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The Embedded *Acquis Communautaire*
Transmission Belt and
Prism of New Governance

ANTJE WIENER

RSC No. 98/35

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EUI Working Paper RSC No. 98/35

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EUROPEAN UNIVERSITY INSTITUTE, FLORENCE

ROBERT SCHUMAN CENTRE

**The Embedded *Acquis Communautaire*
Transmission Belt and Prism of New Governance**

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For submission to: *European Law Journal* (April 1998)
revised and resubmitted (23 July 1998)

EUI Working Paper RSC No. 98/35

BADIA FIESOLANA, SAN DOMENICO (FI)

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Printed in Italy in October 1998
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Italy

Introduction¹

Currently, liberal democracies undergo major changes which have caused much debate about the proper political procedures and conceptual frameworks for the organisation of a polity. The legitimate authority of governments is increasingly undermined by the deborderisation of politics and policy (Brock 1998, Albert and Brock 1997, Neyer 1997, Wendt 1994) to the effect of a thinning out of the mechanisms of majoritarian rule (Held 1992). These changes brought two types of action to the fore. One is a conceptual struggle of social scientists with the heritage of experiences with and expectations of modern state politics in the social sciences. The other is much more closely linked with practices on the ground involving day-to-day processes of policy making such as agenda setting, deliberation and conflict solving. Both address the central question of how to maintain democratically legitimized political order in a context which has been dubbed as "governance without government" (Czempiel and Rosenau 1994). In the process 'governance' has come to be widely accepted as a term which includes practices of governing which are not exclusively performed by state-actors (Schmitter 1998).

Despite the broad application of the term, the meaning of governance still appears to be based on state-centric assumptions about the organisation of democratic politics. This conceptual *caveat* has been most apparent in the most interesting case of 'governance beyond the nation-state' (Jachtenfuchs 1995), namely the incremental construction of the Euro-polity. This paper argues that the European Union (EU) offers indeed the most interesting insights into the gradual shift from a Weberian type of modern government towards the institutionalisation of post-Weberian governance. Different from the discussion of governance within the context of regime analysis in international relations which operated with the core assumption of - democratically legitimated - state action, the process of European integration has profoundly challenged this core. Indeed, in the case of the EU it has been suggested that the process of governance beyond the nation-state has produced a degree of institutionalisation which does touch statehood (Hobe 1993).

This paper argues that a situation of a *polity of polities* does not only threaten the constitutional basis of democratic rule as the Maastricht judgment of the German Constitutional Court has sufficiently illustrated, it also raises the questions of what exactly are the new institutions of governance beyond the

nation-state and what do they imply for the functioning (rules of the game) and legitimacy (democratic processes) of political order? To elaborate on these questions the paper does two things. First it raises critical questions about the conceptual boundedness of 'governance' in the discussion of constitutional and policy studies in the field of European integration. Secondly, it advances a methodological access point towards the study of institutionalisation of governance in the Euro-polity. It suggests to situate the legal concept of *acquis communautaire* at the boundary of legal studies and politics. To that end, it draws on social constructivist approaches in international relations. The concept is then applied to a case study of citizenship policy in the EU to demonstrate how the *acquis communautaire* and more precisely what I call the "embedded *acquis communautaire*" facilitates methodological access to the institutionalisation of governance beyond the state and despite states.

The paper is organised in three sections. The first section discusses the term 'governance' in the context of European integration. The second section elaborates on the concept of the "embedded *acquis communautaire*". The third section provides a summary of citizenship policy as a social practice since the early 1970s, taking the European Summit meetings at Paris, Fontainebleau, Maastricht and Amsterdam as major turning points in an ongoing story. The conclusion summarises the major changes of the citizenship *acquis communautaire* and the interrelated transformation of governance.

1. New Governance Beyond the State and Despite States

The increasing institutional density beyond the territory, level and/or scope of national government and policy procedure has led many contributors to European integration theory to refer to the term 'governance' when writing about the framework of policymaking and politics in the EU (Bulmer 1997; Jachtenfuchs 1995; Jachtenfuchs and Kohler-Koch 1996; Wallace 1996a). Much of this literature emphasises an interest in the substance of European integration thus moving beyond debating the likely outcomes of the integration process. It introduced a shift from a theoretically informed debate over the arguable merits of grand theory, and more specifically, neo-functionalist vs. intergovernmentalist approaches in explaining integration, towards examining the details of the policy process according to negotiation, agenda-setting, and implementation problems (Mazey and Richardson 1993; Richardson 1996;

Wallace et al. 1983; Wallace and Wallace 1996). Focusing on policy substance has thus contributed to highlight an emerging "pattern of rule" which had largely remained hidden under the theoretical agenda of the 60s and 70s. This pattern has been pragmatically labelled "governance" (Bulmer 1997, 2).

By bringing it to the fore, the governance literature has been crucial for an understanding of the Euro-polity as a polity 'in-the-making' as well as 'beyond the nation state'. Studying the complexity of policy substance as entailing administrative procedures and policy contents, has mainly led to identify institutional changes which enabled market actors to improve policy implementation. Governance in this sense, means sharing an acknowledged set of rules and procedures of social interaction for market purposes, or "the establishment and operation of social institutions - in other words, sets of rules, decision-making procedures, and programmatic activities that serve to define social practices and to guide the interaction of those participating in these practices" (Young 1997). It has long been argued that polity-formation in the EU is market-driven and leads first and foremost, to market-making not state-building (Streeck 1995). Yet, "while markets must be 'insulated' from social 'policy', they should never be seen in isolation from social/ethical 'regulation' and political processes." (Everson 1998, 17) It is the latter processes then which distinguish functional co-operative administration from the political and potentially conflictive process of 'governance'.² Michelle Everson has convincingly made the point that the 'political' aspect of governance is particularly complex once postnational models of governance are the subject of inquiry. While ultimately, the important questions for the transformation of governance are *who* gets to influence institutional terms of the political in the Euro-polity and *how*, this paper asks *what* is the institutional basis for this intervention and *how* was it constituted?

The former involves the definition of the legitimate third party to solve conflicts in this polity and the political values transmitted by it. The so-called "Comitology Decision"³ presents one example of such political queries underlying EU governance as a way of governing a new polity in which there is no politically acknowledged centre akin to the nation-state polities' administrative structure which preserves the influence of national states. The effort of accommodating the political interests of the EU Member States in the otherwise "highly administrative" committee task of overseeing policy implementation, therefore turned the committees into "mini-councils" (Everson

1998, 5), thus trying to avoid clear shifts of power and authority. This type of political involvement of national actors in the process of governance beyond the nation-state is an interim solution which shows the modern political actors' struggle for survival in an increasingly post-modern, or for that matter, medieval political environment (Ferguson and Mansbach 1996b; Ruggie 1993).

The latter seeks to open a perspective on other than state actors. It is of particular importance in the case of the EU that this struggle takes place over and on the emergent turf of a new polity. Crucially, post-Maastricht, this political space has been invaded by new actors, in particular interest groups who demanded access to equal rights for residents and citizens.⁴ The case of citizenship policy suggests that the process of policy implementation is indeed highly political. Beyond 'administration' it involves ethical/social concerns. It is about the "civilisation" of what was once perceived as a market polity (Everson 1998). It is hence not void of ethical concerns and past experiences which inform normative expectations and subsequently influence policy objectives. It follows that the process of policy making has become the key site for establishing the patterns of EU governance because the deliberations over policy objectives, agenda-setting and policy implementation substantiate and structure governance (Richardson 1996). Referring to governance in this sense means speaking of 'thick' governance.⁵

To summarize, the implications of applying 'governance' without problematising its state-centric roots "are twofold: first, market/management, a political process, is not a matter for classic administration and administrative law; and second, national polities - and not isolated European citizens - remain the legitimate source of European ethical/social values." (Everson 1998, 17, 18) In other words, while administrative discourse has sought to move beyond state-centric terms, in practice, the political remains attached to 'state' politics. The political scope of the discursive shift from 'government' to 'governance' therefore remains to be much more closely examined.⁶ It follows that, if we are to assess governance beyond the nation-state, changes in policy substance are more indicative than preferences of state actors. After all, this is a period when 'the state' is losing power, the political centre becomes weaker, other actors such as for example, policy networks gain an important influence in politics.⁷ Following the insight that governance is a process which thrives on conflict (Stone Sweet 1996), we need to do both, deconstruct core modern concepts and identify key sets of practices to reassemble them. As the next section suggests,

this method is particularly valuable given the constitutional implications of the *acquis communautaire*.

The conceptual remnants are state-centric and all too often misleading when applied as tools in the debates over politics and policymaking in polities other than modern nation-states (Ferguson and Mansbach 1996b; Ladeur 1997, 43). In the light of these changes of and within modern political entities, the concept of governance has turned into a fashionable term across the social sciences. However, while the popularity of the term indicates an inclination among scholars to move away from state-centric assumptions about modern government, so far, its inflationary use has come much to the detriment of its precision (Rhodes 1996, 652). Recently, it has been observed that the discursive shift from the term 'government' to that of 'governance' represents an effort to "distance modern *governance* from traditional *government*" (Armstrong and Bulmer 1998, 255). However, a *discursive* shift from 'government' to 'governance' must remain superficial unless it is matched by a *conceptual* shift. It has been pointed out that as long as this conceptual shift is pending, governance remains a concept with „rigid adherence to traditional notions of the national polity" (Everson 1998, 17). Subsequently analyses of governance beyond the nation-state which operate with a discursively altered, yet conceptually steady, concept of governance are open to precisely those conceptual pitfalls of modernity they seek to overcome.⁸

To avoid the pitfalls of the conceptually limited discursive shift towards the term 'governance' I propose to focus on the underlying practices of new governance beyond the nation-state which contribute to build the resources of governance. As I seek to demonstrate, such a middle range perspective advances an avenue for assessing the process of institutionalisation which allows for a contextualised and hence historically specific assessment of the terms of governance without presuming the final product of the process. Empirically, this type of analysis explores policy making as a practice. The empirical part of the paper highlights the citizenship debates in the EU. It reflects the conceptual problem which appears once the underlying sets of practices which contribute to the construction of meaning are neglected. By applying the methodology of 'embedded *acquis communautaire*' to study the institutionalisation of governance in the field of citizenship policy the paper shows that once the informal resources which inform processes of policy making and which are, in

turn, changed by the same process, are taken into account, the results of citizenship policy reach beyond the legal provisions of Treaty.

2. The Embedded *Acquis Communautaire*: Resources and Routinised Practices

This section seeks to point out alternative routes for approaching governance beyond the nation-state, that is new governance. It argues that the concept of *acquis communautaire*, or the shared legal and institutional properties of the EU, offers an invaluable access point for this enterprise. As that institution which contains the resources which have been created over decades of European integration, the *acquis communautaire* actually mirrors the result of legislative, policy and political practices over time. It is crucial to note however that beyond its role as a legal concept, and hence a guiding set of rules for European governance at any time, including its yardstick function towards the entry of new candidates for EU membership, the *acquis* also represents the continuously changing institutional terms which result from the constructive process of "integration through law". This paper stresses the importance of this link between the practices which underly this ongoing process of construction and the related changes of the *acquis*. I argue that for analytical reasons, this link is best conceptualised by distinguishing between formal resources and informal resources which are both influential in the construction of the *acquis*. While both sets of resources are clearly not comparable according to either legal or political terms, both do contribute to the substance of governance. They contribute to set the rules of the game in the Euro-polity. The innovative aspect of this paper is to suggest a way of conceptualising the *acquis* which allows for the acknowledgment of both types of resources. In other words, the legal body of the *acquis communautaire* is thus perceived as embedded in social construction. It may hence be best conceptualised as the 'embedded *acquis communautaire*'.

The argument builds on the insight that "routinised practices" (Tilly 1975, Kratochwil 1988, Koslowski and Kratochwil 1994, Tarrow 1995) are constitutive towards the meaning of the European Union's *acquis communautaire*.⁹ The argument builds on research which has begun to consider the *acquis communautaire* as an increasingly important and increasingly institutionalised reference point within the constitutional framework of the Treaties as well as in political practice (Gialdino 1995; Joergensen 1998;

Michalski and Wallace 1992). Indeed, the Treaty stipulates "to maintain the *acquis communautaire* and build on it" and to "create an ever closer Union among the peoples of Europe."¹⁰ Accordingly, the *acquis communautaire* amounts to a key institution of governance in the Euro-polity. To assess the resources entailed in the *acquis* this section entails three nested steps. The first step raises the critical question of state-centred concepts and principles, i.e. sovereignty, citizenship, democracy, underlying the literature on governance in EI. The second step suggests deconstructing the involved concepts according to their constitutive elements and sets of practices. The third step involves the analysis of policy making as a process which includes making routine practices, on the one hand, and the impact of these routinised practices on institutionalising new terms of governance, on the other. In a nutshell, the paper demonstrates that the practice of policy making is not only conducive towards the institutionalisation of legal provisions but it also contributes to the institutionalisation of socially constructed norms. The example of the practice of citizenship policy making exemplifies this socially constructive notion of the *acquis* and how it contributes to re-configure the resources of the *acquis communautaire* to the extent of influencing the substance and structure of 'thick' governance.

The *acquis communautaire* is understood as an institutional framework which is embedded in socially constructed meaning (Kratochwil and Ruggie 1986, Kratochwil 1988, Young 1989). As such, it works as a prism on the substantive dimension of governance. Following this approach, the conditions and meanings of the *acquis* are not fixed but flexible, they depend on constitutive practices (Kratochwil 1988). So far, European integration literature has largely overlooked the impact of constitutive practices. Instead, the *acquis* has been applied in an either a descriptive or a normative fashion. The descriptive use of the *acquis* is commonly applied in the event of enlargement, and more recently, in the event of 'opting-out' of the *acquis* at intergovernmental conferences (IGC). In the event of enlargement, new member states of the EC/EU are expected to accept the political, procedural and institutional conditions entailed in the *acquis communautaire* at the moment of accession. The "accession" *acquis* was the oldest concept of *acquis* which defined "the whole body of rules, political principles and judicial decisions which new Member States must adhere to, in their entirety and from the beginning, when they become members of the Communities" (Gialdino 1995, 1090). Yet, while being incremental is part of the *acquis communautaire* itself,

the Maastricht Treaty provides reason for caution, given that a "number of protocols to the Union Treaty [...] damage the *acquis communautaire*" (Curtin 1993, 18, cf. Mancini 1995). The procedure of 'opting out' is a more recent phenomenon which allows Member States to opt out of specific obligations, duties and/or entitlements of the *acquis communautaire* at the time of treaty revisions which usually occur at IGCs.

The normative application of the *acquis* has been identified as a constructive push factor in constitution-making (Weiler 1994). The concept of "integration by law" for example shows how the integration process was driven by institutionalised norms and the European Court of Justice's application of these norms (Weiler et al. 1986, Meehan 1993, Wincott 1995)¹¹. However, not only is the substance of the *acquis* often difficult to pin down since it is like "something that everybody has heard about it, but nobody knows what it looks like" (Michalski and Wallace 1992), it is also not immediately obvious how the *acquis* came about. Why does the *acquis* entail what it does? Viewed from a historical perspective the *acquis* is an institution which forms part of an ongoing process of constructing meaning and applying knowledge. This process maybe informed by past experience and future expectations informed by world views and/or ideas (Hall 1989; Jachtenfuchs 1995). The *acquis* may hence best be perceived as being embedded in structures of governance and at the same time, contributing to its substance. This embedded structure is distinguishable according to informal resources such as shared values, ideas and world views, on the one hand, and the routinisation of practices which lead to the agreement on policy objectives, on the other. The *acquis*' formal resources thus depend on the preceding processes.

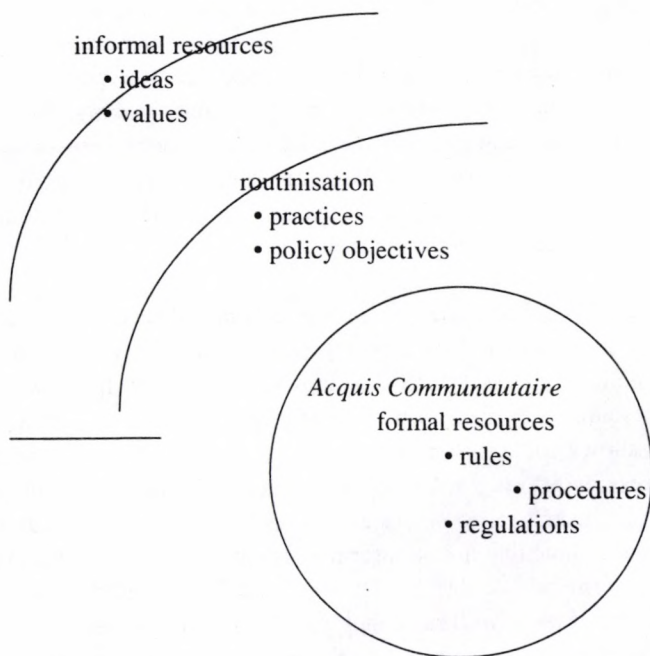


Figure 1: The Embedded *Acquis Communautaire*

To make these resources visible I suggest to include informal resources and the routinisation of policy in the assessment of the *acquis*. According to **Figure 1**, the *acquis* builds on informal resources such as ideas and values, routinised practices and policy objectives, as well as formal resources such as rules, regulations and procedures. Informal resources entail ideas and world views which inform debates over policy substance and agenda-setting. They may but do not necessarily have to turn into a formal resource. Indeed, more often than not, they form that part of a proposal which has been deliberated for a relatively long time. While certain aspects of such a proposal may be routinised as a policy objective, frequently discussed and rewritten proposals—such as for example the right to vote for community ‘foreigners’, i.e. citizens of a Member State with residence in another Member State.¹² This proposal had not been

turned into regulations or directives for some time. However, the underlying ideas continued to be a push factor of a certain policy over extended periods of time. During this time, the ongoing policy negotiations contributed to routinise the approach to voting rights. Thus, for example in the case of citizenship policy, the underlying idea for putting citizenship on the agenda in the early 1970s was that citizenship would lead to create a 'European' identity, the routinisation of approach involved step-by-step policy making, dusting off or, or for that matter, revising proposals on long standing policy objectives (Wiener 1998). As the following case study shows, these informal resources do influence the formal resources of the *acquis* on the one hand, and the expectations of a variety of political actors, on the other.

By identifying three sets of resources this model seeks to take account of "unintended consequences" of a policy (Pierson 1996). That is, it does not assume a policy process which develops on a straight line from point A (informal resource, i.e. idea) to point B (formal resources, i.e. treaty change). Instead, it allows for a systematised perspective on the development of the policy process by offering a way of identifying different layers and at varying speeds. While the embedded *acquis* entails both informal and formal resources, it is important to note that not all informal resources such as ideas and practices immediately form part of the *acquis*. This model suggests that they are only considered part of the *acquis* once they have acquired a degree of routinisation which produces a structuring effect on the policy process. The formal resources of the *acquis* have been voted upon by the Council, control over their enactment lies with the Court of Justice and the Commission. In turn, the informal resources are likely to be contested. They are therefore often debated in the respective formal and informal fora of the Euro-polity such as committees and working groups or networks and interest groups, respectively, depending on the policy's link with one of the three Community pillars. By debating these issues, these groups contribute to contest and possibly change the meaning of the informal resources.

Changes in the *acquis* occur over time and are expressed in the debates in between "history-making" Council decisions (Peterson 1995) or "snapshots" (Pierson 1996). The dynamic of these debates flows from the often contradictory interests between two largely differing approaches to the process of European integration, most clearly distinguished as integrationists, who will more often push for the adoption of a proposal, and the intergovernmentalists

who will attempt to keep the status quo. The resources contribute crucial information for policy makers because they may be mobilised (i.e. the formal resources) or changed (i.e. informal resources) once the opportunity is right. Providing opportunities and constraints, they hence invisibly structure governance. It follows that a change of the *acquis* potentially involves two processes. One includes the expansion of formal resources (changes of the treaty, provisions, directives, regulations), the other refers to a formalisation based on routinised practice or the constitutionalisation of informal resources (ideas, shared principles, practices as suggested by EP resolutions and Commission proposals or other documents). It is important to emphasise that the three aspects of the *acquis* are not linked in any linear fashion. Instead, it is intended to include the constitutive nature of political conflict by conceptualising the *embedded acquis* as a transmission belt between political processes and constitution making.¹³

3. Institutionalising New Governance: The Case of Citizenship Policy

This section provides an insight into the story of 'European' citizenship practice. To that end it disentangles the citizenship package and brings its parts - 'special rights' and 'passport' policy - to the fore. It specifically seeks to point out the policy makers' use of informal resources, the routinisation of practices and their impact on the changes of formal resources of the citizenship *acquis*.¹⁴ The case study suggests that shared values, normative ideals and functional perspectives as had been crucial causes affecting policy objectives which in turn shape the legal framework and rights, and hence affects everyday policy making. They changed according to four historical stages at four 'history-making' European Summit meetings in Paris (1974), Fontainebleau (1984), Maastricht (1991) and Amsterdam (1997).

In European integration studies citizenship policy has not received much attention as a practice, despite otherwise observed important contribution of citizenship in contexts of state-building (Bendix 1964, Marshall 1950, Turner 1991, Tilly 1975). Instead much of the literature has predominantly focused on legal assessments of Union citizenship thus correctly shedding light on the limitations of supranational citizenship (Closa 1995; Lyons 1996; O'Leary 1995; Oliveira 1995; Weiler 1997). Thus far, studies of Community citizenship have focused on a variety of aspects of citizenship policy. They explore legal

problems or political aspects based on legal innovations that mostly became apparent in the pre- and post-Maastricht debates. For example, while Union citizenship may be distinguished from national citizenship with reference to rights, the reference to rights alone does not say enough about the character of this new supranational citizenship (Wiener 1997 and Della Sala). As such, Union citizenship bears innovative potential, not only in EU polity formation but as a non-state model of citizenship in general (Benhabib 1997, Shaw 1998, Wiener 1998) How does this finding relate to the problem of state-centric approaches of governance?

Critical theorists have suggested to deconstruct core concepts in the modern international state system such as sovereignty and citizenship by desaggregating the concepts according to their social dimensions. This method builds on the observation that social practices are constitutive for the political meaning of these concepts (Benhabib 1997; Biersteker and Weber 1996). In other words, if we are to establish the dynamics which characterise Union citizenship as a newly emergent type of citizenship, analyses need to allow for a way of appreciating historical variability of context and contents of citizenship. Case studies then need to explore the resources of citizenship. It proceeds to demonstrate that normative and functional perspectives have been crucial push factors in the process of creating Union citizenship. To that end, the paper disembarks from the familiar conceptual approach to citizenship based on the dualism of identity and rights (Kymlicka and Norman 1994; Shaw 1997; Soysal 1994) and takes a broader historical perspective on citizenship as a relational and historically contingent practice (Somers 1994; Tilly 1995).

The broader interest underlying the case study is focused on institution building as an evolutionary and potentially contested process. Understood in a socio-historical sense the process of institution building means making routine practices, norms, rules and procedures which contribute to establish a distinguishable practice of citizenship. The focus is thus on the resources created through citizenship practice. It is important to note, however, that this focus on citizenship practice does not necessarily mean that civil society actors are involved. In fact, as historical analyses of state-building processes suggest, more often than not, it is *either* the state *or* civil society groups which dominate the conflictive process of establishing the institutional terms of citizenship, i.e. citizenship practice. The concept of embedded *acquis* establishes a link between the mutually reinforcing practices of the policy process, on the one hand, and

institution building, on the other. The constitutional role of the *acquis* thus acquires social meaning by its embeddedness in the social context. The case study illuminates this process.

Paris 1974. At the first stage, the lack of a clear political conception of Community development, according to Belgian Commissioner Etienne Davignon, was a yawning gap. This was particularly problematic because the EC was required to act and speak with one voice at that relatively early stage of the development of its polity. As he explained "one of the difficulties of European construction is that historical stages have to be missed out. It is necessary to behave as if Europe already existed, as a political entity. In history, all countries passed through a phase of exclusively national development. Yet in this instance Europe has to act and intervene at the international level before having completed the phase of its internal development."¹⁵ Institutional changes were necessary in order to provide the proper means for achieving this end. Referring to the lack of support from European citizens, Davignon used a discourse of identity stressing belongingness. He stated that "[p]eople should not be able to say: all we know of Europe is the VAT and the increase in the price of vegetables, but we don't feel that we belong to a new entity. *Europe should be personalised.*" [emphasis added]¹⁶

Belgian Foreign Minister Van Elslande pointed to the missing link between citizens and the Community as one reason for the crisis at this time. His discourse was also one of identity; this time emphasising access and rights. As he observed

"[t]he priority being given to setting up the customs union, the difficulties of political union, the weariness that is caused by so many marathons and vague decisions, have gradually eroded away public opinion; the building of Europe is liable to cease being a common ideal, but rather an objective sought after by those who will profit directly from it. In other words, Europe cannot be monopolised by economic and technological achievements and neglect, under penalty of losing essential support, the aspirations of its citizens."

The European citizens, therefore, needed to be better linked to the project. The search was on for policy which would contribute to establish this link by creating a sense of belongingness. Van Elslande continued to stress that the Belgian presidency should aim at creating the "first concrete stage towards

establishing European citizenship." This first stage would include mobility for students, exchanges of teachers and harmonisation of diplomas, with a view to giving "young people [...] the chance of feeling truly part of a vast network covering the whole of the Community." His primary emphasis, however, was the crucial importance of establishing an identity-based link among citizens and the Community since, in his view "[t]hese targets cannot be set on a technical basis. The political commitment must be a real one and each citizen must be able to grasp the significance of what has been decided."¹⁷ Italian Commissioner Altiero Spinelli demanded that the upcoming Paris Summit focus on the central question of *"what must be done to equip Europe at last with personality, identity, or, in short, that European Government of which it stands in need?"* (emphasis added)

At this time, the normative ideal consisted in the EC's need to act and speak as one political actor internationally. The policy objectives of special rights and passport policy aimed at the creation of a political Union, beyond functionalist economic organisation. The citizenship practice hence consisted in promoting a 'European identity' among citizens of member states, based on common heritage and common external action. Passport policies, special rights for citizens of member states, and voting rights to European Parliament were framed as aspects of citizenship-building. In the early 1970s, the formal resources of the *acquis* thus included no legal provisions in the EEC Treaty to act on political citizenship rights, Article 235 EEC Treaty provided the possibility for constitutional change based on an IGC. At the same time, the informal citizenship resources involved the idea of a European citizenship as an identity-generating concept, and the routinised resources entailed the policy objectives of special rights and passport policy according to the conclusions of the 1974 Paris communiqué. The policy objectives of special rights were partially turned into formal resources with the introduction of introduction of universal suffrage in European elections with the Council's decision on universal suffrage.¹⁸ The passport policy objectives were turned into a resolution on the introduction of a common passport.¹⁹ In the 1970s EC policy makers were interested in maintaining the *acquis communautaire* of the time. As some suggested, this could only be achieved on the basis of an improved image of the EC in global politics, as one precondition in facing the global crisis. As Henry Kissinger's query in the middle of the crisis (who speaks for Europe?)²⁰ made clear, the EC lacked representation on the global stage. The discourse of the time reveals that politicians saw this void as being in part due

to the lack of a European identity. While drawing on its quasi-constitution, EC politics were legally legitimised, the EC still did not speak in one voice; its speech remained "fairly scanty" as Davignon had rightly noted.²¹

Fontainebleau 1984. During the second stage the normative ideal which structured governance was the creation of an internal market without frontiers. The policy objectives of that time were the rights of free movement and voting for economically active citizens. Citizenship practice encompassed the extension of voting rights to provide belonging as means of integrating European foreigners (Member State passport holders who were resident in another Member State). The enhanced market-oriented integration and the increasing possibilities for workers' movement had created a potentially conflictive situation. As the Commission put it "[T]his situation - seemingly incompatible with the idea of European Union - has given rise to two conflicting positions. [One is that] foreign residents are campaigning for voting rights in the municipality or residence since they have the same duties and obligations as national residents [. The other is that] member States are refusing to drop nationality as the essential criterion for granting the right to vote."²²

One way of catching up with the pace of economic integration was to redefine the right to vote to include those citizens whose status had been reduced to one of market citizens. According to the Commission the establishment of voting rights in the country of residence was "consistent with the logic of a People's Europe."²³ Indeed, it reiterated that this political dimension of the debate needed to be in sharper focus, if the tension between integration on the European level and marginalisation on the individual level were to be solved. Not only democracy, but also belonging to a Community were at stake. The Commission raised the question whether "[I]n a democratic society, does the fact that people are disenfranchised, even at local level, marginalise them still further when the aim should be to integrate them? Or to put it in another way, could the grant of voting rights contribute to the integration of foreigners?" The concept of community that dominated EC discourse at that time was according to the Commission too closely drawn from the "purely economic [concept defined] in the Treaties." It was therefore time to take on "a new dimension in the context of a People's Europe [because] the concept of community which is purely economic in the Treaties, raises the question of whether or not a People's Europe necessarily involves the granting of political rights, at least at the local level."²⁴

This normative perspective facilitated a fresh view of the factual exclusion - instead of integration - of Community citizens who practised mobility from enjoying political rights in their communities of residence. The Council had been wary to address this question, stressing that the granting of special rights "posed a number of legal, political and social problems," hence, from the point of view of the Council, special rights could only be achieved through a "gradual approach [...] starting with those rights which posed the least problems."²⁵ As problems existed in abundance, it had practically declared the topic of voting rights a taboo, the matter had been abandoned and "not been discussed by the Council" since 1979.²⁶

The interrelation between the free movement of worker-citizens and the political right to vote and stand for election represented a decisive discursive shift in EC citizenship practice because it linked normative values to the politics of market-making. The discourse thus highlighted two different expressions of belonging in particular. The first type indicates belonging to a specific community within a bounded territory. It is defined by political citizenship rights and access to political participation. It hence defines the legal relation between the individual and a political community. This type of discourse on belonging had been invoked by the Commission's report on the right to vote. The second type of belonging is more subtle. It builds on subjective feelings of inclusion and exclusion which are based on the perception of participation. Experience and expectation hence have a strong input on perceived belonging. It may for example be based on access to social rights, i.e. participation in the social space of a community.

The tension which arises from this sort of belonging by means of social policy, or, for that matter, market involvement is based on the partial disclosure of one type of rights (i.e. social rights) and the ongoing closure of other rights (i.e. political rights) (Brubaker 1992; Linklater 1998, 151). The Commission's proposal on local voting rights for 'foreigners' contributed to a newly invoked discourse on democracy as one resource in the development of citizenship. Crucial for this period and for the growing political tensions later in the process was the decision to pursue the realisation of the four freedoms stipulated by the Treaty of Rome (EEC Treaty) - free movement of goods, services, capital and persons - not within the Community's policy framework. While this decision emerged first as a Franco-German agreement on the abolition of border controls on Franco-German borders in 1984, it soon turned into the Schengen

Agreement on the Abolition of Border Controls among five signatory states in 1985.²⁷

Maastricht 1991. During the preparations for the treaty revisions at the European Council at Maastricht a sudden shift occurred from what may overall be considered a balanced continuity of market making towards the management of political turbulence. Not least of these new shifts was the Community's suddenly changed geopolitical position (Bolten 1992; Garcia 1993, 2). Dinan notes one aspect of this change, when he writes "[f]rom the outset, the Community had considered itself as synonymous with 'Europe'. With the Cold War over, could the Community foster a sense of pan-European solidarity and genuinely pan-European integration?" (Dinan 1994, 158). While "European" identity as then applied meant Western Europeans (including the potential Western European new member states' citizens), the fall of the Berlin Wall now challenged the use of that term. Some Europeans had been left out all along, as non-Community nationals had been excluded from the special rights policy for years (Hoogenboom 1992, 74). This fact became much more obvious in the border debates which dominated passport policy in the 1990s.²⁸

The overall reaction of European politicians at the time was a turn to strengthen political union.²⁹ For example, the Martin report which had been adopted by the European Parliament on 27 February 1990, emphasised the urgent need to transform the EC into a federalised European union.³⁰ It was followed by a Belgian memorandum drawn up to "suggest that the European Community be given a new stimulus towards political union"³¹ and singled out two major tasks on the Community's political agenda. The first was to clarify the "Community's political purpose" in the light of the international political transformation, and, the second was to deal with the "growing democratic deficit" that had developed along with the growth of the single market. Similar to the Martin report, the Belgian document stressed the necessity of including provisions that created a stronger link between the Community and its citizens, for example, on the basis of a uniform electoral procedure and the right for Community citizens to vote in local elections.³² Shortly afterwards Chancellor Kohl and President Mitterrand addressed a now famous letter of 19 April 1990 to the Irish Council presidency,³³ wherein they stressed that the political situation required a second conference on political union.

In sum, the third stage led to a shift of the normative ideal underlying EU governance towards legitimacy and democracy as challenged principles in a multi-level polity. The policy objectives attached to these ideals focused again on political union, responding to challenges of democratic deficit and citizens' expectations raised by talk of Union citizenship. At this time citizenship practice had led to establish formal political ties between Union citizens and the Union on the basis of Union Citizenship. This dramatic change in the formal resources of the citizenship *acquis communautaire* meant two things. On the one hand, it clearly turned third country nationals into second class citizens. On the other hand, it established a new visible link between Union citizens and the Euro-polity. Both were decisive for motivating and informing post-Maastricht citizenship mobilisation. **Figure 2** shows the accumulated informal resources, routinised practices and formal resources which were now part of the embedded *acquis*.

The informal resources and the routinised practices of the citizenship *acquis* are thus driven by a the double-layered framework of economy and politics. They involve policy objectives which aim at the successful realisation of the internal market, on the one hand, and questions of democratic participation, on the other. Moving across borders to work and live in a different country has proved to cause political tension. While residents in one municipality may share economic, social and cultural activities they are divided over rights to political participation. It is not surprising then, that studies on European citizenship show that the practice of citizenship in the EU is *fragmented*: Union citizens may sometimes vote and stand for election, pay national health insurance, collect pay checks and receive social benefits in a municipality of one member state while they vote and stand for regional and national elections, pay income tax and have the nationality of another member state. The outcome of this process was the much criticised institutionalisation of 'thin' citizenship, albeit on the basis of institutionalised fragmentation of citizenship.

Amsterdam 1997. The fourth stage shows a growing mobilisation around and a rising confusion over the consequences of this fragmentation. It provides an insight into citizens' claims towards the Amsterdam IGC, stating the peculiar contradiction between citizens' expectations of the Euro-polity as a responsible governing body for their claims, on the one hand, and the limited mandate of the Amsterdam intergovernmental conference, on the other. The European

Parliament had for example organised hearings in Brussels during which Nongovernmental Organisations (NGOs) could express their demands towards the IGC. While NGO's were not formally entitled to participate in the IGC process, nor were there formally established democratic channels for participation, these hearings nevertheless provided space for discursive input.³⁴ Post-Maastricht a new debate unfolded over the gap among politically included and excluded residents, that is on the one hand citizens who had legal ties with the Union, and so-called "third country citizens," that is individuals who did not possess legal ties with the union but might have developed a feeling of belonging on the other, was pushed by interest groups and the European Parliament in particular.

Figure 2: The Embedded Citizenship *Acquis* after Amsterdam³⁵

Informal ressources →	Routinised practices →	formal ressources
<p><i>idea</i></p> <ul style="list-style-type: none"> • European citizenship as identity-generating <p><i>idea</i></p> <ul style="list-style-type: none"> • belonging through involvement in day to day Community affairs <p><i>Value</i></p> <ul style="list-style-type: none"> • democracy • solidarity <p><i>Shared goal</i></p> <ul style="list-style-type: none"> • further integration towards political union <p><i>shared goal</i></p> <ul style="list-style-type: none"> • Europe '92 <p><i>Shared concerns</i></p> <ul style="list-style-type: none"> • democracy deficit • transparency deficit • legitimacy deficit 	<p><i>policy objectives</i></p> <ul style="list-style-type: none"> • special rights (voting, movement, work, sue) • passport union <p><i>policy practice</i></p> <ul style="list-style-type: none"> • step-by-step • stage-by-stage • area-oriented <p><i>Council decision</i></p> <ul style="list-style-type: none"> • uniform passport • residence for workers <p><i>citizenship practice</i></p> <ul style="list-style-type: none"> • participation in day-to day Community matters (elections, work, economy) • group-by-group integration (workers, students, academics, young people) • interest group mobilisation <p><i>new approach</i></p> <ul style="list-style-type: none"> • communitarisation of aspects of Schengen and Third Pillar issues 	<p><i>institutional framework</i></p> <ul style="list-style-type: none"> • Articles 17-22 [8] EC Treaty (citizenship of the Union) - vote in municipal elections - vote in European elections - diplomatic protection • directives on the right to residence for - insured and non-welfare dependent persons - employees and self-employed persons who have ceased their occupational activity - students • Article 39 [48] EC Treaty (free movement of workers) • Article 158 [130a] EC Treaty (cohesion) • Principle 3(c) EC Treaty (abolition of obstacles to the free movement of goods, persons, services and capital) • Article 12 [6] EC Treaty (Treaty; no discrimination on grounds of nationality) • Article 14 [7a] EC Treaty (formerly: Art. 8a EEC Treaty; area without internal frontiers) • Article 141 [119] EC Treaty (equal pay for male and female workers)

For the emergent new dynamic in the debate over third-country nationals it is important to recall that with the Berlin Wall down, the Community had to face new challenge in the area of border politics; namely the question of visa and asylum policy, now involving the question of east-west migration, and how it was to be dealt with by the upcoming Schengen re-negotiations. One proposition to solve this potential political problem was the establishment of place-oriented citizenship. This demand was brought into the debate by the European Parliament (Oustrive Report, Imbeni Report). It was enforced by the social movements' demand to change the citizenship legislation of the Treaty. For example, instead of granting citizenship of the Union to "[e]very person holding the nationality of a Member State" (Article 8 (1)), the ARNE group requested citizenship for "[e]very person holding the nationality of a member State *and every person residing within the territory of the European Union*".³⁶

The Amsterdam Draft Treaty of 19 June 1997 did however not reflect these demands. On the contrary, the nationality component of citizenship was reinforced with the changed Article F(4) TEU which states that the national identities of the Member States will be respected. The potential flexibility of the citizenship article (8 EC Treaty) has not been used by the practitioners. While the formal institutional aspects of the citizenship *acquis* thus remained mainly the same, the Amsterdam stage of citizenship practice produced more changes with regard to the routinisation of informal resources as Brussels institutions began to work with national representations, national parliaments and NGOs to work on the citizens demands in order to fight the rising discontent which has begun to replace the 'permissive consensus' of earlier decades. Campaigns like 'Citizens First' which have been initiated by the EP and transferred by the Commission into the Member States in order to bring Europe closer to the citizens are examples of such reactions. The citizens' mistrust is not only a reaction to the distance between Brussels and the citizen, it also reflects a new way of practising citizenship. The EU has brought a new model of fragmented citizenship to the fore. As the Second Report from the Commission On Citizenship of the Union states "this diverse set of rights (entailed in Union Citizenship) is subject to different conditions. Generally speaking the rights stemming from citizenship of the Union cannot, for instance, be invoked in domestic situations which are purely internal to a Member State. Some of the entitlements such as the electoral rights can only be exercised in a Member State other than that of origin, whilst others such as access to the Ombudsman

or to petition the European Parliament are extended to all natural and legal persons residing or having their registered office in a Member State." ³⁷

While early 'European' citizenship policy did not aim at this institutional setting, the results of the 1990s brought an institutional fragmentation to the fore which remains yet to be matched by day-to-day experiences on the ground. The EU's new decentralised institutional framework thus contributes to increase an already "challenged confidence in the progressive and unifying force of democratic politics and value." (Salter 1997, 285) Indeed, Union citizenship contributes to the process of dissolving centred (citizenship) politics. At the same time, and "despite certain limitations, in practice the introduction of a citizenship of the Union has raised citizens' expectations as to the rights that they expect to see conferred and protected especially when they move to another Member State."³⁸ The expectations towards citizenship have now been raised, the genie is out of the bottle and the EU institutions feel the pressure to act. Thus the Commission's second report on citizenship states for example "[P]enalty for failure [to apply citizens' rights in practice, A.W.] is that citizenship of the Union may appear to be a distant concept for citizens engendering confusion as to its means and objectives *even fuelling anti-EU feelings.*" (ibid.) [emphasis added, A.W.]

To summarise, the case study recalled the developing 'European' citizenship practice as the source of routinising and institutionalising the Euro-specific terms of citizenship. It begins in the early 1970s, when practitioners discussed the identity-generating capacity of citizenship. This idea was derived from modern concept of citizenship. This idea seems to have been dismantled in proportion to the development of citizenship policy. Two decades later, the stipulation of Union citizenship appears as a pale reflection of a once powerful idea diminished to a set of minimal political rights, however, now the largely shared perception identifies Union citizenship as a "developing concept."³⁹ This expression indicates an assumption which is shared by a considerable variety of actors, governors and governed alike, such as non-governmental organisations, interest groups and social movements, namely, Union citizenship as stipulated by Article 8 TEU at Maastricht was not the end of the story. The demands, requests and policy proposals forwarded post-Maastricht suggest two things: first, they clearly depict the intention of mobilising towards a change of the existing citizenship article, for example towards more 'place-oriented' citizenship rights.⁴⁰ Secondly, these groups' demands provide an insight as to

where citizens claims are addressed, namely, not to national parliaments, but to the IGC which was to prepare the upcoming constitutional revision at Amsterdam. While citizenship practice thus enabled inclusion based on new institutions and, belatedly, new supranational practices, it also generated political tension. The normative demand for equal access to democratic participation based on the right to vote clearly brought the problem of inclusion and exclusion among member state nationals and 'other' European residents, namely the so-called third country nationals to the fore.

While top-down citizenship practice (i.e. Bismarckian style policy making) now has a history in the EU, bottom-up mobilisation (i.e. social forces' struggle) has remained relatively scarce.⁴¹ It was not until after the stipulation of Union citizenship in the Maastricht Treaty 1991 that a range of societal groups began to address institutions of the Euro-polity and the IGC in particular, with claims for improved citizenship rights. The mobilisation of hundreds of nongovernmental organisations and lobby groups in the years between Maastricht and Amsterdam has introduced a shift in citizenship practice from policy to politics. The stipulation of political citizenship rights on the European level fits well with a globally ongoing process of decoupling nationality and citizenship. However, this paper emphasised that the significance of this shift lies in the 'how' of citizenship practice as constitutive for polity formation by focusing on new institutions and on changes in the way of making claims. It has been argued that both bear potential for substantial changes of governance.

The post-Maastricht mobilisation has potentially two implications, one is a rethinking of citizenship, the other is the changing structure and substance of governance beyond the nation-state. This paper focused primarily on the latter. The argument built on the EU's use of a citizenship as concept which is, on the one hand, intrinsically and crucially linked with the political project of state-building (Grawert 1973; Held 1991; Jenson 1992; Tilly 1975; Turner 1990), and which has been highly contested in theory and practice, on the other. The fact that the EU is not a state thus pushes the conceptual contestation of citizenship even further. As this paper sought to demonstrate, the practitioners' application of the modern concept of citizenship as identity-generating by defining who is in and who is out, and the gradual emergence of a post-modern fragmented citizenship practice including various groups of citizens - instead of an either universally or prepolitically defined community as the respective liberal and communitarian approaches contend - have highlighted two substantial elements

of governance. First, the case has further contested the meaning of citizenship. Second, and more specifically, based on the concept of embedded *acquis* the case study has identified new resources, routinised practices and institutions. The paper did by no means intend to provide a comprehensive analysis, but introduced a way of tackling new dimensions of governance. The thrust of the argument intended to take the discussion about governance in the Euro-polity further by bringing in constructive and historical perspectives on routinised practices and the interrelated institutionalised terms of governance.⁴²

In sum, the post-Maastricht situation appears as a consequence of sets of practices which deviate from the familiar routines of citizenship practice under national governance. Crossing the borders of one nation-state to work and settle in another, keeping citizenship rights in that state to a certain extent while acquiring new rights in another Member State though with limited political implications has created confusion. The changes have an effect on governed and governors alike. Where to direct political claims? How to decide about rights for whom and based on which principles? The case demonstrates the link between citizen mobilisation over claims and changing patterns of citizenship practice. It shows that citizenship practice entered a new cycle expressed by a change of style, strategy and content of citizenship practice.

Conclusion

The paper pointed to the link between changes of the *acquis communautaire* which were caused by the practice of policy making and substantive transformations of governance. I argued that these entail information about the normative principles, shared practices, and rules which contribute to 'thick' governance in the Euro-polity. The transmission belt on which this link builds is the embedded *acquis communautaire*. That is, while the core of the *acquis* is formed by formal resources such as legal procedures, treaty provisions and directives, these formal resources are not independent from previously established informal resources such as shared values and norms, on the one hand, and routinised practices and policy objectives, on the other. By showing both phenomena as linked and constructive towards the substance and structure of governance, this paper did not consider governance as a simple pattern of rule in the Euro-polity but stressed the importance of the social construction of

sets of practices as constitutive for the leading concepts and principles of governance.

Based on the threefold set of resources - informal, routinised, and formal - the case study sought to assess the apparent gap between the idea of citizenship as an identity-generating policy innovation and the minimalist version of Union citizenship stipulated by the Maastricht Treaty. Indeed, the resources actually fill the gap. Instead of a skeleton of formal political rights, the case study on the practice of citizenship policy has shed light on the creation of a broad range of informal resources and routinised practices which provide the framework for interest group mobilisation in the 1990s. In examining the policy process as it unfolds step by step, it offers an insight into the policy practices including the discussion of ideas, the defining of policy objectives, strategies, procedures and eventually the institutionalisation of routinised new practices of governance, shaping a new model of citizenship which is specific to the Euro-polity in the process. The preparatory stage of the Amsterdam IGC was particularly interesting in this process because the conflictive discussions preceding the summit established a new political aspect of governance in the Euro-polity.

The case study suggests that post-Maastricht the Euro-polity entered into a new stage of polity formation beyond the nation-state. Citizen mobilisation showed how informal resources of the citizenship *acquis* such as shared values and norms (equal access to political participation) were mobilised by interest groups to enforce their demands. And the peculiar mix of fragmented institutionalisation of and mobilisation over the resources of the citizenship *acquis* implies that the modern concept of citizenship stands to lose political clout and meaning. Once perceived a unifying concept which set the borders of order and defined who was in or out of a political community, the concept now stretches across borders. While new forms of citizenship practice contribute to a rethinking of citizenship towards what might turn out to be a postnational political theory of citizenship (Shaw 1999), for EU governance these new forms of citizenship practice mean a shift of focus on political authority. This shift has sparked conflict, it has opened a window to import 'the political' into negotiations over the conditions of EU governance.

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Endnotes

¹ For comments on earlier versions of this paper I am grateful to Vincent Della Sala, Karin Fierke, Andreas Føllesdal, Carol Harlow, Knud Erik Jørgensen, Yves Mény, Susanne Schmidt, Uli Sedelmeier, Jo Shaw, and in particular, an anonymous referee. Responsibility for the final version is mine. This final version of the article benefitted much from the logistics and intellectually stimulating environment provided by the Robert Schuman Centre while the author was a Jean Monnet Fellow at the European University Institute in Florence.

² Stone's distinction between 'dyadic' and 'triadic' models of interaction make a similar point (Stone 1998).

³ 'Comitology Decision', Council Decision, 87/373/EC OJ L197/87 (cf. Everson 1998, 5) Joerges and Neyer point out that this decision (13 July 1987) on the implementation of the White Paper on the Single Market stands for rejecting "the idea of a supranational central implementation machinery headed by the Commission, and thus indirectly forces national governments into a co-operative venture" (Joerges and Neyer 1997, 276).

⁴ For example, hearings which were organised in Brussels by the institutional committee of the European Parliament (EP) on 18-19 October 1995 "with a view to preparing the Dury and Maj-Weggen Reports on revision of the Maastricht Treaty" (AE, 18.10.95, p. 4) were attended by "dozens of NGOs" while "over 300 NGOs had asked to take part" (Agence Europe [hereafter: AE] 18.10.95, p. 4 and AE 19.10.95, p. 4, respectively).

⁵ Legal perspectives in particular have sought "to identify practices within the decision-making process which challenge the analytical and normative assumptions upon which the majority of integration research rests" (Joerges 1997, 274).

⁶ Not surprisingly then that so far, the term 'governance' has been predominantly applied with reference to the regulatory state (Majone 1994; Majone 1997). In turn, the "re-articulation of political space" (Hueglin forthcoming, cf. Held and McGrew 1993) has received less attention.

⁷ By contrast: actor-oriented approaches to European integration often assume particular characteristics of actors which were true in a particular period of time, but not at another. This neglect of time is expressed by the emphasis on actor preferences instead of substantive policy change (i.e. institution building).

⁸ Armstrong and Bulmer's distinction between "modern governance" and "traditional government" (1998, 255; emphasis added) suggests that the 'modern' represents progress compared to the 'traditional'. This is particularly confusing with reference to other work on European Integration (EI) which has begun to refer to new types of governance as "post-modern" (Caporaso 1996; Ladeur 1997; Ruggie 1993).

⁹ According to the European Commission the *acquis communautaire* is understood as "the contents, principles and political objectives of the Treaties, including the Maastricht Treaty; the legislation adopted in implementation of the Treaties, and the jurisprudence of the Court; the declarations and resolutions adopted in the Community framework; the international

agreements, and the agreements between member states connected with the Community's activities." (Michalski and Wallace 1992, 38, cf. European Commission)

¹⁰ See Article B(5) TEU and Article A TEU respectively.

¹¹ On the importance of regulative and constitutive norms for international regimes, see in particular Kratochwil (1988). For the concept of embedded *acquis communautaire*, the ECJ's informal or formal adherence to the concept of binding precedent which has a particular importance for common law legal cultures, is another dimension which requires further theoretical elaboration which would lead beyond the limits of this paper, however. (I thank Jo Shaw for sharing this important observation).

¹² Crucial documents in the policy making process which led up to drafting Article 8b EC Treaty were: the Commission's report on special rights (Bull. EC, Supplement 7, 1975); the Scelba Report of the European Parliament on the "Granting of Special Rights to Citizens of the Community" (European Parliament 1979); the Commission's report on "Voting Rights in Local Elections for Community Nationals" (Bull. EC, Supplement 7, 1986); Commission proposal for a council directive on the right to vote and stand for election in European and municipal elections at one's place of residence (COM(88) 371 fin.; see also: Official Journal, EC, No. C246, 20 September 1988; Commission proposals for voting rights in European Parliament elections (SEC(93) 1021 fin., 23 June 1993) and for voting rights in municipal elections (COM(94) 38, 23 February 1994).

¹³ I thank Karin Fierke for alerting me to the importance of non-linearity for this particular model of the policy process.

¹⁴ For the detailed case see: Wiener (1998, chs. 4-12)

¹⁵ AE, No. 713, 5 January 1973, p. 7

¹⁶ AE, No. 713, pp. 3-4.

¹⁷ Europe Documents, No. 752, 17 July 1973, pp. 1-2 (speech of Foreign Minister R. van Elsslande on 27 June 1972 before the House of Representatives, made at the end of Belgium's six-month rotation at the presidency of the Council of Ministers).

¹⁸ Official Journal, EC, No. L 278, 8 October 1977, pp. 1-11

¹⁹ OJ EC, No. C 241, 19 September 1981, p. 1 [Council Resolution of 23 June 1981].

²⁰ Henry Kissinger asked this question when a Danish representative of the EC spoke in the name of the Community in Washington in September 1973 (Dinan 1994, 85)

²¹ The full citation reads "I have at times compared Europe with Tarzan. It has a relatively advanced morphology but its speech is still fairly scanty." See: Agence Europe, No. 713, 5 January 1973, p. 7 [interview in 'La Libre Belgique', 28 December 1972]

²² See: *Bulletin of the European Communities*, [hereafter: *Bull. EC*] Supplement 7, 1986, p. 6

²³ *Bull. EC*, Supplement 7, 1986, p. 5.

²⁴ *Bull. EC*, Supplement 7, 1986, p. 7.

²⁵ As v. Dohnanyi, President-in-Office of the council, had stressed at the Florence Round Table in 1978 (European Parliament 1979)

²⁶ *Bull. EC*, Supplement 7, 1986, pp. 11-12.

²⁷ After often heated debates among the involved politicians, the Schengen Agreement came to be considered the 'out-of-community' approach to back a step-by-step realisation of the four freedoms, when harmonisation seemed impossible to achieve (Gehring 1996; Weber-Panariello 1995; Wiener 1998, chs. 9, 10).

²⁸ One possible result of the inclusion/exclusion mechanism this process brought forth was seen in a new economic divide between Western and Eastern Europe (Saryusz-Wolski 1994, p. 19ff).

²⁹ Some European politicians saw the beginning of a new era in politics. For example, the Italian government which was to assume the presidency of the Community Council from July 1st to December 31st 1990, stated that the external political changes led to the "opening up [of] a constituent era of international relations in our Continent." Europe Documents, No. 1611, 10 April 1990, p. 1.

³⁰ PE 137. 068/fin., 27 February 1990, p. 6.

³¹ This Belgian memorandum was the first formal proposal towards political union (Dinan 1994, 164).

³² Permanent Representation of Belgium, (1990); see also: SI(90) 232, 26 March 1990.

³³ Indeed, the letter was termed a "landmark in the history of EPU" which "was rightly credited getting the negotiations going" (Dinan 1994, 165).

³⁴ Hearings organised by the European Parliament, see *supra*. 5

³⁵ Source: Wiener 1998, p. 273, updated

³⁶ ARNE (Antiracist Network For Equality in Europe). *Modifications to the Maastricht Treaty in Sight of the 1996 Inter-Governmental Conference*. Rome, 14-15 July 1995. Unpubl. Ms. [Emphasis of the document.] p. 4

³⁷ COM(97) 230 final, Brussels 27.05.1997, p. 6

³⁸ COM(97) 230 final, Brussels 27.05.1997, p. 6

³⁹ The term "developing concept" is used by the European Commission, see: European Commission, "Report on the Operation of the Treaty on European Union", Brussels, 10th May 1995, SEC(95) final, p. 7; as well as by the European Parliament, see: European Parliament, Task-Force on the Intergovernmental Conference, No. 10, "Briefing on European Citizenship"; PE 165.793, Luxembourg, 15 January 1996, p. 5.

⁴⁰ Similar demands have been forwarded by the Euro Citizen Action Service (ECAS) ('Revision of part two of the Treaty' (draft 15/03/96), p. 1) The notion of a place-oriented conceptual approach to citizenship has been discussed by Jane Jenson within the Canadian context. Jenson calls that approach "place-sensitive" (Jenson 1992).

⁴¹ For the distinction of different politics towards the implementation of citizenship, see: Turner 1990.

⁴² This intention was specifically spurred by Hix's recent efforts to identify 'rival approaches' to governance in European integration approaches (Hix 1998).



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