, external relations or in building cooperation between the EU and other actors, conventions such as the Faro framework and the norms enshrined in them can be leveraged as a strategic or rhetorical device. For an understanding of EU policy and practice in the field of cultural heritage and property, the EU's stance on culture as soft power is an important element. An example is multilateral negotiations on traditional knowledge and intellectual property in the World Intellectual Property Organization (WIPO). In this context, the EU as well as EU member state representatives stress that they are in favor of safeguarding cultural diversity and argue for the recognition of the value of culture for traditional and indigenous cultures.[31]

However, such expressions of a generalized appreciation or favoring of values can function as communicative strategies (cf. Groth 2012: 78ff.) deployed to counter demands from stakeholders. In the WIPO example, the EU foregrounds the importance of culture for economic policies and innovations, arguing that – similar to the EU's agenda on culture – culture and intellectual property rights to culture are important driving forces for creativity and innovation. Accordingly, an argument is made by the EU against the claims of indigenous groups for changes in IP law by making reference to culture and dimensions of cultural diversity, cultural creativity and cultural heritage. In applying soft power in this context, an effort is made to convince other states – mainly those of the Global South – to share the EU's preferences for cultural property rights and not demand far-reaching changes in patent law.[32] Factually, then, in this context the flexibility of the culture concept is used to argue against claims for cultural and human rights by referring to economic and developmental potentials of culture for various social sectors. Soft power, thus, does not necessarily presuppose the enforcement of "just" norms, but rather places policies in competition for the most convincing incentives while drawing from the legitimizing potential of the culture concept. This is the case for soft power when applied by the EU as a political actor in multilateral negotiations: here, EU member states have assigned EU bodies – mainly the EU Commission – to represent the interests of member states and to negotiate on their behalf. Notwithstanding, soft power can also be a means to create internal coherence within the EU, to reinforce power asymmetries or to put up resistance against the streamlining of supranational policy based on EU decisions. Especially as – following the "unity in diversity" motto – culture acts more as a mediator for distinctiveness than as a means to create common cultural elements, the culture concept is both flexible and powerful enough to work on different levels, thus being compatible for use in foreign policy, within the EU as well as in national and local contexts – both for and against EU mainstream policies.

Conclusion: Flexible culture, cultural property, and the EU

This chapter has analyzed how culture and cultural heritage are positioned in EU conventions and policy both within the Union and in the context of external relations, in terms of when and how a concept of culture is used to justify policy measures, bridge tensions between diverging interests, and bolster strategic positions with recourse to normative principles. The aspects of unity and diversity, cooperation, national sovereignty, economic policies, and soft power emerge as central dimensions within which culture and more specifically cultural heritage and property play a role in EU conventions and frameworks. The ways in which culture is positioned in EU policy has significant bearing on national discourses and processes of implementation. Policy issues and programs are framed in the language and discourse of cultural property and provide useful points of reference for their justification in various fields. Policy initiatives relating to culture itself – such as cultural heritage programs or the

protection of traditional knowledge – or to related topics – such as geographic indications or the creative industries – are partly legitimized by the EU using arguments based on culture, a common heritage, or shared normative principles. There are a number of diverging justification schemes for the regulation of culture in international instruments, including economic interests, human and cultural rights, fairness, justice, and the inherent value of culture (cf. Groth and May 2015). However, culture itself can be used to legitimize and justify policies in diverse fields, and the principles of justification made pertinent in the course of doing so are accordingly a central aspect for understanding EU cultural policy.

In the context of EU conventions and policy, the "culture concept" is thus used as a justification for diverse measures and compensates for deficits of legitimacy. The legitimizing potential of culture is not limited to economic programs for rural development, the strengthening of a European identity, campaigns for the creative industries, or the safeguarding of cultural diversity. It is further central to the external relations of the EU and European cultural policies in their international dimensions, also in the realms of cultural heritage and cultural property. The culture component in the wielding of soft power has so far not been scrutinized in depth. Several facets are of special interest in this context: the number of cultural heritage sites and the ability to secure grants or funding are relevant criteria for measuring success, but the enforcement or acceptance of norms encapsulated in conventions is relevant as well, as they carry with them the prestige of the EU as a region and the weight of the coalition of cooperating states.

Culture and cultural heritage fulfill multiple legitimizing functions in EU policy: they justify the authorized heritage discourse and mediate the tension between the need for some degree of unity in the EU and member states' insistence on diversity and national distinctiveness. Furthermore, "common heritage" and shared cultural values feature in the promotion of cooperation and mutual understanding between EU member states and citizens, enable or strengthen national sovereignty by means of cultural policy, and legitimate safeguarding measures as well as economic policies. Lastly, they function as crucial tools for external relations with regard to the EU's role as a soft power.

These functions partly contradict each other, or at least are positioned in a very diverging manner: the proclamation of unity is in contrast with the strengthening of national sovereignty and identities where unity is mostly present in streamlined forms and processes, but not in content; cultural arguments are strategically used to achieve political and economic goals; and norms or soft power are foregrounded to pressure other states towards streamlining policies. Both on the conceptual and on the terminological level, these contradictory or diverging functions are enabled by the flexibility of their framing in conventions and policies.

As they are kept only vaguely defined and are outlined in a broad sense with little context, "culture", "cultural heritage", and "cultural property" remain flexible and easy to use strategically, especially as part of soft power. They are useful because they can be connected to a broad range of different issues – e.g. cultural heritage, culture and creativity, or culture and human rights – and are able to bridge tensions between different perceptions – e.g. of unity and diversity and requirements – e.g. regarding the regulation of safeguarding measures for cultural heritage or traditional food specialties.

As concepts, they are flexible because they can denote both shared culture and distinct culture, be used as a means of differentiation between cultural characteristics on various levels (within states, between states, and between the EU and others), relate to different policy realms such as innovation frameworks, human rights principles, cultural diversity, education, intellectual property, and the creative industries. As terms, their vagueness and ambiguity keeps them open to interpretation, depending on the context in which they are used. The

semantic indeterminacy and pragmatic definition depending on context and policy dimension characterizes "culture" and "cultural heritage" as shifters – referential indexes whose reference shifts regularly, depending on the variables of the communicative context in which they are used (Silverstein 1976; cf. Groth 2012: 100ff). They are strategically deployable (Urciuoli 2000) as they can be used to refer to varying contexts of use. The indeterminacy and variability of shifters means that "culture" can, depending on context and audience, denote both the concept of a shared European or a distinct national culture, highlight economic aspects of the cultural sphere or foreground safeguarding principles.

Shifters facilitate ambiguity, which in turn brings forth differences in the implementation of cultural policy, as has been shown with UNESCO's culture conventions (cf. Bendix, Eggert, and Peselmann 2013). Shifters also provide the kind of leeway that may be unwanted in policy areas where legal certainty is required, such as intellectual property legislation in the context of traditional knowledge. Flexibility, for instance, is problematic when culture and cultural heritage have a legitimating function and are thus connected to normative principles. Shifting meaning might then decouple normative principles from action which in turn would have a temporarily adverse effect on the strategic and legitimizing functions of culture in policy contexts. Claiming the value of human rights to be inherent in the common heritage of Europe – such as formulated in the Lisbon Treaty – while at the same time pragmatically negating human rights claims in multilateral negotiations on cultural property is an example of this (cf. Groth 2012). Culture as soft power, but also as part of the other dimensions pertinent for EU policies outlined in this chapter, partly hinges on this perceived normative legitimacy of policy (but also, of course, on power relations and economic incentives). If the respective cultural policy or culture convention is perceived as unjust, biased, hegemonic, or exclusive, it loses the strategic potential it is often harnessed for, at least temporarily. A critical engagement with the uses of culture as a flexible concept for the legitimation of policies within the EU as well as in foreign policy contexts thus needs to take into account how such normative legitimacy is constructed, how contradictions between rhetorical uses of the culture concept and pragmatic implementations are glossed over, and how the interplay between local, regional, national, and supranational levels is configured. Especially in cultural property and cultural heritage contexts in as well as outside the EU, references to normative contents of the culture concept as well as its relation to issues of unity, diversity, and national sovereignty feature strongly in legitimizing policies as we have aimed to show here. How culture gains traction and is made useful as a flexible concept in a broad range of policy arenas not necessarily directly related to cultural property issues will, in the face of the pervasiveness of cultural property and heritage discourses, be a topic for anthropology for years to come.

Acknowledgements

Notes

1 The Treaty of Rome (TEEC), establishing the European Economic Community (EEC) in 1957, as one of the significant first steps towards the EU, did not include any provisions on cultural policy. A fact sheet of the European Parliament on "cultural policy" remarks that the TEEC preamble makes

reference "to culture as a factor capable of uniting people and promoting social and economic development". However, the preambular language of the treaty's unamended original version does not include this passage. (Jean Monnet, one of the "founding fathers" of the European Community, is said to have remarked that "if we were to do it all again we would start with culture" [cf. Shore 1993, 785], although Shore in a later paper points to the lack of evidence for this quote [2006, 8].)

2 Other European organizations more explicitly flagged the importance of culture for the European project from early on. The European Cultural Convention, drafted by the members of the Council of Europe (COE) (then Belgium, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden, Turkey, and the United Kingdom [cf. http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=018&CM=&DF=&CL=ENG, accessed March 10, 2015]) in 1954, obliges signatories "to safeguard and to encourage the development of its national contribution to the common cultural heritage of Europe" (Council of Europe 1954, Art. 1) in an effort "to safeguard and encourage the development of European culture" (ibid., preamble). The term "common cultural heritage" constitutes a crucial point of reference for the COE's Faro Framework Convention on the Value of Cultural Heritage for Society (Council of Europe 2005), linking cultural heritage to human rights issues and the concept of "community" (cf. Zagato 2015).

3 Like a number of other European countries, Norway is a member of the European Economic Area (EEA) which facilitates a good amount of economic benefits but is also subject to a number of European Union regulations. Other national parliaments, such as Switzerland's, have repeatedly tried to convince their citizens to join the EU and have failed to win the popular vote. Yet Switzerland, too, participates in a number of EU programs which, however, have come under great fire in the last decade, due to the enormous rise of the right-wing populist Swiss People's Party.

4 At the time of this writing, the refugee crisis caused by the Syrian civil war, the aftermath of the Arab Spring and the rise of the Islamic State in the course of 2015 has repeatedly led to border closings and thus contestation of the Schengen agreement.

5 Early anthropological studies mostly focused on small-scale local research and the links of community studies to regional and global patterns (e.g. Cole 1977; cf. Welz 2011). Now, much emphasis is placed on questions of identity formation and Europeanization.

6 There are studies on the impact of EU institutions on local identities and conceptions of place (Siivonen 2002; Frykman 2002), questions of citizenship and migration (Frykman 2008) alongside debates on cultural integration (Shore 2006), xenophophia and cultural chauvinism (Shore 1993; Gingrich and Banks 2006), and discourses of racism (Wodak and Reisigl 1999; Silverstein 2005). A growing body of research scrutinizes migration policies and their influence in the EU (e.g. Green 2013; Transit Migration Forschungsgruppe 2007).

7 Cf. https://ec.europa.eu/europeaid/policies/european-development-policy/eu-millennium-development-goals_en (checked January 23, 2017).

8 Cf. http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/community_en.pdf (checked January 23, 2017).

9 All official languages of EU member states have to be included which adds to the complexity and slowness of the process – and provides many work opportunities for interpreters.

10 Cited from "Antrag auf Eintrag einer geografischen Angabe oder einer Ursprungsbezeichnung Eichsfelder Feldgieker/Eichsfelder Feldkieker". In DE Markenblatt Heft 36 vom 05.09.2008, Teil 7a-aa, pp.46516–46518.

11 As Welz has observed, "the cultural operation of 'unmaking' heritage has hardly been theorized" (2015: 157). Dresden and the Elbe valley are a key example, proving that in contrast to the laborious and long effort required for heritage and thus cultural property making, exiting from it or being thrown out of a propertizing framework can be a speedy matter.

12 In addition to scrutinizing the pervasive power of the heritage regime and its impact on the state's relation to communities and its generation of massive bureaucracies (Bendix, Eggert, and Peselmann 2013), there have been studies looking more broadly at the interface of governmentality and EU integration (Walters and Haahr 2005) in the construction of Europe (Bellier and Wilson 2000). The increase of a European public sphere and its role contribute to understanding this complex (Eriksen 2005) as does a grasp of the influence yielded by "Eurocrats" (Shore 2013) and of the everyday culture of the European Commission and the European Parliament (Abélès 1992). A further important point is how democracy and collective identity interact (Habermas 1999), how national and regional identities interact and how inclusive an EU identity can be (Peckham 2003).

13 Cf. also the "Normative Power Europe" (NPE) concept (Manners 2002).

14 Cf. http://europa.eu/about-eu/basic-information/symbols/motto/index_en.htm (accessed March 10, 2015).
15 See "European Heritage Label, http://ec.europa.eu/programmes/creative-europe/actions/heritage-label/index_en.htm (accessed January 24, 2016).
16 See http://www.coe.int/t/dg4/cultureheritage/heritage/Identities/default_en.asp (checked January 23, 2017).
17 See http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.CE.2009.247.01.0032.01.ENG (checked January 23, 2017).
18 Cf. "European Capitals of Culture", http://ec.europa.eu/programmes/creative-europe/actions/capitals-culture_en.htm (accessed January 23, 2016).
19 "European Villages of Culture", http://www.cultural-village.com/ (accessed January 23, 2016). Martina Häußer wrote her ethnographically based, unpublished masters thesis on the German village that forms part of this group and accompanied the villagers on one such trip to France (Häußer 2013).
20 See http://www.europarl.de/de/europaundsie/politikfelderaz/kulturundbildung.html (checked January 23, 2017).
21 See http://bookshop.europa.eu/en/getting-cultural-heritage-to-work-for-europe-pbKI0115128/ (checked January 23, 2017).
22 See http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R1295 (checked January 23, 2017).
23 Cf. May et al. (2017) for case studies in the context of geographic indications for food specialities.
24 See http://www.cvce.eu/content/publication/1999/1/1/02798dc9-9c69-4b7d-b2c9-f03a8db7da32/publishable_en.pdf (checked January 23, 2017).
25 See http://www.cvce.eu/content/publication/1999/1/1/3a5ed1b6-00da-486e-a85d-88b60f05ce1d/publishable_en.pdf (checked January 23, 2017).
26 IP-14–382EN Press Release, Androulla Vassiliou, Commissioner for Education, Culture, Multilingualism and Youth, see http://europa.eu/rapid/press-release_IP-14-382_en.htm (checked January 23, 2017).
27 See http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2007.287.01.0001.01.ENG (checked January 23, 2017).
28 IP-14–382EN Press Release, Androulla Vassiliou, Commissioner for Education, Culture, Multilingualism and Youth, see http://europa.eu/rapid/press-release_IP-14-382_en.htm (checked 23 January, 2017).
29 See http://www.folklife.si.edu/resources/pdf/TS_Fall07.pdf (checked 23 January, 2017).
30 See http://www.coe.int/t/dg4/cultureheritage/heritage/Identities/default_en.asp (checked 23 January, 2017).
31 "The EU continued to believe that one of the most important achievements of the Committee had been to recognize the importance of TK, TCEs and GR to traditional and indigenous cultures worldwide. . . . It continued to support the Committee's spirit of open and responsible collaboration, and looked forward to further progress in the form of consensus solutions" (WIPO/GRTKF/IC/12/9: 10–11).
32 This also relates to the question of how notions of justice are conceptualized in such multilateral negotiations. To what extent the EU or other soft power actors are able to prevent the framing of cultural issues under negotiations as global justice issues (cf. Groth and Döpking 2015), and not as technical or procedural issues is thus another facet of soft power.

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