Review Commentary

Towards a Deeper Understanding of 'European Citizenship'

Willem Maas (2007)
Creating European Citizens
Lanham, MD: Rowman & Littlefield

Jo Shaw (2007)
The Transformation of Citizenship in the European Union
Cambridge: Cambridge University Press

Dora Kostakopolou (2008)
The Future Governance of Citizenship
Cambridge: Cambridge University Press

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Since European Union (EU) citizenship was created by the Maastricht Treaty in 1993, debates about citizenship have been firmly established within the EU studies community. This commentary discusses three recent contributions, which demonstrate that this dynamic topic still contains many open questions but also that our understanding of citizenship in the context of European integration has become historically, analytically and normatively much more sophisticated and nuanced. In addition to highly relevant insights into the current state of citizenship and of European integration in general, these books demonstrate – sometimes in an impressive manner – the richness and the potential of a citizenship perspective, which combines the investigation of diverse empirical data, rich conceptual frameworks and normative-critical reflection.

In his *Creating European Citizens*, Willem Maas provides a concise political history of the institution of citizenship within the EU. Since citizenship rights had always been closely connected to processes of state formation, sovereignty and territoriality, his main question refers to the conditions supporting the emergence of citizenship beyond the state. The author further assumes that grand theories of European integration, in particular neo-functionalism and intergovernmentalism, are problematic for a number of reasons and cannot explain the complex evolution of citizenship in the EU. Therefore, he opts for a historical and much more contextualised analysis which allows tracing the contested development of citizenship from the very beginning of European economic and political integration, long before a citizenship of the Union was formally introduced by the Maastricht Treaty. Conceptualising citizenship mainly in terms of rights, he focuses on the provision of freedom of movement for persons as "the bedrock upon which the entire construction of European rights has been built" (Maas 2007: 5). In fact, Maas finds that proposals for certain limited rights connected with the free movement of "market citizens" had been discussed even before the signing of the Rome Treaties.

Maas argues that the emergence of EU citizenship is best explained by the political will of the key players to establish free movement in the common market in terms of individual rights. Moreover, he claims that a shared "European idea" was the central driving force behind this determination. In other words, throughout the history of European integration, European leaders across the political spectrum have shared a belief in transforming a divided Europe of nation-states into a unified and novel political entity (though sometimes drawing on diverse additional motivations and goals). The author even claims that already by "the mid-1960s, the idea of a common European citizenship had thus been firmly entrenched in the imaginations of Europe's political leaders" (Maas 2007: 21-22). This ideal became manifest in successive treaty amendments, in particular the constitutional moment of the Maastricht Treaty. As a consequence, the introduction of individual rights also implied the political creation of European citizens as new subjects participating in and shaping European integration. Yet, despite this emphasis on the (largely intergovernmental) high politics of constructing individual rights at the EU level through leaders sharing some European idea, Maas concedes that this crystallisation of transnational citizenship could not be fully understood without reference to the (supranational) 'low politics' between the major turning points. The latter phases are particularly crucial for specifying the exact contents and meanings of European citizenship rights as well as for setting the agenda for the respective next steps. Yet, his careful long-term analysis of successful and unsuccessful proposals also shows that the development of citizenship is always fragmented and volatile.

This is a very compact monograph grasping the development of citizenship and the creation of European citizens over a long historical period and covering a broad number of events. At the same time, thanks to Maas' perspective on the contested and reversible nature of citizenship, his concise account does not lend itself to theoretical over-generalisations of the messy world we are living in. His main achievement lies in utilising the citizenship perspective to gain more fundamental insights into European integration beyond historical explanations of European citizenship itself. According to this study, the historical search for citizenship reflects the political quest for and the shaping of a transnational political community beyond an integrated economy. Thereby, it also shows how this endeavour is neither entirely determined by the market nor completely detached from the latter. Rather, the history of individual rights and the creation of a nascent European political community of citizens can only be fully understood against the background of increasing market integration as the most crucial opportunity structure within which the quest for the European citizen is embedded.

However, the brevity of this volume also implies that some issues remain unaddressed. For example, the book pays only little attention to 'less central' developments beyond free movement, such as the (limited) voting rights for EU citizens residing within another member state, anti-discrimination rights granted by Article 13 EC Treaty, or the adoption of gender mainstreaming in Article 3(2) EC Treaty as key constitutional principles. Nevertheless, this would hardly change the direction of the main narrative about individual rights and free movement. However, and more importantly, this book could have established much stronger connections with the thriving citizenship debates that can be found beyond the narrow focus on citizens' rights within the EU. Lacking this broader context, a thorough evaluation of this historical development remains difficult. The emergence of citizenship within the EU might be remarkable from an analytical point of view, but what is its true value for the citizens (and non-citizens) of an integrated Europe?

Jo Shaw's *The Transformation of Citizenship in the European Union: Electoral Rights and the Restructuring of Political Space* takes a different route. Not seeking an explanatory account of the political innovation of EU citizenship, she adopts a "constitutional ethnography", which aims at comprehending how the constitutional norms of a polity intersect with the lived politico-legal experience in specific sites. Questions about how

national polities are nested in and linked to the legal and political context of European integration are of central importance in this context. Shaw generally aims at exploring "some of the relationships between the contested concepts and practices of citizenship and membership, of nation and nationality, and of states and 'state-like' polities, such as the European Union" (Shaw 2007: 3). Such an approach requires, but also allows for, a substantially very rich and comprehensive notion of citizenship, which exceeds traditional (liberal) notions of citizenship in terms of individual rights only. In contrast, the author conceptualises citizenship as both a formal legal status and as all issues of practical access to the benefits of membership. Since the former does not simply imply the latter, this more sophisticated concept also provides perspectives on the exclusionary elements of citizenship. In general, citizenship is not only about individual rights but about "the distribution of life opportunities" (Shaw 2007: 19), which differ significantly even among formally equal citizens. Moreover, moving beyond mobility rights, Shaw takes electoral rights for non-nationals as the empirical lens through which those issues are investigated.

One of the key puzzles behind the focus on electoral rights for non-nationals consists in the paradox that these entitlements constitute key-preconditions for political participation which are very closely connected to nationality (the access to which mostly remains strictly limited). However, the populations of today's polities are increasingly composed of mixed nationalities. In fact, this development leaves people living and often born within a state unable to participate in its democratic government. Against this background, Shaw's monograph particularly focuses on the limited provisions of Article 19 EC Treaty which grants the right to vote and stand in local elections and elections to the European Parliament in their state of residence to EU citizens, but not to third country nationals. However, since every interference in the boundaries of the suffrage, in the practices and definitions of political membership provokes contestations and since European law always operates in interconnection with national laws, Shaw also devotes a substantive part of her study to developments at the level of the member states.

Although Article 19 excludes third country nationals, Shaw finds that the boundaries of suffrage have become fuzzier and that the limits of the electoral rights conferred upon EU citizens and, therefore the limits of EU citizenship, are potentially elastic. In theory, the latter could even be extended towards greater political inclusion of third country nationals. This claim is based on the careful analysis of the most important political initiatives, legal provisions and judgements of the European Court of Justice. In practice, however, electoral rights are meeting a wide array of contestations in the different member states. Interestingly, in addition to conflicts between the EU and member state governments, conflicts about extending the suffrage to non-nationals are also visible within member states, for example, between regional governments, central governments and constitutional courts. Moreover, some member states already grant electoral rights to all third country nationals, some only to certain groups and some strictly reserve electoral rights to nationals and EU citizens. In general, not only against the background of the hesitant implementation of EU electoral rights, Shaw demonstrates that incremental institutional changes and the diverse debates and contestations of polity membership are of much higher relevance for understanding the meanings and developments of (EU) citizenship than the major political junctures.

It is extremely difficult to do full justice to the richness and detail of this volume and it is impossible to condense all arguments and findings within this very limited space. The book provides significant and illuminating insights about EU citizenship as a set of institutions, practices and concepts. Thereby, the fragile and gradually developing entity of EU citizenship perfectly reflects the political dynamic of European integration as a whole. Moreover, its approach goes a long way beyond purely explanatory research interests and therefore allows for a whole set of contributions to different debates concerning citizenship. For example, it can provide new and original knowledge about more general transformations

of today's political community in relation to connected processes and concepts, such as migration, nationality, community, stateness or globalisation. In this context, especially the careful consideration of actual institutional and discursive changes guided by the orientation towards a constitutional ethnography is a key strength. This detailed account of political and legal practice clearly distinguishes the study from arguments of a stronger normative nature or operating at a level of more aggregated data and fewer conceptual parameters. Finally, and this is particularly interesting, this exceptionally thoughtful survey fully grasps the ambivalent nature of citizenship – national, European or post-national in general. Shaw teases out different exclusionary patterns in a very nuanced manner beyond the fundamental separation of members from non-members. She also shows that citizenship can contain contradictory dynamics that include and exclude at the same time (for example, discourses about extending electoral rights and increasing use of citizenship tests). Against this background, all developments of citizenship of the Union have to be evaluated against the ambivalent link of citizenship with nationality and the increasing diversity of populations. Does this new form of transnational membership interfere with this connection and, if yes, in what way? Yet, despite the many empirical and conceptual issues illuminated by Shaw, her book refrains from far-reaching political or normative claims for the future (except from proposals to make the European Parliament elections more inclusive). Yet, this is the central aim of the next book to be discussed.

The *Future Governance of Citizenship* by Dora Kostakopoulou departs from the main themes of the present discussion in two ways: first, looking beyond the specific institution of citizenship of the Union, it primarily addresses the tension arising from the close coupling of citizenship with nationality. Secondly, the enquiry adopts a much stronger normative tone. Like Shaw, Kostakopoulou departs from the problem that the close connection between citizenship and nationality constitutes a major source of undemocratic exclusion. In this context, the emergence of new post-national elements of citizenship in the course of European integration reflects an ongoing and fundamental transformation of citizenship and the unsettling of a notion of political membership which was strictly based on ideas of nationality combined with territorial sovereignty. At the same time, EU citizenship constitutes a crucial conceptual and institutional challenge to this conventional notion of national citizenship. Hence, the former could provide openings to promote institutional alternatives.

Following a sophisticated analysis which leads Kostakopoulou to dismiss the close link between citizenship and nationality as a main source of exclusion and the key problem to be overcome by redefined notions and practices of citizenship, she goes on to survey two groups of responses to this challenge. She finds that arguments reformulating patriotism as constitutional, 'rooted' or republican patriotism, as well as attempts to redefine citizenship as post-national, transnational or multicultural, are still tied much too closely to the concepts of nationality and the nation and cannot overcome the basic problem of exclusion. Neither can provide reliable and sustainable institutional innovations meeting the challenges of today's culturally pluralist and highly mobile societies. Therefore, Kostakopoulou develops an alternative civic registration model which would confer citizenship on the basis of domicile (i.e. residence combined with the intention to reside within a state for an indefinite period) rather than nationality. She further elaborates this idea by outlining its conceptual building blocks, demonstrating that citizenship has always been differentiated and never truly homogenous, providing concrete policy proposals that should foster inclusion and by anticipating potential criticisms.

Overall, this volume convinces by the detail and the accuracy of its theoretical discussion. Moreover, the author manages to outline a normative vision of citizenship which is nevertheless oriented towards the opportunity structures, the practices and discourses of today's politics and contains very concrete institutional proposals. This well thought-out and excellently presented study therefore complements the two books discussed above with

indispensable and valuable normative reflections and proposals for institutional innovation. Although its arguments are formulated more broadly and primarily seek alternatives to the nationality model of citizenship and although the interest is to a lesser extent on understanding EU citizenship as a specific institution, the latter is put in the context of ongoing large-scale transformations of citizenship and the search for alternative meanings and practices of political membership which could help to eliminate exclusion.

Each of the discussed volumes can be recommended to a specific readership among all students of citizenship – Maas’ as a concise historical overview, Kostakopoulou’s as a broader legal-normative discussion, while Shaw’s should provide food for thought for nearly everyone. Moreover, while Maas might rather appeal to students of European integration only, Shaw and especially Kostakopoulou also contribute significant insights to debates about migration, constitutionalism, cultural diversity, democracy or additional aspects of citizenship. Even more importantly, however, the combined discussion of those monographs provides vital insights about the potential richness of citizenship studies as a comprehensive perspective on socio-political relationships between citizens and a specific polity, as well as among citizens themselves (the situation of resident non-citizens is a further aspect of crucial importance). Therefore, it has become clear that studies of citizenship in the context of European integration need – and indeed should – not be only about explaining specific institutional changes. In most cases, they also facilitate a deeper understanding of the dynamics of European integration in general. European integration represents a massive challenge to traditional notions of sovereignty, territoriality, nationality and membership. Studies on ‘European’ citizenship help to understand the essentially contested and open-ended character of this dynamic process. Moreover, they facilitate locating the individual citizens and non-citizens within this broader context. On this basis, citizenship studies can eventually provide new perspectives for normative-critical evaluations of European integration and its interplay with the conditions of political community. For this purpose, however, it is necessary to exploit all analytical and normative opportunities of a citizenship perspective and to connect them with two further issues: first, with current broader transformations of political membership including their empirical manifestations, normative challenges and institutional implications; secondly, including the exclusionary elements of citizenship in the analysis allows for locating the individual within this broader context and, therefore, for normative reflections based on sound empirical evidence. In other words, due to its thick relational perspective, a mature citizenship approach facilitates the analysis of complex political developments in relation to broader questions about the conditions of today’s political communities, on the one hand. On the other hand, it allows for critical accounts of the actual situation of the individual in this context in terms of inclusion and exclusion from rights and from practical access to the benefits of membership.

All in all, the richness of the field of citizenship studies is not based on an unconnected plurality of parallel lines of enquiry, but results from a dense web of interdependent and interconnected empirical, analytical and normative problems and discourses. Therefore, embedding specific accounts of citizenship more deeply in the discursive space spanned by citizenship studies seems vital for evaluating particular historical citizenship formations. At the same time, the latter can only become fully understandable within the broader context of current concepts and practices of political membership. All monographs discussed in this review make clear that citizenship in the EU is neither a merely symbolic act nor a revolutionary change, whereas this polarisation was especially characteristic of earlier assessments. In contrast, it is a new opportunity that has constantly to be filled with meaning, put into practice and developed further. However, there is no inherent logic beyond its conflictive nature and its open-endedness.

On a final note, while Maas remains closer to conventional comparative political science, the monographs by Shaw and Kostakopoulou stand out since their comprehensive citizenship

perspectives are additionally supported by truly interdisciplinary approaches. Those often take a legal view, but are instructive and comprehensible for all students of (European) citizenship from a wide range of disciplines and perspectives.

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