Assessing the Constructive Potential of Union Citizenship - A Socio-Historical Perspective

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Full text

Keywords

Abstract

In European integration studies citizenship policy has not received much attention as a practice. Instead much of the literature has predominantly focused on legal assessments of Union citizenship shedding light on the limitations of supranational citizenship -- compared to the familiar statist concepts of citizenship. Legal approaches have thus often adopted a minimalist perspective on citizenship, establishing what Union citizenship is *not* leaving aside the constructive potential of Union citizenship.

This paper seeks to demonstrate that a constructive perspective on the *practice* of citizenship facilitates valuable information about the creation of the institutionalised terms of citizenship over time. If it is true that Union citizenship is different from other types of citizenship, what is new about it? Constructive approaches suggest, that if we are to establish the dynamics which characterise Union citizenship analyses need to allow for a way of appreciating historical variability of context and contents of citizenship. To that end the major part of this paper seeks to develop a way of assessing the constructive potential of citizenship based on its newly institutionalised terms such as the shared values, objectives and regulations that have been established by citizenship policy over time. Beyond describing the emergence of EC/EU citizenship the paper promotes a systematic approach to reconstruct the policy in this supranational context. It is assumed that citizenship did not emerge out of the blue on the agenda of the Maastricht Intergovernmental Conference but that it is possible to identify agenda-setting steps in earlier stages of the policy process. If this assumption is correct, then a historical account could bring the various steps of citizenship policy which led to the history-making decision at Maastricht summit to the fore.

Kurzfassung

Das (Staats)bürgerschaft hat als Praxis in Studien zur europäischen Integration nicht viel Beachtung gefunden. Stattdessen konzentriert sich der Hauptteil der Literatur auf rechtliche Ansätze und rückt damit die Begrenzungen supranationaler Bürgerschaft im Vergleich mit den bekannten staatlichen Konzepten von (Staats)bürgerschaft in den Vordergrund. Juristische Ansätze haben daher häufig eine minimalistische Perspektive von Bürgerschaft angenommen. Sie stellen fest, was Unionsbürgerschaft *nicht* ist und vernachlässigen so das konstruktive Potential.

Dieses Papier will zeigen, dass ein konstruktiver Blick auf die *Praxis* der Bürgerschaft wertvolle Information über die Herausbildung institutionalisierter Bedingungen von Bürgerschaft aufzeigen kann. Wenn Unionsbürgerschaft sich von anderen Typen von Bürgerschaft unterscheidet, was ist neu daran? Konstruktive Ansätze zur Unionsbürgerschaft argumentieren, daß ein Blick auf die historische Veränderbarkeit von Kontext und Inhalt wichtig ist, um die dynamischen Aspekte der Unionsbürgerschaft herauszuschälen. Dieses Papier versucht daher einen Ansatz zu entwickeln, mit dem diese institutionalisierten Bedingungen von Bürgerschaft wie zum Beispiel geteilte Werte, Inhalte und Regeln, die über einen Zeitraum hinweg durch Bürgerschaft als Praxis etabliert wurden, erfaßt werden koennen. Es beschreibt die Herausbildung von Unionsbügerschaft und stellt einen systematischen Ansatz zur Rekonstruktion dieser *policy* im supranationalen Kontext vor. Der

Ansatz folgt der Annahme, daß Unionsbürgerschaft nicht aus dem Nichts auf die Agenda von Maastricht gelangte, sondern daß es möglich ist, *policy*-Schritte zu identifizieren, die zum *agenda-setting* vor der geschichtsmachenden Maastrichter Entscheidung beigetragen haben.

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

1. Introduction

In European integration studies citizenship policy has not received much attention as a practice. Instead much of the literature has predominantly focused on legal assessments of Union citizenship thus correctly shedding light on the limitations of supranational citizenship. (O'Leary 1995, Lyons 1996, Oliveira 1995, Closa 1995, Weiler 1996) Invariably such studies find that the European Union (EU) lacks both *demos* and *ethnos* as crucial elements of citizenship. In identifying the restrictions and limitations of Union citizenship - compared to the familiar statist concepts of citizenship - legal approaches have thus often adopted a minimalist perspective on citizenship. That is, they have established what Union citizenship is not, thus leaving aside the constructive potential of Union citizenship. Yet, as this paper seeks to demonstrate, a constructive perspective on the *practice* of citizenship facilitates valuable information about the creation of the institutionalised terms of citizenship over time. Some scholars have convincingly argued that European citizenship does entail constructive potential (Meehan 1993, Kostakopoulou, 1996). For example Elizabeth Meehan has alerted us to the fact that "a new kind of citizenship is emerging that is neither national nor cosmopolitan but that is 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." (Meehan 1993, 1)

If it is true that Union citizenship is different from other types of citizenship, what is new about it? Thus far, studies of Community citizenship have focused on a variety of aspects of citizenship policy. They explore legal problems or political aspects based on legal innovations that mostly became apparent in the pre– and post–Maastricht debates. For example, while Union citizenship may be distinguished from national citizenship with reference to rights, the reference to rights alone does not say enough about the character of this new supranational citizenship.(1) In turn, analyses of citizenship often comprise a perspective on the integrative function of citizenship within a federation.(2) More recently, definitions of an ideal European citizenship have been developed.(3)As Theodora Kostakopoulou observes "developments in the European Union have brought forth the possibility of membership in various overlapping and strategically interacting political communities on supranational, national and subnational levels and have unleashed the potential for rethinking citizenship, community and identity. However, the dynamics of European Union citizenship have not been fully and properly explored." (Kostakopoulou, 1996, 338) Given that citizenship politics in modern times has made contributions to state–building one might similarly ask whether citizenship in the European Community, and now Union (EC/EU) makes such contributions.

Constructive approaches suggest, that if we are to establish the dynamics which characterise Union citizenship as a newly emergent type of citizenship, analyses need to allow for a way of appreciating historical variability of context and contents of citizenship. To that end this paper proposes taking account of the very resources of Union citizenship such as for example rules, regulations, ideas, norms and shared values. It proceeds to demonstrate that normative and functional perspectives have been crucial push factors in the process of creating Union citizenship indeed. However as a framework of analysis such perspectives fall short of offering insight into the historical variability of citizenship. In order to assess the historical variability this paper draws on socio-historical approaches to citizenship policy and politics as a practice which has contributed to building institutions of the modern nation-state (T.H. Marshall 1950, Tilly 1975, Bendix 1964). While the high point of this process was reached in the post-war decades when citizenship rights were "crystallised" within Western European nation-states (Soysal, 1996, 21), current processes of globalisation and supranational polity-formation leave us with the task of analysing the terms of fragmented citizenship in contexts which stretch beyond national territory. Crucially, changing patterns of citizenship policy and politics have not only contributed to building national state institutions but they have also begun to construct institutionalised terms of citizenship beyond the national state. (Koslowski, 1994; Meehan, 1993; Soysal, 1994)

What are these terms, how have they been established and what do they tell us about the new meaning of citizenship within a non-state context? The major part of this paper is dedicated to develop a way of assessing the constructive potential of citizenship based on its newly institutionalised terms such as the shared values, objectives and regulations that have been established by citizenship policy over time. It builds on a case study on European citizenship policy making over a period of two decades. Beyond the task of describing the emergence of EC/EU citizenship this paper promotes a systematic approach to reconstruct the policy in this supranational context. It is assumed that citizenship did not emerge out of the blue on the agenda of the Maastricht Intergovernmental Conference (IGC) which negotiated the TEU in 1990-91, but that it is possible to identify agenda-setting steps in earlier stages of the policy process. If this assumption is correct, then a historical account could bring the various steps of citizenship policy which led to the "history-making decision" (Peterson 1995) at Maastricht to the fore.

The remainder of the paper is organised in three sections. The first section briefly introduces the distinctive characteristics of fragmented citizenship within a multi-level Euro-polity and then develops a framework for a systematic dense description of the citizenship *acquis communautaire*. The third section applies this method to a case study of the developing practice of citizenship. The policy analysis is restricted to an analysis of the developing practice of citizenship policy from its

early appearance as passport and special rights policies in the 1970s to the establishment of the citizenship article in the Treaty of European Union (TEU) at Maastricht. Finally, the paper concludes with an assessment of the expanded citizenship *acquis* and its implications for citizens' ties of belonging to the EU.

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2. Assessing Citizenship in a Multi-level Polity: A Framework of Analysis

The newly institutionalised link between the citizens of the Union and the EU as a polity differs in many ways from the familiar citizen-polity relation as it has been established in nation-states over the past two centuries. The Euro-polity is a political arena without fixed boundaries or a centralised political structure, instead it has been characterised as a multi-level polity with a weak core (Caporaso 1996; Marks et al. 1996; Hooghe and Marks 1997) which cannot claim the legitimate monopoly of force over a population within a bounded territory. (Weber 1946, 78; Tilly 1975b, 638; Skocpol 1992, 43) For any study of the citizen-polity relation in this context, it is important to consider that this developing relation is placed within the context of a "new practice of governance beyond the state" (Jachtenfuchs 1995, 115). This context is characterised by a political arena which is not fixed but in a continuous state of construction. Its incremental character is specified in the TEU which establishes the determination of its twelve signatories "to maintain the *acquis communautaire* and build on it" and to "create an ever closer Union among peoples of Europe".(4) While comprising a supranational bureaucratic apparatus and a highly sophisticated system of economic integration, no familiar concept of governance applies to the EU (Meehan 1993, xi; Sbragia 1993, 24; Scharpf 1994, 227; Streeck, 1995). Even though the EU is now considerably more than an international regime, it is still less than a fully fledged polity (H. Wallace 1996). Despite a growing consensus among students of European integration that this entity will not develop into a state, its political structure, function and organisation still facilitate more debates than satisfactory explanations as to what the "nature of the beast" might be (Risse-Kappen 1996).

An analysis of citizenship policy is further complicated by the fact that as a policy citizenship was widely scattered across various policy areas of the Euro-polity. It is hence best described by the metaphor of a jigsaw puzzle.(5) According to the TEU's pillar structure political citizenship rights are now dealt with as a matter of the first pillar (EC) and largely handled according to the "Community approach" of Council decisions based on qualified majority voting on Commission proposals (Curtin 1993, 25). Passport policy remains mostly a matter of the second (CFSP) and third (CJHA) pillar which are "almost entirely intergovernmental in nature" (Curtin 1993, 25). It was, however, also partly defined by the Community approach of the first pillar. Overall, "special rights policy" was heavily influenced by contributions from the institutional framework of the Commission and the European Parliament. In turn, passport policy with its clear relation to borders versus education and social policy has been influenced by both the Community and the intergovernmental approach and, therefore, was subject to a material intersection between Community and member state competences (Curtin 1993, 24).

While the motivation underlying the case study is more pragmatic than radically conceptual, the policy analysis builds on and contributes to a critical rethinking of citizenship. The innovative element of the socio–historical institutionalist approach advanced in this paper is the distinction made between *constitutive* elements and *historical* elements of citizenship.(6) The concept of citizenship is defined as entailing the three constitutive elements: the polity/community, the citizen, and "citizenship practice" (the relation between polity/community and citizen). While the first two

are familiar elements of citizenship theory, the third relational element seeks to bring in a distinctive historical perspective of citizenship. Taking citizenship practice into consideration then implies a recognition of citizenship as contextualised. Its historical variability is empirically identified according to the realisation of rights and the representation of identity expressed through struggle over access to full membership. *Rights*, *access* and *belonging* are therefore termed the three historical elements of citizenship. The paper thus disembarks from the familiar conceptual approach to citizenship based on the dualism of identity and rights (Shaw 1997, Soysal 1994, Kymlicka and Norman 1994) and takes a broader historical perspective on citizenship as a relational and historically contingent practice. The broader interest underlying the case study is focused on institution-building as an evolutionary process. Understood in a socio–historical sense the process of institution building means making routine practices, norms, rules and procedures which contribute to establish a distinguishable practice of citizenship (Tilly 1975; Tarrow 1995). The focus is thus on the substance of citizenship.

If changes in policy substance are the research object, then it is necessary to search for a way of filling the time lags between a snap-shot approach to history-making decisions (Pierson, 1996; Peterson 1995). While most policy analyses focus on explaining *why* policy changes occur and therefore examine policy preferences of actors in given policy sectors, a policy analysis which focuses on the meaning of a policy needs to focus not on the 'who' and the 'why' of policy change, but on the 'what' and the 'how' of policy development. That is, it needs to explain changes in the substance of policy. One way of doing this is to examine discursive practice in a chronological order. Two observations are crucial for such a case study. One is *methodological* the other *conceptual*. First, citizenship policy needs to be identified as it was not named a policy area in the EC/EU until 1993 when it first appeared as such in the *Bulletin of the European Communities*.(7) Rather, bits and pieces of citizenship related policies—such as for example culture, passport, movement, special rights—can be identified and then put together in the same way one works on a jigsaw puzzle. Second, on a conceptual level it is important to clarify the type of approach to citizenship that meets the challenge posed by this citizenship.

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The policy analysis reconstructs the bits and pieces of citizenship as a multidimensional jigsaw puzzle. The paper seeks to demonstrate that based on the conceptualisation of the *acquis*, it is possible to identify *how* a particular policy is developed over time going through a process from defining an idea, setting policy objectives towards the realisation of this idea and then creating the legal framework which facilitates the application of the idea on an everyday policy making basis. To that end, it is argued that an understanding of the resources of Union citizenship, their origin and their mobilisation towards the institutionalisation of citizenship provides crucial information for current political debates about further development of Union citizenship. This approach draws on historical institutionalism in comparative politics (Thelen and Steinmo 1992), social constructivist work in International Relations theory (Biersteker and Weber, 1996) and adoptions of constructivist IR theory to the study of European integration (Risse-Kappen 1996).

In the fractured Euro-polity policy making rests on the TEU as quasi-constitution and tangible institutional framework which also contributes to define the *acquis communautaire* (Sbragia, 1992; Wallace and Michalski 1992; Gialdino, 1995). The "accession" *acquis* was the oldest concept of *acquis* which defined "the whole body of rules, political principles and judicial decisions which new Member States must adhere to, in their entirety and from the beginning, when they become members of the Communities" (Gialdino 1995, 1090).(8) According to the European Commission the *acquis communautaire* is understood as "the contents, principles and political objectives of the Treaties, including the Maastricht Treaty; the legislation adopted in implementation of the Treaties, and the

jurisprudence of the Court; the declarations and resolutions adopted in the Community framework; the international agreements, and the agreements between member states connected with the Community's activities."(9) It therefore amounts to one important institution of the Euro-polity that any analysis of EC/EU politics cannot avoid considering. While member states might "deplore certain aspects of Community policy, there is no question that all find themselves locked into a system which narrows down the areas for possible change and obliges them to think of incremental revision of existing arrangements" (Shackleton 1993, 20).(10) However, the substance of the *acquis* is often difficult to pin down. It is like "something that everybody has heard about it, but nobody knows what it looks like" (Michalski and Wallace 1992, 35). There is something else then beyond the formal rules, regulations and procedures of the Euro-polity. Even though the *acquis* is often known by the participating actors in the Euro-polity, this knowledge about shared principles and norms does not necessarily mean visibility. It can therefore be assumed that the processes of meaning construction which contribute to the construction of knowledge add another dimension to the *acquis*. To make such processes visible I suggest to include informal resources and the routinisation of citizenship policy in the assessment of the citizenship *acquis*.

Figure 1

According to figure 1, the *acquis* potentially comprises informal resources such as constructed meaning and practices, on the one hand, and formal resources such as rules, regulations and procedures, on the other. The informal resources often form that part of a proposal that has been part of the debate for a certain period of time, such as the right to vote, which had not been turned into regulations or directives for some time. That is, they still require final adoption by the Council. In contrast, the formal resources include the regulations, directives and decisions that have been adopted by the Council. While the *acquis* entails both informal and formal resources, it is important to note that not all informal resources such as ideas and practices immediately form part of the *acquis*. This model suggests that they are only considered part of the *acquis* once they have acquired a degree of routinisation which produces a structuring effect on the policy process.

While the formal resources of the *acquis* are largely subject to a consensus, the informal resources are much more likely to be contested. They will therefore most often be debated in the respective forums of the Euro-polity depending on the policy's link with one of the three Community pillars and hence the respective approach (Community or intergovernmental) that applies. Changes in the *acquis* occur over time. These changes are expressed in the debates in between "history-making" Council decisions (Peterson 1995) or "snapshots" (Pierson 1996). The dynamic of these debates is most likely based on the often contradictory interests between two largely differing approaches to the process of European integration, most clearly distinguished as integrationists, who will more often push for the adoption of a proposal, and the intergovernmentalists who will attempt to keep the status quo.

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The resources contribute crucial information for policy makers because they may be mobilised (i.e. the formal resources) or changed (i.e. informal resources) once the opportunity is right. Providing opportunities and constraints, they hence invisibly structure policy making. It follows that a change of the *acquis* potentially involves two processes. One includes the expansion of formal resources (changes of the treaty, provisions, directives, regulations), the other refers to a formalisation based on routinised practice or the constitutionalisation of informal resources (ideas, shared principles, practices as suggested by EP resolutions and Commission proposals or other documents). Overall the change of the *acquis* depends on changes in the political opportunity structure which facilitate the immediate context for the mobilisation of resources towards the establishment of a policy or its components. The analysis of the multidimensional jigsaw-puzzle of EU citizenship policy therefore

hinges on the systematic assessment of changes of the *acquis communautaire*. Historical institutionalism thus facilitates an important methodological access points for a socio-historical account of citizenship policy in providing a way of assessing the immediate institutional context based on the set of formal and informal resources which compose the *acquis communautaire*.

3. Case Study: Substantial Changes of the Citizenship *Acquis*

With a view to putting the jigsaw puzzle of Union citizenship together the case study sets out to reconstruct the developing practice of citizenship within the Euro-polity. The story begins in the 1970s, when the idea of citizenship as identity-generating first emerged on the EC's policy agenda. As the case study proceeds to show, this idea seems to have been dismantled in proportion to the development of citizenship policy. Two decades later, the stipulation of Union citizenship appears as a pale reflection of a once powerful idea diminished to a set of minimal political rights (O'Leary 1995; Lyons 1996; Shaw 1997, Oliveira 1995). In order to understand the gap between the idea of citizenship as an identity-generating policy innovation imported into the discourse of EC policy in the 1970s on the one hand, and the minimalist version of Union citizenship presented in the 1990s on the other, citizenship is studied as an evolutionary process. The case study disentangles the citizenship package and brings its parts ("special rights" and "passport" policy) to the fore. In examining the policy process as it unfolds step by step, it also facilitates an understanding of how the unwrapped bits and pieces of citizenship are put together anew and—since history is never the same—in a different way shaping a new model in the process.

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. In the 1970s policies were established under a politics oriented paradigm with the creation of political union as the overarching goal of policy making at the time. In turn, in the 1980s, policies were formulated within the context of a market oriented paradigm with the overarching goal of constructing the single market without internal frontiers until 1992. Finally, in the 1990s, a swing in the policy paradigm towards issues of legitimacy and democracy can be observed. This section recalls major aspects of the expansion of the citizenship *acquis* by identifying informal resources such as ideas and shared values, the routinisation of citizenship policy and formal resources over three periods which are distinguished as "Paris", "Fontainebleau", and "Maastricht".

3.1. Paris - From the Europe of Materials to the Europe of Citizens

The early 1970s marked a turn from the "Europe of materials" to the "Europe for citizens" (Van den Berghe 1982, 22). Part of this turn was the decision taken by representatives of the member states to work towards the establishment of a political union in Europe. As the final communiqué of the 1972 Paris Summit stated, "[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."(11) The broader context of citizenship policy at that time was framed by changing institutional, economic and political conditions on the global level which influenced the flow of European politics. The increase of oil prices in 1973, and the fall of the Bretton Woods system of fixed exchange rates shook the global economic system and eventually led to a "major change in the political economy of Western Europe" (Tsoukalis 1993, 37).

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At this time, the Commission, the Council of Ministers and the Parliament, were increasingly

criticised for not being able to cope. An institutional crisis emerged and EC politics came close to stagnation. President of the Commission, Xavier Ortoli pointed out that this was crucially a problem of lacking European identity when he stated after the 1972 Paris Summit that "the economic crisis and the changes in international relations, far from strengthening Community solidarity and leading to an assertion of Europe's identity vis-à-vis the rest of the world, have marked a further check, and perhaps a retreat, in the process of European construction. Mr. Ortoli stressed "it is important to develop political-will power [since] in the new world situation, no member state can act efficiently alone".(12) Such claims stood out as politically bold in a context which thus far saw the diverse member states only united in their understanding of the EC as a customs union. Thinking about integration until then had very much reflected the neo-functionalist view of changes in political outcomes as "spill overs" from new economic and monetary policies (Ross 1995, 6). The lack of a clear political conception of Community development, according to Belgian Commissioner Etienne Davignon, was a yawning gap. This was particularly problematic because the EC was required to act and speak with one voice at that relatively early stage of the development of its polity. As he explained "one of the difficulties of European construction is that historical stages have to be missed out. It is necessary to behave as if Europe already existed, as a political entity. In history, all countries passed through a phase of exclusively national development. Yet in this instance Europe has to act and intervene at the international level before having completed the phase of its internal development."(13)

If gradual European integration was still the goal, institutional changes were necessary in order to provide the proper means for achieving this end. Referring to the lack of support from European citizens, Davignon used a discourse of identity stressing belongingness. He stated that "[p]eople should not be able to say: all we know of Europe is the VAT and the increase in the price of vegetables, but we don't feel that we belong to a new entity. *Europe should be personalized*." [emphasis added](14) Belgian Foreign Minister Van Elslande pointed to the missing link between citizens and the Community as one reason for the crisis at this time. His discourse was also one of identity; this time emphasising access and rights. As he observed "[t]he priority being given to setting up the customs union, the difficulties of political union, the weariness that is caused by so many marathons and vague decisions, have gradually eroded away public opinion; the building of Europe is liable to cease being a common ideal, but rather an objective sought after by those who will profit directly from it. In other words, Europe cannot be monopolised by economic and technological achievements and neglect, under penalty of losing essential support, the aspirations of its citizens."

The European citizens, therefore, needed to be better linked to the project. The search was on for policy which would contribute to establish this link by creating a sense of belongingness. Van Elslande continued to stress that the Belgian presidency should aim at creating the "first concrete stage towards establishing European citizenship." This first stage would include mobility for students, exchanges of teachers and harmonisation of diplomas, with a view to giving "young people [...] the chance of feeling truly part of a vast network covering the whole of the Community." His primary emphasis, however, was the crucial importance of establishing an identity-based link among citizens and the Community since, in his view "[t]hese targets cannot be set on a technical basis. The political commitment must be a real one and each citizen must be able to grasp the significance of what has been decided."(15) And Italian Commissioner Altiero Spinelli demanded that the upcoming Paris Summit focus on *the central question of "what must be done to equip Europe at last with personality, identity, or, in short, that European Government of which it stands in need?*" (emphasis added) He subsequently emphasised the necessity of profound changes in the European institutional setting. Not only was the question of the European Community as an actor within the international realm at stake, but the creation of this political actor had to respect democratic values, and be legitimised by the people. Such a project would, according to Spinelli, have to draw on a European identity. Thus, "the Copenhagen Summit will have the job of setting in motion a constitutional procedure for European identity," and he explained that such a procedure could be based on the nine leaders' expression of "their Governments' political obligation to bring forward the deadline for

preparing the European political Union and to specify the form of such preparation."(16)

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The central issue in all these debates was that of addressing the EC's role as a political entity, based on a new identity and a working administrative body. Both the idea of a European identity and the construction of a political union had already been mentioned at the Paris Summit in 1972. However, the transformation of these ideas into concrete policies would require consensus among the "Nine" (countries), the achievement of which had traditionally been the weak point of the Community. While it was questionable whether such a consensus could ever be achieved, the fact that political union was a clearly spelled out goal of EEC politics represented nonetheless a decisive break with prevailing functionalist assumptions about the Community as an economic organisation. If the metaphor of a "spiral that coils *ad infinitum*" (Hoffmann 1966, 227) captured well the EC policy making process up until this point, this decision had created a fixed point for the Euro-polity.(17) Federalist politicians such as Spinelli and Ortoli, saw in this their chance to mobilise this new resource in the Community discourse and acted accordingly.

After the declaration of the goal of political union at the 1972 Paris Summit, it took two more years until the 1974 Paris Summit to transform these ideas into guidelines for future policy making. In the meantime, new policy objectives were specified. At the 1973 Copenhagen Summit, a paper on "European Identity" was issued.(18) This paper broadly defined European identity as being based on a "common heritage" and "acting together in relation to the rest of the world", while the "dynamic nature of European unification" was to be respected.(19) At the meeting between the heads of government and Commission president Ortoli in Paris 1974, this idea was transformed into policy objectives.(20) In this Council document, citizens were, for the first time, considered as participants in the process of European integration, not as consumers but as citizens.(21) This notion of citizens thus became a new informal resource of the *acquis communautaire*.

The final communiqué stated the need for a time frame for the first elections of the European Assembly by direct universal suffrage "at any time in or after 1978;" and the necessity to agree on a "concept of European Union." With a view to citizenship practice, the most significant points of the communiqué were points 10 and 11 which proclaimed the creation of a passport union and the establishment of special rights for citizens of the nine member states respectively.(22) Special working groups were assigned the task of producing draft reports for the development of the passport union, special rights, universal suffrage and a concept of European union. At this same time people began to speak of a "Citizens' Europe" (European Parliament 1992, 14; Van den Berghe 1982, 31). The reports that followed contributed to a new discourse on citizenship and citizens' rights.(23) Figure 2 shows the citizenship *acquis* in the early 1970s.

Figure 2

The Paris Summits thus set the first stage for citizenship practice in the EC. Even if institutional resources were scarce, input of ideas towards an expansion of the informal resources of the *acquis* was accomplished by those politicians who were ready to invest time and thought. After the Copenhagen Summit and the two Paris Summits in the early 1970s, the Council agreed to begin to institute some new policy instruments. Among these were bits and pieces of "special rights" and "passport policy" that would eventually contribute to the creation of European citizenship. With the long-term goal of political union on the table and debates over the policy instruments needed for this objective well under way, the 1970s set a cornerstone for citizenship policy despite the economic crisis. The Commission's proposal (1975) for a working party on special rights(24) noted that "[p]oint 11 [of the Paris Communiqué] talks of granting special rights to the citizens of Member

States. This allusion to the citizen—basically a political concept which was substituted for the term national, which is always used in Community texts—provides a first clue to the civil and political nature of the special rights."(25) That is, the policy objective of special rights was framed by a discourse of citizenship. While the context did not favour major political innovations—given the lack of constitutional backing—it still provided grounds for a step-by-step mode of policy making. Thus, ways to create the ties of belonging between the Community and the citizens began to be addressed, if on a largely ideational level. Early citizenship policy, which drew much more on the normative dimension of the treaties (principle of equality) than on formal resources, later became the core instrument for establishing special rights and passport union after the 1984 Fontainebleau Council.

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In addition to defining special rights for European citizens a uniform passport was assumed to contribute in a twofold way to the construction of ties between the Community and its citizens. On the one hand, it was assumed that one passport for all would provide a shared document of identity for all Community citizens; on the other, the possibility to move freely without being stopped at internal Community frontiers would enhance the feeling of belonging to a territory broader than that of a single member state. The final communiqué of the 1974 Paris Summit stated in this regard that a "working party was to study the possibility of establishing a passport union, and in anticipation of this, the introduction of a uniform passport." It was agreed that "this draft should be submitted to the Governments of the Member States before 31 December 1976" and was supposed to "provide for stage-by-stage harmonisation of legislation affecting aliens and for the abolition of passport control within the Community." This passport, European politicians found at that time, was not only aimed at increasing awareness of Europe as a new political actor on the international stage, but it was also expected to create a feeling of belonging to the Community among European citizens. As the communiqué clearly stated "the fact remains that the introduction of such a passport would have a psychological effect, one which would emphasise the feeling of nationals of the nine Member States of belonging to the Community;"(26) and secondly, "[o]ne should take into account not simply the psychological effect of a uniform passport as justifying its existence but that such a passport might be equally justified by the desire of the nine Member States to affirm vis-à-vis non-member countries the existence of the Community as an entity, and eventually to obtain from each of them identical treatment for citizens of the Community."

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

The practice of carrying common passports within the Community remained to be defined. Among other things, it involved the reduction of border controls, and the introduction of spot-checks at internal Community borders. Passport policy was not only to contribute to the creation of a feeling of belonging, but was considered as one crucial means allowing for a flexible labour market. These two motives for passport policy making were explicitly expressed in the Council's resolution on a uniform passport in 1981 wherein it said it agreed to introduce a "passport of uniform design" on the basis that, first of all it was "anxious to promote any measures which might strengthen the feeling among nationals of the Member States that they belong to the same Community," and secondly, it considered that "the establishment of such a passport is likely to facilitate the movement of nationals of the Member States."(27)

This dual linkage then facilitated two sets of resources, one market-based, the other symbolic which were both linked to borders and movement across them. Two insights follow from the early period of passport policy making. First, it was going to be developed on a step-by-step basis. Here, it is notable

that the actors, and the Commission as pro-integrative actor in particular, not only considered a factual but also a discursive step-by-step approach. It thus created informal resources that could become *acquis* through routinisation as they created a context of familiarity with terms *and* practices of passport union over time. Secondly, an emerging tension between the political restraint and economic necessity of passport policy became evident. On one hand, border controls remained a security matter, and therefore the member states were not inclined to transfer any sovereignty to the Community level in this area. On the other hand, free movement was crucial for market regulation in light of migration and employment policy and hence fell under the auspices of the Commission's internal market policy makers.

To summarise, in the 1970s EC policy makers were interested in maintaining the *acquis communautaire* of the time. As some suggested, this could only be achieved on the basis of an improved image of the EC in global politics, as one precondition in facing the global crisis. As Henry Kissinger's query in the middle of the crisis (who speaks for Europe?)([28](#)) made clear, the EC lacked representation on the global stage. The discourse of the time reveals that politicians saw this void as being in part due to the lack of a European identity. While drawing on its quasi-constitution, EC politics were legally legitimised, the EC still did not speak in one voice; its speech remained "fairly scanty" as Davignon had rightly noted.([29](#)) Despite the agreement that Community policy making was now aimed at creating a political union, the problem of how to create a feeling of belonging among the Community citizens who would contribute to the identity of this union remained. The debates over policy objectives during this decade revealed how policy makers were organising the existing resources such as constitutional assets and how they began to set new policy objectives and instruments. A set of new resources such as special rights and passport policy was envisioned. With the first steps towards their creation the *acquis* was gradually broadened. The adoption of the 1976 Council decision to implement direct universal suffrage and the European elections in 1979, first, and the decision to create a single European passport in 1981, second, were crucial steps that contributed to expanding formal resources of the *acquis*.

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Besides these changes the *acquis* was expanded based on informal resources such as the idea of "Europeanness" that had been introduced with the document on European identity in 1973 and was gradually being realised by both special rights and passport policy. As Guido Van den Berghe points out, a "qualitative change" was introduced by voting directly for the European Parliament. What was formerly abroad' was now to be thought of as European, as if the Community was beginning to assume its own territory.([30](#)) At the end of this decade that territory was a space where voters shared the practice of voting. In this early stage, then, citizenship practice introduced perspectives that contributed to a new way of transgressing inter-Community borders.

<u>Figure 3</u>

Overall, the first group of resources was the one that changed the most during this period. These ideational resources included among others normative, philosophical and ethical aspects. They hence stem from a framework that may be appropriately characterised by experiences and expectations drawn from social and political thought about citizenship. These types of informal resources had not been identified as distinguishable factors in the universe of political discourse in previous decades. While they might certainly have played a role in the communities founding fathers' vision of Europe, they appeared as new resources in the process of agenda setting of Community policy makers. As the discursive analysis reveals, the new overarching goal of political union, a new necessity to speak with one voice in global politics, and the introduction of a debate over the definition of citizens brought new concerns to the fore. The question of how to define the rights of European citizens thus triggered

a series of questions which contributed to a new perspective on Europe. One could think of it as an entity undergoing the process of modern state-building which also included a redefinition of the relation between citizen and political entity.

3.2. Fontainebleau - Enlarged Economic Space and a Democracy Deficit

During the Fontainebleau period citizenship practice was being built on three factors: the market paradigm, a new ambitious Commission and an expanded citizenship *acquis*. The SEA decisively changed the Community's institutional network as well as the interest of Community organs in expanding it.([31]) Part of these changes was clearly the institutionalised procedure of qualified majority voting which meant the introduction of "minisupranationality" according to some (Nicoll 1993, 24). For its part, increased interest in expanding the Community created the basis for a dynamic policy process towards integration. Thus, the context was created wherein the notions of democratic procedure as well as democratic values could be addressed. Indeed, changes in the Community's institutional framework reflected an increasing focus on democratic decision-making procedures. The dynamic of this process was particularly reflected in the Commission's increased influence as the initiator of proposals in all matters regarding the accomplishment of the internal market based on Article 8a EEC Treaty. As the discursive analysis of the period reveals, the Delors Commission was interested in developing the means for policy developments beyond the market, considering the market as one aspect, or, for that matter, the mid-term goal of European integration towards the overarching goal of political union. With the successful settlement of the budget dilemma, the political opportunity structure of the Fontainebleau period facilitated a fresh start for further European integration. Indeed, the Fontainebleau summit meant a "breakthrough" for Community politics. It created a "momentum toward a package deal containing internal market liberalisation and decision-making reform" (Moravcsik 1991, 57).

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

The Commission's responsibilities with regard to passport policy making seemed limited to worker-related issues. Citizens at that time had to be considered as worker-citizens in order to ensure continuous progress with regard to citizenship practice. Indeed some of the debated special rights were best termed "wage-earners' rights" (Ross 1995, 103) such as the rights that had been named in the social charter. Their right to move freely within the Community was advantageous from the point of view of the economic goals of Community policy (Steenbergen 1992, 57). However, market making then held indeed more in store than the construction of an economic area. It was also about the construction of a social space (Byre 1992; Meehan, 1993; Leibfried and Pierson 1992; Ross 1993; Springer 1994). Free movement was the special right that economically active citizens of the Community increasingly enjoyed as the internal market approached completion. Based on the movement of workers, two types of special—Community—citizens' rights were negotiated by Community policy makers and the politicians of the member states'. First, a series of social rights such as health care, the right to establishment, old age pension, and the recognition of diplomas were defined with the social charter. These rights were the economic and social requirements to prevent

social dumping. Second, a series of debates and documents led to the Commission's drafting a proposal for a Council directive on the right to vote and stand for election in municipal elections.

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Following the Fontainebleau summit a new way of addressing special rights policy thus gradually emerged. While it was obvious that political rights flowed from the simple fact of previous migration of a person, it was important to realise that the special right to vote was now linked with the completion of the internal market. The less obvious choice of realising political rights via the market was the Commission's reaction to member states' objection to the loss of sovereignty and some European Parliamentarians' rejection of anything resembling federalism. The new citizenship policy which was most clearly developed in Commission and progressive European Parliament documents, can be interpreted as an effort to change political constraints into opportunities. For example, in its report the Commission pointed to a tension that had been created by the successful politics of economic integration on the one hand, and political exclusion on the other. Namely, people who used their right to move within the enlarged economic space lost access to democratic practice because the political space and the density of its institutionalised channels for access to political participation had not expanded in accordance with the economic space.(32)

One way of catching up with the pace of economic integration was to redefine the right to vote to include those citizens whose status had been reduced to one of market citizens. According to the Commission the establishment of voting rights in the country of residence was "consistent with the logic of a People's Europe."(33) Indeed, it reiterated that this political dimension of the debate needed to be in sharper focus, if the tension between integration on the European level and marginalisation on the individual level were to be solved. Not only democracy, but also belonging to a Community were at stake. The Commission raised the question whether "[i]n a democratic society, does the fact that people are disenfranchised, even at local level, marginalise them still further when the aim should be to integrate them? Or to put it in another way, could the grant of voting rights contribute to the integration of foreigners?" The concept of community that dominated EC discourse at that time was according to the Commission too closely drawn from the "purely economic [concept defined] in the Treaties." It was therefore time to take on "a new dimension in the context of a People's Europe [because] the concept of community which is purely economic in the Treaties, raises the question of whether or not a People's Europe necessarily involves the granting of political rights, at least at the local level."(34)

The Commission's discursive intervention was strategically well placed. The market making policy paradigm of the time did not provide resources for bold and clearly pronounced political moves but it did allow some movement. For example, the link between mobility as functional for a successful market development on the one hand, and the right to vote on the other, brought normative values into the otherwise market oriented discourse of the time. Thus, concerns about democracy and legitimacy could be mobilised. In fact, this normative perspective facilitated a fresh view of the factual exclusion—instead of integration—of Community citizens who practised mobility from enjoying political rights in their communities of residence. It suggested that this exclusion was a result of the prevailing intergovernmental approach of the Council and the rejection of political rights for European "foreigners" by some European Members of Parliament. The Council had clearly stressed that the granting of special rights "posed a number of legal, political and social problems," hence, from the point of view of the Council, special rights could only be achieved through a "gradual approach [...] starting with those rights which posed the least problems."(35) As problems existed in abundance, it had practically declared the topic of voting rights a taboo, the matter had been abandoned and "not been discussed by the Council" since 1979.(36)

During the Fontainebleau period it became apparent that special rights policy did not mean only the political right to vote. Indeed, it is suggested here that it is possible to look at "special" rights in the context of "Community citizens'" rights. This "special rights" discourse already included a variety of citizenship rights, namely, the political right to vote and stand for election, the civil rights to sue (and be sued), the social right to pursue an economic activity in a working surrounding that was based on equality and non-discrimination. Once rights are defined in this way, it is possible to understand the impact they have on the process of integration. Thus, the granting of special rights to special— that is Community—, citizens produces a tension among the included and the excluded. As the story unfolds, this tension is unlikely to disappear. To sum up, the special rights policy produced a gap between Community policy and concerns about democratic participation because the new social rights remained limited to those who had access to economic activity within the Community.(37)

The interrelation between the free movement of worker-citizens and the political right to vote and stand for election represented a decisive discursive shift in EC citizenship practice because it linked normative values to the politics of market-making. The discourse thus highlighted the different expressions of belonging, namely, belonging with reference to a community within a bounded territory which is defined by political citizenship rights and access to political participation. This was the type of discourse on belonging invoked by the Commission's report on the right to vote. The other type of belonging is more subtle as it rests on feelings of inclusion and exclusion that are often based on actual inclusion by means of social rights that have been established as consequences of the expansion of social policy. This type of expansion of social policy towards immigrants who are not (yet) nationals and do not have access to political citizenship rights has been characterised as a policy of disclosure in other cases (Brubaker 1992; Soysal 1994). The Commission's proposal on local voting rights for 'foreigners' contributed to a newly invoked discourse on democracy as one resource in the development of citizenship.

Figure 4

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To summarise, while the process of market making proceeded throughout the mid- and late 1980s, a discourse about the impact this market would have on the political and legal status of Community citizens *vis-à-vis* the Community also emerged. That discourse identified the impact of economic integration as being a loss of status subsequent to citizen' move across internal Community borders. This loss of access to participation enhanced the perception of "democratic deficit" in the EC.(38) The sense of loss of democratic control was also a result of the border politics during the Fontainebleau period. With the emerging Schengen network, governance in the EC became even less transparent than previous to the new border politics. The Commission's proposal for political access based on local voting writes thus introduced a crucial and topical normative dimension to the developing practice of citizenship.

3.3. Maastricht - Political Rights and a Democracy/Identity Dilemma

During the preparations for the treaty revisions at the European Council at Maastricht a sudden shift occurred from what may overall be considered a balanced continuity of market making towards the management of political turbulence. Thus, the smooth flow of Community politics faced a serious external blow when the Berlin Wall tumbled in 1989. With the ensuing changes in world politics, the Cold War balance of power lost its stabilising effect on Community policy. These world political events had a decisive impact on further development of the Community (Bulmer and Scott 1994; Lodge 1994; Nicoll 1993; H. Wallace 1994). While the so-called *annus mirabilis*, the miracle year of 1989, had first encouraged high hopes for a new world order, the changed power relations in global

politics soon revealed elements of a larger process of transformation such as state fragmentation, rising east-west migratory flows and global restructuring. Not least of these new shifts was the Community's suddenly changed geopolitical position (Bolten 1992, 11; Garcia 1993, 2). Dinan notes one aspect of this change, when he writes "[f]rom the outset, the Community had considered itself as synonymous with 'Europe'. With the Cold War over, could the Community foster a sense of pan-European solidarity and genuinely pan-European integration?" (Dinan 1994, 158). While "European" identity as then applied meant Western Europeans (including the potential Western European new member states' citizens), the fall of the Berlin Wall now challenged the use of that term. Some Europeans had been left out all along, as non-Community nationals had been excluded from the special rights policy for years (Hoogenboom 1992, 74). This fact became much more obvious in the border debates which dominated passport policy in the 1990s.(39)

One of the questions posed by the renewed focus on political union was "How will the union include and extend the notion of Community citizenship carrying with it specific rights (human, political, social, the right of complete free movement and residence, etc.) for the citizens of Member States by virtue of these States belonging to the union?"(40) According to the Italian government which was to assume the presidency of the Community Council from July 1st to December 31st 1990, the external political changes led to the "opening up [of] a constituent era of international relations in our Continent."(41) The Martin report (I) which had been adopted by the European Parliament on 27 February 1990, emphasised the urgent need to transform the EC into a federalised European union.(42) The report was followed by a Belgian memorandum on political union, that was drawn up to "suggest that the European Community be given a new stimulus towards political union"(43) and singled out two major tasks on the Community's political agenda. The first was to clarify the "Community's political purpose" in the light of the international political transformation, and, the second was to deal with the "growing democratic deficit" that had developed along with the growth of the single market. Similar to the Martin report (I), the Belgian document stressed the necessity of including provisions that created a stronger link between the Community and its citizens, for example, on the basis of a uniform electoral procedure and the right for Community citizens to vote in local elections.(44) Shortly afterwards Chancellor Kohl and President Mitterrand addressed a now famous letter of 19 April 1990 to the Irish Council presidency,(45) wherein they stressed that the political situation required a second conference on political union. Their argument built on the "far-reaching changes in Europe" as well as the upcoming "completion of the single market and the realisation of economic and monetary union." That is, they cited both the external impact on Community politics and the domestic situation.

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

Inasmuch as the analysis sheds light on conflicts of interest among the Community member states, the Schengen states,(46) the Commission, the European Parliament, national parliaments as well as various nationally based interest groups as the different actors involved in the process, it shows a new development of citizenship practice. As the single market without internal frontiers developed an ever more densely institutionalised polity, citizenship practice also began to evolve from below. The

group-by-group approach of 1980s passport policy scored a success when the right of residence was finally granted to workers and their families and to students, with three directives(47) following Dublin (II). The establishment of these rights contributed to the formalisation of the notion of place-oriented rights of Community citizens. Community building on the basis of movement within the EC thus received a new impetus. Importantly, these directives also concerned the residence of economically non-active EC subjects and their families, whereas previously free movement had always been restricted to persons engaged in an economic activity (Steenbergen 1992, 59; Degen 1993, 753; Hobe 1993, 248).

The discourse on border politics of the time reveals that the involved policy makers operated according to a clear concept of the interrelation between uncontrolled border crossing and community building. Borders and how they impacted on the movement of Europeans (and others) were one crucial building block of turning Europe into a "tangible reality for its citizens"(48) and hence an issue which policy makers wanted to turn into an asset of the European integration process. Formal resources were at hand. For example free movement of persons was granted in Article 8a EEC Treaty (goods, persons, services and capital). Following the group-by-group approach, passport policy targeted the groups of young worker-citizens and student-citizens with the goal of strengthening a feeling of belonging and the development of a European identity among European citizens. Based on the three directives on the right of residence it was now possible to encourage the movement of European worker and student-citizens.

However, while exchange programs quickly gained momentum(49) the practice and politics of uncontrolled border crossing remained to be defined. If anything, unhindered movement was crucial for the development of a feeling of belonging to the Community. The symbolic value of the realisation of Europe '92 was therefore immense. Indeed, as the Commission had expressed it, "[t]he immediate and most significant effects of the forthcoming entry into force of the single market should include a speeding up of the processes of economic, social and also political integration and inter-action between peoples and States. The changes in rules and regulations and the new European status, expressed through the single market, constitute a formidable pull factor in psychological and behavioural terms, leading directly and indirectly to substantial innovations in many fields and under many aspects."(50)

The cost of non-Schengen would produce the opposite. If Schengen was not signed by all Community member states by the end of 1992, the external Schengen borders would create a fortress mentality within the Community. Not achieving the goal of a common market without internal frontiers¾one of the few political goals ever promised to the European public - meant that a major political conflict would be hard to avoid. When the president-in-office of the Schengen countries, Spanish Secretary of State, Carlos Westendorp confirmed that Schengen would not lead to the abolition of controls at internal borders according to the 1992 timetable, and the British Council President Kenneth Clarke confirmed that it was "widely accepted that there is no prospect of any general removal of frontier controls on 1 January 1993,"(51) Bangemann's dire prognosis was that "Schengen would be a graveyard instead of a laboratory for the EC."(52) Now Schengen seemed to be turned around. As MEP van Outrive summarised

> the consequences of the lack of cohesion, the overlapping of increasing internal controls, financial complications, etc., will soon be felt [and] a boomerang effect is to be feared, given the already considerable aversion ... the European citizen is showing for Brussels.(53)

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

Four stages towards the establishment of Union citizenship in the Treaty of European Union 1993 demonstrate that policy makers were successful in dusting off the resources of previous decades of citizenship policy making. During the first stage which included the preparatory documents and debates towards the convening of an IGC on political union at European Council at Dublin (II), 25-26 June 1990, the debate over citizenship was triggered by a Spanish letter written before an inter-institutional conference(54) in May 1990. The second stage included the time between Dublin (II) and the first meeting of the IGC on 14-15 December 1990. In this period, the concept of "European citizenship" became a visible part of the Community discourse. The third stage lasted until the Maastricht European Council in December 1991, and was mostly dedicated to a legal definition of citizenship so as to include it in the treaties. The fourth stage began after Maastricht and ended with the first citizenship report of the Commission in 1993. During this stage, the practical aspects of citizenship policy such as voting rights were refined.

Figure 5

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

Two aspects of the new citizenship article are important with a view to future citizenship practice. One is an understanding of how the formal resources of the *acquis* have been expanded and what this implies for citizenship practice. This aspect relies largely on legal information. It is based on the letter of the treaty and most extensively elaborated by legal studies (O'Keeffe, 1994; Closa, 1992, 1995; O'Leary, 1995). The other is about the informal resources of the *acquis* that provide information about the meaning of this newly established supranational citizenship. It includes public expectations of citizenship and the means to realise them. This aspect was most clearly explored by groups and committees of the European Parliament as well as by a rising number of interest groups as well as social movements.(55) The increasing public interest in the meaning of citizenship post-Maastricht confirms that "[t]he importance of the TEU citizenship provisions lies not in their

content but rather in the *promise* they hold out for the future. The concept is a dynamic one, capable of being added to or strengthened, but not diminished" (O'Keeffe 1994, 106; emphasis added). Indeed, the date of the TEU entering into force on 1 November 1993 marks one stage in the story of constructing 'European' citizenship; since citizenship was included in the treaty, it became clearly visible and defined. Now the citizenship rights may be invoked based on Article 8 EC Treaty. Similarly, embedding citizenship in the treaty represents but one dimension of this story. The story of the developing practice of 'European' citizenship suggests that citizenship in the Community did not mean either the sum of the member states' types of national citizenship or, simply adding on one new circle of rights. Instead, it meant constructing citizenship of the Union anew and with its own character.(56)

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4. Conclusion

The discourse on citizenship practice in the early 1990s showed that although the historical element of *belonging* was continuously addressed, the focus was shifted from creating a *feeling* of belonging to establishing the *legal ties* of belonging. Thus, the TEU conferred the rights of residence, movement and voting in municipal and European elections as well as the right to diplomatic protection when abroad to citizens of the Union. While the identity-based link between citizens and the multiple levels of the Euro-polity, as well as different spaces within the Euro-Community had been a central part of citizenship policy in the previous decades, and continued to be part of the border politics of the 1990s, citizenship practice in the Maastricht period succeeded in legally establishing first and foremost political rights. It thus established the legal ties of belonging which are one necessary condition for *access* to participation. Yet it is important to keep in mind the definition that legal ties of belonging do not automatically imply participation. Whether it is actually possible for citizens to participate, depends on what citizens are able to make of this right.

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

The institutionalised terms of citizenship are functional to the request of market flexibility and competitiveness. At the same time, they facilitate a step-by-step narrowing of the gap between economically included and politically excluded Europeans. While citizenship practice thus enabled inclusion based on new institutions and, relatedly, new supranational practices, it also generated political tension. The normative demand for equal access to democratic participation based on the right to vote clearly brought the problem of inclusion and exclusion among member state nationals and 'other' European residents, namely the so-called third country nationals to the fore. This focus on

institutions and practices suggests that the problem of the long looming democratic deficit in the EC/EU is actually twofold. It comprises both a *procedural* aspect, that is, the problem of establishing appropriate channels for democratic participation within the Euro-polity, and a *normative* aspect, that is, a problem of equality among an increasingly visible and growing diversity of residents. Most importantly, the case study revealed one unintended consequence of 'European' citizenship policy. Namely, the policy did not contribute to create *one* European identity as was originally aspired by policy makers in the 1970s, instead during the process it mobilised *various* identities thus adopting a perception of citizens with multiple identities. The outcome thus contradicts intentions of policy makers who had drawn on the idea of citizenship as identity-generating in the 1970s. Curiously the modern idea of citizenship as identity-generating was thus dispersed by the very policy which was built upon this idea.

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Endnotes

(*) This paper draws on a more elaborated monograph (Wiener, 1997). Parts of the paper are

reproduced and adapted from <u>Building Institutions</u> by Antje Wiener with permission of its publisher, <u>WestviewPress</u>, Boulder, CO, USA. I would like to thank Jo Shaw and three anonymous reviewers for comments on earlier versions of the paper.

(1) Every citizen of the Union enjoys a first circle of nationality rights enjoyed within a Member State and a second circle of new rights enjoyed in any Member State of the EU (Closa, 1995, 493).

(2) For the former see for example Closa (1992, 1995), Degen (1993), Evans (1985), Hobe (1993), Kovar and Simon (1994), O'Keeffe and Twomey (1994), O'Leary (1995), Taschner (1994), for an exception see Van den Berghe (1982). For the latter see for example Mazzaferro (1993) and Wildenmann (1991).

(3) See for example Garcia (1992), Lenoble and Dewandre (1992).

(4) The *acquis communautaire* is the institution which reflects the shared properties such as rules, norms and procedures at any time. See Article B(5) TEU and Article A TEU respectively.

(5) As one commission official involved in citizenship policy noted, "[i]nformation on union citizenship is widely scattered within the Commission". Interview with Kerstin Jorna at DG XV, Directorate A 3 of the European Commission, Brussels 13 June 1994 (author's translation from German). See also Beverly Springer's observation that "[n]o commissioner and no DG have, as a primary responsibility, the development of citizenship policy. Different aspects of the policy are scattered among the responsibilities of several commissioners and their DGs" (Springer 1994, 144).

(6) I have elaborated this concept more thoroughly elsewhere (Wiener 1997).

(7) See: Bulletin of the European Communities, [hereafter Bull. EC] 10, 1993, p. 63

(8) Apart from the "accession" *acquis* the broader political institution of *acquis* encompasses the "institutional" *acquis* (the development of the European construct), the "Lomé" *acquis* (association with third countries), the "EEA" *acquis* (Agreement on the European Economic Area) (Gialdino, 1995, 1090). On the "accession" *acquis* see also Michalski and H. Wallace, (1992, 36) who note that "the *acquis communautaire* is composed of the treaties of the EC and the regulations, directives, decisions, recommendations derived from them, as well as the case law from the European Court of Justice (ECJ). It comprises policies, the legal framework and the institutional structure which a country must accept when it aims at membership in the Community". Yet, while being incremental is part of the *acquis communautaire* itself, the Maastricht Treaty provides reason for caution, given that a "number of protocols to the Union Treaty [...] damage the *acquis communautaire*" (Curtin 1993, 18). See also Mancini (1995, cf. Gialdino 1995, 1120).

(9) European Commission, cf. Michalski and Wallace (1992, 38)

(10) See also Pierson (1996, 144) on the emergence of a "restrictive" *acquis* which grows with the enactment of new policies.

(11) Commission, 1972, General Report, point 5(16) (cf. Dinan 1994, 81).

(12) AE, No. 1449, 2 February 1974, p. 7.

(13) AE, No. 713, 5 January 1973, p. 7

(14) AE, No. 713, pp. 3-4.

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

(16) Europe Documents, No. 775, pp. 3-5.

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

(18) Europe Documents, No. 779

(19) Europe Documents, No. 779, p. 1.

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

(21) For the observation on this new discourse on "citizens", see also Guido van den Berghe who writes "[p]oint 11 of the final Communiqué is noteworthy, not only because it speaks of 'special rights', but also because the word 'citizen' of the nine Member States is used" (Van den Berghe 1982, 31).

(22) Bull. EC 12, 1974, pp. 8– 9.

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

(24)Bull. EC Supplement 7, 1975, p. 26-32.

(25) Bull. EC, Supplement 7, 1975, p. 26.

(26) Bull. EC, 12, 1974, pp. 8-9.

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

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

(29) The full citation reads "I have at times compared Europe with Tarzan. It has a relatively

advanced morphology but its speech is still fairly scanty." See: Agence Europe, No. 713, 5 January 1973, p. 7 [interview in 'La Libre Belgique', 28 December 1972]

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

(31) Some indeed compare the Fontainebleau period with the previous period by referring to a changed attitude towards the constitutional development of the community, viewing the SEA as leading towards the "high road of treaty revision" (Nicoll 1993, 19).

(32) Magiera also notes this tension. He elaborates on the problem pointing out that the lack of the political right to vote at one place of residence would, in such cases, lead to a "personality split" of the respective citizens (Magiera 1987, 221).

(33) Bull. EC, Supplement 7, 1986, p. 5.

(34) Bull. EC, Supplement 7, 1986, p. 7.

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

(36) Bull. EC, Supplement 7, 1986, pp. 11-12.

(37) "Citizens of the Member States of the Community can not lay claim to the application or to the enjoyment of the advantages arising from freedom of movement in the Community unless they participate in an economic activity in a real and effective manner" (Vogel-Polsky 1991, 14).

(38) While the democracy deficit of the EC/EU has facilitated much debate, an accurate assessment of its causes and location is to my knowledge still lacking. Such an assessment would however clearly break the limits of this paper.

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

(40) See Bull. EC 6-1990, pp. 15-16.

(41) Europe Documents, No. 1611, 10 April 1990, p. 1.

(42) PE 137. 068/fin., 27 February 1990, p. 6.

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

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

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

(46) The Schengen states refers to the signatories of the Schengen agreement on the gradual abolition of border controls including 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. A further Convention to apply the Schengen Accord was signed on 19 June 1990. Italy (1990), Spain and Portugal (1991), Greece (1992), and Austria (1995) have since signed the conventions to accede to this convention, as well as to the 1985 Schengen agreement. The Convention finally entered into force on 26 March 1995. Currently, the Schengen area of free circulation stretches across seven signatories to the Schengen Agreement (Belgium, The Netherlands, Luxembourg, France, Germany, Portugal and Spain) who have completed the physical preparations such as strengthened security controls at external borders. Italy and Austria are to follow in October and December 1997, respectively. The original French, German and Dutch texts are published in the Netherlands treaty series, *Tractatenblad* (1990) No.145. For a good overview including the reprinted Convention see Steenbergen (1992); see also: http://europa.eu.int/en/agenda/frmov.html.

(47) For the result of a repeatedly refined debate about the highly sensitive directive on the rights of residence, see OJ EC, No. L 180, 13 July 1990, pp. 26-31; for earlier proposals see COM(90) 108 fin - SYN - 185, Brussels, 9 April 1990.

(48) Bull. EC 12-1988, p. 9.

(49) See European Parliament (1988), COM(88) 36 final (COMETT, Report of 1987 Activities); COM(88) 192 final (ERASMUS Program, Annual Report 1987).

(50) SEC(90) 1813 final, Brussels, 18 September 1990, p. 12 [Policies on Immigration and the Social Integration of Migrants in the European Community].

(51) AE No. 5867, 28 November 1992, pp. 7-8.

(52) See Commission, *compte rendu*, 11 November 1992 (unpubl. document; translation from the French original by the author).

(53) AE, No. 5859, 18 November 1992, p. 3.

(54) The conference was termed "interinstitutional" because it included the main community institutions. It was not restricted to the participation of the member states and their representatives, like an IGC.

(55) See for example, the Parliament's Bindi reports of 1991 and 1993 (European Parliament (PE) 207. 047/fin.), as well as the Imbeni report of 1993 (PE 206. 762), the Banotti report of 1993 (PE 206. 769/fin.); for the NGOs, see for example the Antiracist Network for Equality in Europe (ARNE), (ARNE, 1995), Eurotopia, (Eurotopia, 1995), the Euro Citizen Action Service (ECAS), as well as the NGOs which got together at the Alternative Summit, Florence, 14-22 June 1996. On citizenship, see in particular ECAS, Brussels, 1996 (Revision of part two of the treaty, draft) and the internet site http://www.eurplace.org/programm/altjef.html which represents various NGOs.

(56) Meehan captures this constructive aspect of European citizenship by pointing out that it was "neither national nor cosmopolitan but [...] multiple in the sense that the identities, rights and obligations associated [...] with citizenship, are expressed through an increasingly complex configuration of common Community institutions, states, national and transnational voluntary associations, regions and alliances of regions". (Meehan 1993, 1)

arranged by MN, 23.9.1997

Figure 1

Expanding the *acquis communautaire*

informal resources	routinisation	formal resources
• ideas • values	• practices • policy objectives	• rules • procedures • regulations

Figure 2

The state of the citizenship *acquis communautaire* in the early 1970s

informal resources =>	routinisation =>	formal resources
idea • European citizenship as identity-generating	*policy objectives* • special rights • passport policy	*institutional framework* • no provisions in Treaty to act on political rights • possibly: Art. 235

Figure 3

The state of the citizenship *acquis communautaire* in the early 1980s

informal resources =>	routinisation =>	formal resources
idea • European citizenship as identity-generating *idea* • belonging through involvement in day-to-day Community affairs *value* • democracy *shared goal* • further integration towards political union	*policy objectives* • special rights • passport policy *policy practice* • step-by-step stage-by-stage *Council decision* • uniform passport • residence for workers *citizenship practice* • participation in day-to day Community matters (elections, work, economy)	*institutional framework* • no provisions in Treaty to act on political rights • possibly: Art. 235 • in-loco right to vote in EP elections

Figure 4

The state of the citizenship *acquis communautaire* in the late 1980s

informal resources =>	routinisation =>	formal resources
idea • European citizenship as identity-generating *idea* • belonging through involvement in day-to-day Community affairs *value* • democracy *shared goal* • further integration towards political union *shared goal* • Europe '92	*policy objectives* • special rights (vote, movement, work, sue) • passport union *policy practice* • step-by-step stage-by-stage area-oriented *Council decision* • uniform passport • residence for workers *citizenship practice* • participation in day-to day Community matters (elections, work, economy) • group-by-group integration (workers, students, adacemics, young people)	*institutional framework* • no provisions in Treaty to act on political rights • possibly: Art. 235 • *in-loco* right to vote in EP elections • Article 48 EEC-Treaty [free movment of workers] • Article 8a EEC-Treaty [common market] • Article 7 EEC-Treaty [non-discrimination]

Figure 5

The state of the citizenship *acquis communautaire* in the early 1990s

informal resources =>	routinisation =>	formal resources

idea
 	
 • European citizenship as identity-generating
 	
 idea
 	
 • belonging through involvement in day-to-day Community affairs
 	
 value
 	
 • democracy
 • solidarity
 	
 shared goal
 	
 • further integration towards political union
 	
 shared goal
 	
 • Europe '92
 	
 shared concerns
 	
 • democracy deficit
 • transparency deficit
 • legitimacy deficit
	policy objectives
	
	 • special rights (vote, movement, work, sue)
	 • passport union
	
	 policy practice
	
	 • step-by-step stage-by-stage area-oriented
	
	 Council decision
	
	 • uniform passport
	 • residence for workers
	
	 citizenship practice
	
	 • participation in day-to-day Community matters (elections, work, economy)
	 • group-by-group integration (workers, students, adacemics, young people)
	
	 new approach
	
	 • non-Community
		institutional framework
		
		 • *in-loco* right to vote in EP elections
		 • Article 8 EC-Treaty (citizenship of the Union)
		    ○ vote in municipal elections
		    ○ vote in European elections
		    ○ diplomatic protection
		 • directives on the right to residence for
		    ○ insured and non-welfa dependent persons
		    ○ employees and self-employed persons
		    ○ employees and self-employed persons who have ceased their occupational activity
		 • Article 48 EC-Treaty [free movment of workers]
		 • Article 130a EC-Treaty (cohesion)
		 • Article 3(c) EC Treaty (abolition of obstacles to the free movement of goods, persons, services and capital)
		 • Article 6 EC-Treaty [formerly: Article 7 EEC Treaty;no-discrimination on grounds of nationality]
		 • Article 7a EC Treaty (formerly: Article 8a EEC Treaty; area wthout internal frontiers)

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