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European citizenship and the legitimization of European politics:
A storm in a teacup or a philosophers’ stone?

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This paper aims at examining the dynamics of the evolving concept of European citizenship, as part of the current conceptual myriad of notions and principles aiming at legitimizing European politics and leading it into a new era of so-called positive integration. The paper has a limited ambition of establishing an analytical frame of the concept, briefly recalling the diversity of the notion of citizenship in Europe, reflecting on its legal conditioning and examining the political agenda behind it in light of the current exacerbated process of legitimization of politics at the European level. It will finally aim to assess the trendy postnational theses and try to address some of their shortcomings in view of contributing to another theoretical and conceptual frame of analysis that might be more realistic.

**Citizenship in Europe: the burden of national legacies and the lack of a metanarrative**

This section aims to briefly recall and compare the history of the concept in key EU countries (France, Germany, Italy, Spain, Portugal, the Netherlands and the Scandinavian countries). It seems to us significant to compare very different, sometimes even conflicting, concepts of citizenship in countries working for a common citizenship, by analyzing the different national traditions of citizenship in Europe, which have to converge in order to develop a minimal consensus about European citizenship. This section will also tackle briefly the concept of citizenship in European political thought, presenting some elements for a doctrinal history of the concept.

The term ‘citizen’ has had different meanings in different historical periods and languages\(^1\). It can signify the member of a city and /or a given class, as in the Greek polities, or be equated with subjecthood of a monarchy, as in Britain, or membership of a state, as in France, or be associated primarily with belonging to a people or nation, as was the case in Germany. It can be a legal status with or without political rights, entail quite different obligations, such as voting, military service, or only some or none of these and so on.

Besides the problem related to the lack of a common “myth” for the political construction of Europe, we can identify another problem related to the fact that the notions of citizenship and nationality do not share similar meanings in the different European countries. There has not been a common trajectory for the development of citizenship in Europe. The concept of citizenship, on the contrary, has witnessed different courses of evolution in the various European countries.
Ulrich Preuß explores what is usually considered as being the characteristic element of the German case: the ethno-cultural definition of nationality. He observes, in particular, the differentiation between nationality and citizenship, the former being particularistic, as opposed to the latter. This is largely due to the fact that the German “nation” had been defined long before the German state. Moreover, the structure of the imperial state, at the moment of its creation, separated civil and social rights from the actual political citizenship. Participation was considerably confined to corporations and to other semipublic instances within civil society.

France is frequently contrasted with the German case, as being the archetype of civil republican nationality founded on political participation, especially in the formation of the public will. However, Cécile Laborde notes that the dominant French model challenges such a simple categorization. The French model has also integrated liberal concern with individual rights and a communitarian affirmation on homogeneous and clearly defined citizenship. The state in France has usually played an important role as the institution responsible for the emancipation of individuals from feudal obligations and for advancing universal revolutionary ideals linked to the sovereign will of the French nation. As a result, mere birth on the French soil has never been a sufficient condition to be a real French citizen. What matters is socialization mainly through the national educational system.

The United Kingdom has usually been identified with Marshall’s system of successive stages of civil, political and social rights. Jose Harris slightly modifies this image. He remarks that the characteristics of the British case have been the evolutionary and constant nature of British institutions, the English Common Law and the diversity of the British Empire. Therefore, most of the citizenship rights are, in fact, entitlements like those stipulated by the 

Habeas Corpus, attributed to all the persons on the English soil. Even social rights have not been linked to citizenship, being only founded rather on principles of consolation of the poor, as the famous 

Poor Law, for example, than on plans of social insurance related to

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the participation of citizens in the labor market. Thus, the discourse on citizenship has appeared in British history relatively recently. Moreover, even when it appeared, the attention was not paid to identifying who was a citizen and who was not, which has usually been taken for granted, but rather what made the “good” citizen⁵.

This elitist conception of citizenship was even more obvious in Portugal. As observed by Rui Ramos, even though access to the nationality was extremely open, being based on residence, political citizenship was relatively restricted. As opposed to all of Europe, suffrage was further limited between 1890 and 1913 instead of being universalized, which does not take place before 1974. If free access to nationality was due to the need to maintain the population of the Portuguese Empire under control, the restriction of the access to citizenship was due to the fact that the formation of the nation was carried out in Portugal by a liberal urban elite against the Catholic Church, the monarchy and, in a late industrialized country, against the landlords. The liberal notions of civil rights went parallel to a largely republican conception of political rights that should be confined to those who have the virtue and the capacity to make good use of them. Women were, thus, excluded, for republican reasons related to “their fragile and irrational nature” and to their “dependence on men”. The influence of this discourse on citizenship was so considerable, that it was able to legitimate the implementation of authoritarian measures by right-wing as well as left-wing politicians in the 1970s, even if the advent of a more egalitarian conception of citizenship was, paradoxically, accompanied by the introduction of a more restrictive ethnic definition of citizenship⁶.

Luca Baccelli’s observation of the relation between Italian citizenship and the republican traditions reveal a number of similarities, but also of differences compared to the Portuguese case for example. In Italy, the formation of the nation was an elitist process promoted, in this case, by land owners in the North in the entourage of the kingdom of Piedmont. However, there have been attempts to mobilize popular engagement, based on the republican discourses of citizenship as source of legitimization. Actually, the fact that republicanism had been in Italy, since the 16th century, an important opposition force to foreign domination and to the royal regimes gave it a more popular and a less authoritarian

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⁵ See Jose Harris (ed.). Civil Society in British History: Ideas, Identities, Institutions, Oxford: Oxford University Press, 2003, pp. 1-35. And Jose Harris. “Nationality, rights and virtue: some approaches to citizenship in Great Britain”. In: Richard Bellamy, Dario Castiglione and Emilio Santoro (ed.) Op. Cit. pp. 73-91.

character than in Portugal or, even somehow, in France. Baccelli underlines as well, in the Italian context, a political conception, opposed to the ethno-cultural conception, of patriotism. Spain provides another variant. As explained by Carlos Closa, here too nationality has been distinguished from citizenship. The former was inclusive in several ways, reflecting also an imperial past, but also largely reactionary. Social rights were initially attributed, albeit in a selective manner, as paternalistic grants aiming to stop demands of political citizenship or of more efficient civil rights. Closa shows that the post-Franco conception of citizenship was largely defined in opposition to the precedent conceptions. The most exclusive categories of rights were considered simple human rights. Citizenship, as political participation, has become more important, but it was also linked to regional and minority allegiances, thus creating a differentiated form of citizenship. Between citizenship and human rights lied a third category of rights based on legal residence. Finally, different levels of social rights were linked to each of these three groups. Thus, the reaction against an authoritarian notion of citizenship as national belonging, which was dominant until the end of the Franco era, produced a more universal but at the same time a more particularistic dimension of the Spanish conception of citizenship.

Birte Siim and Hege Skjeie trace, in their analysis of the evolution of the Scandinavian conception of citizenship, the strengths and weaknesses in the formation of Scandinavian democracy, underlining the interaction between two tendencies of political influence and power within the systems of social democracy: on the one hand, the corporatist-pluralist tendency, aiming to insure the representation of the different groups and, on the other hand, the numerical-democratic tendency, focusing on the formation and the consolidation of the diverse interests.

The corporatist arrangement has also characterized the Dutch political system, especially in the cultural sphere. Siep Stuurman associates the Dutch consociational system to the existence of cultural cleavages, and political mechanisms aiming at addressing them, that

had preceded mass democracy and the formation of the nation-state. The consociational Dutch system is deeply opposed to French republicanism. While the former emerged from a political history formed by struggles against royal claims of sovereignty and defense of religious pluralism, the latter picked up the absolutist claims of the French monarchy, notably as far as religious homogeneity is concerned, and transferred them to the people. As a result, the Dutch political system has become more decentralized than the indivisible French republic. Therefore, relations between individual rights and community rights are interpreted differently in both countries\(^\text{10}\).

We can actually observe a dilemma comparing the emergence of the concept of citizenship within the member states of the European Union and its evolution in each of them. To this lack of example at the European level, adds up another problem: the intellectual roots of European citizenship seem to lie in the antifascist struggles of the 1940s. The first European federalists, such as Altiero Spinelli and Ernesto Rossi, conceived the possibility of having a European legal system as a chance to overcome “the double curse” of the nation and of state sovereignty that they believed were the characteristics of totalitarian regimes. In other words, European political integration was conceived as a means to modify the excesses, and maybe even to overcome, the traditional nation-state, and not to create a new one at the European level. Therefore, European citizenship has largely been conceptualized as a set of constitutional rights.

However, we could detect two difficulties to this approach. On the one hand, the EU was considered as being less oriented by the ideals of these thinkers than by the instrumentalist and functionalist concerns of national economies. The concern with community rights has rather emerged as a posterior necessity to the emergence of institutional structures and accords simply to legitimize them. On the other hand, these rights seem more like subject entitlements than citizen rights. In a way, the EU reproduces, in this sense, the early elitist projects of formation of nations and states, since it is only when rights are linked to the formation of a political community that they can generate a sense of belonging and reflect a shared culture.

Since the 1990s, citizenship has become one of the key issues of the political debate in Europe. The notion of citizenship is changing at a great pace because of global economic, social and political changes, as well as regional changes in the Union itself.

So far, the EU has developed according to the complex dynamics of the methods of community integration. As described by neo-functionalist thinkers, this approach is based on fundamentally instrumentalist and pragmatic ethics of integration. However, in the current hybrid conditions of the EU, as a European federation and as union of nation-states, it seems that this method has reached a deadlock. Eurosceptics and Europhiles agree on the idea that this mixed nature of the EU is not sustainable: the former demand that it should become again an intergovernmental organization, while the latter are favorable to its evolution into a European federation.

From a theoretical point of view, the modern concept of citizenship dates back to a historical period initiated with the liberal revolutions in the late 18th century. It is a notion classically characterized by the pre-eminence of the nation-state as the political community that comprises the individuals. It is even linked, according to many scholars, to the republican ideal of politics. It is only by recognizing a public thing (res publica) distinct within social life and by valorizing the existence of the public power, that individuals are eventually called citizens. This supposedly inherent republican nature of citizenship has been diluted and modified under the effect of different tendencies of thought in Europe, from liberalism whose conception of citizenship has been traced in the work of Jean Bodin and Thomas Hobbes, to Marxist ideals with their criticism of the idea of citizenship in a society where the state is supposed to wither away and where individuals are supposed to have immediate relations among each other without the mediation of the state and where the legal and identity components of citizenship are, thus, put into question.

However, some tendencies are inclined to question the automatic linking between citizenship and the nation-state and object to the simple, transfer of the model to the European level. Klaus Eder and Bernhard Giesen outline alternative models of citizenship, namely the model of the city republic, the model of traditional empires and the model of enlightened absolutism.

In any case, even most of the modern conceptions of citizenship seem to have reached an impasse, when it comes to theorizing citizenship at the European level, where the city is no longer the classical nation-state but a supranational entity; hence the challenge of theorizing and legally framing the emergent concept of European citizenship.

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True legal innovation: European citizenship and the difficulty of a legal framing

Citizenship should be seen, at certain levels, as a legal phenomenon, as an expression of the legal core of the EU. As citizenship is considered an ethical and a legal notion at the same time, it seems important to examine the legal aspect of the concept of European citizenship, especially that it is a concept that challenges lawyers. This challenge is related to its linking to a supranational entity, to the notion of separation of nationality and citizenship and to the problematic legal conditioning of the relationship between a Member State’s citizenship and the EU’s and the whole debate about state sovereignty among international lawyers.

In answer to the first point, it is a well-established fact that the world’s most advanced supranational community of rights has been developing in Europe through the institutions of the European Union. It is clear, however, that without a European “demos”, European democracy cannot exist. And yet, a democratic European Union will obviously have to do without a “European people” in the traditional sense accepted by nation-states. Europe's political identity will necessarily be diverse and multileveled, depending on issues, situations and citizens’ future aspirations. Any identification to a higher supranational political entity can only come on top of citizens’ local and national identity, in “concentric circles” of allegiance.

In European integration studies, citizenship policy has not received much attention as a practice. Instead, much of the literature has predominantly focused on legal assessments of Union citizenship shedding light on the limitations of supranational citizenship compared to the familiar nation-state concepts of citizenship. It is true that European citizenship remains unaccomplished compared to national citizenships but still it covers many civil, political, and social rights that have been main pillars of European constitutional democracies. Moreover, developments in European rights can potentially contribute to the transformation of the rights conventionally associated with national citizenship in European democracies. Gaps in political and social rights at the European level produce a supranational citizenship that is more superficial than its national counterparts. These gaps suggest a lack of trust and solidarity among European citizens of different nationalities.

The legal institutions of the EU essentially provide for the traditional “civil rights” that Marshall associated with the early stages of development of citizenship, including individual liberties, civic rights of free thought, speech, association and assembly, legal rights concerning access to justice and economic rights of contract and property. Political rights to
representative and participatory supranational democracy and social rights, including entitlements to social security and social advantages, are still significantly more restricted.

Supranational citizenship is fragmented, however, because membership criteria vary considerably across the various countries. This leads us to the second notion related to the separation of nationality and citizenship and the problematic legal conditioning of the relation between member state citizenship and Union citizenship. I argue that the citizenship of the Union, which is still under construction, is not and cannot be simply the enlargement of national citizenship to the European level. Europe cannot simply be a bigger “nation”, but it should assume the responsibility of inventing a “new citizenship”. From different points of view, European citizenship constitutes a substitute for European nationality. It is a citizenship without a nation that precedes a European nation to be constructed. Perhaps the EU can create a citizenship, but it cannot attribute a nationality.

“Will I still be British?” asked a British pensioner her Member of European Parliament after the adoption of the Maastricht treaty in 1992. She was reassured that nothing in the treaty would directly affect her rights as a British citizen. In fact, the relation between European citizenship and that of the Member State was clarified by the treaty of Amsterdam: The citizenship of the Union supplements the citizenship of each state and does not substitute it. European citizenship is, thus, dissociated, from the nation, while being at the same time a consequence of the nationality of one of the Member States.

According to Jürgen Habermas, citizenship should maintain its political significance and translate the common values of European democracies expressed through their adherence to human rights. However, he pleads for disconnecting nationality from citizenship, through the elaboration of the notion of constitutional patriotism. It is about conjugating, while dissociating, national patriotism – which is experienced by the individuals for France, Germany or the United Kingdom – and the exercise of citizenship which should take place at the European level and would, thus, become, pure “constitutional patriotism”. The latter should refer to abstract principles, formulated for example by human rights declarations and the rule of law. The nation will remain the realm of affectivity, the place where a culture, a

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language or a history are shared, and the European public space becoming the realm of the law\textsuperscript{14}.

Thus, according to Habermas, national identity, with all the historic and cultural dimensions it includes, could be separated from civic and political participation founded on legal rationality and human rights. Patriotic sentiments would not be linked only to a particular cultural or historic nation. The idea of the nation should, in Habermas’ view, be dissociated from the practice of citizenship. Thus, conceived as a pure civic practice detached from national belonging, constitutional patriotism should be liable to reestablish national identities on cultural foundations while insuring, at the European level, the authority of the rule of law and principles of human rights.

Can European citizenship be created only at the expense of the decline of the nation-state or, on the contrary, may it be nourished by the values of the nation-states?

From a legal point of view, European citizenship does not exist independently from national citizenship: it is the status of being a national of an EU Member State that confers European citizenship. This “citizenship by attribution”, defined by the belonging to one of the Member States, according to its own nationality rules that differ from one state to another, poses a question related to the fact that each member state determines who will be a European citizen and who will not, thus creating a “multi-velocity citizenship”, which is a true legal difficulty. It also reveals the adherence of the EU to an exclusivist mode of European identity and a restrictive conception of citizenship, since it excludes third-country nationals who are resident in the European Union from full membership in the EU demos. In fact, the true potential of EU citizenship has little chance to be realized unless the issue of immigration is seriously reexamined. This is not only because the matters relating to the rights of third-country nationals resident in the EU have fallen within the realm of justice and home affairs cooperation, but also because immigration shapes the boundaries and the content of citizenship in Europe.

**Citizenship transfer: a viable model? A post-postnational thesis?**

This section aims at revisiting the postnational theses of European citizenship and identity, advocated by enthusiastic European theorists such as Jürgen Habermas and Jean-Marc Ferry. The ideas of a “postnational constellation” and “constitutional patriotism” seem hypothetical and lacking some overture to political sociology. Thus, it seems interesting to

\textsuperscript{14} Jürgen Habermas. Après l’État-Nation : Une Nouvelle Constellation Politique. Rainer Rochlitz (tr.), Paris: Fayard, 2000, pp. 127-149.
revisit the “postnational” theses, assess them, present their contributions and their shortcomings and, eventually, contribute to a “post-postnational” thesis.

Citizenship of the Union is not just a formal legal concept, which the EU can buy into when it has reached a particular stage of maturity or development, though the significance of EU citizenship as a legal status is not underestimated. The “currency” of citizenship also carries with it a huge intellectual baggage concerning the content, significance and symbolism of citizenship which cannot be ignored and indeed can be used positively in the interpretation of the meaning of Union citizenship.

So far, at the EU level, citizenship rights appear as something of a patchwork, in a pattern that is still far from being finished and lacking in a certain degree of coherence. Europeans seem to have rapidly grown accustomed to the elements of economic citizenship that the EU has provided for them. These freedoms to buy and sell goods, to invest and exchange currency, to receive and deliver services, to move personally and to exercise one’s profession across national borders are generally positively appreciated and largely taken for granted, but they certainly have not generated a high level of political identification with the institutions that produced them, as was expected by Ernst Haas who defined political integration as “the process whereby political actors in different distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new center, whose institutions possess or demand jurisdiction over the pre-existing states”15.

Now, the question is whether the EU can graft on these economic freedoms a new set of explicitly political rights and obligations that would make Europeans finally, if not exclusively, come to identify with the supranational polity that protects them. It must be recognized, however, that founding or re-founding Europe ex novo and replacing the extremely rich and complex set of symbols, identities, expectations and affective ties binding national citizens to their respective polities is simply impossible, at least in the near future. At best, European citizenship is condemned for the foreseeable future to be “supplementary”, which does not mean that its development cannot contribute to the legitimization of the integration process as a whole.

The postnational theses of citizenship are characterized by the decoupling of rights and identity. Rights no longer assume elemental attachment to a national collective. Nation, on the other hand, persists as an intense metaphor of identity, and at times as an idiom of discrimination and exclusion. It is still the source of a pronounced distinctiveness and

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15 Ernst B. Haas. The Uniting of Europe. Stanford, California: Stanford University Press, 1958, p. 16.
groupness, but divested from its hold on citizenship rights. So it can be argued that more inclusive forms of rights clash with more exclusive practices of identity.

According to Soysal, postnational citizenship is not simply a set of legal rights and privileges or a legal status attached to a person, as implied in Marshallian definitions of citizenship. It signifies a set of practices through which individuals and groups activate their membership within and without the nation-state. Individuals and groups interact with and participate in multiple public spheres - thus, altering the locus of participation and setting the stage for new mobilizations.

If a postnational conception of citizenship is to be adopted at the European level, then Soysal’s view of this notion seems quite plausible. In her analysis, postnational citizenship is not a sign of a linear procession from national to transnational. That is, postnational citizenship should not be postulated as a stage within the much assumed dichotomy of national and transnational, and the expected transition between the two. There is much confusion around this issue and much time and energy is spent in arguing whether we are approaching a transnational stage or not. Postnational citizenship confirms that in postwar Europe the national no longer has the primacy but it coexists with the transnational, mutually reinforcing and reconfiguring each other. The national and transnational should both be incorporated into our analytical frameworks as concurrent levels within which the current practices of citizenship and participation should be understood.

Jürgen Habermas is one of the most important proponents of postnational citizenship and “constitutional patriotism”. It is true that a European demos cannot be based on ethno-cultural homogeneity, but on other grounds. Therefore, constitutional patriotism could bring a solution. A nation of citizens derives its identity, in this view, from the praxis of citizens who actively exercise their civil rights. It is the political culture that is shared, while subjects are aware that they are part of a multicultural society – patriotism without nationalism. A European constitution is the basis for this type of identity building. This option however does not seem very realistic. Apart from the current conflicts of competence between European and national institutions regarding the attribution of certain rights (social welfare, for example, that is still under the quasi-exclusive control of the member states), this conception of citizenship is devoid of the emotional part that characterizes political identity. It is overly elitist and formalist and therefore somehow distant from reality.

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The emergence of a European citizenship agenda in EU politics: a desperate need of legitimacy?

The genius of Schumann’s project was his idea of a European community, mainly an economic one, whose functioning would be independent from popular sovereignty or even popular support: an intergovernmental cooperation project among post-war European nations. However, with the evolution of European integration politics, it became gradually impossible to carry on this “negative integration” model. The internal and external dynamics of integration have gradually required the transformation towards a more “positive model of integration”. Thus, popular support became a prerequisite for continuing the path of European integration, byproducing the whole “ethical” dimension of citizenship: the notions of belonging, identity, patriotism, etc. and even more “culturalist” and “essentialist” theses, usually fallacious, viewing the European Union as a “destined community” with common history and culture.

In fact, there are several reasons for the emergence of citizenship as preoccupation for the post-Maastricht EU. One group of reasons relates to the internal dynamics of integration and to the legal, political, social and economic forces which have formed the emergent EU polity. The other group of reasons links to wider political or geopolitical factors external to the EU and the interpretation and articulation of the implications of these factors in citizenship terms.

In terms of internal dynamics of the EU, it is entirely comprehensible, if not indeed predictable, that a form of citizenship was needed to take root in the EU since the 1990s. Internally, concern has grown with the effective and political dimensions of integration.

We would not be completely wrong if we argued that the creation of a European citizenship depended mainly, maybe even totally, on the “four freedoms” that have been indispensable to economic integration: free movement of persons, goods, services and capital, thus creating a sort of “economic citizenship”.

The fact that political and social citizenship have only played, so far, a marginal role in the process of European integration forced some scholars to note that unity, in such a restrictive frame, would become a possessive unity of individualisms, a mere unity of
markets. It would never serve the unity of a social enlightened Europe, synthesizing its traditions of democracy, solidarity and social rights.\textsuperscript{17}

In fact, the concept of Union citizenship, as it was elaborated by the Maastricht treaty, has not considerably changed the direction that the Union had taken since its construction. The steps taken towards the creation of a European citizenship have not yet allowed the transformation of the "market citizen" into a real citizen of the Union, a new synthesis that would be based on the creation of a European welfare state founded on the common rights among European countries.\textsuperscript{18} The European social charter was even adopted as a "social declaration" by the Council of Europe in 1961, with no legal obligation on the Member States. Definitely, there was no reference to the "citizens", but to the "workers" to avoid any mention of a social mandate entrusted to any European institution. The integration was, once more, identified with deregulation, political disengagement from politics and the intergovernmental nature of the community, which was further confirmed by the adoption of the Single European Act. A free European market, if it was only about this, does not require a Europe of the citizen; In fact, a true citizenship might threaten the freedom of the market.\textsuperscript{19}

If we re-examine Marshall’s ideas of citizenship, namely the successive stages of civil, political and social rights\textsuperscript{20}, at the European level, we will conclude that the member states of the Union should accept the transformation of the EU into a “Union of the citizen” and the implementation of a social policy at the European level. Otherwise, as Streeck notes, the integration project would die of lack of popular support.\textsuperscript{21} If a central measure of redistribution is required to build a just Europe, then the accomplishment of the economic citizenship, the four freedoms, will definitely be insufficient to embody the idea of social justice: each citizen in the Union should enjoy, as a citizen, rights that become distinct from the mere accomplishments and privileges of a market run according to the considerations of efficiency and that even perhaps, in a certain way, contradict them. But is it realistic to envisage a European welfare state as a “transnational synthesis” of the national welfare states (already in crisis) where a true “social and political” citizenship would be the backbone? Leibfried estimates that for a European citizenship to exist, a positive mode of integration is

\textsuperscript{18} Ibid., pp. 150-151.
necessary: a mode of integration that is much more ambitious and complete than the sheer goals of the common market that only aim at eliminating the barriers and accomplishing national deregulation. This positive mode of integration should aim at undertaking a constructive action, meaning rectifications of the market and transformation of the “freedoms” into social and political rights in a Unified Europe.

Is “positive integration” conceivable as an automatic result of the current European economic integration? Can a “social Europe” emerge from the mere existence of different welfare states in Europe? Here, the answer seems to be negative: the divergence of the welfare systems in Europe does not guarantee the creation of a European welfare state through the automatic harmonization of the various systems at the European level.

It is a fact that with the growing impact of EU legislation on every aspect of national economic life, in particular, and the threat it poses to particular national institutional arrangements for fiscal and monetary policy, the welfare state and even foreign policy, it has become clear that the EU can no longer be viewed as an instrument, but instead has become a governing body in need of legitimacy independent from that it receives indirectly through national governments. Several prominent analysts of the European integration process have come to similar conclusions in recent years, calling for the development of a Europe-wide policy discourse and highlighting the importance of a sense of European identity. As Jan Zielonka puts it: “It is difficult to know how to engineer affection for a new European patria” but “the Union cannot just hope and pray that the identity and democracy problems will somehow go away.”

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**European citizenship and the EU legitimacy deficit: a storm in a teacup or a philosophers’ stone?**

The discussion about European citizenship, that usually tends to present it as one of the most important solutions for filling in the legitimacy deficit of the EU, raises a lot of questions about the future of European citizenship, that go beyond the strict boundaries of EU politics, to put into question the democratic deficit and to highlight the crises of legitimacy and participation within European member states themselves. The European citizenship agenda, at this moment, can lead, in our point of view, to one of two possible scenarios: The first is a camouflage strategy, concealing the real democratic crises in Europe, by transferring

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them to a hardly intelligible political level, the EU, and thus radicalizing the current
democratic deficit that consists in insisting on acting “in the name of the people….. but
without them”.

The second scenario, which seems hard to achieve in the current political situation and
at least in the short run, is that the European citizenship agenda could lead to a real innovative
model of participation, of political identity and of democratic politics, that could be identified
as the radical potential of EU citizenship, that would, not only be a blatant success for the EU,
making it a true example of integration, but also a “philosophers’ stone” that might potentially
contribute largely to solve the crises of legitimacy and participation and the democratic
stagnation in the EU Member States and become a true catalyst of positive transformation and
change in the continent.

The current opportunity structures for citizens’ participation in the EU include a
variety of methods and opportunities, such as voting at the European level, the right to
petition the European Parliament, attending hearings and conferences organized by the
European Parliament and the European Commission, having direct contacts with members of
the European Parliament, the right to address the Ombudsman, letter-writing to the European
Commission, the right to respond to the European Commission’s white and green papers
through written statements, the rights of citizen associations to participate in the meetings of
some committees of the European Commission, the accessibility of the European Commission
to interest groups, proceedings before the European Court of Justice, etc.

The European Union offers potentially a myriad of political opportunity structures for
the citizens, even if citizens have not been at the center of the European political system for
the greater part of its history. It is, however, true that the political opportunity structure of the
EU does not know any element of direct democracy in the narrow sense. Apart from
European elections every five years, there are no direct ways to participate in European
politics. Thus, the citizens do not have an opportunity either to play a direct role in agenda
setting or to directly influence the actual decision making, nor can they directly control the
whole process.

However, like other representative systems, there are some points of access to the
political system which still are indirect and relatively informal and require a lot of activity by
the citizens to make them work. In fact, generally speaking, the European political
opportunity structure is still not very open for citizens, and the direct responsiveness of
European governance to citizens’ input is rather low. Michael Nentwich estimates that the
bias for organized interests and the hierarchic top-down approach when it comes to direct
contacts with citizens may be described as a “predominantly exclusive” strategy.²⁴ It must be acknowledged that the EU’s fragile legitimacy requires further involvement of the peoples of Europe more directly in fashioning an EU of the future.

Another potentially interesting development which is likely to have an impact on citizenship theory is the idea of multiple publics. EU Citizenship can no longer be restricted to one privileged site, one unified public (as it has always been at the state level) but it inevitably involves multiple, overlapping and interacting publics formed at various levels. This allows for a complex and multifaceted interrelationship of individuals, groups, interest groups and voluntary associations, local and municipal authorities, regions and alliances of regions, with multiple interacting levels of governance.²⁵ This also may open up new opportunities for more differentiated forms of citizenship and for more differentiated means to attack the structures of inequality and to combat social exclusion.²⁶

In a discussion of the so-called would-be or could-be demos of Europe, Dimitri Chryssochoou makes an important methodological point.²⁷ Substantively, his investigation is into “the intricate question of how the conception of a European demos, combining a plurality of national and transnational forms of fellowship, can maximize its democratic potential”, with his own conclusions favoring a form of “civic body” as the “ultima ratio of European political integration”. Methodologically, however, he goes on to suggest that if the idea of “demos before ethnos” was crowned with success in the Union’s multicultural context, there would be an enormous field of history, theory and politics to be explored which, in fact, escapes the categories of conventional disciplines in the study of regional integration.

I would go further and argue with Jo Shaw for the dual inputs of the integration theory and citizenship theory into the articulation of a frame of analysis for European Union citizenship.²⁸ I would suggest that citizenship of the EU – as a historically, geographically and culturally contingent institution, but one maybe capable of offering new transnational model for citizenship – can only be fully understood by reference to both the wider theory of

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citizenship, and situation-specific ideas about European integration which stress the dynamic, open-ended nature of this process.

Union citizenship is institutional innovation in itself, but also a challenge pointing to the evolution of future innovations capable of harnessing its transformative potential for an emerging polity. It is significant that citizenship becomes, in this analysis, not simply an object of study in itself, but also an instrument or even a cipher within broader attempts to study the “European condition”. In fact, EU citizenship policy and practice could, and maybe even should, stand as a cipher for many of the contradictions, but also many of the potentialities of the EU integration process. As a political concept, it reflects political change and shapes it at the same time. In the presence of favourable internal and external dynamics of integration, European citizenship can become indeed a philosophers’ stone able to reshape the politics of Europe.
References


Preuß, Ulrich. “Citizenship and Identity: Aspects of a Political Theory of Citizenship”. In: Bellamy, Richard, Bufacchi, Vittorio and Castiglione, Dario (eds.), Democracy and


