

## 2. Citizenship, Democracy and the EU

The importance of the visibility of EU citizens in the European public sphere is grounded in the role that EU citizens play for legitimacy of EU governance. To better understand the importance of the EU citizenship for democratic governance at the EU level, it is helpful to consider the history of the concept of citizenship in the first place. Furthermore, when interested in analysing the visibility of EU citizens in the European public sphere, a conceptual understanding of the *EU citizenship* and that of an EU citizen is needed. The origins of modern conceptions of citizenship can be traced back to ancient Greece and Rome, but were also influenced by events in the 18<sup>th</sup> century. To comprehend the importance of the notion of citizenship today, the next section sets out to provide a brief overview of some of the central historical periods and key political thinkers that influenced the modern vision of citizenship in the 21<sup>st</sup> century. Afterwards, the understanding of the concept of citizenship that underlies the present study is outlined, followed by a definition and discussion of the concept of the EU citizenship.

### 2.1. The Historical Development of the Concept of Citizenship

Citizenship has been and still is a concept that evolves over time. Historically, the notion of citizenship was associated with the city and not the state (Isin and Turner 2002). It was in the context of the ancient Greek city states (*polis*) that the notion of citizenship emerged (Bellamy 2008; Heater 1999; Magnette 2005). The purpose behind the idea of citizenship was to “*draw the outline of the political community*, by defining who belongs to and who is excluded from the civic body” (Magnette 2005 p.7, italics in original). Aristotle’s writings are a starting

point for modern definitions of citizenship. In Aristotle's definition, a citizen is not simply a resident, but a free born man from Athens who possessed property and therefore gained the right to take part in self-government by the people (Aristotle 1995 [350 B.C.]). In this sense, the ancient notion of citizenship was inseparable from participation in governance (Smith 2002). Aristotle derived his definition of a citizen by examining who should be excluded from citizenship: The group of non-citizens consisted of women, foreigners and slaves, but also children and elderly people were excluded from citizenship in ancient Greece (Aristotle 1995 [350 B.C.] 1275a).

Participation in the *polis* had a political and judicial dimension. Citizens were not only responsible for the formation of policies and laws by attending assemblies and holding offices, but also their enforcement by being members of juries in courts that dealt with conflicts related to the city (Heater 2004; Magnette 2005). This form of participation can only be realised in small political communities. Aristotle himself considered the size of the citizenry as important and argued that "in order to decide questions of justice and in order to distribute the offices according to merit it is necessary for the citizens to know each other's personal characters" (Aristotle 1995 [350 B.C.] 1326b) to form a functioning political community. Furthermore, Aristotle argues that there needs to be some kind of bond among the citizens in form of the existence of a common interest citizens agree on (Aristotle 1990 [350 B.C.] p.IX. 6).

Already back then, citizenship and citizenship rights, such as freedom of speech and thought, were closely connected. To participate in the democrat process, citizens had to be able to speak openly in the assemblies when determining policies (Heater 2004 p.25). However, the formal existence of these rights was not sufficient, but citizen's willingness to act upon these rights given to them was also curial.

During the times of the Roman empire, citizenship became a more formal status since citizens were officially registered at birth (Heater 2004). Simultaneously, the notion of citizenship was broadened and was no longer limited to the city state. With the expansion of the Roman empire, citizenship applied no longer exclusively to natives, but was a status also given to conquered people to

generate loyalty and foster unification (Heater 2004; Magnette 2005). Yet, citizenship was still not a universal concept, but it was mainly elites that gained the status of a Roman citizen. At that time, a theoretical debate emerged about the possibility of dual citizenship, which was dismissed (Heater 2004). In practice, however, some territories maintained a certain degree of autonomy and their own citizenship practices. According to Magnette (2005 p.21), “the genius of Roman citizenship lay in the unity it produced while letting an important variety of laws and institutions tied with local citizenship remain”.

Above all, the Roman citizenship was a legal status and as such, it could relatively easily be extended to conquered territory (Walzer 1989). This is reflected in the definition of a citizen in the Roman empire, who was a person that lived under the guidance of, or was protected by, the Roma law (Heater 2004; Walzer 1989). At the same time, Roman citizens were obliged to fulfil certain duties, including military service and taxation. Citizens benefited from the rights and privileges that came along with their status, such as the right to trade and the respect of their properties. Political participation rights were limited, but included the right to vote for elected assemblies and to take up certain political offices. However, “Roman citizens never experienced the kind of political power wielded by the Athenian citizens in their Assembly in that state’s democratic area” (Heater 2004 p.32). Direct political participation was furthermore complicated due to the broad geographic scope of the Roman empire.

In the middle ages, the notion of citizenship was depoliticized in the sense that it no longer referred to political participation and the idea of self-government of the people (Kostakopoulou 2008). Citizens were not seen as a source of authority, but as persons that were protected by the authority (Walzer 1989 p.215). The political order of the feudal system was based on “faith, trust, law-abidingness and allegiance” (Kostakopoulou 2008 p.17). According to the Christian doctrine, the king was seen as chosen by god, exercised authority on his behalf and the people ought to obey. By the end of the 13<sup>th</sup> century, the term citizenship denoted a privileged status of residents in a city (Heater 2004; Magnette 2005). As in Aristotle’s definition, the ownership of property in a city was a precondition for gaining the citizenship status. In addition, guild member-

ship played an important role (Heater 2004; Kostakopoulou 2008). As citizens, people gained, for example, the right to exercise a profession, free movement to trade, and the right to court trials (Kostakopoulou 2008 p.18). In return, citizens were obliged to pay taxes and to participate in the military service.

In the middle ages, approximately half of the population of a city held the citizenship status (Kostakopoulou 2008). In the decentralized feudal system of governance, cities were the most important political communities (Kostakopoulou 2008 p.17) and, by gaining the status of the city, achieved a certain degree of independence with regard to taxation, administration and judiciary (Heater 2004). In this sense, each city defined its own rights and obligations that came along with the citizen status (Magnette 2005).

It was only in the course of the 18<sup>th</sup> century that the notion of citizenship retrieved its political dimension. It was at that time that the idea of citizenship became linked to the concepts of sovereignty and legitimacy (Kostakopoulou 2008). One of the most influential writers on citizenship at that time was Rousseau. In “The Social Contract”, Rousseau argues that people can gain freedoms as citizens by entering into a social contract:

The public person that is formed in this way by the union of all the others once bore the name *city*, and now bears that of *republic* or *body politic*; its members call it the state when it is passive, *the sovereign* when it is active, and a *power* when comparing it to its like. As regards the associates, they collectively take the name of *people*, and are individually called the *citizens* as being participants in sovereign authority, and *subjects* as being bound by the laws of the state. (Rousseau 1994 [1762] p.56, italics in original)

The government is seen as responsible for guaranteeing these liberties; however, it is only considered legitimate as long as it represents the general will of the people. In this sense, the people are considered as the sovereigns that are nevertheless ought to follow the law in order for society to function. It is the participation in the exertion of sovereignty that defines Rousseau’s vision of citizenship (Brubaker 1992 p.42).

It was the French Revolution that gave significant impact to Rousseau’s notion of citizenship and some argue that modern (national) citizenship has been an “invention of the French Revolution” (Brubaker 1992 p.35). The French

Revolution brought about the change from a small-scale elitist notion of citizenship based on economic resources towards a more inclusive concept (Kostakopoulou 2008 p.24). It was Robespierre who argued that the citizenship status and rights should not be based on wealth of a person, but citizens should be considered equals (Heater 2004). The French Revolution “institutionalized political rights as citizenship rights, transposing them from the plane of the city-state to that of the nation-state, and transforming them from a privilege to a general right” (Brubaker 1992 p.43). The citizenship status still did not apply to women, Jewish or black people. However, it was during this period of enlightenment that women’s entitlement to citizenship rights was raised (Isin and Turner 2007). In the French constitution of 1791, a citizen was defined as a person born in France, but also foreigners could become French citizens after having been a resident in France for at least five years (Heater 2004 p.89). For the first time, a *social* dimension was added to the notion of citizenship and it was suggested that society as a whole should support less privileged citizens, e.g., by offering them work or other forms of support.

The modern notion of citizenship is closely linked to the nation state. The territorial unity and the closure of borders to foreigners to protect citizens from foreign economic competition were important elements of citizenship in the 19<sup>th</sup> century (Fahrmeier 2007). As modern states advanced, the term citizenship became more inclusive. Former restrictions to the citizenship status based on gender, race, age, property and residence were gradually reduced (Fahrmeier 2007 p.229). “The expansion of citizenship went hand in hand with the expansion of the power of the state. Modern constitutions, courts, police forces, and border controls emerged in the nineteenth century” (Hix and Høyland 2011 p.273). During this time period, citizenship became synonymous with nationality. Sometimes, membership in a nation state is even seen as the defining criterion of citizenship (see, e.g., Janoski and Gran 2002).

One of the most influential scholars that impacted the modern notion of citizenship is Marshall (1964). For Marshall, the central elements of citizenship are citizenship rights and duties. The former is divided into three dimensions, namely civil, political and social citizenship rights. *Civil* rights account for the

rights that are needed to guarantee individual freedoms, such as freedom of speech, freedom of assembly, the right to own property and the rule of law. According to Marshall (2009 p.149), civil citizen rights were those citizenship rights that developed first. Next were *political* citizenship rights linked to political participation (Marshall 2009 pp.149–149), but also the guarantee of political protection, e.g., in form of minority rights (Janoski and Gran 2002 p.13). Finally, *social* citizenship rights were established in the context of nation-state building, particularly in European states (Roche 2002, p. 76).<sup>2</sup> Social rights guarantee a certain quality of life and well-being of citizens, for example, by providing access to the system of the welfare state. Depending on the respective political community, the combination and scope of those rights might vary (Isin and Turner 2002). The same applies to citizenship duties, which might, *inter alia*, include military service, jury duty or paying taxes (Isin and Turner 2002 p.3).

For the understanding of citizenship in the context of the nation state, a common language shared by the citizens was usually implied. Mill, for example, wrote: “Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion necessary to the working of representative democracy can not exist” (Mill 1991 [1861] p.310). Nevertheless, nation states are not always homogeneous; some states are multi-lingual and/or possess a federal structure. This characteristic has influenced the modern notion of citizenship in the sense that it is considered as possible that citizens can be members of more than one political community at the same time. To express that citizens are simultaneously members of different political communities, the term “multi-layered citizenship” (Yuval-Davis 1999) is often used. Since citizens participate in the political process at both levels, federalism and layered citizenship ought to strengthen democracy.

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<sup>2</sup> The order in which citizenship rights developed according to Marshall has been challenged by other scholars. For a criticism of Marshall see, e.g., Turner (1993).

## 2.2. Citizenship: The Underlying Concept of This Study

Today, there is no single or a standard definition of citizenship. Since the concept of citizenship is evolving, it has been defined in different ways, emphasizing different aspects of citizenship considered relevant. Therefore, the following section does not aim to provide a universal definition of citizenship, but outlines how the concept is understood in the present study.

The first defining criterion of the concept citizenship is its legal dimension, namely the official status of *membership in a political community*. Political community in this sense refers to an institutional order based on democratic norms that defines a political system, which is responsible for politics and policy making. In the past, it was the nation state that was seen as the primary political entity citizens belonged to (Déloye 2011; Isin and Turner 2002). Therefore, citizenship has been and still is often associated with nationality and “in most nation-states, this criterion of nationality is still the condition for inclusion in the citizen community” (Déloye 2011 p.238). Secondly, as stressed by Marshall (1964), along with the legal status of citizenship come certain *rights* and duties. Marshall’s work has led to a shift in the perception of the notion of citizenship away from a purely legal definition towards an understanding of citizenship that includes a social dimension and stresses the element of political participation.

However, Marshall himself does not distinguish between passive citizenship rights and active participation (Turner 1990). As the previous section has shown, historically, the notion of citizenship has also been closely linked to political participation since the status of a citizen is also an entitlement to take part in collective decision making (Bellamy 2008, p. 3). This is the third criterion upon which citizenship can be defined, namely the active exertion of those rights as well as political *participation* that links the legal status with the importance of citizenship for the democratic process (Dahl 2000; Déloye 2011; Pateman 1970). According to Janoski and Gran (2002 pp.13–14) “[w]ith passive rights alone, a beneficent dictator could rule (...). Active rights bring citizens in a democracy to the foreground in politics”. Participation in the political process can take place in various forms, e.g., via voting in elections, running for a politi-

cal office, but also campaigning or protesting, or by taking part in political discussions.

In sum, the three defining components of citizenship are: membership in a political community, citizenship rights, and participation. Based on these criteria, in this study, a citizen is understood as an *individual who is a member of a democratic political community and is, based on their legal status, entitled to certain rights. An active citizen exercises these rights, and participates in the political community*. What is explicitly left out from this definition of citizenship are identity-related concepts that e.g., require a shared history, culture, religion or language (Cerutti 2003; Etzioni 1995; Walzer 1994). These approaches are usually based on a nation state perspective and citizenship is reduced to nationality (cf. Taylor 1989). However, there is also a constructivist approach to identity that starts out from the assumption that it is politics, not culture, that drives identity-formation (Maier and Rittberger 2008b p.250). As discussed in the previous section, citizenship has existed well before the nation state and these criteria are therefore not necessary preconditions of citizenship, but might rather be a result of the creation of political institutions and living in a shared political community (Habermas 2001; Habermas 2003; see also Kriesi 2013 p.22).

### **2.3. Citizenship and Political Legitimacy**

The concept of citizenship is strongly linked to political legitimacy. The notion of legitimacy concerns primarily the right to govern (Beetham 1991; Coicaud 2004). In this sense, citizenship is the “principle that links the individual to the collective principle of self-governance, or sovereignty” (Bagchi 2000 p.161). In ancient Greece, citizens participated directly in the decision making process and the policy formation. In today’s mass democracies, direct participation of citizens is much more complex. Instead, democratic government is essentially based upon the principle of representation. Citizens chose through elections who will govern them and is authorised to use political power on their behalf. “Rep-



representative government inevitably establishes distance between the rulers and the ruled, implying the possibility that this distance may attain such proportions that it would be difficult to continue to speak of democracy” (Klingemann 1998 p.2). Therefore, it must be assured that the political process fulfils democratic criteria. *Accountability* and *responsiveness* are two central, and closely related, mechanisms that contribute to democratic legitimacy in representative democracies. Both concern the “idea of a binding relationship between citizens and their representatives” (Persson 2009 p.144), however, their focus is slightly different and explained in the following.

Analytically, democratic legitimacy can be divided further into two dimensions, namely input and output legitimacy (Scharpf 1999). The idea of input legitimacy highlights “governance *by* the people”. Here, citizens right to participate in the political process, but also their willingness to act upon these rights are crucial so that the will of the people can be reflected in the decision making process. One central citizenship right to guarantee input legitimacy is the right to vote in elections. If the government is formed and implements policies according to citizens’ preferences, the democratic process and governance is considered *responsive* (Markowski 2011; Powell 2004). In this sense, responsiveness functions as a bottom-up mechanism of political representation (Andeweg and Thomassen 2005).

Output legitimacy, on the other hand, concerns “government *for* the people” and is considered legitimate if the political outcome is in line with citizens’ preferences. “Since those who exercise power enjoy great status and privilege, they have to be shown to merit it and to use it to serve a more general interest than merely their own advantage” (Beetham 2011). *Accountability* refers to this process that assures that responsibilities can be assigned to political actions and is considered a top-down mechanism of political representation (Andeweg and Thomassen 2005). Accountability goes further than responsiveness in the sense that political decisions not only have to be in accordance with preferences of citizens, but have to be justified and face consequences (Mulgan 2000). Citizens’ consent with the government’s actions contributes to the legitimacy of the political system. In the event that citizens conclude that their government is not

sufficiently accountable, citizens have the option to vote them out of office in the next election. In addition, citizens are, for example, entitled to the right to protest to express their disagreement during non-election times.

What is important is that the concept of legitimacy is not a binary one; political systems are not either legitimate or illegitimate, but the extent of legitimacy of a political system can vary:

In any society there will be some people who do not accept the norms underpinning the rules of power, and some who refuse to express their consent, or who do so only under manifest duress. What matters is how widespread these deviations are and how substantial in relation to the underlying norms and conventions that determine the legitimacy of power in a given context. Legitimacy may be eroded, contested or incomplete; and judgements about it are usually judgements of degree, rather than all-or nothing. (Beetham 1991 p.20)

In this sense, it is possible that political systems are not illegitimate *per se*, but possess a “legitimacy deficit”.

For legitimacy overall, but also accountability and responsiveness of governance, transparency and public communication play a key role and are necessary requirements of representative democracies in two ways: on the one hand, citizens need to be informed about on-going political processes, e.g., to make an informed vote choice. On the other hand, office holders need to be able to perceive citizen’s preferences and concerns to act responsively (Gerhards et al. 1998, p. 28). Originally, this communicative process was applied and limited to the nation state. Today, however, the former closely-knit and exclusive tie between citizenship and the nation state is challenged (see, e.g., Kostakopoulou 2008). One prime example is the European integration and the EU citizenship.

## 2.4. Citizenship and the EU

As mentioned previously, it has primarily been the nation state that was seen as the political community that citizens belong to (Linz 2009; Safran 1997). It is for this reason that there is a close connection between citizenship and nationality. However, as the previous section has shown, the theoretical idea of citizen-

ship is by no means tied to nationality. Nevertheless, research has often identified nationality as the defining criterion for citizenship. In the 20<sup>st</sup> century, the idea that nationality is the precondition for citizenship and membership in a political community has been challenged (Delanty 2008 p.61). Among the reasons for the transformation of the relationship between the nation state and citizenship are globalisation pressures (Held 1995; 2000). “Globalization challenged the nation-state as the *sole* source of authority of citizenship and democracy” (Isin and Turner 2002 p.4, italics in original). This is what Dahl (1994) calls the “third transformation of democracy”:

The boundaries of a country (...) have become much smaller than the boundaries of the decisions that significantly affect the fundamental interests of its citizens. A country's economic life, physical environment, national security, and survival are highly and probably increasingly dependent on actors and actions that are outside the country's boundaries and not directly subject to its government. Thus the citizens of a country cannot employ their national government, and much less their local governments, to exercise direct control over external actors whose decisions bear critically on their lives (...). (Dahl 1994 p.26)

According to Dahl, this situation results in a democratic dilemma where citizens face a situation where they have to choose between a) their democratic control of the democratic process at the national level, or b) the ability of their government to act effectively at the supranational level.

The European integration bears a resemblance to an advanced form of globalisation (Golub 2000 p.181). One could argue that the dilemma described by Dahl was reflected in the initial phase of the European integration project, where power has been transferred to EU institutions that were not directly accountable to the citizens or their nationally elected representatives (Majone 1999). The involvement of citizens of the EU member states in European governance was not of primary importance to policy makers (cf. Dalton and Duval 1986). Instead, the European integration was for a long time seen as being based on “permissive consensus” (Lindberg and Scheingold 1970 p.38). As mentioned previously, the term permissive consensus is used to describe the initial phase of the European integration that is today mainly perceived as being elite-driven, but policy outcomes were nevertheless supported by the citizens of the EU

member states (output legitimacy). At the time of the initial phase of the European integration, the EU for the most part focused on the introduction of the common market. The EU was perceived as legitimate purely on basis of its policy output, especially within the fields of peacekeeping and successful economic policies (Scharpf 1999). Only when the purely output based legitimacy of EU governance was challenged, a debate on the necessity of an EU citizenship emerged.

Just as at the national level, the notion of democratic legitimacy of EU governance and the EU citizenship are closely related. Today, the EU is taking decisions in policy fields that have formerly been considered core elements and sovereignty rights of nation states (Jachtenfuchs and Kohler-Koch 2003). And in the near future, if not already, the EU will produce more important binding legislation than the national state (Thomassen and Schmitt 1999 p.3). Hence, a transfer of sovereignty from the national to the supranational policy level has taken place. European governance is of increased importance for the citizens of the EU member states and decisions made by the EU have a direct impact on people's life (Beetham and Lord 1998). This makes the case that European governance likewise needs to be accountable to the will of the European<sup>3</sup> people. Otherwise, the transfer of decision making powers to the supranational level will lead to a decrease in democratic control, accountability and ultimately democratic legitimacy of governance. It can even be argued that the EU has to meet the *same* standards of political legitimization that apply to national democratic states (Lord and Beetham 2001).

However, against the backdrop of declining support for the EU, the legitimacy of EU governance has been challenged and a debate emerged about the European democratic deficit. The democratic deficit, *inter alia*, refers to a lack of legitimacy of EU governance, because the EU institutions are not sufficiently accountable and responsive to the EU citizens. The debate about the European democratic deficit has mainly evolved around institutional deficits of the EU.<sup>4</sup>

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<sup>3</sup> For language sake, Europeans is used as a synonym of the EU citizens and does only refer to the EU member states. Other European countries are not taken into account.

<sup>4</sup> The requirement of a European public sphere is also seen as a part of the European democratic deficit and is discussed in the subsequent chapter.

As such, it is argued that the European integration process has led to an increase in power of the executives (Andersen and Burns 1996; Raunio 1999), while policy making at the EU level is beyond the control of national parliaments and the institutional structure of the European Parliament is considered too weak (Follesdal and Hix 2006). The transfer of decision-making powers to the EU level has furthermore made it more difficult for citizens to assess accountability, since it became harder to “identify the *locus* of politics and attribute responsibility” (Lord and Pollack 2012 p.53, italics in original). As a result, research has often emphasised that there is a “shifting of blame” (Lord and Beetham 2001) taking place, where national governments accuse EU institutions of unpopular decisions.

A second aspect refers to European elections. Here, it is argued that European Parliament elections are not about Europe, since there are no European political parties and European policy issues are often not in the centre of the election campaigns (Follesdal and Hix 2006). Instead, European elections are considered second-order national elections (Reif and Schmitt 1980). As a consequence, Follesdal and Hix (2006 p.536) argue that “the absence of a ‘European’ element in national and European elections means that EU citizens’ preferences on issues on the EU policy agenda at best have only an indirect influence on EU policy outcomes”. This has furthermore consequences for the accountability of EU governance, since the lack of EU issues makes it more difficult for citizens to judge whether their representatives acted on their behalf at the EU level (Lord and Pollack 2012 p.55)

If EU citizen’s preferences are only insufficiently reflected in EU governance, this has consequences for the responsiveness and accountability of EU governance and impacts the legitimacy of the EU overall. This is where another line of research comes in that additionally sees a democratic deficit at the citizens’ level. It is based on lack of support for the European integration and a gap between the EU and its citizens (Kuper 1998). The introduction of the EU citizenship in 1993, after the sharp decline in support for the EU, can be seen as a step that acknowledges that it is the EU citizens that are the ultimate source of legitimacy for governance at the EU level. Since the concept of democracy has

been extended to the supranational level, it is only consequential to assume that a concept of citizenship beyond the national borders is needed, as citizens are the source of legitimacy of democratic governance. In other words, supranational governance requires supranational citizenship and EU governance needs EU citizens.

### **2.5. EU Citizenship: Development of the Concept**

One can argue that on critical step towards the EU citizenship was already taken when the Treaty establishing the *European Coal and Steel Community* was signed in Paris in 1951 by France, Germany, Italy, Belgium, the Netherlands, and Luxembourg. The treaty established a common market for coal and steel (Art. 4) and in this context, the right of free movement for coal and steel workers was introduced. The Treaty of Rome from 1957 established the *European Economic Community* and extended right of free movement to *all* workers.<sup>5</sup> It stated that between workers of the member states, any kind of discrimination based upon nationality should be abolished (Treaty of Rome 1957, p. 21). However, as Heater (2004 p.103) correctly notes, none of the founding documents of the EU<sup>6</sup> establish a reference to the EU citizenship. One important difference that distinguishes the right of free movement of workers from the notion of EU citizenship is that it is not universal in the sense that the right did not apply to all individuals living the Community area, but was limited to one specific group, namely one that is defined in economic terms: employees. Everson (1995) uses the metaphor of the “market citizen” to express that the Union citizenship has its roots in economic developments. This initial development reflects that the EU initially started out as a purely *economic* cooperation.

It was in the 1970s that a first shift from an economic integration towards an supplementary *political* integration could be observed (c.f. Wiener 1998, p. 66). The citizenship debate was motivated by “the need to make European inte-

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<sup>5</sup> With the exception of the public service (see Art. 48.4).

<sup>6</sup> For better readability it is referred to “EU”, even though the European Union was officially only established in 1993.

gration more relevant to ordinary people” (Anderson et al. 1994 p.106) of the member states. The political origins of the EU citizenship can be traced back to the European Summit in Paris in 1974 (Bellamy et al. 2006), where the need for additional political integration was emphasised. It was decided that a report upon the future developments of the EU should be composed by Leo Tindemans, Prime Minister of Belgium. The Tindemans’ report is one of the first documents where the notion of a “European citizenship” appears (Closa 1992 p.1141). The report highlights the gap between public and political support for the European integration and makes the case for more civic involvement (Tindemans 1976). Tindemans argues that the EU must be “experienced” by citizen in their everyday lives and it is proposed that border controls between the member states should be abandoned, the education systems should be harmonized in a sense that diplomas are equivalent, and that there should be mediated exchange of information, so that citizens are able to gain “better knowledge of each other” (Tindemans 1976 p.28). In order to achieve these aims, it is argued that political measures have to be taken. At about the same time, the Commission presented the report “Towards European citizenship”, which discussed the notion of European citizenship and argued that each member state should treat citizens that decent from fellow member states as their own citizen (Commission of the European Communities 1975, p. 32).

In the context of the debate of citizenship, the granting of special rights and a passport union were discussed (c.f. Wiener 1998, p. 85). Special rights were defined as political rights and as such the “Act concerning the election of the representatives of the Assembly by direct universal suffrage”<sup>7</sup> was passes in 1976. It paved the way for the first direct elections of the European Parliament, which took place in 1979. Previously, the members of the European Parliament were delegated by the national parliaments. In 1979, citizens of the member states were for the first time given the chance to *directly* participate in the European integration project by casting a vote in the European elections. The passport union, on the other hand, was meant to “enhance the feeling of belonging to

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<sup>7</sup> The European Parliament only received its official name in 1986, before, it was named European Assembly.

a territory broader than that of a single member state” (Wiener 1998, p. 106). It can furthermore be seen as an attempt to raise consciousness of the European integration among the citizens of the member states (Anderson et al. 1994 p.106). The act was passed in 1981 and established uniform passports.

A more significant step was the *Schengen Agreement* that was signed in 1985 by Belgium, Germany, France, Luxembourg and the Netherlands. It states that national citizens of the member states<sup>8</sup> should be able to cross internal borders to “strengthen the solidarity” between them. It was ten years later, in 1995, that the Schengen Agreement was in fact implemented and the border controls within those states came to an end. By the Schengen Agreement, citizens of the Schengen-area have been able to experience the consequences and benefits of the European integration in their everyday life. Mass argues that the removal of the internal borders is a crucial step for the development of the EU, in the same way had previously played a decisive role for the process of nation state building (Maas 2007a p.233).

All of these steps finally led to the introduction of the European citizenship, which passed in 1992 along with the *Treaty of Maastricht* and entered into force in 1993. The Maastricht Treaty established not only the *European Community*, but also the *Citizenship of the Union*. In the treaty, a Union citizen is defined as person that holds the nationality of one of the member states (Art. 8.1). As a consequence, EU citizens by definition do not share the same nationality (Weiler 1997 p.509). EU citizens are also entitled to certain rights (Art. 8.2): While citizens were previously already allowed to vote and stand as a candidate in European elections, the right was extended to EU citizens who are residents in fellow EU member states. Furthermore, the right to vote and to run as a candidate in municipal elections, in the member state of residence, was added. Additional rights concern free movement and the right to diplomatic protection, the right to apply to the European Parliament and to request the Ombudsman. The duties of citizens, on the other hand, remain undefined. The introduction of the EU citizenship represents a “significant departure from the model of European integration established by the founding Treaty of Rome in

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<sup>8</sup> As well as goods and services.



that for the first time it defined the EU in terms of a relation to the individual citizens” (Delanty 2008 p.64).

Yet, the legal introduction of the Union citizenship is not the end of its development. In 1997, the Amsterdam Treaty added one more sentence to the definition of Union citizenship, namely that it shall *complement* and not replace national citizenship (Article 2.9). It was amended to reassure fears that the EU would become a sovereign state itself (Maas 2007, p. 242). In 2004, a directive by the European Parliament and the Council further specified the right of residence of EU citizens and their family members within the territory of fellow EU member states (Directive 2004/38/EC). Recently, the EU citizenship has been further strengthened. The Treaty of Lisbon, implemented in 2009, introduced the legal framework for the *European citizen initiative* (Treaty of Lisbon, Art. 8 B.4). The citizens’ initiative is a measure of direct democracy meant to increase the democratic functioning of the EU. EU citizens can propose to the EU to take legal actions in a policy area where the EU has decision making competences. The initiative requires one million signatures by EU citizens from at least seven different member states and can be organised on any issue in areas where the European Commission has the right to propose legislation. The Commission itself states that the Treaty of Lisbon has improved citizenship since it “gives EU Citizenship greater prominence by integrating it in the provisions on democratic principles (Article 9 TEU) and creates a stronger link between citizenship and democracy (Articles 10 and 11 TEU)” (Commission of the European Communities 2010 p.2). The articles referred to in this citation highlight that EU is ought to serve the citizen’s interest (Article 9 TEU), to value democracy, the rule of law and human rights (Article 10 A TEU). In addition, the common foreign and security policy was established, intended generating “political solidarity” (Article 11.2 TEU) among the member states.

## 2.6. EU Citizenship: The Underlying Concept of This Study

The previous section has provided a legal definition of the EU citizenship. However, it has also been highlighted that the notion of the EU citizenship as well as European citizenship rights existed well before its legal status. This section aims to provide further discussion on the notion of the EU citizenship and to define the concept from the point of view of democratic theory. In general, the idea that a citizen can be a member of various political communities is not new. Easton (1965) provides an illustrative example for different levels of political community which can be nested within each other: “For a person to say that [s]he is a Parisian, a Frenchman, and a European indicates three different levels of political community to which [s]he simultaneously adheres. Each of these communities stands at a different level, with each lower community nesting within its next higher supra-system” (Easton 1965 p.181). Easton’s approach to different levels of political community is well suited to describe the EU citizenship, where citizens simultaneously belong to the national and European level and are citizens of both political communities at the same time. According to Kivisto and Faist (2007 p.124), the idea of nested citizenship is the most compelling approach to account for the interconnectedness of the EU and member state level.

Research has acknowledged that the EU citizenship does not intent to introduce the full range of citizenship rights as defined by Marshall, but complements national citizenship by adding elements that are not usually covered within the scope of national citizenship (Déloye 2000). In this sense, the EU citizenship possesses the characteristic of additionality, meaning that citizenship rights at the national and European level are complementary to each other (Closa 1992). Because citizenship rights are still enacted at the national level, the role of the nation state for citizenship is not becoming obsolete (Isin and Turner 2002). Furthermore, the EU might not impact national citizenship rights directly, but it functions as a mechanism to coordinate and harmonise those rights across the EU member states (Kivisto and Faist 2007 p.124). This is in line with the EU’s principle of subsidiarity, which states that the EU is not taking any

action if the respective issue can be solved more effectively at the national or sub-national level (Article 5, Treaty on European Union) (for a counter argument see Kuper 1998). In this regard, the EU citizenship is comparable (yet not identical) to citizenship in federal states, where citizens are likewise members of both the national and sub-national political communities simultaneously. “In most federal systems, the fundamental laws of both national and sub-national governments define the rights that attach to their own citizenship status” (Schuck 2000 p.216). This might weaken the criticism about the novelty of the European citizenship raised by some scholars, arguing that the Maastricht treaty hardly introduced any *new* citizenship rights (c.f. e.g., Weiler 1997; Kostakopoulou 1998).

Furthermore, the concept of the EU citizenship is innovative since it goes beyond the traditional definitions of citizenship (Déloye 2000; Moro 2012; Preuß 1996). Some argue that the crucial aspect of the EU citizenship is the “conceptual decoupling of nationality from citizenship” (Weiler 1997 p.509), which reflects that the EU as a polity is based on political, rather than on ethno-cultural values. Similarly, Preuß argues that:

[C]lear-cut demarcations in terms of territory and persons do not fit into the conceptual framework of the European Union. Citizenship of the European Union is as novel, unprecedented, imperfect, and evolving as the European Union itself. This is why it can be defined only tentatively and in rather vague and speculative terms. (Preuß 1996 p.549)

The establishment of the EU citizenship has also affected and altered the notion of national citizenship. While it has been argued that “citizens alone enjoy an unconditional right to remain and reside in the territory of a state” and that “the modern state has fundamental interest in territorial closure” (Brubaker 1992 p.24), this holds no longer true for the EU member states, since EU citizens gained the right to move and reside freely within the territory of the member states.

Overall, one can differentiate EU citizenship rights into two dimensions.<sup>9</sup> The first dimension consists of rights obtained by the EU citizenship that apply to the EU level and its institutions directly. I hereafter refer to this dimension as *vertical* EU citizenship. Vertical EU citizenship rights include:

- The right to vote and to stand as candidates in the European Parliament elections
- The right to petition the European Parliament and to complain to the European Ombudsman
- The right to take the initiative of inviting the European to submit any appropriate proposal (Lisbon Art 8B,4)

The second dimension is defined by this study as the *horizontal* EU citizenship. It refers to rights given to the citizens of the EU member states on basis of their status as EU citizens, however, these rights concern the member state and not the EU level directly. Horizontal EU citizenship rights include:

- The right to vote and to stand as candidates in municipal elections in their member state of residence
- The right of protection by the diplomatic and consular authorities of any other EU country

These horizontal citizenship rights are crucial since they reflect the EU's capacity to implement changes at the national level (Delanty 2008 p.65). EU citizens' rights at the horizontal level have furthermore been extended by decisions of the Court of Justice of the EU on the basis of the EU citizenship, mainly in the area of social right and access to the welfare-state (e.g., Case C-85/96 [1998] ECR I-2691 and Case C-184/99 [2001] ECR I-6193). Overall, the court rulings suggest that citizens from fellow EU member states who are residents in other member states are entitled to equal treatment as nationals of that respective state (Bellamy et al. 2006 p.14).

Even though one might argue that this lists of rights obtained by the EU citizenship is rather short, one has to keep in mind that all of these rights are unique and "particularly significant rights since they would never be constitu-

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<sup>9</sup> The flowing distinction into a vertical and horizontal dimension of the European citizenship has first been introduced by Magnette (2005 p.177). However, what exactly constitutes the two dimensions remains unspecified.

tive elements of national citizenship” (Moro 2012 p.41). Furthermore, even if the introduction of the EU citizenship and its rights was only a symbolic gesture, past research has highlighted the importance of “symbolic responsiveness” as one form of political representation (Eulau and Karps 1977). In this sense, the legal introduction of the EU citizenship itself expresses an institutional shift of the EU away from an intergovernmental organisation towards a constitutional polity (Delanty 2008 p.64) and an official recognition that democratic governance at the EU level needs to be responsive to the will of the EU citizens. It also postulates a shift from a purely economic to an additional political cooperation at the European level. According to Bellamy et al. (2006 p.10), the “the transformation of the ‘European citizenship’ concept into something more political” can be seen as a direct result of the Maastricht Treaty and it even initiated a more political orientation of the EU as a whole.

Furthermore, the EU citizenship is not merely symbolic since citizens are, in fact, given rights to actively participate in European governance. The Treaty of Lisbon states: “Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen” (Art. 8A.3). Participation in the political community is the last defining aspect of the traditional notion of citizenship. With regards to political participation in EU governance, one can distinguish between direct and indirect participation. Direct participation refers to the vertical citizenship rights outlined above. Furthermore, according to the EU, it aims to launch policies that explicitly aim to promote an active European citizenry (Council Decision 2004/100/EC). EU citizens also have an indirect impact on EU governance through national parliaments which ought to control their national governments acting at the EU level and by selecting the representatives at the national level that take part in EU governance via the Council of the EU. However, as Fisher (2004 p.502) points out, this form of indirect participation might not contribute to a firm connection between the EU and its citizens.

Based on these considerations, it can be concluded that the three defining criteria of citizenship can be meaningfully related to a concept of EU citizenship. Thus, the three defining components of the EU citizenship are: *member-*

*ship in the EU's political community, EU citizenship rights and participation in EU governance. Accordingly, in this study, an EU citizen is understood as an individual from the EU member states who is a member of the EU's political community and is, based on their legal status, entitled to certain rights. An active EU citizen exercises these rights and participates in the EU's political community.*

## **2.7. Conclusion**

This chapter set out to present the major developments of the concept of citizenship. While in ancient Greece, citizens took part in direct governance of the city state, over time, as the scale of political communities expanded, citizenship rights became more formalised. With the development of the nation state, citizenship and nationality became closely related. These developments highlight that citizenship is not a fixed concept, but it is developing and changing over time. As such, the concept of citizenship has recently been expanded to the supranational level and the EU citizenship has created a novel form of citizenship beyond the nation state. EU citizens are not homogenous, but a group of heterogeneous individuals with different origins, languages etc. In this sense, the notion European citizenship also reproduces the structure of the EU, which consists of diverse member states.

The EU citizenship is also a political measure that officially added a political element to the European integration process that had until then mainly been limited to the economy. The EU citizenship thus implies that the EU is no longer merely a community of states, but a political community as well. And citizens are the ultimate source of legitimacy in democratic societies. Since decision-making powers have been transferred to the European level, there has been a need for the establishment of an EU citizen that can hold governance accountable. EU citizenship, therefore, also postulates the demand of accountability of EU governance. As mentioned previously, governance in democracies is based on self-determination and legitimate if political decisions reflect the will of the

people. Governance should, therefore, be responsive to citizen's demands. This is equally true for the EU level.

The theoretical framework of the concept of the EU citizenship provides the basis for further discussion on how EU citizens can become visible in the European public sphere. However, before turning to the notion of the European public sphere, the next section discusses the general theoretical framework of the public sphere as well as different public sphere theories that place varying normative requirements on the public sphere to fulfil its democratic function. Among those requirements is the role that citizens ought to play in the public sphere. Four normative public sphere theories that differ in this regard can be identified: The elitist, liberal, discursive, and participatory public sphere theory.

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