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OLD AND NEW CITIZENSHIPS: THE CASE OF THE EUROPEAN CITIZENSHIP

Gilles Rouet*

RESUME

European integration has not invented a European nationality (when it comes to recognizing and valuing diversity), but a new kind of citizenship, linked with identity mechanisms. Citizenship beyond nationalities – the European citizenship – is a recent phenomenon, formally established in 1992 by the Maastricht Treaty and, unlike the “national” citizenship, it has not been conquered (by revolution, treaty or other political event), but granted by “superior” body in a process that has not really involved citizens. Additionally, this citizenship is rooted in the Member States; it is automatically granted and nobody can demand it or give it. It provides rights, diplomatic protection, a relatively free movement of persons, but no duty. But is it really a “new” citizenship?

Key words: Citizenship, European Union, Digital Identity, Democracy

Abstention and Citizenship

In the European elections of June 2009 only 20% of Slovak voters decided to participate, making for the lowest voter turnout in the entire EU. This result is particularly surprising because the *Eurobarometer* surveys conducted by the European Commission show that Slovaks are people who have the highest level of confidence in the EU and its institutions. Does this event show that there is a real cognitive dissonance across the whole country or is it the consequence of the evolution of citizenship itself?

Low voter turnout at European election reveals rather the lack of interest and inaction of the voters, possibly rejection of political institutions or even misunderstanding of the European issues; it does not, however, imply the rejection of the European construction itself.

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It is indeed a problem of European citizenship, a citizenship that is based on the construction of an identity from principles, values, and common action, but also depends on the mobilisation of the capacity of each citizen of a Member State to be able to identify himself with representatives of the bigger entity – the EU.

Democracy is obviously not worth disembodied. It is possible to achieve it nominally by constructing an institution and mechanisms, but it becomes reality only in the practice of daily life and public spaces.

The semantics used often for reasons of style rather than to abide by its inner meaning complicates the debate on the issue through perpetuating the prevalent confusion between Europe and the European Union. The European Union – and not the “Europe”, impossible to distinguish – is at the centre of this evolution of “citizenship”.

If any citizen of this Union can decide instead of a Turkish or a Ukrainian citizen whether he or she is or feels to be European or not, he may express an opinion about the integration of other countries to the EU.

This debate needs to be clarified: the question of Turkish integration often faces the quintessential problem whether this country does or does not belong to Europe. The confusion persists due the fact that there are many potential models, projects, and understanding of the Union – including essentially economic project of a Union – that do not need specific European identity nor citizenship, unless it is necessary to try to legitimise the project within a democratic framework.

Mainly in the Central and Eastern Europe the European Union project is perceived to be more like a federation of economic and cultural similarities realised within the framework of cultural diversity. For these countries, the definition of Europe remains a central issue. In the Western Europe, however, it is better to decouple the two aspects; therefore, the reluctance vis-à-vis Turkey is not linked with the issue whether it does or does not belong to “Europe”, whose boundaries in the East are indeed confusing, artificial, legitimised by the political history rather than by geography or cultural issues. The problem is articulated as an attempt to measure the benefits in terms of economic or political membership. It is not the task for the EU (or indeed for the Council of Europe) to define what Europe is or which country is European or not, even if the temptation is great, and often legitimate from the point of view, for instance, in Central Europe. There are many “Europes” and Europeans, but only one EU.

The current European Union is struggling to evolve into an organisation with operational principles more democratic in the traditional sense, and at the same time with better governance (Costa, Magnette, 2007). Thus, the difficulties in ratifying the Treaty establishing a Constitution for Europe and the Lisbon Treaty show the fact that after the great enlargement of the EU new questions have not been answered and, especially, have not been subject to a democratic debate. In particular, issues related to the existence of common values quickly dispersed in France, and those related to the issue of European citizenship, or the relationship between identity and culture became embedded in a form of politically correct “cultural diversity”.

The European people (*demos*) cannot be found. The democratic deficit of the European Union appears to be increasing, with an increasing abstention rate accompanying the growth and enlargement of the Union itself. European citizenship remains an abstract concept that cannot generate duties, “civism”; this citizenship is within the Union perceived to be only a sample of additional rights – a citizenship additional to the principal national citizenship.

Citizenship of the European Union?

Citizenship, its quality and status, is defined by both the enjoyment of civil rights and with a legal reasoning about the exercise of representative democracy. This concept is inherently political because the citizen has a right to share political sovereignty. Citizenship rests in the sharing of rights and duties so that identity is constructed with the particularities of societies – cultural, religious, social and ideological, and therefore also political. Citizenship, in particular, is obviously a manifestation of national identity, identification with a position in the framework of the *État de droit*. The Nation-States have set up a juridical citizenship that creates *de facto* a formal solidarity that contributes to building of a political identity, complementary to cultural identities. These nations have become legitimate when the feeling of belonging, the national identification, has become widespread, without calling into question the cultural or religious referential points.

The European Union introduced the concept of European citizenship with the Maastricht Treaty of 1992, codifying it as a supplementary citizenship: to obtain it, it is necessary to have the “nationality of a Member State” before (Article 17 of the updated Rome Treaty). The intention, then, is clearly defined: to strengthen and promote European identity, the cement of community

integration. Later, the Treaty of Amsterdam of 1997, which came into force on 1st of May 1999, states that “citizenship of the Union shall complement national citizenship and does not replace it”.

The debate on this issue is fundamental, because the gap between the legal construction of citizenship and the difficult emergence of a collective consciousness and of a sense of belonging to a common destiny is clear. The level of abstention in the last European elections is one among many indicators of this gap. In December 2000 the European Council in Nice fully aware of the problem in the Charter of Fundamental Rights strongly recommended “an ever closer union among the European people,” sharing “a peaceful future based on common values”. However, this text not only solves nothing, but ever since its adoption has been further complicating the debate by using the term “European people”, thus increasing the confusion and radical link between the European Union and the Europe. This logic has been incorporated in the EU enlargement process as well, and the European character of a candidate country is therefore considered to be one of the integration criteria.

The Charter seeks to go beyond the logic of a complementary European citizenship. It defines civil, economic and social rights for all residents of the Union, but all residents are not nationals. Thus, a Turkish in Germany has many social rights, for example, but it does not mean that he can be a European citizen because he does not have the German citizenship (or citizenship of another EU Member State).

At the European Council in December 2001 the Member States have inquired into possibilities of bringing the European project and institutions closer to the citizens. Here again we can find a double challenge: European project requires the legitimisation by the citizens through the elections to the European Parliament and the institutions constantly have to improve their public image. (Laeken Declaration, 2001) But the introduction of this additional citizenship does not tie the fate of communities within the Union.

Three categories of citizens in each Member State are well defined:

- “National” citizens of the European Union;
- “Resident” citizens of the EU; i.e. non-nationals who have in particular the right to vote and to participate in local or European elections, as well as enjoy some provisions relating to their right of free movement or access to the labour market; and, finally

- “Non-nationals” of a Member State; i.e. official residents within the territory of the European Union that are actually “non-citizens” of the European Union.

By setting up a European citizenship based on national citizenship, the EU has established a differentiation between non-EU foreigners and citizens of a Member State which are no more “foreigners” as they share the citizenship of the Union!

But it's not a comparable situation to that of “brother countries” during the Soviet Union: the *homo sovieticus* had been convinced of this supra-socialist citizenship, which does not apply in the case of the vast majority of citizens of the EU Member States!

However, European citizenship provides new rights, such as an opportunity for citizens to petition the European Parliament, to complain to the Ombudsman in case of a dispute with the administration of an institution of the EU authority or to the Court of Justice. This court is one of the five institutions of the European Union and according to the rules established by the treaties of the European Union has jurisdiction to decide legal disputes between the institutions, Member States and citizens. This court is different from all other international courts by the fact that its decisions are binding on everyone in the EU. Its jurisdiction is restricted to communitarian domains, or the areas destined to become communitarian, and its competences which generally follow the evolution of European treaties therefore increase with the evolution of the competence of the EU as such.

Nationals of Member States are *de facto* citizens of the EU (Parisot, 1998), many of them without even knowing that. They enjoy rights and freedoms, such as free movement of persons as well as of capital and goods (and services). It is also necessary, to be able to understand that point, to have the opportunity to travel.

But to integrate this citizenship with the debate, acts, and votes at least, it should be clearly and consciously connected to civil liberties, democratic values, rule of law, and human rights, surpassing the limited connection with the elites.

If the Union becomes or remains a democracy of experts at the time when the Nation-States are moving towards “opinion democracies”, citizens will continue to see the EU merely as an economic alliance, and, consequently, will

interpret (and judge) all Union policies and actions purely with this logic.

European citizenship is incomplete because:

1. it really does not include duties;
2. it is granted automatically; and
3. it is given within a national framework.

There is no EU authority than can give European citizenship to an applicant, regardless of the situation that he is a citizen of a Member State already disposing of this citizenship, or he is a citizen of a country that cannot receive it!

This citizenship therefore has no autonomy from the national citizenship and it is ultimately only an intermediate statute (Wihtol de Wenders, 1997).

Citizenship of the European Union should be supranational and autonomous and an independent authority should be established with a prerogative to grant it to non-EU foreigners. This would allow all citizens to recognize the political reality of the EU.

Such a development would mean that citizenship could create a nation in a kind of reversal of history. Already for some time **Daniel Cohn-Bendit** is strongly in favour of the creation of a European citizenship “disconnected from national citizenship”. As many “political spheres [...] are now being decided on a European level”, the “citizen are confronted with a [growing] political space; [...] the European space”. But the difficulty is to “create a European public space, a European public debate. [...] But I want a European citizenship that is not tied to national citizenship”. (Cohn-Bendit, Roca, 2008)

The EU has gradually evolved and seized important elements of sovereignty of the constituent nations: some symbols, a parliament and to a certain degree also the abolition of borders and the establishment of a single currency.

A large part of national economic sovereignty has been abandoned and many institutionalised constraints or non-normative voluntary agreements contribute to this development in areas where, according to the Union Treaty, the sovereignty of Member States remains unresolved. Such areas include, for instance, the higher education and the consequences of the Bologna Process, which went beyond the frame of the European Union (and even since 2010, the frame of the Council of Europe with the inclusion of Kazakhstan). The European Union, ensemble of different political cultures, needs obviously a political

structure based on cooperation and participation, but also on subsidiarity which enhances the effectiveness (or efficiency) and autonomy.

However, in the case of the EU it is the framework that has been created first; now, it is necessary to follow the idea of **Bronislaw Geremek** that “after Europe, we must create now Europeans” (Nicolaidis in: Geremek & Picht, 2007). The solidarity or the sense of belonging is not generated spontaneously.

European Citizenship is not a “new” Citizenship

The detailed example of European citizenship enables us to relativize any normative logic and to denounce the idea (ideology) of universal (Universalist) citizenship. But what is the alternative? Is it acceptable to conceptualise citizenship as an instrument of control determined by history or culture?

Citizenship is part of a “common good”, of “living together” (Touraine, 1998) and of social norms. Therefore, it is not just an “idea” but also a practice, a process, set in history and in social practices (Marshall, 1963, pp. 75-120); from the legalist approach of the 17th and 18th Centuries, the political approach of the 18th, 19th and 20th Centuries when institutions and practices of the vote was installed (Rosanvallon, 1992), then the social approach, with the welfare state in the 20th Century, the “societal” issue and now, the digital society (Cardon, 2011). The identity-citizenship binding (Rouet & Gura, 2011) now revolves around establishment of digital identities (Pierre, 2011) of new public spaces in the frame of local / global and of the “great digital conversion” (Doueihi, 2009), taking place in the realm of the economic convergence between telecommunications and industrial production of contents.

These links between democracy (or rather the institutions of democracy) and citizenship, as between identities, nationalities and citizenships, can only be relativistic and relativized.

The “new” citizenships would exceed the normative and institutional frameworks and would fall into new patterns of sociability, especially in the digital space. It is not enough though; and the entire field of research seems promising, since the emerging link between the local and the global turns and requires new forms of regulation.

What connections could be established between uses and social practices of social networks, for instance, and democratic activities? What citizenship is in practice suited for the “digital individual”? Is it satisfactory to implement voting systems through the Internet, which are a transposition of an existing system?

The problem is quite similar to the evolution of information, for instance. Thus, the paper medias will not save its business model with the implementation of the actual newspapers on digital tablets, in pdf-format for example, but by agreeing to follow radical changes in the social practices, in the editorial content, in the production and reception of knowledge.

If citizenship is linked to the social liaisons, it is also obviously linked to the traditions, cultures, including political cultures. More importantly, it can be defined as a set of practices and institutions of citizenship. It should therefore be sought in civic practice; these new forms of citizenship cannot be legitimised exclusively by voluntary reporting among citizens.

A theoretical quest is an illusion, as we have seen, because citizenships are not models but processes, at least from the point of view of sociologists. The opposition between individualism and social, societal, remains abstract, while the norms are tangible and it is precisely on the level of the facts and social relationships where potential new forms of citizenship arise. The failure of European citizenship, as institution set up "from above" is even more obvious given that this social project is not understood and therefore not shared.

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