



# Review section

Edited by Thomas Christiansen

## THE EUROPEAN CITIZENSHIP MENU: MODES AND OPTIONS

**Dora Kostakopoulou**

D. Heater (1999) *What is Citizenship?* (Cambridge: Polity)

A. Wiener (1998) *'European' Citizenship Practice – Building Institutions of a Non-State* (Oxford: Westview) (*ECP*)

U. Preuss and F. Requejo (eds) (1998) *European Citizenship, Multiculturalism, and the State* (Baden-Baden: Nomos) (*ECMS*)

H. Staples (1999) *The Legal Status of Third Country Nationals Resident in the European Union* (The Hague: Kluwer)

M. La Torre (ed.) (1998) *European Citizenship – An Institutional Challenge* (The Hague: Kluwer) (*EC*)

## INTRODUCTION

Gone are the days when European citizenship was a topic hardly surfacing in the academic literature (Durand 1979; Evans 1984, 1991; Magiera 1990). The publication of Meehan's influential book on European citizenship (1993), together with Habermas's (1992) reflections on citizenship and national identity and his proposed disentanglement of *demos* and *ethnos* at the European level, Tassin's (1992) thoughts on the prerequisites for building a common European 'political community', and Closa's (1992) legal analysis of Union citizenship, marked the beginning of a period of heightened interest in European citizenship as a concept and an institution.

In part, this reflects an expansion of the range of scholars addressing this issue. This is not to deny, however, that there are deeper reasons for increased attention. Among these, three seem to be of special interest. First, European citizenship could

serve as a catalyst for the formation of a European polity endowed with a stronger constitutional framework and greater social legitimacy (Weiler 1991, 1995; de Burca 1996; Bellamy and Castiglione 1996, 1998; Wiener and Della Sala 1997). Second, there has been a recognition that citizens' claims, entitlements and responsibilities can no longer be defined in terms of singular membership in the national community (Held 1991, 1996; Soysal 1994). This realization has prompted work on the transformative potential of European citizenship and has fuelled a debate on the viability of the nationality model of citizenship in light of globalizing pressures and increasing transnational mobility (Kostakopoulou 1996; Schnapper 1997). Finally, since the European Community/European Union (EC/EU) itself is the product of evolutionary and reflexive institutional design (Ross 1995: 6; Marks *et al.* 1996; Caporaso 1996) for which the traditional paradigms of the nation-state, sovereignty and citizenship are inappropriate models, scholars have begun to address what citizenship might mean in such a context and how it may affect the development of a non-statal form of governance (Meehan 1993, 1997; O'Leary 1996; Delanty 1997; Kostakopoulou 1998, 2000; Wiener 1997, 1998; Shaw 1997, 1998; Abromeit 1998).

For some, however, the fact that citizenship 'has burst its bounds' (Heater 1999: 117) leads to conceptual deflation thereby rendering the idea of citizenship meaningless. In addition, those who cling to the national/statist tradition of citizenship are bound to dismiss alternative possibilities as weak, unstable, utopian or dystopian. But such accounts overlook the indeterminacy of citizenship. This is attested by both the mutability of its content and its shifting boundaries over time. For although citizenship has been rooted in specific contexts and has been wedded to territorial nation-states (Tilly 1975; Safran 1997), it can also be used to rethink the past, transform it and open up new socio-political practices which can best realize the promise of equal participation in the polity. After all, citizenship is not merely about rights (what you get), participation and duties (what you owe) and a sense of belonging (what you feel), but it is also the way in which people express their opposition to all the above.

With admirable clarity and elegance, Derek Heater uncovers the 'multiple' pasts of citizenship and warns against the judgement that 'citizenship has been or is ever likely to be enjoyed to the level of perfection that an ideal model might suggest. In practice, we should envisage a hierarchy of expressions or experiences of citizenship which blurs any pure equality' (p. 87). Students will benefit from reading Heater's survey of the liberal and communitarian traditions of citizenship, its incremental democratization and his typology of multiple citizenship. According to Heater, multiple citizenship takes two forms: parallel and multi-layered. The former captures dual citizenship and, more contentiously, a civil society style of citizenship (i.e. conceived of as membership in voluntary groupings, organizations, associations and networks which are separate and distinct from the state (pp. 120–1). Multi-layered citizenship refers to federal arrangements (i.e. state and state citizenship), and quasi-federal arrangements, that is, where power is devolved from the central state to autonomous regions (devolutionary citizenship) and EU citizenship. Multi-layered citizenship can also accommodate sub-state citizenship and world citizen-

ship. Heater's typology is insightful and useful. However, his account could be enriched by paying greater attention to the origins and evolution of these forms of citizenship, especially that of European citizenship, and to the processes of interaction and mutual adaptation between 'old' (i.e. state-centred) and 'new' citizenships. These lacunae are filled by the *ECP*, *ECMS* and *EC* books which are discussed below.

## EUROPEAN CITIZENSHIP AS A PROCESS

In *ECP* Wiener furnishes an account of the process of institutionalizing European citizenship, which complements Meehan's pioneering work on European citizenship.<sup>1</sup> Although 'the story told in this book unfolds as a documentary analysis' (p. 15), Wiener makes it clear that only a contextualized and historically situated perspective can reveal European citizenship's contributions to building a non-state polity (see also Shaw 1997, 1998). By deploying a socio-historical approach, inspired by Tilly and Tarrow, Wiener sheds light on the incremental expansion of the '*acquis communautaire* of citizenship'; that is, the shift from informal resources (i.e. ideas and values) to routinized practices and policy objectives which then become institutionalized in legal rules, procedures and regulations (see also Wiener's essay in *EC*, pp. 391–400). In chronological fashion, she identifies three key stages in the process: the European summits in Paris (1972 and 1974) where the identity-generating capacity of European citizenship first emerged on the Community's policy agenda (Part II, chs 4–6); Fontainebleau (1984) (Part III, chs 7–9); and Maastricht (1991) where the focus shifted from 'creating a feeling of belonging to establishing legal ties of belonging' (p. 295) (Part V, chs 10–11). Wiener's main concluding argument is that the step-by-step, group-by-group (i.e. workers, professionals, service providers and their families, economically independent non-active economic actors) and area-by-area policy-making (i.e. the intergovernmental approach to border politics) has generated a fragmented type of citizenship instead of the once envisaged creation of a homogenized pattern of a 'European' identity (pp. 11, 239, 240, 294, 298–300).

Given the incremental expansion of the Community's competence and the jurisdictional separation between purely internal (i.e. domestic) situations and those which fall within the ambit of Community law because they contain an inter-state element, the 'fragmentation' of European citizenship comes as no surprise. But it should not be accentuated. European citizenship is by no means unique in having a 'fragmented' nature: despite appeals to the ideal of universal equal citizenship, national citizenship has always been differentiated owing to class, race, gender, and so on, differentials. More importantly, fragmentation only becomes a problem if one believes that the goal of European policy-makers should be to create a homogeneous and unified public sphere glued together by a uniform status of citizenship, ideas which were present in Community official discourses in the 1970s. Conversely, if the idea of replicating the national/statist model of universal citizenship in the EU is resisted on the grounds that it is both illusory and has served to perpetuate structures of inequality (Vogel 1997), a debate can begin concerning how

to design a European citizenship which is simultaneously more inclusionary at the boundaries and internally more differentiated (Goodin 1996; Kostakopoulou 1996, 1998. In my opinion, this is a threefold challenge. First, there is the challenge of promoting inclusiveness in the personal scope of European citizenship by admitting long-term resident third country nationals (TCNs) in the European polity as full participants. Second, there is that of ensuring inclusiveness in the practice of European citizenship by decoupling enjoyment of the rights of movement and residence from socio-economic status, and responding to the needs and claims of the various constituencies. And third, the challenge is to make citizenship meaningful even to immobile European citizens by providing a set of rights (and obligations in the future) in the fields of environment, consumer protection, non-discrimination, social protection and so on.

Wiener criticizes the ‘apparent gap’ between the homogenized pattern of European identity envisaged in the 1970s and the minimalist version of citizenship stipulated by the Maastricht Treaty without probing the question of whether a homogenized European identity, underpinning the formation of ‘*e pluribus unum*’, would have been an appropriate option for the European polity (pp. 11, 12). Such conceptions of European identity and citizenship were problematic. In official documents, including the 1973 Declaration on European identity, for example, a political conception of European identity was intertwined with Euro-nationalist themes, essentialist discourses about ‘Europe’ (references to a common European civilization and to a common European cultural heritage) and functional concerns (making Europe a tangible reality in the lives of European citizens). This cannot be accounted for on the basis of political constraints alone; lack of ideas and the tendency to view European identity through the lens of national/statist identity-building played an important role. The intellectual borrowing of ideas and assumptions from the statist paradigm and the transfer of practices from domestic environments to the EU (i.e. symbolisms and consciousness-raising initiatives) thus constrained the ability of policy-makers to think clearly about what kind of political community was in the making and the normative implications of what was being institutionalized.

Standing back in reflection from official discourses helps to unravel actors’ divergent conceptions on European identity and citizenship, changes in discourse as these were filtered through competing conceptions of ‘what Europe is about’, inconsistencies in their thinking, and the silencing of competing conceptualizations. More importantly, it puts us in a better position to see that the process of the development of European citizenship is marked as much by evolutionary steps and the ‘organic growth of the citizenship *acquis*’, which Wiener eloquently discusses, as by discontinuities, inconsistencies and silences. Moreover, it is not uncommon to find that it is these discontinuities and silences, rather than the presumed unity of the discursive field, that hold the key to explaining why European citizenship developed in the way it did, it has such a (minimalist) content and transplants a quasi-nationalist logic at the EU level.

One such crucial silence occurred in the 1957–72 period, a period which is omitted from Wiener’s chronology. In these formative years, secondary legislation

was introduced in order to flesh out the incipient form of European citizenship established by the Treaty of Rome (Articles 48, 49 and 51 EEC): Reg. 1612/68 as amended by Reg. 312/76 and 2434/92; Directive 68/360; Reg. 1251/70 (on the right to remain on the territory of the host member state after incapacity or death) and Reg. 1408/71 (on the social security of migrant workers). It was through Reg. 1612/68 and Council Dir. 68/360 that national executives confined the scope of the free movement provisions to workers who are nationals of the member states. This was a contingent decision reached on the basis of intersubjective understandings and nationalist concerns which portrayed ethnic migrants as unwelcome guests and a problem. By ending the ambiguity entailed by Article 48 EEC (now Article 39 EC), which refers simply to workers, national executives succeeded in grafting their notions of who the Europeans are in the emerging European institutions. Their hegemonic interpretation became sedimented, cancelling out of existence alternative juridical options (i.e. conditioning free movement on domicile) and made almost 'natural' the confinement of special rights and, subsequently, of Union citizenship to nationals of the member state.

The implications of determining who belongs in the European polity on the basis of pre-existing national definitions rather than democratic principles are discussed in *ECMS*. Preuss and Requejo's anthology is the product of a conference which took place in Barcelona in 1996 and focuses on the tension generated by the historical baggage of citizenship (nationality, statehood, national identity) and contemporary developments and challenges. The team of contributors is first rate and the essays are normative in orientation. Preuss's opening essay contains refreshing insights: after revisiting the historical links between citizenship and the nation-state, he challenges the assumption that European citizenship needs to rest upon a sense of commonness, that is on close ties of belonging and trust. Despite commonly held assumptions in EU studies that such pre-political qualities are required for the formation of European demos and, consequently, for Euro-democracy ('no democracy without demos' thesis), Preuss argues that a European citizenry can be the by-product of democratic institutions: 'institutions can produce the habits, interactions, value orientations and moral attitudes which they normally require as preconditions for their adequate operation' (pp. 24–5; 1996). This view is shared by La Torre (p. 96) who argues further that 'a strong concept of European citizenship, characterised by a wide and rich range of rights independent of national citizenships, could contribute powerfully to solving the democratic deficiencies of the European Union' (p. 88). In practical terms, this would require a critical interrogation of 'current configurations of "peoples" as the normative model for demoi' (Closa, p. 111). It would also require us to view European citizenship from the perspective of foreigners and to design a European immigration policy which upholds democratic ideals (Barrero). On this issue, Barrero makes concrete suggestions, though these need revising in light of the Immigration Title of the Amsterdam Treaty.

The Amsterdam developments and their effect on the legal position of TCNs in the EU are discussed by Staples. This monograph, which will appeal mainly to lawyers, juxtaposes the legal regime governing the right to free movement of

nationals of the member states to that applying to TCNs resident in the EU. Although the discussion does not contain much that is new (Staples argues for the inclusion of TCNs into the personal scope of Union citizenship after a qualifying period of five years' lawful residence), and is occasionally repetitive, readers should benefit from the detailed exposition of the derived as well as substantive rights enjoyed by TCNs resident in the EU under the Association Agreements, the Schengen Agreements and the European Convention on Human Rights.

A useful statement of the influential argument concerning the inclusion of TCNs is provided by La Torre's *EC*. This edited collection is the product of a conference organized by the European University Institute as part of the 1996 programme of the European Forum on Citizenship. Although the volume lends itself to some standard criticisms that accompany conference publications, such as the varying quality of the contributions, significant overlaps among the chapters, some essays are dated and so on, La Torre has done a good job in imposing a structure which makes the material easy to relate to ongoing policy debates. Despite their separate headings (i.e. Citizenship and Rights and European Citizenship and Nationality respectively), Parts I and II of the collection focus essentially on the thorny relation between citizenship and nationality in Europe and elsewhere. Troper (ch. I) and Guiguet (ch. V) explore the roots of and the ambiguous relationship between the terms *citoyenneté* and *nationalité* in the period of the French Revolution, while Galloway (pp. 67–79) highlights the paradox between the liberal commitment to abstract universal principles and the empirical existence of concrete, discrete communities which may, in certain circumstances, disregard the claims of outsiders for admission and inclusion. Clearer solutions to this paradox are provided in Part II, where the inclusion of TCNs into Union citizenship is defended on the basis of: the creation of a European 'open republic' (Hofmann); concern about the social integration of TCNs and social harmony within the Union (Oliveira, p. 98); commitment to a liberal democratic order which sets limits to the community's right of collective self-determination (Rubio Marin, p. 226); dual citizenship (Monar, pp. 173–5); the need to reduce disparities in access to European citizenship owing to divergent nationality laws (Garrot, pp. 232–3). In Part III, Evans (see pp. 283–91) reaches the same conclusion by suggesting that the treatment of the rights of Union citizenship as fundamental rights is applicable irrespective of member state nationality, whereas O'Keeffe and Bavasso (pp. 251–65) believe that Union citizenship can enhance the juridical protection of fundamental rights in the EU thereby contributing to the creation of a democratic civic European community. Part IV revisits some of these themes and extends them by focusing on the relationship between citizenship and democracy (Gozzi, Marco, Wiener, Closa, La Torre). On the basis of the discussion in *EC* and *ECMS* collections and, more generally, the literature on European citizenship, one can draw the following typology of European citizenship options.

## A TYPOLOGY OF EUROPEAN CITIZENSHIP

### Minimalist European citizenship

Drawing on the individualistic variant of liberalism, this mode portrays European citizenship as comprising a core of entitlements primarily designed to facilitate market integration (Everson 1995) and to increase the social legitimacy of the EU. Like its liberal predecessor, it does not apply to the European sphere a comprehensive doctrine about the ends of life. Unlike liberal citizenship, however, this mode does not require the full range of 'constitutional essentials' which aid individuals in the pursuit of their chosen forms of life. European citizenship is merely a mercantile citizenship (i.e. consisting of mainly economic rights) (d'Oliveira 1995; compare Evans's essay in *EC*). Such a formalized and minimal European citizenship can complement national citizenship, but it must be derivative of it since the right to reside permanently in a state cannot be made subordinate to the right to reside permanently in the Community. On this reading, adding new rights to the list will lead to rights saturation (Weiler 1997: 501). It might also weaken further national parliamentary democracies, and provide 'a fake legitimacy for the essentially autocratic mode of governance of the Union' (Baubock 1997: 17).

Minimalist European citizenship appears to embody a kind of blindness to the dynamic character of European citizenship and its role in the building of a European polity. European citizenship thus becomes a free-standing institution emptied of political content. As this conception of citizenship is status-based, the presumably uniform interests of private individuals receive central recognition at the expense of the need for their active involvement and participation in European affairs. Furthermore, as emphasis is put on the formal recognition of rights, and not on redistributive policies designed to increase the opportunities for their effective exercise, this mode of citizenship does not provide fertile ground for addressing structures of inequality and multifaceted exclusion in the EU.

There is also another reason for ruling out minimalist liberal citizenship as a suitable option for European citizenship. Liberalism has been traditionally underpinned by the tacit assumption that citizens are always citizens of a bounded, national society which is relatively unified and homogeneous: as Requejo (*ECMS*) argues, liberal theories are explicitly theories of the state and implicitly of a form of national communitarianism. By postulating a neutral political order, a procedural framework within which citizens freely pursue their own conceptions of the good, they tend to de-particularize the state and purify it from assumptions that the hegemonic groups have imposed under the ideal of universal equal citizenship. Because difference is seen as a threat to the stability of the society, liberalism has traditionally been unfavourably inclined towards the institutionalization of differentiated rights aiming at empowering disadvantaged groups and of collective rights for territorial national minorities. This raises serious doubts about the desirability of the reproduction of liberal minimalist citizenship within the European setting of institutionalized diversity.

### Communitarian European citizenship

In contrast to the above thin conception of European citizenship, a civic republican mode would champion an expressly political, dynamic and participatory conception of citizenship (citizenship as practice). Inspired by the Aristotelian ideal of active participation, adherents of this mode would welcome the strengthening and expansion of both formal and informal participatory enhancing mechanisms in the EU, reforms to remove constraints on access to citizenship, and initiatives to increase transparency and accountability in decision-making (Héritier 1999). They would also stress the need to foster a sense of belonging to the European polity (identity) and cultivate an ethos of solidarity among the European peoples.

Depending on the degree of its reliance on national/statist concepts and its emphasis on culture and homogeneity, this mode of citizenship could take two forms: either the form of liberal communitarianism thereby praising belonging, solidarity and fairness in a political community or, alternatively, it could view the EC as a community of common political values and shared final ends destined to become a fully-fledged European nation. Whereas the latter raises the spectre of Euro-nationalism with all its undesirable repercussions for ethnic migrants, refugees and their families, the former would welcome a politics of interrelationship among the various levels of governance and of intersectionality in the EU; that is, it would recognize peoples' various subject positions and encourage their engagement in various projects and associative relationships at the local, national or supra-national levels (Mancini 1998).

Both kinds of communitarian European citizenship, however, are bound to generate opposition from those who value the cultural particularity of national communities of citizens and regard the territorial framework of the nation-state as the natural locus for citizenship and/or the basis of western social democracy.

### Deliberative European citizenship

Constitutional patriotism may be a more attractive candidate given that Habermas seeks to separate political membership in a community (*demos*) from ascriptive identities (*ethnos*). According to Habermas, a common supranationally shared political culture based on the rule of law, separation of powers, democracy, respect for human rights and so on, would guarantee the flourishing of equally legitimate cultural forms of life (1992, 1996). This view is shared by Petev (*EC*, p. 99), Closa (*EC*, pp. 422–7) and Gozzi (*EC*, p. 366). The model is compatible with a European community organized either in statal terms (Mancini 1998) or as a balanced and flexible system of co-operative federalism without a state. It champions active dialogic participation and the flourishing of a European public sphere. In practical terms, this would seem to require, among other things, the development of European political parties and the adoption of a framework regulation on their legal status based on Article 191 (formerly 138a) EC and 308 (formerly 235) EC as well as the recognition of the right of association within the context of the Union citizenship provisions (Curtin 1997; Closa (*EC*, p. 431); Kostakopoulou 1998, 2000).



On closer inspection, however, constitutional patriotism may not succeed in severing the ties between *demos* and *ethnos*. The reason is that constitutional principles are not ethically neutral; they have a particularistic anchoring in so far as they are rooted in interpretations derived from the perspective of the nation's historical experience and the point of view of the majority culture. Although this does not preclude critique and the mutual adjustment of political culture, it does confine critical exchanges within the 'architectonics of the constitutional state'. The latter are not exposed to questioning by other interpretative communities or becoming the subject matter of public debate by new and old citizens alike (see also Lehning 1997). Immigrants are expected to 'engage in the political culture of their new home' (Habermas 1992: 17), but on terms defined by the dominant group. They must not question in public the culturally and historically specific understandings embodied by this culture.

This is not only because the Habermasian schema accords priority to the principle of collective autonomy, that is, the citizens' practice of self-determination. It is also owing to the fact that Habermas believes that individuals are cocooned by single and unified worlds which make them what they are. Having preconstituted identities, they then enter the public sphere in order to devise the rules that bind them. Agreement on these rules must be possible under conditions of undistorted communication. Bearing in mind that the worlds that people inhabit are multiple, fragmentary and contradictory, and the prospects for unimpeded communication are pretty slim in the real world – even more so in the EU where communication and deliberation are often seen by participants as an opportunity to hold on to their entrenched positions in order to meet domestic political expediencies and not to succumb to the force of the better argument – this mode of citizenship has weaknesses. Instead of making a supranationally shared political culture the basis of community-building in the EU, it might be preferable to start from the premiss of heterogeneous, internally differentiated, and contested communities engaging in an ongoing quest for just procedures, principles and institutions which accommodate their differences and meet their common needs and aspirations.

Critics may object that neither the above-mentioned contestatory European citizenship nor the model of constitutional patriotism is able to sustain a European political community. Being rational and highly reflexive, they are weak in the affective dimension and thus incapable of eliciting subjective identification with the EU.

### **Corrective European citizenship**

It is for this reason that Weiler and others seem to have opted for a mixed approach of accepting the normative ideas of constitutional patriotism and at the same time affirming the particularistic ethno-cultural traditions of the member state. National identities are valued as symbols for collective action, resources for identity-building and markers of communal inter-generational projects promising authenticity and collective immortality. According to Weiler, a European civic public can co-exist with national publics without threatening to displace them. Whereas national

citizenship would be the realm of affinity and nationhood, European citizenship would be the realm of law and Enlightenment ideals (the ‘variable geometry approach’). Double membership of individuals in a national organic community, on the one hand, and a supranational, value-driven demos, on the other, would tame the appeal that nationalism continues to offer but which can so easily degenerate into intolerance and xenophobia (1997: 508–9; *EC*). On this reading, European citizenship neutralizes the vices inherent in national/statist communities; it serves as a civilizing force which keeps the eros of nationalism at bay (Weiler 1997: 511). After all, the project of European integration itself is an ‘attempt to control the excesses of the modern nation state in Europe’ (1997: 506).

The idea of European citizenship as a brake on national citizenship is shared by Bellamy and Castiglione who add that the European project preserves national identities but it also makes the nations of Europe more European (1998). In such a ‘mixed commonwealth’, a European ‘Union of nations’ (1998: 267), communitarian commitments and distinctive identities can co-exist with a cosmopolitan regard for universal principles of rights and fairness (cosmopolitan communitarianism). But can the tension generated by these opposing elements so easily be overcome? The present subjugation of the civic ethos of the European public to communitarian definitions of membership (Article 17(1) EC) gives rise to worries that Europeanization of the nation-state may be accompanied by the ‘nationalization’ of the European supranational community. The exclusion of TCNs from Union citizenship and the ‘Schengenizing’ of migration law and policy are good examples.

This may not be a problem if supranationalism is viewed as ‘part of the liberal nation project’ and European citizenship as derivative of national citizenship (Weiler 1997: 510–11; but compare Rubio Marin, *EC*, pp. 226–7). Bearing in mind, however, that the differentiation between national, organic-cultural publics and the European civic public is based on the distinction between ethnic and civic demos which characterizes territorial nation-states, reservations might be raised about its transfer to the European context. After all, several states would not portray themselves as organic cultural communities, notwithstanding their adherence to *ius sanguini* principles. In addition, this perspective implies that homogeneity is required for the formation of strong, deep and stable communities (Chrysochoou 1996) and overlooks the mutual adaptation and transformation of ‘old’ and ‘new’ citizenships. True, Weiler (1997; *EC*, pp. 20–4) makes concrete suggestions for empowering European citizens by enhancing their participation in the process of European governance, such as the European legislative ballot coinciding with elections to the European Parliament, *Lexcalibur*, the creation of a European Constitutional Council, and direct taxation and human rights. But the crux of the point is that the notion of corrective European citizenship as a rational overlay of deeply rooted national identities and a check on the dysfunctions of national political processes overrates the rootedness of individual Europeans in national cultures and, consequently, underrates the process of their gradual transformation into Union citizens.

## Cosmopolitan European citizenship

This conception of European citizenship looks beyond the nation-state to developments in the international state system. It regards distinctions between ‘ins’ and ‘outs’, citizens and non-belongers as artificial; the contingent consequence of the partitioning of the world into discrete, territorially based states comprising their own nationals. Although citizenship has been a device of population management and control, it could be redefined so as to contribute to the transformation of the international society.

Linklater, in his contribution to *ECMS*, defends the Kantian ideal of a cosmopolitan system of general political security nurtured by the development of a universal communication community which affords protection to individuals and groups, and promotes dialogue and consent. The EU as a post-Westphalian community offers much hope if only because it is characterized by the abandonment of the traditional monistic conception of sovereignty, flexibility in its orientations, attentiveness to the demands of heterogeneous publics, more inclusive membership and less controlling operations (see also Linklater 1996). As Linklater (p. 59) puts it, ‘Western Europe is the most promising site for a remarkable experiment in creating political systems which no longer weld sovereignty, territoriality, citizenship and shared nationality together’; ‘If a neo-medieval international society is to develop at all, it will most probably be between the like-minded societies of Western Europe’ (p. 66).

The normative ideals underpinning this stimulating essay are both compelling and ethically defensible. What I felt was missing, however, was the crucial step for turning these ideals to political reality. As the argument unfolded it became clear that the realization of a post-Westphalian order depends largely on the voluntaristic action of the states themselves: ‘by virtue of belonging to a neo-medieval order, states would break with the traditional habits associated with state sovereignty and relinquish many of their conventional sovereign powers’ (p. 63). But no concomitant reasons are offered as to why states should willingly participate in their own effective disempowerment. The underlying assumption is that states are voluntaristic agencies capable of enlightened consciousness and understanding – and not complex systems of sedimented power relations.

Linklater’s observations are based on an optimistic reading of contemporary developments. Critics might point out that statements about ‘a weakening of the commitment to nationalism’, and ‘a new post-Westphalian era coming into existence’ may be premature. Such statements tend to exaggerate the vulnerability of the member state to both internal and external pressures and to underestimate its capability for unexpected mutations and manoeuvres. They overlook, for example, processes of redefinition of sovereignty, and tacitly assume that states are in a relation of externality to the EU or elsewhere in the world.

Undoubtedly, ‘the possibility of legal appeal beyond the state to international courts of law, the international provision of welfare and the international recognition of cultural differences are three ways in which citizens can have valued rights upheld by agencies other than the state’ (p. 57). But does this lead to a

transformation and weakening of state activities and national citizenship or to their strategic adaptation? I believe the latter. Additionally, since the post-Westphalian order depends on the continued (albeit reformed) existence of states and boundaries, cosmopolitan citizenship is more transnational in character than supranational. Further, as the hallmark of Linklater's cosmopolitan citizenship is duties, not rights and political participation in global institutional structures, advocates of this mode of citizenship bear the onus of showing: i) which agency bears the main responsibility for honouring these obligations and which agency is responsible for enforcing them; and ii) why the cultivation of a sense of responsibility for the planet and its inhabitants and of a cosmopolitan ethos of solidarity and concern about human rights violations cannot be accommodated within the setting of a bounded democratic citizenship. After all, these commitments are essentially imperfect obligations.

### Transformative European citizenship

This approach conceives of the emerging community in the EU as a political design and of European citizenship as a project to be realized as the 'grand conversation' about the political restructuring of Europe goes on. Because European citizenship emerges as an issue of institutional design, it carries within it an ethical responsibility; the responsibility to be nourished by institutions, practices, rules and ideas embodying a commitment to social transformation, democratic reform and respect for the Other. In 1996 I used the term constructive European citizenship in order to denote not only the constructed (as opposed to 'natural' and 'objective') nature of European citizenship but also the possibilities for new transformative politics beyond the nation-state. Constructive citizenship puts into question traditional ways of thinking about membership and community-building: it recognizes their historically contingent (as opposed to deterministic) character and resists their transplantation at the EU level; it appreciates the contested and polymorphic character of the EU; it stresses the interactive and process-like character of European citizenship; it postulates a vision of inclusion and equal democratic participation in a community where difference is valued and appreciated and not simply tolerated. The transformative potential of Union citizenship has been captured by several essays in the *ECMS* and *EC* collections.

According to Monar (*EC*, pp. 167–83), European citizenship could be further developed by: i) developing its existing elements, such as updating the rules on the right of residence and disentangling residence from economic status and strengthening both formal and informal mechanisms of participation with a view to giving Union citizens full franchise in their state of residence; and ii) by a 'system-changing' strategy of reform, that is by introducing new rights, duties and possibilities for participation. Although Monar's discussion is premised on the 1996 Intergovernmental Conference (IGC), the latter strategy could be extended to include the protection of social rights and the development of an anti-poverty strategy, the promotion of forms of substantive equality between the sexes, consumer rights, the protection of health and the environment, and the recognition of

rights of association and assembly within the ambit of Union citizenship. Rubio Marin (*EC*, pp. 222–3) also argues for the development of a wider and richer range of citizenship rights and for automatic and unconditional acquisition of European citizenship after a certain period of residence in a member state, while Carrot (p. 248) maintains that a Community notion of residence based on both qualitative (subjective intention) and quantitative (length of stay) criteria exists in EC law.

La Torre (pp. 443–7) accords normative priority to legal subjectivity over citizenship, and Marco (p. 370) reminds us that there is a choice between an open-minded, inclusive approach and an exclusive ethno-national approach in construing system differentiation. This echoes Shaw's preference for a post-national model to be understood through 'the combination of theories of citizenship as a historical and contextualised practice, and situation-specific ideas about European citizenship which stress the dynamic, open-ended nature of that process' (1997: 564; 1998).

True, there is a generalized apprehension about giving public and institutional status to difference owing to the risks of fragmentation and disunity in a political community.<sup>2</sup> But if the goal of European citizenship is to transform the residents of Europe whose lives have been monopolized by national collectivism into critical Union citizens, the European political community must be viewed as a community of difference. European citizenship should be disentangled from quasi-nationalist trappings since both majority and minority communities should be rightful shapers and makers of the public culture and Europe's possible futures. As Parekh (*ECMS*) notes, promoting citizenship and cultural diversity are complementary tasks; without the former the latter lacks a guiding principle, and without diversity citizenship risks losing its depth and meaning. Although Parekh's point of departure is ethnic diversity within contemporary multicultural statist settings, his reflections on the various models of incorporation of ethnic communities are pertinent to realizing civic inclusiveness in the EU. Parekh discusses five models: proceduralist, assimilationist, bifurcationist, pluralist and millet.

The proceduralist model requires a formal and culturally neutral institutional framework upon which diverse communities minimally agree. Citizenship is thus a formal institution, incorporating specific rights and obligations (p. 73). The assimilationist model requires minorities to abandon who they are and assimilate into the majority community, while the bifurcationist model requires them to embrace the common political culture of the community, thereby relegating difference to the private realm of family and civil society. By so doing, it leaves 'cultural diversity to survive precariously in the overpowering shadow of the dominant culture' (p. 78). The millet system institutionalizes the autonomy of the various cultural communities and treats the state as a formal institution designed to ensure that the distinct communities are free to pursue their traditional ways of life. The problem with this model is that it subordinates individual identity to communal membership, freezes internal dissent, consolidates the rule of dominant élites, denies the porosity of cultures and communities and hampers the development of a sense of shared collective life. In contrast to the above models, the pluralist model does not take community and its culture as 'given'. It recognizes their dynamic, changing and flexible nature and is 'based on a vision of society in which different cultural

communities, interacting with each other in a spirit of equality and openness, create a rich, plural and tolerant collective culture affirmed alike in all areas of life, including and especially the political' (p. 79). Although Parekh admits that the realization of the pluralist model is not an easy task given the difficulties in reconciling the demands of unity and diversity, I believe its normative appeal makes it an appropriate focus of institutional design in the EU. After all, we need normative ideas such as the above since 'it is the quality of citizenship that determines the quality of the collective political life' (Parekh, p. 82).

## CONCLUSION

Like its national counterpart, European citizenship is neither a neat nor a consistent entity. Rather, it is a continuum of possibilities and therefore also an almost infinite source of potential disagreement. Despite the divergence in approach and preference, however, most scholars believe in the resourcefulness of European citizenship. As the foregoing discussion has shown, although they recognize that the institutional design of Union citizenship has been informed by assumptions derived from the nationality model of citizenship, they believe that European citizenship carries within it the remains of its birth and the possibility of its transformation. For this reason, they do not hesitate to test its capacity to respond to the pressing challenges facing the European polity-building by articulating an agenda for reform. True, agendas may differ in both scope and nature. But this is not a sign of immaturity or weakness, for the challenge is not to strive for some consensual encompassing viewpoint, which is going to be an arbitrary reduction, but to render our understanding of and the design of European citizenship compatible with emerging pluralities and social aspirations. Arguably, more than any other European institution, European citizenship is the visible and tangible expression of the European societies' politics, preoccupations and aspirations. As such, it holds up a revealing mirror to the kind of society we want to live in, who we are and who we wish to become.

**Address for correspondence:** Dr Dora Kostakopoulou, Faculty of Law, University of Manchester, Williamson Building, Oxford Road, Manchester M13 9PL, UK. email: MLLSSTK2@fs1.ec.man.ac.uk

## NOTES

- 1 Meehan addressed also the European Court of Justice's vital role in developing and expanding 'old' citizenship rights (i.e. free movement and non-discrimination rights).
- 2 Compare Requejo's (*ECMS*, p. 48) argument for the incorporation of collective minority rights into European citizenship.

## REFERENCES

- Abromeit, H. (1998) *Democracy in Europe: Legitimising Politics in a Non-state*, Oxford: Berghahn Books.

- Baubock, R. (1997) 'Citizenship and national identities in the European Union', *Harvard Jean Monnet Working Paper* 4/97.
- Bellamy, R. and Castiglione, D. (1996) 'The communitarian ghost in the cosmopolitan machine: constitutionalism, democracy and the reconfiguration of politics in the New Europe', in R. Bellamy and D. Castiglione (eds), *Constitutionalism, Democracy and Sovereignty: American and European Perspectives*, Aldershot: Avebury.
- Bellamy, R. and Castiglione, D. (1998) 'The normative challenge of a European polity: cosmopolitan and communitarian models compared, criticised and combined', in A. Follesdal and P. Koslowski (eds), *Democracy and the European Union*, Berlin: Springer-Verlag.
- Caporaso, J. (1996) 'The European Union and forms of state: Westphalian, regulatory or post-modern?', *Journal of Common Market Studies* 43(1): 29–52.
- Chrysochoou, D. (1996) 'Europe's could-be demos: recasting the debate', *West European Politics* 19: 787.
- Closa, C. (1992) 'The concept of citizenship in the Treaty of European Union', *Common Market Law Review* 29: 1137.
- Curtin, D. (1997) *Postnational Democracy: The European Union in Search of a Political Philosophy*, The Hague: Kluwer.
- de Burca, G. (1996) 'The quest for legitimacy in the European Union', *Modern Law Review* 59(3): 349–79.
- d'Oliveira, J. (1995) 'Union citizenship: pie in the sky?', in A. Rosas and E. Antola (eds), *A Citizens' Europe: In Search of a New Order*, London: Sage.
- Delanty, G. (1997) 'Models of citizenship: defining European identity and citizenship', *Citizenship Studies* 1(3): 285–303.
- Durand, A. (1979) 'European citizenship', *European Law Review* 4: 3–14.
- Evans, A. (1984) 'European citizenship: a novel concept in EEC law', *American Journal of Comparative Law* 32(4): 674–715.
- Evans, A. (1991) 'Nationality law and European integration', *European Law Review* 16(3): 190–215.
- Everson, M. (1995) 'The legacy of the Market citizen', in J. Shaw and G. More (eds), *New Legal Dynamics of European Union*, Oxford: Oxford University Press.
- Goodin, R. (1996) 'Inclusion and exclusion', *Archives Europ. de Sociologie* 2: 343–71.
- Habermas, J. (1992) 'Citizenship and national identity: some reflections on the future of Europe', *Praxis International* 12: 1–19.
- Habermas, J. (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge: Polity.
- Held, D. (1991) 'Between state and civil society: citizenship', in G. Andrews (ed.), *Citizenship*, London: Lawrence & Wishart.
- Held, D. (1996) *Democracy and the Global Order*, Cambridge: Polity.
- Héritier, A. (1999) 'Elements of democratic legitimation in Europe: an alternative perspective', *Journal of European Public Policy* 6: 269–82.
- Kostakopoulou, T. (1996) 'Towards a theory of constructive citizenship in Europe', *Journal of Political Philosophy* 4(4): 337–58.
- Kostakopoulou, T. (1998) 'European citizenship and immigration after Amsterdam: silences, openings, paradoxes', *Journal of Ethnic and Migration Studies* 24(4): 639–56.
- Kostakopoulou, T. (2000) 'Nested "old" and "new" citizenships in the European Union. Bringing out the complexity', *Columbia Journal of European Law* 5(3): 389–413.
- Lehning, P. (1997) 'European citizenship: a mirage?', in P. Lehning and Albert Weale (eds), *Citizenship, Democracy and Justice in the New Europe*, London and New York: Routledge, pp. 175–99.
- Linklater, J. (1996) 'Citizenship and sovereignty in the post-Westphalian state', *European Journal of International Relations* 2(1): 77–103.
- Magiera, S. (ed.) (1990) *Das Europa der Bürger in einer Gemeinschaft ohne Binnengrenzen*, Baden-Baden: Nomos.

- Mancini, F. (1998) 'Europe: the case for statehood', *European Law Journal* 4(1): 29–42.
- Marks, G. et al. (1996) *Governance in the European Union*, London: Sage.
- Meehan, E. (1993) *European Citizenship*, London: Sage.
- Meehan, E. (1997) 'Political pluralism and European citizenship', in P. Lehning and A. Weale (eds), *Citizenship, Democracy and Justice in the New Europe*, London: Routledge.
- O'Leary, S. (1996) *European Union Citizenship: The Options for Reform*, London: IPPR.
- Preuss, U. (1996) 'Two challenges to European citizenship', *Political Studies* XLIV: 534–52.
- Ross, G. (1995) *Jacques Delors and European Integration*, Cambridge: Polity.
- Safran, W. (1997) 'Citizenship and nationality in democratic systems: approaches to defining and acquiring membership in the political community', *International Political Science Review* 18(3): 313–35.
- Schnapper, D. (1997) 'The European debate on citizenship', *Daedalus* 126(3): 199–222.
- Shaw, J. (1997) 'The many pasts and futures of citizenship in the EU', *European Law Review* 22: 554–72.
- Shaw, J. (1998) 'The interpretation of European Union citizenship', *Modern Law Review* 61(3).
- Soysal, Y. (1994) *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago: Chicago University Press.
- Tassin, E. (1992) 'Europe: a political community?', in C. Mouffe (ed.), *Dimensions of Radical Democracy. Pluralism, Citizenship, Community*, London: Verso.
- Tilly, C. (ed.) (1975) *The Formation of National-States in Western Europe*, Princeton, NJ: Princeton University Press.
- Vogel, U. (1997) 'Emancipatory politics between universalism and difference: gender perspectives on European citizenship', in P. Lehning and A. Weale (eds), *Citizenship, Democracy and Justice in the New Europe*, London: Routledge, pp. 142–60.
- Weiler, J. (1991) 'The transformation of Europe', *Yale Law Journal* 100: 2405–83.
- Weiler, J. (1995) 'Does Europe need a constitution? Reflections on demos, telos and the German Maastricht decision', *European Law Journal* 1(3): 219–58.
- Weiler, J. (1997) 'To be a European citizen – Eros and civilization', *Journal of European Public Policy* 4(4): 495–519.
- Wiener, A. (1997) 'Assessing the constructive potential of Union citizenship – a socio-historical perspective', *European Integration On-line Papers* 1(17) (<http://eiop.or.at/eiop/>)
- Wiener, A. and Sala, Della V. (1997) 'Constitution-making and citizenship practice – bridging the democracy gap in the EU?', *Journal of Common Market Studies* 35(4): 595–614.