

Migrants: Are there level-playing or ‘level- telling’ fields in the EU labour market? (Draft)

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1. Introduction

This paper provides a short introduction to the concept of level playing field (LPF) and how it has travelled from a sporting metaphor to other social spheres to invoke the need for the setting up of common rules to achieve equality of opportunity for all. The paper starts with a discussion of some of the conceptual issues of LFP (section 2) that lead us directly to one of the most important applications of LPF in economics in general (section 3) and international trade in particular. The latter pays particular attention to the principle of LPF in the setting up and evolution of the European Union (section 4). The paper also provides case studies of the application of LPF in other areas such as education (with a focus on the role of families) (section 5), labour market (with a focus on the relationship between LPF and discrimination) (section 6) and digital media (section 7). In section 8 the paper provides some thought on the nexus of LPF and level-telling-field. The final concluding section provides some tentative general lessons emerging from the discussion of the nexus of LPF and LTF.

2. LPF: Some conceptual issues

Level playing field is a sporting or contest/competition metaphor that has been used in many areas of social science like economics and social policy. It calls for rules and regulations which would give people the same chances of success or failure, not only against each other as in a sporting contest, but more importantly in realising their potential and capabilities as well as contributing to the society at large.

The first and foremost objective of a LPF is equality of opportunity. This is summarised in the Cambridge English Dictionary (2021) definition of a LPF: ‘a situation in which everyone

¹ Comments of Roy Sommer, Michel Debruyne and Marco Caraciolo on an earlier draft of this paper are greatly appreciated. Alas, I am solely responsible for any remaining errors and omissions!

has the same chance of succeeding’ or ‘a situation in which everyone has the same advantages and disadvantages.’ Implicit in the idea of ‘same chance of success’ is fairness, which is explicit in other dictionary definitions of LFP. According to Miriam-Webster (2021) definition a LFP is ‘a state in which conditions in a competition or situation are fair for everyone.’ The idea of ‘fairness’ is central in the application of LFP in any areas of social science. Fairness should be reflected in rules to create a LFP, in application and evolution of such rules and their acceptance by stake-holders.

The idea of fairness, however, should go beyond creating a LFP. People may have the same opportunity to engage in an activity, whether it is competitive sport, setting up a company or enrolling in a school, but their chances of success or failure may well depend as much on a LFP rules and regulations governing their entry as on their abilities, endowments of resources and their general socio-economic circumstances. That is why the objective of ‘equality of opportunity’ has to be complemented by concerns over ‘equality of outcome’ in the discussion of LFP. ‘Equality of outcome,’ however, should be interpreted as ‘having a reasonable chance of a successful outcome’ rather than an ‘identical’ outcome. A simple example is the application of LFP to education sector whereby ‘equal opportunity’ rules provide access to education with graduation being one of the criteria for achieving an ‘equality of outcome.’²

Let us now turn to some of the key conceptual issues of LFP. As a sporting metaphor a LFP is fundamentally about rules and regulations governing competition, winning and losing. In a game played on a LFP everybody should have the same chances to compete and must not be disadvantaged by either an unlevel (whether defined by physical characteristics, shape, etc.) of a playing field or unbalanced rules of the game, or in application of these rules. In short, a LFP is both about characteristics of playing field as well as rules of the game played. To this we should also add characteristics of players involved. For example, consider the case of wrestling or boxing matches. Not only the shape of the playground (mat in the case of wrestling and ring in the case of boxing) and rules should not favour any contestants, their personal characteristics such as weight must be similar and within a predetermined range. Last but not least, the setting of rules and monitoring their application need an institutional

² Note that we have not included the field of education either in the equality of opportunity or equality of outcome. For example, two people enter university on equal opportunities (symmetric rule) but one graduates as in physics, the other in law. For a detailed discussion of the application of LFP in education see section 5.

arrangement and set ups that operate like various sporting bodies: clubs, associations, rule books, referees, etc.

Moreover, in order to ensure all stake-holders observe rules of LPF in different social settings there is a need for legal entities to set the rules and arbitrate in cases of dispute. That is why in many areas of economic and social management governments establish ombudsman (ombudsperson!?), quality control bodies and regulatory institutions which act as arbiters between consumers and companies or service providers as well as having the power to independently enforce rules and regulations governing a particular sector. Municipal ombudsman, financial services authorities overseeing activities of banks and inspectorates of schools, prisons, etc., are just few examples of quality control, arbitration and regulatory bodies.

Finally, heterogeneity of characteristics may well require an outcome-based LPF. In social settings a rule-based LPF has to be combined with an outcome-based LPF. The two LPFs are complementary. We may refer to rules of a LPF as the necessary condition and the outcomes as sufficient condition for the success of a LPF.

3. LPF in economics

One of the most important and well-known application of LPF is in market-based economies in which rules of ‘fair’ competition for economic agents, whether companies and firms or individuals, require that competitors abide by the same rules so that every agent and person have an equal chance of success or failure. Rules governing a ‘fair’ competition have also been applied to international trade whereby governments are required to follow the same international rules with regard to, e.g., supporting (through tax concession or direct subsidies) their industries, labour laws and environmental regulation. This involves the setting up of standards for goods produced and services delivered to consumers or end users. To ensure that rules of LPF are adhered to there is a need for agencies or organisations that monitor the activities of firms and agents to prevent anti-competitive behaviour. Similar institutions are also set up to act as arbiters in disputes between countries, firms and agents.

There is a general agreement in the economic literature on the principles of ‘free competition’ and ‘fairness’ in a LFP (see for example OECD, 2022), but there is a wide range of rules and

regulations that vary across applications of a LFP in different economic areas and in different sectors, thus leading to a vagueness of the concept of LFP in practice. (Johnson, 2020.)

Trading blocks like the European Union or international trading agreements and organisation like the World Trade Organisation are examples of institutions that promote a ‘fair’ trade among their members by setting up common rules and regulations in order to create a LFP for competition by trying to prevent countries to give ‘unfair’ advantage to their own firms and industries. In the context of international trade a LFP requires, as noted earlier, that partners not only apply the same tariff or agree on reciprocal reduction of tariff on their traded goods, promote wider market access and have consistent regulation of service sector, but also have similar approach to environmental protection, health and sanitary regulations and labour standards. (Johnson, 2020)

It is instructive to review further some of the key conceptual issues and principles in the discussion of LFP in economics; that could be applied at national and international levels. Appelman et al. (2003)³ note that the key conceptual issues in the application of LFP in economics are *asymmetry of rules* in relation to production and *asymmetry in the characteristics* of firms competing in a market. These asymmetries are equally applicable in any area where playing field is unlevel. The importance of these two asymmetries lies in the fact that they focus attention on two different objectives of LFP: *equality of opportunity* and *equality of outcome*.

The *asymmetry of rules* covers areas such as labour and environmental standards; quantity and quality standards of products; taxes, direct and indirect subsidies and other financial and non-financial support. Such *asymmetries* could lead to the *inequality of opportunity* because rules could favour some competitors or agents thus creating an unlevel playing field. To achieve the *equality of opportunity* objective of a LFP rules must be the same (*symmetry of rules*) for everybody engaged in competitive sport, for firms competing in a market, for people attending school, etc. As for the objective of the *equality of outcome* of a LFP, agents, firms, students and people in general must have the same characteristics (*symmetry in*

³ The authors’ main concerns are LFP in different markets in the Netherlands: social housing (private for profit versus non-profit corporations); vocational and higher education (publicly funded versus non-funded institutes) and companies competing in international market (difference between the Dutch and other companies in terms of tax, labour and environmental regulations) (Appelman, et al. (2003)).

characteristics) even when there is no unlevel playing field in terms of rules; otherwise there will be *unequal outcomes* due to the *asymmetry of characteristics*.

Competition has loomed large in the use of the LPF in orthodox economics which is predicated on supremacy of markets and competition. Competition in markets grants individuals and firms (or in economists' language: 'agents') similar chances of success.⁴ If firms fail it is due to their lack of competitiveness and not due to rules being stacked against them.

The above example is a case of the rule-based LPF in which the same rules apply to all firms and individuals but outcomes do not matter. This is referred to as a *symmetric rule LPF*.

In cases where firms are heterogeneous or dissimilar, i.e., differ in their characteristics (*asymmetric characteristics*) such as size, technology, access to market, etc., some firms may be operating in an unlevel playing field, in that they have advantages or disadvantages due to differences in their characteristics and not differences in rules. For example, larger firms may have better access to banking credit than smaller firms because larger firms have a bigger share of the market or have more valuable collateral such as land or machinery which increases their creditworthiness. Presence of a large firm that dominates a market could also be a barrier to the entry for newcomers to a market. In cases of heterogeneous firms simply having a LPF in terms of rules would not be sufficient to give all firms the same chances of success. Considering the size advantage of some large firms levelling the playing field would require the introduction of rules that would improve chances of success for smaller firms in sectors that they cannot compete with large firms. As noted, if larger firms have easier access to credit, banks could be required to offer credit to smaller firms on an equivalent terms as large firms, or governments required to set up a special credit scheme for smaller firms. In cases where characteristics of firms matter to the outcome of competition there is a need for an *outcome-based LPF*.

⁴ The core assumptions of a *perfectly competitive market* are: firms are homogenous in terms of their characteristics (e.g., size and technology), all sellers (firms) and buyers have full information about the market, all firms produce identical goods, all firms are price takers (no firm is large enough to influence the market), all firms can enter and exit a market freely. In this context equality of outcome is not the objective of LPF.

We should note that asymmetries are not limited to rules and characteristics in order to create a LPF. Other asymmetries will be discussed in the following sections in cases of LPFs in social areas of education, discrimination and migration.

4. LPF in the European Union

The EU as a trading block has been developed around the principles of ‘free competition’ and ‘fair’ trade under a LPF. In order to facilitate cross-border trade countries form a trading block by agreeing to remove tariffs, quotas and other trade barriers such as imposition of unilateral/country specific standards for traded goods. The objective is to create a LPF whereby no firm has a competitive advantage over other firms operating in a member country. A trading block could be further extended by going beyond free trade of goods and cover free trade in services, free movement of capital and labour, common external tariff and the creation of a single currency. The Single Market created by the EU is currently one of the most advanced examples of the integration of economies of different sovereign countries. It should however be noted that members of the EU Single Market have a wide range of autonomy in setting their internal and international economic policies subject to the rules and regulations of the Single Market. (OECD, 2021, Zuleeg, 2020)

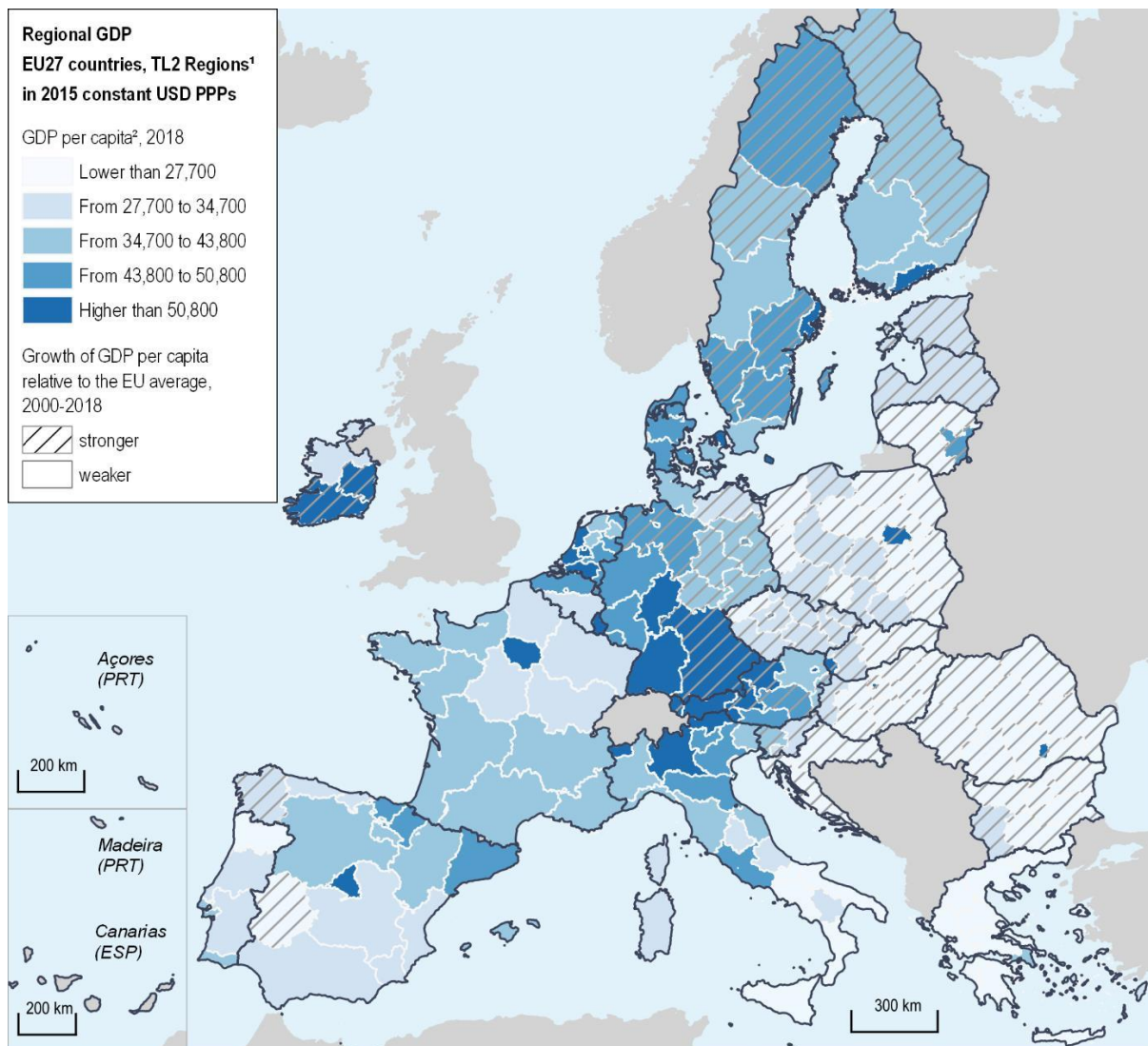
By setting up a common rule book or *symmetric rules*, the Single Market has tried to overcome the *asymmetry of rules* across the member states in order to create a LPF for firms and economic agents to have ‘an equal opportunity’ to operate in different EU countries.

Would a LPF lead to ‘equal outcomes’ for all member states and their population? The answer to this question lies in the second principle of a LPF: ‘*asymmetry of characteristics.*’ Competition rules would not guarantee an equal outcome for countries in a trading block in the same way that competition rules would not lead to equal outcomes for firms and economic agent within the national borders. Countries are dissimilar in terms of their history and social development, natural and human resources, economic structure, etc. Such *asymmetry of characteristics* has important implications for the relative gains or losses after joining a trading blocks. In the context of *asymmetry of characteristics* in a trading block the question of ‘equality of outcome’ turns into one of convergence of economies; according to which some specific firms or sectors of member states may lose or gain after joining a trading block, but the economy of member states should grow overtime. As a consequence, it is

expected that the per capita income of member states should converge to the average per capita income of the trading block.

An OECD study (Pina and Sicari, 2021) of regional economic difference in the EU revealed that there are wide disparities within and between countries. Figure 1 provides a snapshot

Figure 1. GDP per capita across different region of EU27 (2018, current US\$)



1. Territorial Level 2 (TL2) refers to large regions, as defined by the OECD classification of geographic units. These categories correspond with Eurostat's NUTS 2 classification, with the exception of Belgium and Germany where the NUTS 1 level corresponds to the OECD TL2.
2. Each of the five GDP per capita groups represents about one fifth of the EU27 population.

N.B. Regional boundaries are not the same as country boundaries and each member country may consist of regions with different levels of GDP p.c.

Source: Pina and Sicari (2021), figure 1, p. 8.

view of these differences. GDP per capita (p.c.) in the richest regions are 3 times higher than those in the poorest ones. The richest regions lie mostly in southern parts of the Republic of Ireland, south western Germany, northern Italy, Austria, Paris and Madrid. However, the poorest regions that lie mostly in the new member states in Eastern Europe have demonstrated the strongest growth of GDP p.c. across the EU. Only time will tell whether such growth rates are evidence of convergence forces at work. Evidence from low income (lower than \$27,700 in figure 1) and lower middle income (from \$27,700 to \$34,700 in figure 1) regions in the older southern European member states of Spain, Italy and Greece and even some regions in the north and central France and southern Belgium indicate that convergence may well be cyclical. An initial period of convergence could turn to divergence if converging regions cannot maintain and turn the momentum of one-time static gains from trade to a virtuous cycle of a dynamic growth path. The latter requires adaptability and flexibility to cope with changing technology, markets and competition; that usually comes with close cooperation between state and market in areas of, *inter alia*, training and education, investment in infrastructure and new technology; and building and strengthening social policy foundations for a growing economy has been a precondition for a dynamic growth path, judging by the experience of, e.g., the Northern EU countries, South Korea, Japan.

An important implication of disparities in the EU is whether population has become more mobile as a result of removal of barriers to free movement of labour and the existing and changing disparities and inequalities across the EU?

The flow of migration has closely followed the ebb and flows of economic development in member states since the inception of the European integration under the Treaty of Rome in 1957 and its subsequent deepening that culminated under Maastricht Treaty of 1994 leading to the creation of the Single Market. The main expansion of membership was to the South in the 1980s (Greece, Portugal and Spain) and to the East since the 1990s. The economic disparities among member-states and shortage/demand for labour in richer countries in the North were the main drivers of these migratory movements. In the 1950s and 1960 the major flows were from South to North and from outside Europe (Turkey and North African countries of Morocco, Algeria, Tunisia; the Caribbean countries and islands and the Indian subcontinent). In the 1970s and 1980s migration within Europe, e.g. from Italy to Switzerland (a non-EU country) and from Southern countries to Northern countries, were the dominant

flows. (Haas, et al., 2019) Since the 1990s and the accession of Eastern European countries the intra-EU migration flow has been mainly from East to West.

The most basic conditions for a LPF in order to integrate the labour market of member states included non-discrimination on the basis of nationality, freedom to move across international boundaries and removal of the need for a permit to work in another member state. Initially Article 7 of the Treaty of Rome banned discrimination on the basis of nationality. By 1968 most legal restrictions on movement of workers were dismantled and the need for work permits was removed. (Raines, 2000, p. 12)

However, a LPF across national boundaries is not simply about an ‘equal opportunity’ to move or the need to obtain a work permit at destination. Differences in professional certificates and required qualifications to work, language, cultural and social barriers, restrictions on family re-union, restricted access to social security, etc., will effectively un-level the playing field in the labour market for most migrant workers. Some of these differences could come under ‘*asymmetric characteristic*’ of migrants (e.g. language, culture, and perceived ‘colour of skin’ and ‘race’), whilst others could be labelled as ‘*asymmetric characteristics of countries*’ (e.g. social security and family reunion laws, educational and professional certificates). The Single Market project has tried to overcome some of these asymmetries through the harmonisation rules and laws governing educational and professional certificates, access to social security and health services, access to child support services, etc., across the member states.

5. Case study I: LPF in education⁵

How to achieve the goal of inclusive and equitable quality education for all children we need to address several aspects of LPF in education, including the role of families and their heterogenous characteristics. The law could stipulate that there must be a *symmetry of rules* with regard to access to school thus ensuring a level playing field without any discrimination, for all children. Symmetric rules for accessing schools however would not guarantee attendance because some families may not have the necessary means to send their children to school or schools may not be available in all areas. This is a case of *asymmetry of socio-economic characteristics* of family and *asymmetry of availability* that leads to an unlevel

⁵ This case study is based on Messkoub (2016).

playing field.

In a survey of equality issues in comparative education, Farrell (2003) refers to several areas of equality:

'1. Equality of access – the probabilities children from different social groupings getting into the school system... 2. Equality of survival [completion]- the probabilities children from various social groupings staying in the school system to some defined level, usually the end of a complete cycle (primary, secondary, higher). 3 Equality of output – the probabilities children from various social groupings will learn the same things to the same levels a defined point in the schooling system. 4. Equality of outcome – the probabilities children from various social groupings will live relatively similar lives subsequent to and as a result of schooling (have equal incomes, have jobs of roughly the same status, have equal access to sites of political power, etc.)'.
(Pp. 156 – 157; my emphasis)

Whilst 1 – 3 are concerned with the schooling system, 4 is more about life chances that are dependent on the schooling system but also broader social and economic structures, availability of jobs and labour market conditions, importance of meritocracy in any country and transparency of recruitment system, control of elite and privileged groups over the social and economic life of the country, inter-generational transfer of power, inequality and poverty, racial, ethnic and gender discrimination, etc.

Equality of access is a question of availability of schools, at different levels, in the right areas with respect to demand, economic and social circumstances of children to access them, and legal and institutional norms and practices to enroll and attend schools. Over time there has been improvement in school enrollment and attendance in almost all countries around the world, with the enrollment being closely related to the level of per capita income of a country.

Enrolment ratios could be high but truancy, dropping out, failure and interruption could all contribute to the poor '*survival*' or *completion* of an educational cycle (primary or secondary) with very negative impact on children's educational achievements and their life chances. However, through appropriate social policies and devoting resources education it is possible

to level the playing field to achieve equality of opportunity and minimizing inequality of outcome. In general, the higher a country's rates of per-capita income, the higher are the rates of completion. (Farrel, 2003)

What role do families play in achieving these goals? To answer this question, we need to address the role of family across all four of these equality issues. A family's ability to provide a safe and nurturing environment to meet a child's physical and psychological needs would have a significant influence on child's ability to perform well at school. That however would depend not only on families' economic resources, but as crucially on their social and cultural resources, such as the education of parents (especially mother), commitment and time devoted to child's informal (what might be referred to as upbringing) and formal education.

Families may have problems to send to or keep their children at school because of availability of schools, family resources, the opportunity cost (in terms of loss of labour and possibly income) of sending children to school, religious and cultural prejudice especially in relation to female education, relevance of education in relation to the expectation of parents, and religious, linguistic and ethnic discrimination. This is fundamentally about the *asymmetry of characteristics* of families that introduces an un-level playing field to the question of access and attendance of school.

As for the *equality of output* or learning outcomes, the question is why 'children with the same numbers of years of schooling (thus with equal access and equal survival [completion]) may have learned quite different things, or the same subjects to quite different levels.' (Farrell, 2003, p. 161). The evidence suggests, according to Farrell, that social origin (poverty, gender, rural origin, social status) matters. Yet, the poorer the country 'the less the effect of social origin on learning achievements, and the greater the effect of school related (and thus social policy directed) variables.' (Ibid.) That in turn points to the *asymmetry of characteristics* of countries, schools and educational policies.

As for the *equality of outcome*, in the sense of return to education, the evidence is more complicated. Because return to education not only depends on the labour market conditions but equality of access to it as well as family economic and social resources; this is a question of *asymmetry of family and social characteristics*. In a growing and diversified economy those with (and better) education in general have more opportunities, other things being

equal, than those without education. But ‘other things being equal’ crucially depends on the institutional framework of ‘equal opportunity’ with respect to gender, racial and ethnic origin, disability, social class, etc.

What emerges from the above discussion is that in order to achieve the objectives of equality of access, completion, learning outcome, and employment/work outcome of education, as a first step a combination of family resources to ensure effective demand (nominal demand backed by economic resources) for education and a stable and improved supply of education are needed. Improving family resources through judicious policy on both demand (e.g., cash transfer and abolition of school fees) and supply side are important. There are also ranges of cultural and social prejudices (e.g., gender, ethnic and religious discrimination) that have to be addressed at the level of family and at national level.

What this case study demonstrates is that creating a LPF to achieve the goal of inclusive and equitable quality education goes well beyond to *symmetry of rules* to access education. A LPF has to address several other areas – *survival, output and outcome* – that deal with *asymmetry of socio-economic characteristics* of individual students, families as well as addressing LPF in the labour market.

6. Case study II: Discrimination, unequal opportunity and *unlevel playing field* in the labour market⁶

Discrimination in employment practices by firms and more generally in the labour market is an important area for the study of level playing field.

It is useful to start with the ILO convention 111 which defines discrimination as:

‘Any distinction, exclusion or preference, made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.’

⁶ This section is based on Messkoub and O’Reilly (2015).

An important aspect of this convention is that it is concerned with the ‘effect’ of discrimination, whatever the ground, on ‘equality of opportunity in employment and occupation.’ (My emphasis.) At the outset we should note that we must assume that ‘equality of opportunity’ is applied at every stage of employment starting with recruitment, training/probation, placement (or job position), promotion and retirement. In other words the concept of ‘equality of opportunity’ should cover the whole spectrum of working life with one or several employers, otherwise we need measures to ensure ‘equality of outcome’ as well.⁷

Discrimination on the account of gender, race, age, disability, migration status, ethnicity, etc., has been an important source of an *unlevel playing field* in the labour market. Struggle against and opposition to such discriminations which have undermined equality of opportunity for large groups of people have led to legislations to create a *level playing field*.

Equality of opportunity legislations and regulations are attempts to deal with *asymmetric rules* (e.g., discrimination in law) as well as *asymmetric practices* that stem from various social, cultural and ideological practices (e.g., patriarchy) and prejudices (e.g., racism). Equal opportunity legislations also try to address perceived *asymmetric characteristics* of people such as race, class, ethnic origin, gender, etc., which are the grounds for discrimination. To level the playing field for people who are discriminated against positive discrimination or affirmative action are often introduced to counter the negative effect of discrimination. Examples of affirmative action include preference for women or ethnic minorities in recruitment provided that they are qualified for the job or stipulating that share of women or ethnic minorities in certain profession such police forces should reflect their share in total population.

⁷ This is comparable to the earlier discussion on ‘equality of opportunity’ in education that should not be limited to a LPF and non-discrimination at the point of entry.

7. Case study III: Level Playing Field in Digital Media in Canada⁸

The digital advertisement platforms in Canada at the turn of the century was dominated by Google and Facebook who between them control between 60 to 90 per cent of the market. Their market dominance reveals a clear case of market failure in digital advertising; that in turn has undermined the competition in the market to supply and distribution of news in Canada.

The tech-giants control the digital advertising market through their advertising technology or ‘*adtech*’ for short. *Adtech* is ‘the software, systems, platforms, and tools used by publishers, advertisers, and other parties to buy, sell, and manage digital advertising’. Tech publishing platforms use ‘ad tech stack’ which is a ‘selection of various ad platform and tool components ... to accomplish objectives within [its] advertising ecosystem’. They use ‘ad tech stack’ to optimise advertising revenue. (AdButler, 2021.)

By controlling ‘ad tech stack’, tech platforms like Google ‘to intermediate between ad buyers and sellers ... [and] dictates the prices and keeps the difference for itself through its control of the exchanges in advertising markets on both sides of the transaction.’ ‘To cement its market power, Google has made its ad tech stack inoperable with other potential intermediaries, shielding them from competition.’ (News Media Canada, 2020)

Using their technological know-how and sheer size (a case of *asymmetric characteristics*) the tech giants have created an unlevel playing field that prevent competition in the distribution not only advertisement but also news and information.

Unlevel playing field in broadcasting and dissemination of news, however, predates the digital age. Control of news and information channels in different formats – public announcement, proclamations, religious sermons, printed works, radio, television, etc. – have been based on the unequal distribution of economic and political power. Censorship of news, language and thought have been the most blatant and sharpest tools of power and control to create and manage the unlevel playing field in broadcasting and dissemination of news and culture. It in this unequal world that digital media and tech giants entered and fashioned their

⁸ This case study is based on News Media Canada (2020) Levelling the Digital Playing Field. September.

own control (or lack of it in the case of fake and unsubstantiated news) over dissemination of news, propaganda, marketing and advertisement.

In Canada a collective of news media stakeholders has argued that ‘[c]redible news is central to ensuring accountable politics, successful elections, and is essential to democracy.’ (News Media Canada, 2020, p. 5) and have made recommendations, following similar demands in Australia, to bring back some measure of competitiveness to the market in digital media:

‘Expanding the intellectual property rights publishers have over their content (and user data) and requiring platforms license such content before using it.

Ordering platforms and publishers to negotiate and set fair market prices for licenses, including allowing publishers to collectively bargain against platform market power, and arbitration if no voluntary deal is reached.

Require digital platforms to disclose to publishers ‘data on the publishers’ audience and prohibiting retaliation against publishers, such as by blocking their content, with the legal authority to impose large fines for such violations.’ (Ibid., P. 5.)

To challenge the asymmetric power of the tech-giants publishers have called for the regulation of the market in order limit the power of the tech companies to manage and control advertisement through their ‘ad tech’ and ‘ad stack tech’. This would allow traditional players in the advertisement market, such as the print media and their digital platforms to compete for the advertisement market. Writers, journalists and newspapers have also tried to protect their intellectual property rights by challenging reprinting of their work on digital platforms without compensation.

What emerges from this case study is the combination of collective approach of those affected by the unlevel playing field of asymmetric power and their call for legal and regulatory frameworks to level the playing field.

8. From a LPF to a *Level-Telling-Field* (LTF): some preliminary observations

The starting point of a LTF according to the Opportunities research project is having ‘playbooks and mechanisms for an open, constructive, and productive debate – the cornerstone of a democratic, pluralistic, secular society.’ (Gebauer and Sommer, 2021, p. 36)

It is helpful to delve into some of the linguistic foundations of the concept of ‘telling’ and its implications for the variety of ‘telling’. ‘Telling’ by definition requires sounds or voice (voz). Voice is also defined as ‘utterances or expression of feeling.’... ‘the expressed opinion or judgement, will, or wish of the people.’ (SOD, 1973, Vol. II, p. 2486) As such, voice is first and foremost about communication. Voice as a means of communication however takes many forms and ironically does not even need any sounds. Means of communication are essentially symbols that the two sides of a communication should share and understand. That is how languages have developed as means of communication between people not only on a day-to-day basis but in other areas of human activities and culture such as music, dance, visual arts (e.g. painting, photography, cinema).

A LTF is by definition a social matter and therefore a matter for public sphere where opinions are expressed and public opinion is formed. Public sphere is a product of enlightenment, industrial revolution, development of capitalism and commodity production, and the formation of nation states. These developments in the 18th century have contributed to the creation of a sphere of social life in which people (mostly men) of middle-class background like artisans, craftsmen and traders and enlightenment intelligencia would gather in different settings (e.g. coffee houses, trade guilds and associations, secretive organisations like freemasons) to discuss matters of politics, law and democracy. (Habermas, 1962 (1989)) It is important to note that the concept of ‘public’ in the pre-modern era was about public declarations and publicity by sovereign rulers, feudal lords and in general people in power. (Ibid., ch. 1) The key elements in the formation of public sphere have been social gatherings in private (e.g. at home or in secret societies) and in public (e.g. coffee houses), public debates, horizontal communication among the emerging middle-class, artists, authors and intelligencia in general in their social gatherings and through print media of journals, pamphlets and later newspapers. These elements of a social sphere also acted as the echo-

chambers for the spread of the views, news and opinions that in turn led to demands for change not only in the way that rulers governed but limits to that power and the areas in which power was exercised. The importance of the public sphere is in its potential and actual impact on the activities of the state – rule setting and policing and in general policies to control and manage a society. It is in this process of authorisation and legitimation of the state power that ‘public opinion’ enters the discussion. ‘The public sphere is the realm of social life in which public opinion is formed.’ (Edgar and Sedgwick, 2002, P. 90.)

In the 21st century and in the age of information technology and ubiquitous social media the echo chambers of social media exert a huge influence on the formation of ‘public opinion’, irrespective of veracity, accuracy or reasonableness of claims made. It is in this field of facts and ‘alternative facts’ that migrants have to claim their space if a LTF were to be established. Migrants’ stories about themselves and what they desire and want have to be repeated and retold by themselves and others for these stories to enter public imagination which can be viewed as a cultural success.⁹ A LTF succeeds, in terms of an attempt to achieve equality of outcome, if it manages to contribute to the formation of a ‘public opinion’ in understanding migrants’ views and formation of a positive view of migration.

The question is whether voices can be heard, listened to, being taken note of and being part of a dialogue/discussion/conversation. And above all, ‘would voices be acted upon?’ In other word, the question is how much space do migrants have to tell their stories, and who hears them. These questions are in part related to the nexus of language and policy. The equality of outcome of a narrative is partly about popularity of stories. Popular stories, for the wrong as well as right reasons, shape public opinion and pave the way to changes in attitude, working relationships/practices, policies, etc. These are all part and parcel of the issue of the equality of outcome of a LTF.

In a LTF people should have the freedom to express themselves in all areas of human activities. This is equivalent to having an equal opportunity in a LPF, which is the beginning of the process of a LTF. *Symmetry of rules* for a LTF is as much about rights as it is about rules/laws against discrimination and creation of a culture of tolerance and more importantly

⁹ I am grateful to Marco Caraciollo for suggesting ‘popularity’ in terms of re-telling and repeating a story as one of the criterion of success of a narrative and a condition for equality of outcome in a LTF.

understanding and coexistence. Note that ‘understanding’ goes beyond ‘toleration’ in so far as a debate or coexistence are concerned. The context of ‘toleration’ has always been the balance or exercise of power (or lack of it). ‘Toleration’ literally means: ‘1. The action of sustaining or enduring; endurance (of evil or suffering). 2. The action of allowing; permission granted by authority. 3. The action or practice of tolerating or allowing what not actually approved. 4. Allowance (with or without limitations), by the ruling power, of the exercise of religion otherwise than in the form officially established or recognised.’ (SOD, 1973, p. 2320) Any variation of the definition of ‘toleration’ reveals the negative connotation of the act of ‘toleration’.

As noted, balance of power (or lack of it) is central to an act of ‘toleration’. In its original meaning ‘toleration’ is exercised by those in authority and power. Lack of power also could lead to toleration of power and authority; that could be interpreted as defeat in the face of power. However, tolerating power could be combined with various acts of non-cooperation and passive resistance until the balance of power shifts in favour those without power.

‘Understanding’ as opposed to ‘toleration’ implies acceptance of views and actions of ‘others’, in this sense the act of ‘understanding’ is not only more democratic, it may well help the process of convergence of views and actions and create a more democratic social space for dialogue and coexistence. A similar dynamic could be envisaged for the act of ‘toleration’; if overtime ‘tolerance’ were to embed itself in the dominant authority’s culture leading to the ‘understanding’ of the ‘other’. However, it is equally likely that those in authority and power may return to intolerance once they feel that they have the power to be ‘intolerant’. The recent history of populist and conservative attacks on the long fought democratic rights of women to control their body (e.g. abortion rights) or conservative attacks on the ‘woke’ culture of black and ethnic minorities who struggle against discrimination are just a few examples of how ‘toleration’ has to be protected by continuous struggle and resistance in order to lay the groundwork for ‘understanding’ that should be reflected in laws as well as broader social and cultural interactions and practices.

Migrants and ethnic groups may have their own space to practice their religion, language and culture which has been typical in multi-ethnic, multi-religious and multi-language empires (e.g. Ottoman, Russian, British, French,...) but this has not resolved the tension among different groups, perhaps deliberately designed not to, because the ruling elites of different

ethnic groups were happy to rule their ethnic subjects of the empire in their own language, religion, culture and tradition to further their narrow personal or family/clan/tribal interests under the umbrella of the empire.

For a LFT to go beyond ‘tolerance’ of and ‘listening’ to different voices it should lead to policy dialogue on the rights of migrants in order to achieve the transformative impact on the convergence of cultures that we all desire. That is about ‘*the equality of outcome*’ following the ‘*equality of opportunity*’ of a LTF.

9. Conclusion

The LPF as a sporting or contest/competition metaphor is first and foremost about the *equality of opportunity*. Its application in many areas of social science like economics, education, discrimination and digital media has tried to delineate areas that act as barriers to entry, realisation of capabilities and competition in a market economy. Any person who fulfils the criteria of success in a social setting in which a LPF has been established, whether it is, e.g. an educational establishment or the labour market, can claim victory. A victory that in the social sphere is considered not only morally just but it is backed by an institutional and cultural infrastructure of certificates, titles and commendation, just like any sporting game. You deserve to get rich or succeed in education if the playing field is level. Initially the *symmetry of rules* is the only thing that matters. A LPF however has to address the fact that contestants and participants would enter the field with different characteristics and capabilities. Such *asymmetry of characteristics* could effectively *un-level* the playing field, eroding the moral and practical justifications of *symmetry of rules*. Hence *equality of outcome* has to enter the discussion of a LPF. Whilst the *equality of opportunity* may be considered as the necessary condition for the success of the LPF, the *equality outcome* may be viewed as the sufficient condition for its success. That is why a range of policies have been developed to ensure that people’s chances in different areas like business, education and the labour market are not compromised because of their social and economic background and characteristics.

In extending the concept of LPF to a LTF on the narrative of migration we are confronted with similar challenges of *symmetry of rules* and *asymmetry of characteristics*. The former

sets the rules and creates the space for a democratic debate where different voices can be heard. But to overcome the *asymmetry of characteristics* inherent in any applications of LPF in order to achieve some degree of equality of outcome a LTF has to lead to actions, laws, policies etc., to support migrants' human and social rights. The Appendix provides a tentative list of unlevel playing fields confronting migrants that has to be dealt with by appropriate policies. The discussion of these policies will be the subject of a subsequent paper.

Appendix

A checklist of unlevel playing fields for migrants (in no hierarchical order):

1. Language proficiency for employment (Symmetric rules for recruitment?)
2. Educational certificates (Asymmetric rules: foreign certificates not accepted for work?)
3. Knowledge of rules and regulations (Asymmetric access to information?)
4. Cultural differences ('what to do?' and 'what not to do?', 'How to fit in?' ...)
(Asymmetric rule/cultural 'know-how', 'skills', and 'behaviour'...?)
5. Gender discriminations (Asymmetric rules?)
6. Racial discriminations (Asymmetric rules?)
7. Institutional/unintended discriminatory rules (Symmetric rules? E.G., everybody must pay into a national insurance fund to qualify for a state pension, but asymmetric outcome because migrants who start working later than natives build up fewer qualifying years to a pension and therefore receive less pension.)
8. Transfer of social security and other welfare rights in absence of international or bilateral agreements/treaties. (Symmetry if agreement – migrants and natives treated the same; or asymmetry in absence of agreement – migrants are treated differently compared with natives)
9. Access to welfare support (Symmetry of rules -note EU rules for access to social services for EU migrant workers)

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