

Making sense of the new geography of citizenship: Fragmented citizenship in the European Union

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Citizenship in the supranational realm of the European Community, and now Union (EC/EU) became part of our knowledge along three visible dimensions, namely, as (1) a political concept during the Maastricht debates, (2) a policy in the Bulletin of the European Communities in 1993 and as (3) a legal concept in Article 8 EC Treaty. This article¹ contends that this naming of citizenship brought new and probably unintended questions about citizenship in general and in the EU in particular to the fore.² A spreading interest in what this supranationally established citizenship might entail becomes particularly apparent as an intergovernmental conference (IGC) has begun to revise certain provisions of the Maastricht Treaty, among them provisions of Union Citizenship. The academic community and European institutions as well as a number of interest groups voice concern and curiosity about the meaning of Union citizenship, its political potential, and organizational feasibility.³ They bring attention to the fact that this type of citizenship seems to lack crucial characteristics of modern liberal concepts of citizenship.

Indeed, Union citizenship does not grant full rights to democratic participation or representation⁴ and it is granted on the basis of Member State nationality, not European nationality. That is, specific European political and socio-cultural dimensions seem to be lacking. Beyond the political and organizational aspects, these observations raise questions about the community of belonging and more specifically, about how to define borders of belonging. Who has a legitimate right to belong legally to this Union has become a much debated issue.⁵ Legal approaches characterize Union citizenship as a compilation of previously existing rights and it seems indeed "difficult to understand which meaning this new element of the EC Treaty may have for the process of European integration, and which stamp it might imprint on the character of the

emergent European Union.”⁶ If it is true “that it is not meaningless to speak of European citizenship or, at least, the coexistence of national and European citizenship,”⁷ then what are we to make of this citizenship?

If we are to address the burning political questions of the day, namely, how to express different types of belonging constitutionally and on which normative grounds, we need to examine what is in this name. This article aims at contributing to this task. To that end, it examines the emergence of the name “Union citizenship,” assuming that a focus on the making of citizenship in its historical setting will reveal hidden meanings of the concept.⁸ Underlying this analysis is the observation that citizenship became part of the EC/EU political discourse in the early 1970s. Since then, policymaking towards Union citizenship has unfolded on the basis of two policy packages which entailed the policy objectives of “special rights” for Community citizens and a “passport union.”⁹ Both policy packages touch crucial aspects of modern citizenship, such as borders and how to cross them (passport union) and citizens’ right to vote and stand for elections (special rights). They were central to the debates over citizenship, European identity, and political union that took place over two decades in the Euro-polity.¹⁰ As this article demonstrates, the step-by-step development and application of the two policy packages not only provides an insight into how citizenship eventually turned into Article 8 EC Treaty 20 years later; it also suggests that Union citizenship acquires a specific meaning once contextualized. Citizenship is thus understood as more than a status based on rights. It is conceptualized as a dynamic rather than a static concept.

The European case represents a dramatic deviation from modern concepts of citizenship. The constructive perspective of this article is, however, based on another observation, which suggests that Union citizenship does not mean the only challenge to the concept, but the explosion of interest in citizenship has come a long way. Processes of de-colonization and migration as well as social-movement mobilization around questions of ethnicity, race, and gender have pointed to the existence of other than nation-state boundaries and mobilized other than national identities to change exclusive definitions of citizenship. They represent a second challenge to the concept of citizenship, suggesting that the “language of citizenship” is becoming outdated.¹¹ More radical contributions demand that “democratic citizenship ought to be disentangled from citizenship as state membership” altogether.¹² At any rate, as the borders of citizenship are challenged both internally and

externally, central aspects of citizenship such as belonging and identity have moved on shaky grounds. An analysis of Union citizenship within the context of a “post-modern” polity is assumed to shed fresh light on the contested boundaries of belonging and the related citizenship identities.¹³

The article proceeds in four steps. First, I recall and elaborate on the problematic definition of modern citizenship and its theoretical implications, which stand in tension with the new geography of citizenship. Second, I propose a constructive approach to citizenship based on the concept of “citizenship practice.” Third, I provide a summarized story of the making of Union citizenship referring to citizenship as practice in the EC/EU since 1973. This story is based on a discursive policy analysis, which allows for a focus on the mobilization of resources toward the establishment of citizenship. Fourth, I identify borders, boundaries, and belonging as characteristic features that suggest the emergence of a new fragmented style of citizenship practice in post-modern contexts.

The new geography of citizenship

The most striking difference between Union citizenship and modern citizenship is the missing dimension of nationality. It questions the link between the concept of nationality and that of citizenship, and hence problematizes the myth of national identity, which was crucial for erecting borders around national states.¹⁴ How has the concept of nationality so far been methodologically linked with the concept of citizenship? And what impact does this have on the evolving concept of Union citizenship? These are crucial questions, which challenge national conceptions of citizenship. While national identity was – and often still is – considered as important for the representation of states in the international state system (Wendt, 1994), its conceptualization as nationality needs to be clearly distinguished from the concept of citizenship.¹⁵ Social movements emphasize the importance of collective identities that do not depend on nationality, but develop in relation with internal boundaries (marking class, gender, race, age, and other cleavages).¹⁶ Such collective identities produce and are the product of boundaries within national states. As such they represent both inequalities and differences. They may lead to citizens’ claims and may inversely be mobilized to enforce citizenship identity. However, identities are never generated by the institutions of the state but have been created through practice.¹⁷

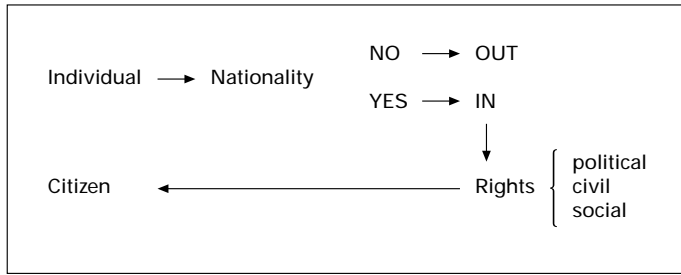


Figure 1. The modern geography of citizenship.

As an increasing number of individuals (citizens and non-citizens) share economic, social, and cultural spaces, tensions emerge that are not rooted in conflicts over boundaries of a national state. Their situatedness within states challenges the familiar modern geography of citizenship with its borders and policies to erect and protect them.¹⁸ The citizenship model presented in Figure 1 is thus called into question.

The tensions suggest that borders appear not only as visible but also as invisible means of inclusion and exclusion. For example, they may be considered as physical borders defined by rules of entry to a country (one crosses the border upon entering a country by land, air, or sea; one has to pass border posts; show one's passport) on the one hand. On the other, they also exist as informal boundaries specified by a feeling of belonging to a collectivity that is defined according to structural (i.e., racial, gender, class, ethnic, sexual preference, age, or physical ability) or interest (i.e., environment, consumption, etc.) factors. I argue here that, as these borders become more and more visible, the necessity of an incorporation of this new geography of citizenship into citizenship theory has turned into an issue of political clout that reaches beyond social-movement activities. For example, the post-Maastricht citizenship debates have acquired the character of constitutional politics. They advance a notion of citizenship as constitutive for a community.¹⁹ Understood in this way, Union citizenship includes a constructive dimension. This possibility has been explored on two grounds. One approach recurs on the concept of "additionality." In concurring with the European Commission, it finds that Union citizenship "adds to the first group of nationality rights enjoyed within a Member State a second circle of new rights enjoyed in any Member State."²⁰

The other approach draws on the concept of historicity. It is based on the assumption that citizenship does not have an objective meaning

and must therefore be deconstructed in order to explain how “real historical participants use it in historical contexts” (see the work of Leca and Meehan). Hence, a reconstruction of citizenship in different contexts allows for an understanding of “the meanings of citizenship over time,” as Meehan puts it. Given the observed gap between the language and the history of citizenship, I suggest we address the puzzle of Union citizenship by confronting the *language* of citizenship (as in theory) with the new developing *discourse* of citizenship (as in practice) in the EC/EU. Central to this analysis is a socio-historical approach that assumes that the practice of citizenship bears historical variability and is interrelated with the establishment of the institutional arrangements of states.²¹ This approach draws on the notion of citizenship as a relational concept.²² In the following, I elaborate on this notion of practice and propose a way of incorporating it into traditional conceptions of citizenship. To that end, I first characterize the constitutive elements and subsequently the historical elements of citizenship. It is argued that both facilitate an analytical context for an appreciation of changing geographies of citizenship.

Citizenship practice

In the broadest terms citizenship defines a relation between the individual and the political community. It concerns the entitlement to belong to a political community, the latter having the right and the duty to represent community interests as a sovereign vis-à-vis other communities and vis-à-vis the citizens. This model of a relationship between two entities, namely the individual on one side, and the representative of a larger community on the other, has provided modern history with a basic pattern of citizenship.²³ It follows from these observations that at least three elements need to be considered in the conceptualization of citizenship. These are the individual, the community, and the relation between the two.²⁴ Since any study of citizenship has so far referred to these three elements in one way or other, they may be termed the three *constitutive elements of citizenship* (see Figure 2).

Whereas the first two elements, namely the individual and the community, have been stressed by contractarian approaches to citizenship in particular, so far the third – relational – element has not received much attention.²⁵ Yet, there is an increasing awareness of the fact that citizenship cannot be dealt with on the basis of formal criteria alone.

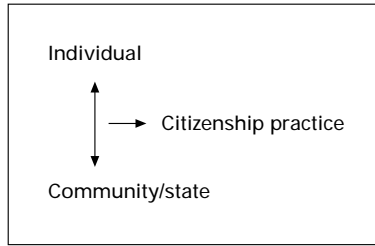


Figure 2. The constitutive elements of citizenship.

Instead, citizenship always represents more and at the same time less than the sum of its parts.²⁶ That is, citizens contribute to the creation of a community, yet not all persons who reside within the same geographical spaces enjoy the same citizenship privileges. This is where the tension lies, the current mobilization of (non) citizens in the European Union is a case in point. To assess these underlying dynamics, the focus is now shifted to the dynamic aspect of citizenship, which develops from the interplay of the constitutive elements across time and spaces and contributes layers of historically derived meaning to the concept. Both citizens' action expressed as political struggles and state policies have contributed to changes in political organization within and among communities.

Three *historical elements* of citizenship allow for a conceptualization of citizenship that takes account of historical variability, and thus avoids presupposing a specific situatedness of the constitutive elements. These are rights, access to participation, and belonging. In the following, I briefly elaborate on these three elements and explain their historical roots. *Rights* refer to the legal entitlements of an individual toward the community. This element comprises various types of rights, for example civil, political, and social. The perspective of citizenship as the incremental addition of rights has been most prominently associated with T. H. Marshall. Civil rights comprised the right to liberty of the person, freedom of speech, thought, and faith, to own property, to conclude valid contracts. Political rights included the right to participate in the exercise of political power. Social rights amounted, according to T. H. Marshall, to the right to a modicum of social welfare and security, to share in social heritage, and to live the life of a civilized being. *Access* as the second element of citizenship is about the conditions for practicing the relationship between citizen and community. This perspective of citizenship may be understood as access to political participation. Conditions of access are set by regulative policies in-

cluding social policy, market policy, and visa policy, for example. They are crucial determinants as to whether or not individuals are fit to participate politically. Access therefore hinges on socio-cultural, economic, and political mechanisms of inclusion and exclusion. That is, while rights may have been stipulated, access may be denied because the means to use citizenship rights, such as proper education, communication, and transportation may not have been sufficiently established. The third historical element encompasses two modes of *belonging* to a community. One is *identity-based*, the other hinges upon *legal* linkages to an entity that are currently based on either the law of soil or of blood (*ius solis* and *ius sanguinis* respectively, or, as in the European Union, on nationality of one of the member states). Every person residing within a particular area potentially has the opportunity to participate in the creation of collective identities. These identities may be created through participation at the workplace, in cultural matters, or other spaces of the community. Accordingly, residence is the crucial aspect for participation. Apart from the residence criterion, the definition of a person's legal status defines whether a person is considered a full citizen. This status has always been exclusive mostly according to the criteria of gender, age, and nationality. This dimension of belonging is therefore also about borders, as citizens derive certain rights and opportunities of access based on their belonging to a bounded sphere. More specifically, this feeling of belonging depends on a previous process of "drawing boundaries" around the terrains that are designed for those citizens who belong.²⁷

While it is possible to single out the three historical elements, it is important to keep in mind that they are always interrelated. The three aspects bear a process-oriented or dynamic notion of citizenship. They add contextualized meaning to the concept of ideal citizenship, defining citizenship as stipulating rights, providing access, and creating a feeling of belonging and identity. Beyond the creation of a concrete citizenship that is particular to each community, they contribute to the crafting of distinct institutional networks. They are hence important factors for a successful performance of governance within and among communities. Figure 3 provides a scheme for such a constructive approach to citizenship practice.

In summary, I propose a concept of citizenship practice that understands citizenship as the practice leading to the establishment of rights, access, and belonging as three interrelated historical elements of citizenship. In principle, this concept does not follow either a state-centric

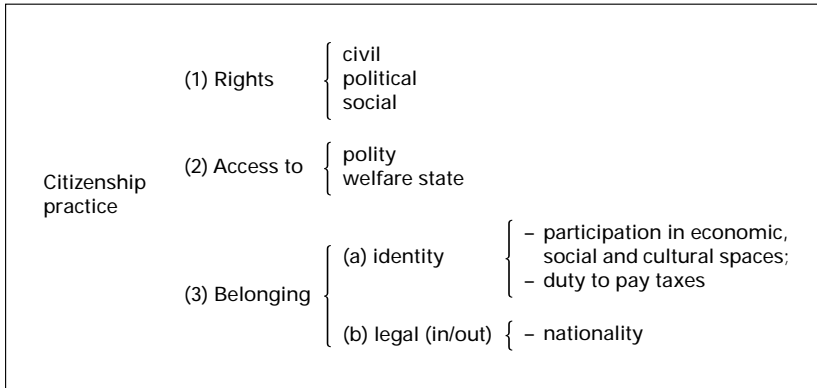


Figure 3. Citizenship practice: rights, access, belonging.

(top down) or a society-centric (bottom up) perspective. It encompasses both policymaking and politics toward the establishment or change of citizenship.²⁸ The prevalence of one mode of action over the other varies according to different contexts. Both modes of citizenship practice are always potentially possible. However, we might hypothesize that often one might prevail over the other at particular times and places. If the establishment of access to rights contributes to the mobilization of identities toward the creation of a feeling of belonging, then an analysis of the process through which access to rights has been established in the EC/EU will provide insights into the creation of belonging. An analysis of citizenship practice as policymaking will therefore contribute to the larger project of assessing the importance of citizenship of the Union, both politically and conceptually. Based on the concept of citizenship practice, this analysis of Union citizenship, then, does not begin from an approach that defines citizenship *legally* according to citizenship rights, nor does it seek to assess the potential of European citizenship to develop a European *national* identity. Instead it aims at an understanding of *characteristic features* of European citizenship and assumes citizenship to be constructed in practice particular to time, place, actors, and institutions. It seeks to identify Union citizenship in its own context.

The leading question underlying the analysis of Union citizenship policy is then: What does Union citizenship entail? To explore answers to this question, Union citizenship-making is examined as a process, beginning from early citizenship practice in the documented policy process, and proceeding according to the development of the two policy packages of special rights and passport union. The case studies are

based on a comparison of the changing *acquis communautaire* – conceived as a set of formal and informal resources – over time.²⁹ These resources contribute crucial information for Community politics because they may be mobilized (i.e., the formal resources) or changed (i.e., informal resources) once the opportunity is right. They thus invisibly structure Community politics.³⁰ 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 materialization of informal resources (ideas, shared principles, practices as suggested by EP resolutions and Commission proposals or other documents). Overall the change of the *acquis* always depends on changes in the political-opportunity structure, which facilitates the immediate context for the mobilization of resources toward the establishment of a policy or its components. The analysis of the multi-dimensional jigsaw-puzzle of EU citizenship-policy therefore hinges on the systematic assessment of the political opportunity structure and the *acquis communautaire*.³¹ With reference to historical institutional-policy analysis it is thus possible to do three things (1) to theorize the larger context, by periodizing the policy progress according to policy paradigm shifts;³² (2) to assess the immediate institutional context based on the set of formal and informal resources that compose the *acquis communautaire*; (3) and, based on the definition of policy paradigm and *acquis communautaire*, to establish the political opportunity structure, which provides information about the parameters of action. According to this scheme, crucial expansions of a policy occur when we observe the addition of new ideas and practices on the one hand, and the transformation of ideas and practices into rules and procedures on the other. As the following case study shows, the story of citizenship practice 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.

The making of union citizenship

While citizenship practice in the EC/EU remained largely invisible until it was spelled out as Citizenship of the Union and legally grounded in the 1993 Treaty of the Union, the roots of citizenship policy and actual citizenship practice can be traced over a period of about two decades. During this time, policymaking toward the policy

objectives of establishing special rights for European citizens and of creating a passport union within the boundaries of the European Community contributed to the eventual emergence of citizenship as a concept. From the analytical framework laid out in this article, it follows that we need to focus on the development of citizenship policy in order to reconstruct the making of Union citizenship as a practice. The following section summarizes that story of unfolding citizenship practice based on the expanding citizenship *acquis communautaire* since the early 1970s. It focuses on the gradual fragmentation of rights, access and belonging as special rights, and passport policy emerging as ideas or practices and eventually turning into rules and procedures that add to the substantial basis of Union citizenship.

Paris

The making of Union citizenship began in the early 1970s when Community politicians voiced the need to develop a European identity. The Community documents, which reflect the EC's political discourse at the time, demonstrate that the debate over how to achieve a European identity received central attention. Out of these debates were generated the policy objectives of "special rights" for European citizens and a "passport union" that both aimed at the creation of a feeling of belonging and identity. The adoption of the 1976 Council decision to implement direct universal suffrage³³ and the first European elections in 1979, on the one hand, and the adoption of a Council resolution on the creation of a single European passport in 1981,³⁴ on the other, were crucial first steps that expanded the institutionalized *acquis*. Besides these institutional changes the *acquis* was expanded on a discursive level as the idea of "Europeanness" that had been introduced with the document on European identity in 1973.

Thus both a political union and, related with it, the creation of a European identity were put on the agenda as new overarching goals in Community policymaking.³⁵ During the turbulence that followed the break down of the Bretton Woods system EC policymakers stressed the necessity to establish a European voice in the global realm. Commission President Xavier Ortoli 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 construc-

tion.”³⁶ According to Commissioner Davignon the crisis was largely rooted in the lack of the EC’s organic political growth, which was also reflected in meager support from European citizens.³⁷ His discourse regarding the problem stressed the theme of *belongingness* when he stated that “we don’t feel that we belong to a new entity. *Europe should be personalized* Another dimension should be added to Europe, the new Europe must be *more human*.”³⁸ In a similar vein, Belgian Foreign Minister Van Elslande pointed to the missing link between citizens and the Community as one reason for the crisis. In order to establish that link, he suggested for the Belgian presidency to aim at creating the “first concrete state towards establishing *European citizenship*,” which would include mobility for students, exchanges of teachers and harmonization 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.”³⁹ In turn, Altiero Spinelli demanded “a constitutional procedure for European identity,” which 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.”⁴⁰

These contributions set down ideas toward a twofold approach to the creation of belonging: One was based on the experience of national states and understood belongingness as evolving from the making of a nation-state-like entity. Accordingly, policymaking was geared toward the goal of a supposedly federal political union. The other understood belongingness as emerging from participation in Community affairs. That approach was not necessarily based on the vision of a federal union. It is interesting to observe that both lines were reflected in the subsequent changes of the resources of the citizenship *acquis*. For example, as a first step toward the creation of belonging, a paper on “European Identity” was issued at the 1973 Copenhagen summit.⁴¹ It 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.⁴² This overall modern idea of Community development was then approached by a citizenship practice that included the adoption of the two policy objectives of “special rights” for European citizens and a “passport union.” 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.⁴³ Importantly, in the Council’s conclusive document, citizens were, for the first time, considered as participants in the process of European integration, not

as consumers but as citizens.⁴⁴ The notion of citizen thus turned into a new informal resource of the *acquis communautaire*.

The Commission's report on special rights pointed out that "special rights of a political nature are essentially the rights to vote, to stand for election and to hold public office."⁴⁵ They were defined as the "political rights traditionally withheld from foreigners."⁴⁶ It suggested that European citizenship should not be achieved based on the process of "naturalization," since this process would involve the loss of the previous nationality by substituting a new European nationality. Instead of naturalization, citizens' rights should be defined according to the principle of equality, thus providing the citizens with the possibility of adding "rights relating to the original nationality ... to the rights in the host State." It is important to note that at this stage of citizenship practice it remained yet to be decided whether foreigners should be granted special rights "on the foreigner's status as a worker ... [or] as a citizen of another Member State."⁴⁷ The Commission did, however, point out that equal treatment for foreigners would not be easily accepted by the public and thus favored a step-by-step approach.⁴⁸ In turn, the Tindemans Report brought the interrelation between Member State nationality and a new European dimension to the fore. It suggested overcoming the idea of the national as predominant and to break "intellectual barriers" by constantly including a "European dimension" in daily politics.⁴⁹ The European Parliament's perception of special rights was clearly grounded in a federal vision. As the Bayerl Report defined, "special rights are 'subjective' public rights, in other words rights which the citizen possesses as a legal subject vis-à-vis the State and which may be asserted at any time."⁵⁰

These conceptually crucial discussions remained as ideas among the informal resources of the *acquis* until they were to be dusted off more than a decade later. In the meantime, citizenship practice included the creation of further resources toward the establishment of voting rights. Thus, on 8 October 1976, the Council adopted an "Act concerning the election of the representatives of the Assembly by direct universal suffrage."⁵¹ The Parliament adopted a resolution on a "draft uniform electoral procedure for the election of Members of the European Parliament" on 10 March 1982.⁵² And in 1983 the European Parliament's Legal Affairs Committee prepared a "Report on the right of citizens of a Member State residing in a Member State other than their own to stand for and vote in local elections."⁵³

Further to policymaking within the special-rights package, the passport package was developed. A uniform passport was assumed to contribute in a twofold way to the construction of ties between the Community and its citizens: It was not only aimed at increasing awareness of Europe as a new political actor on the international stage, but it was also expected to create a feeling of belonging to the Community among European citizens. As the final Communiqué of the 1974 Paris Summit clearly stated, “the fact remains that the introduction of such a passport would have a psychological effect, one which would emphasize the feeling of nationals of the nine Member States of belonging to the Community”,⁵⁴ and secondly, “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.”⁵⁵ The policy objective of the passport policy package was then explicitly twofold: it was to contribute to represent the Community as an entity vis-à-vis the rest of the world and to revive a feeling of belonging among citizens of the Community to that entity.

However, the *practice* of carrying common passports across the borders of this new community involved among other things the reduction of border controls, and the introduction of spot-checks at internal Community borders. When the European passport was created in 1981, it turned out, that the creation of the passport and its actual use were two different matters. The peculiarity of the policy situation was rooted in the Janus-faced characteristics of this enterprise. On the one hand, successful foreign and economic policy performance depended on the acknowledgment of Europe as an actor in the global arena. On the other hand, the creation of this feeling of belonging – as one aspect towards creating a European identity – depended among other things on the practice of border crossing. That is, it was part of justice and home-affairs policy, which were an essentially diplomatic matter. Yet, by carrying a burgundy-colored passport across external Community borders, citizens of the European Community were crucial to the creation of this type of belonging. As the story of citizenship practice in the 1980s will show, this approach to the creation of belonging remained a seemingly insurmountable hurdle of Member States’ security concerns.

Fontainebleau

Citizenship practice during the next stage of Community development in the 1980s included a changed policy paradigm. A decade of economic uncertainty, widespread concerns over “ungovernability” in the Member States, and an increasing fear of “Euro-sclerosis” as EC policy-making remained widely blocked by unsolved budgetary problems had contributed to an overall feeling of “Euro-pessimism”⁵⁶ and put market-making on top of the Community agenda in the 1980s.⁵⁷ The new policy paradigm involved a focus on negative integration stressing movement of worker-citizens as one basic condition for economic flexibility. Not access to the polity (i.e., the political right to vote) but access to participation in socioeconomic terms or, for that matter, access to an emergent European social space became a major aspect of citizenship practice during this period of market-making. The slogan that contributed to the dynamic of this process was Jacques Delors’s “Europe without Frontiers by 1992.”⁵⁸ Apart from abolishing internal Community frontiers the program for Europe 92 included new strategies to make best use of Europe’s human resources towards the creation of European identity.⁵⁹

This access was extended group-by-group as a new mobility policy targeted groups other than workers, such as, for example, young people, academics, and students.⁶⁰ Three new directives established the right of residence for workers and their families and students.⁶¹ Two types of special rights were now negotiated by Community policy makers and the Member States’ politicians. (1) 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. However, crossing borders to work in another Member State meant that so-called “foreigners” (i.e., Community citizens who worked in a Member State of which they were not nationals) and nationals shared the work spaces but remained divided in the polity. (2) This situation evoked an increasingly public awareness of a “democratic deficit” in the European Community. The Commission identified the impact of economic integration as being a loss of status. That is, once citizens moved they lost access to political participation. To overcome this dilemma the Commission proposed the establishment of voting rights for “foreigners” in municipal elections.⁶² This proposal for a Council directive on the right to vote and stand for election in municipal elections suggested to close the gap between foreigners and nationals

by dusting off an informal resource of the *acquis*, namely equal political rights for European citizens.

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. By linking normative ideas to the politics of market-making, citizenship practice highlighted two different expressions of belonging. One was the modern type of belonging that was based on legal ties between citizens and a community defined by political-citizenship rights and nationality. The other type of belonging is more subtle. It rests on a feeling of belonging that emerges from participation. European citizenship practice suggests that both types of belonging stood in tension with each other, as participation in another Member State created identity-based ties with a Community worker-citizens were not legally entitled to belong to. The functionalist policy of negative (economic) integration thus created a link to the arguments for positive integration based on citizenship as they had been introduced to the citizenship *acquis* in the early 1970s.

In turn, the passport policy package was significantly changed in the context of the new policy paradigm, when the Commission decided to put the responsibility of difficult and unpopular decisions on the shoulders of the Member States. In light of the Member States' security concerns about borders, the bulk of border politics as one aspect of the passport package was passed on to intergovernmental bargaining among those Member States that participated in the Schengen agreements.⁶³ Despite this move, Community citizenship practice still involved passport policy as it worked on the realization of freedom of movement for workers, thus stipulating the Commission's duty to come forward with policy proposals on the matter.⁶⁴ Indeed, the profoundly modern security concerns of the Member States thus contributed to an unintended emphasis on the creation of belonging through participation of worker-citizens in the creation of a Common market. In this context, a "Community Charter of Fundamental Rights for Workers" was adopted.⁶⁵ The Commission's White Paper had established a time table for economic policymaking by setting the 1992 time limit for the process of creating an internal market without frontiers.⁶⁶ Beyond that, by means of an IGC it had elaborated a plausible reason for a Treaty reform.

Maastricht

The demands for greater access to participation both in political and socioeconomic terms were renewed in the changed political opportunity structure of the 1990s. With the finalized Maastricht Treaty and the end of cold war politics, Union building re-emerged on the agenda of the Euro-polity. The 1990s resulted in the adoption of political citizenship rights as well as the stipulation of the rights of free movement and residence not only for the employed and their families, but also for other persons, under the condition of economic security and nationality. Together, the three periods of citizenship practice reveal that the meaning of Union citizenship cannot be identified as the sum of the Member States' national citizenship rights and practices, nor can it be deduced from modern citizenship alone. Instead, it means constructing citizenship of the Union anew and with its own characteristic features. While the 1990s clearly contributed to the final steps toward the quasi-constitutionalization of political citizenship rights, this third period of the developing practice of European citizenship also meant another step away from modern citizenship.

The contested aspect of nationality in Union citizenship was brought to the fore by the Community's suddenly changed geopolitical position.⁶⁷ As Dinan pointed out (*Ever Closer Union*), "From the outset, the Community had considered itself as synonymous with 'Europe'. With the Cold War over, (the question became) could the Community foster a sense of pan-European solidarity and genuinely pan-European integration?" This serious question also problematized the discourse on a "European" identity, which had been so crucial for the emergence of citizenship practice in the early 1970s. At that time "European" identity meant Western Europeans (including the potential Western European new Member States' citizens). Now the fall of the Berlin Wall clearly challenged the use of that term and more importantly, it suggested that some Europeans had been left out all along, as non-Community nationals had been excluded from the special-rights policy for years.⁶⁸ Now it was "no longer possible to talk of Western Europe as a clearly defined region in world politics" (Laffan, 1993 : 36). With the meaning of "European" thus challenged, the Community's future was as uncertain as ever. Also significant for further citizenship practice was the shaking Paris-Bonn axis – which had proved quite successful for EC politics thus far – as German Chancellor Kohl pushed for fast German unification while French President Mitterrand was "torn between an instinctive antipathy toward German unification...

and an equally instinctive affinity for European integration.” One way of facing this tension was to forge a link between the German unification and European integration. This solution seemed feasible to the majority of the Member States and led to a renewed interest in political integration.⁶⁹ The policy paradigm was then determined by concerns about legitimacy and political integration.

Citizenship practice during this period was strongly influenced by a series of Spanish letters and proposals. These documents suggested a “concept of Community citizenship [which] was different from the notion of the Europe of citizens that had been introduced at the Fontainebleau summit” in that it would include political, economic, and social citizenship rights.⁷⁰ They contributed to a debate over Community citizenship that could draw on the resources that had become part of the *acquis communautaire* since the early 1970s. Two types of resources were mobilized during these citizenship negotiations that preceded Maastricht: First, citizenship was to grant rights that were special to the different levels of the Community as a polity and as a social space (free movement, residence, establishment, vote and stand for municipal and European elections at one’s place of residence). Second, the visible sign while traveling outside the Community was the uniform passport (reduced border checking and diplomatic protection while abroad). Some of these resources were formalized with the establishment of Article 8 EC Treaty.

The debate unfolded over four stages. It was triggered by a letter from Spanish Prime Minister Felipe Gonzalez written on 4 May 1990 for an interinstitutional conference that was to prepare the IGC on political union.⁷¹ Then a “Foreign Ministers’ Note for Reflection” included the idea of citizenship in its recommendations for the Dublin II Council on 25–26 June 1990. This note stated that the upcoming IGC had to deal with the “transformation of the Community from an entity mainly based on economic integration and political cooperation into a union of a political nature, including a common foreign and security policy.” Three main aspects were considered as important towards this goal (1) the transfer of competences, (2) Community citizenship and (3) the free circulation of persons.⁷² The second stage included the time between the Dublin II Council and the first meeting of the IGC on 14–15 December 1990. In this period, the concept of “European citizenship” became part of the Community discourse as policymakers reacted to the Spanish proposal (see Table 1). The third stage lasted until the Maastricht European Council in December 1991, and was mostly

Table 1. Central documents of the citizenship making in the 1990s

Date	Document
20 February 1991	Second Spanish proposal for citizenship ⁷³
30 March 1991	Commission contribution on citizenship to the IGC on political union ⁷⁴
12 April 1991	Non-paper “with a view to achieving political union” drafted by the Luxembourg Presidency ⁷⁵
23 May 1991	Interim report on “Union citizenship” by the EP Committee on Institutional Affairs ⁷⁶
15 July 1991	Resolution on “Union citizenship” of the European Parliament ⁷⁷
20 June 1991	Draft treaty on “the Union,” used as a reference document until Maastricht ⁷⁸
3 October 1991	Dutch draft treaty “towards European Union” ⁷⁹
6 November 1991	Final report on “Union Citizenship” by the EP (Bindi Report) ⁸⁰
11 December 1991	Maastricht Council conclusions ⁸¹
13 December 1991	Final Dutch draft of the “Treaty on Political Union” as modified by the Maastricht Summit ⁸²

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 four stages represent the negotiation of a number of documents toward the final wording of the Maastricht Treaty.

In time for the IGC on political union on 28 February, the Spanish Delegation came forward with a second proposal on citizenship. It proposed to embed citizenship in the Treaty by way of a new Title to provide a framework for a dynamic concept of citizenship. The rights mentioned in the Title included first, the social right of a citizen to “enjoy equal opportunities and to develop his abilities to the full in his customary environment”; second, the civil rights to movement and residence “without limitation of duration in the territory of the Union”; third, the political rights to “take part in the political life of the place where he lives, and in particular the right to belong to political associations or groupings and the rights to vote in and stand for local elections and elections to the European Parliament”; and finally the right to “enjoy the protection of the Union and that of each member State” while in third countries.⁸³

The discourse on citizenship practice in the early 1990s showed that although the historical element of *belonging* was continuously ad-

dressed, the focus was shifted from creating a *feeling* of belonging to establishing the *legal ties* of belonging. These legal ties were not only important for defining the relation between citizens and the Community anew, they also raised questions about the political content of nationality. Along the lines of the Spanish proposal, Parliament demanded that Union citizenship be included in the Treaty as a separate title comprising the following central aspects: social rights including a substantial widening of the proposals contained in the Social Charter; equal rights between men and women; the political right to vote and stand for election in local and EP elections at one's place of residence, as well as the political right to full political participation at one's place of residence; and the civil right to free movement and residence in all Member States."⁸⁴ Importantly, the report repeatedly emphasized the necessity to rethink citizenship as it could no longer be reduced to the "traditional dichotomy between citizen and foreigner or to the exclusive relationship between the state and the citizens as individuals."⁸⁵ Once individuals enjoyed different types of rights in this new world that reflected flexibility and mobility, it became increasingly difficult to define citizenship practice as based on nationality.⁸⁶

Post-Maastricht, another debate about the inclusion of Union citizens, that is citizens who had legal ties with the Union, and the exclusion of "third country citizens," in other words, individuals who did not possess legal ties with the union but might have developed a feeling of belonging was pushed by interest groups and the European Parliament in particular.⁸⁷ 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 (Ouvrier 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.*"⁸⁸ The discourse on place-oriented citizenship suggests to respect the new geography of citizenship. That is, citizenship is not built on the legal ties of belonging to the community alone but also on identity-based ties of belonging to spaces within the Community. Indeed, European citizenship practice did not aim at destroying *one* (national) identity – albeit this was a frequently mentioned British worry all through the process. It rather attempted continuously to mobilize *various* identities.

Analysis: Borders, boundaries, and belonging in a post-modern community

First and foremost, this story of making citizenship implies that Union citizenship means much more than a simple compilation of rights but it also turns out to be a story about identities. While both types of belonging (legal and identity-based) have been the target of EC/EU policy, it was the question of belonging in the meaning of “identity” that was first mobilized by policymakers. This identity was, however, not applied to replace national identity with a European one. Citizenship practice also suggests that the phenomenon of belongingness to the EC/EU was based on what individuals did or might aspire to do with reference to economic and political participation. Crossing national borders as economically active citizens, carrying closed passports at external Community borders as travelers, exchanging knowledge as scholars and students, voting commonly for the European Parliament, and sharing municipal governance as Union citizens were aspects of this process of creating belongingness. It was generated step-by-step and area-by-area. The comparison of EC/EU citizenship to the characteristic pattern of citizenship in modern European nation-states reveals similar as well as contrasting features.

To recall briefly: Modern citizenship practice was embedded in a centralized institutional organization of the nation-state. Both citizenship policy and citizenship politics led to the establishment of civil, political, and social *rights*, to a shared understanding of legal and identity-based *belonging* to a community and the ongoing struggle for *access* to participation. Characteristic for this type of national citizenship practice as struggle was that demands were directed toward the state,⁸⁹ in turn, policy was directed to those citizens who were nationals of the state.⁹⁰ As a whole, this process of interaction between state and societal forces forged the institutions of modern nation states. In the European Union, no central Union with “state” institutions was established. The Union is neither a centrally organized state nor does it follow state-centric types of policymaking.⁹¹ It may be identified as a non-state (as opposed to city-state or nation-state) with its own characteristic features. The citizenship practice related to this union generated a fragmented type of citizenship: Union citizens direct demands toward the Member States and to the Unions as well; they also may belong to one local community of a Member State (in terms of their social, cultural, economic, and political activities) and at the same time, they belong to a national community of another Member

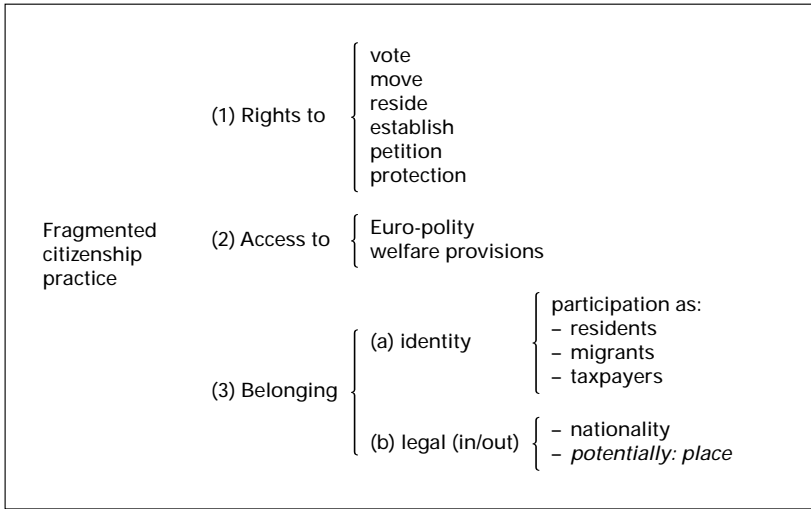


Figure 4. Fragmented citizenship practice in the European Union.

State (legal/national ties and political activity). Figure 4 shows the fragmented citizenship practice in the EU.

One of the particularities of this story of the developing practice of European citizenship is that citizenship rights were understood as special rights in the sense that they were *special* because they were meant for Europeans only. Over time and through practice, however, special rights acquired the meaning of being accessible only for special groups of Community citizens. That is, they became literally *specialized*. Citizenship rights were now defined according to what individuals did or what they were (workers, old, young, unemployed) rather than according to the fact that they were human beings.⁹² The fragmented character of Union citizenship is stressed by another phenomenon. Both types of citizenship – national and EC/EU – are linked with and embedded in large processes of transformation.⁹³ However, while citizenship practice of nation-states developed historical characteristics in close relation with the societal changes during the industrial revolution, and an emerging world system of interacting nation-states, citizenship practice of the EC/EU acquired characteristic meaning during a time of increasing globalization of the economy. This process indicated that, both “the concepts of ‘union’ and ‘citizenship’ are undergoing wholesale and simultaneous changes in Community Europe ... the actual attribution of the status of Community citizen to citizens of the member States becomes a central element of the reforms and a

reference point in determining the level of integration achieved by the Union which is being established.”⁹⁴ In other words, both types of citizenship practice and the institutions that are created in relation with it bear the historical imprint of their time.

Conclusion

This case study not only located the historical elements of rights, access, and belonging in their Euro-specific appearances, but it also facilitated a view of tensions that evolved during the process of citizenship practice. In a nutshell, the establishment of special rights of movement for European citizens and the desired establishment of an area without internal frontiers did two things. On the one hand, it guaranteed the civil right of free movement, and on the other, it created political and social inequalities among those who moved to another Member State and those who were citizens of that Member State. This tension led to the establishment of, first, social rights and, in the long run, to the establishment of the political right to vote. Subsequently, those who could not move freely because they did not belong to the group of wage earners or were not related to them, also requested freedom of movement. Prior to Maastricht, the differences between so-called Community “foreigners,” that is, those living in a Member State with which they had not legal ties of loyalty but might have developed a feeling of belonging, and nationals, that is, those who possessed the legal ties to that particular Member State, were at stake. It was addressed by guaranteeing the right to vote and stand for election in European and municipal elections to these “foreigners.” Post-Maastricht, this tension underlies the debate over third-country nationals’ access to political participation.

This article confirmed previous observations about the existence of European citizenship as more than a right status. Beyond that, and most importantly, it facilitated another finding that indicates a change in patterns of identity generation based on a new perspective on the historical element of belonging as one of parameters of citizenship and its interrelation with borders and boundaries. This case study of supra-national-citizenship practice is perhaps most precisely defined as a case that has contributed to understanding the changed geography of citizenship in high modern times. It crucially questions traditional modern ways of thinking about both citizenship as (national) identity, as well as citizenship practice being situated within borders of a (na-

tional) state. The emergent model of citizenship thus confirms to observations about the Euro-polity as constituting “nothing less than the emergence of the first truly postmodern international political form.”⁹⁵ Clearly, citizenship practice in this polity is not a modern one. However, it is important to recall that the idea of citizenship that stood at the beginning of Euro-citizenship practice was embedded in a shared belief in access to democratic participation, rights, and belonging, which was derived from modern experiences. The post-modern patterns of Union citizenship thus entail modern historicity.

Notes

1. I would like to thank Michael Hanagan, Jane Jenson, David Long, Rianne Mahon, Elizabeth Meehan, Liora Salter, and Miriam Smith for comments on earlier written versions of this article. The article has also benefited from discussions at the Political Science Association in Glasgow, 1996, the Workshop of the European Forum on Citizenship at the European University Institute, February 1996, the Anglo-Spanish Workshop on Citizenship at the Sussex European Institute, 1996, and the Research in Progress Seminar Series in Social and Political Thought at the University of Sussex. I thank the participants of these conferences, and Andrew Chitty, Carlos Closa, Klaus Eder, Soledad Garcia, William Outhwaite, Martin Shaw, Margaret Somers, Paul Taggart, and Helen Wallace in particular for constructive criticism. Responsibility for this version is of course mine.
2. For the concept of “naming,” see, for example, Jane Jenson, “De-constructing Dualities: Making Rights Claims in Political Institutions.” In *New Approaches to Welfare Theory*, ed. Glenn Drover and Patrick Kerans (Cambridge, 1993), 127–142; and Jane Jenson, “Mapping, Naming, and Remembering: Globalization at the End of the Twentieth Century,” *Review of International Political Economy* 2/1 (1995), 96–116.
3. The hearings were organized by the institutional committee of the European Parliament (EP) on 18–19 October 1995 “with a view to preparing the Dury and Maij-Weggen Reports on revision of the Maastricht Treaty” (AE, 18.10.95, p. 4). According to *Agence Europe*, the hearings were attended by “dozens of NGOs” while “over 300 NGOs had asked to take part” (AE 18.10.95, p. 4 and AE 19.10.95, p. 4, respectively).
4. See, Philippe C. Schmitter, “Is It Really Possible to Democratize the Europe-Polity?” paper prepared for presentation at the European Forum workshop *Social and Political Citizenship in a World of Migration*, European University Institute Florence, 22–24 February 1996; and Svein S. Anderson and Kjell A. Eliassen, “Introduction: Dilemmas, Contradictions and the Future of European Democracy,” Andersen, S. and K. Eliassen, editors, *The European Union: How Democratic Is It?* (London: Sage, 1996), 1–12.
5. The debate over exclusion and inclusion and Union citizenship has developed most visibly over the issue of the exclusion of “third country nationals” (i.e., individuals who live within the territory of the Union but are not a national of a Member State). It has, however, also been led over exclusion along the lines of gender, sexual

- preference, and economic participation. See, for example, the European Parliament's Bindi Reports of 1991 and 1993 (PE 207.047/fin.), as well as the Imbeni Report of 1993 (PE 206.762), the Banotti Report of 1993 (PE 206.769/fin.).
6. See, Michelle C. Everson and Ulrich K. Preuss, *Concepts, Foundations, and Limits of European Citizenship* (Bremen: ZERP-Diskussionspapier #2, 1995), 8. Legal attempts to grapple, with Union citizenship do, however, often point to the important dimension of a possible evolution of Union citizenship based on Article 8e EC Treaty. See, David O'Keeffe, "Union Citizenship," in *Legal Issues of the Maastricht Treaty*, ed. David O'Keeffe and Patrick M. Twomey (London: Wiley Chancery Law, 1994), 106.
 7. See, Elizabeth Meehan, *Citizenship and the European Community* (London: Sage, 1993), xii.
 8. This type of sociohistorical analysis follows insights from Charles Tilly's work on "State-Making." See, Charles Tilly, editor, *The Formation of National States in Western Europe* (Princeton: Princeton Univ. Press, 1975). See also, Margaret R. Somers, "Rights, Relationality, and Membership: Rethinking the Making and Meaning of Citizenship," *Law & Social Inquiry* 19 (1994): 63–112.
 9. These policy objectives have been adopted within the final communiqué of the 1974 Paris summit meeting. See, *Bulletin of the European Communities* [hereafter: Bull. EC] 12, 1974, 8–9.
 10. For the term "Euro-polity" see, Gary Marks, Fritz Scharpf, Philippe C. Schmitter, and Wolfgang Streeck, editors, *Governance in the European Union* (London: Sage, 1996).
 11. David Held points to this important gap between the language (as in theory) and the practice of citizenship, when he writes "to what political entity does the democratic citizen belong? Everywhere the sovereignty of the nation state itself – the entity to which the *language of citizenship* refers, and within which the claims of citizenship, community and *participation* are made – is being eroded and challenged." See David Held, "Between State and Civil Society: Citizenship," in *Citizenship*, ed. Geoff Andrews (London: Lawrende & Wishart, 1991), 24.
 12. See, Veit Bader, "Citizenship and Exclusion. Radical Democracy, Community, and Justice. Or, What's Wrong with Communitarianism?" in *Political Theory* 23/2 (1995): 224.
 13. I apply the term "post-modern" similarly to Ruggie and Caporaso as a means of expressing newly emergent models of political organization that build on modern ones but cannot be fully understood in modern terms only. See, John G. Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organisation* 47/1 (1993): 139–174; and James Caporaso, "The European Union and Forms of State: Westphalian, Regulatory or Post-Modern?" *Journal of Common Market Studies* 34/1 (1996): 29–52.
 14. Indeed, the inverse situation has been recently stated with regard to the "deborderization" of states and global politics as a process that renders the notion of citizenship as equally problematic. See Lothar Brock and Mathias Albert, "Entgrenzung der Staatenwelt. Zur Analyse weltgesellschaftlicher Entwicklungstendenzen," *Zeitschrift für Internationale Beziehungen* 2 (1995): 269.
 15. Recent work on European citizenship has emphasized the conceptual importance of this distinction. See, for example, Ulrich K. Preuss, "Citizenship and Identity: Aspects of a Political Theory of Citizenship," in *Democracy and Constitutional Culture in the Union of Europe*, ed. Bellamy, Richard, Vittorio Bufacchi, and Dario Castiglione (London: Lothian FP, 1995), 109.

16. Feminist and anti-racist contributions to the citizenship debate have equally emphasized the problematic equalization of nationality and citizenship, pointing to the fact that this conceptualization hides boundaries of inclusion and exclusion within nations – a blind spot with serious consequences for theory, politics, and policy of citizenship. See, Meehan, *Citizenship*, 22; and Nira Yuval-Davis, “Gender and nation,” *Ethnic and Racial Studies* 16/4 (1993): 621–632.
17. “State institutions never have the power to establish identities,” they may “choose to recognize some claims, and thereby to shore up some identities.” According to Jenson and Philipps, “identity remains the property of the claimant, a creation of collective action.” See, Jane Jenson and Susan D. Phillips, “Redesigning the Citizenship Regime: The Roots of the Current Reconfiguration in Canada,” paper presented as “Représentation sociale et citoyenneté au Canada,” at the Colloque International, Integration Continentale, Recomposition Territoriale, et Protection Sociale, Université de Montréal, 25–27 October 1995, 15.
18. Examples of such policies are migration policy and security policy. Thus, some consider citizenship as an “instrument of social closure” between and within states. See, William Rogers Brubaker, editor, *Immigration and the Politics of Citizenship in Europe and North America* (Lanham: University Press of America, 1989).
19. Constitution-making in the EU has become the subject of a number of analyses. See, for example, Renaud Dehousse, “Constitutional Reform in the European Community: Are There Alternatives to the Majoritarian Avenue?” in *West European Politics* 18/2 (1995): 118–136; Dieter Grimm, “Does Europe Needs a Constitution?” in *European Law Journal* 1/3 (1995): 282–302; and J. H. H. Weiler, “Journey to an Unknown Destination: A Retrospective and Prospective of the European Court of Justice in the Arena of Political Integration” in S. Bulmer and A. Scott, editors, *Economic and Political Integration in Europe* (Oxford: Blackwell Publishers, 1994), 131–160. The question at hand is whether it is possible to think about citizenship as constitutive for a community. See, Preuss, “Citizenship,” 108.
20. Carlos Closa, “Citizenship of the Union and Nationality of Member States,” *Common Market Law Review* 32 (1995): 493.
21. Reinhard Bendix, *Nation Building and Citizenship* (New York: John Wiley, 1964); Jenson and Phillips, “Redesigning”; T. H. Marshall, *Citizenship and Social Class* (Cambridge: Cambridge University Press, 1950); Somers, “Rights”; Tilly, *Formation*; and Meehan, *Citizenship*.
22. For an approach to citizenship practice that aims at encompassing the complex set of relations that underlie citizenship, see, for example, Somers “Rights,” 60.
23. As Evans and Oliveira point out, citizenship is “a concept denoting the legal consequences which attach to the existence of a special connection between a defined category of individuals and a state” and thus essentially “a provision which is made for participation by a defined category of individuals in the life of a state.” See, A. C. Evans and H. U. Jessurun d’Oliveira, *Nationality and Citizenship. Rapport réalisé dans le cadre d’une recherche effectuée à la demande de la Communauté européenne*, Strasbourg, 20–21 November 1989, 2.
24. Similar elements have been identified by Tilly as basic criteria for state-making. He writes, “[i]n its simplest version the problem [of state-making] has only three elements. First, there is the *population* which carries on some collective political life – if only by virtue of being nominally subject to the same central authority. Second, there is a *governmental organization* which exercises control over the principal concentrated means of coercion within the population. Third, there are *routinized*

- relations* between the governmental organization and the population.” Tilly, *Formation*, 32.
25. More recent contributions to the citizenship debate point to this informal link between citizens and the state as a problem for the study of citizenship. Accordingly, much of the new debate on citizenship aims at an assessment of this theoretical problem, which focuses on the question of how informal aspects of citizenship rather than formal criteria may be included in citizenship analysis. See, Will Kymlicka and Wayne Norman, “Return of the Citizen: A Survey of Recent Work on Citizenship Theory,” *Ethics* (January 1994): 352–381; Jürgen Habermas, “Staatsbürgerschaft und nationale Identität,” in *Faktizität und Geltung*, ed. Jürgen Habermas (Frankfurt/M.: Suhrkamp, 1991), 632–660; Meehan, *Citizenship*; Somers, “Rights”; and Iris M. Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship,” in *Feminism and Political Theory*, ed. Cass Sunstein (Chicago: Univ. of Chicago Press, 1990), 117–142. While this is not the place to engage in a debate about different schools, it is important to note an overall concern about problematic citizen-state relations.
 26. As Kratochwil, for example, argues, in solving questions about obligations to our fellow citizens and our country, the Kantian categorical imperative is not helpful. See, Friedrich Kratochwil, “Citizenship: The Border of Order,” *Alternatives* 19 (1994): 495.
 27. Kratochwil notes that “[i]t is perhaps best to conceive of citizenship as a space within a discourse on politics that institutionalized identities and differences by drawing boundaries, both in terms of membership and in terms of the actual political practices that are connected with this membership. An explication of the concept, therefore, is not governed by the atemporal criteria of adequacy or correspondence. It necessarily becomes historical, requiring an examination of the genealogy of the concept and its temporary reconciliations.” Kratochwil, “Citizenship,” 486.
 28. Turner suggests an approach that includes active (society-centered) and passive (state-centered) citizenship. According to his model, the French revolution is considered as the prime example for active citizenship politics, whereas the Bismarckian citizenship policy would be considered as inactive. See, Bryan S. Turner, “Outline of a Theory of Citizenship,” *Sociology* 24/2 (1990): 189–217.
 29. For an analysis of the resources of Union Citizenship based on the *acquis communautaire*, see, Antje Wiener, “Promises and Resources – The Developing Practice of European Citizenship,” in Massimo La Torre, editor, *European Citizenship: An Institutional Challenge* (Dordrecht: Kluwer International, 1997).
 30. This definition of the *acquis* draws on the literature on international regimes. See, for example, Stephen Krasner, editor, *International Regimes* (Ithaca: Cornell Univ. Press, 1983); and Friedrich Kratochwil and John G. Ruggie, “International Organization: A State of the Art on the Art of the State,” *International Organization* 40/4 (1986): 753–775.
 31. The concept of “political opportunity structure” enables us to structure this policy analysis; it tells us when to expect incremental changes in the *acquis*. The idea of analyzing changes in the political opportunity structure is taken from Tarrow’s studies on social-movement mobilization. See, Sidney Tarrow, *Power in Movement. Social Movements, Collective Action and Politics* (Cambridge: Cambridge University Press, 1994). Ross has suggested it as one way to assess EU politics. See, George Ross, *Jacques Delors and European Integration* (Cambridge: Polity Press, 1995). In this case changes in the political opportunity structure are indicated by the policy

- paradigm, the actors, and the *acquis communautaire* as key factors for citizenship policy.
32. Peter Hall distinguishes among three different types of policy-paradigm changes. First and second order changes are seen as changes toward the adjustment of policy; third order changes indicate a “paradigm shift” that includes “radical changes in the overarching terms of policy discourse.” See, Peter Hall, “Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain,” *Comparative Politics* 25/3 (1993): 279. In the case of the EC/EU these are shifts between union and market politics as the overarching terms of policy generation. For example, in the 1970s policies have been established under a politics-oriented paradigm with the creation of political union as the overarching goal of EEC policymaking at the time. In the 1980s in turn, policies have been formulated within the context of a market-oriented paradigm with the overarching goal of constructing the single market without internal frontiers until 1992. Finally, the 1990s brought a swing in the policy paradigm toward a renewed project of union-building.
 33. On 8 October 1976, the Council adopted an “Act concerning the election of the representatives of the Assembly by direct universal suffrage.” See, *Official Journal of the European Communities* [hereafter: OJ EC] No. L 278, 8.10.76, 1–11.
 34. OJ EC, No. C 241, 19.9.81, Council resolution.
 35. As the final Communiqué of the 1972 Paris summit stated, “[t]he 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.” Commission, 1972, General Report, point 5 (16) cf. Desmond Dinan, *Ever Closer Union? An Introduction to the European Community* (Boulder, Col.: Lynne Rienner, 1994), 81.
 36. Bull, EC, Supplement 5, 1975, 5, Report on European Union [emphasis added].
 37. As he observed, “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.” See, *Agence Europe*, No. 713, 5 January 1973, 7.
 38. *Agence Europe*, No. 713, 3–4 [emphasis added].
 39. *Europe Documents*, No. 752, 17 July 1972, 1–2 [speech of Foreign Minister R. van Elsslande on 27 June 1972 before the House of Representatives].
 40. *Europe Documents*, No. 775, 3–5.
 41. *Europe Documents*, No. 779 for the document on European identity. Clapham also stresses the link between the document on European identity and setting the policy objectives towards the creation of Community citizenship. See, Andrew Clapham. *Human Rights and the European Community. A Critical Overview* (Baden-Baden: Nomos, 1991), 66.
 42. *Europe Documents*, No. 779, 1.
 43. The Commission’s report “Towards European Citizenship” specified policy-related problems regarding the granting of special rights and the introduction of a passport union. See, Bull, EC, Supplement 7, 1975. Another report prepared by Belgian Prime Minister Leo Tindemans proposed guidelines for policymaking toward European Union. See, Bull, EC, Supplement 1, 1976.
 44. The Commission’s report stressed the importance of the political nature of the special rights objective, stating that “granting special rights to the citizens of Mem-

- ber States [was] an allusion to the citizen – basically a political concept which was substituted for the term national, which is always used in Community texts – [and provided] a first clue to the civil and political nature of the special rights.” See, Bull, EC, Supplement 7, 1975, 26; see also, Guido Van den Berghe, *Political Rights for European Citizens* (Aldershot: Gower, 1982), 31.
45. With respect to policies regarding special rights, it is important to note that, from the Commission’s perspective, special rights comprised only those rights of Member States’ nationals that had not been acquired (or were in the process of being acquired) yet by foreigners. See, Bull, EC, Supplement 7, 1975, 28. It is important to note that at that time, the term “foreigner” was used in Community documents for nationals of EC countries who lived in a Member State where they were not passport holders. For example, a Belgian passport holder living in France would be a foreigner in France, the French Member State was considered as the “host country.”
 46. Bull, EC, Supplement 7, 1975, 27.
 47. Bull, EC, Supplement 7, 1975, 32.
 48. In its report “Towards European Citizenship,” the Commission reasoned “that European citizenship, which does not exist at the present, will take *the first step* towards becoming a reality only with the election of the European Parliament on the basis of universal suffrage and the implementation of point 11 on special rights.” This cautious step-by-step approach was based on the observation that “equal treatment for foreigners in the economic and social fields is accepted by public opinion, since this has long been a subject for frequent negotiation between States, the same does not apply to equal treatment for foreigners in the political field. *This is a new idea* and the public will have been given an opportunity to get used to it.” See, Bull, EC, Supplement 7, 16 and 30 respectively (emphases added).
 49. Bull, EC, Supplement 1, 1976, 26–27.
 50. See, Bayerl Report, cf. European Parliament, *Proceedings of the Round Table on Special Rights and a Charter of the Rights of the Citizens of the European Community and Related Documents. Florence, 26–28, Oct. 1978* Luxembourg, 1979, 86–87. According to this report, special-rights policy meant that “all the constitutional rights on which the legitimacy of a democratic State depends are conferred upon the citizens of the European Community vis-à-vis the European Community and, secondly, to include those rights which citizens of a particular Member State possess but which have not hitherto been granted to other citizens of the Community.” See, Bayerl Report; c f. European Parliament, *Proceedings*, 1979, 86–87. And the Legal Affairs Committee of the EP later specified that migrant workers “should as far as possible be placed on an equal footing with the citizens of the host country; in particular, they should have the means of influencing, through their vote, the running of public affairs in the place in which they have opted (or have been obliged) to establish their residence.” See, PE 81.688/fin, 9. This idea was to turn into an important informal resource for the making of Union citizenship and which was to be dusted off later by a Commission proposal on voting rights. See, Bull, EC, Supplement 7, 1986.
 51. OJ EC No. L 278, 8.10.76, 1–11.
 52. OJ EC, No. C 87, 5.4.82, 64; for the text of the Draft Act see 61–62.
 53. European Parliament, 29 April 1983, PE 81.699 final [Rapporteur: Mrs. M.-A. Macciocchi].
 54. Bull, EC 12, 1974, 8–9.
 55. Bull, EC, Supplement 7, 1975, 7.
 56. See, George Ross, “The European Community and Social Policy: Regional Blocs

- and a Humane Social Order,” *Studies in Political Economy* 40 (1993): 44–45; Loukas Tsoukalis, *The New European Economy* (Oxford: Oxford Univ. Press, 1993); and William Wallace, “Rescue or Retreat? The Nation State in Western Europe, 1945–93,” *Political Studies* XLII, Special Issue (1994): 64–65.
57. For the term “market-making,” see, Wolfgang Streeck, “European Social Policy: Between Market-Making and State-Building,” in Stephan Leibfried and Paul Pierson, editors, *European Social Policy: Between Fragmentation and Integration* (Washington, D.C.: Brookings Institution, 1995), 389–431.
 58. Bull, EC, Supplement 7, 1985, 9.
 59. As a Commission program explained “[r]ecognition as a ‘Community centre of excellence’ for establishments giving additional training or conducting very advanced research in specialized areas would help towards *the increased mobility of students and research scientists* within the Community. The European Council should express its support for these types of activity, which *will promote the European identity* in the eyes of the economic and social decision-makers of the future of the Community.” See, Bull, EC, 3, 1985, 101 [emphases added].
 60. Among these programs were, for example, the European community Action Scheme for the Mobility of University Students (ERASMUS), (Coimbra Report, PE, May 1986, Doc. A 2–22/86) and the Young Workers’ Exchange Scheme (YES) (Fontaine Report, PE, November 1986, Doc. A 2–109/86. The European Parliament stressed the importance of such programs toward building an ever closer union when it observed “[c]ooperation among the Member States of the Community in the field of education and culture is inherent to the process of the construction of Europe, and reflects the spirit of the Treaties, since there is no doubt that it promotes closer relations between peoples.” See, PE, Directorate General for Research, *Action Taken Series* 3, 1 1, 1988, 103; see also, Bridid Laffan, “The Politics of Identity and Political Order in Europe,” *Journal of Common Market Studies*, 34/1 (1996): 97.
 61. OJ EC, No. L 180, 13.7.90. These directives were to survive the Maastricht Treaty. They were, however, partially challenged by the EP later on and came increasingly under attack once the TEU entered into force. See, COM (93) 702 final, 21 December 1993, 4, and the Opinion of the Committee on Women’s Rights, PE 206.769/fin., 2 December 1993.
 62. Another aspect of the “democratic deficit” was a question of democratic procedure. Both aspects are rooted in different contexts. Bulmer and Scott identify a *procedural deficit*, consisting of the “Community’s decision-making procedures” and the lack of “democratic legitimacy” as regards the legislative process. See, Bulmer and Scott, *Economic and Political Integration*, 7. From the passport policy process, it is evident that the lack of transparency after the split into a Schengen and a Community approach to border politics also contributed to the notion of a democratic deficit. See, for example, the EP’s Outrive Report I, PE 156.390. In turn, the Commission’s demand for the political right to vote was based on historical experience of citizenship practice in nation-states thus suggesting a *normative deficit*. For the Commission proposal see Bull. EC, Supplement 7, 1986, Voting rights in local elections for Community nationals.
 63. For observations of this process, see, in particular, Hans Claudius Taschner, “Die Abschaffung der Personenkontrollen an den Binnengrenzen der Europäischen Gemeinschaft und ihre Folgen,” in *Das Europa der Bürger in einer Gemeinschaft ohne Binnengrenzen*, ed. Siegfried Magiera (Baden-Baden: Nomos, 1990), 229–235; Taschner, “Schengen oder die Abschaffung der Personenkontrollen an den Binnen-

- grenzen der EG," Vortrag vor dem Europainstitut der Universität des Saarlandes, Saarbrücken 11 Dezember 1990; Bolten, 1991; H. Meijers, "Schengen: Introduction," in *Schengen. Internationalisation of Central Chapters of the Law on Aliens, Refugees, Privacy, Security and the Police*, ed. J. D. M. Steenbergen (Leiden: Stichting NJCM, 1992) 1–7; Meijers, 1991; and Antje Wiener, *Building Institutions: The Developing Practice of European Citizenship* (Boulder, Col.: Westview Press, 1997). The Schengen Agreement on the gradual abolition of border controls was first signed by the governments of the Benelux-economic union, the Federal Republic of Germany, and the Republic of France, on 14 June 1985 in the town of Schengen, Luxembourg.
64. According to Article 49 EEC Treaty, the Council was to issue directives or make regulations setting out the measures required to bring about, by progressive stages, freedom of movement for workers, based on a proposal from the Commission and acting by a qualified majority.
 65. COM(89) 568 final, which was adopted at the European Council meeting at Strasbourg, 8–9 December.
 66. The clear definition of the 279 directives prescribed by the Commission's White Paper 1992 provided the point of departure for this type of policymaking, which led to a new era in Community politics and soon became known under the slogan of "Europe '92." While the White Paper went beyond market policymaking it was nonetheless conceptualized to operate within a market paradigm. Behind a quite technical appearance, the White Paper had a whole series of legal commitments for the Member States in store that were part of the implementation of the directives. It therefore required basic agreement on the legal basis for resolving intra-Community disputes.
 67. See, J. J. Bolten, "From Schengen to Dublin: The New Frontiers of Refugee Law," in *Schengen. Internationalisation of Central Chapters of the Law on Aliens, Refugees, Privacy, Security and the Police*, ed. J. D. M. Steenbergen (Leiden: Stichting NJCM, 1992), 11; and Soledad Garcia, editor, *European Identity and the Search for Legitimacy* (Royal Institute of International Affairs: Pinters Publ., 1993), 2.
 68. T. Hoogenboom, "Free Movement of Non-EC Nationals, Schengen and Beyond," in *Schengen. Internationalisation of Central Chapters of the Law on Aliens, Refugees, Privacy, Security and the Police*, ed. J. D. M. Steenbergen (Leiden: Stichting NJCM, 1992), 74–95.
 69. The "[l]inkage between German unification and deeper political integration and between EMU and European Political Union (EPU) emerged explicitly at the Strasbourg Summit in early December 1989." See, Dinan, *Ever Closer Union?* fn. 34, 161. In 1990 a now famous letter signed by Chancellor Kohl and President Mitterrand addressed to the Irish Council Presidency of the Community suggested to call an IGC on political union. This letter reflected the policy paradigm of legitimacy and union building, setting the goals for such an IGC as "to strengthen the democratic legitimation of the union, to render its institutions more efficient, to ensure unity and coherence of the union's economic, monetary and political action and to define and implement a common foreign and security policy." See, *Agence Europe*, No. 5238, 20 April 1990, 6.
 70. SG(90)D/06001, 1–4.
 71. For the letter, see, SEC(90) 1084 and AE, No. 5252, 11 May 1990, 3. It is important to note that this "interinstitutional" conference included the main Community institutions. It was thus different from the IGC format, which restricted the negotiation process to the Member States.

72. *Europe Documents*, No. 1628, 2.
73. CONF-UP 1731/91, 20 February 1991.
74. SEC(91) 500, 30 March 1991; and Bull. EC, Supplement 2, 1991, 85–88.
75. This paper was written on 12 April 1991. For a publication of the full text see, *Europe Documents*, No. 1709/1710, 3 May 1991.
76. PE 150.034/fin, 23 May 1991, Rapporteur: Mrs. Rosamaria Bindi.
77. OJ EC, C 183, 15 July 1991, 473–476.
78. This document was officially submitted to the IGC by Ambassador Joseph Weyland, the Luxembourg representative for the Community, on 20 June 1991. It was published in *Europe Documents*, No. 1722/1723, 5 July 1991.
79. *Europe Documents*, No. 1733/1734, 3 October 1991.
80. PE 153.099/fin., 6 November 1991.
81. *European Report*, Document No. 1728, 11 December 1991.
82. *Europe Documents*, No. 1750, 1751, 13 December 1991.
83. See, Permanent Representation of Spain to the European Communities, “Economic and Social Cohesion in Political, Economic and Monetary Union: The Spanish Viewpoint. 5 March 1991,” in *The Intergovernmental Conference on Political Union. Institutional Reforms, New Politics and International Identity of the European Economy*, ed. Finn Laursen and Sophie Vanhoonacker (Maastricht: European Institute of Public Administration, 1992), 326–327.
84. PE 150.034/fin., 6–10.
85. PE 150.034/fin., 9.
86. Meehan captured this fragmenting aspect of European citizenship noting that it is “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.” See, Meehan, *Citizenship*, 1993, 1.
87. For a 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 challenges 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. See, Bolten, “From Schengen to Dublin,” 1992; and Hoogenboom, 1992.
88. See, 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. Unpublished ms. (emphasis of the document), 4.
89. As Turner summarizes, “[c]itizenship is, as it were, pushed along by the development of social conflicts and social struggles within ... a political and cultural arena, as social groups compete with each other over access to resources. Such a theory of citizenship also requires a notion of the state as that institution which is caught in the contradictions between property rights and political freedoms.” See, Turner 1990, 195.
90. Indeed, the distinctive features of a modern state included that it was “an organization which controls the population occupying a defined territory ... in so far as (1) it is differentiated from other organizations operating in the same territory; (2) it is autonomous; (3) it is centralized; and (4) its divisions are formally coordinated with one another.” See, Tilly, *Formation*, 1975, 70.
91. See, Liesbet Hooghe and Gary Marks, “Theoretical Foundations of Multi-level Governance,” paper presented at the *Annual Meeting of the American Political Science Association*, Chicago, August 31 to September 4, 1995.

92. As Meehan put it, they were “citizens-as-workers, not citizens-as-human-beings.” See, Meehan, 1993, 147.
93. Tilly characterizes political rights of citizens as “political rights in a large sense – political in that they constitute binding claims on the agents of government, rather than some other groups” and he continues that “that specification clarifies a large historical transformation. The European national revolutions of the last few centuries did not so much expand political rights as concentrate them in the state and reduce their investment in other sorts of governments. A large part of the process consisted in the state’s abridging, destroying or absorbing rights previously lodged in other political units: manors, communities, provinces, estates.” See, Tilly, *Formation*, 1975, 37.
94. PE 150.034/fin., 10.
95. Ruggie, “Territoriality and Beyond,” 140.