

A question of impact – EU citizenship without citizens?

Citation for published version (APA):

Sierp, A. (2010). A question of impact – EU citizenship without citizens? *Open Citizenship*, 1(1), 6-27.

Document status and date:

Published: 01/01/2010

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

www.umlib.nl/taverne-license

Take down policy

If you believe that this document breaches copyright please contact us at:

repository@maastrichtuniversity.nl

providing details and we will investigate your claim.



a QUESTION OF IMPACT – EU CITIZENSHIP WITHOUT CITIZENS?

Aline Sierp

The concept of citizenship is highly contested. There has always been considerable debate, not only on the European level but also within nations, on what citizenship means and the rights and duties it entails. A vast literature exists dealing with those questions. Most studies on citizenship, however, are to a large extent theory-driven and concentrate on the difference between national and post-national citizenship, the lack of a common identity and the question of whether a demos is needed in order to secure support for an entity that has only a limited statehood. Few look at the actual implementation of the citizenship concept and the practical implications it has on the individual level. This paper tries to fill this gap by analysing the question 'Does the existence of an EU citizenship make a real difference to the lives of the citizens of the European Union?'

Keywords: citizenship, demos, European Union, identity

Introduction

Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

(The Treaty of Amsterdam, Article 2 (9),
ex Article 8 (1))

The idea of EU citizenship is not a new one. First discussed in 1972, it acquired official status only in 1993 with the *Treaty on European Union* (TEU). Its main purpose was to enhance the legitimacy of the EU and make its benefits more tangible to its citizens. Opinions on the significance of the concept and its impact on the European Union, the different Member States and the individual citizens, vary significantly. Some experts argue that EU citizenship does not add anything to the rights and duties national citizenship already confers. Others think that EU citizenship opens up possibilities for additional levels of participation and supplements the legal status granted by national citizenship. The concept of EU citizenship introduced in Maastricht disappointed on the one hand those who wanted a more federal polity, wished to break the mould of the nation-state and dreamed about the creation of a global citizenship tied to human rights rather than to national sovereignty. To those who see the EU more as an intergovernmental body and believe that citizenship



Aline Sierp is a PhD candidate in European and comparative politics at Università degli Studi di Siena, Italy, writing her dissertation on ‘Constructing the Past – Shaping the Future: From a National to a European Memory Framework’. She is also author of various publications dealing with, among others, European and national memories.

can only be exercised within sovereign states, EU citizenship on the other hand appeared to be excessive and threatened to undermine rather than to reinforce the legitimacy of the current arrangements (Habermas 1992). There is similar discussion about the question if having something like an EU citizenship is at all necessary, if it is possible to have EU citizenship without having an European state and if a European *demos* is needed as a basis for EU citizenship.

Attempts at a definition

Defining citizenship is not easy since it is often confounded with other concepts, such as nationality, ethnicity and identity. Its definition beyond that varies between states and historical periods. Held (1991) for example sustains that citizenship is characterised by a ‘membership of a community involving a reciprocity of rights against and duties towards that community’ (20). Kostakopoulous (1996) and Tilly (1996) describe citizenship as ‘a set of mutual, contested claims between agents of states and members of socially constructed categories: genders, races, nationalities and others’ (6) that define a community of concern and engagement.

Depending on whether more importance is given to the input (a collection of rights) or the output (a bundle of political powers) dimension of citizenship, it can be defined more as a legal or as a political concept (de Lange 1995). Cotta and Isernia, in their paper ‘Citizenship in the European polity: questions and explorations’ (2008), split the concept of citizenship into horizontal and vertical dimensions in order to get closer to a satisfactory definition. The horizontal dimension includes membership, or the pool of eligible citizens; the vertical dimension has an input (the right of citizens to act) and an output (the right to certain entitlements) component. Cotta and Isernia’s analysis follows the widespread idea that ‘citizenship is a legal condition of a varying extent, which can neither be defined *a priori*, nor can it be split up entirely into various rights or duties’ (Romano 1988: 66).

If citizenship already seems difficult to define, then one

can imagine the difficulties of analysing such a hybrid concept as EU citizenship and the implications its existence has for EU institutions on the one hand and its citizens on the other. One of the main problems in this context is the fact that definitions, as the ones given above, are all based on a traditional understanding of citizenship built on the nation-state construct. Let us have a closer look at this.

European Union citizenship versus national citizenship

The idea of citizenship has traditionally been linked to the nation-state. This makes it difficult to maintain an integral view of citizenship without referring immediately to the nation-state as well. European Union citizenship finds itself to coexist and at the same time compete with well-established national definitions of citizenship, in which feelings of national solidarity and trust constitute an important base. According to many citizenship theories (see for example Dahl 1989), it is especially the feeling of sharing a common history and certain values that leads citizens to consider they possess a common fate and thus to internalise the demands of justice. The EU with its lack of statehoodness, its fragile European identity whose symbols of nationhood lack resonance within a shared European culture, history or values, its missing public sphere and *demos*, is not easily collocated within the traditional concept of citizenship. What is often forgotten in this context is that citizenship converges with but not coterminous with nationality. It might therefore simply be an ill-suited framework for such a post-national concept like EU citizenship. This idea has been expressed by several scholars. According to De Lange (1995), the legal and political framework of the EU has not been constructed for citizenship in the traditional sense of the word. It might be more of what Fleming (1997) calls a 'functional citizenship', which is instrumentally related to material benefits and rights and not so much an 'affective citizenship', rooted in nationality centred emotions and conditions.

Whether the traditional idea of citizenship is an appro-

priate category for understanding the concept of EU citizenship gives way to another question: Why does the EU need its own citizenship? Is being a citizen of one of the Member States not enough?

The scope of EU citizenship

The late 1980s witnessed a renewed interest in questions of citizenship due to perceived dangers to social cohesion, civic responsibility and democratic accountability coming from extreme right movements, religious fundamentalism and globalisation. It became more and more obvious that citizens had started to see themselves as members of a specific racial, ethnic, linguistic, religious or gender subgroup, that they were increasingly motivated by sectoral-, identity- and issue-based concerns and that they were joining more easily a range of subnational and transnational alliances. At the same time a number of political, ideological, religious and ethnic ties started to operate below or beyond the national states, competing with and diluting any sense of a purely national identity and helping to increase the participation of citizen in a number of overlapping structures of governance (Isin & Wood 1999). As a result of those developments, it was felt that the greater interconnectedness among states and the social differentiation within nations as well as the enhanced heterogeneity at regional and local level required a new concept of citizenship, which went beyond the traditional national definition.

Those developments increased the general impression that national representatives alone cannot provide solutions citizens seek since the sovereign power of national governments started to get supplemented and partially displaced by multiple sub- and transnational levels. Another kind of citizenship comprising horizontal and vertical dimensions (see 'Attempts at a definition', above) was needed to accommodate new demands on the one hand and to re-engage citizens, who had increasingly become uninterested and disenchanted with politics, on the other hand. More attention started to get paid to the idea that citizens have to feel like taking part in the Eu-

European integration process in order to ensure enough consensus for it to proceed. EU citizenship tries to reach those goals by facilitating multiple membership and by opening up the possibility for citizens to become active in new spheres and in novel ways (Bellamy 2001). Some scholars sustain that it even offers the opportunity to induce constitutional developments at the national level by creating differentiated means to attack structures of inequality and combat social exclusion (see for example Kostakopoulou 1998).

EU citizenship certainly includes rights that go beyond the ones offered by the national state. There are four major rights laid down in the *Treaty of Maastricht*, which were amended slightly in the 1997 Amsterdam Treaty:

1. the freedom of movement and residence within the EU;
2. the right to vote and stand as a candidate at municipal elections and elections to the European Parliament in the Member State in which he/she resides;
3. the right to diplomatic or consular protection by any Member State in the territory of a third country and
4. the right to petition the European Parliament and apply to the Ombudsman.

All of these rights have a different impact on the lives of the individual citizen: The right to free movement is supposed to promote mobility and does recognize and encourage the direct relationship between citizens and the EU because it overlooks the restrictions posed by the borders of the national state. As O'Leary (1998) puts it: 'The more mobile people are, the less useful nationality is as a reference point and the basis for the enjoyment of a whole range of socio-economic, civil and political rights' (105).

The right to participate in local and European elections on the basis of residence enhances the individual legal status of EU citizens and is supposed to stimulate greater political participation across borders and in a European context by dissociating political participation from Member State nationality (even though this right affects only 2.3 percent of the Union's population living in another state, Eurostat 2009).

The right to petition probably has the biggest impact on EU citizens. It gives ordinary people the ability to establish a direct relationship with the EU.

The last two provisions are not linked to free movement within the EU, highlighting the idea that EU citizenship implies more than merely economic rights. The right to diplomatic or consular protection underlines the responsibility every Member State has to protect every EU citizen regard-

less of national origin. The right to petition probably has the biggest impact on EU citizens. It gives ordinary people the ability to establish a direct relationship with the EU, allowing them to raise their voice against Community institutions or their own Member State and its counterparts. It fosters direct participation, helps to ensure that citizens are not denied the social and civil rights that the law and public policy confer to them and gives practical substance to the concept of citizenship (Gregory & Giddings 2001).

Parts of the citizenship rights in the classic sense also encompass social rights (education, health care, etc.), in which the EU has only limited competencies. In this context one therefore has to keep in mind that in addition to the rights that stem directly from Article 20 (ex Article 8 of the TEU) of the consolidated version of the TEU 2008/C 115/01 (hereafter, TFEU), there are other rights implied in EU citizenship, which are not obvious at first glance. EU citizenship gives citizens entitlements and protections that they would otherwise lack depending on the state they live in. This is the case for example regarding environmental policies, consumer protection and public health issues. Art. 18 TFEU and Art. 19 TFEU provide that EU citizens shall enjoy the fundamental rights guaranteed by the Court of Justice (such as protection from discrimination on grounds of nationality or sex). Art. 224 TFEU includes the provision on the importance of political parties at the European level and Art. 14 TFEU the establishment of a uniform electoral procedure for European Parliament elections. Social protection in particular becomes an issue in this context because national governments can no longer decide on whether certain non-nationals are entitled

THE DEVELOPMENT OF EU CITIZENSHIP

The *Open Citizenship* editors

1951

Treaty of Paris establishes the European Coal and Steel Community, which allows for freedom of movement within the Community for coal and steel workers.

1957

Treaty of Rome creates the European Economic Community, extending free movement in the Community to economically active citizens.

1992

Maastricht Treaty introduces EU citizenship as a distinct concept guaranteeing additional rights.

1997

Treaty of Amsterdam extends the rights of EU citizenship by introducing nondiscrimination clauses.

1998

The European Court of Justice rules in *Martínez Sala* that Member State nationals can rely on European citizenship for protection against discrimination by another Member State on grounds of nationality, within the scope of the application of the Treaty. (For more, see: Kissler, this volume, 53).

2000

Nice Summit proclaims Charter of Fundamental Rights of the EU.

2001

The European Court of Justice rules in *Grzelczyk* that EU citizen status 'is destined to be' the fundamental status of all Member State nationals.

2005

The referendum on the Constitution for the European Union fails in the Netherlands and France.

2009

Treaty of Lisbon changes the relationship between national and EU citizenship from 'complementary' to 'additional', reinforcing the duality between national and EU citizenship. The treaty also allows citizens to propose initiatives if they gather at least 1 million signatures.

Sources: European Commission website (2010), <<http://ec.europa.eu>>, accessed 2 November 2010. Fondation Robert Schuman (rev. 2009), *The Lisbon Treaty: 10 easy-to-read fact sheets*, <<http://www.robert-schuman.eu/doc/divers/lisbonne/en/10fiches.pdf>>, accessed 3 November 2010.

to receive social security benefits. *The Charter of Fundamental Rights of the European Union* (2000/C 364/01, Chapter V, Art. 39-46), which was drafted and officially proclaimed in 2000 but became legally binding only with the Treaty of Lisbon in 2009, at the same time raises to the status of fundamental rights what has been up to now a 'limited policy reflecting the lowest common denominator of what can be achieved' (Bellamy 2001: 60).

There is evidence that the best developed area of citizenship rights contains those rights linked to the free movement dimension of the Treaty (see Lyons 2000 for a detailed discussion of several ECJ cases). Since the key rights enjoyed by EU citizens derive mainly from market freedoms, EU citizenship has often been termed 'market citizenship' (see for example de Lange 1995: 99). However, there is not only the constitutional dimension but also a more subtle participatory dimension, giving marginalised groups the possibility to participate directly (e.g., factory workers resorting to EU social policy legislation or ERASMUS-funded students studying abroad, Lyons 2000). EU citizenship certainly compromises rights and practices that distinguish the EU from any other international organisation. It is a potential instrument of change and could act as a 'catalyst for powerful bottom-up pressures for reform' (Castle-Kanerova & Jordan 2001: 16). How much impact does it have in practical terms on the lives of European citizens, though? To what extent can they take advantage of the rights conferred to them on the one hand and how aware are they of their duties towards the community on the other?

The limits of EU citizenship

The present concept of EU citizenship has its limits and seems to lack certain elements in a lot of different areas. Its drafting has largely gone by unnoticed by citizens of the EU and most Member States failed to respond adequately to the development of its concept. Even 15 years after its legal codification, there is still a lot of scepticism and lack of knowledge regarding its content (see Eurobarometer results).

First reactions to the newly acquired status were indifferent and in some cases even hostile (see Eurobarometer 37, June 1992). This is probably due to the fact that its establishment was not preceded by public debates and was consequently not met with great enthusiasm.

The lack of interest in society in the development of a post-national citizenship might be partly explained by the general feeling that EU citizenship does not add anything to other already existing forms of citizenship. Many experts argue that EU citizenship only codifies rights that Member

State nationals possess through European law and policy anyway. The right to diplomatic and consular protection, for example, existed before its implementation into the TEU (Closa 1995). Scholars such as O’Leary (1998) believe that many of the objectives the establishment of EU citizenship

intended to achieve – like the improvement of the EU’s democratic legitimacy, making decision-making more tangible and improving the protection of citizens’ rights – could have been brought about by other means as well, while other aspects of citizenship are underdeveloped and only have a limited political sovereignty in relation to the better established national citizenship provisions.

This is mainly due to the fact that EU citizenship is still largely tied to national citizenship (see Art. 9 TFEU). Individuals can only attain EU citizenship by meeting the various nationality requirements of one of the Member States. It is the nation-states that decide on the acquisition of EU citizenship, because they determine who their nationals are. As a citizen of an EU Member State, one automatically acquires EU citizenship, whereas one cannot be a European citizen without being the citizen of an EU Member State. The problems arising from this are fairly obvious. By tying EU citizenship so narrowly to the nationality laws of the Member States, EU citizenship risks being regarded as a kind of secondary

The lack of interest in society in the development of a post-national citizenship might be partly explained by the general feeling that EU citizenship does not add anything to other already existing forms of citizenship.

1 One could also argue, as Isernia and Cotta (2008) do, that if the EU was just an intergovernmental organisation, then it would not need to specify that the national identity of the Member States has to be respected.

citizenship. The fact that only Member States can decide who is allowed to have EU citizenship status destroys the initial idea of forging a direct relationship between the Union and its citizens, recognizing individual's rights and duties outside the traditional context of national and state.¹ It prevents any expansion of rights outside the sphere of influence of the nation states and proves that the preservation of nation-state sovereignty is still seen to be more important than the promotion of individual rights or democratic legitimacy. How important this dimension appears to be can be seen by the fact that the heads of state at the Edinburgh European Council in 1993 adopted a declaration stating that Union membership is additional and does not supplement Member State nationality (O'Leary 1998).

This development is not surprising considering the fact that the EU is not a state and that citizenship has been historically tied to the notion of national identity. However, problems arise when it comes to the rights and duties of those who remain outside this narrow definition of citizenship, namely third-country nationals. Over 9 million third-country nationals are legally resident in the EU (Eurostat 2010). Not being citizens of any EU Member State, they are excluded from many rights conferred to EU nationals.² Furthermore, their exclusion suggests that a certain kind of identity is being favoured that bears little relation to the actual composition of Member States. It questions the general layout of the EU and raises issues such as how open the structure of the Union should be. It is almost ironic that nationals from EEA countries for example have more rights (regarding the right to free movement and equal treatment for example) than third-country nationals who live and work in the EU (Shaw 2000). It is often overlooked that by excluding third-country nationals the Union contradicts statements made in its white paper on social policy (European Commission 1994), which says that the integration of third-country nationals is not only a question of social justice but also a necessity in order not to lose the contribution of marginalised groups.

Another kind of subtle discrimination can be discerned

2 They are not excluded from all rights. The right to petition and to apply to the Ombudsman is being extended to any natural or legal person established in the EU.

in Article 21 (1) TFEU, which establishes the right to move and reside freely within the territory of the EU also for citizens who are not economically active (pensioners, students and unemployed)³ but *only* as long as they have enough own resources and are covered by sufficient medical insurance. Because the right to free movement was first oriented towards facilitating the free market of labour, it is exclusively connected to economic activity. It excludes certain groups in society. Economically inactive citizens who do not possess sufficient resources and medical insurance cannot take advantage of the free movement provision. When looking at this aspect on its own, it seems as if citizenship is seen as no more than the simple participation in the market. Talking of a 'market citizenship' as de Lange (1995) does seem therefore to be appropriate in this context. By distinguishing so neatly between economically active and inactive citizens, different classes of citizenship have been established in which only economically active citizens enjoy the full range of benefits available. A liberal democratic concept of EU citizenship would require that all EU citizens be entitled to the same civil, political, economic, social and cultural rights.⁴

Who gets included and excluded is a fundamental question that has not been answered adequately yet. Another open issue is the question if and on what kind of identity EU citizenship can be based. The assumption that all Member States have the same core set of fundamental rights in their spiritual and moral heritage (as stated in the Preamble of the *Charter of Fundamental Rights of the European Union* (2000/C 364/01), is debatable. It is unclear whether a true European *demos* does exist since the assumed common traditions most rights of EU citizens are based upon are different in every Member State (Weiler 1998). That the vision of many post-nationalists, of an overarching EU citizenship grounded in a common legacy of liberal democratic values, is very contested can be seen by the numerous clashes between the European Court of Justice and the constitutional courts of the Member States about how these values should be interpreted (Warleigh 2001). Something like a common European identity (if

³ This right already existed in secondary legislation (Directive 90/366 (1990) O.J. L317/59; Directive 90/365, (1990) O.J. L180; Directive 90/364, (1990) O.J. L180) before the establishment of EU citizenship. The main difference seems to be that it is being guaranteed on the basis of the Treaty now, which puts it on a firmer legal basis (the same is true for the right to petition the European Parliament established by Art. 138d and 8d).

⁴ In fact, the original idea behind citizenship in the 19th century was equality (see de Lange 1995). This original meaning would have to be revived in the European context.

One of the reasons for this scarce feeling of belonging to a greater transnational entity might be that EU citizenship seems to be a passive and static status.

it exists) is in a very early phase of development. One of the reasons for this might be that the EU so far has failed to provide the mechanism for a significant attachment between the publics of the Member States, the EU and various national *demos*. Member States still remain the principal focus of effective loyalty and continue to be regarded as the main providers of valued collective goods and services. This is why without the feeling of belonging to a collectivity that exists beyond the nation-state barriers and whose rules its members are obliged to obey, even the visible signs of EU citizenship like the EU passport, the European flag and the anthem remain empty symbols (Jones 2001).

One of the reasons for this scarce feeling of belonging to a greater transnational entity might be that EU citizenship seems to be a passive and static status, corresponding only to one side of the dualism of citizenship theory (see 'Attempts at a definition'). As Oldfield (1990) says, 'citizens earn their title to the status of citizen by an effort of will when they attend to the duties and responsibilities which are the defining characteristics of the practice of citizenship' (147). Citizenship provisions in the TEU, however, failed to specify duties that are needed to identify the active participation of citizens. This has not changed with the Lisbon Treaty. Neither Article 8 of the TEU nor Article 20 of the TFEU mention responsibilities like jury duty, paying taxes or military or social service as does national citizenship. In particular, the duty of allegiance to and defence of the EU, which is vital for the creation of a sense of belonging to the European Union, is not mentioned (Bellamy 2001; Lippolis 1998). Rights alone are insufficient to create a meaningful EU citizenship. Active participation in the decision-making process is needed instead and requires a set of rights *and* duties. When examined in this way, the notion of EU citizenship seems to be built on weak foundations, which go back to the concept of the market citizen. Citizens are seen as consumers rather than active participants. This is

a very thin concept of citizenship and has so far failed to generate substantial support for and loyalty to the EU (Castle-Kanerova 2001; Downes 2001).

Not only active citizens are needed for the creation of a meaningful citizenship concept, however. At the same time, there is a need for transnational political actors to ensure the real empowerment of citizens. The main problem here is that new representatives on the supranational level compete with already well-established actors on the national level. As a result, the indirect representation of citizens through their national governments tends to be much more developed and is often more effective than the direct participation of citizens (Cotta & Isernia 2008). Their passivity is often also due to a lack of knowledge. Citizens consistently fail to understand what the work of the EU looks like in practice. This gets combined with very little direct engagement of citizens besides voting for MEPs on the one hand and hardly any direct contact with the EU institutions on the other. EU citizenship risks remaining ineffective as long as it is conceptualised in passive terms, as a mere catalogue of the entitlements acquired through an elite-driven integration process (Lyons 2000; Nascimbene 1998).

That the EU has not been sufficiently devoted to encouraging the political engagement of its citizens can also be seen in the electoral behaviour in the European Parliament and local elections. Practice shows that the additional electoral rights acquired through EU citizenship did not give rise to a new dimension of political participation and did not have a direct impact on voting behaviour either. This may be due to the fact that the right to vote in local elections is not the same in every Member State and that many citizens are simply unaware of the rights EU citizenship confers to them.

Another problem concerns the institutional outlook citizenship is based upon. One of the main questions in this context is, how one can be a citizen of an entity that has only a limited statehood? This problem is closely related to another problem: the problem of a democratic deficit within the structure of the EU. It seems almost ironic that the con-

firmation of the formal status of EU citizenship occurred at Maastricht, when the crisis of the democratic deficit erupted. D'Oliveira (1994) goes as far as saying that the introduction of EU citizenship served to detract the attention from other democratic failings of the EU. This is debatable, but it shows how biased opinions on EU citizenship are in academic and nonacademic circles.

Summary: EU citizenship today

Since EU citizenship was implemented by the Treaty on European Union in 1993, it has made a difference to the citizens of the EU. This is especially true for areas covered by Article 20 of the TFEU. The right to free movement, increased voting rights, the right to protection in third countries and petition rights do enhance particularly the political and legal status of citizens. It gives citizens new entitlements and more protection, leading to more equality within the Union. It facilitates at the same time the development of multiple identities and creates differentiated means to generate change on different political levels.

The concept of EU citizenship as it exists today nevertheless has its limits and has proven to be insufficient in many areas. This is partly due to the fact that many of the rights enumerated in Article 20 of the TFEU were already available to Member State nationals prior to the adoption of the Maastricht Treaty and that additional rights and duties have not been specified well enough or have been connected too closely to old concepts of state membership. If EU citizenship is to be the expression of a new kind of plurality that allows citizens to enjoy rights beyond the confines of the state, then it must be disconnected from those national concepts of citizenship. One of the main problems in this context is that the very term 'citizenship' has many connotations and roots in the political, social and cultural background of the state, which makes it difficult to disconnect completely.

There is certainly an urgent need to think about EU citizenship. As long as citizenship remains a means for setting

the parameters of inclusion and exclusion of any given community and as long as it is relegated to an area of secondary importance by Member States and accepted as a given by citizens and institutions, it is not going to offer a vision for the expression of collective interests and rights and will not be seen by EU citizens as an enrichment of national citizenship. Up to now institutional practices have been inadequate and the will for institutional reform has remained weak. EU citizenship has often been advocated as a way to overcome what many regard as a dilemma prompted by the self-interest of Member States and the unwillingness of their elites to lose power. There might also be a limit to what kind of citizenship can be constructed out of the narrow basis provided by the Treaty. By looking at the evidence given above, one could argue that in one way or another the discussion about EU citizenship symbolises the legitimacy crisis of the EU. It constitutes part of the institutional struggle over the development of the EU itself.

One has to keep in mind, however, that even if the concept of EU citizenship as it exists today has its flaws and errors, it still provides a solid basis for further development. The proposals of the Reflection Group at the 1996 IGC addressed most of the shortcomings mentioned above, which shows that politicians across Europe are aware of these deficits and that there is still room for improvement. As Cotta and Isernia (2008) state in their paper on citizenship in the European polity: 'As many other valued norms, citizenship is to an extent also a myth, something that is in fact never fully attained in real life but as such has a "pull effect" on reality' (20). It is now up to the Member States to react adequately to a new revised concept, which will make a true difference to the lives of EU citizens.

Practice shows that the additional electoral rights acquired through EU citizenship did not give rise to a new dimension of political participation and did not have a direct impact on voting behaviour either.

A vision for the future

The question of what can be done to change this situation in order to make EU citizenship more tangible for people living in Europe remains a topical question. Many proposals for improvement have been made already and by looking at the deficits outlined above one can subtract easily some main ideas, whose implementation would make a real difference in the lives of EU citizens.

First of all, the concept of EU citizenship has to be made known to the citizens of the EU. If one does not know which rights one has, it is impossible to take advantage of them. Most European citizens seem to be unaware of the possibilities

As long as citizenship is accepted as a given by citizens and institutions, it ... will not be seen by EU citizens as an enrichment of national citizenship.

EU citizenship offers them. An extensive public campaign could change this. More transparency, simplification of the Treaties and better access to the decision-making process within the EU could help to overcome the lack of information on EU-related issues. Open access to all the documents of the Parliament, the Council and the Commission would open up the decision-making process and facilitate citizens' engagement. It would give European citizens the feeling of being in direct contact with the institutions and its actors. As Bellamy (2001) puts it: 'Citizenship has to be reinvented as an instrument of political engagement and as a tool for the expression of opinions and the resolution of problems rather than remaining simply a batch of entitlements' (65).

If citizens are allowed to define their rights and can hold accountable those empowered to defend and to serve them, a sense of loyalty and belonging might emerge. Schmitter (2000) therefore proposes to increase the political rights of citizens by giving them the right to propose legislative initiatives and by holding referendums on key legislative proposals in order to generate a European-wide public sphere. Another idea would be to foster the formation of European public interest organizations and true European parties with more formal rights of consultation as well. The right of political

association across nations would promote interregional cooperation and further connect citizens in different countries. The mobilization of transnational forces would give more political significance to European Parliament elections and at the same time open up the possibility for citizens to become active in new spheres and in novel ways (Weiler 1998).

Since formal rights conferred passively upon citizens are meaningless without a minimum guarantee of participation and access to political and legal processes, duties have to be specified as well, fulfilling both the horizontal and the vertical meaning of citizenship theory. The responsibilities of citizens towards the Union on the one hand and of the Union towards its citizens on the other have to be further defined if this is to be a reciprocal relationship. Only a set of rights and obligations and the consciousness of an obligation towards a common European good without the constant mediation of Member States can create a sense of belonging to an entity. If nation-states appear to offer increasingly fewer rewards for loyalty and belonging, then the EU has to step in to fill this gap and make its benefits more tangible to its citizens (Closa 1995; Lehning 2001).

Another problem that has to be tackled is the supremacy nation-states have in comparison to the EU. If EU citizenship is used as a means for the advancement of Member States, if it is regarded only as a kind of secondary citizenship and if Member States alone are in total control of the integration and policy process, it cannot generate the same support national citizenship does. Connected to this is the question of third-country nationals. If the EU wants to give up its exclusionary character, it has to think about possibilities to allow citizens who do not possess citizenship in one of the Member States to still be able to acquire EU citizenship.

EU citizenship should supplement and interact with national citizenship rather than compete with it. If the EU openly acknowledges multiple sites and practices of citizenship, it could become a catalyst for the formation of a sense of identity and community. EU citizenship would become a symbol for the right to formulate, to deliberate upon and to dispute

different views of justice and rights. Because EU citizenship can take into account the multiple identities of its citizens, it could help to combat the disadvantaged position of certain

If EU citizenship demonstrates that it recognizes ... the different identities and opinions of its members, it can provide a mechanism for the creation of a Union, which is premised on diversity, rather than uniformity.

marginalized groups in society (of national and sub-national minorities for example) by providing them with an equal set of rules (de Beus 2001; Kostakopoulou 1998). This will become especially important if the EU decides to take on more states, making the EU more diverse and rendering questions of identity and sense of belonging more salient. If EU citizenship demonstrates that it recognizes, respects and represents the different identities and opinions of its members, it can provide a mechanism for the creation of a Union, which is premised on diversity, rather than uniformity (Stychin 2001).

To be able to promote those principles, the supremacy of the EU in certain areas has to be made clearer. EU citizenship rights have to be able to change the interests and preferences of the domestic agenda and should be uniform everywhere in the EU. The set of rights specified in Article 20 TFEU have to be the same in each Member State and should not differ from state to state (like the right to stand as a candidate in local elections, which is not allowed in France for example, French Ministry of Foreign and European Affairs 2008). Furthermore, a single electoral system for voting in EP elections and the formation of truly European parties could foster support for supranational political actors. If citizens see how European rules, standards and institutions shape the policy outcomes and the policy-making behaviours of their Member State, Europe might become more tangible to them (Closa Montero 2001; Lippolis 1998).

How tangible the EU is for its citizens is very much connected to the question of whether it provides entitlements and protections in addition to the ones offered by the nation-state and which might otherwise be lacking. This is why EU citizenship should include social rights as well and clearly

address concerns like unemployment, immigration, equality, consumer rights and environmental issues. The Union's commitment to human rights and antidiscrimination measures, the expansion of a social policy, economic and social cohesion, internal security and the cultural dimension of integration should be questions addressed by EU citizenship, if the EU wants to develop beyond its mere economic dimension. If the Union becomes one of the main providers of goods and services besides the nation states, citizens might feel the direct benefits of EU citizenship and develop more connections with it. It could become the principal focus of affective loyalty and the foundation of a deeper sense of European unity, as a structure capable of 'meeting the needs of the human community on which it rests' (Lippolis 1998: 325). More than anything else, this would make a real difference in the lives of European citizens.

References

- Bellamy, R. (2001), 'The right to have rights: Citizenship practice and the political constitution of the EU', in: Bellamy, R. & Warleigh, A. (eds.), *Citizenship and Governance in the European Union*, Continuum, London.
- Castle-Kanerova, J. & Jordan, A. (2001), 'The social citizen?', in: Bellamy, R. & Warleigh, A. (eds.), *Citizenship and Governance in the European Union*, Continuum, London.
- Charter of Fundamental Rights of the European Union (2000), *Official Journal of the European Communities* 2000/C 364/01. <http://www.europarl.europa.eu/charter/pdf/text_en.pdf>, accessed 26 June 2010.
- Closa, C. (1995), 'Citizenship of the Union and nationality of Member States', *Common Market Law Review* 32: 487-518.
- Closa Montero, C. (2001), 'Between EU constitution and individuals' self: European citizenship', *Law and Philosophy* 20: 345-371.
- Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union (2008), *Official Journal* C 115 , 09/05/2008 P. 0001 – 0388. <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0001:01:EN:HTML>>, accessed 26 June 2010.
- Cotta, M. & Isernia, P. (2008), *Citizenship in the European polity: questions and explorations*, Intune working paper, Circap, University of Siena.
- Dahl, R.A. (1989). *Democracy and its critics*. New Haven, CT: Yale University Press.

- De Beus, J. (2001), 'Quasi-national European identity and European democracy', *Law and Philosophy* 20(3): 283-311.
- De Lange, R. (1995), 'Paradoxes of European citizenship' in Fitzpatrick, P. (ed.), *Nationalism, racism and the rule of law*, Dartmouth Publishing Company Limited, Aldershot.
- D'Oliveira, H. (1994), 'European citizenship - Its meaning, its potential', in: Dehousse, R. (ed.), *Europe after Maastricht: An Ever Closer Union?*, Beck, Munich.
- Downes, T. (2001), 'Market citizenship: Functionalism and fig-leaves', in: Bellamy, R. & Warleigh, A. (eds.), *Citizenship and Governance in the European Union*, Continuum, London.
- Eurobarometer results. <http://ec.europa.eu/public_opinion/index_en.htm>
- European Commission (1994), *European Social Policy - A Way Forward for the Union - A White Paper* COM(94) 333, <http://europa.eu/documentation/official-docs/white-papers/index_en.htm>, accessed 27 June 2010.
- Eurostat (2009), *Population and social conditions*, <http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-09-094/EN/KS-SF-09-094-EN.PDF>, accessed 16 September 2010.
- Eurostat (2010), *Non-nationals among residents*. <http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/dataset?p_product_code=TGIPE110>, accessed 27 June 2010.
- Fleming, M. (1997), *The functionality of citizenship*, Harvard Jean Monnet Working Paper. <<http://www.law.harvard.edu/Programs/JeanMonnet/papers/97/97-10.html>>, accessed 26 June 2010.
- French Ministry of Foreign and European Affairs (2008), *France Diplomatie - Elections in France*, <http://www.diplomatie.gouv.fr/en/france_159/institutions-and-politics_6814/elections-in-france_5454/index.html>, accessed 17 September 2010.
- Gregory, R. & Giddings, P. (2001), 'Citizenship, rights and the EU Ombudsman', in: Bellamy, R. & Warleigh, A. (eds.), *Citizenship and governance in the European Union*, Continuum, London.
- Habermas, J. (1992), 'Citizenship and national identity: Some reflections on the future of Europe', *Praxis International* 12(1): 1-19.
- Held, D. (1991), 'Between state and civil society: Citizenship' in: Andrews, S. *Citizenship*, Lawrence and Wishart, London.
- Inin, E.F. & Wood, P.K. (1999), *Citizenship and identity*, SAGE Publications Ltd., London.
- Jones, B. (2001), 'The political economy of European citizenship', in: Bellamy, R. & Warleigh, A. (eds.), *Citizenship and Governance in the European Union*, Continuum, London.
- Kostakopoulou, T. (1998), 'European Union citizenship as a model of citizenship beyond the nation state', in: Weale, A. & Nentwich, M. (eds.), *Political Theory and the European Union: Legitimacy, Constitutional Choice and Citizenship*, Routledge, London.
- Kostakopoulou, D. (1996), 'Towards a theory of constructive citizenship in Europe', *Journal of Political Philosophy* 4(4): 337-358.

- Lehning, P.B. (2001), 'European citizenship: Towards a European identity?', *Law and Philosophy* 20(3): 239-282.
- Lippolis, V. (1998), 'European citizenship: What it is and what it could be', in: La Torre, M. (ed.), *European Citizenship: An Institutional Challenge*, Kluwer Law International, The Hague.
- Lyons, C. (2000), 'The limits of European Union citizenship' in: Bankowski, Z. & Scott, A. (eds.), *The European Union and its order*, Blackwell, Oxford.
- Nascimbene, B. (1998), 'Towards a European law on citizenship and nationality?' in: O'Leary, S. & Tiilikainen, T. (eds.), *Citizenship and Nationality Status in the New Europe*, The Institute for Public Policy Research and Sweet&Maxwell, London.
- Oldfield, A. (1990). *Citizenship and community: Civic republicanism and the modern world*. London: Routledge
- O'Leary, S. (1998), 'The Options for the Reform of European Union citizenship' in: O'Leary, S. & Tiilikainen, T. (eds.), *Citizenship and Nationality Status in the New Europe*, The Institute for Public Policy Research and Sweet&Maxwell, London.
- Reflection Group on the 1996 IGC (1995), *Reflection Group Report and Other References for Documentary Purposes*, General Secretariat of the Council of the European Union, Brussels.
- Romano, S. (1988), *Il diritto pubblico italiano*, Giuffrè, Milano.
- Schmitter, P.C. (2000), *How to democratize the European Union...And why bother?*, Rowman and Littlefield Publishers Inc., Maryland.
- Shaw, J. (2000), 'The problem of membership in European Union membership' in: Bankowski, Z. & Scott, A. (eds.), *The European Union and its order*, Blackwell, Oxford.
- Stychin, C. (2001), 'Disintegrating sexuality: Citizenship and the EU', in: Bellamy, R. & Warleigh, A. (eds.), *Citizenship and Governance in the European Union*, Continuum, London.
- Tilly, C. (1996), 'Citizenship, identity and social history', *International Review of Social History*, Supplement 3, Cambridge University Press, Cambridge.
- Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and related acts (1997), *Official Journal C* 340, <<http://eur-lex.europa.eu/en/treaties/dat/11997D/htm/11997D.html>>, accessed 26 June 2010.
- Treaty on European Union (1992), *Official Journal C* 191, <<http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>>, accessed 26 June 2010.
- Warleigh, A. (2001), 'Purposeful opportunities? EU institutions and the struggle over European citizenship', in: Bellamy, R. & Warleigh, A. (eds.), *Citizenship and Governance in the European Union*, Continuum, London.
- Weiler, J. (1998), 'Introduction: European citizenship: Identity and differentity', in: La Torre, M. (ed.), *European citizenship: An institutional challenge*, Kluwer Law International, The Hague.