

THE CONSTRUCTIVE POTENTIAL OF CITIZENSHIP: building European union

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English

This article seeks to develop a way of assessing the constructive potential of citizenship based on its newly institutionalised terms such as the shared values, objectives and regulations that have been established by citizenship policy over time. It builds on a study of European citizenship policy making over two decades. Beyond describing the emergence of citizenship, it promotes a systematic approach to reconstructing the policy in this supranational context. It is assumed that citizenship did not emerge out of the blue on the agenda of the Maastricht Intergovernmental Conference which negotiated the Treaty of European Union in 1990–91, but that it is possible to identify agenda-setting steps in earlier stages of the policy process.

Français

Cet article cherche à développer comment estimer le potentiel constructif de la citoyenneté fondée sur ses termes nouvellement institutionnalisés tels que le partage des valeurs, des objectifs et des réglementations qui ont été mis en place par la politique de citoyenneté au cours des années. Il se fonde sur une étude concernant la mise en place d'une politique de citoyenneté européenne sur deux décennies. Au delà de la description de l'émergence de la citoyenneté, il encourage une approche systématique pour reconstruire cette politique dans ce contexte supranational. Il est estimé que la citoyenneté n'est pas apparue à l'improviste sur le programme de la Conférence Intergouvernementale de Maastricht qui a négocié le traité de l'Union Européenne en 1990–91, mais qu'il est possible d'identifier des étapes de planification de ce programme relativement tôt au cours du processus de la politique.

Español

Este artículo busca desarrollar una manera de evaluar el potencial constructivo de la ciudadanía que se base en nuevos términos recientemente institucionalizados tales como los valores compartidos y los objetivos y regulaciones que han sido establecidos, a través del tiempo, por las políticas pertinentes a la ciudadanía. Se basa en un estudio sobre la elaboración de políticas Europeas de ciudadanía desarrollado durante dos décadas. Además de describir la emergencia de la ciudadanía, promueve un acercamiento sistemático que busca reconstruir la ciudadanía en este contexto supra-nacional. El artículo asume que el ciudadano no apareció de la nada en la agenda de la Conferencia Intergubernamental de Maastricht que negoció el tratado de la Unión Europea en 1990–91. En vez, sugiere que es posible identificar pasos en la elaboración de la agenda durante las etapas iniciales del proceso de creación de políticas

[T]here is no universal principle that determines what those [citizenship] rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed. (Marshall, 1950: 28)

[I]t is perhaps less important that the innovations are small than that they are breaches in normal conventions. In a much shorter time-scale than it took to establish universal legal, political and social rights within states, a pattern, of which these breaches are part, is coming about of more horizontal avenues and a more plural set of institutions through which citizenship, as both entitlements and 'lived' experience, may be realised. (Meehan, 1997: 73)

Introduction

Unlike normative positions that are rooted in political and social thought, concerned with what must be done to establish citizenship, I propose a historical perspective that considers the introduction of citizenship in a non-state as a puzzle. If citizenship has, so far, been an organising principle for bounded political communities, then what does the introduction of citizenship rights in a supranational polity with shifting boundaries imply? Two central questions guide the analysis. First, why has citizenship been established in a non-state (instead of what should citizenship entail)? Second, what does citizenship imply for the EU as a political community, and a society?

The article is organised in three sections. The first section elaborates on different perspectives in the debate and introduces the shift from principles to practice based on the concept of 'citizenship practice'. The following section offers an insight into a case study of European citizenship practice over 25 years, and the final section offers a conclusion that characterises 'integration through citizenship practice' as a process of institution building that parallels the process of 'integration through law'.

From principles to practice

Studying citizenship of the Union

In 1993, citizenship of the Union, for the first time in the history of modern statehood, established supranational political citizenship rights. While this innovation provoked much debate, the reactions differed according to academic field, or societal position. For example, the majority of legal studies have pointed out that, far from being spectacular, Union citizenship largely combines a number of rights that had been available to Europeans before. Moreover, these rights are considered minimal in that, in comparison with national citizenship, Union citizenship entails a *deficit* (see, for example, Closa, 1995; O'Leary, 1995; Oliveira, 1995; Lyons, 1996; Weiler, 1996). Taking on this issue, a large number of advocacy groups mobilised in the Euro-polity in the aftermath of Maastricht demanding an expansion of citizenship to include other social groups, new forms of participation, or additional citizenship rights (for interest group mobilisation, see, for example, the European Parliament's revised website at www.europarl.eu.int). Social scientists predominantly see citizenship as an instrument that furthers European integration according to a federal logic by adding on a third level of citizenship (Wildenmann, 1991; Mazzaferro, 1993; Monar, 1998). Taking an interdisciplinary approach mostly involving law and the social sciences, a number of studies have sought to identify the constructive potential of Union citizenship (see, for example, Meehan, 1993; Shaw, 1997; Kostakopoulou, 1997).

Seven years on, after the Maastricht decision to supranationalise citizenship, the literature on citizenship mirrors the long-standing tradition in European integration studies to focus on parts of the elephant (Puchala, 1972) thus keeping the actual nature of the beast out of focus (for exceptions see Diez, 1999; Jachtenfuchs et al, 1998). However, unlike other policy areas such as, for example, the environment, finance, social policy and agricultural policy, citizenship policy inevitably raises questions of statehood (Hobe, 1993). As a concept that is about defining the rules of membership in a political community (Brubaker, 1992) and about setting

the “border of order” (Kratochwil, 1994), citizenship requires an understanding of the political community it refers to, in this case the emerging form of a Euro-polity, or, for that matter, a Euro-society. So far, the necessity to refer to the whole, instead of a selected part, of a polity, which is inherent to any discussion about citizenship, has predominantly led to normative debates over Union citizenship. In fact, the majority of scholars analysing and discussing citizenship of the Union do so following the underlying question of what Union citizenship ought to entail in order to grant full membership to its citizens.

This article takes a different perspective. It addresses the impact of European citizenship policy on building institutions of the Euro-polity. It explores the analytical potential of the literature on modern state formation (Marshall, 1950; Bendix, 1964; Tilly, 1975a) which points out that, as a process the institutionalisation of citizenship is linked with state formation. Historical approaches suggest that negotiations and debates over political rights and the emergent constellation of political institutions are mutually constitutive, based on a process of ‘routinisation’ (Tilly, 1975b). That is, as a process, citizenship policy and politics bear constructive potential for polity formation. If the establishment of citizenship rights was crucial to building institutions of the modern Western European state, then it follows that citizenship policy in the European Community, and now Union, equally has an impact on the process of ‘state’-building in the meaning of polity formation. To assess the state-building function of citizenship policy in the process of European integration, I therefore propose a shift of focus from a normative discussion about the citizenship ‘deficit’ to assessing the constructive potential of Union citizenship. Analytically, this shift implies a turn from principles to practice. The core concept of the approach that is introduced by this article is therefore ‘citizenship practice’, ie, the policy and politics which lead to establishing the institutionalised terms of citizenship within a polity (Wiener, 1998a: Chapter 2).

This section thus suggests a shift from principles to practice. Instead of pursuing a conceptual approach to citizenship that is based on the dualism of identity and rights (Brubaker, 1992; Kymlicka and Norman, 1994; Soysal, 1994;

Preuss, 1995) it endorses a broader historical perspective on citizenship as a relational and historically contingent practice (Somers, 1994; Tilly, 1995). This turn towards citizenship as a practice seeks to assess institution building as an evolutionary process that contributes to the ‘routinisation’ of practices, norms, rules and procedures (Tilly, 1975a; Tarrow, 1995). Crucially, this historical approach distinguishes between *constitutive* elements and *historical* elements of citizenship¹. Accordingly, citizenship is defined as entailing polity/community, the citizen, and *citizenship practice* as three constitutive elements. While the first two are familiar elements of citizenship theory, the third relational element seeks to bring in a distinctive historical perspective of citizenship. The historical variability of citizenship is empirically identifiable according to access to full membership based on the realisation of rights and the representation of identity. Rights, access and belonging are therefore termed the three historical elements of citizenship.

Assessing institutional change: the *acquis communautaire*

Writing political citizenship rights into the TEU formalises the direct link between citizens and the EU (Closa, 1995; Craig and De Burca, 1998). This link differs in many ways from the familiar citizen–polity relation in national states over the past two centuries. Most significantly, the Euro-polity is a political arena without fixed boundaries or a centralised political structure; instead it has been characterised as a multi-level polity with a weak core which cannot claim the legitimate monopoly of force over a population within a bounded territory (see Caporaso, 1996; Marks et al, 1996; Hooghe and Marks, 1997). While comprising a supranational bureaucratic apparatus and a highly sophisticated system of economic integration, no familiar concept of governance applies to the EU (see Meehan, 1993: xi; Sbragia, 1993: 24; Scharpf, 1994: 227; Streeck, 1995). Any study of the citizen–polity relation needs to consider that this relation is placed within the context of a “new practice of governance beyond the state” (Jachtenfuchs, 1995: 115), characterised by a political arena in a continuous state of construction. The incremental character of this polity, and shared goal of

further integration, is specified by the determination of its signatories "to maintain the *acquis communautaire* and build on it" as well as "create an ever closer Union among peoples of Europe".²

Two observations are crucial for such a case study. One is *methodological*, the other *conceptual*. First, citizenship policy needs to be identified as it was not named a policy area in the EC/EU until 1993 when it first appeared as such in the *Bulletin of the European Communities* (see *Bulletin of the European Communities*, EC 10, 1993: 63). Rather, bits and pieces of citizenship related policies – such as culture, passport, movement, special rights – can be identified and then put together in the same way that a jigsaw puzzle is assembled. Second, on a conceptual level it is important to clarify the type of approach to citizenship that meets the challenge posed by the *sui generis* character of the Euro-polity. While the EU is different from any known political entity, it does entail an increasing amount of routinised practices, institutions and competences that strengthen its role as an actor on the global political stage. For citizenship policy it follows that, even though the EU is now considerably more than an international regime, it is still less than a fully fledged polity (Wallace, 1996). Further to the institutional conditions, analysing citizenship policy is complicated by the fact that, as a policy, citizenship is scattered across various policy areas and shared among a number of political actors in the Euro-polity. As one commission official involved in citizenship policy noted, "information on union citizenship is widely scattered within the Commission" (interview with Kerstin Jorna at DG XV, Directorate A 3 of the European Commission, Brussels 13 June 1994; author's translation from German). (See also Beverly Springer's observation that "no commissioner and no DG have, as a primary responsibility, the development of citizenship policy. Different aspects of the policy are scattered among the responsibilities of several commissioners and their DGs"; Springer, 1994: 144.)

As the case study will further elaborate, the two major policy areas that contributed to the construction of citizenship practice in the EU were *passport policy* and *special rights policy*. Passport policy has been mostly a matter of inter-

governmental politics.³ In turn, special rights policy was heavily influenced by contributions of the Commission and the European Parliament. To overcome these two obstacles, I propose to assess changes in the developing institution of citizenship based on a step-by-step assessment of the EU's citizenship *acquis communautaire*.⁴ While the *acquis communautaire* is commonly defined according to a legal framework, I have argued elsewhere that it is also a product of ongoing political and policy practices. Its contents are therefore linked with more tangible factors such as the underlying ideas and principles which lead to the stipulation of primary and secondary law as well as the institutional properties of the EU.

These intangible resources therefore indirectly influence the process of agenda setting. In turn, as shared practices, agenda setting, policy making, law making and politics contribute to the construction of norms which guide further politics. The contents of the *acquis* hence depend on *informal resources* such as constructed meaning and practices on the one hand, and *formal resources* such as rules, regulations and procedures on the other. The informal resources often form that part of a proposal that has been part of the debate for a certain period of time, such as the right to vote, which had not been turned into regulations or directives for some time. That is, they still require final adoption by the Council. In contrast, the formal resources include the regulations, directives and decisions that have been adopted by the Council. While the *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. While the formal resources of the *acquis* are largely subject to a consensus, the informal resources are much more likely to be contested. They will therefore most often be debated in the respective forums of the Euro-polity depending on the policy's link with one of the three Community pillars and hence the respective approach (Community or intergovernmental) that applies.

Changes in the *acquis* occur over time. These changes are expressed in the debates in between

'history-making' Council decisions (Peterson, 1995) or 'snapshots' (Pierson, 1996). The dynamic of these debates is most likely based on 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 (ie, the formal resources) or changed (ie, informal resources) once the opportunity is right. Providing opportunities and constraints, they hence invisibly structure policy making. 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). Overall the change of the *acquis* depends on changes in the political opportunity structure which facilitate the immediate context for the mobilisation of resources towards the establishment of a policy or its components. The analysis of the multidimensional jigsaw puzzle of EU citizenship policy therefore hinges on the systematic assessment of changes of the *acquis communautaire*. Historical institutionalism thus facilitates an important methodological access point for a socio-historical account of citizenship policy in providing a way of assessing the immediate institutional context based on the set of formal and informal resources which compose the *acquis communautaire*.

If changes in policy substance are the research object, then it is necessary to search for a way of filling the time lags between 'snapshots' of history-making decisions (Peterson, 1995; Pierson, 1996). While most policy analyses focus on explaining *why* policy changes occur and therefore examine policy preferences of actors in given policy sectors, a policy analysis which focuses on the meaning of a policy needs to focus not on the 'who' and the 'why' of policy change, but on the 'what' and the 'how' of policy development. That is, it needs to explain changes in the sub-

stance of policy. One way of doing this is to examine the discourse on citizenship in chronological order. Based on the *acquis* as institutional reference point, the case study seeks to identify how citizenship policy is developed over time, going through a process from defining an idea and setting policy objectives towards the realisation of this idea and then creating the legal framework which facilitates the application of the idea on an everyday policy-making basis. The policy analysis reconstructs the bits and pieces of citizenship through the prism of the "embedded *acquis communautaire*" (Wiener, 1998b). With a view to putting the jigsaw puzzle of Union citizenship together the case study sets out to reconstruct the developing practice of citizenship within the Euro-polity. The story begins in the 1970s, when the idea of citizenship as identity generating first emerged on the EC's policy agenda.

Building institutions: expanding the citizenship *acquis*

The story of citizenship practice (the case study draws heavily on Wiener, 1997) reveals three major shifts of policy paradigm which enabled consequent incremental changes in the citizenship *acquis*. These turning points are: the Paris Summit Meetings in 1973 and 1974; the Fontainebleau Summit Meeting in 1984; and the Maastricht Summit Meeting in 1991. In the 1970s policies were established under a politics-oriented paradigm with the creation of political union as the overarching goal of policy making at the time. In turn, in the 1980s, policies were formulated within the context of a market-oriented paradigm with the overarching goal of constructing the single market without internal frontiers until 1992. Finally, in the 1990s, a swing in the policy paradigm towards issues of legitimacy and democracy can be observed. This section recalls major aspects of the expansion of the citizenship *acquis* by identifying informal resources such as ideas and shared values, the routinisation of citizenship policy and formal resources over three periods which are distinguished as 'Paris', 'Fontainebleau' and 'Maastricht'.

Paris: from the Europe of materials to the Europe of citizens

The early 1970s marked a turn from the “Europe of materials” to the “Europe for citizens” (Van den Berghe, 1982: 22). Part of this turn was the decision taken by representatives of the member states to work towards the establishment of a political union in Europe. As the final communiqué of the 1972 Paris Summit stated, “the member states of the Community, the driving force of European construction, affirm their intention before the end of the present decade to transform the whole complex of their relations into a European Union” (Dinan, 1994: 81; cf European Commission, 1972: point 5(16)). The broader context of citizenship policy at that time was framed by changing institutional, economic and political conditions on the global level which influenced the flow of European politics. The increase of oil prices in 1973, and the fall of the Bretton Woods system of fixed exchange rates, shook the global economic system and eventually led to a “major change in the political economy of Western Europe” (Tsoukalis, 1993: 37).

At this time the Commission, the Council of Ministers and the Parliament were increasingly criticised for not being able to cope. An institutional crisis emerged and EC politics came close to stagnation. The President of the Commission, Xavier Ortoli, pointed out that this was crucially a problem of lack of European identity when he stated after the 1972 Paris Summit that “the economic crisis and the changes in international relations, far from strengthening Community solidarity and leading to an assertion of Europe’s identity *vis-à-vis* the rest of the world, have marked a further check, and perhaps a retreat, in the process of European construction”. He stressed, “it is important to develop political willpower [since] in the new world situation, no member state can act efficiently alone” (Agence Europe [AE], 2 February 1974, no 1449: 7). Such claims stood out as politically bold in a context which thus far saw the diverse member states only united in their understanding of the EC as a customs union. Thinking about integration until then had very much reflected the neo-functionalist view of changes in political outcomes as ‘spillovers’ from new economic and monetary

policies (Ross, 1995: 6). 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” (AE, 5 January 1973, no 713: 7).

If gradual European integration was still the goal, 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 “people 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*” (AE, no 713: 3–4, emphasis added). Belgian Foreign Minister Van Elsslande 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, “the 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 establishing this link by creating a sense of belongingness. Van Elsslande 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, "these 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" (van Eslande, 1973). And Italian Commissioner Altiero Spinelli demanded that the upcoming Paris Summit focus on *the central question*, "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). He subsequently emphasised the necessity of profound changes in the European institutional setting. Not only was the question of the European Community as an actor within the international realm at stake, but the creation of this political actor had to respect democratic values, and be legitimised by the people. Such a project would, according to Spinelli, have to draw on a European identity. Thus, "the Copenhagen Summit will have the job of setting in motion a constitutional procedure for European identity", and he explained that such a procedure could be based on the nine leaders' expression of "their Governments' political obligation to bring forward the deadline for preparing the European political Union and to specify the form of such preparation" (*Europe Documents*, no 775: 3-5).

The central issue in all these debates was that of addressing the EC's role as a political entity, based on a new identity and a working administrative body. Both the idea of a European identity and the construction of a political union had already been mentioned at the Paris Summit in 1972. However, the transformation of these ideas into concrete policies would require consensus among the 'Nine' (countries), the achievement of which had traditionally been the weak point of the Community. While it was questionable whether such a consensus could ever be achieved, the fact that political union was a clearly spelled-out goal of EEC politics represented nonetheless

a decisive break with prevailing functionalist assumptions about the Community as an economic organisation. If the metaphor of a "spiral that coils ad infinitum" (Hoffmann, 1966: 227) captured well the EC policy-making process up until this point, this decision had created a fixed point for the Euro-polity.⁵ Federalist politicians such as Spinelli and Ortoli saw in this their chance to mobilise this new resource in the Community discourse and acted accordingly.

After the declaration of the goal of political union at the 1972 Paris Summit, it took two more years until the 1974 Paris Summit to transform these ideas into guidelines for future policy making. In the meantime, new policy objectives were specified. At the 1973 Copenhagen Summit, a paper on 'European identity' was issued (*Europe Documents*, no 779). This paper broadly defined European identity as being based on a "common heritage" and "acting together in relation to the rest of the world", while the "dynamic nature of European unification" was to be respected (*Europe Documents*, no 779: 1). At the meeting between the heads of government and Commission president Ortoli in Paris 1974, this idea was transformed into policy objectives.⁶ In this Council document, citizens were, for the first time, considered as participants in the process of European integration, not as consumers but as citizens.⁷ This notion of citizens thus became a new informal resource of the *acquis communautaire*.

The final communiqué stated the need for a time frame for the first elections of the European Assembly by direct universal suffrage "at any time in or after 1978", and the necessity to agree on a "concept of European Union". With a view to citizenship practice, the most significant points of the communiqué were points 10 and 11 which proclaimed the creation of a passport union and the establishment of special rights for citizens of the nine member states respectively (*Bulletin of the European Communities*, EC 12, 1974: 8-9). Special working groups were assigned the task of producing draft reports for the development of the passport union, special rights, universal suffrage and a concept of European union. At the same time people began to speak of a 'Citizens' Europe' (Van den Berghe, 1982: 31; European Parliament, 1992: 14). The reports that followed contributed to a new discourse on citizenship and citizens' rights.⁸

The Paris Summits thus set the first stage for citizenship practice in the EC. Even if institutional resources were scarce, input of ideas towards an expansion of the informal resources of the *acquis* was accomplished by those politicians who were ready to invest time and thought. After the Copenhagen Summit and the two Paris Summits in the early 1970s, the Council agreed to begin to institute some new policy instruments. Among these were bits and pieces of ‘special rights’ and ‘passport policy’ that would eventually contribute to the creation of European citizenship. With the long-term goal of political union on the table and debates over the policy instruments needed for this objective well under way, the 1970s set a cornerstone for citizenship policy despite the economic crisis. The Commission’s proposal (1975) for a working party on special rights (*Bulletin of the European Communities*, Supplement 7, 1975: 26–32) noted that “point 11 [of the Paris Communiqué] talks of granting special rights to the citizens of Member States. This allusion to the citizen – basically a political concept which was substituted for the term national, which is always used in Community texts – provides a first clue to the civil and political nature of the special rights” (*Bulletin of the European Communities*, Supplement 7, 1975: 26). That is, the policy objective of special rights was framed by a discourse of citizenship. While the context did not favour major political innovations – given the lack of constitutional backing – it still provided grounds for a step-by-step mode of policy making. Thus, ways to create the ties of belonging between the Community and the citizens began to be addressed, if on a largely ideational level. Early citizenship policy, which drew much more on the normative dimension of the treaties (principle of equality) than on formal resources, later became the core instrument for establishing special rights and passport union after the 1984 Fontainebleau Council.

In addition to defining special rights for European citizens, a uniform passport was assumed to contribute in a twofold way to the construction of ties between the Community and its citizens. On the one hand, it was assumed that one passport for all would provide a shared document of identity for all Community citizens; on the other, the possibility to move freely without being stopped at internal Community frontiers

would enhance the feeling of belonging to a territory broader than that of a single member state. The final communiqué of the 1974 Paris Summit stated in this regard that a “working party was to study the possibility of establishing a passport union, and in anticipation of this, the introduction of a uniform passport”. It was agreed that this draft “should be submitted to the Governments of the Member States before 31 December 1976” and was supposed to “provide for stage-by-stage harmonisation of legislation affecting aliens and for the abolition of passport control within the Community”. This passport, European politicians found at that time, was not only aimed at increasing awareness of Europe as a new political actor on the international stage, but was also expected to create a feeling of belonging to the Community among European citizens. As the communiqué clearly stated, “the fact remains that the introduction of such a passport would have a psychological effect, one which would emphasise the feeling of nationals of the nine Member States of belonging to the Community” (*Bulletin of the European Communities*, EC 12, 1974: 8–9); and secondly, “one should take into account not simply the psychological effect of a uniform passport as justifying its existence but that such a passport might be equally justified by the desire of the nine Member States to affirm *vis-à-vis* non-member countries the existence of the Community as an entity, and eventually to obtain from each of them identical treatment for citizens of the Community”.

The aim of passport policy was then explicitly twofold. It involved a project aimed at confirming the Community as an entity *vis-à-vis* the rest of the world, and capable of reviving the feeling of citizens of the Community of belonging to that entity.

The practice of carrying common passports within the Community remained to be defined. Among other things, it involved the reduction of border controls, and the introduction of spot-checks at internal Community borders. Passport policy was not only to contribute to the creation of a feeling of belonging, but was considered as one crucial means allowing for a flexible labour market. These two motives for passport policy making were explicitly expressed in the Council’s resolution on a uniform passport in 1981

wherein it said it agreed to introduce a “passport of uniform design” on the basis that, first of all, it was “anxious to promote any measures which might strengthen the feeling among nationals of the Member States that they belong to the same Community”, and secondly, that “the establishment of such a passport is likely to facilitate the movement of nationals of the Member States” (OJ EC, no C241, 19 September 1981: 1 [Council Resolution of 23 June 1981]).

This dual linkage then facilitated two sets of resources, one market-based, the other symbolic, which were both linked to borders and movement across them. Two insights follow from the early period of passport policy making. First, it was going to be developed on a step-by-step basis. Here, it is notable that the actors, and the Commission as pro-integrative actor in particular, not only considered a factual but also a discursive step-by-step approach. It thus created informal resources that could become *acquis* through routinisation as they created a context of familiarity with terms and practices of passport union over time. Second, an emerging tension between the political restraint and economic necessity of passport policy became evident. On one hand, border controls remained a security matter, and therefore the member states were not inclined to transfer any sovereignty to the Community level in this area. On the other hand, free movement was crucial for market regulation in light of migration and employment policy and hence fell under the auspices of the Commission’s internal market policy makers.

To summarise, 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?”) made clear (quoted in Dinan, 1994: 85), 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, however the EC still did not speak in one voice; its speech remained “fairly scanty” as Davignon had rightly noted (interview in *La Libre Belgique*, 28 De-

cember 1972; see *Agence Europe*, no 713, 5 January 1973: 7). Despite the agreement that Community policy making was now aimed at creating a political union, the problem of how to create a feeling of belonging among the Community citizens who would contribute to the identity of this union remained. The debates over policy objectives during this decade revealed how policy makers were organising the existing resources such as constitutional assets and how they began to set new policy objectives and instruments. A set of new resources such as special rights and passport policy was envisioned. With the first steps towards their creation the *acquis* was gradually broadened. The crucial stages that contributed to expanding formal resources of the *acquis* were, first, the adoption of the 1976 Council decision to implement direct universal suffrage and the European elections in 1979, and second, the decision to create a single European passport in 1981.

Besides these changes the *acquis* was expanded based on informal resources such as the idea of ‘Europeanness’ that had been introduced with the document on European identity in 1973 and was gradually being realised by both special rights and passport policy. As Guido Van den Berghe points out, a ‘qualitative change’ was introduced by voting directly for the European Parliament. What was formerly ‘abroad’ was now to be thought of as European, as if the Community was beginning to assume its own territory.⁹ At the end of this decade that territory was a space where voters shared the practice of voting. In this early stage, then, citizenship practice introduced perspectives that contributed to a new way of transgressing inter-Community borders.

Overall, the first group of resources was the one that changed the most during this period. These ideational resources included among others normative, philosophical and ethical aspects. They hence stem from a framework that may be appropriately characterised by experiences and expectations drawn from social and political thought about citizenship. These types of informal resources had not been identified as distinguishable factors in the universe of political discourse in previous decades. While they might certainly have played a role in the Community’s founding fathers’ vision of Europe, they appeared as new resources in the process of agen-

da setting of Community policy makers. As the discursive analysis reveals, the new overarching goal of political union – a new necessity to speak with one voice in global politics – and the introduction of a debate over the definition of citizens brought new concerns to the fore. The question of how to define the rights of European citizens thus triggered a series of questions which contributed to a new perspective on Europe. One could think of it as an entity undergoing the process of modern state building which also included a redefinition of the relation between citizen and political entity.

Fontainebleau: enlarged economic space and a democracy deficit

During the Fontainebleau period citizenship practice was being built on three factors: the market paradigm, a new ambitious Commission and an expanded citizenship *acquis*. The SEA decisively changed the Community's institutional network as well as the interest of Community organs in expanding it (some indeed compare the Fontainebleau period with the previous period by referring to changed attitude towards the constitutional development of the community, viewing the Single European Act as leading towards the "high road of treaty revision"; Nicoll, 1993: 19). Part of these changes was clearly the institutionalised procedure of qualified majority voting which meant the introduction of 'mini-supranationality' according to some (Nicoll, 1993: 24). For its part, increased interest in expanding the Community created the basis for a dynamic policy process towards integration. Thus, the context was created wherein the notions of democratic procedure as well as democratic values could be addressed. Indeed, changes in the Community's institutional framework reflected an increasing focus on democratic decision-making procedures. The dynamic of this process was particularly reflected in the Commission's increased influence as the initiator of proposals in all matters regarding the accomplishment of the internal market based on Article 8a of the EEC Treaty. As the discursive analysis of the period reveals, the Delors Commission was interested in developing the means for policy developments beyond the market, considering the market as one aspect or, for that matter, the mid-term goal of

European integration towards the overarching goal of political union. With the successful settlement of the budget dilemma, the political opportunity structure of the Fontainebleau period facilitated a fresh start for further European integration. Indeed, the Fontainebleau summit meant a 'breakthrough' for Community politics. It created a "momentum toward a package deal containing internal market liberalisation and decision-making reform" (Moravcsik, 1991: 57).

The Commission's White Paper and the convening of an intergovernmental conference in the 1980s contributed to the creation of an institutional framework which enabled further expansion of the citizenship *acquis*. More specifically, the clear definition of the 279 directives prescribed by the Commission's White Paper in 1992 provided the point of departure for this type of policy making which led to a new era in Community politics soon becoming known under the slogan of 'Europe '92'. While the White Paper went beyond market policy making it was nonetheless conceptualised to operate within a market paradigm. Behind a quite technical appearance, it had a whole series of legal commitments in store for the member states that were part of the implementation of the directives. It therefore required basic agreement on the legal basis for resolving intra-Community disputes. With the White Paper, then, the Commission had established a timetable for economic policy making by setting the 1992 time limit for the process of creating an internal market without frontiers. Beyond that, by means of an IGC, it had elaborated a plausible reason for a treaty reform.

The Commission's responsibilities with regard to passport policy making seemed limited to worker-related issues. Citizens at that time had to be considered as worker-citizens in order to ensure continuous progress with regard to citizenship practice. Indeed some of the debated special rights were best termed 'wage-earners' rights' (Ross, 1995: 103), such as the rights that had been named in the social charter. Their right to move freely within the Community was advantageous from the point of view of the economic goals of Community policy (Steenbergen, 1992: 57). However, market making then held more in store than the construction of an economic area. It was also about the construction of a social space (Byre, 1992; Leibfried and

Pierson, 1992; Meehan, 1993; Ross, 1993; Springer, 1994). Free movement was the special right that economically active citizens of the Community increasingly enjoyed as the internal market approached completion. Based on the movement of workers, two types of special Community citizens' rights were negotiated by Community policy makers and the politicians of the member states. First, a series of social rights such as health care, the right to establishment, old age pension, and the recognition of diplomas were defined with the social charter. These rights were the economic and social requirements to prevent social dumping. Second, a series of debates and documents led to the Commission's drafting a proposal for a Council directive on the right to vote and stand for election in municipal elections.

Following the Fontainebleau summit a new way of addressing special rights policy thus gradually emerged. While it was obvious that political rights flowed from the simple fact of previous migration of a person, it was important to realise that the special right to vote was now linked with the completion of the internal market. The less obvious choice of realising political rights via the market was the Commission's reaction to member states' objection to the loss of sovereignty and some European Parliamentarians' rejection of anything resembling federalism. The new citizenship policy which was most clearly developed in Commission and progressive European Parliament documents can be interpreted as an effort to change political constraints into opportunities. For example, in its report the Commission pointed to a tension that had been created by the successful politics of economic integration on the one hand, and political exclusion on the other. Namely, people who used their right to move within the enlarged economic space lost access to democratic practice because the political space and the density of its institutionalised channels for access to political participation had not expanded in accordance with the economic space (for an elaboration on this problem see Magiera, 1987: 221).

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" (*Bulletin of the European Communities*, Supplement 7, 1986: 5). 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 was at stake, but also belonging to a Community. The Commission raised the question whether "in 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" (*Bulletin of the European Communities*, Supplement 7, 1986: 7).

The Commission's discursive intervention was strategically well placed. The market-making policy paradigm of the time did not provide resources for bold and clearly pronounced political moves but it did allow some movement. For example, the link between mobility as functional for a successful market development on the one hand, and the right to vote on the other, brought normative values into the otherwise market-oriented discourse of the time. Thus, concerns about democracy and legitimacy could be mobilised. In fact, 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. It suggested that this exclusion was a result of the prevailing inter-governmental approach of the Council and the rejection of political rights for European 'foreigners' by some European Members of Parliament. The Council had clearly stressed 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" (European Parliament, 1979). 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 (*Bulletin of the European Communities*, Supplement 7, 1986: 11–12).

During the Fontainebleau period it became apparent that special rights policy did not mean only the political right to vote. Indeed, it is suggested here that it is possible to look at 'special' rights in the context of 'Community citizens' rights. This 'special rights' discourse already included a variety of citizenship rights, namely, the political right to vote and stand for election, the civil right to sue (and be sued), the social right to pursue an economic activity in a working surrounding that was based on equality and non-discrimination. Once rights are defined in this way, it is possible to understand the impact they have on the process of integration. Thus, the granting of special rights to special – that is Community – citizens produces a tension among the included and the excluded. As the story unfolds, this tension is unlikely to disappear. To sum up, the special rights policy produced a gap between Community policy and concerns about democratic participation because the new social rights remained limited to those who had access to economic activity within the Community (see Vogel-Polsky, 1991: 14).

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 the different expressions of belonging, namely, belonging with reference to a community within a bounded territory which is defined by political citizenship rights and access to political participation. This was the type of discourse on belonging invoked by the Commission's report on the right to vote. The other type of belonging is more subtle as it rests on feelings of inclusion and exclusion that are often based on actual inclusion by means of social rights that have been established as consequences of the expansion of

social policy. This type of expansion of social policy towards immigrants who are not (yet) nationals and do not have access to political citizenship rights has been characterised as a policy of disclosure in other cases (Brubaker, 1992; Soysal, 1994). 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.

To summarise, while the process of market making proceeded throughout the mid- and late 1980s, a discourse about the impact this market would have on the political and legal status of Community citizens *vis-à-vis* the Community also emerged. That discourse identified the impact of economic integration as being a loss of status subsequent to citizens' move across internal Community borders. This loss of access to participation enhanced the perception of 'democratic deficit' in the EC.¹⁰ The sense of loss of democratic control was also a result of the border politics during the Fontainebleau period. With the emerging Schengen network, governance in the EC became even less transparent than prior to the new border politics. The Commission's proposal for political access based on local voting rights thus introduced a crucial and topical normative dimension to the developing practice of citizenship.

Maastricht: political rights and an 'unidentified political object'

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. Thus, the smooth flow of Community politics faced a serious external blow when the Berlin Wall tumbled in 1989. With the ensuing changes in world politics, the Cold War balance of power lost its stabilising effect on Community policy. These world political events had a decisive impact on further development of the Community (Nicoll, 1993; Bulmer and Scott, 1994; Lodge, 1994; Wallace, 1994). While the so-called *annus mirabilis*, the miracle year of 1989, had first encouraged high hopes for a new world order, the changed power relations in global politics soon revealed elements of a larger

process of transformation such as state fragmentation, rising East–West migratory flows and global restructuring. Not least of these new shifts was the Community's suddenly changed geopolitical position (Bolten, 1992: 11; Garcia, 1993: 2). Dinan notes one aspect of this change, when he writes, "from 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. (One possible result of the inclusion/exclusion mechanism this process brought forth was seen in a new economic divide between Western and Eastern Europe; see Saryusz-Wolski, 1994: 19ff.)

One of the questions posed by the renewed focus on political union was, "How will the union include and extend the notion of Community citizenship carrying with it specific rights (human, political, social, the right of complete free movement and residence, etc) for the citizens of Member States by virtue of these States belonging to the union?" (see *Bulletin of the European Communities*, EC 6, 1990: 15–16). According to the Italian government which was to assume the presidency of the Community Council from 1 July to 31 December 1990, 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: 1). The Martin Report (I), 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 (PE 137. 068/fin, 27 February 1990: 6). The report was followed by a Belgian memorandum on political union, that was drawn up to "suggest that the European Community be given a new stimulus towards political union" (this was the first formal proposal towards political

union; Dinan, 1994: 164), 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 (I), 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 (Permanent Representation of Belgium, 1992; see also SI(90) 232, 26 March 1990). Shortly afterwards Chancellor Kohl and President Mitterrand addressed a now famous letter of 19 April 1990 to the Irish Council presidency (described as "landmark in the history of EPU" which "was rightly credited with getting the negotiations going"; Dinan, 1994: 165), wherein they stressed that the political situation required a second conference on political union. Their argument built on the "far-reaching changes in Europe" as well as the upcoming "completion of the single market and the realisation of economic and monetary union". That is, they cited both the external impact on Community politics and the domestic situation.

Debates over border issues, competences and shifting powers among member states following the changing geopolitical situation contributed to raising the problem of the lack of democratic procedures. Passport policy with its focus on border politics encountered considerably more constraints than opportunities in the 1990s. For example, visa and asylum policy now involved the East–West migration and had to be dealt with (Bolten, 1992; Hoogenboom, 1992; Steenberg, 1992; Fortescue, 1993; Heinelt, 1993). By highlighting the question of access and control, the Schengen negotiations generated an important insight into the problematic link between the three historical elements of citizenship – rights, belonging and access – in the context of the Community as a non-state polity.

Inasmuch as the analysis sheds light on conflicts of interest among the Community member states, the Schengen states,¹¹ the Commission, the European Parliament and national parliaments, as well as various nationally based interest

groups as the different actors involved in the process, it shows a new development of citizenship practice. As the single market without internal frontiers developed an ever more densely institutionalised polity, citizenship practice also began to evolve from below. The group-by-group approach of 1980s passport policy scored a success when the right of residence was finally granted to workers and their families and to students, with three directives following Dublin II (see OJ EC, no L180, 13 July 1990: 26–31; for earlier proposals see COM(90) 108 fin – SYN – 185, Brussels, 9 April 1990). The establishment of these rights contributed to the formalisation of the notion of place-oriented rights of Community citizens. Community building on the basis of movement within the EC thus received a new impetus. Importantly, these directives also concerned the residence of economically non-active EC subjects and their families, whereas previously free movement had always been restricted to persons engaged in an economic activity (Steenbergen, 1992: 59; Degen, 1993: 753; Hobe, 1993: 248).

The discourse on border politics of the time reveals that the involved policy makers operated according to a clear concept of the interrelation between uncontrolled border crossing and community building. Borders and how they impacted on the movement of Europeans (and others) were one crucial building block of turning Europe into a “tangible reality for its citizens” (see *Bulletin of the European Communities*, EC 12, 1988: 9) and hence an issue which policy makers wanted to turn into an asset of the European integration process. Formal resources were at hand. For example, free movement of persons was granted in Article 8a of the EEC Treaty (goods, persons, services and capital). Following the group-by-group approach, passport policy targeted the groups of young worker–citizens and student–citizens with the goal of strengthening a feeling of belonging and the development of a European identity among European citizens. Based on the three directives on the right of residence it was now possible to encourage the movement of European worker and student–citizens.

However, while exchange programmes quickly gained momentum (see European Parliament, 1988) the practice and politics of uncontrolled border crossing remained to be defined. If any-

thing, unhindered movement was crucial for the development of a feeling of belonging to the Community. The symbolic value of the realisation of ‘Europe ‘92’ was therefore immense. Indeed, as the Commission had expressed it, “the immediate and most significant effects of the forthcoming entry into force of the single market should include a speeding up of the processes of economic, social and also political integration and inter-action between peoples and States. The changes in rules and regulations and the new European status, expressed through the single market, constitute a formidable pull factor in psychological and behavioural terms, leading directly and indirectly to substantial innovations in many fields and under many aspects” (European Parliament, 1990: 12).

The cost of non-Schengen would produce the opposite. If Schengen was not signed by all Community member states by the end of 1992, the external Schengen borders would create a fortress mentality within the Community. Not achieving the goal of a common market without internal frontiers – one of the few political goals ever promised to the European public – meant that a major political conflict would be hard to avoid. When the president-in-office of the Schengen countries, Spanish Secretary of State Carlos Westendorp, confirmed that Schengen would not lead to the abolition of controls at internal borders according to the 1992 timetable, and the British Council President Kenneth Clarke confirmed that it was “widely accepted that there is no prospect of any general removal of frontier controls on 1 January 1993” (AE, no 5867, 28 November 1992: 7–8), at the time, one commissioner’s informally stated opinion was that “Schengen would be a graveyard instead of a laboratory for the EC”. Now Schengen seemed to be turned around. As MEP van Ouirve summarised,

the consequences of the lack of cohesion, the overlapping of increasing internal controls, financial complications, etc., will soon be felt [and] a boomerang effect is to be feared, given the already considerable aversion ... the European citizen is showing for Brussels. (AE, no 5859, 18 November: 3)

The reconstruction of the discourse on border

politics shows that citizenship practice in the Maastricht period has contributed to the further differentiation of the institution of citizenship. This differentiation was not an intended goal of Community policy makers. On the contrary, citizenship policy had been part and parcel of the twin process of market making and community building towards European integration. Accordingly citizenship practice aimed at mobilising the resources of the citizenship *acquis* as a means to building a unified identity and not to fragmenting identities. The case study suggests however that the non-Community approach to border politics, which was one aspect of passport policy, contributed to the fragmentation of citizenship. That is, with the unsuccessful project of using the Schengen process as an engine or a laboratory which would lead to the abolition of border controls among the 12 EC member states, new internal borders were created. By crossing borders the practice of movement now involved different procedures and not equal treatment of all 'European' citizens. Furthermore, some Europeans now had access to the right of residence and employment in other member states; similarly, some Europeans were encouraged to increase their mobility based on their age and/or occupation. Group-by-group identities were thus encouraged, contributing to a fragmented instead of a homogenised pattern of European identity. The establishment of political rights for Union citizens contributed to this fragmentation. In the remainder of this section I briefly recall the main steps towards their establishment.

Four stages towards the establishment of Union citizenship in the Treaty of European Union 1993 demonstrate that policy makers were successful in dusting off the resources of previous decades of citizenship policy making. During the first stage, which included the preparatory documents and debates towards the convening of an IGC on political union at European Council at Dublin (II), 25–26 June 1990, the debate over citizenship was triggered by a Spanish letter written before an inter-institutional conference in May 1990 (so called because it included the main community institutions unlike an IGC which is restricted to the member states and their representatives). The second stage included the time between Dublin (II) and the first meeting of the IGC on 14–15 December 1990. In this

period, the concept of 'European citizenship' became a visible part of the Community discourse. The third stage lasted until the Maastricht European Council in December 1991, and was mostly dedicated to a legal definition of citizenship so as to include it in the treaties. The fourth stage began after Maastricht and ended with the first citizenship report of the Commission in 1993. During this stage, the practical aspects of citizenship policy such as voting rights were refined.

The process of establishing political citizenship rights with Article 8 TEU reveals the inclusion of some long-standing ideas, for example, political citizenship rights such as the right to vote in municipal elections, a concept which had been part of the *acquis* since the mid-1980s. This informal resource was now mobilised by those who brought it to the fore, pushing it towards formalisation later on in the Maastricht period. The reconstruction of the debates over union citizenship suggest that the practice of dusting off informal resources and polishing them for the upcoming Maastricht Council worked towards the history-making decision of establishing political citizenship rights in the EC Treaty.

Two aspects of the new citizenship article are important with a view to future citizenship practice. One is an understanding of how the formal resources of the *acquis* have been expanded and what this implies for citizenship practice. This aspect relies largely on legal information. It is based on the letter of the treaty and most extensively elaborated by legal studies (Closa, 1992; 1995; O'Keefe, 1994; O'Leary, 1995). The other is about the informal resources of the *acquis* that provide information about the meaning of this newly established supranational citizenship. It includes public expectations of citizenship and the means to realise them. This aspect was most clearly explored by groups and committees of the European Parliament as well as by a rising number of interest groups as well as social movements (see, for example, European Parliament 1993a; 1993b; 1993c; ARNE, 1995; Eurotopia, 1995; ECAS, 1996). The increasing public interest in the meaning of citizenship post-Maastricht confirms that "the importance of the TEU citizenship provisions lies not in their content but rather in the *promise* they hold out

for the future. The concept is a dynamic one, capable of being added to or strengthened, but not diminished” (O’Keeffe, 1994: 106, emphasis added).

Conclusion: integration through citizenship practice

The case study reconstructs European citizenship practice according to the documented policy process and examines its contribution to the expanding *acquis communautaire* over time. It suggests that in the process citizenship meant much more than a simple compilation of rights. Once studied within a socio-historical framework, it also turns out to be a story about identities. The analysis suggests that belongingness emerged according to what individuals did or might aspire to do with reference to economic and political participation. Crossing internal borders as economically active citizens, carrying burgundy coloured passports across external EU borders as travellers, exchanging knowledge as scholars and students, voting commonly for the European Parliament and sharing municipal governance as Union citizens were aspects of this process. Emerging patterns of belongingness were generated step-by-step, area-by-area, and group-by-group. Union citizenship does not supersede national identities. Instead, it has evoked multiple identities as citizenship practice involved a growing number of target groups, such as workers, wage earners, students etc and created access to certain social rights, new voting rights, a ‘European’ passport, changed rules of border crossing and practices that would contribute to creating a feeling of belonging.

While the institutionalised terms of citizenship are functional to market flexibility and competitiveness, they also facilitate a step-by-step narrowing of the gap between economically included and politically excluded Europeans. Apart from pushing towards the inclusion of new groups of citizens, citizenship practice also generated political tension. For example, the normative demand for equal access to democratic participation based on the right to vote 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. The systematic assessment

of institution building and citizenship practice as mutually constitutive towards polity formation is driven by functional and normative considerations.

Taking the two main elements of modern citizenship – rights and identity – as the main points of reference in discussing citizenship of the Union invariably leads to findings that point to the limitations of Union citizenship. Indeed, the TEU merely grants minimal political rights. It critically falls short of establishing the full range of modern citizenship rights which include the civil, political and social rights that establish the basic conditions for full membership in a community. The thrust of these studies argues that Union citizenship is incomplete. In identifying the restrictions and limitations of Union citizenship, normative approaches have thus established what Union citizenship is not, subsequently seeking to identify procedures necessary to update Union citizenship according to modern assumptions. Such analyses of Union citizenship bear the implicit assumption that European integration leads towards a European state with a supranational political centre. Yet numerous findings in European integration studies have found that this outcome is unlikely. I argue that, if the EU does not develop into a supranational state, then conceptual efforts to design Union citizenship according to the familiar national model will inevitably miss the point. A comparison of the meaning of nationality will illustrate this.

Union citizenship is only granted to those citizens who are nationals of a EU member state, it is not to replace national citizenship, but to ‘complement’ it (see Article 17(1) of the Amsterdam Treaty). This condition is consistent with the familiar concept of modern citizenship that grants the civil, political and social rights of full membership in a political community to individuals of a certain nationality. However, the radical innovation that comes along with European supranational citizenship is that the condition of nationality does not imply shared nationality. Instead, it refers to a particular nationality out of a limited group of nationalities, ie, the – currently – 15 different EU nationalities. The right to vote in local elections of a member state of the Union of which a citizen is not a national, and the right to diplomatic protection by any member state of the EU – notwithstanding the citizen’s national-

ity – when abroad, sustain this new supranational concept of citizenship.

Lawyers have pointed out that Article 8 has not introduced radical changes but merely made visible rights that had long been created by “integration through law”, including the landmark cases of *Van Gend en Loos*, *Costa v ENEL*, as well as a number of articles and provisions written into EU primary law (Weiler, 1986; O’Leary, 1995; Lyons, 1996). Indeed, European lawyers consistently preferred referring to the spirit of the law over the letter of the law. The ‘interpretative character’ of European case law was based on the shared idea of political union as the goal of European integration (Bischoff, 1996; Craig and DeBurca, 1998). The Maastricht decision to establish a political link between citizens and the Union hence appears as a logical consequence of this process. Yet, instead of marking the end of the long story of European citizenship, the case study suggests that Maastricht has triggered quite the opposite.

In concluding, I argue that, parallel to the process of integration through law, it is possible to identify a process of integration through politics. This process had been launched in the early 1970s with the goal of creating a robust European identity with a view to enhancing the role of the then European Community (EC) as a global player. As a practice, integration through law was mutually constituted by legal action and shared assumptions about the spirit of the law. In the legal domain, integration was therefore pushed by day-to-day practice of case law with the shared goal of creating a political union in mind. The constructive impact was derived from the space granted by legal practices that provided lawyers with the choice between the letter and the spirit of the law. By choosing the latter, European lawyers opted for an interpretative approach, thus linking social values with law making.

In the political domain, integration was pushed by the goal of creating a European identity and the question of how to get there. The subsequently developing practice of European citizenship involved identifying a strategy, objectives, instruments and procedures of citizenship policy. This process of setting the agenda for citizenship policy, and then applying the strategy is part of the developing European citizenship practice. Until Maastricht the better part of citizenship

practice has involved policy making from above, not from below. However, the post-Maastricht mobilisation over citizenship issues demonstrates a shift in citizenship practice from policy to politics.

The process of ‘integration through politics’ suggests that, despite the apparent continuity in developing supranational citizenship from a legally established link between citizens and the supranational organs of the Euro-polity to the establishment of supranational political citizenship rights, the Maastricht decision has inserted a radical change into the discourse of European integration. By putting the debate over the *finalité politique* on the table, it actually presents a break in the discursive construction of political union. The ensuing debate over the meaning and limits of citizenship in a non-state inevitably raises questions about the degree of statehood of the EU, thus challenging the spirit of the law which had long structured integration through law, and which had established the link between citizens and the supranational organs of the Euro-polity in the first place.

Calling into question a long-shared goal of European integration does not, however, imply an interruption of the social construction of European integration. On the contrary, as the policy analysis suggests, this break with assumed and long-shared values creates a window of opportunity that offers a fresh view on the *finalité politique* of the EU. Equally important, even though not the central focus of this article, it raises questions about the robustness of the modern concept of citizenship that suggest a rethinking of citizenship (Meehan, 1993: 1997). This is, I argue, the crucial constructive contribution to European integration that non-normative analyses of European citizenship have to offer. As the policy analysis suggests, challenging the shared ‘spirit’ of the law, and therefore a factor that had for decades structured the practice of European law making, was in fact an unintended consequence of European citizenship policy.

The discourse on citizenship practice in the early 1990s showed that although the historical element of *belonging* was continuously addressed, the focus was shifted from creating a *feeling* of belonging to establishing the *legal ties* of belonging. Thus, the TEU conferred the rights of residence, movement and voting in municipal

and European elections as well as the right to diplomatic protection when abroad to citizens of the Union. While the identity-based link between citizens and the multiple levels of the Euro-polity, as well as different spaces within the Euro-community, had been a central part of citizenship policy in the previous decades, and continued to be part of the border politics of the 1990s, citizenship practice in the Maastricht period succeeded in legally establishing political rights first and foremost. It thus established the legal ties of belonging which are one necessary condition for *access* to participation. Yet it is important to keep in mind the definition that legal ties of belonging do not automatically imply participation. Whether it is actually possible for citizens to participate depends on what citizens are able to make of this right.

The date of the TEU entering into force on 1 November 1993 marks one stage in the story of constructing 'European' citizenship; since citizenship was included in the treaty, it became clearly visible and defined. Now the citizenship rights may be invoked based on Article 8 of the EC Treaty. Embedding citizenship in the treaty represents but one dimension of this story. The story of the developing practice of 'European' citizenship suggests that citizenship in the Community did not mean either the sum of the member states' types of national citizenship or simply adding on one new circle of rights. Instead, it meant constructing citizenship of the Union anew and with its own character. (Meehan points out that it was "neither national nor cosmopolitan but ... multiple in the sense that the identities, rights and obligations associated ... with citizenship, are expressed through an increasingly complex configuration of common Community institutions, states, national and transnational voluntary associations, regions and alliances of regions"; 1993: 1.) Indeed, the case study revealed one unintended consequence of 'European' citizenship policy. In the end, it did not contribute to the creation of one European identity as was originally aspired by policy makers in the 1970s; instead during the process it mobilised various identities, thus adopting a perception of citizens with multiple identities. The outcome thus contradicts the intentions of policy makers who had drawn on the idea of citizenship as identity-generating in the 1970s.

Curiously the modern idea of citizenship as identity-generating was thus dispersed by the very policy which was built upon this idea.

Most studies have so far sought to answer the question of what Union citizenship offers to whom compared to the familiar model of modern citizenship which grants full membership in a national state. This article argued that a normative discussion about what Union citizenship ought to entail does not suffice to answer these questions. Instead, I take a view on Union citizenship that allows a view on the developing practice of citizenship and its contribution to building institutions of a non-state. I argue that citizenship policy making constituted a pull in European integration akin to the process of integration through law.

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Notes

¹ For a more thorough elaboration of the approach to citizenship as a practice, see Wiener, 1998a: Chapter 2.

² The *acquis communautaire* is the institution which reflects the shared properties such as rules, norms and procedures at any time. See Article B(5) and Article A of the Treaty on European Union respectively.

³ After Maastricht, passport policy was regulated by the second (Common Foreign and Security

Policy) and third (Justice and Home Affairs) pillars that are almost entirely intergovernmental in nature (Curtin, 1993: 25), and partly based on the first pillar. According to the TEU's pillar structure, citizenship rights have mostly been dealt with as a matter of the first pillar (European Community) and largely handled by Council decisions based on qualified majority voting on Commission proposals (Curtin, 1993: 25).

⁴ 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." (European Commission, cf. Michalski and Wallace, 1992: 38). On a historical view on the development of the *acquis communautaire* see Gialdino, 1995.

⁵ As Peterson points out, the "concluding declarations of European summits often become 'bibles' in EU politics" (Peterson, 1995: 72). Their political weight is often underestimated. For example "[a] senior official from a large member state observes that summit declarations 'give you a knock-out blow in negotiations. If you can cite a European Council conclusion in a debate, you're away'" (Peterson, 1995: 72). See also Urwin's observation that while "Paris offered no guidance on what was meant by European Union, nor on how it was to be achieved ... since it had been made a declaration of intent, these would be questions which would continually preoccupy the EC in the future" (Urwin, 1995: 159).

⁶ Other observers similarly stress the link between the document on European identity and setting the policy objectives towards the creation of community citizenship (see, for example, Clapham, 1991: 66).

⁷ For the observation on this new discourse on 'citizens', see also Guido van den Berghe who writes "point 11 of the final Communiqué is note-

worthy, not only because it speaks of 'special rights', but also because the word 'citizen' of the nine Member States is used" (Van den Berghe, 1982: 31).

⁸ It should be noted that the proposal for special rights policy was originally based on two earlier contributions by members of the Belgian and Italian delegations during the 1972 Paris summit which was the first summit conference of the enlarged community. The Belgian Prime Minister, G. Eyskens, had suggested that "subjects who have lived say five years in other Member States are to have a voice in the decisions of their local community". And he added that the Italian Prime Minister, G. Andreotti, had said, "we could as of now decide to establish a European citizenship, which would be in addition to the citizenship which the inhabitants of our countries now possess. It should permit the citizens of the Community countries, after a stay of a certain length in one of our countries, to exercise some political rights, such as that of participating in communal elections" (*Bulletin of the European Communities*, 1972: 39-46; cf. Van den Berghe, 1982: 31, emphasis added).

⁹ In his study of the development of political rights in the EC, Van den Berghe points out, "although the European Community does not have its own territory, whereas the different Member States do, the term 'abroad' has throughout the entire study been put into inverted commas in order to underline the qualitative change from national elections which direct elections are taken to represent for the citizens of the Member States resident in another Member State. Indeed, in contrast to national elections, these electors are not persons resident outside the geographical area in which elections are held" (Van den Berghe, 1982: 2).

¹⁰ While the democracy deficit of the EC/EU has facilitated much debate, an accurate assessment of its causes and location is to my knowledge still lacking. Such an assessment would however clearly fall outside the scope of this article.

¹¹ The signatories of the Schengen agreement on the gradual abolition of border controls: the

governments of the Benelux economic union; the Federal Republic of Germany; and France, for an overview see Steenbergen, 1992; <http://europa.eu.int/en/agenda/frmov.html>

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