

**The Impact of European  
Integration on the Development  
of Modern Citizenship.**

**By  
Simon J. Williams.**

Submitted for the award of Doctor of Philosophy (PhD)  
University of Central Lancashire  
November 2007.

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## **Abstract of Research Findings. The Impact of European Integration on the Development of Modern Citizenship.**

Interlinking vital aspects of the legal, economic, political and social competencies of its participating member states the European Union as it is presently constituted represents a unique experiment in the development of a new type of supranational political system.

Driven by the accelerating processes of globalisation and actioned through a variety of formal and informal mechanisms European integration is slowly shifting the centre of political authority to a new supranational European level.

The challenge for the European Union is to reconcile these developments and create an institutional framework that provides democratic legitimacy promotes equality, social inclusion and social justice and creates a political system that can recognise and accommodate the differences inherent in an increasingly multi-cultural society.

Recognising the close inter-relationship between the effects of integration and the exercise of meaningful political participation, the European Commission has explicitly identified European citizenship as the mechanism to legitimise continued integration. The purpose of this research is to analyse the implications of this decision and to explore whether over time European citizenship has the potential to create and foster a distinct European identity which can promote a genuine and meaningful form of participatory post-national citizenship based outside the nation state.

Drawing together both integration and citizenship theory into a new synthesis, the research is seeking to develop a new syncretic model of integration that can satisfactorily explain both the complexity and sophistication of the European Union and explain the forces which are currently driving forward the momentum of integration towards an “ever closer” political Union.

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## **Acknowledgments**

The completion of this thesis would not have been possible without the support and encouragement of a number of people. In particular I wish to thank Dr Terry Hopton of the University of Central Lancashire who provided advice and comments on the early drafts of chapters as the thesis began to take shape. I would also like to thank Professor Ian Levitt of the University of Central Lancashire whose critical interrogative comments helped me to clarify the core ideas of the research and whose contributions promoted such a lively and frank exchange of views at our supervisory meetings. Most of all I would like to express my gratitude and appreciation to the work of my Director of Studies Professor Georg Wiessala of the University of Central Lancashire who recognised the potential in the project, constructively commented on numerous drafts, provided unfailing support, encouragement and advice which were instrumental in my seeing the project to completion.

Finally I am deeply indebted to my wife Ruth Williams for her years of support both emotional and financial and for enduring the ever expanding library of research papers and for coping with the ups and downs and peculiar working habits and preoccupations that make up the life of a research student.

The amended version of the thesis is dedicated to the memory of my father Mr John Williams who passed away in May 2008.

Simon.J.Williams

November 2007.

## **List of Abbreviations**

AMUE	Association for the Monetary Union of Europe
ASEAN	Association of South East Asian Nations
CAG	Competitiveness Advisory Group
CAP	Common Agricultural Policy
CFSP	Common Foreign and Security Policy
EC	European Communities
ECB	European Central Bank
ECI	European Citizens Initiative
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EEA	European Economic Area
EEC	European Economic Community
EIB	European Investment Bank
EP	European Parliament
ERDF	European Regional Development Fund
ERT	European Roundtable of Industrialists
ETUC	European Trades Union Congress
EU	European Union
G8	Group of 8
GDP	gross domestic product
IGC	Intergovernmental Conference
IMF	International Monetary Fund
QMV	qualified majority voting
SEA	Single European Act
TEC	Treaty of the European Community (Revised Treaty of Rome)
TEU	Treaty on European Union
TUC	Trades Union Congress
UN	United Nations
WTO	World Trade Organization

## **(1) Developing a Research Framework.**

The world is undergoing immense changes. Never before have the conditions of life changed so swiftly and enormously as they have changed for mankind in the last fifty years. We have been carried along with no means of measuring the increasing swiftness in the succession of events. We are only now beginning to realize the force and strength of the storm of change that has come upon us.

Wells (1933:9)

### **(1:1) Introduction**

On first impressions it may seem somewhat unusual or tenuous to preface the start of this thesis with the observations of an author who was primarily known as a Socialist utopian visionary. Yet with the benefit of hindsight, Wells's analysis, and social commentary demonstrate a remarkable and insightful prescience which bears strong comparison to the hard political decisions and policy choices that the European Union faces in the twenty first century. Writing in the inter war period, Wells anticipated and identified a variety of societal changes and trends which have increasingly questioned the ability of the nation state to provide a framework for the resolution of increasingly internationalized problems and more crucially its internal ability to provide a legitimate and representative system for the meaningful practice of democracy.

What is particularly instructive in an examination of Wells analysis is the recurrent nature of the problems that contemporary society faces, as he pertinently identified we live in a World of universal change where progress has been both systematic and continuous where rapid technological innovation has meant "the abolition of distance" and where moral progress has not kept pace with material advance (1933:10).

In the context of this thesis, these challenges which are now more commonly perceived as the cumulative impact of the political, social, and economic consequences of globalization and their impact upon the search for democratic legitimacy and accountability will be analysed in the context of the evolution of the European Union and more specifically, through an analysis of the influence they will have upon the development of European citizenship.

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The twin concepts of both European integration and citizenship remain, as (Wiener 1997:2, Delanty 2000:121) have outlined of direct contemporary relevance. Integration is important because the crucial legal, political and economic decisions which impact upon the daily lives of millions of ordinary European citizens are increasingly being made at the supranational European level.<sup>1</sup>This has become increasingly apparent in the legal arena where through a combination of the supremacy of European legislation and the creative jurisprudence of the European Court of Justice European law now takes precedence over domestic legislation. As Haltern (2004:191) has noted, individuals have now become the guardians of the European Union's legal order possessing the ability to invoke legally enforceable obligations before state courts. The utilisation of these legal remedies for the preservation or extension of citizenship rights can be argued to have introduced a new direct link between the individual citizens and the process of integration.

In relation to the concept of citizenship whilst it remains an elusive and contested concept it is central to modern political organisation and democracy because it defines the relationship between an individual and a political authority, providing access to resources by conferring a variety of rights and specifying reciprocal (yet often unstated) responsibilities. Contemporary debates about the nature of citizenship have broadened this understanding to include the changing nature of individual and collective identity and a focus upon central democratic ideals such as the maintenance of equality and social justice in an increasingly fragmented and multi-cultural society.

Drawing these themes together, the underlying basis of this analysis is to undertake a critical examination of the historical and theoretical relationship between European integration and the changing practice of citizenship and to analyse the implications of the decision by the European Commission to link the two concepts. As the Commission (2001:7) have explicitly stated "Citizenship of the Union is both a source of legitimation of the process of European integration, by reinforcing the participation of citizens, and a fundamental factor in the creation of citizens of a sense of belonging to the European Union and of having a genuine European identity".

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<sup>1</sup> Community Law is the higher law of the land any EC treaty, article or administrative regulation is superior to national legislation. Under the principle of direct effect (1963) Community norms are clear, precise and self sufficient and must be regarded as the law of the land. They create enforceable legal obligations which may be invoked by individuals before state courts.

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Developing this central idea of a link between integration and citizenship, the thesis will seek to expand upon the ideas of (Marshall 1992:18, Delanty 2003:3) who have suggested that the nation state created the institutional architecture for the development of modern citizenship. This analysis will seek to take existing theory further by posing the question whether the new supranational institutions of the European Union are performing a similar function and creating the conditions necessary for the emergence of new types of post-national citizenship.

Recognising that the European Commission now sees citizenship not only as mechanism to legitimise integration but also as a means of creating a distinct sense of European identity the thesis will explore this important change in emphasis and the implications of the move towards the building of a more overtly political conception of Europe<sup>2</sup>. In particular, the research will examine the growing importance of informal integration and the emergence of new types of political identities and behaviours and the prospects these hold for the development of a genuine type of participatory post-national citizenship. As Chrysochoou (2001:9) has pointed out “the task for contemporary integration scholarship still remains to discover a reliable theory of integration as the basis for the future of the European Union.”

Taking up Chrysochoou’s suggestion, this thesis will argue that as the European Union has evolved from a relatively simple economic community into a complex and unique supranational system that has its own legal framework, its own independent political, social and economic institutions and more crucially its own legally defined citizens then a fuller understanding of the European Union requires the development of a cross-disciplinary analysis. Developing this conclusion and providing evidence to support the underlying hypothesis that elements of different integration theories remain valid, the thesis is seeking to develop a syncretic model of integration. The syncretic model will incorporate the reconciliation and fusion of different theories into a more focussed cross-disciplinary analysis which can explain the close inter-relationship between integration and the evolution of citizenship.

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<sup>2</sup> Lisbon Council (2004) *Building a political Europe. 50 proposals for the Europe of tomorrow* a report commissioned by the European Commission chaired by Dominique Strauss-Kahn.

**(1:2) Research Objectives, Questions and Methodology**

In order to test the validity of the thesis's hypothesis that European integration has fundamentally changed the nature of citizenship by transferring political expectations, demands and loyalties to new supranational institutions the research has identified several key objectives. Firstly, to develop a complementary model of integration which reflects the social, legal and political impact of globalisation and which explains the growing importance of informal integration in creating and shaping a new type of European political community. Secondly, to construct a model of integration that can satisfactorily explain the transition of citizenship from a purely nationality based status to a more active trans-national practice. Finally, the research will seek to analyse the implications of the creation of European citizenship and determine if its continued evolution may in time lead to the emergence of a distinct European identity, community and *demos*.

In order to achieve these objectives and to provide a balanced framework from which to draw valid theoretical and empirical conclusions the thesis will focus upon answering several inter-related questions. Recognising that the European Union has extended the scope of its competencies and authority into the economic, political, legal and social systems of its member states, the research will question whether a single theory of integration is sufficient to capture the nature of the European Union as a unique and evolving supranational system. Developing the idea that globalisation has qualitatively changed the nature of integration and created the environment that encourages the development of new identities, behaviours and political practices the research will seek to determine which elements of classical and contemporary integration theories are still relevant. Bringing together the concepts of integration and citizenship the research will explore whether the process of integration has influenced the composition and development of citizenship and if this process of Europeanization explains the decision by the European Commission to legitimise further integration through the mechanism of citizenship.

The methodology utilised in the development of the research has incorporated a critical literature review of classical integration and an evaluation of the federalist, functionalist, neofunctionalist and intergovernmentalist approaches to integration.

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These approaches have been then compared and contrasted with the main theoretical critiques of integration represented by the Marxist, Post-Marxist and postmodern positions. Transcending the longstanding dichotomy between federalist and functionalist approaches to integration the analysis will adopt the conclusions of (Moravcsik 1993:251, Marks 1997:26) who argue that a series of more narrowly focussed theories of integration are now required. Building upon these initial findings the methodology will introduce a critical evaluation of the more recent theories of new institutionalism, constructivism and transactionalism which purport to explain the impact of integration upon the process of identity formation.

In relation to the concept of citizenship, the literature review has taken as its starting point Marshall's (1950) evolutionary model which explains the chronological emergence of civil, political and social citizenship rights and compared this to the evolution of European citizenship to determine if Marshall's conclusions have been replicated at the supranational level. Highlighting the divergent traditions of citizenship, this aspect of the literature review will compare and contrast the liberal, communitarian and republican traditions of the appropriate structure and composition of citizenship to determine if through the process of integration citizenship has become Europeanized.

Based upon a preliminary analysis of the findings of the literature review, the research has sought to develop a new syncretic model of integration which explores the historical and on-going relationship between integration and citizenship and which demonstrates that due to globalisation and the processes of informal integration the two concepts are becoming increasingly interlinked.

The development of the proposed new syncretic model involves four specific stages. Firstly, the application of classical integration theory to understand the evolution of European civil, political and social citizenship rights. Secondly, introducing the crucial distinction between formal and informal integration, the model will identify three specific phases of the integration process, periods of constructive formal integration, periods of responsive formal integration and finally the continuous processes of informal integration. Bringing these issues together the model will seek to demonstrate that integration should be seen as a cyclical rather than a linear process

and that the importance of informal integration has largely been underestimated in existing theories. Finally, and recognising that theory should act as an interventionist critique the thesis will apply the new model to contemporary political developments exploring how the Lisbon Treaty (2007) can be regarded as an example of responsive formal integration and how the Commission's *Europe for Citizens* and *New Culture Programme (2007-2013)* represent examples of constructive formal integration through their attempts to promote a distinct European identity.

The initial design of the research methodology gave strong consideration to the use of a structured interview process with influential figures and "policy entrepreneurs" in the European Union. Upon reflection however, and cognisant of the fact that the Commission's new programmes only commenced in 2007 it was decided that this would not add sufficient value to the analysis. Consequently the thesis has concentrated on developing a theoretical analysis recognising that a more qualitative assessment of the success or otherwise of the Commission's initiatives could form the basis of a future research project.

Based on this research methodology and the initial research questions and objectives identified the remainder of this introductory chapter will provide an overview of the key issues each chapter of the thesis will explore and highlight how each of the chapters establishes the recurrent themes and patterns which contribute towards the new syncretic model.

### **(1:3) The European Union in the 21<sup>st</sup> Century; Problems and Prospects Facing a Supranational Political System**

From its relatively modest origins in the creation of the European Coal and Steel Community (1951) the European Union has through successive treaties, Commission directives and creative jurisprudence stemming from decisions made by the European Court of Justice evolved into a sophisticated supranational system which interlinks crucial elements of the economic, legal political and social systems of its twenty seven participating member states.

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This evolutionary development consisting as it does of many separate aspects has posed analysts of the European Union with a major dilemma in establishing a theoretical consensus as to its fundamental nature as a political organisation. As Anderson and Eliassen (1996:3) conclude “the European Union has been characterised by continuous change into new and more complex political constructions.”

Despite the underlying debates as to whether the EU currently represents a federal, quasi-federal, functional, or institutionalist type of organization it remains, as even arch Euro sceptic analysts, Booker and North (1996:1) agree “the most extraordinary political project in history.” From this starting point chapter two will investigate the unique nature of the European Union and its institutions, exploring the inter-relationship between the directly elected European Parliament, the Council of Ministers, the European Commission and the European Court of Justice. Recognising that the relationship between these institutions is not fixed or static, but is in part dependent on the resolution of external political problems through the implementation of practical policy solutions chapter two will focus on the major issues facing the European Union today.

The recurrent theme in any analysis of contemporary political society is the increasing impact of the processes of globalisation. Whilst the term globalization is in itself highly politicised it is the economic manifestation of its impact and the institutionalisation of neo-liberal free market economics that provokes political controversy and popular protest. Globalisation however, has a more widespread impact upon contemporary political and social culture<sup>3</sup>. The Forward Studies Unit of the European Commission (2000) in a wide ranging review has identified the emergence of a number of deep socio-economic trends which lend support to this argument. They conclude that there has been a fundamental shift in social behaviours and societal values and a decline in respect and even a rejection of established political, administrative and legal authority. This conclusion draws together several of

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<sup>3</sup> A good example of this knock on effect is the criteria relating to the Growth and stability pact which underpins the single currency. Under this criteria member states must limit budget deficits to less than 3 % of their annual Gross Domestic Product. Consequently individual governments are constrained in their capacity to create reflationary spending irrespective of their domestic political manifesto commitments.

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the major themes examined by this thesis. The decline in respect for political authority is to some extent exhibiting itself in low and falling voter turnout at European elections this voter disengagement questions the legitimacy of the political authority of the European Union and has re-opened the debate around the European Union's so called democratic deficit and popular perceptions as to how democratic and representative the European institutions are. Alongside this development has also been a move towards a more materialistic and universally individualistic culture with the emergence of a multiplicity of new types of political identities which are replacing the old ideological and class based perceptions of politics. The impact of these changes have been a general breakdown in the traditional understandings of community, a fragmenting of society and its infra-structure and the growth of politics and claims for rights based upon notions of gender, sexual orientation ,religion, environmental, sub-national and national identities. The problem for the European Union is finding an appropriate mechanism for reconciling and accommodating these differences in an increasingly multicultural and plural society, this in part explains why the European Commission is looking to the idea of citizenship as a means of developing common core values and shared expectations centred around liberal democracy, free market capitalism and a culture of universalist human rights.

Alongside these internal political developments, the very success of the European Union in generating sustained economic prosperity and unprecedented standards of living since the war has seen a sharp and understandable increase in the number of economic migrants and asylum seekers wishing to acquire European citizenship in order to improve the quality of their lives.<sup>4</sup> The impact of this economic migration necessitates not only an external response in the form of reasonable, fair and consistent immigration policies but also an internal dimension in the formation of attitudes towards the provision of group rights and the respect for and recognition of different cultural and religious traditions.

Whilst Europe is becoming more cosmopolitan and diverse it is also facing new demographic pressures with increasing life expectancy, a low and declining birth rate

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<sup>4</sup> The latest published statistics are 1997(242780) 1998(297220) 1999(352380)  
[www..Europa.eu.int/comm/Eurostat](http://www.Europa.eu.int/comm/Eurostat).

and with the population (excluding enlargement) heading for decline by the year 2025.<sup>5</sup> These developments are anticipated to place huge pressure on the ability of the Europe Union and its member states to maintain the funding of its levels of healthcare, social programmes and pension provision from the tax revenues of a shrinking workforce. Viewed from this perspective the provision of guaranteed social rights an integral component of modern citizenship is likely to be questioned and tentative moves towards the encouragement of private provision a possibility. This illustrates that the idea of citizenship is not immutably fixed and that citizenship as a concept and as a working practice needs to be updated in the light of contemporary political and economic developments.

In conclusion, chapter two of the thesis will seek to highlight how the political and social impact of globalisation is shaping integration and influencing the changing nature of citizenship through the centralisation of decision making and through the emergence of new types of political identities. Drawing these ideas together with the major problems that the European Union now faces, this chapter sets the broad theoretical context for the research by explaining that globalisation has fundamentally changed the nature of integration extending its influence into the wider social environment and into civil society.

### **(1:4) The Modern Idea of Citizenship**

As I have highlighted throughout this introductory chapter there are a number of recurrent themes and problems associated with globalisation that demonstrably link political and social theory to practical political choices about the most efficient and appropriate method of organising the economic, political and cultural life of modern society. Despite the existence of these negative trends evidenced by the shift to universal individualism, the fragmentation and breakdown of communities and an increasing voter disengagement with mainstream politics, the idea of citizenship is enjoying a theoretical and institutional renaissance and influencing the discourse of political debate at both a domestic and a European level.

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<sup>5</sup> Forward Studies Unit trends 2000.

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Citizenship remains, however as Lister (1997:3) and Christodoulidis (1995:179) have identified, an elusive and contested concept. What it means to be a good citizen, what rights and responsibilities are inherent to its composition, its role in the construction of political identity, and how citizenship structures the relationship between an individual and political authority are central questions in the pursuit of democratic legitimacy, accountability and meaningful participation.

Whilst acknowledging that the definition of citizenship is in itself problematic and to some extent dependent upon the ideological perspective of the analyst this thesis will adopt a broad definition that draws upon a combination of the conclusions of (Isin & Wood 1999:4, Lister 1997:41, Delanty 2000:9). Taken together, these analyses conceive of citizenship as a status which confers civil, political and social rights and a practice, cultural, symbolic and economic which involves obligations, responsibilities, political participation and identity.

Drawing upon this initial definition, the thesis will explore the normative and institutional aspects of citizenship (the composition of rights and responsibilities) together with the cultural and ideological aspects represented by political struggles about principles of equality, justice and rights within the framework of the European Union's political system.

Underpinning this background, chapter three will explore how the modern idea of citizenship has played a central role in our political tradition and in the development of the political framework that facilitates modern ideas of representative democracy. As most analysts acknowledge, the starting point of citizenship theory is the seminal contribution of Marshall whose (1950) essay described how "Citizenship has been a developing institution in England...it is clear that its growth coincides with the rise of capitalism" (1992:18). Developing a linear and chronological, model Marshall traces the development of civil, political and social rights from the Eighteenth century to the creation of the welfare state in the twentieth century. Whilst Marshall's original model has been criticised for being anglophile, gendered and ultimately dated, his model bears close comparison to the evolution of European citizenship and Europe's supranational institutions, a theme which will be developed in chapter five.

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More recently contemporary debates about the future of citizenship have focussed upon a debate between three separate perspectives the liberal, the communitarian, and finally the Republican tradition. As Faulks (1998), has comprehensively demonstrated the development of citizenship did not end with the creation of the welfare state. Faulks' analysis highlights how the implementation of neo-liberal policies by the Conservative administration of 1979-1997 undermined both the political and social element of citizenship; in doing so he demonstrates that citizenship itself is not a fixed or static concept but is subject to changes in the wider political environment.

At a time when political debate is confined to finding the most efficient method of managing the free market, the dialogue between liberal and communitarian conceptions of citizenship is increasingly framing the traditional debate between left and right wing politics. The liberal conception conceives of the notion that political communities exist in order to protect the rights and interests of individual citizens. Based upon this initial premise there is a clear distinction between the public and private realms and in consequence the role of the State should be limited to providing a framework from which individuals' can maximise their own self interest. For the liberal, the market is the best provider of services and economic prosperity; citizenship represents nothing more than a formalistic legal relationship to the state.

Whilst this is essentially a narrow and reductionist view of the citizen as a consumer, it can be argued that the evolution of the European Union draws heavily on some orthodox liberal economic and political theory. The prioritisation of the Union's economic objectives, the creation of the single market, the emphasis on de-regulation and privatisation coupled with the somewhat intangible nature of European citizenship rights demonstrates that the liberal conception of citizenship remains a significant influence in modern Europe.

Challenges to the liberal tradition have more recently been articulated around the ideas of communitarianism (found in the form of Third Way, Neue Mitte, or centrist) politics. Associated with the theoretical work of Etzioni (1995, 1997, 2000) communitarianism represents an ethical and moral position which asserts that individuals have both inalienable rights and social responsibilities. Adopting a collectivist approach to citizenship, communitarianism emphasises ideas of identity,

culture and participation as the civic responsibilities that provide social cohesion and act as the mechanisms to re-discover community. As Delanty (2000: 29) has outlined communitarianism introduces the salience of cultural identity into citizenship a feature which is of increasing importance in a diverse and multi-cultural society where concessions to minority cultures by the majority culture in the form of group or special rights are a controversial and polarising political subject. These themes of the desirability or otherwise of creating group rights and the introduction of defined and specific civic responsibilities, will be developed in more detail in chapter three of the thesis.

In conclusion, the primary purpose of chapter three is to explore the implications that the dominant perspectives of liberalism and communitarianism are currently having upon the continued development of citizenship and how their differing emphasis on the role of the individual, the scope of political authority and the nature of individual and collective identity will ultimately impact upon the political framework of an increasingly integrated Europe.

### **(1:5) Developing a New Syncretic Model of Integration.**

It has become evident from the sheer volume of academic analysis and criticism currently available that European integration has been an important feature of the political and economic landscape of post war Europe. Integration theory and the analysis of the relationship between member states have been instrumental in the ongoing political debate about the appropriate role and scope of political authority and of the desirability and legitimacy of continued integration. It is instructive at this point therefore to consider what is meant by the concept of integration and to consider which factors are continuing to drive its momentum forward.

Perhaps the most widely utilised definition was provided by Haas (1958:16) who described integration as “the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre whose institutions possess or demand jurisdiction over pre-existing national states”. Whilst Haas’s definition neatly summarises the historical

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process of integration and highlights the importance of Europe's new supranational institutions his definition would no longer appear to be robust enough to capture the complexity of the forces currently shaping the integration process. Haas's emphasis was primarily on the role of political elites and writing in the 1950's he could not have anticipated the growing importance of societal change, and the emergence of new individual identities and the impact this would have upon the traditional methods of political participation.

One of the central propositions of this thesis is that integration is increasingly being driven by these informal processes rather than through the enactment of formalised treaties, in consequence it is necessary to draw a new distinction between formal and informal types of integration. Drawing upon the initial work of Wallace (1992) the thesis will attempt to provide a more refined and specific definition of the differences between formal and informal integration, a definition which recognises how the patterns and processes of integration are evolving in response to changes in the wider political, legal and social environment.

Viewed from this perspective, formal integration can be defined as the enactment of specific political decisions which cause changes in the framework of rules and regulations that constitute the supranational political economic and legal environment of the European Union. Informal integration can be understood as those patterns of integration which occur without the impetus of deliberate political decisions and which are characterised by the dynamics of the market, technological development, increased communication and societal change. Informal integration therefore can be seen to represent a continuous process which develops incrementally out of the transactions of individuals pursuing private interests. The implications of these developments and their relationship to the practice of European citizenship will be explored more fully in chapter four and six of the thesis.

In a wider context, and in contrast to a simple historical account of the evolution of the European Union, integration theory seeks to explain why member states voluntarily agree to surrender in perpetuity important aspects of their legal, economic and political sovereignty to new trans-national institutions over which they exercise little or no control. In aiming to resolve this fundamental question classical integration

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theory has long been characterised by a debate between the Federalist and Functionalist perspectives. The theoretical approach that excites the most political controversy and which is often portrayed in the media in its most simplistic and pejorative sense is the idea of federalism. Commonly associated with the founding fathers and architects of the political structure of the European Union (Monnet 1962, Schumann 1950, Spinelli 1941) Federalism is usually equated with the creation of a “United States of Europe” and the gradual development of a European super state which replicates the functions of the nation state at a transnational level. This interpretation represents a very narrow reading of what is a broad and diverse theoretical perspective and whilst the European Union currently exhibits some of the features of a Federalist organisation such as a directly elected Parliament, strong and independent central institutions and a system of devolved power sharing arrangements (subsidiarity) it does not yet represent the creation of a new type of State. This conclusion has led some analysts such as (Burgess 2000:29, Holland 1995:8) to describe the European Union as a pre-federal or quasi-federal organisation. More recently the rejection of the proposed European Constitution by the French and Dutch electorates in direct referenda in 2005 has re-ignited the debate over the future direction of the European Union and raised questions as to whether a federalist approach incorporating formal treaties currently enjoys widespread popular support and legitimacy. These developments can be argued to clearly demonstrate a direct link between an individual citizens political rights and the wider process of political integration, a theme which will be developed in later chapters of the thesis.

In contrast to federalism, functionalist approaches work from the basic premise that the form of institutions should be based upon their function. This approach is closely associated with the work of David Mitrany (1933, 1943, 1966,1971, 1975) and sees the purpose of integration as the deliberate creation of specific institutions to meet specific needs on the basis of rational calculation and benefit. For the functionalist therefore, there is no “grand ideal of Europe” no European identity or European *Demos* and no prevailing ideological design for the creation of a wider concept of European unity. From the functionalist perspective integration is simply about the ability of specific institutions (such as the European Central Bank and as I will later argue European citizenship) performing clearly defined functions better than their counterparts at the nation state level.

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The importance of functionalism in integration theory lies in its rejection of state centric approaches and through the introduction of attempts to conceptualize political organisation outside of the nation state. From this basic understanding functionalism identifies that a combination of political development, social change and scientific progress have fundamentally transformed the nature of modern politics requiring as Mitrany (1971:532) concludes “ a complete reconstruction of the technique of government on a purely practical basis”; this reconstruction would require the creation of a government whose priorities are to create equality before the law for all members of a community, the creation of the most appropriate environment for the fair distribution of resources and the promotion of social justice. What is striking about this assessment is the similarity it bears to the contemporary debates surrounding the core concepts of modern citizenship; this aspect will be considered in greater detail in chapters three and four of the thesis.

Building upon earlier functionalist theory and incorporating a study of the mechanics underlying the integration process itself, one of the most influential of all integration theories to emerge is associated with the work of Ernst Haas (1958, 1964, 1975, 2001). Whilst Haas later distanced himself from his own theory and the core ideas of neofunctionalism, several elements of his approach would appear to still retain their validity.

Central to this argument is the notion of spillover which Lindberg (1963:10) describes as a process where “a given action related to specific goal creates a situation in which the original goal can only be assured by taking further actions”. More recently Rosamond (2000:99-104) has sought to expand and update this original definition by highlighting three distinct areas where spillover has occurred. He differentiates between political spillover, represented by the convergence of values, interests and political strategies, cultivated spillover caused by the activities of central bureaucratic organs such as the ( European Parliament, European Commission, European Court of Justice) expanding their own interests and competencies and finally functional spillover, which is essentially technical pressure for further sectoral integration.

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Taken together neofunctionalism and the idea of spillover regard integration as a logical progressive sequence, where once it has commenced, integration itself generates through a variety of factors, agencies and institutions its own momentum and pressure for a deepening and widening of the integration process. In the context of this thesis and developing the relationship between European integration and citizenship I will seek to demonstrate how the evolution of European civil, political and social citizenship rights can to a large extent be argued to represent the evolution from functionally specific rights through the process of political spillover towards a more complete type of European trans-national citizenship.

Not all perspectives share a positive interpretation of the benefits of European integration; accordingly and in order to put forward a balanced analysis the final part of chapter four will provide a critical engagement with the main critiques represented by the liberal intergovernmentalist, the Marxist and post-Marxist approaches.

The liberal intergovernmentalist position is associated with the theoretical work of Moravcsik (1999) and represents a radical departure from other integration theories. In essence, Moravcsik argues that modern governments seek to resolve problems which emanate from the demands of their own citizens, primarily the desire for increased economic prosperity and higher standards of living. For Moravcsik, the primary interest of government is to maintain itself in office by securing economic objectives that appeal to its own electorate. In consequence integration simply becomes a mechanism whereby member states agree to relinquish some sovereignty as a distinct bargain and a calculated transfer of power and integration is simply based upon those decisions which are undertaken to secure clearly defined objectives and benefits. It should be noted that Moravcsik's approach does not enjoy widespread academic support and as I will outline, ignores other transnational factors such as informal integration and the importance of the neo-functionalist idea of spillover.

Perhaps the most radical critique of integration is encapsulated in traditional Marxist theory. Analysts such as (Miliband 1977, Holland 1980) and more latterly Carchedi (2001) are inherently critical of European integration because it is predicated upon an acceptance of capitalism and the primacy of the free market. For Marxists therefore integration has been primarily motivated by European expansionism represented by

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the needs of capital to secure shares in an increasingly competitive global economy and secondly through protectionism in its own markets through measures such as the Common Agricultural Policy. In essence, Marxism perceives economic integration to be a mechanism to achieve the specific and often unstated objectives of the ruling class. Consequently the institutional framework of the European Union could be regarded as simply another method to ensure the stabilisation, development and continuation of capitalism at a trans-national European level, as such European integration does not represent an attempt to develop a more legitimate or efficient form of governance but merely represents another evolutionary phase of capitalist development.

Whilst orthodox Marxist theory has become largely unfashionable I would suggest it continues to play an important role in fully understanding crucial aspects of the European Union by challenging fundamental assumptions inherent in neo-liberal ideology. Marxism remains an important analytical tool because it questions the notion that it is possible to reconcile and harmonise the divergent interests of different classes thereby challenging the possibility of creating either a genuine and inclusive “European Union” or an effective representative European citizenship.

Leading on from orthodox Marxist theory the final part of chapter four will focus on the contributions that more recent Post-Marxist perspectives, (Howarth 1998, Wright, Levine and Sober 1992, Laclau and Mouffe 2001) have had upon attitudes to both integration and citizenship. Whilst Post-Marxism does not explicitly recognise citizenship as a means of reconciling economic inequality, the thesis will explore post-Marxism’s contribution to the changing nature of class and class struggle, redefining it as a form of social conflictuality which extends its scope to a wider range of social, economic and political issues. This theme will be developed in greater detail in chapter six in explaining the reasons for the emergence of new types of trans-national political identities.

Recognising the inability of classical integration theories to satisfactorily explain the increasing convergence of political, economic, legal and social practices contemporary integration theorists are now focussing their attention on more broad

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based approaches which recognise the importance of institutions in the emergence of new types of political identity and political behaviours.

At the forefront of this change in emphasis, is the development of the idea of new institutionalism which is based upon the simple premise that “institutions matter”. As Rosamond (2000:114) points out rather than being simple passive vessels within which politics occurs, institutions have over time, developed the capacity to shape and change the goals of the principal actors who created them, consequently as Warleigh (2001:19) concludes, the role of the Union’s institutions in the citizenship construction process is a crucial issue. Developing this initial lines of enquiry, (Rosamond 2000, Pollack 2004) identify three distinct types of institutionalist approach, rational choice institutionalism, historical institutionalism and finally sociological institutionalism. Historical institutionalism introduces the important concept that the political framework within which integration takes place is not neutral, but that over time, through interaction and elite socialization institutions develop their own independent priorities and political agendas. Sociological institutionalism takes this understanding further, highlighting that it is institutions which are the carriers of beliefs and values and consequently it is institutions which establish new habits and practices which in time leads to the emergence of new behavioural patterns and the transfer of individual loyalties and allegiances to the supranational level.

Using new institutionalist insights, the new model of integration will explain how a combination of historical institutionalism and sociological institutionalism can be used to provide a theoretical explanation for the Europeanization of public policy. The process of Europeanization has been described by Bulmer and Radaelli (2005:341) as “the construction, diffusion and institutionalisation of formal and informal rules and procedures which are incorporated and consolidated in the European policy process”. The validity of this conclusion and its relationship to the new syncretic model will be explored in chapters five and six of the thesis.

The preceding sections of this introductory chapter have sought to demonstrate how a multiplicity of integration theories have arisen in order to explain the evolution of the European Union and to assess the implications of the wider changes in the global

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environment in which it operates. It is understandable therefore that contemporary integration theories are now focussing their attention upon the importance of the idea of identity and the process of identity formation in the construction of a new type of post-national political system. Incorporating some elements of other integration theories, particularly federalism, neofunctionalism and institutionalism the constructivist approach is not a substantive theory of integration in itself, but is instead an amalgamation of approaches which is aimed at encouraging a more cross disciplinary explanation of the European Union as a unique political and supranational system.

As Christiansen, Jorgensen and Weiner (2001:2-3) point out, constructivist perspectives start from the premise that European integration has had a transformative impact on both the member states and the EU's political and economic systems and this on-going evolutionary process is changing the interests and behaviours of both institutions and individuals. For the constructivist, this change is manifested in a shift towards the supranational arena where citizens can more effectively pursue the realisation of their political objectives through the institution of European citizenship. In consequence, as the European Union's foundation is based upon a framework of shared legal and institutional norms, accepted rules and routinized practices (the *acquis communautaire*) constructivism is analysing how over time the gradual accumulation of new decisions and new rules is being incorporated into the formal structure of Europe's political system.

Building upon this idea Checkel (2001:52) highlights how constructivist approaches are concerned with the mechanism of social learning, a process whereby citizens "through interactions with broader institutional contexts acquire new interests and preferences" and through which citizens' political identities are shaped by integration. Rather than focussing simply upon those institutional changes caused by integration constructivist ideas stress the centrality of the individual citizen within the institutional framework and attempts to explain how integration is changing the nature of individual identities and behaviours through the practice of citizenship.

Constructivism has therefore reopened the contentious and often controversial debate about the possibility or desirability of the creation of a distinct European identity.

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Whilst nationalist and Eurosceptic critics may dismiss this idea as improbable, this thesis suggests that the profound impact of globalisation is fundamentally changing the way that individual citizens choose to define themselves and these changes are altering their political behaviours, activities and loyalties. Consequently it would be logical to conclude that the nature of identity is presently in a state of transformation and evolution

Whilst constructivism is primarily concerned with developing explanations for the way individual identities evolve and change it has not so far addressed how collective identities can be developed. In order to remedy this lacuna the syncretic model will argue for a re-appraisal of the idea of transactionalism developed by Karl Deutsch (1957, 1966, 1968, 1970). Writing at a relatively early stage of the integration process Deutsch's work anticipated many of the key problems currently facing the nation state and his analysis correctly identified that society would profoundly change as a result of technological innovation and increased communications and mobility.

The underlying premise in Deutsch's thesis is the recognition of the importance and centrality of the individual in political systems. For Deutsch, political systems are constructed and held together from within and the stability and cohesion of a system is based upon interdependence which is generated by the transfer of material objects, the transfer of services, the sharing of information or the movement of people, the sum of which he calls "transactions." As Deutsch outlines (1970:39) "it is the volume of transactions political, cultural or economic which throws a burden upon institutions for peaceful adjustment or change." In this sense, the thesis is arguing that transactionalism is not only anticipating, but also giving a theoretical justification for the increasing influence and role that informal integration is playing in creating pressure for reforms to Europe's institutional architecture.

From this initial understanding, transactionalism sees integration as the attainment within a given territory of a sense of community, a shift from *Gesellschaft*, or a people held together by self interest, the division of labour and legal contract towards the development of *Gemeinschaft*, a people held together by common sentiments and shared loyalties. In the context of the overall evolution of the European Union, it can be argued that Deutsch's analysis corresponds to the initial economic rationale for

integration and the development of the Single Market through to the current emphasis on the importance of identity and community and a more overtly political conception of Europe's institutions.<sup>6</sup> This is a conclusion which is reinforced and supported by Deutsch's (1970:247) linking of the issues of integration and citizenship, a process he describes as "the most effective among the political appeals and interests to be harnessed to the cause of integration, are appeals for new or greater rights and liberties for individuals and groups". As Nelsen and Stubb (2003:122) have identified Deutsch's ideas, and in particular, his analysis of the nature of political, economic and social transactions represent an innovative approach to integration theory which I suggest still has contemporary applications and relevance in today's Europe.

In conclusion it can be seen that integration theory is a rich and diverse field with a number of competing perspectives that purport to explain the evolution of the European Union. In contrast to the majority of other approaches this thesis seeks to challenge the notion that a single theory of integration is sufficient to capture the complexity of the European Union; instead by regarding integration as an open ended and cyclical process it will explore how due to changes in the wider economic, political and social environment different theories may be relevant at different times. Building upon this theoretical foundation, chapters six will argue that a new syncretic model of integration is necessary to reflect the accelerating processes of social change brought about by the impact of globalisation.

### **(1:6) The Europeanization of Citizenship.**

Eurosceptic opponents and critics of the idea of closer European integration point out with some justification that despite the professed enthusiasm and commitment to the concept of European citizenship and the development of human rights it has taken nearly four decades of integration for citizenship to be formally incorporated in the Maastricht treaty of 1992. Additionally, and despite the strong public support of the European Commission and the European Parliament the codification of fundamental rights into the proposed European constitution was decisively rejected by the French

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<sup>6</sup> As part of its political strategy to promote a greater identification with its European institutions the Commission (2005) has published an information booklet "Better off in Europe" an explanation of how the introduction of the single market was designed to benefit individual citizens.

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and Dutch electorates in direct referenda<sup>7</sup>. Whether this development represented a tactical political mistake by Europe's policy makers to create an all encompassing constitutional settlement, or reflected more widespread concern about other political issues such as immigration and the democratic legitimacy of the European Union is a subject of on going debate as the Austrian presidency (2006) tries to resurrect the idea of the constitution.

These contemporary developments do however, highlight the nature of the continuing debate between those who regard European citizenship as simply an expedient political mechanism designed to secure the economic objectives of the European Union and those who regard it as a more profound and paradigmatic shift in the future direction of democracy and accountable political representation.

The purpose of chapter five is to explore the validity of these essentially contradictory positions both from a historical and a theoretical background and through a framework of both integration and citizenship theory. In this respect the thesis will trace the development of European civil, political and social rights drawing parallels between their emergence and Marshall's linear model. Focussing on the formal introduction of rights (as previously defined) this section will incorporate a detailed analysis of the provisions of European citizenship contained in the Maastricht Treaty (1992) together with an appraisal of how the Amsterdam treaty (1997) has updated and strengthened the provisions on action against discrimination<sup>8</sup> and how this can be related to the emergence of new types of political identities.

Completing this part of the analysis chapter five will undertake a critical analysis of the European Commission's four reports on Citizenship of the Union and examine to what extent European citizenship has achieved its objectives and if the Commission (2004:10) is correct to claim that citizenship "has developed over twelve years of existence into a source of real and concrete rights".

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<sup>7</sup> The French referendum took place on 29<sup>th</sup> may 2005; the Treaty was rejected by a majority vote of 54.87% on a turnout of 69.3% of the electorate. The Dutch referendum took place on the 1<sup>st</sup> June 2005, and was rejected by a majority vote of 61.6% with a turnout of 62.8%.

<sup>8</sup> The Amsterdam treaty strengthened the anti-discriminatory basis of Citizenship providing remedies against discrimination based upon sex, racial or ethnic origin, religion and belief, age or sexual orientation.

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On a more theoretical level, the second part of chapter five will explore the importance of European citizenship in relation to wider political and social theory. Highlighting the positive interpretations of (Eder and Giesen 2001:267, Shaw 1997, Meehan 2000, 2001, Kostakopoulou 1998:160) the research will analyse whether citizenship can act as a catalyst for identity formation at the European level, providing a new understanding of politics and a means of creating an integrated community beyond the nation state.

Balancing these positive conceptions of the potential benefits of European citizenship with more negative interpretations, the analysis will explore Weiler's (1998:19) conclusion that there is an increasing alienation from the European Union by European citizens. He outlines that through a combination of the democratic deficit, a lack of accountability and the remoteness and opaqueness of European institutions the value of an individual in the political process has declined as a result of the process of European integration and despite enthusiasm for closer integration there remains an underlying resistance to the full constitutionalization of a European political status.

In summary, European citizenship remains a controversial subject that is closely linked to the political future of Europe. As the outgoing president of the European Commission Romano Prodi (2004) has made clear " over the next few years one of our objectives will be to put the principle of European Citizenship into practice...now that the Union's final borders are becoming clear, the time has come to start thinking about a real European identity".

The final chapter of the thesis will relate these aspirations to the contemporary and emergent integration theories of new institutionalism, transactionalism and constructivism developed in chapter four. This comparison will be undertaken in order to establish if European citizenship is more than a legal status and a set of intangible rights and undefined responsibilities or if through both short and long term deliberate political reforms and through the processes of informal integration it can become a central feature of a new type of supranational political system based on universalist principles of equality, democracy meaningful political participation and social justice.

**(1:7) Citizenship, Legitimacy and Identity in the European Union.**

Recognising that one of the principal purposes of new political theory is to act as an interventionist critique to establish normative patterns about the probable future of integration, chapter six will apply the proposed syncretic model of integration and citizenship to contemporary political developments.

Relating the theory of historical institutionalism analysed in chapter four to the specific activities of the ECJ the chapter will undertake a detailed case study to demonstrate how the ECJ has extended citizenship rights far beyond that envisaged in the European Union's formal treaties, creating in the process a hierarchy of European social citizenship rights. Emphasising that the ECJ's legal judgements have no basis in direct political legitimacy, the chapter will provide further evidence to support the model's hypothesis that citizenship is an integral part of the process of informal integration and that citizenship has been an important factor in the development of Europe's supranational institutions and the procedures and practices which underpin them.

Describing how sociological institutionalism has identified the ECJ to be a key motor of integration chapter six will also seek to demonstrate how through its expansive judicial activism the ECJ has created the environment and conditions which have created the political demands for some form of final constitutional settlement for Europe. Tracing the history of the proposed European constitution through to the agreement of the terms of the Lisbon Treaty (2007) chapter six will highlight how the European Union is trying to consolidate and legitimise informal practices and procedures into its formal institutional structure. Analysing the specific provisions of the Lisbon Treaty (2007), the chapter will describe how its proposed reforms revise the institutional structure of the European Union. Specifically, the chapter will focus upon how the granting of the same legal status to the *Charter of Fundamental Rights of the European Union* as to that of the European Union's founding treaties will significantly enhance the status of European citizenship placing the citizen at the heart of Europe's political system. Assuming the Lisbon Treaty (2007) is eventually

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ratified<sup>9</sup>, the chapter will also explore how the conclusion of a lengthy programme of formal institutional reform will now allow the Commission to embark upon a new phase of constructive formal integration, the development of a distinct European identity and the promotion of a more overtly political conception of the European Union through the development of a more active and participatory concept of European citizenship.

Introducing the theoretical ideas of constructivism and transactionalism to the model the final part of chapter six will build upon Munch's (2001:146) idea of "identity formation through homogenization" and his conclusion that "European identity is formed in the context of a dialectic of identity gain and identity loss and when successful it implies identity growth". Avoiding the reductionist trap of merely associating the concept of European identity to the symbolic trappings of the nation state or associating it with a basic functional support for the economic benefits of European Union membership analysts such as Weiler (1997:287) reject the notion of developing shared cultural affinities and argue instead that the European Union should encourage support for the Union's shared values of rights and duties expressed in its constituent documents. Such conclusions place the idea of identity and community as essential components of the composition of modern citizenship

Developing this idea chapter six will analyse the Commission's *Europe for Citizens* programme 2007-2013 describing how this initiative explicitly sets out that European citizenship is an important element in strengthening and safeguarding the process of integration. Additionally, chapter six will explore how the Commission aspires to promote cultural and linguistic diversity and enhance tolerance and understanding through intercultural dialogue and a more active engagement with Europe's political institutions. Relating these developments to the proposed theoretical model the chapter will posit that the *Europe for Citizens* programme corresponds to the transactionalist ideas of the promotion of identity through mobility, education and culture.

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<sup>9</sup> Implementation of the Lisbon Treaty requires ratification by each of the 27 member states under their own internal constitutional arrangements. Following the rejection of the Treaty in the Republic of Ireland's referendum held on 12/6/08 by a margin of 53.4% to 46.6% the immediate future of the Treaty is unclear.

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Analysing the second initiative the *New Culture Programme* (2007-2013) chapter six will evaluate the Commission's conclusion that for citizens to give their full support and to participate fully in European integration greater emphasis needs to be placed on Europe's common cultural values. Relating this development to Marshall's (1992:28) conclusion that social citizenship rights should include the full access to and participation in the cultural life of society, chapter six will explore the relationship between cultural identity and European civil society. Introducing constructivist ideas about the process of identity formation chapter six will question whether initiatives such as the *European Capitals of Culture* programme and more recent proposals to create an annual European prize for literature and an annual prize for European architecture represent the beginnings of a more pronounced effort to develop a European civil society and public space.

Taken together the Commission's initial programmes aimed at developing European citizenship and European culture appears to conform to its favoured incremental political strategy of measured progress in non controversial areas. Recognising however, that full political integration is by definition more problematic and long term, the Commission has through its working paper *Building a Political Europe; 50 Proposals for the Europe of Tomorrow* initiated discussions about other more innovative and radical reforms. The final part of chapter six will analyse the implications of the initiatives proposed in this document which sets out that the grand ambition for the next 20 years is the building of a political Europe. Highlighting that the Commission seeks to redefine the European project as a balance between economic prosperity, social justice and conservation of the environment the report sets out that Europe's institutional structure will have to be reformed to create fully legitimate political institutions and through the development of mechanisms which promote the deepening of representative and participatory democracy. Relating these aims to the specific development of citizenship, chapter six will analyse the implications of the proposed introduction of a European Minimum Income, the introduction of responsibilities that citizens owe to the European Union and measures such as the Citizens Initiative which are aimed at creating a more direct relationship between Europe's citizens and its supranational institutions. Concluding the analysis, chapter six will outline, how if implemented, these measures will radically transform

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the nature of modern citizenship completing its transition from a transnational status to a post-national practice.

### **(1:8) Evaluative Summary.**

The thesis aims to provide an objective and balanced set of conclusions of the overall impact of European integration on the development of citizenship by analysing the evidence discovered against the original research questions and objectives which framed the context of the research. Throughout the analysis, the thesis will seek to outline the close inter-relationship that exists between the accelerating impact of the processes of globalisation and the contemporary political, economic and social challenges which the European Union now faces.

Taken in isolation, it would be easy to adopt a reductionist viewpoint and dismiss the current provisions of European citizenship as a set of intangible and abstract rights which privilege the interests of a small socio-economic elite, however as chapters three and four will show both integration and citizenship are complex and evolving institutions which are subject to long term changes in the wider political environment. Viewed historically, the emergence of distinct European civil, political and social citizenship rights, and the institutional framework which facilitates their realisation have emerged in a relatively short space of time, although the underlying motivation for the need for integration predicated upon the development of human rights policy and democratic practice has been a consistent feature of the political construction of Europe since the Second World War.

This on-going process has been given renewed impetus by the stated objectives of the European Commission to legitimise the increasing political centralisation of decision making through the practice of citizenship. Implicit in this decision is the recognition of the fact that there appears little likelihood in the short term, of the effects of globalisation receding and that the tension between centralisation on the one hand, and an increasing individualisation and disengagement with traditional politics on the other, is contributing to a growing alienation from the European Union. Compounding this tension is the realisation that if Europe is to meet the challenges of post-industrial society and satisfy the growing demands of a demographically ageing and multi-

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cultural population, whilst at the same time remaining economically competitive in a globalised world economy, it needs to create internal stability and social cohesion and more generally an identification with and commitment to, the economic and political objectives of the European Union.

The combination of all these factors suggests, that given the widespread recognition of the inability of individual nation states to resolve increasingly complex and internationalised problems there will be continuing pressure for the transfer of even more aspects of the member states' functions into the supranational arena. These developments highlight that the processes of integration both formal and informal are transforming the way individual citizens can influence the legal, political, economic and social decisions which affect their lives providing a clear link between integration and citizenship as a meaningful democratic practice.

There is a considerable volume of academic analysis devoted to the subject of the European Union and the concept of citizenship. This thesis is however, not intended to be a simple normative or revisionist account of integration and citizenship history, instead, it represents a systematic attempt to prove a historical and theoretical relationship between the two issues by updating them in the light of contemporary developments and changing political practices. Adopting a cross-disciplinary and syncretic analysis the research is arguing that a single theory of integration is insufficient to capture the complexity of the European Union and highlighting why a new model of integration is required in order to explain the increasing importance of the impact of informal processes which are currently shaping the form of trans-national European citizenship.

Based upon these findings the thesis will attempt to show that the evolution of citizenship did not end with the creation of the welfare state, but through the institutions of the European Union has evolved into an imperfect form of trans-national citizenship which has de-coupled the concept from those of ethnicity and the nation state. This conceptual disengagement, coupled with the aspirations of the European Commission to build a more overtly political Europe will ensure that the practice of citizenship and its role in legitimising continued integration will remain a primary feature of the continued development of Europe as a supranational system. In

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conclusion, therefore this research seeks to demonstrate an original link between integration and citizenship theory and thereby contribute to a more complete and nuanced understanding of the unique and complex political phenomenon that is the European Union.

## **(2) Globalisation and the European Union; Challenges and Opportunities for a Supranational Political System.**

The crucial first insight is that without Europe there can be no response to globalisation...there is no way out of the global trap, but there is a trans-national one: a trans-national structure as large as the European Union could restore the primacy of politics, could make it possible for participating states to engage in democratically accountable action on issues of social and economic policy. Beck (2000:158-159)

### **(2:1) Introduction**

This unequivocal statement from one of Europe's foremost contemporary theorists provides a useful introduction into the economic, political and social landscape that faces the European Union in the twenty first century. The global environment today is markedly different from that of the past and accordingly the political strategies and policies necessary to resolve new types of challenge and, maximise the advantages of new type of opportunities need to reflect these changed circumstances. If individual member states' are to resolve the social differences and tensions that are emerging in their multi-cultural and demographically changing societies, whilst at the same time satisfying the demands of their increasingly sophisticated and materialistic electorates then their joint project to create a politically and economically unified Europe is becoming a necessity rather than a policy option.

Drawing upon this initial perspective, the purpose of chapter two is to frame the theoretical context of the research and to highlight the close inter-relationship between the impact of globalisation and the profound changes in European civil society which we are currently witnessing. Exploring these developments the central propositions underlying this thesis seek to demonstrate how as a result of globalisation, European integration has entered a new phase of informal integration; a type of integration whereby developments are occurring not as a result of deliberate political decisions or the enactment of formalised treaties but through other uncontrolled and unregulated

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mechanisms and processes.<sup>10</sup> As Rifkin (2004:224-226) has observed, the old centralised top down models of governance with tight control mechanisms and strong regulation are slowly giving way to new process orientated models.

The purpose of chapter two is to highlight the cumulative impact of these developments and to explore the impact of how individuals are pursuing the advancement of their own rights and interests (through supranational institutions) and how, through technological advances and wider access to mass communications, the gradual homogenisation of elements of language, cultural practice and patterns of consumption is affecting the nature of individual and collective identity.

In some respects it can be argued that the European Commission has recognised the problematic nature and negative implications of the growing influence of these informal types of integration by prioritising European citizenship as an important mechanism to legitimise continued integration. One of the core elements of this thesis is an assessment of the implications of this decision and to analyse if through the promotion and development of European citizenship, European civil society can create the robust political structures and democratic practices that reflect the aspirations of its citizens and at the same time address the current problems facing contemporary society.

In order to develop this theme and the deepening relationship between integration, globalisation and citizenship, the remainder of chapter two will focus on several key areas. At the outset it will establish the theoretical and practical importance of the radical changes that have occurred in the shift from creating a simple economic community to the development of a deepening political union that is closer to its people. In the process it will also analyse the unique nature of the European Union and describe how its current trans-national institutions and policies represent the first kind of post-modern supranational political system, a system which is intended to provide trans-national solutions to internationalised problems that cannot be resolved by the actions of individual nation states acting unilaterally.

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<sup>10</sup> A graphic example of this shift in emphasis is the failure to agree and implement the proposed new European Constitution which was effectively de-railed by the rejection of the French and Dutch electorates in direct referenda.

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Having identified that globalisation is likely to be one of the key challenges to the continued success of the European Union, it is important to clarify our understanding of this broad generic term and to define which aspects of globalisation are influencing changes in the framework of the European Union as a system of supranational governance.

Globalisation is of course a complex phenomenon and is as Delanty (2000:83) explains much more than the westernisation and Americanisation of the international political economy. Recognising that globalisation now intersects with the political, legal and social environment the thesis will adopt Waters (1995:5) definition which concludes that globalisation is “ a social process in which the constraints of geography on economic, political, social and cultural arrangements recede, in which people become increasingly aware that they are receding and in which people act accordingly”. Waters definition, neatly encapsulates the idea that as globalisation has expanded it has become synonymous with social transformation and has facilitated changes in behaviours and attitudes thereby promoting wider societal change. Recognising the transformative impact of globalisation in this way, highlights its essentially dualistic and contradictory nature, where on the one hand, globalisation promote integration, homogeneity and social cohesion, or alternatively if it is unregulated, globalisation can potentially cause fragmentation, polarisation and conflict. As Delanty (2000:85) concludes “globalisation is best seen as a field of tensions in which cultures are more exposed to each other...in the new culture of flows, individuals and groups can create identities more easily”.

Relating these ideas to a specific analysis of the European Union, the thesis will seek to demonstrate that globalisation has qualitatively changed the nature of integration and changed the basis of the political and social environment which constitutes European civil society. Consequently, if the European Union is to achieve its objectives of creating social cohesion by taking advantage of these changing behaviours to create a new type of European identity then it will need to establish new types of legitimate procedures and practices which reflect the profound changes which have taken place. As subsequent chapters will explore, this in part explains the decision of the

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Commission to attempt to legitimise further integration through the development of European citizenship.

Refining the understanding of globalisation further, the thesis is primarily concerned with the nature of the societal changes brought about by the impact of its accelerating processes of transformation and in particular the fundamental changes to the nature of individual and collective identity and the changes in behaviours which are altering the way citizens both conceive and exercise their political rights. These issues have direct contemporary relevance and are currently shaping the political and public discourse both in the European Union as a whole and in its individual member states. The cumulative internal challenges that have emerged as a result of long term policies of immigration, asylum and economic migration are now bringing into sharp relief the difficulties in resolving the seemingly intractable differences inherent in an increasingly multicultural, multi-ethnic and multi-faith society.

In the aftermath of the terrorist attacks in New York, Madrid and London<sup>11</sup> and the invasions of Afghanistan and Iraq as part of the war on terror, the idea of multiculturalism has become the subject of increased controversy re-igniting the debate about the legitimate role of the private and public expression of identity and the appropriateness or otherwise of granting individual or group rights. At the heart of this debate, which is presently narrowly and erroneously categorised as a conflict between Islamic and Christian values, lies the political decision as to whether the consolidation of group rights and cultural identity promotes equality, social cohesion and social justice or alternatively undermines and weakens the very concept of integration. This dichotomy of whether it is preferable to promote integration as assimilation into the dominant majority culture or conversely, to encourage the development of a new type of civil society based upon pluralistic co-existence, cultural diversity and a commitment to a common set of shared values, is a key link in the future development of the European Union drawing together continued integration, identity and European citizenship

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<sup>11</sup> The twin towers in New York were destroyed in terrorist attacks on 11<sup>th</sup> September 2001. The Madrid rail system was attacked on 11<sup>th</sup> March 2004; The London Underground and public transport systems were attacked by suicide bombers on 7<sup>th</sup> July 2005.

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Multiculturalism, however, represents only one aspect of more widespread societal trends that are changing the basic political, economic and social structures of western liberal democracies. In the political arena we are witnessing what Garton-Ash (2005:220) terms “an active disengagement” from politics, which is reflected in declining voter turnout, falling membership and support for traditional political parties coupled with a level of scepticism and mistrust which is calling into question the democratic legitimacy of the current political system. What is both interesting and pertinent in Garton-Ash’s analysis is the notion that citizens are not apathetic in general political terms, but the existing formal structures and mechanisms no longer seem relevant to the realisation of their individual aspirations.

In simple terms, political identity and political activism is increasingly being dominated by single issue politics such as the anti-globalisation campaigns, environmental protection and gender politics. In an age of instantaneous communication through text messaging, mobile phones and the internet, representative democracy confined to participation in elections every four or five years is rapidly becoming anachronistic to a generation that expects instant results. The challenge for the European Union is to adapt these new technologies into its institutional framework and to develop a workable political system that encourages participation and confers democratic legitimacy.

This introductory section has highlighted that globalisation can be perceived as both the major challenge and the political and economic opportunity for the continued development and success of the European Union. The remainder of the chapter will focus in more detail on these specific questions and analyse how through its historical evolution the supranational and flexible nature of Europe’s institutional system may be the only viable mechanism which can provide practical policy solutions to the challenges of a globalised world.

**(2:2) From Community to Political Union; the Evolution of the European Union as a Supranational Political System**

Outside of academic disciplines and specific socio-political analyses it is difficult to discover either objective or neutral coverage of the nature, purpose and achievements of the European Union. As Young (1998:3), points out reports of European developments, legislative initiatives or Commission directives are often portrayed in only the most negative, emotionally opinionated and pejorative sense. The litany of populist condemnation of every facet of the European Union's activities is often expressed in contradictory terms, for example criticisms of the European institutions as remote and divorced from its citizens run concurrently with allegations of over interference and overt interventionism. Whilst acknowledging that to a casual observer the complicated nature of Europe's supranational institutional framework tends to render it opaque rather than transparent, the over emphasis on perceived bureaucracy, waste and corruption does not represent a balanced view of the beneficial policy initiatives and resources that the European Union has introduced at both a regional<sup>12</sup> and international level<sup>13</sup>. It is often overlooked that the European Union is in fact the worlds biggest donor of official development aid and the promotion of world trade and the elimination of global poverty remain important political objectives.

Despite this, legitimate concerns are frequently expressed about some of the European Union's policies, particularly the impact and the unfair distortion in the world trade in basic food commodities that the allocation of subsidies to European producers has upon on third world economies. This is a situation which is an unintended result of the continued operation of the Common Agricultural Policy and given the reliance and domestic political pressures that major European countries such as France place upon agriculture, radical reform appears unlikely in the short term.

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<sup>12</sup> The European Regional Development Fund was introduced in 1975. The total budget for development and the European Social Fund for the period 2000-2006 was Euro 213 Billion.

<sup>13</sup> The European Union has been a longstanding provider of foreign aid to Africa, Caribbean and pacific countries through the four Lome conventions (1975-1989) and more recently through the Cotonou agreement 2000. ( Eurostat 2005). The European Union introduced the Phare programme in 1989 to provide financial resources and technological assistance to the former Central and East European countries following the collapse of the Soviet Union.

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More recently, the conflicting attitudes and interests of individual member states has highlighted the fact that despite having a Minister for Foreign<sup>14</sup> affairs, Europe has been unable to develop and act upon a coherent and unified foreign policy on important military issues such as the war in Iraq and the humanitarian crisis that has emerged in the Sudan. Less sensationally and by implication less newsworthy are the unified approach to the issues of nuclear proliferation and the lead the European Union has taken in negotiations with Iran over the limitation of its nuclear power programme.

Taken at face value, the accumulation of this mass of negative evidence could lead us to the conclusion that the European Union is a system which is in deep political crisis; an overloaded institutional system which is divided and fractured. The reality however is somewhat different, across Europe there is a broad identification and satisfaction<sup>15</sup> with the European Union and its underlying institutional, economic and political system can be argued to have delivered a remarkable and unprecedented level of prosperity, rising living standards and democratic political and social stability for the millions of its citizens<sup>16</sup>. It is interesting to consider that whilst support for the European Union varies from country to country (the lowest being the United Kingdom) approval of membership is strongest in countries that are longstanding members and the majority of European citizens support continued membership.

The criticisms and institutional failures that have been identified in this overview form the basis of the European Union's internal debate on future reform and in relation to the structure of my argument demonstrate the link between the responses to globalisation, the legitimisation of continued integration and the development of accountable political representation. The European Parliament's opinion on the proposed European Constitution<sup>17</sup> supports this viewpoint drawing together the need for greater clarity as to the Union's nature and objectives, greater effectiveness and a

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<sup>14</sup> The current Minister is Javier Solana.

<sup>15</sup> In a 2004 survey for Eurostat 8 out of 10 Europeans claimed to be either very satisfied or fairly satisfied. The size of the sample was however not publicised.

<sup>16</sup> The population of the EU 25 in 2004 was recorded at 457 million. The accession of Bulgaria and Romania in 2007 will increase the population to 487 million. (Eurostat 2005)

<sup>17</sup> The European Parliament accepted a report authored by Richard Corbett and Inigo Mendez on 12.1.2005 by 500 votes to 137 with 40 abstentions.

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strengthened role in the world, more democratic accountability and transparency and more rights for European citizens.

This aspect of the development of a more politically integrated Europe and the debates surrounding the necessity for the creation of a distinct European Constitution that is simple, transparent and which formalises not only rights but also civic responsibilities and identity will be further explored in chapter six of this thesis. The agreement and implementation of the Maastricht Treaty (1993) created millions of European citizens who are individual participants in a unique and new type of political and economic experiment that created legally enforceable transnational rights, it is appropriate at this stage therefore to analyse and define the nature of the political system that the peoples of Europe have been entered into.

The preceding sections have sought to demonstrate how as a result of the intended and unintended consequences of both formal and informal integration responsibilities for crucial political, legal and economic decision making has been transferred from the nation state to a supranational European level. The architectural framework of institutions, instruments, policy mechanisms and infra-structure which facilitates this process represents the latest stage in the continued evolution of the European Union and represents developments which are a radical departure from traditional models of political organisation, as Lehning and Weale (1997:3) have concluded “Europe is a form of political life which should have its own corresponding and distinctive political theory”. What they are implicitly recognising in reaching this conclusion is that the evolution of the European Union requires periodic re-assessment in the light of the external and internal factors which are influencing its development, a position which Anderson and Eliassen (1996: 3) support in their view of the European Union as a system “characterised by continuous change into new and more complex political constructions”.

Providing a relatively simple definition of the European Union is therefore fraught with difficulties and the idea of Europe remains as Delanty (2000:2) states, a “contested concept”. As Van Ham (2001:172-173) has cogently explained, dependent

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upon the ideological perspective of the author, both minimalist and maximalist<sup>18</sup> explanations of its core elements, its potential, its international influence and its likely future development have been put forward. Despite the wide variety of conflictual conceptual analysis which has been produced it is possible to discern some specific patterns of agreement and consensus which can lead us to an initial definition and understanding of the system as it is presently constituted.

The principle area of agreement and the driving force behind continued research in this area is the idea that the European Union is a unique and entirely new form of political organization (Gavin 2001:16, Pinder 1998:1, Kostakopolou 2001:4, Bressand 1992:40, Corbett 1998:2).

Whilst some of the characteristics, features and behaviours of Europe's institutions conform to classical definitions of formal integration that typify federal, quasi-federal, functionalist, neofunctionalist and intergovernmental organisations, the system as a whole, is a complex hybrid which Helen Wallace (2001:12-13) describes as a "multi-framework, multi-layered, multi-lateral and multi-purpose transformation inducing framework for its participants". In this sense, Europe could be regarded as the start of the first truly post-national political system reflecting not simply a geographical and geo-political entity but more of what Lovell (2003:122) calls a "political and cultural ideal." The importance of this shift in emphasis and the growing influence of informal integration inherent in institutionalist, transactionalist and constructivist theory will be developed in greater detail in chapters four and six of this thesis.

In terms of this analysis, the salient point to be extracted from this aspect of the literature review on integration is the idea that the evolution of the European Union is an open ended and non deterministic process which produces a political system that does not have a pre-determined *telos* or architectural blueprint, but is a system that is subject to constant evolution, adaptation and change. With the benefit of hindsight it is interesting to note how closely these modern interpretations correspond with the ideas of one of the pioneering spirits of European integration Count Coudenhove-

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<sup>18</sup> Minimalist interpretations argue that European Union citizens have offered their permissive consensus to integration without questioning democratic legitimacy and accountability. The maximalist view stresses the idea of Europe as a political vehicle to counter-act materialist values and to achieve a more egalitarian type of society.

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Kalergi who at The Hague Congress of Europe in 1948 declared “European Union is a means and no end”.

Adopting a basic non-deterministic position, parts of this analysis seek to challenge Nationalist rhetoric that Europe aspires to become either a “super-state” or the Euro-Gaullist fantasy of becoming a European superpower that can challenge the hegemony of the United States of America. Despite popular perceptions, at the present time there is little evidence to suggest the existence of any deliberate or coherent master-plan to institute a political system that completely replaces identification with or loyalty to sovereign member states; on the contrary the available evidence reinforces the idea of Europe and European citizenship as complementary to national and personal identity.

Based on these conclusions, and with the caveat that the definition will necessarily change or be superseded as the European Union evolves<sup>19</sup>, a working definition for the purposes of this analysis is that of a union which is an open-ended and evolving system of supranational governance aimed at promoting security, stability, justice and equality through an ever closer union of the peoples of Europe. By pooling sovereignty and acting as a unified body the European Union is invested with the necessary competencies and authority to act in ways which transcend the limitations of its individual member states and thereby develop practical solutions to increasingly globalised problems.

The historical evolution of the European Union has been comprehensively documented and analysed, see particularly (Arter 1993, Holland 1993, Burgess 2000, Dinan 1994, Thody 1997, Pinder 1998, Lindberg 1963, Henig 1997). What is distinctive about this analysis is a further investigation into Delanty’s (2000:110) hypothesis that its development has proceeded in distinct phases, a process of development that continues to be driven not only by the creation of institutions and measures to realise its own objectives, but also as a necessary political response to changes in the wider international economic and political environment. In the absence of any clearly identifiable linear progression, this uneven evolution, often characterised by periods of rapid advance and also by periods of relative stagnation

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<sup>19</sup> In the same way that definitions of the European Coal and Steel Community or Europe prior to the S.E.A or Maastricht were accurate at the time they were devised

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can explain the transition from the relatively simple European Coal and Steel Community to the complexity and sophistication of today's multi-levelled supranational system.

Charting the progress of five decades of European integration highlights the radical societal and political transformations that have occurred since the end of the Second World War. Against this background, and recognising its central relationship to international relations and the global economy it is axiomatic that the European Union has had to adapt its own values, objectives and priorities and to develop appropriate structures and mechanisms that are flexible and robust enough to keep pace with contemporary developments.

Combining these internal and external factors Delanty (2000:110) proposes that it is possible to identify three distinct phases of European integration. The first phase (1945-1979) essentially represented the social and economic re-construction of Europe in the aftermath of the Second World War with the principle objective of developing a political system that would prevent the re-occurrence of the nationalistic rivalries and armed conflicts that had devastated Europe throughout the century. The creation of the European Steel and Coal Community (1951)<sup>20</sup> was therefore intended to integrate the heavy industrial production which is necessary for armament manufacture making unilateral military build up by individual states impossible and encouraging the creation of a new culture of co-operation through the operation of shared institutions. The theoretical underpinnings of the adoption of this approach will be analysed further in chapter four through an exploration of functionalist and federalist strategies and in chapter six in modern interpretations of the importance of historical institutionalism.

The search for peace and reconstruction during this period was of course influenced by the changed geo-political situation which developed as a result of the escalating tensions of the cold war. A divided Germany and Eastern Europe under effective Soviet control (the so called Iron Curtain) ensured that a successful, prosperous and

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<sup>20</sup>The Treaty of Paris which established the ECSC (1951) created a common market in coal and steel. The participant countries were Belgium, Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands.

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stable Western Europe was an important part of America's strategy of containing what was perceived as an expansionist Soviet Union. In consequence, the necessity to prioritise the rehabilitation of the defeated powers and create a unified Europe led to the provision of substantial financial assistance (The Marshall Plan) along with military and nuclear support to develop Europe as an international force capable of acting as a bulwark against the further spread of Communism.

The success of this first initiative and the recognition of the economic advantages to be obtained in pooling resources and acting in concert encouraged the participating states to expand their objectives leading to the signing of The Treaties of Rome (1957)<sup>21</sup> establishing a common market in goods and services. The economic success of this new community subsequently led to the first enlargement with Denmark, Ireland and the United Kingdom joining in 1973. These rapid initial advances were however to be later constrained by a period of economic instability in the world's money markets following the decision of the United States to suspend the convertibility of the Dollar, a situation which was exacerbated by the detrimental impact on inflation and production created by the oil crises of 1973 and 1979. The vulnerability of European economies and their exchange rates to external shocks led initially to the introduction of the European Monetary System (1979) and to a general re-thinking of the type of system that would be necessary to preserve the growth and prosperity demanded by the citizens of the participating countries. The second phase of integration which spanned the 1980's was aimed at deepening economic integration and at the same time expanding the European Union through the second enlargement of the community with the accession of Greece in (1981) and Spain and Portugal in (1986).

Despite a worldwide economic recession, the future ambitions of the European Community were set out in the publication in 1985 of a white paper establishing a timetable for the completion of a European single market by the 1st January 1993. This landmark treaty known as the Single European Act was signed in February 1986 and came into force on the 1<sup>st</sup> July 1987. Despite the claim of the European

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<sup>21</sup> The Treaties of Rome established the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM). As a result customs duties between the member states were abolished and common policies on trade and agriculture adopted during the 1960,s.

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Commission (2005:5) that the idea of the single market is simplicity itself and simply a recipe for economic prosperity, its other long term implications are only now becoming apparent; these unintended consequences brought about by the exercise of the right of freedom of movement and increasing economic migration will be explored in greater detail in the analysis of the problems of multi-culturalism later in this chapter. Far from being a simple economic measure, the Single European Act laid down important provisions for future European political co-operation, increased the influence of the European Parliament through the co-operation procedure and extended the principle of qualified majority voting in the European Council, additionally it extended the Council's competencies to include new policy areas of social policy and the environment, issues which would become more important in future years.

From a political perspective, this period was marked by the historic events initiated by the fall of the Berlin wall in 1989 followed by the swift reunification of Germany on the 3<sup>rd</sup> October 1990. The collapse of Communism and the return to democracy of the Central and Eastern European countries which broke away from the Soviet Union<sup>22</sup> meant that the political and economic landscape of Europe had fundamentally changed. The ending of the cold war and the triumph of neo-liberalism over state centralism not only entrenched neo-liberal ideas of capitalist de-regulation and privatisation and consolidated the emergent democratic systems into this model,<sup>23</sup> but opened up the possibility of the exploitation of new markets and the opportunity for enlargement to the East which would make the European Union a more influential global actor.

The third phase of Delanty's hypothesis incorporates the developments from the 1990's to the present day. Emphasising the symbolic importance of the name change to European Union, Delanty develops the argument that Europe's principal objective has become social integration and not simply economic and political steering. From this perspective the original objectives of securing peace and economic prosperity

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<sup>22</sup> The Soviet Union ceased to exist in December 1991.

<sup>23</sup> The entrenchment of neoliberal philosophy was further consolidated with the introduction of the criterion contained in the growth and stability pact supporting the Euro, and for new applicant countries the Copenhagen criteria agreed in 1993.

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have been accomplished to be replaced by newer questions of identity, culture and citizenship which are arising as a result of the processes of globalisation.

The latest institutional developments of the European Union lend support to this argument; the Maastricht treaty (1991) not only gave a formal basis to European Union and set the goal of monetary union by 1999<sup>24</sup>, but also established European citizenship, a development which this thesis contends has profound implications for the concept of national identity and the nation state. The treaties of Amsterdam signed in October 1997 and implemented in 1999 and the Treaty of Nice signed in February 2001 and adopted in 2003, further amended and consolidated the existing treaties and streamlined the Union's decision making system in preparation for the accession of the next wave of applicant countries.

The continued success of the European Union in delivering sustained economic prosperity and growth has persuaded other countries of the benefits of membership and the enlargement process has continued with Austria, Finland and Sweden joining in 1995. Following a decade of negotiation and implementing decisions reached at the Luxembourg Council 1997 and Helsinki Council 1999 and agreement in 2002 that the comprehensive criteria specified in the Copenhagen criteria<sup>25</sup> had been satisfied, the European Union embarked upon its most ambitious enlargement with the accession in 2004 of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. This enlarged European Union of twenty five countries and over 454 million citizens is set to extend even further with the accession of Bulgaria and Romania in 2007.

The process of enlargement and expansion which has culminated in the European Union we see today is approaching its upper limits; the most contentious and problematic area that remains is the status of Turkey which has long sought membership. Ostensibly the Turkish application has been rejected on the grounds of human rights violations, and its invasion and occupation of Northern Cyprus, however

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<sup>24</sup> The Euro which replaced the existing currencies of 12 member states was introduced on 1<sup>st</sup> January 2002.

<sup>25</sup> The Copenhagen criterion (1993) specifies the conditions for membership. It includes guarantees of democracy and respect for human rights, the operation of a functioning market economy, and acceptance of the aims of political, monetary and economic union contained in the complete body of European law the *acquis communautaire*.

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the fact that despite being officially a secular state the majority of the large Turkish population are Muslim, and in Western European terms relatively poor indicates that the debate on what it means to be a “European” is far from resolved. Despite these reservations the commencement of accession negotiations with Turkey indicates the European Union understands not only that its own ageing population will require an influx of new workers in the coming decades, but more fundamentally that the peaceful resolution of the presumed conflict between Islamic and western liberal values represents an immediate priority. In self-interested and cynical terms the provision of economic aid, incentives and support may prevent the emergence of a radical Islamic fundamentalist state on Europe’s doorstep. It is a reflection of changing global circumstances that despite the years of peace and stability that the European Union has enjoyed, security has once again returned to dominate the political agenda.

Taken as a whole, a balanced assessment of the evolution, history and legacy of the European Union leads this thesis to argue that the European Union has been an original and successful experiment in political institution building, creating a stable system that has delivered unprecedented levels of peace and economic prosperity enshrining the concept of democracy and human rights.

The decades of continued integration demonstrate that integration itself is an open ended and long term generational process and that despite setbacks, Europe has responded to different challenges whilst at the same time moving ever closer towards political union. The success of the European Union in achieving its objectives is in part due to the flexibility and durability of its supranational system, accordingly the following section will analyse the defining characteristics of these new institutions.

### **(2:3) Understanding the Nature of Europe’s Supranational Institutions.**

It is understandable that the gradual emergence of a new type of political system which incorporates significant political, legal and economic changes has proved to be a fertile ground for detailed analyses across a wide range of academic disciplines, accordingly there is a wealth of material that comprehensively explains the workings

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of the European Union, in particular see (Richardson 1996, Dehousse 1998, Dinan 1994, Haltern 2004, Bellamy 1996, Bernhard 2002, Hooghe 2001, Warleigh 2002). More generally, and as part of its overall strategy to make the European Union more transparent and accessible, the European Commission also produces straightforward user guides in both booklet and on-line publications aimed at informing and empowering the ordinary European citizen<sup>26</sup>.

In defining the European Union as a new type of supranational type of political system it is appropriate at this juncture to justify this position by examining its legislative processes and highlighting the features which make it distinctive and unique. The basic mechanics of Europe's political system are based upon its so called "three pillars" a structure which has arisen as a result of the consolidation of the decisions made in its founding treaties<sup>27</sup>. The three pillars reflect different policy areas (the Community domain, Common Foreign and Security Policy, police and judicial co-operation in criminal matters); areas which involve different decision making systems. Facilitating this system and responsible for its operation is an institutional triangle consisting of the European Commission whose function is to promulgate the interests of the European Union as a whole, the directly elected European Parliament which represents the interests of European citizens and finally the Council of the European Union<sup>28</sup> which represents the interests of the member states<sup>29</sup> (a description of the composition and competencies of these institutions can be found as appendices to the thesis.) The European Council which represents the highest level policy making institution, comprises of the Presidents and Prime Ministers of member states who meet in quarterly summits to agree overall policy objectives and review progress. The role of the European Court of Justice and its influence on informal integration through the process known as judicial activism will form the basis of chapter six.

The interaction of the three primary institutions in the day to day legislative process exhibits characteristics of federal, quasi-federal, functional, neofunctional,

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<sup>26</sup> Publications are published by the Office for Official Publications of the European Communities and are also available on-line at [europa.eu.int/comm/publications](http://europa.eu.int/comm/publications)

<sup>27</sup> The Treaty of Paris (1951) the Treaty of Rome (1957) The Maastricht Treaty (1993)

<sup>28</sup> The Council of the European Union was formerly known as the Council of Ministers. It comprises government ministers from all the member countries.

<sup>29</sup> Other important institutions include The European Economic and Social Committee, the Committee of the Regions and the European Investment Bank.

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institutional, and liberal intergovernmental approaches to integration. This is an important distinction because it demonstrates the continued relevance of a number of integration theories a subject that will be explored and developed in greater detail in chapter four.

In broad terms therefore it is the European Commission that proposes and initiates new legislation under the “right of initiative” and the Council and Parliament which formally enact it into European law. It should be noted however that any proposals for the creation of new European law must be based upon a specific treaty article. The purpose of this action is to create a legal basis for the legislation and determine which of the legislative procedures need to be followed. Based on this initial premise the European legislative system has three main procedures the consultation procedure, the assent procedure and the co-decision procedure. Under the consultation procedure which includes the crucial areas of asylum and immigration, citizenship, economic policy and the revision of treaties, the Council consults the European Parliament who can approve the Commission proposal, reject it, or amend it. If the proposal is amended, the Commission considers the amendments and if it agrees with them sends the Council the amended proposal. The Council then examines the implications of the amendments and if it wishes to incorporate further changes it must do so unanimously.

Under the assent procedure the Council is required to obtain the European Parliament’s assent before enacting important decisions. Whilst in principle this ostensibly gives the elected Parliament more influence and power thereby extending democratic legitimacy, this is somewhat ameliorated by the fact that the Parliament does not have the authority to amend proposals, it must either accept them in totality with an absolute majority or alternatively reject them.

Covering the areas of civil society such as social exclusion, education, culture non-discrimination and equal opportunities, the most widely used and to the casual observer complicated legislative mechanism, is the co-decision procedure. Under this system the European Parliament shares equal legislative powers with the Council and if agreement on proposed legislation cannot be reached the proposals are then placed before a conciliation committee comprising members of both the Parliament and the

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Council in order to reach a compromise position before being sent to the Council for final adoption.

This analytical overview of the composition and workings of Europe's political system raises a number of important research questions which link the legitimisation of continued integration to the problems of creating effective participatory citizenship, democratic legitimacy and accountability in a society that is facing rapid social change and the accelerating influence of new technology and globalisation.

Drawing upon the evolutionary history outlined above it is possible to identify a number of features which suggest that in response to new challenges European integration will continue to widen and deepen. On an institutional level acceptance of the *acquis communautaire*<sup>30</sup> combined with the hidden "sunk costs"<sup>31</sup> of integration are such that the economic legal and social disruption that would result if a country unilaterally withdrew from the Union precludes sovereign member states from arbitrarily tearing up the Union's founding treaties. Indeed it can be argued that the respective treaties being open-ended and having no fixed expiry represent a permanent commitment to the European Union. Van Ham (2001:99) succinctly encapsulates this notion of irreversibility and institutional lock-in concluding that "existing economic, political and treaty commitments have limited the European states room for manoeuvre and locked them into dense networks of activities that have grown up around past institutional and political decisions".

The immediate future of Europe's political development is inextricably linked to the actions and motives of its principal institutional actors. The role of the European Commission as both a coherent executive body and the initiator of legislation are crucial because the initiatives which it introduces are designed to promote and legitimise continued integration. At the same time the European Parliament is arguing that democratic legitimacy can only be secured by an expansion of its own role through greater use of the co-decision procedure. The final section of this chapter will

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<sup>30</sup> The *acquis communautaire* represents the body of rules, policies laws, rights, case law and remedies that constitute the Union's legal order.

<sup>31</sup> Sunk costs represent the financial investment in changes to the existing member state system. Of particular concern would be the economic instability that would result if the single currency was abandoned.

explore the implications of Europe's most immediate political and social problems and the impact they are likely to have upon the way we conceive the relationship between integration, identity and citizenship.

### **(2:4) The Role of Globalisation in the Transformation of European Civil Society.**

A definitive critique of every aspect of globalisation is clearly outside of the scope of this thesis and whilst recognising that globalisation is transforming the nature of international relations in the global political and economic environment this analysis will confine its attention to its socio-cultural impact. This emphasis and approach has been adopted because as part of its long range forecasts and policy strategy the Forward studies Unit of the European Commission (2000) has identified the emergence of deep socio-economic trends which are changing European civil society. These significant changes which focus upon the emergence of new social behaviours and societal values and a decline and rejection of established authority, hold profound implications for the political and social stability of the European Union and consequently will be a priority driving future policy initiatives, institutional reform and new European legislation.

Globalisation represents the zeitgeist of our age; from popular reporting to cross disciplinary academic theorising it is difficult to escape reference to its perceived influence on every aspect of contemporary society. As a concept it provokes controversy and debate to the extent that anti-globalisation demonstrations have even sparked violent action and civil disorder.<sup>32</sup> The strong reactions and organised popular protests which globalisation provokes highlights in part its dualistic and how dependent upon your ideological perspective its impact can be regarded as having either positive or negative social consequences at both the global<sup>33</sup> and domestic level. Opponents of globalisation perceive it as the catalyst responsible for most of society's social problems, personal alienation growing social exclusion, the breakdown and

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<sup>32</sup> Seattle 2000, Edinburgh 2005

<sup>33</sup> Global campaigns to combat famine and poverty in Africa, through the Jubilee 2000 Coalition, Drop The Debt, Live Aid have enjoyed widespread popular support. Despite these initiatives and some action by the G8 countries in reducing the debt burden United Nations figures show half of the worlds population exist on less than US\$2 per day and 40,000 people die from preventable disease and malnutrition each day.

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fragmentation of traditional communities and a wider challenge to established authority that is represented by the rise of an increasingly individualistic and amoral consumer culture.

Alternatively, some proponents of the benefits of globalisation conceive globalisation not only as an economic and political necessity, but also as an opportunity to recognise new expressions of individual and group identity. The emergence of new more fluid conceptions of identity and the potential this holds for opening up new democratic spaces no longer tied by geographical boundaries can, through continued technological innovation and institutional reform, transform political participation and promote inclusion and social justice in civil society. Giddens (2000:167) summarises the position succinctly “for the new right globalisation is an opportunity, for the old left a threat, and for the new left a challenge”. Reflecting contemporary political developments and a narrowing of the political terrain where political parties are concentrating their electoral manifestos, Giddens’ conclusion shows that the impact of globalisation has in many ways replaced the ideological debate between left and right about the appropriate way to run society.

From these competing perspectives we can draw the conclusion that globalisation is not a neutral concept and that it represents a powerful ideological system based upon capitalist production that entrenches neo-liberal ideas of the unfettered free market. In this sense the Marxist critique that globalisation is really Western Imperialism by another name would still appear to have some validity. Irrespective of the ideological position adopted we can however argue that globalisation has now become an accepted economic, political and social phenomenon and as (Castles & Davidson 2001:228, Anderson 2000:15) have identified, according to most of the major economic and political forecasts, in the short term its influence in shaping society will continue to grow. The challenge for the European Union is therefore as Rosamond (2001:72) suggests, to develop methods of governance that can capture its benefits and reduce its debilitating consequences.

Given the complexity of the globalisation debate and the wide range of economic and political issues that it encompasses it is unsurprising that there is a multiplicity of definitions aimed at capturing its essential nature; for examples see (Waters 2001: 5,

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Beck 2000: 20, Matzner 2002: 117, Giddens 2000:167). In the context of the argument this thesis is seeking to advance, perhaps the clearest exposition of the underlying nature of globalisation is expressed by Van Ham (2001: 30) who argues that “globalisation should be thought of as a multi-dimensional phenomenon which applies to most domains of human activity and includes economic, political and military as well as cultural, legal, technological and ecological sites of social activity”.

What is particularly pertinent in accepting this definition is how closely it corresponds to the definitions of the nature and mechanics of European integration outlined earlier in this chapter. Reinforcing this central link between integration, globalisation and citizenship and extrapolating it into civil society Delanty (2000:82) argues that “globalisation is as much about the search for community as it is about the trans-nationalisation of the world market... (It is a process of social change arising out of the diminishing importance of space in defining cultural, political, social and economic ties”.

Having set out the hypothesis that globalisation is for the present time the principal driving force which is changing the nature of integration it is important to analyse the political influences that are persuading policy makers that the supranational institutions of the European Union are the most appropriate arena for the resolution of internationalised problems. Writing in an earlier context both Milward (2002: 17) and Lehning & Weale (1997: 11-15) agree that The Single European Act and the Treaty of Maastricht were direct political and economic responses to globalisation and that the subsequent voluntarily surrendering of significant parts of the individual nation states’ sovereignty reflects a pragmatic realisation that the ability of the member states to solve problems had become increasingly constrained and that nation states are becoming incapacitated by forces outside of their control. More recently, the political imperatives to retain international influence<sup>34</sup> and to sustain economic growth and maintain living standards have become prerequisites for domestic electoral success and European economies are now facing strong and growing competition from the emergent economies of China and India.

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<sup>34</sup> This is particularly apposite in the case of France and the United Kingdom whose role as permanent members of the United Nations Security Council is increasingly being questioned.

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Internally, the processes of globalisation and wider access to information technology and instantaneous mass communications have contributed to a transformation in the values, attitudes and behaviours of European citizens. If the European Union is to succeed as a democratic and pluralist system and create a viable European civil society then it must accommodate and reflect these changes otherwise its institutional framework risks becoming marginalised and irrelevant. The next section of this chapter will focus on the nature of these social changes and how they directly relate to changes in the core concepts of continued integration and citizenship dealt with in this thesis.

In an attempt to capture the nature and impact of the accelerating processes of change which have continued to intensify over the past two decades political analysts have re-categorised the description of contemporary society. Accordingly, a variety of often interchangeable nouns have been employed to identify the pattern of these generalized trends and to distinguish today's society from previous eras. As a result the generic definitions of advanced, late or cosmopolitan capitalism (Isin & Wood 1999) and post-industrial society (Bell 1974), are used to describe the current global system of economic and political relations and the core values and beliefs which drive the political priorities of the dominant Western economies. What both analysts and economic and political policy makers can agree upon is that there are a number of clearly identifiable trends which are currently changing the underlying composition of civil society.

Perhaps the most obvious examples of these changes are long term shifts in the demographic composition of the individual member states. According to figures obtained by the European Commission (2000:42-56) Europe as a continent is ageing.<sup>35</sup> Increasing life expectancy enjoyed as a result of rising prosperity and access to improved medical care, coupled with a low and declining birth rate will result in a stabilisation and then decline in the population after 2025.

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<sup>35</sup> By 2010 it is estimated there will be 91 million persons aged 60 or over, by 2020 this figure will have risen to over 104 million. Life expectancy for persons born after 1990 has risen to 80 for women and 74 for men. (Eurostat)

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This population shift and its reversal of the proportion between the young and old active in society has important implications and as Bertrand, Michalski and Pench (2000:42) claim, represent a situation unparalleled in history. The main consequence of this dramatic demographic shift is the detrimental impact it will have on the future affordability of one of the central component of modern citizenship the provision of social rights. Consequently, the access to extensive social programmes such as healthcare, pensions and social security associated with welfare state systems will be restricted due to increasing financial pressures<sup>36</sup>. Declining government revenues caused by a shrinking workforce and constraints on public expenditure (deficit financing) through adherence to the terms of the Growth and Stability pact<sup>37</sup> and a political climate where there is little political appetite or will to press the case for electorally unpopular tax increases, makes the future of traditional ideas of publicly funded citizenship rights and the European Commission's ambitions for European social citizenship rights look increasingly problematic.

The growing disparity in the composition of the labour market between those economically active citizens who are in stable full time employment and paying taxes and those citizens who are inactive being either in full time education, unemployed or retired represents a serious problem. Job insecurity, outsourcing, the increased use of fixed term contracts and part time working and the decline in trade union membership and de-centralisation of collective bargaining are widening the gap in living standards, resulting in the emergence of a new underclass who represent what Beck (2000:19) and Gavin (2001:197) describe as the "cumulatively excluded" or "the working poor". As we have seen by the arguments advanced in this chapter these developments strike at the very core of the European Union's objectives of promoting social justice and equality, and in the long term they risk fracturing social cohesion and through the process of desolidarization may prevent the emergence of any notion of collective values and shared responsibilities. Recognising that the practice of meaningful citizenship and full participation in today's consumer society is in part dependent upon economic factors and income, the continued relevance of both Marxist and Post-Marxist (Sim 1998, Laclau & Mouffe 2001) conceptions of the

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<sup>36</sup> Projected expenditure increases for the period 2010-2030 indicate that maintenance of current provisions will require an increase of between 3-5% of GDP.

<sup>37</sup> The pact for stability and growth sets out the rules for financial behaviour in countries participating in the single currency. Set out in the Maastricht Treaty it limits budget deficits to 3 % of GDP.

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importance of class will be developed in more detail in the critique of integration in chapter five.

The most sensitive and politically charged issue relating to demographic change is the societal impact of continued immigration, asylum and more recently internal economic migration. Outside of the overt xenophobic and racist policies of the far right political parties' more populist misconceptions that immigration is in some way a fundamental threat to national identity, culture and economic prosperity is being fuelled by sensationalist tabloid reporting promoting what Balibar (2002:45) calls the emergence of "a popular extremism of the centre."

What is often overlooked in this negative and stereotypical portrayal of migrants and immigration is that their roots lie both in the legacy of Europe's colonial past and as a result of deliberate policy decisions taken to facilitate the development of the European Union. In many respects it can be argued that immigration and economic migration have resulted from a combination of decolonisation<sup>38</sup> the granting of independence and autonomy to overseas colonies that were previously subject to direct rule by individual member states coupled with the European Union's requirement for cheap labour to assist economic reconstruction (primarily migrants from Southern Europe in the 1950's) and more latterly (migrants from India, Pakistan and Africa in the 1970's and 1980's) to undertake unskilled tasks in the low wage sector of the economy. As Lovell (2003:114) points out what differentiates the patterns of immigration from 1945 to the 1990's from recent developments is that immigration was initially perceived as a temporary phenomenon and the official attitude towards "guest workers" particularly in Germany<sup>39</sup> was the denial of the granting of full citizenship rights and pressure to assimilate into the host culture or return to their country of origin.

Despite these obvious and discriminatory limitations the combination of the visible benefits of economic prosperity and rising living standards has continued to hold a magnetic and understandable attraction for the citizens of less developed and less

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<sup>38</sup> See particularly the United Kingdom and its relationship with India and Pakistan and France and its African overseas colonies.

<sup>39</sup> The legal status of large number of Turkish guest workers was a particularly contentious political issue.

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prosperous economies who wish to acquire European citizenship and share in its economic success. At the same time general political instability and political, religious and ethnic repression and the impact of a number of armed conflicts and civil wars across the world have contributed to an ongoing situation which Lister (1997:47) identifies as an increasing flow of migration into Europe<sup>40</sup> and a growing economic gulf between the countries of immigration and emigration.

Based upon the available empirical evidence it is valid to conclude that immigration and economic migration will continue to be a major political issue and will continue to exert an important influence on the nature and make up of contemporary society. In political terms the European Union faces an internal dilemma, as part of the process to complete the Single European Act, it has relaxed internal border controls<sup>41</sup> and created the fundamental citizenship right of free movement and residence whilst at the same time strengthening its external borders creating a *cordon sanitaire* and the idea of “fortress Europe”. The decision to make the satisfaction of the criterion for the granting of legitimate legal residence to immigrants, asylum seekers and refugees more difficult, does not address their root causes or the reasons for their applications and it can be argued that it has exacerbated the problem resulting in an increase in the number of illegal or irregular immigrants resident in the European Union. The existence and legal status of substantial numbers<sup>42</sup> of people who are resident in countries where they are not citizens and where they are not part of the formal political economic and social system raises fundamental questions about social cohesion and social exclusion and challenges universalistic conceptions of Citizenship.

It should not be assumed however that the changing ethnic and religious composition of European society is solely driven by external immigration. As recent events have demonstrated the policy of enlargement and the accession of the East European countries in 2004 is focussing the debate on the overall impact of internal economic

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<sup>40</sup> Asylum applications in the European Union for the period 1999-2003 totalled 1,639,170. Applications to Germany represented 22.7% of this total and applications to the United Kingdom represented 21.2%. These figures do not include illegal or irregular immigrants presently resident. (source Eurostat)

<sup>41</sup> The Schengen agreement is aimed at removing internal controls whilst strengthening external borders. The United Kingdom and Ireland have elected not to participate in the provisions.

<sup>42</sup> An estimate by the Home Office for the unauthorised population of the United Kingdom in July 2005 was 500,000. source The Independent 1/7/05

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migration. Initial forecasts of the numbers of Polish, Lithuanian and Slovakian workers moving to the West have proven wildly inaccurate<sup>43</sup> and substantial numbers of people have moved to the United Kingdom, Germany, Austria and the Irish Republic. The impact of this sizeable increase in the respective populations is not only placing an increasing strain on public services but it is argued the acceptance of the long hours and low paid employment culture endured by migrant workers is weakening the employment market and driving down wages. The debate about immigration and economic migration is thus being transferred into areas that directly affect people's lives and this in part has resulted in the political pressure and decision to restrict the numbers of low skilled workers coming from Bulgaria and Romania in the next enlargement in 2007.<sup>44</sup>

These recent developments reinforce the strong link between integration and citizenship that I am seeking to explore, and show how the restriction of one of the fundamental freedoms of free movement and residence demonstrate that neither integration nor citizenship develops in a smooth linear fashion, but can suffer setbacks and reversals dependent on other external factors.

Overall, successive decades of immigration and economic migration have broadened the composition of civil society and this has prompted a deeper enquiry into what constitutes multiculturalism. The parameters of this debate have recently changed and been given increased impetus following the climate of fear and suspicion that has followed the terrorist attacks on New York, London and Madrid. The linking of the Islamic religion to political violence and anti-western values has been translated into what Modood (2005:27) calls a "new Islamophobia" and the growth of a form of racism that is not based on ethnicity or race but on cultural practices, religious difference and expressions of religious identity. Both Modood's and Cattle (2005:122) analyses would appear to have considerable validity as evidenced by the

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<sup>43</sup> Prior to accession it was forecasted that approximately 13000 workers would be likely to move to the United Kingdom. Official figures now show the total to be 627,095. Despite the operation of a work permit system the figure for Germany total 500,633. Austria 100,714. The Irish republic 163,533 (source The Times 25/10/06)

<sup>44</sup> The number of low skilled workers from the two states who will be allowed to work in the food processing and agricultural sectors will be limited to 19,750 in the United Kingdom. Self-employed persons will not be restricted.

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public debates that have surrounded the “French headscarf affair”<sup>45</sup> and the posing of the sensitive question of whether the wearing of the traditional Burka and Niqab by Muslim women is an act of cultural separation or acts of personal faith<sup>46</sup>.

It should however be acknowledged that there is an important distinction that should be drawn between the criminality and militant rhetoric of radical fundamentalist Islamists and the wider law abiding and peaceful Muslim communities, as Modood (2006:184) argues human dignity, equality, civility and the peaceful resolution of differences are all part of the Islamic tradition. It would be incorrect therefore to subscribe to the conservative view that Muslims cannot integrate into western society because their ways of life are fundamentally incompatible with those of Europe. Despite this, Muslim communities still remain largely separated and segregated and this division reflects the issues of race, gender and class that accompany social exclusion and poverty<sup>47</sup>.

Other issues which appear to challenge some of the basic western liberal conceptions of liberty such as the individual right to freedom of expression have been heightened by the Rushdie affair<sup>48</sup> and more recently the violence and protests that followed the Danish publication of cartoons depicting the prophet Mohammed. The combination of these cultural differences poses the European Union with a major challenge as Parekh (2000:179) points out; the integration of the 15 million Muslims resident in Europe into mainstream society is an urgent priority that poses important questions about the very nature of integration and the continued viability of a multicultural society. Finding a solution to this complex issue lies at the heart of the European Union’s fundamental objectives and philosophy as demonstrated by its commitment in article

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<sup>45</sup> In 1994 the French government banned ostentatious religious signs in public schools.

<sup>46</sup> The debate was re-ignited in October 2006 following the request by the M.P. Jack Straw’s request that a Muslim woman remove her veil at his Blackburn constituency office in order, he claimed, to facilitate better communication.

<sup>47</sup> The office of National Statistics point out that in 2001 16% of Muslim men and 18% of Muslim women were unemployed compared with national averages of 6% and 3% for the whole population. Home ownership in Muslim communities averaged 50% against a national average of 70% and Muslim communities had a higher incidence of overcrowding, poverty and social exclusion.

<sup>48</sup> Following the publication of the Satanic Verses in 1988 Ayatollah Khomeini issued a Fatwa against Rushdie for alleged blasphemy. Under the threat of death, Rushdie was forced into hiding and provided with police protection.

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13 of the Amsterdam Treaty to combat and eliminate all forms of racism, discrimination and xenophobia.<sup>49</sup>

The perceived crisis of multiculturalism highlights that there are two contrasting approaches to the social consequences of integration. The multicultural approach, which as Beitter 2003:230) notes involves the maintenance of migrant cultures and languages and which incorporates the right to have differences of traditions publicly recognised and supported. The counter thesis articulated by Malik (2002), argues that different interest groups practicing different religions, following particular cultural practices or speaking different languages are demanding that their differences be institutionalised in the public sphere. In consequence, “cultural practice is coming to be seen as a public good rather than a private freedom.” Malik’s conclusion has drawn unlikely support from the influential chair of the Commission for Racial Equality, Trevor Phillips, who condemned the idea of multiculturalism as “out of date.”

Providing a clear link between integration and citizenship the debate about the impact of multiculturalism is therefore redefining how our public space is structured and sharpening the discussion about the public and private spheres of citizenship. The developing tension between group and individual rights and their impact on the cohesiveness of society gives rise to the question whether political values alone form the basis of society and if citizenship can keep an ethnically, religiously and economic diverse society together. A closer examination of these themes and the idea of institutional reform facilitating the emergence of a new kind of European civil society which can agree upon a shared set of values that all communities can accept, will be analysed in more detail in subsequent chapters.

So far, chapter two has explored the implications of the underlying demographic changes to society; the final part of this analysis will address concurrent changes in the nature of personal identity and explain how the changes in citizens’ social behaviours are altering the essential fabric of communities.

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<sup>49</sup> The Treaty of Amsterdam included racial discrimination in the forms of discrimination member states are expected to eliminate.

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It is a widely observed social phenomenon that the expression of personal identity is changing. The acceleration of technological innovation represented by the development of the internet and wider affordable access to mobile communications has radically changed the way we access, receive, analyse and transmit information (Graham 1999). The unrestrained access to instantaneous news reports, “real time” reporting through mobile phone images and the huge variety of uncensored information and wide variety of opinion that constitutes the internet is questioning citizen’s attitudes towards official interpretations of news events. Through technology and the media, globalisation is creating a homogeneous culture of products, services, images and cultural values that have no geographical boundaries. Global brands such as Coca Cola, McDonalds, Nike, and Microsoft operate outside of national regulatory frameworks and their cultural influence is emphasising consumption, individualism and the pursuit of economic self interest. The combination of these pervasive changes has resulted in identity replacing ideology as the codification of political communication (Delanty 2000:130) with consumption and materialism the current dominant expression of identity.

It would be wrong however, to simply conclude that the role of the citizen is synonymous with that of the consumer, the free market does not aim to promote social justice or equality and the production of its goods and services pay scant regard to labour conditions, wage rates or ethical responsibilities to the environment. What we can discern from this situation is the basic conclusion that identity is both “ambiguous and transindividual” (Balibar 2002:27) it is neither purely individual nor collective, but is influenced by the culture in which it is embedded. From this perspective issues of personal identity, lifestyle choices and social behaviours are inextricably bound up with the interests and stability of the wider community.

In political terms the struggles over wealth, status and access to social rights that have constituted traditional ideas of citizenship have been replaced by more differentiated struggles over race, sexual orientation, religion and age culminating in the predominance of a new type of identity or cultural politics. As a result, identity is becoming increasingly fractured and individual loyalty to traditional authorities and organisations being undermined. This division and the emergence of new social groups and social classes who have different aspirations and priorities can in part

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explain the increase in popularity of single issue movements that operate outside of formal political mechanisms.

The growth in universal individualism highlights a deepening trend which is having a negative impact on the stability and collectivism that have formed the basis of community and civil society. Writing in the context of changes witnessed in American civil society Putnam (2001) has produced an influential analysis that describes the deterioration of organised community. Charting a decline in political participation, a decline in the participation in local and civic bodies and a decline in church attendance and participation in organised religion Putnam presents a convincing case for a weakening of Community bonds and social solidarity and the declining influence and social status of political parties, churches, Trade Unions and other institutional authorities. Relating these developments to the breakdown of the traditional family unit, the rising incidence of divorce, falling marriage rates, fewer children and a doubling of single person households we can conclude that the present generation no longer accept externally imposed traditional values on morality social conventions and personal responsibility.

This notion of societal or community breakdown has been developed in some detail by Selbourne (1994:20), who defines the process as “civic disaggregation”. Describing it as a waning of and respect for the civic bond, and a neglect of the principle of duty and responsibility, he describes the transformation of citizens into an atomized mass of individuals a development he considers will result in a gradual dissolution in the rule of law a collapse of civic order and the loss of any guiding ethical direction in society. Whilst it is difficult to substantiate some of Selbourne’s more extravagant conclusions or support his contentious and somewhat authoritarian views on the nature of human rights, his analysis does make some interesting points in distinguishing between active empowered citizens and passive protected subjects. His trenchant criticism of the politics of “dutileless rights” or the granting of rights without corresponding responsibilities, have important implications for the future composition of post-national citizenship, a theme that I shall develop in subsequent chapters.

Changes in personal identity and the core values and morality of civil society do not necessarily paint an entirely pessimistic picture, for European policy makers it could

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represent an opportunity to take advantage of these changing loyalties, identities and practices to form new associations with the European Union and through European citizenship develop a broader understanding of participatory citizenship as not just as an entitlement to formal rights but as a new form of belonging to a wider political and social community.

Finding solutions to the structural challenges and social change which chapter two has identified is a long term and even generational project. The process of encouraging and consolidating new identities, recognising and accommodating new types of political behaviours and encouraging a strengthening of individual loyalties to new European supranational institutions are dependent on the ability of the European Union to develop a political system that is both accountable and transparent<sup>50</sup>. In the short term therefore, Europe's immediate priorities are to find solutions to its perceived democratic deficit by reforming its institutions and by developing new and innovative forms of democratic participation which reflect the individual aspirations of its citizens.

The evolution of the European Union and the application of integration theory to its institutions is an important analytical tool in helping us to understand how the democratic deficit has arisen and provide indications of how reform is likely to influence the future shape of Europe's political architecture. Accordingly, chapter four will develop this idea in more detail and demonstrate that despite the changes brought about by globalisation a number of integration theories still have continued relevance.

### **(2:5) Evaluative Summary**

Chapter two has had a number of specific objectives, to provide a critical engagement and overview of the main debates that define the European Union as an entirely new and unique form of supranational political system. Through an analysis of the

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<sup>50</sup> In political terms legitimacy is defined as the justifiability of a political system by prevailing democratic standards. In the context of governance accountability is understood as the system of rules whereby political authorities publicly justify their actions. Transparency reflects the openness of a political system and the right of citizens to information consultation and official documents.

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evolution of its major institutions and its founding treaties the analysis has sought to demonstrate that European integration is an open ended process which is continuing to widen and deepen and which as a result means that the European Union has a greater influence on the day to day political, economic and social activities of its member states. Exploring the often unintended consequences of integration, the chapter has additionally highlighted the demographic changes to the composition of European society which are polarizing the debate on the continued viability of an ethnically and religiously diverse multicultural society.

Reflecting contemporary debates about the impact of globalisation and the potentially revolutionary and transformatory impact of new technologies, chapter two has also linked changes in political and social behaviours to more fundamental questions of the nature of individual and collective identity, the role of citizenship and the breakdown of loyalties to the traditional communities and authorities that comprise civil society.

Drawing together these issues, chapter two has sought to demonstrate a clear conceptual link between the future of European integration, globalisation and the practice of citizenship. The distinctive aspect of this part of the analysis is that as a result of globalisation integration has entered a new phase, a phase of integration that is driven by informal processes and social actors (citizens) rather than the enactment of formal treaties. By definition, the unstructured and unregulated nature of these changes are exacerbating Europe's democratic deficit creating a political and economic system which has no firm democratic legitimacy. It is for this reason that the European Commission has prioritised the future development of European citizenship as an important mechanism to legitimise the continued political integration of Europe<sup>51</sup>. The implications of this decision and the theoretical and empirical justification of the link between the three concepts form the core of this thesis and represent its original contribution to a more complete understanding of the European Union as a supranational form of civil society and system of governance.

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<sup>51</sup> The adoption of The Hague programmes 2004 Develops initiatives for European citizenship in the period 2007-2013. Proposed interventions are an active promotion of citizenship rights, encouraging democratic participation and the development of feelings of belonging to the European Union. The budget allocation for this is 93.8 million Euros.

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In concluding this chapter, the words of the European Commission (2004:10) appear particularly apposite, “the European Union offers a response to the huge challenge of globalisation- a response that expresses the values Europeans believe in, the European Union offers above all the best possible insurance policy for a free and peaceful future”.

### **(3) The Modern Idea of Citizenship**

“For more than two decades, Citizenship could scarcely be described as a central issue on the political agenda. In fact, the concept seemed rather out of date...something however, has recently changed, a number of different factors seem to have propelled the return of Citizenship to the top of the political agenda”. Held (1991:19)

#### **(3:1) Introduction.**

Introducing chapter three, the epigraph drawn from Held (1991:19) accurately summarizes the recent history of citizenship and emphasises the fact that the ideas of what constitutes a “good citizen” and the notion of active citizenship as an essential part of political participation have returned citizenship to the forefront of the political, legal, social and educational agendas at both the domestic and transnational European level. As Pattie, Seyd, Whiteley (2004:2) have observed, citizenship has become a central concern to politicians and policy makers, as public cynicism and widespread disaffection with traditional politics and political institutions becomes increasingly evident through the consistent decline in electoral turnout. This renewed interest in citizenship is predicated upon the understanding that citizenship as a concept raises basic questions about the relationship between the individual and the state; a relationship which has itself become more complicated and problematic through the processes of globalisation and through the political decision to pursue closer integration and transfer aspects of political authority to institutions which operate outside of the nation state.

Drawing together these themes, (Van Gunsteren 1998:38, Pattie, Seyd, Whiteley 2004:3) argue that citizenship must now encompass a wider exploration of the ethical issues which affect the stable operation of an increasingly diverse and multi-cultural pluralist society: a society in which immigration, asylum and a demographically ageing and increasingly heterogeneous population is challenging traditional conceptions of citizenship. Consequently, as Bulmer & Rees (1996:282) have concluded, “citizenship as a topic links the social sciences to wider political debate”. In the light of these developments, this thesis is proposing that it is no longer appropriate to analyse citizenship solely in the context of its role within the nation state and that the conventional criteria of defining citizenship as a ‘legal status’ are no

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longer sufficient to explain the significant changes that integration and globalisation are continuing to make upon the practice of citizenship and the developing nature of political identity. Supporting this hypothesis (Lister1997:1, Isin & Wood 1999:22) argue that the reshaping of international boundaries<sup>52</sup> and growing pressures for regional autonomy lead to the conclusion that “postmodernization and globalisation force us to abandon the unitary homogeneous concept of citizenship in favour of a more multidimensional and plural concept of citizenship. Lehning (1997:108) additionally points out that “different types of political community give rise to different forms of citizenship”. In this context I argue that the role of the European Union in attempting to develop a new type of transnational citizenship - supported and facilitated by institutions in a new kind of supranational political architecture - is of central importance to an understanding of modern citizenship as a dynamic and evolutionary concept and practice.

Citizenship is not, of course, a new concept; its historical antecedents can be traced to a variety of different political traditions and sources, from the participatory democracy of the Greek *polis* where emphasis was placed upon the importance of participation in public life, to the formalised law of the Roman *res publica* in which the individual was conceptualized as a ‘legal being’. Here, politics was not conducted in a face-to-face relationship with other citizens, but between the individual and the state. Finally some roots of citizenship lie in the revolutionary and republican ideals of liberty, equality and fraternity of the French revolution which has heavily influenced European thinking. This longstanding historical tradition introduces, as Van Ham describes (2001:75) the twin concepts of *jus soli* which emphasises the idea of citizenship by birthplace and *jus sanguinis* the idea of citizenship defined by ancestry, blood and peoples. These differing conceptions are important to the future of citizenship because they highlight the difference between the basic ideas of *Gemeinschaft*, which is a community based upon a sense of belonging, ethnic ties and shared loyalties and values and in contrast, the idea of *Gesellschaft* represented by the idea that society is an artificial construct where people remain independent and relationships are designed to provide added value through a politically negotiated social contract. Reflecting on these crucial differences Van Ham’s analysis points out

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<sup>52</sup> Specifically they refer to the re-unification of Germany and the emergence of independent nation states following the break up of the former Yugoslavian republic.

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quite legitimately, that at the present time the European Union is based upon a limited form of *Gesellschaft*. However as I will outline, the prioritisation of citizenship and the creation of a distinct European citizenship clearly indicates the desire of the European Commission to move towards a more inclusive form of *Gemeinschaft* with an identifiable *demos* and ‘sense of belonging’ to Europe, its common values and its political institutions.

One area of citizenship analysis, which has received comparatively little attention in the current literature, is the mechanism whereby individuals acquire their status as citizens. Brubaker (1992:33) attempts to correct this lacuna, pointing out that citizenship can be granted by either attribution, where the nation state ascribes its citizenship to certain persons at birth, or alternatively through the process of naturalization whereby individuals acquire citizenship having fulfilled certain requirements.<sup>53</sup> Overall, it is somewhat surprising, given the centrality of the fact that whoever controls the initial access and entry to citizenship ultimately controls and determines its composition and effectiveness, that this issue has not received more attention. Furthermore as this thesis will argue this represents a fundamental flaw in the ambition to develop and expand the nature of European citizenship as currently, the European Union possesses neither the power of ascription nor naturalization, both of which remain within the exclusive remit of the individual member states. The implications of these deficiencies, and the potential options to rectify the resultant problems, will be discussed in more detail in chapters five and six of the thesis.

Alongside its close historical association with issues of ethnicity, national identity and the nation state, citizenship has more recently become synonymous with the development of representative democracy and the social rights provision of the modern welfare state. Widely regarded as the seminal analysis of citizenship, (Neidemann 2001:5,) is T. H. Marshall’s (1950) essay *Citizenship and Social Class* which describes the evolutionary and chronological account of the emergence of civil, political and social rights. In the context of this thesis, Marshall’s original hypothesis will be reappraised in the light of the emergence of European citizenship rights and I will seek to explore if integration theory can apply an added explanation for the idea

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<sup>53</sup> These requirements may vary from defined periods of permanent residence, through the requirement to pass “Citizenship tests” to a compulsory requirement to learn the host countries language.

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that citizenship rights evolve in a linear fashion. Whilst Marshall could not have anticipated the extent of the political integration or global transformations that have recently occurred, the core of his analysis, that citizenship is a means of resolving the inequalities inherent in the capitalist system, has strong resonance in the political debates today. Noting that as Kiviniemi (1999:116) suggests, “Different ideologies have different views of the individual, the collectivity and their mutual relationship”, chapter three will analyse the dominant political traditions of liberalism, neo-liberalism and communitarianism to assess if citizenship is an appropriate mechanism to achieve the ambitious objectives of social cohesion, equality and social justice. Contrasting these viewpoints with the conceptual, feminist and Marxist critiques arguing that citizenship is an overloaded, exclusive, gendered concept and that liberal rights are simply a bourgeois façade designed to mask the inequalities of capitalism this chapter will argue that citizenship remains an important political and social concept.

Reflecting the fundamental changes to contemporary society both in its demographic composition and in the nature of collective and individual identity, this section of the thesis proposes to update the theories of citizenship by exploring both the challenges and the opportunities that integration and globalisation now pose for the practice of ‘active’ citizenship. As Lister (1997:35) pertinently concludes, citizenship rights are not static but are always open to reinterpretation and renegotiation, reinforcing this idea, Van Gunsteren (1998:11) makes the crucial point that “Citizenship is not an eternal essence, but a cultural artefact; it is what people make of it”. This concept of citizenship, as a cultural artefact whose efficacy is dependent upon use, (the struggle to defend or extend citizenship rights) forms the basis of the relationship between the future of citizenship and integration, a relationship which is developing through both formal and informal processes and which could be understood and explained by a reassessment of the theories of historical institutionalism and constitutionalism, and through the social theories of transactionalism and constructivism. Drawing upon a combination of these theoretical perspectives, the following chapters will reinforce the hypothesised relationship between integration and citizenship. Exploring this link, the thesis will further seek to demonstrate that citizenship’s continued future development is conditional upon a variety of external factors, and that the European Union and its political institutions are responding to globalised challenges and opportunities and

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attempting to encourage the greater use of its transnational participatory citizenship as a precursor to the creation of a form of genuine post national citizenship and a politically integrated Europe which has a distinct internal and external identity.

### (3:2) Citizenship: A disputed Concept?

Despite its undoubted longevity, the essential idea of citizenship remains both an elusive and contested concept; (Lehning 1997:107, Crick 2000:3, Lister 1997:3). This area of contestation, takes the form of political and ideological disputes concerning the appropriate role of political authority and the extent to which the state should intervene in civil society. In recent times, the narrowing of the traditional ideological divide between collective and market provision has ensured that citizenship has become a central area of policy making and discourse as political parties attempt to convince the electorate of their efficiency in managing the market economy. On a theoretical and analytical level, citizenship remains the subject of controversy; despite its original egalitarian aspirations of inclusiveness, citizenship can also be interpreted as both dualistic and contradictory. Delanty (2000:11), whilst himself an enthusiastic proponent of cosmopolitan citizenship, objectively describes that “from the very beginning the term (citizenship) entails exclusion since not everyone is in possession of it...no account of citizenship can evade the fact that it was originally constructed in order to exclude and subordinate people”. Practical evidence of this is presented by Bulmer & Rees (1996:280) who highlight that (prior to the Good Friday Agreement) the last twenty five years in Northern Ireland have shown “that aspirations for different forms and symbols of citizenship can clash quite bloodily in quite a confined geographical space.” In a European context, fears over immigration and asylum and the emergence of what is described as “fortress Europe” in an attempt to restrict and exclude non member state nationals from European citizenship give further substance to this argument.

Reflecting these divergent views, the constituent elements and dimensions of citizenship are inevitably located within the context of the external political environment and influenced by the dominant political concerns of the time. Therefore conceptions of citizenship are open to wide variations. In order to build a coherent

structure towards developing this analysis the underlying framework of Anderson & Hoff (2001:3-4) has been adopted. Anderson and Hoff point out that citizenship is located on two distinct levels; the vertical level which explores the relationship between the citizen and the state (and now as this thesis argues the European Union); and the horizontal level which explores the relationship between citizens and the community. Drawing together these themes (Anderson & Hoff 2001:3, Delanty 2000:126, Isin & Wood 1999:4) all support the idea that citizenship today has three dimensions, rights and duties, participation<sup>54</sup> and identity. From this starting point, Kiviniemi (1999:122) argues that it is possible to elaborate an empirical analysis and profile of citizenship through its normative and institutional aspects ( the formal rights and duties of citizens), through cultural and ideological aspects ( reflected in the political struggle for rights), through citizenship practice ( the realization of rights and duties and the notion of 'active' versus 'passive' citizenship), and finally the external factors which may both restrict or enable the realization of ideal citizenship. The salient point to be extracted from his assessment is the underlying perspective that citizenship is both a process and an institution developing over time. It has to be recognised, therefore, that integration and globalisation are the dominant factors changing the location and nature of political authority and participation. Analyses of citizenship need to be updated in the context of these changed structural circumstances and the growing influence of the European Union and its supranational institutions.

Having elaborated the constituent elements of citizenship and identifying both the contextual historical and formal institutional approach it is now possible to move towards a working definition of citizenship. By deconstructing and analysing a representative sample of definitions that have been advanced, we can trace the evolution of the ideas of citizenship and identify how different elements have been progressively incorporated into modern understandings of its nature and usefulness. An appropriate starting point is the definition offered by Marshall (1992:18) who argued "Citizenship is a status bestowed on those who are full members of a community, all who possess the status are equal with respect to the rights and duties with which the status is endowed". From the outset therefore we can determine that

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<sup>54</sup>Political participation can be understood as the influence citizens exert upon the process of the formulation, enactment and implementation of public policies.

the initial emphasis of citizenship was that of a “status” which through a combination of rights and duties was intended to create equality. Deepening this analysis Turner (1993:2) subsequently introduces the idea of “Citizenship as that set of practices juridical, political economic and cultural...which shape the flow of resources to persons and social groups”. Turner’s analysis makes the important distinction between citizenship as a passive status characterised by a commitment to individual liberty and equality through formal entitlements granted by the state to its citizens, and that of a positive activity utilised by both individuals and groups to secure a share in the scarce resources of society. Waters (2001:132) develops this line of enquiry even further, arguing that “Citizenship is a social construction in which a rising class can claim certain political and civil liberties against the state”. This idea of a rising class<sup>55</sup> is given more substance by Delanty (2000:4) who recognises that this perhaps reflects the changing nature of political identity and that through globalisation and integration citizenship can no longer be located exclusively on any one level, he provides a robust yet concise definition, concluding that citizenship now entails “membership of a legally constituted political community which may be called civil society”; it now consists of rights, duties participation and identity. Delanty’s emphasis of the term “political community” clearly shows that the focus of recent definitions has shifted attention away from the confines of the nation state to a wider vision of an expanding civil society, the most striking example of which is the regional integration of the European Union.

From these initial definitions, we can support Isin & Wood’s (1999:4) overall conclusion that citizenship is neither a purely sociological nor a legal concept but a relationship between the two; in a contemporary context, therefore, citizenship emerges as a crucial concept in the social sciences because it directly links individuals and groups to the wider processes of integration and globalisation. Rejecting assumptions that globalisation and advanced capitalism are forces which operate entirely outside of legitimate political control, citizenship has the potential to become an active and dynamic post national practice which encourages social cohesion and inclusiveness, promotes social justice through an equitable distribution of increasingly

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<sup>55</sup> In recent analyses class has been used to describe the emergence of “identity politics” based upon gender, age, religion, sexuality and lifestyle, rather than traditional Marxist notions of a unified working class.

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scarce resources and reinvigorates political and community participation by reintroducing the idea of civic responsibility and duty. Economically Europe, is at an advanced stage of the Single Market (The '1992 Programme'), the implications of which are now becoming more evident. Consequently as exemplified by recent debates on a proposed EU Constitution, Europe's emphasis has shifted towards determining the type of civil society and core values which it wishes to promote. This firmly places citizenship at the centre of the political analysis of Europe.

### **(3:3) The Continued Relevance of T.H. Marshall.**

It can be seen as somewhat surprising, that despite the fact that Marshall was analysing citizenship at a specific stage of historical political development in the 1950's, and his analysis was solely confined to the British political system, a system which does not have a written Constitution, and where the electorate is comprised of subjects of the Crown rather than legally constituted citizens, that there remains an overall consensus (Giddens 1996:65, Bussemaker 1999:2, Turner 1996:131) that his work remains central to an understanding of the relationship between citizenship, democratic practice and the development of capitalism. The purpose of this section of chapter four is to explore why this is the case, and to analyse the extent to which Marshall's original model has been replicated at the European level and identify which of his key ideas remain valid in the face of a fundamentally transformed political, economic and social environment.

One of the most widely discussed aspects of Marshall's analysis is his explanation for the emergence of citizenship rights in a strict chronological and linear pattern. According to Marshall (1992:17) civil rights came first, political rights next; however it was not until the 20<sup>th</sup> century that social rights attained equal partnership with the other two elements. Using a historical basis to substantiate his argument Marshall demonstrated how civil rights, the rights to individual freedom and justice, the liberty of the person, freedom of speech, conscience and association and the rights to own property and conclude valid contracts emerged throughout the 18<sup>th</sup> century. These individualistic civil freedoms were followed by the establishment of political rights in the 19<sup>th</sup> century with the extension of the right to participate in the exercise of

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political power. Marshall notes that “the political franchise was not one of the rights of citizenship it was the privilege of a limited economic class, whose limits were extended by each successive reform act”.<sup>56</sup> Consequently whilst we may now equate citizenship with the equal right to participate in the democratic process, this has not always been the case. This reinforces the idea that citizenship is not fixed and static, but is an evolutionary process whose concept and practice change substantially over time. The final element of Marshall’s triumvirate of rights was the introduction of social rights and the establishment of the economic protections such as unemployment benefits and social security, free healthcare provision through the National Health Service and compulsory education; rights which we today understand as the entitlements of the modern welfare state. In recent decades, this idea of social rights and the appropriate level of state provision has been the dominant area of political debates about citizenship.<sup>57</sup>

Whilst Marshall did not try to articulate any theoretical basis for the emergence of rights in this particular pattern, he explained that his chronology could be understood sequentially and that each group of rights was accompanied by the rise of a set of characteristic institutions. Initially civil rights were individualistic, and enforced through the law in civil and criminal courts (1992:26), but they became for workers an instrument for raising their social and economic status. These demands, which became more collective in nature, could only be realised through political influence which in turn necessitated the creation of political rights which were exercised through parliament and elective bodies. Through this new influence and political power (1992:27) citizens were finally able to demand the establishment of a comprehensive set of social rights.

Transposing this analysis into a wider European context, we can identify that the original rights of free movement and residence for economically active citizens created in the original EC Treaty (1957) correspond to the idea of civil rights. These rights were underpinned by the European Court of Justice which as Dinan (1994:297) has suggested “developed the concept of European citizenship before the member

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<sup>56</sup>For example complete universal suffrage was only introduced in 1918.

<sup>57</sup> This debate is dominated by the Classical Liberal, Neo-Liberal and Communitarian perspectives of the nature of individual and group rights.

states gave substance to it in the Maastricht Treaty.” These civil rights, which predated the Single Market, created an anomaly for those who took advantage of them as those individuals residing in a country other than their country of permanent residence became politically disenfranchised at a local and transnational level. From this perspective it is understandable that attention was then shifted to the development of more positive rights. O’Leary (1996:34) highlights how, at the Paris Council 1974, working groups were established to investigate the granting of political rights, in particular, the right to vote, and the right of eligibility and access to public office. This expansion of rights was reinforced by the Copenhagen European Council’s (1978) formal commitment to respect the fundamental rights contained in the ECHR<sup>58</sup> and through the subsequent direct election of the European Parliament through universal suffrage (1979). The codification of this combination of civil and political rights in the Maastricht Treaty (1992) culminated in the formal creation of European citizenship. Tracing its historical evolution in this way it is possible to draw parallels between Marshall’s model and the developments we have witnessed in Europe. This gives credence to Rees’s (1996:5) conclusion that political “institutions evolve and develop in correlation to the growth of rights”. Consequently I would argue that this provides further evidence that European integration and citizenship are interrelated practices that are influential in shaping our modern political system.

In an interesting passage which has particular resonance today, Marshall (1992:28) extended the basis of his analysis arguing that “social integration spread from the sphere of sentiment and patriotism into that of material enjoyment. The components of a civilised and cultured life, formerly the monopoly of the few were brought progressively within reach of the many.” This statement introduces the concept of citizenship as a means of promoting both equality and social integration, moving it from the civil and political dimension. This provides the first indication of the intention of conceiving citizenship outside of purely nationalist terms, its emphasis on material enjoyment is particularly pertinent in today’s materialistic and consumer oriented culture.

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<sup>58</sup> This was developed further in December 2000 where the Charter of Fundamental Rights of the European Union was given the status of a solemn proclamation, prior to its formalisation in the proposed European constitution.

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Marshall's conception of the moral and ideological basis of both civil and political citizenship rights is now largely uncontested. However his analysis needs to be reinterpreted and updated in the context of the development of citizenship in Europe. Accordingly the thesis will now seek to develop three interrelated elements in this respect: firstly, the use of citizenship as a continuing mechanism to ameliorate the inequalities of a capitalist system which is now globalised; secondly, how the expansion of the concept of social rights is influencing ideas for a new shared transnational cultural identity; and finally, the idea that effective use of citizenship rights ultimately shape the type of institutions and architecture that form the basis of a new type of political system.

Politically, the rationale that underscores Marshall's description of civil and political rights now enjoys a widespread consensus, there are no mainstream political parties advocating an abandonment of individual freedoms or restrictions on political participation, however from some perspectives this consensus has recently been challenged by the policies introduced as part of the "war on terror" which human rights organisations such as Amnesty International<sup>59</sup> have claimed represent an infringement of basic civil liberties.

In the area of social rights, analysts and public policy makers have focussed almost exclusively upon the idea that social rights are solely concerned with welfare provision and economic redistribution. Whilst this is of course an important part of citizenship, it overlooks an important aspect of Marshall's views. Marshall (1992:28) clearly saw social rights in a much wider context, as he outlines quite explicitly "by the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in society".

This aspect of social citizenship has been recognised and adopted by the decision of the European Parliament and Council to establish the *New Culture Programme (2007-*

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<sup>59</sup> These include the increased powers of police to detain terrorists' suspects without charge for 28 days, restrictions to freedom of movement and association under control orders for suspected terrorists, the outlawing of the "glorification" of terrorism and the prohibition of several fundamental Islamic organisations. It has been suggested in May 2007 that the UK government may seek derogation from the ECHR in order to introduce more stringent measures.

2013)<sup>60</sup>, article (3) of which states “for citizens to give their full support to, and participate fully in, European integration, greater emphasis should be placed on their common cultural values and roots as a key element of their identity..”. Article (4) concludes that “it is essential that the cultural sector contribute to and play a role in, broader European political developments....” Summarizing the objectives of the *New Culture Programme*, it is becoming evident that Europe’s strategy is to adopt a more expansive view of social rights in order to “enhance the cultural area common to Europeans with a view to encouraging the emergence of European citizenship”. In the context of this thesis, this explicit statement provides a clear link to the ongoing relationship between European integration, citizenship and identity. The full implications of the introduction of the culture programme and the measures necessary to implement it will be explored in the final chapter.

A secondary, yet very influential, aspect of Marshall’s contribution to the citizenship debate was his emphasis on the idea that citizenship’s growth coincided with the rise of capitalism, which he concluded “is a system not of equality but of inequality”. Consequently, he argued that “in the 20<sup>th</sup> century, citizenship and the capitalist class system have been at war” (1992:18). Whilst his language is somewhat emotive and as a theorist he was a reformist rather than a revolutionary, Marshall was inherently critical of inequality and viewed citizenship as a positive force to counteract its undesirable and disruptive effects, as he subsequently described “the preservation of economic inequalities has been made more difficult by the enrichment of the status of citizenship” (1992:45). Developing his conclusion that citizenship and democratic practice have developed alongside the growth of capitalism, it appears logical to assert that, as the nature of capitalism changes, then the corresponding composition of citizenship, and the site of its practice, will also evolve in response to these new developments.

Taking up this theme of the changing nature of capitalism and emphasising its broader societal impact, Isin & Wood (1999:95-98) stress the dominant features of what they call “advanced capitalism”. Highlighting the difference between Twentieth Century-conceptions of capitalism, with its reliance on heavy industry and mass production,

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<sup>60</sup> Decision number 1855/2006/EC 27/12/2006. Journal number L372 of 27 December 2006.

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they correctly point out that through globalisation and technological innovation “Capitalism is a mode of production where various forms of capital social, symbolic, economic, cultural and political are produced, reproduced and accumulated”. Developing this analysis they describe how capitalism has now become informational, based upon the capacity to generate and apply knowledge based information which has resulted in the emergence of new professions and the increasing influence of the media and the growing importance of symbols and image. Secondly, capital has through deregulation become more global with both production and consumption now being organised on a global scale resulting in the growth and influence of multinational corporations which can operate outside of traditional regulatory frameworks<sup>61</sup>.

Relating these ostensibly economic developments to the wider polity Isin and Wood (1999:97) make the crucial point that “advanced capitalism has engendered new types of social differentiation, new types of occupation and the formation on new groups and classes. These conclusions have specific relevance for the relationships explored in this thesis: I argue that new forms of social differentiation produce new forms of inequality and exclusion; a process which, in turn, promotes demands for the extension of rights. As Marshall’s model has demonstrated, it is through the practice of citizenship that these rights are eventually secured. The emergence of new groups and classes also introduces the notion of identity–politics into conceptions of modern citizenship. This may explain why support for traditional political parties and political ideologies is declining, yet support for individual causes and single issue social movements retains its popular appeal. These developments do of course have inherent dangers for citizenship. As Isin & Wood (1999:101) point out, the new individualistic ethic of consumption radically alters the idea of the citizen, the citizen becoming an “opinion consumer” rather than an active political participant. This questions not only the basis of modern representative democracy but challenges the idea of civil society, community and social inclusion and cohesiveness. Global capitalism may have evolved in a way that Marshall could not have envisaged, and its fundamental transformation has resulted in identity becoming a new defining feature of citizenship;

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<sup>61</sup> An example of this is the ability of corporations to outsource jobs and relocate production to cheaper labour markets irrespective of the wider social implications of unemployment.

however his underlying assumption that capitalism and citizenship whilst antagonistic, are inextricably linked would appear to be justified.

From the evidence presented it can be argued that Marshall's central thesis captured the historical development of citizenship and identified the important role it now plays in the operation of capitalism and liberal democracies. His model does however have a number of limitations. Analysts such as (Mann 1996, Faulks 1998, Isin & Wood 1999, Delanty 2000, 2003) all agree that Marshall neglects the idea of class struggle and class conflict, and makes a basic assumption that the state is a neutral political institution. As Faulks (1998:44) points out, the state often works in the interests of a particular dominant class or elite, a fact which was convincingly demonstrated by the Thatcher Administration's attacks on social rights provision<sup>62</sup> and the collectivism of the Trades Unions.<sup>63</sup> This reflects not only the influence of ideology but also the idea that different groups and classes in society pursue different interests which ultimately questions the ability of civil society to agree upon a common set of shared and collective goals.

The secondary criticism levelled against Marshall is the fact that he confined his analysis of inequality to class-based issues and did not consider that exclusion and discrimination can be based on other factors such as race, gender, age, religious persuasion or sexual orientation. It has become apparent over time, given the continued existence of poverty, long term unemployment and social deprivation, that the resolution of these deeply-entrenched and institutionalised structural inequalities cannot be alleviated solely by the provision of social rights. Finally in an interesting and original contribution to this debate Bussemaker (1999:3) argues that "the sequence of citizenship rights suggests a relatively autonomous development in which every new step of citizenship results progressively from the previous step, consequently social rights are regarded as more advanced than political rights". Developing this argument to its logical conclusion would lead to the suggestion that

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<sup>62</sup>Central to the neo-liberal political and economic agenda was the scaling back of unemployment and social benefits, the introduction of workfare schemes, and more rigid criteria for the entitlement to state benefits aimed at dissipating the "dependency culture".

<sup>63</sup> Attempts to reduce the power of Trade Unions were introduced in successive acts and included the outlawing of closed shop agreements outlawing of secondary picketing and solidarity action compulsory ballots prior to industrial action, introducing the right of Union members to legally challenge Union decisions and through the courts the sequestration of union funds.

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over time, successive generations would seek to use those mechanisms which are seen as most effective in realising their ambitions. Consequently, citizens rely less upon politics and political institutions and more upon the enforcement of rights through the courts. This effectively depoliticises important issues and transfers authority to other non political actors. This is of particular interest in the context of the European Union and emphasises the role that the European Court of Justice has played in the promotion of integration and citizenship. This theme and the question of how it relates to the hypothesis that informal integration is assuming greater importance will form the focus of chapter six.

Summarizing the theoretical context of citizenship it is clear that Marshall's model continues to provide an enduring framework on which to base future analyses of democratic evolution and as Giddens (1996:79) suggests, to pursue themes that Marshall raised and to elaborate upon them in the context in which we now find ourselves.

### **(3:4) Citizenship in Practice; The Classical Liberal, Neo-Liberal and Communitarian Traditions.**

The preceding section has provided a conceptual overview of the theoretical understanding of citizenship; however the practical implementation of these concepts in the form of specific policies, formal rights and the entitlement to tangible benefits is dependent upon how they are conceptualized and interpreted by the dominant political ideology of the time. Reflecting the idea that citizenship has evolved from the influence of a number of theoretical perspectives, it is important to consider how classical liberalism, neo-liberalism and communitarianism offer alternative conceptions of Citizenship and how their influences offer options for its future evolution and reform. Whilst acknowledging the existence of other perspectives, particularly Socialist ideas (Plant 1981, Bellamy 2000) for the purposes of this analysis these have been excluded because at the present time there appears to be little mainstream political appetite to re-introduce the economic philosophies which underpin them. Secondly, the concept of civic republicanism which has been influential in the development of the dominant European nation states' political

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systems and the importance of the concepts of civic obligation and the political duty to participate in civil society will be discussed in chapter five.

According to Faulks (1998:9) classical liberalism has had the most influence upon the development of citizenship, based upon the political theories of Thomas Hobbes<sup>64</sup> and John Locke<sup>65</sup>, liberalism is concerned with constructing a political community which allows individuals to thrive in the market place. From this initial understanding, liberalism asserts the moral primacy of the individual against the collectivity, this is reflected in the egalitarian view that all men are equal before the law and creates a form of equality which is achieved through a commitment to private property with the state conceived as a useful institution to maintain order, but an institution whose functions should be strictly limited. For classical liberals individuals exist prior to the community and consequently any political community should exist only to protect the rights of individual citizens, conceived in this way as Bellamy (2000:145) suggests restraints on individual liberties should be reduced to a minimum, however individuals consent to give up some liberty in the form of a “social contract” in order to maximise their own self advancement Pattie, Seyd, Whiteley (2004:11). Political authority and legitimacy is therefore based upon this notion of a limited social contract and there is a clear distinction between the public and private realms of social life and citizenship. The libertarian element of liberalism, stating that individuals should choose to live as they wish without interference from the state which they see only as a “necessary evil”, has important implications for notions of community and civic responsibility. This is because liberals accept that it is legitimate for individuals not to participate in the wider political community if they so choose (Faulks 1998:17). The strict delineation of the public and private realms also confines politics and political debate to a very narrow public space and closes off potential solutions to continuing areas of inequality and exclusion such as the institutionalised discrimination against women and ethnic, cultural and religious minorities, thereby contributing to the marginalisation of those disadvantaged groups who do not have the economic or political resources to assert their rights.

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<sup>64</sup> Thomas Hobbes (1588-1679) was a political philosopher whose seminal work, *Leviathan* developed the doctrine of legitimate government and the necessity for an absolute political authority.

<sup>65</sup> John Locke (1632-1704) whose work *Two treatises on government* introduced the concept of government with the consent of the governed and the natural rights of life, liberty and property.

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Underpinning all liberal assumptions is the basic philosophy articulated by Adam Smith<sup>66</sup> that the invisible hand of the free market and the capitalist system are the most efficient wealth producers. Classical liberals have consistently argued that only a capitalist economy can guarantee the preservation of individual rights and political liberties<sup>67</sup>. Bellamy (2000) develops this understanding concluding that, for liberals, “Every demand for rights entails greater regulation and institutionalisation of social life... so although rights are often presented as protecting the individual against the state, in reality they strengthen it and reinforce the concentration and centralization of power”.

The application of classical liberal thinking has a number of important implications for the practice of citizenship. Delanty, for example (2000:28), outlines that under liberalism, with its emphasis on the market, citizenship is reduced to a formalistic legal relationship between the individual and the state, characterised by a very limited set of rights and duties. Isin & Wood (1999:8) offer a more specific criticism, pointing out those individual freedoms conceived in negative terms (the freedom from restraint) rather than positive liberties and entitlements is not an adequate conception of political life. Held (1991:21) gives a practical example of this critical flaw in liberal reasoning “the citizen may enjoy equality before the law, but does the citizen have the material capacities and cultural resources to choose between different courses of action”, we may all enjoy the absolute right to purchase a property in Mayfair or wish to send our children to a major public school, but the reality is the majority of citizens cannot afford to do so”.

The ideas enshrined in classical liberalism may have emerged in the Eighteenth and Nineteenth centuries, but they have continued to exert an influence on debates about political legitimacy and citizenship. Liberalism’s emphasis on the moral primacy of the individual provides a rationale and justification for the pursuit of self interest and also a political basis for the opponents of strong or interventionist government to articulate their views. Many of the recurrent themes that this thesis is seeking to

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<sup>66</sup> Adam Smith (1723-1790) was a political economist who’s “Wealth of Nations” published in 1776 forms the basis of classical economic orthodoxy introducing the idea of *laissez Faire* and the automatic workings of the unregulated free market.

<sup>67</sup> Liberals would point out that the centralised, planned economies of the Fascist and Communist regimes accompanied political repression and human rights abuses.

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develop, such as globalisation, the fragmentation of identity and the breakdown in respect for authority and declining participation in the democratic political process, are factors which, it can be argued, prioritise the individual at the expense of the interests of the wider community and civil society.

In the context of the European Union, while citizenship rights originated in the essentially negative liberal civil freedoms of free movement and residence and later developed through the introduction of political rights, more recently the emphasis on social rights and their relationship to the idea of identity and culture, indicate that recent policies mark a divergence from liberal thinking. However, this trend towards a more community-orientated framework faces ideological and political opposition. When elements of classical liberal thinking are transposed into an international relations environment, they bear strong resemblance to the attitudes of the liberal intergovernmentalist approaches regarding the future of political integration. The view that integration is a distinct process of interstate-bargaining, including a surrendering of limited aspects of sovereignty, can be regarded as a limited form of “social contract” between member states. This leads to a limited conception of Europe and to a type of European citizenship and civil society which is dominated by the free market economy, a strong legal framework and minimal transnational involvement in domestic political and social issues. In this sense, classical liberal ideas can provide a political platform for opponents of closer integration to advocate alternative strategies which do not rely upon outdated appeals to nationalism. This would allow the more Eurosceptic parties to maximise the advantages of European integration, whilst resisting moves towards greater political integration. This ongoing debate provides further justification for the proposition that integration has a crucial role to play in the future development of citizenship, at both the national and supranational level.

Perhaps the most serious challenge to Marshall’s notion of a progressively developmental model of citizenship is the sustained attack upon the idea of social rights that formed the basis of neo-liberal economic and political ideology. Emerging in the 1970’s and according to Barker (1997:223) of great influence on the Thatcher, Reagan, Chirac and Kohl Administrations - neo-liberalism found expression in the policies of the “new right”. This initiated a period which decisively broke with the post-war consensus and transformed the political landscape. As Harris (1998:53) has

observed, “the new right represented the attempt to remake contemporary society”. The continuing economic and social legacy of neo-liberal policies is still evident today. Callinicos (2001:7) argues that: “the hegemony of neo-liberalism is demonstrated precisely by the fact that its policies survived the electoral defeat of the parties that inaugurated it”. Despite its adoption by a wide range of political parties which are traditionally regarded as conservative, neo-liberalism represented a radical political project which transformed modern understandings of the role of the state and had a profound influence upon individual attitudes and behaviours. Barker (1997:239) neatly summarises this as “a conjunction, both strategic and intellectual, between authoritarian conservatism and economic liberalism”.

The political philosophy of neo-liberalism was drawn from the writings of Friedrich Hayek<sup>68</sup> and the economic theories of Milton Friedman<sup>69</sup>. This approach was dominated by the rejection of collectivism and economic redistribution and by a commitment to a strong state that actively promoted a distinct type of cultural identity. The distinguishing feature of neo-liberalism is that inequality far from being a social problem which requires governmental intervention is a natural condition which is both inevitable and desirable (Faulks 1998:56). Consequently, attempts to create an egalitarian society are bound to fail because citizens are naturally unequal. For neo-liberals, the market is therefore the foundation of the social order because it carries no moral priorities, does not purposefully discriminate against any groups, and through creating conditions which promote competition, enterprise and initiative, allows individuals to maximise their abilities and potential. Harris (1998:56-57) recognises the implications of this rationale highlighting that for neo-liberals “the democracy of the market is a more genuinely populist democracy and offers ordinary citizens more than the democracy of politics”.

In order to create the structural conditions necessary to realise its objectives the neo-liberal programme required a fundamental change in the relationship between the state and the individual. This took the form of active state disengagement from the market

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<sup>68</sup> Friedrich Hayek (1899-1992) was a fierce critic of the idea of centralised planning in “The road to Serfdom” (1944) he articulated a robust defence of liberal democracy and the dangers of authoritarian government

<sup>69</sup> Milton Friedman (1912-2006) was an American economist who broke with Keynesian economic orthodoxy, his monetarist policies published in “Capitalism and Freedom” (1962) was focussed upon the idea of sound money and fiscal rectitude, through strict controls on public expenditure.

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through the policies of de-regulation and privatization, positive support for efficiency and labour competition through the weakening of trade unions and stringent cuts in public expenditure funded by electorally popular tax cuts. Paradoxically, these key economic policies also required strong enforcement and state intervention in civil society, as the impact of mass unemployment, growing inequality and income disparities and the decline of the traditional manufacturing industries manifested itself in industrial and civil unrest<sup>70</sup>. These social divisions were further underpinned by attempts to enforce a unitary and conservative conception of individual identity, an identity that was based upon respect for institutional authority and tradition, centred on the ideal of the “heterosexual nuclear family” and with citizens seen as successful, self-reliant, enterprising, consuming and property-owning, (Andrews 1991:13).

This limited, but strongly-delineated, conception of identity and citizenship meant that neo-liberals viewed with suspicion and even hostility any behaviour which it deemed to be outside of the norm of societal behaviour. In consequence, identity politics<sup>71</sup> and an acceptance of cultural difference found little state acceptance or support. These authoritarian undertones shaped neo-liberal attitudes towards integration and defined its relationship with the economic, racial, religious and cultural minorities in civil society by emphasising the requirement for their assimilation into the dominant culture rather than sanction any public recognition of difference.<sup>72</sup>

With its combination of economic liberalism, outright hostility to any form of social collectivism, moral authoritarianism and its distinctive view of the role of the individual in society, neo-liberal policies have had important implications for the practice of citizenship. The reassertion of civil or market rights, at the expense of social rights, have required citizenship analysts to reconsider their attitudes towards the idea that citizenship would inevitably develop progressively with the emergence

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<sup>70</sup> The Miners strike of 1984-1985 was a divisive and bitter confrontation between the government and the mining communities. The Brixton and Toxteth riots in 1981 saw some of the worst rioting witnessed on the UK main land in modern times.

<sup>71</sup> The introduction of clause 28 prohibiting the promotion (sic) of homosexuality in education was particularly controversial.

<sup>72</sup> The now notorious Tebbit “cricket test” provides evidence of this, he suggested during a test match held between England and the West Indies that Britishness was defined by the team you decided to support.

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of an ever expanding series of rights. neo-liberalism in practice convincingly demonstrated that citizenship can suffer setbacks and reversals and therefore raised important questions about the fundamental nature of citizenship itself Harris (1998:57) cogently points out that “the state rather than being the guarantor of citizenship instead becomes its greatest threat”. This statement highlights the fact that citizenship cannot be viewed in isolation from developments and trends in the wider political environment.

The electoral defeat of some of the political parties that instigated neo-liberal policies now raises the question to what extent neo-liberalism is still influential; within the European Union the ideas of economic liberalism and the free market have assumed hegemonic status, and whilst politicians no longer overtly or explicitly attempt to justify the positive features of inequality, the widening income disparity between those successful in the market and those less fortunate is now seen as an inevitable consequence of capitalism rather than a conceptual flaw of the system itself.<sup>73</sup> Developing the core ethos of neo-liberalism into a more contemporary context, Davidson & Rees Mogg (1997:23) argue that, as a result of globalisation, new technology and the potential of the new ‘cyber-economy’, individuals are achieving increasing autonomy over territorial nation states resulting in the “commercialization of sovereignty”. As a result of this, they draw the conclusion that “citizenship is obsolete: to optimize your lifetime earnings and become a sovereign individual you will need to become a customer of a government rather than a citizen” (1997:373). Whilst their assessment may reflect the extreme end of the spectrum, it emphasises how individualism is changing the concept of the citizen into that of a consumer of services rather than an active participant in civil and political society.

The economic challenge to social rights and basic welfare provision has also been intensified by the demographic changes outlined in chapter two: an ageing population and a declining workforce are placing an increasing burden upon both public healthcare and pension provision at a time when tax cutting has become synonymous with electoral success. This culture of welfare pessimism has meant that the policy debate on the future of social rights is increasingly relegated to issues of affordability

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<sup>73</sup> No mainstream political parties are currently advocating programmes of the re-nationalisation or a return to public ownership of the major utilities, transport system or infra-structure.

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and sustainability rather than desirability. The absence of any coherent political argument to fund these rights from the redistribution of increased tax revenues reflects the continued dominance of neo-liberal ideas. The temptation for governments facing these severe economic challenges is to encourage the greater use of the private sector, with individual citizens persuaded to purchase their own health care, education and pensions. This not only exacerbates class-divisions in society, but also reduces the idea of citizenship to that of an abstract status, distancing the individual from the state and effectively depoliticising important issues central to notions of an egalitarian society.

To a certain extent it can be argued that the European Union has embraced some of the key aspects of neo-liberalism through the creation of its Single Market; it has, however, remained consistent in its commitment to create social equality and social cohesiveness. Whilst it does not yet enjoy direct taxation powers, it has adopted redistributive policies to counteract the inequalities which arise as a result of the operation of its single market. Seen from this perspective Sbragia (2005:123-125) argues that the Common Agricultural Policy (CAP), The European Regional Development Fund (ERDF)<sup>74</sup> and other structural and cohesion funds can be seen as market-correcting mechanisms which are designed to compensate affected groups, to constrain the market and to limit inequality, thus constituting the beginnings of a rudimentary European welfare state. This development of regional policy has led to the emergence of what Ginsberg (2007:258) terms “regionalism” which he describes as “a phenomenon in which sub-national entities or groups within regions of member states seek to cultivate their identity and advance their interests within, but autonomously from, the national government”. This process represents an interesting political development affecting integration, identity and citizenship, as the active promotion of regionalism facilitates the introduction of a new third level of governance. Regional policy and regional governance are likely to assume increasing importance and influence over time, providing a fertile area for further research and analysis. In cost-benefit terms, the provision of significant financial resources, to rebuild regional infrastructures and create new employment, provides financial

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<sup>74</sup> The European Regional Development Fund (1975) was introduced to provide regional assistance for depressed areas, declining industrial regions and inner cities. The structural and cohesion funds are aimed at supporting the local development of employment. The CAP accounts for 47% of the EU's total budget at 41.7 billion Euros, whilst the cohesion funds accounts for 32.6 billion Euros.

incentives for individual regions to develop more direct political relationships with the European Union<sup>75</sup>. For individual citizens, improved economic prosperity is likely to promote a more positive identification with the European Union providing a platform for Europe to build upon its commitment to bring its institutions closer to its citizens and also to preserve linguistic and cultural regional identity. If Callinicos (2001:23) is correct in concluding that neo-liberalism has paved the way for globalization, it is somewhat ironic that the market has created the conditions that are responsible for the introduction of corrective mechanisms and new types of redistributive measures which are actively promoting regionalism and regional identity - factors which are contributing to the undermining of the authority of the nation state and ultimately promoting the logic of the necessity for further political integration.

As the dominant economic philosophy neo-liberalism remains directly relevant to the future of citizenship, demographic change is likely to continue to polarise the debate about the continued viability of social rights provision. This debate is conditioned by the institutionalisation of neo-liberal economic policies by the European Central Bank<sup>76</sup> and by a tacit acceptance of politicians that electoral success is now dependent on tax cutting programmes. Neo-Liberalism's particular view of the nature of individual identity also forms a distinctive aspect of the debate about multiculturalism and remains influential for those critics who argue that social cohesion can only be achieved by the assimilation of minorities into the dominant indigenous culture. For neo-liberals, the present societal problems of crime, anti-social behaviour and the breakdown of communities stem from individual failings and a declining respect for traditional institutions of authority; consequently neo-liberals wholeheartedly embrace the transnational market but not the transnational politics, institutions, citizenship practices and identities which are required to regulate it.

Emerging in the 1990's as a reaction to globalisation and the changed societal conditions of late modernity, communitarianism has become an increasingly influential political force; closely associated with the ideas of "The Third Way" Giddens (1996, 2000) it has been influential in the policies of the Blair and Clinton

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<sup>75</sup> Political and civil society's interests are promoted through The Committee of the Regions.

<sup>76</sup> Whilst the criteria established by the terms of the growth and stability pact have frequently been breached its objectives of limiting the budget deficits of governments is based firmly in monetarist economic theory.

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administrations through the development of the ideas of stakeholding and social asset theory (Blunkett 2001) and social capital theory (Putnam 2001)<sup>77</sup>. The guiding principles of the communitarian approach mainly reside in the writings of Etzioni (1995,1997,2000) and represent as described by Rodger (2000:98), “a socio-political manifesto for post modern society”, based upon a theoretical position crystallised in the form of a critique of certain aspects of recent liberalism, Frazer (1998:112). The political appeal of communitarianism is its attempt to offer potential solutions to societal problems which are neither exclusively market orientated nor state centred. Accordingly, there is a broad consensus (Etzioni 1995:5,Giddens, 2000:65 Blunkett 2001:20), that communitarianism is concerned with the balance between individual rights and social responsibility, the individual and the community and individual autonomy and social order. At its core, communitarianism takes the philosophical position that the community rather than the individual should be at the centre of our value system. Society is therefore more than just a collection of alienated, independent, self-interested, individuals and more crucially it assumes that the basic values which constitute the framework of social order can be found in the community of which the individual is a member. In contrast to liberalism, communitarians understand that individuals enter into relationships not just as “utility maximisers” but as part of a wider commitment to shared values and practices through a process of consensus rather than that of a formal social contract.

From this theoretical starting point, communitarianism has initiated an important conceptual and practical political debate which challenges assumptions about the nature of identity, morality, values and citizenship in modern society. As part of modern political discourse, politicians frequently invoke appeals to the ‘moral voice’ of the community and to the perceived values of society in order to conceptualize what is constituted as good citizenship or acceptable behaviour; it is in this area that communitarians have started to raise important questions about what we mean when we talk of values? Frazer (1998:115) takes up this controversial point, arguing that “values can only be discerned from within the established framework of society and its way of life” an example of this somewhat abstract concept in practice is the fact

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<sup>77</sup> Asset based social theory suggests that individuals must have the opportunity to accumulate and control financial assets such as savings, investments and home ownership along with human capital ,education and skills in order to achieve economic security and social mobility and thereby share in the wealth of the country.

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that despite the otherwise close cultural affinity between the United States and the United Kingdom their attitudes towards the continued legitimacy and use of the death penalty is markedly different.<sup>78</sup> For communitarians, this principle raises fundamental questions and objections to the notion of universally-valid principles, rights and values and consequently they have begun to explore in more detail the concept of differentiated group rights which they argue more accurately reflect the wide variety of cultural and religious practices that compose today's type of multi-cultural society.

Adding a further dimension to the communitarian social thesis is its emphasis of the idea that the relationship between, and amongst, individuals is central to the development of personality and identity and that through social interaction and community, horizontal citizenship becomes as important as the vertical relationship between the citizen and the state. This connection between the individual and the community is not facilitated or regulated by any formal institutional structures and therefore rests upon establishing a clear and reciprocal relationship between the entitlement to rights and the performance of obligations and duties. In this sense, communitarianism marks a departure from the usual liberal assumption that responsibilities are understood to be the willingness to work in exchange for the entitlement to social benefits and broadens this into a more generalised obligation to the wider community through active voluntary participation<sup>79</sup>.

Taken as a whole, the introduction of social concepts such as identity, the nature of societal values and the relatively under-developed concepts of individual responsibility and civic obligation marks an important contribution to the citizenship debate. Delanty (2000:23) argues that communitarianism firmly locates citizenship in civil society rather than restricting it to the market or the confines of the state. Whilst communitarianism has not yet been monopolised by a single political party as its dominant ideological position, Delanty (2003) further argues that it is now possible to identify four emergent trends, liberal, conservative, civic republicanism and finally

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<sup>78</sup> The practice of state sanctioned executions violates the fundamental concept of the right to life as enshrined in the ECHR.

<sup>79</sup> This theme has been taken up by organisations such as the TUC and the Fabian Society who have called for the creation of a new Public Holiday to encourage participation in voluntary organisations. (2007)

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the idea of radical pluralism (the latter concepts will be discussed in subsequent chapters).

Liberal communitarianism can be said to represent the logical continuation of classical liberal thought, however rather than trying to retrieve the state project; it has shifted its focus to the recovery of authority and social order through the community. Acknowledging modern criticisms of the societal problems created by excessive moral individualism, and at the same time continuing its principled rejection of universalism, liberal communitarianism is attempting to redefine its philosophy through the notion that identity is specific to a particular community. Adopting a narrow and reductionist definition of identity as synonymous with “cultural particularity”,<sup>80</sup> Liberal communitarians accept that community is an expression of the values and practices of the dominant culture, a culture which is officially recognised and supported by the state. By locating the source of identity in the community, liberals argue that minorities and groups must assimilate into that community and into the dominant culture in order to fully participate in its economic, political and social life. This conclusion impacts on the debate about the future of multi-culturalism and challenges the possibility of the public recognition of difference and social integration. Whilst it can be legitimately argued that this hardly represents a radical transformation in liberal thinking it serves to reinforce the point that, as a result of globalisation and integration, the traditional institutions of political authority such as the nation state are finding it increasingly difficult to command legitimacy and the automatic and unconditional loyalty of its citizens.

Currently the most influential variant of communitarianism is the work of Etzioni (1995:141) which is predicated upon the principle that “there is a need in modern liberal democracies, no matter how committed they may be to either the market or the state or both, to develop a third way of thinking about moral obligation”. Etzioni (1995:6) argues that civil society is effectively a partnership between government the private sector and the community. More fundamentally, he concludes that community must now be understood as “a set of attributes and not a concrete place” (1995:6).

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<sup>80</sup> Cultural particularism is understood as the principle that the justification of values can only be found within one’s own culture or community. From this perspective there are no values that are universally applicable to all communities or cultures.

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Divorcing the idea of the community from that of territory marks an important theoretical development; for communitarians it is the logical consequence of political and social integration. Furthermore it implicitly recognises and supports the constructivist argument stating that individual and collective identity can be created. This is particularly relevant to the current ambitions of the European Union. Central to Etzioni's thesis for this moral re-construction of society is the idea that community is comprised of a web of relationships among groups and individuals. These relationships are underpinned by a commitment to shared values, norms and meanings. This commitment, and the culture of consensus which it produces, are the basis of morality and the basic foundations of the social order. From this perspective, community is compatible with both diversity and social differentiation. Thus, as Delanty (2000:29) concludes, changing perceptions of identity and participation can make citizenship meaningful to a society that has become 'de-politicised'.

Whilst emphasising the centrality of the idea of values as the foundation of a stable community, Etzioni also argues that individuals themselves possess no innate values and that values are learned through education<sup>81</sup> experience<sup>82</sup> and social interaction, Rodger (2000:101) develops this point, arguing that people are constituted by the social values, social institutions and cultural life which communal living creates.

What is distinctive in Etzioni's analysis is his broadening of the understanding of the nature of societal values. He argues persuasively that values are not just abstract concepts but principles upheld through distinct processes: through coercion (through the application of law and penalties); through reward<sup>83</sup> (the entitlement to benefits); and finally through persuasion. Consequently, values should not be regarded as fixed, immutable, points of principle. They are evolutionary and organic, changing in response to the wider environment. Specific evidence of this idea in practice can be seen in the way in which environmental protection has moved from the fringes of the

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<sup>81</sup> This connection between education and socially responsible behaviour has been pointed out by Blunkett (2001) who argues that evidence suggests that the level of educational achievement and the propensity to vote go hand in hand. Furthermore he describes that over 70% of criminals in HM prisons were found to have a reading age of 8 or below.

<sup>82</sup> The recent inclusion of Citizenship on the educational curriculum demonstrates that this aspect of communitarian thought has had a practical impact in policy making.

<sup>83</sup> In June 2007, the Communities Minister Ruth Kelly and the immigration minister Liam Byrne have argued that Citizenship for new immigrants should be "incentivised" with a points system rewarding community involvement. (Guardian 05/06/2007 p1-2)

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political arena into the mainstream and rapidly become both a shared value and a strategic political objective. Even starker is the change in cultural attitudes towards smoking which has not only become socially unacceptable, but has in many European countries been prohibited by law in publicly open spaces or the workplace. These developments give substance to Etzioni's (2000:35) conclusion, stating that society's values can change over time. This prompted him to attempt to try to identify the processes which initiate, influence, and facilitate these changes, as he describes it "if a community needs to change its social fabric in a significant way, moral dialogues are necessary to generate changes in personal and social conduct and to underpin public policies", for Etzioni, therefore the process of value formation and change incorporates three phases, consciousness raising, working through, and finally policy outcomes.

In the context of the hypotheses being developed by this thesis, it is instructive to closely compare these principles with the statements of the Council of the European Union contained in the *Berlin Declaration* of March 2007. In the realm of consciousness-raising, the document spells out the benefits and legacy of the creation of the European Union stating "European unification has made peace and prosperity possible, it has brought about a sense of community and overcome differences." Highlighting the importance of values, community and citizenship the statement continues "we are turning our common ideals into reality: for us the individual is paramount...we are striving for democracy and the rule of law, for prosperity and security, for tolerance and participation, for justice and solidarity". Developing the argument that a new supranational community working in partnership with member states and regional government is necessary to solve increasingly internationalised problems, the statement claims that "only together can we continue to preserve our ideal of European society for the good of all European Union citizens. Europe's wealth lies in the knowledge and ability of its people; that is the key to growth, employment and social cohesion". Reinforcing the ideas that both globalisation and integration are continuous processes which have fundamentally changed the nature of the political environment, the Declaration concludes that, whilst unification has become a reality, "We must protect this for the good of future generations. For that reason, we must always renew the political shape of Europe in keeping with the times. That is why we are united in our aim of placing the European Union on a renewed

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common basis before the European Parliament in 2009; for we know Europe is our common future”.

The Berlin Declaration marks the 50<sup>th</sup> Anniversary of the European Union. It corresponds closely to Etzioni’s ideas of social change through value-formation, consciousness raising and working through public policy processes, in a brief and accessible statement it highlights the objectives and summarises the achievements of the EU and demonstrates its continued importance and direct relationship with and relevance to, the security and prosperity of individual citizens. Secondly, it introduces the communitarian concept of shared responsibility, tolerance and participation, and mutually supportive co-operation and social cohesion as the core values of contemporary European society. As such, it marks a clear attempt to make the European Union and its common values and policies into authoritative institutions which are worth supporting in their own right. Finally, the explicit recognition that an enlarged European Union requires political renewal and institutional reform proposals, to be placed before the European Parliament before 2009, reflects the culmination of a lengthy working through process<sup>84</sup> and an attempt to directly include citizens in shaping the political future of the EU. The final outcome of this process, in the form of legislative reforms, is, of course, still undecided. However, it is apparent that a formal constitution of some kind and an expanded concept of active European citizenship and of a European identity based upon cultural rights are the areas that the European Commission has prioritised as part of its strategic objectives of democratic and social renewal. Based upon this evidence and the close correlation between these practical political initiatives and Etzioni’s original ideas, it seems logical to suggest that aspects of communitarianism as a philosophical approach are becoming increasingly influential in the development of Europe.

Critics of communitarianism have dismissed this approach as a masterwork of ambiguity, in particular Frazer (1998:119) notes that attempts to create a “third way” in politics, striking an appropriate balance between competing perspectives has meant that communitarianism currently suffers from conceptual vagueness. Whilst these criticisms have some justification and the balance of evidence does reveal some

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<sup>84</sup> The convention on the European Constitution initiated this process, followed by the direct referenda held in France and the Netherlands to ratify the proposed constitution.

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inconsistencies and problems with its conception of the value of universal rights and its neglect of the potential problems of prioritising the community at the expense of individual freedoms, communitarianism represents a relatively new political approach and is not yet a fully developed and rigorous social theory<sup>85</sup>. Etzioni (2000:13) anticipated some of these criticisms, stressing that the intensity and complexity of societal relationships means that communitarianism “points to the directions that we ought to follow, but it is neither doctrinaire nor a rigid ideological system”. In many ways, this reflects the necessity that political authorities now need to develop a guiding political and moral philosophy which is more reflexive and capable of responding, both quickly and effectively, to the profound and rapidly accelerating transformations to society that are being caused by globalisation and social integration.

Whilst in political terms, communitarianism is still in its formative stage, the absence of any return to socialist centralised planning and strong state intervention ensures that the continued development of social democracy as a viable system needs to develop coherent policies which accurately reflect the separate levels of governance and political authority that have emerged as a consequence of integration. With its focus upon the importance of the role of the community, communitarianism aims to bring effective democratic governance closer to citizens and to ameliorate the worst economic and social inequalities created by the capitalist market.

By initiating a moral debate about the fundamental nature of rights, and by promoting the controversial concept that the enjoyment of rights presumes the acceptance of responsibilities and the contingent discharge of civic obligations, communitarianism is exploring the pressing issues and problems of multi-culturalism, individualism and civic disaggregation which are both barriers and opportunities to the development of an integrated and inclusive society ( these specific features will be discussed in chapter five in the context of the emergent European civil society). Rodger (2000:99) expresses the clear relationship that now exists between integration and citizenship that underscores communitarianism when he argues that, “ the movement towards the

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<sup>85</sup> Etzioni originally suggested a four point programme for citizenship. A moratorium on the creation of new rights, a moral dialogue on the nature of fundamental rights, the acceptance of the principle that rights presume responsibilities and finally the moral reconstruction of society.

devolution of power within the nation state and the EU; of shifting control and accountability downwards to localities...could be interpreted as a desire to regain a sense of community". This conclusion not only explains how communitarianism is expanding the concept of citizenship but also, I would argue, points to its direct influence upon the debate on the future of political and social integration in the European Union.

### **(3:5) Citizenship: Critiques and Evaluative Summary.**

Chapter three has sought to explain how, according to Marshall, the idea of citizenship has evolved and developed alongside capitalism and modern representative democracy. However the analysis shows that not all perspectives share the view that citizenship is either an entirely positive phenomenon or an efficient method of promoting social equality. Critiques can be grouped into three broad categories: firstly, conceptual objections to the idea of rights as a status; secondly, the body of feminist analyses which explain that citizenship represents a continuation of the patriarchal and gendered nature of society; and thirdly the radical Marxist rejection of the notion that rights can resolve the distorted power relations and inherent contradictions of capitalism.

One of the main principled objections to the idea of citizenship lies in the process by which it is obtained, as a status: citizenship is conferred on an individual by an outside political agency through either ascription or naturalization. Consequently it is contingent upon the satisfaction of certain criteria either of nationality or place of residence or, in the case of immigrants, through the requirement to develop the language and social and cultural attributes of the dominant indigenous population. As Waters (2001:135) notes, the fact that citizenship is founded upon this initial legal status is in itself problematic, because as it is externally-granted it can be denied, withheld, or even revoked. Historically-speaking, the Nuremburg laws (*Nürnberger Gesetze*) of 1935,<sup>86</sup> which removed German citizenship from the Jewish population, the expulsion of Asians from Uganda in the 1970's, and, more recently, the decision

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<sup>86</sup> As part of its ethno racial concept of race the Nazi party implemented the Reichsbürgergesetz which distinguished between full Citizenship *Reichsbürgerschaft* from state membership *Staatsangehörigkeit* a process which culminated in 1940 of the removal of the Citizenship of Jews.

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of the Bosnian government to retrospectively investigate the naturalization of Muslims provide evidence of this in practice.<sup>87</sup>

From this perspective, far from being a universal guarantee of human rights and dignity, citizenship can be seen as a fragile legal concept which is particularly vulnerable to political interference and manipulation. This feature underlines the basic dualism of citizenship: whilst it is intended to be inclusive it is also potentially exclusive, in the sense that not everyone is in possession of it. Therefore it can be used as a mechanism to deliberately exclude those minorities and groups which are perceived as outsiders. The vulnerability and fragility of the status of citizenship and its associated rights is reflected in the ongoing debate on whether the creation of a formal written European Constitution would provide a more effective method of realising a permanent and universalistic conception of inclusion.

Feminist critiques of civil society are not a new phenomenon, from the early writings of Wollstencroft (1790) and Mill (1869),<sup>88</sup> to the direct action employed by the Suffragette movement and more recently the emergence of radical feminism arising from the ideas and attitudes of the counter culture of the 1960's and 1970's (Greer 1970, Friedan 1963, Pateman 1970)<sup>89</sup>. Whilst feminism now represents a diverse body of thought it rests upon the central and consistent idea that Squires (2000:44) describes as an understanding that society and politics are founded on "a patriarchal conception of the state as the embodiment of male interests". Lister (1997:66) is even more explicit concluding that "for much of history, ancient and modern, women were denied the formal status and rights of citizens." For feminists, in a political and civil society dominated by men, social relationships are constructed in a manner which allows the systematic discrimination against women who are confined to the subordinate and "special" role of primary childcare and family responsibilities. Whilst Lister (1997:69) is right to acknowledge that some of the most overt examples of

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<sup>87</sup> The Bosnian parliament has adopted a law empowering a commission to investigate the naturalisations of 1500 Muslim fighters affected between the out break of war in April 1992 and 2006. It has already stripped Citizenship from 488 of them, decisions may be appealed, but if the appeal is lost deportation to their country of origin is automatic.

<sup>88</sup> Wollstencroft's "A Vindication of the rights of women" published in 1792 argued for women's economic independence and legal equality. Mill's work "the subjection of women" 1869 argued for the extension of the vote to women.

<sup>89</sup> Radical feminism introduced critiques on the nature of sexual relations, reproductive rights and the impact of domestic violence against women.

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discrimination have been partially addressed in the 20<sup>th</sup> Century through the introduction of anti-discrimination legislation, the underlying social attitudes and values which perpetuate indirect exclusion are still prevalent. The conditioned values, that men are rational, impartial, independent and active, whilst women are deemed to be irrational, pre-occupied, passive and dependent, emphasises the public-private divide of citizenship. This challenges the development of a universal idea of participatory and active citizenship. It is understandable given its close association to the development of capitalism and democracy - a system which has perpetuated and institutionalised their exclusion - that feminists have been both suspicious, and fiercely critical of, the idea of citizenship. More recently however, analysts such as Lister (1997) have recognised that the central themes explored in this thesis, the transformation of the nature of identity by globalisation and of political participation, and the location of political authority by integration mean that citizenship now provides an opportunity to promote full political, social and economic equality for women. Rather than simply elaborating a principled but essentially negative theoretical position, Lister (1997:198) argues for a systematic programme of social and political reform and a feminist re-articulation of the public private divide of citizenship. To a large extent the success of this strategy will require a significant shift in societal values and a change in the emphasis of the attitudes towards recognising and rewarding citizens as earners, to a greater recognition of the importance and contribution of the role of citizens as carers. This hidden financial and social contribution is assuming greater importance and is no longer confined to the traditional sphere of the nuclear family: rising divorce rates, an increase in single-parent households and the breakdown of the extended family and community are exacerbated by the necessity to provide prolonged care and support for an ageing population. Consequently, important elements of the burden of social care are increasingly falling onto individual citizens. If society is committed to full equality and to creating the institutional framework inside which all citizens have the opportunity to maximise their educational and professional aspirations, then significant political reforms will be necessary to ensure that social responsibilities do not continue to fall disproportionately upon women, thereby perpetuating their continued exclusion from a full participation in civil society.

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In order to adequately represent and promote women's distinct interests, Lister (1997:200) argues that it is crucial to combat the continuing problems of political under-representation<sup>90</sup> and increase the number of women in positions of influence and power in the institutional structures that formulate and implement public policies. She concludes that "the future development of citizenship depends on women, in their diversity, being actively involved both through the formal and informal political systems in the development of public policies." For Lister, the continued existence of exclusion means that reliance on the meritocratic model has patently not worked and therefore programmes for affirmative action, such as quotas for the number of women MP's and MEP's, the introduction of all-women-shortlists for electoral candidates and the more extensive use of proportional representation and the party list system (which she suggests gives women a greater chance of being elected), should now be introduced. Rather than a total rejection of citizenship as an exclusive and gendered concept, feminist analyses are now focussing their attention on the importance of group rights, the composition of values and identity and how they change, and on the political reforms which are necessary to promote the active participation of women in all aspects of civil society. The realisation of full equality and universal citizenship will not be achieved whilst the ability of the majority of the population to participate fully is restricted by either institutional limitations or societal values which are indirectly discriminatory. Consequently, feminist interpretations of citizenship which, in the view of Squires (2000:39) introduce "a maternalistic citizenship replacing the individual politics of self interest with a more compassionate and altruistic ethic", ensure that feminism has a valuable contribution to make to citizenship and to the development of a modern pluralist and egalitarian society.

In chapter four I will explore the ways in which Marxist and Post-Marxist analyses are critical of the project of integration, because, from their perspective, it represents a continuation of the expansionist logic of capitalism. In the arena of citizenship, Marxists are equally critical and whilst Marx himself did not specifically analyse

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<sup>90</sup> The significant under-representation of women continues to be a problem for the European Union as demonstrated by the evidence that presently only 8 out of 27 European Commissioners are women, 204 MEP's out of a total of 785, and 6 of 27 judges and 8 advocate generals constitute the European Court of Justice. Demographically women constitute the majority of the population yet their political representation in Europe's institutions is confined to 29% 25% and 17% respectively.

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citizenship as a distinct concept,<sup>91</sup> his underlying view was expressed as the notion that liberal rights were no more than a justification and ideological defence of capitalism (Faulks (1998:24)). Underneath the veneer of equality there remain systematic forms of domination and oppression. For Marxists, bourgeois rights ultimately serve only the interests of the dominant ruling class and cannot solve the real inequalities of wealth, income and privilege that exist in society, as Plant (1981:137) describes, it is the pattern of ownership of the means of production that determines the character of the distribution of goods and services in society and there is no role at all for an appeal to values such as justice and equality. Consequently equal citizenship among social classes is a chimera, (Green 1985:18) and according to Callinicos (2001:54), “egalitarian aspirations cannot be effectively grafted onto neo-liberal economics”. For Marxists, therefore, liberal rights have failed to deliver security, equality and justice for all. If they are to be achieved, then it is the system of capitalism which needs to be overthrown.

Marxism has however made a distinctive contribution to the citizenship debates which Mann (1996:44) Isin & Wood (1999:23) Delanty (2000:21) all identify: the dualistic nature of citizenship means that it can also be employed as a direct mechanism of social control and closure. This conclusion is based upon the idea that citizenship rights represent a pragmatic ruling class strategy to progressively incorporate the working class into the capitalist system through the creation of rights which are designed to alleviate the worst and most obvious aspects of poverty and exclusion and bestow a measure of political influence upon citizens. But they do not fundamentally challenge; neither do they alter the balance of power held by the dominant political class. Marxism’s inherent scepticism claiming that modern citizenship is the political legitimisation of capitalist inequality and its subsequent rejection, together with its dismissal of the concept of “bourgeois” rights, has, I would argue led it to underestimate how effective citizenship has been in undermining the idea of an identifiable and unified working class. As Marxist understandings of the power relationships in society are predicated upon the assumption that the working class is the principal agent of social change, the emergence of a broader, more educated, property- and share-owning, consumerist middle class, who have through capitalism become

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<sup>91</sup> Analysts have drawn upon Marx’s essay “On the Jewish Question” 1843, which is principally concerned with the problems of religion and the position of Jews in German society.

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relatively more prosperous, has weakened the traditional understanding of the idea of class struggle, accelerated the process of identity fragmentation and effectively removed the prospect of the revolutionary transformation of society from the social and political agenda.

Marxism's neglect of both the importance and potential of citizenship, and of the impact of rights in shaping individual and collective identity, far from being irrelevant and a mere facade, may have in fact, been a contributory factor to the current hegemony of neo-liberalism. Whilst a fuller exposition of this concept is outside the scope of this thesis, it would make an interesting future contribution to the political philosophy of Marxism and the historical factors which seem to have confined its ideas to the fringes of mainstream politics. Marxism's key claim - that citizenship can be used as a method of social and political control and exclusion - is still important: the more advanced and expansive the concept of citizenship becomes, and the more rights that become attached to it, then the threat and consequences for individual citizens of its withdrawal becomes more acute. It is highly likely, therefore, that access to citizenship as a status and its associated rights and practices become more politicised and contested. In a practical sense, the competition between individuals and amongst groups and different classes for a share in increasingly scarce resources indicates that the idea of class struggle may find expression in the realm of identity-politics and differentiated group rights. Consequently it would be premature to dismiss every aspect of Marxist theory when analysing the political and social impact of integration and citizenship.

The evaluation of citizenship offered in Chapter three has sought to demonstrate how as a concept, citizenship has become synonymous with the development of capitalism and the evolution of representative democracy. It has shown how, despite some flaws and omissions, Marshall's chronological model of the emergence of civil, political and social rights - and of the growth of political and legal institutions which support them - shows evidence of being replicated at the supranational European level. By tracing the historical development of citizenship from its origins as a legal status conferring membership of a community, to its emergence as an active political practice, reinforces the conclusion that citizenship is both a dynamic and evolutionary concept. More recently, the incorporation of additional elements into its composition

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evidenced by the theoretical and political debates concerning the nature of identity, the basic underlying values of society and the conclusion that citizenship should be strongly linked to the community through a more formal commitment to shared values and the performance of civic obligations, reflects the fundamental transformations and social changes that have occurred as a result of the combined processes of globalisation and integration.

At its core, citizenship is concerned with the search for equality, social cohesion and inclusiveness and the creation of direct political legitimacy and accountability through a robust political system which enjoys the support and active participation of its citizens. It is the contention of this thesis, that integration has effectively transformed the nature of citizenship by relocating the source of important aspects of political authority from the nation state to both the transnational European level and the sub-national or regional level. Without integration there would be no necessity for European citizenship, without the civil, political and social rights that have emerged the European project to create the Single Market and an “ever closer union of peoples” would not have become as influential, important or developed to the level of complexity and sophistication it has. Brubaker (1992:72) is correct when he states the following: “the emergence of the institution of citizenship cannot be understood apart from the formation of the modern state and state system. But the converse is equally true: the formation of the modern state and state system cannot be understood apart from the emergence and institutionalisation of citizenship”. The logical extension of his argument is to assert that the ambition to complete the political integration of Europe cannot be completed without the emergence of an effective form of European citizenship. In consequence, whilst modern interpretations of the nature of citizenship have been directly influenced by integration, citizenship has itself, started to influence the process of integration and the two have become mutually reinforcing processes.

The extension of citizenship rights through the ECJ and the emergence of new behaviours and practices which have arisen outside of deliberate political decisions all highlight the growing importance of informal integration in the creation of a nascent European civil society. The remaining chapters of this thesis will further explore and develop these key issues. Chapter Five will investigate the nature of citizenship that currently exists in Europe, the historical factors which have influenced its

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development and the barriers and opportunities that face its future development. Chapter Six will then focus upon the importance of the idea of historical institutionalism both from the perspective of the ECJ as an institutional actor and also the idea that, following its formal creation in the Maastricht Treaty (1992), citizenship has become an important and developing institution in its own right.

Relating these developments to the idea that responsive formal integration follows the emergence of informal trends and practices, chapter six will consider the theory of constitutionalism and assess the immediate prospects for the European constitution as a short term political reform. Completing the argument surrounding the overall conceptual and practical relationship between integration and citizenship, chapters four and six will examine the idea of constructive formal integration and its relationship to the ideas of transactionalism and constructivism. It will also explore the role these theories may play in the construction of a distinct European identity, a more developed European *demos* and civil society. It will investigate citizenship as a cultural artefact supported and encouraged by longer term political reforms. Whilst the development of citizenship should not be regarded as inevitable or deterministic, this combination of global factors, which provides the impetus for continued economic, political and social integration, ensures that, as a concept, it will form a significant part of mainstream political debates and will influence the nature of public policies. In this context, and in the light of changed circumstances, citizenship needs to be continually reassessed and reevaluated, in order to ensure it remains relevant to the needs of modern society.

#### **(4) Developing a New Syncretic Model of Integration.**

“Perhaps now is the moment to develop a more nuanced political sociology of the European Union which acknowledges that the EU is more than simply a system of governance which can be viewed in isolation from its broader societal dimension”. Cram (2001:243)

##### **(4:1) Introduction**

By its very nature, the study of European integration is a rich and diverse field which incorporates elements of political, economic, legal and social theory. Successive decades of the integration process have resulted in a wide variety of theories that seek to explain the nature of the European Union as a political system. The pertinent question to be posed at this juncture therefore is why further study in this already overcrowded academic field is necessary at all? As chapter two has outlined, the answer to this question lies in the changing nature of integration itself. Promoted by the accelerating processes of globalisation and wider societal change, integration has entered a new phase characterised by the growing pre-dominance of informal types of integration which are now exerting a more pronounced influence upon individual identities and practices and changing traditional ideas of social cohesion. Accepting this basic premise, it is logical to assert that new approaches to both the processes and potential outcomes of integration need to be developed if we are to fully understand the nature of the European Union as a unique and unfinished type of political system.

In order to avoid any potential ambiguity it is important to clarify at the outset that the thesis is not proposing another revisionist account of the relative merits or deficiencies of the respective theories of integration, nor is it proposing the possibility of producing a new grand unified theory or a theory of everything that can encapsulate all aspects of integration. As Schmitter (2004:45-46) has highlighted, most new theories have turned out not to be new theories at all, but simply descriptions and redefinitions of the past, devoid of hypotheses about where integration is heading. In order to avoid replicating these conceptual flaws the thesis is arguing for the adoption of a new complementary syncretic approach which supports the emergent consensus of (Wiener & Diez 2004, Rosamond 2000, Bieler & Morton

2001, Christiansen, Jorgensen & Weiner 2001, Sandholtz 1996) that a single theory of integration is insufficient to capture the true nature of the European Union and that at this stage of the integration process, the idea that integration is reducible to a single discipline, theory, process or institution is increasingly difficult to sustain. As Caporaso (1998:340) pertinently concludes, theories become inadequate if they do not contain enough information to make accurate predictions about the future even though they may isolate the important causal factors at work in influencing integration. In this sense it is possible to assert that some integration theories assume different significance dependent upon changes in the wider political economic and social environment and at different stages of the integration process itself. In contrast to many other approaches however, the thesis takes this issue further by questioning the continued reliance on Puchala's (1972:276) assertion that "attempts to juxtapose or combine the conventional frameworks for analytical purposes by and large yield no more than artificial, untidy results". Viewing this as a false distinction, this research is seeking to demonstrate that European integration does not fit into any neat conceptual category or theoretical framework and that elements of federalism, intergovernmentalism, functionalism and neofunctionalism (rejected by some analysts) continue to be relevant because they reflect the structure of the institutions where European politics, decisions and civil society are conducted and enacted. From this perspective, classical integration theories therefore run parallel to more recent ideas of constructivism, institutionalism and transactionalism allowing us to understand with a degree of objectivity and distance the evolution of the European Union in the context of its past, and to hypothesise on the probable shape of its future.

Developing this initial line of enquiry, chapter four will draw upon and extend the important but often overlooked contribution made by Wallace (1992) who highlighted the growing importance of the differences between formal and informal integration and developed the crucial distinction between pro-active formal integration and responsive formal integration<sup>92</sup>. Recognising the ongoing tension that builds up between the continuous processes and unintended consequences of informal

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<sup>92</sup> Pro-active integration can be seen as a deliberate political aim to produce outcomes other than those which informal processes and trends have created, the original creation of the institutions of the European Union is a prime example. Responsive integration can be seen as the consolidation and legitimisation of informal developments an example of which is the creation of Union Citizenship in the Maastricht treaty.

integration and the more sporadic formal enactment of institutional reform, reinforces the conceptual link between integration and citizenship and the central role that citizenship now occupies in the key issues of democratic legitimacy, political participation and the aim to create an identification with the shared aims and values of the European Union. As Threlfall (2002:137) identifies “from its inception (and despite periods of stagnation) European integration has continued to widen and deepen, from economic integration through partial political integration and more latterly a general convergence towards more social integration”. It is axiomatic therefore, that without European integration there can be no form of transnational citizenship and Citizenship would have remained confined to traditionally narrow conceptions of ethnicity, territory and national identity and its limited historical association with the nation state. Accordingly, chapter four will aim to provide a more theoretical basis for the reasons that contemporary developments have widened conceptions of integration and citizenship and the close and developing inter-relationship that now exists between these two concepts.

### **(4:2) Transcending Old Controversies; the Need for a Complementary and Comparative Approach to Integration Theory.**

Developing an objective, progressive yet manageable research agenda in the complex field of integration study is a challenging prospect. The dynamic nature of both integration as a process and citizenship as a practice means that the concepts under analysis are constantly shifting social phenomena which present fresh challenges as new political institutions and mechanisms evolve.

In order to give some coherence to what essentially is a multi-disciplinary approach it has been necessary to adopt a specific focus on the key elements of integration theory which directly affect the practice of citizenship and which influence the way Europe’s supranational institutions operate outside of the confines of the nation state.

Chapter four has therefore, a number of key objectives in order to establish the comparative framework from which the relationship between integration and citizenship can be tested and verified. In the first instance and acknowledging the

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durability and stability of Europe's basic political system, it is important to ascertain which elements of classical integration theory (federalism, functionalism, neofunctionalism and intergovernmentalism) are still relevant in the light of the changed global political and social environment. Secondly, recognising the fundamental way globalisation is transforming the nature of civil society and expressions of identity develop a clearer understanding of the growing impact of informal integration and how this is exacerbating Europe's democratic deficit and creating pressures for further responsive formal integration to legitimise and consolidate the transnational practices which have emerged. Finally, reinforcing the conceptual idea that integration and citizenship are the analytical tools which can be used to explain contemporary developments and changes in methods of political organisation, chapter four will demonstrate how European citizenship is becoming central to the issues of democratic legitimacy and accountability that constitute our understanding of representative democracy in the twenty first century.

The combination of all these factors into a new synthesis, introduces a new perspective on integration by promoting the idea that integration can be seen as a cyclical and on-going process rather than a linear and deterministic one. Seen in this way integration can therefore be regarded as a process which is started by deliberate pro-active or constructive formal integration beginning with the creation of new institutions or policies which are intended to promote deeper economic or political co-operation. Once introduced however, these initiatives are then developed and advanced into new areas by the effects of other informal processes and practices, which serve to complicate the achievement of the initial objectives. This complication then necessitates the enactment of further responsive formal integration in order to legitimise and consolidate the outcomes of these unintentional changes. Once these new practices have been formalised and constitute a recognisable system in their own right however, the continuous patterns of informal integration once again begin to exert their influence on the political framework generating pressures and building to a situation where once again more innovative formal integration is required. This process results in what can be described as periods and phases of construction and innovation (starting with the formal enactment of landmark treaties) followed by periods of development, periods of apparent stagnation and finally periods of

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consolidation and legitimisation, where Europe's institutional system is reformed in order to catch up with the new informal practices that have emerged.

Fulfilling the chapters objectives and giving substance to the idea that European integration and citizenship are driven by a combination of both formal and informal processes requires the application of a methodology which systematically explores integration theory in terms of its theoretical background, the contemporary European applications in its institutional mechanisms and an assessment of the overall impact integration has had in encouraging citizens to pursue the enforcement, consolidation or extension of their citizenship rights through new supranational institutions.

In approaching integration theory in this way, it is important to distinguish between theories and critiques as distinct types of ideological or philosophical approaches, such as federalism, intergovernmentalism and the Marxist and Post-Marxist critiques which have explicit although often opposed political objectives, and those theories and approaches which are essentially strategies for the achievement of specific political aims which are represented by the ideas of functionalism, neofunctionalism and the principle of spillover. More recently and perhaps reflecting the radical social changes that we are witnessing, contributions to the integration debates have been expanded by the introduction of new and interesting ideas incorporated in historical institutionalism<sup>93</sup>, social constructivism<sup>94</sup> and a renewed interest in the theory of transactionalism<sup>95</sup>.

Placing classical and modern theories of integration into the conceptual model proposed here, chapter four will demonstrate the continued relevance of some elements of federalist, functionalist, and neofunctionalist reasoning. Developing the core relationship hypothesised by this thesis, chapter six will explore the idea of historical institutionalism and in particular assess the role of the European Court of

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<sup>93</sup> Institutional approaches start from the basic premise that "institutions matter" and that over time they seek to expand their own influence and competencies. In particular the role of the ECJ the Commission and the Parliament is coming under increasing scrutiny in this respect.

<sup>94</sup> Constructivism does not represent a single coherent theory but incorporates a number of positions and perspectives and as such it cannot of itself constitute a distinct theory of integration in its own right.

<sup>95</sup> Transactionalism originated in the theoretical work of Karl Deutsch, it has gained increasing relevance because its underlying assumptions anticipate many of the contemporary manifestations of the processes of globalisation and social convergence.

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Justice in promoting European integration and more latterly how the attempts to create (and now revive) the European Constitution reflect the current phase of responsive formal integration designed to resolve Europe's democratic deficit. Finally, chapter six of the thesis will focus on the ideas of social constructivism and transactionalism by analysing and exploring how the European Commission is seeking to initiate a long term phase of pro-active formal integration through the development of a distinct European identity through the mechanism of citizenship.

Having set out the basic rationale for the need to construct a complementary and comparative framework to explore the on-going relationship between integration and citizenship, it is now necessary to give some consideration to the validity of the proposed new model and to establish to what extent its core assumptions and conclusions can be legitimately substantiated or questioned. Noting the inherent problems in objectively assessing political theory Wiener & Diez (2004:17) provide a useful guide in this respect by outlining three normative criteria for the evaluation of theory. In their view valid theory should provide an explanation and understanding of why integration has come about, it should be able to develop definitions and an analysis of the nature of Europe's institutions and practices and perhaps most importantly theory should act as an interventionist critique of the route integration has taken and based upon past experience allow for the development of norms, principles and alternatives for its probable future. Translating this framework into the proposed model, I would suggest that classical integration theory remains relevant because it explains how and why the European Union has evolved, more recent theories such as and Institutionalism provide an explanation for the way practices and institutions are changing and finally how constructivism and transactionalism can be argued to reflect more contemporary developments and offer alternatives as to how integration may develop. Taken as a whole therefore, the model addresses the respective criteria of theory development and offers a plausible explanation for the changing nature of European integration which a single theory cannot provide.

It should however be recognised that integration theory remains a contested area and not all analysts would share this view of the relevance of particular theories. In particular Moravcsik (2001:177) is critical of the new approaches of constructivism arguing that "hardly a single claim is formulated or tested in such a way that it could,

even in principle, be declared empirically invalid". Chrysochoou (2001:10) however, takes a contrary view arguing that "the value of theory is not determined by any rigid criteria". On the balance of the available evidence and recognising that in many respects the new types of approaches represented by constructivism and transactionalism concern ideas about the creation and emergence of new types of political identities, developments which are not easily confirmed empirically or otherwise, a balanced assessment needs to accept the perspective, that the emphasis any particular analysis takes on integration will always be open to legitimate academic challenge and debate.

Outside of the more abstract concerns of empirical validity, the sheer variety of integration theories arising mean that there remains a healthy and on-going debate between alternative and competing perspectives what Rosamond (2000:101) has called "theoretical eclecticism". This in part recognises that integration theory incorporates not only broad macro political analyses, but also the micro- analyses of institutions, procedures and practices for examples see (Hoskyns 2004<sup>96</sup>, Haltern 2004, Holland 1980)<sup>97</sup>. Acknowledging the wide variety of potential sources that are now available, the selectivity of relevant and current material is increasingly becoming a problem for European theorists. It is however of primary importance that any political or social analysis preserves as far as possible objectivity and avoids any intentional or unintentional bias and new constructivist approaches which emphasise the importance of the role of language in integration are making important contributions in this area.

Identifying that the act of theorizing is not of itself a totally objective process because it contains unintentional assumptions drawn from the authors' ideological and cultural background Morton, (2001:26) concludes that the act of developing labels (giving names to processes, institutions and practices) is an inherently political act. Building upon Habermas's theory of communicative action (1984) and the writings of Michael Foucault (1984), Diez (2001:85-95) develops persuasive arguments for what he terms

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<sup>96</sup> Hoskyns puts forward not an altogether convincing case for the inclusion of gender in constructing theory. Whilst she is correct that gender remains a marginal issue and women still relative outsiders in European politics, it is difficult to detect deliberate gender bias in theoretical analysis and that conceptions of gender as identity are increasingly changing as identities become more fluid.

<sup>97</sup> In contrast to the majority of other conclusions Holland argues that the European Union has not been responsible for the preservation of peace in Europe, but has been a consequence of it.

“a politics of integration discourse”. At the heart of this approach is the notion that the political language we use is of profound importance and the positive or pejorative use of language does more than simply describe political institutions and systems but also gives a more tangible political form, reality and substance to what were previously abstract concepts. This expanding lexicon of political vocabulary or “Euro-speak” can be seen in the reportage of day to day workings of the European Union with frequent reference and common understanding of the *acquis communautaire*, the principle of subsidiarity, co-decision, and in a more pronounced form in the analytical writings of European theorists.<sup>98</sup>

Two particular developments give added credence to Diez’s arguments, firstly the increasing importance that has been placed upon European citizenship since its formal enactment into the Maastricht treaty. Whilst the majority of citizenship rights were already in existence in a variety of treaties and directives the entering of the concept of citizenship into the language of European politics has given it a greater prominence and a tangible identity which is encouraging a greater use of its provisions and rights. This is a development which is supported by Holland (1993:144) and Chrysochoou (2001:182) who conclude “Union Citizenship carries an undisputed political symbolism”. Secondly, the recent attempts to create a formal European constitution were made more problematic by the use of the word constitution itself, it could be argued that had the codification of the existing treaties simply been called the treaty of Rome or London 2005 it would not have excited the controversy and perceived threat to the member states’ autonomy that was seized upon by opponents of closer integration and this was a factor which led to its rejection by the French, Dutch and Irish electorates. These examples serve to highlight that the choice of political language may be crucial to the future of integration<sup>99</sup> as it can act in both a constructive and destructive manner and that theory has a continuing and vital role in developing a framework from which rational political decisions and choices can be made.

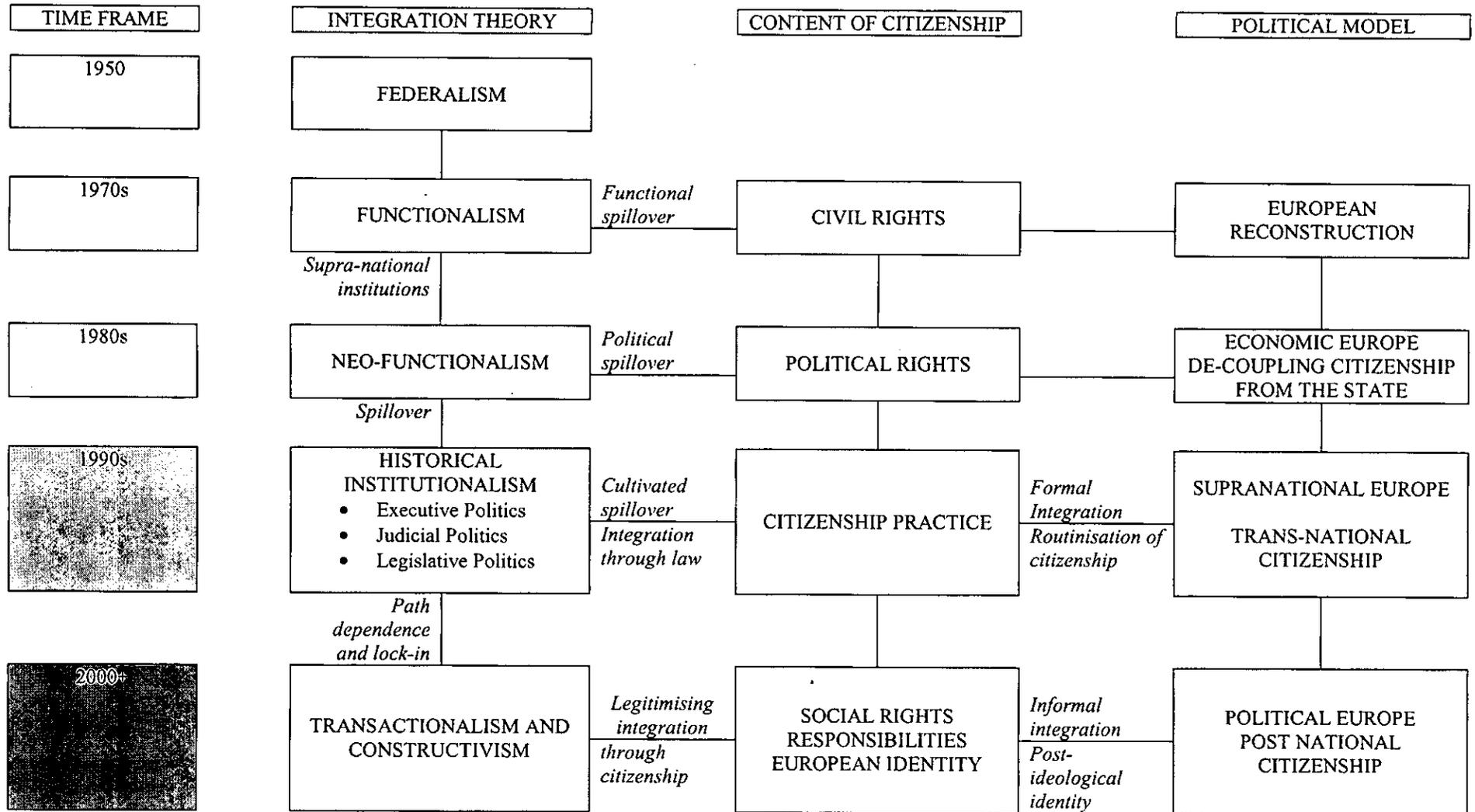
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<sup>98</sup> Examples of the variety of descriptions of the European Union as a political system include Confederal union, consociation, proto-federation, pluri-dimensional configuration, technical self determination, sympolity and polycentric and multi-level governance.

<sup>99</sup> At the time of writing this thesis attempts are being made to revive the European Constitution under the German presidency whether this will be successful is unclear however it seems the choice of the word constitution is being made for deliberate political aims.

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The preceding section has outlined the background against which theories of integration can be evaluated and attempted to provide an overview of some of the conflicting views and difficulties which shape the integration debate. The following section will now explore the continuing relevance of those elements of classical theory which are still influencing integration and provide the justification for the comparative and complimentary framework that has been proposed. Drawing upon the preliminary findings of stage one of the research methodology, the continued relevance of particular elements of integration theories and their hypothesised relationship to the chronological emergence of European citizenship rights can be expressed in the following linear diagram.



**(4:3) Classical Integration Theory in a Modern Context**

It is a testament to the founding principles and the incremental political strategies of the European Union that integration has become a permanent, accepted and established part of the political, legal, economic and social framework of contemporary society. Outside of nationalist rhetoric there appears to be little serious criticism of closer integration and no mainstream political movement is articulating any credible alternative to the European Union as the most efficient method of political organisation in an increasingly complex and globalised political environment. This uncritical acceptance is, however, not entirely justified, as Strikwelda (1997:69) points out; Europe's history of integration is discontinuous and can be derailed regardless of the logic behind it. In theoretical terms the assumption that the process of integration is now somehow inevitable and deterministic obscures debates about the underlying nature of the types of integration that are now emerging and the external factors which are influencing its continued development.

Integration today is not the same as integration in the past, even in the past decade; globalisation and new technology have accelerated not only the pace but also the scope and scale of integration producing profound and unexpected effects across the whole of society. Unregulated and uncontrolled informal integration manifested by shifting loyalties, fragmented identities and changing expectations and increasing demands by citizens' are causing changes in political behaviour and challenging the basic democratic legitimacy of Europe as a representative political system. Integration has become therefore, not just an objective or economic and political strategy, but an integral part of the European Union's ability to resolve its internal problems of preserving social cohesion in a multicultural and differentiated society. The immediate priority for policy makers and integration theorists therefore is to understand the changed nature of informal integration and determine how formal integration may be used to regulate, legitimise and consolidate its impact through practical institutional reform.

One classical starting point for understanding integration in a European context is the definition provided by Haas (1958:16) who argued it is "the process whereby political

actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre whose institutions possess or demand jurisdiction over the pre-existing national states".<sup>100</sup> Of course, Haas formulated his definition at a relatively early historical stage of integration and his primary focus was the motivations and actions of political elites; his conclusions however have proved remarkably durable and his definition continues to have relevance today if we broaden the understanding of political actors to also include individual citizens, non governmental organisations such as single issue political movements, Trades Unions, employers federations, lobbying organisations and multinational companies. In particular, emphasising the idea that actors need to be persuaded of the benefits of transferring their loyalties to a new centre, bears strong comparison to the recent aspirations of the European Union to develop a stronger identification (amongst its citizenry) with its core aims and values and its efforts to promote and encourage more effective use of European citizenship rights. Building upon and updating Haas's basic definition, Wallace (1992:9) attempts to reflect how the processes of integration have developed by concluding that integration involves "the creation and maintenance of intense and diversified patterns of interaction among previously autonomous units. These patterns may be partly economic in character, partly social or partly political", (given the importance of the European Court of Justice's rulings and jurisprudence it would be appropriate to now incorporate legal characteristics into Wallace's initial definition).

In a detailed examination of the underlying dynamics of integration, Wallace (1992:9-16) identifies the important distinction between formal and informal types of integration and makes a crucial yet subtle distinction between what he calls pro-active formal integration (I would prefer to use the term constructive formal integration) and responsive formal integration. Combining these two contributions can provide us with comprehensive definitions of the forces that are currently at work in shaping integration and also offer an explanation for the haphazard way that integration has evolved historically and how these apparently contradictory processes can coexist.

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<sup>100</sup> In its simplest sense and according to the Oxford English Dictionary integration can be understood as the bringing together of previously autonomous units.

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Informal integration can be understood to consist of those intense patterns of integration which develop without the impetus of deliberate political decisions, patterns which arise out of the unregulated dynamics of the free market, the application of new technologies, communications and information and through the impact of wider cultural, demographic and social change. Informal integration is therefore a continuous process which reflects the cumulative result of the transactions of private individuals and groups pursuing their private interests. The recognition of the pivotal role that informal integration now plays in the shaping of individual and collective behaviours opens up a new field of enquiry and a direct link between continued integration, the future of European citizenship and the possibility of creating a distinct European identity. It should not be assumed however that informal integration represents an entirely positive development; informal integration can also result in the emergence of trends, ideas and practices which run contrary to ideas of equality, tolerance and social cohesion. In this case informal integration can be argued to exacerbate the dualistic nature of citizenship as from some perspectives the public recognition of ethnic, religious, cultural or gender differences through the provision of group rights militates against the very principle of a universalistic citizenship enjoyed by all. This aspect of the integration and citizenship debate is becoming increasingly important as the continued viability of a pluralist multicultural society has become a highly charged political and social issue.

Analysing the background as to why integration occurs, according to Wallace (1992:17) it is possible to detect two distinct types of formal integration that are at work. Formal integration consists of those changes in the framework of rules and regulations which encourage or inhibit or redirect informal flows. Formal integration is discontinuous; it proceeds decision by decision, bargain by bargain and treaty by treaty. Pro-active (or constructive) integration has a deliberate and explicitly political aim; to redirect flows into patterns other than those which market forces or social trends have created. In this sense formal integration can be argued to represent the interventionist aspect of the European Union, what Jachthenfuchs & Kohler-Koch (2004:99) explain "as the political process of setting explicit goals for society and intervening in it in order to achieve those goals". In practical terms, the development of the single market created in order to stimulate economic growth and prosperity, the introduction of the Common Agricultural Policy designed to protect and maintain

food supplies, and the financially re-distributive objectives of the regional, structural and social funds highlight that the European Union has been an active participant in attempts to regulate and ameliorate some of the effects of the free market. In social terms, and in response to the horrors and atrocities of the Second World War the European Union has had a long and continuous history of developing and strengthening human rights policies<sup>101</sup> and has recently concentrated its attention on the complete elimination of all forms of discrimination, racism and xenophobia. From this perspective, constructive formal integration can be understood as a variant of the idea of positive integration which as Jovanovich (1998:5) describes is the process whereby new policies and new institutions are endowed with coercive powers that transcend pre-existing systems, aimed at driving forward the integration process towards an ever closer union.

In contrast to constructive integration, responsive formal integration is defined as the need to adjust rules and procedures to changing economic and social trends and to amend those regulations and institutions which have been transformed into obstacles by informal developments. Responsive formal integration can therefore be seen as the mechanism whereby emergent and evolving practices are consolidated and legitimised into widespread use within the institutional framework of the European Union. Given the perceived problems of resolving the democratic deficit, achieving political accountability and legitimacy (a theme explored in detail in chapter six) responsive integration is likely to assume greater importance in the short term as the impact of wider social change becomes more pronounced.

Based upon this analysis, we can conclude that integration has evolved from the realisation of basic economic stability<sup>102</sup> through partial political co-operation and integration into a far wider conception of social integration. Threfall (2002:137) takes up this point, arguing that social integration has resulted from the abolition of the legal and institutional barriers which lock individuals into the social systems of their current state of residence. As such, it can be argued that the growth in social

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<sup>101</sup> Alongside basic human rights The European Union has introduced important initiatives such as the working time directive, equal pay legislation and encouraged rules which promote education and personal development.

<sup>102</sup> Shaw (2001:75) points out that the *Lex Mercatoria* the law of international commercial transactions represents the most developed form of integration, creating a global economic regime through the World Trade Organization.

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integration has emerged partly as an unintended consequence of the economic and political policies adopted by the European Union in seeking to realise its objectives of ever closer union. As subsequent sections of this chapter will explore this emphasises that the principle of spillover, integral to the neo-functionalist ideas of integration remains an important factor in the way integration is developing.

Differentiating between the different aspects of formal and informal integration in this way underscores the necessity for a more nuanced understanding of the way informal integration is evolving and the cultural trends which are determining the direction it takes. Integration is no longer the preserve of a political elite or simply an economic and political objective, the permissive consensus<sup>103</sup> Van Ham (2001:172) which electorates have demonstrated in their responses to political developments in Europe is being challenged by greater access to information and through demands for greater economic prosperity, rising living standards and an ever expanding entitlement to a variety of human, civil, political and social rights. Translating these cumulative demands into practical policies through the political process is crucial if Europe is to remain relevant in the eyes of its citizens, the way Europe conceives and responds to integration is therefore key to the shape of the future institutional architecture of the Union and the way European citizens interact with the authorities that govern them. In the short term, responsive integration is likely to take the form of renewed efforts to agree some form of European Constitution that codifies and consolidates the rights and practices which have emerged over time into a new formalised basic law of the union. Relating these developments to the theoretical model I have proposed, it would be appropriate to conclude that Europe has now entered a temporary period of consolidation and legitimisation which will emphasise the growing importance and influence of supranational institutions and the theoretical ideas of historical institutionalism, constructivism and transactionalism.

In the longer term, and taking advantage of more fluid conceptions of identity and the wider societal trends which are changing the relationship between citizens and traditional political authorities the European Union is shifting the idea of constructive

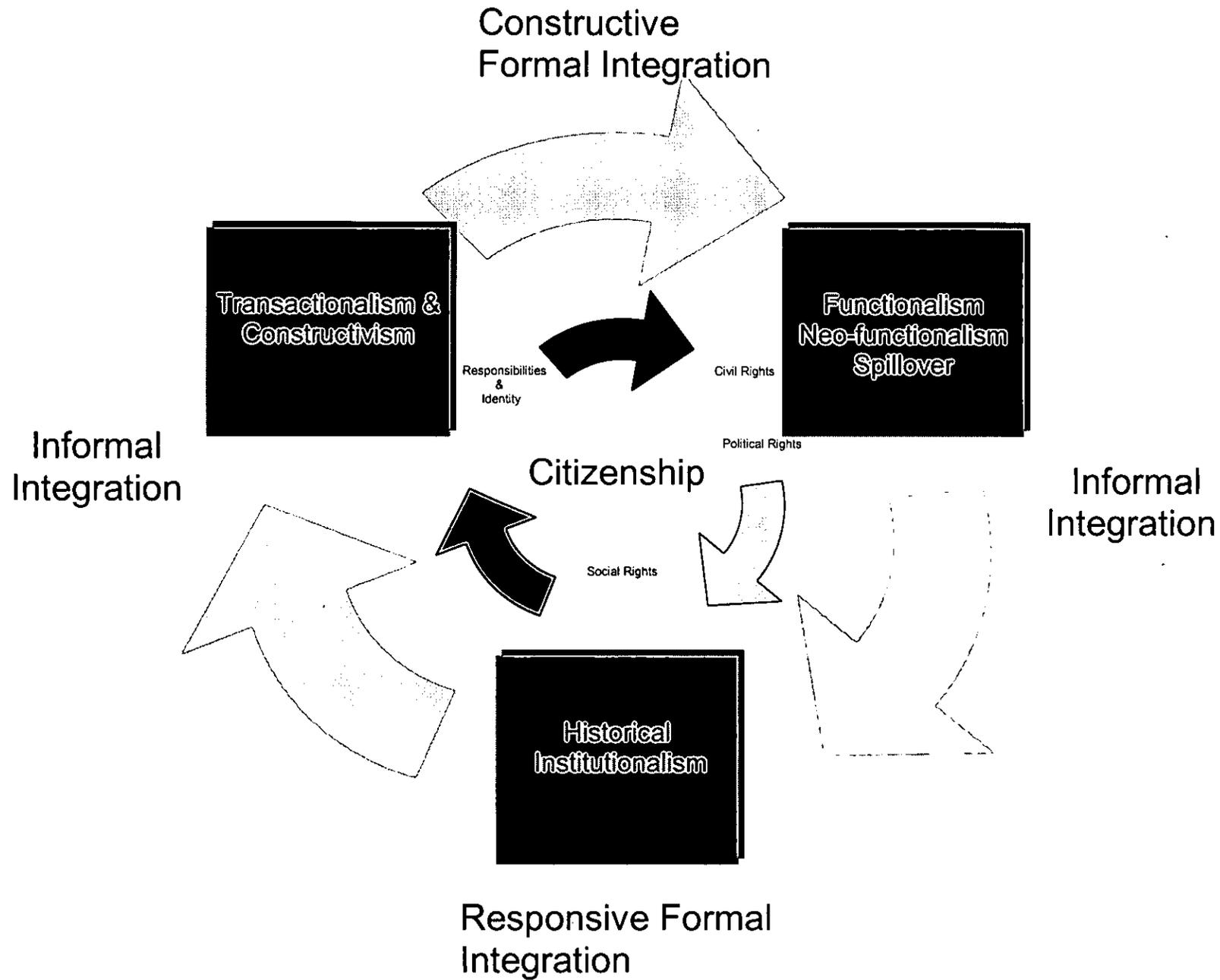
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<sup>103</sup> The permissive consensus is a phrase coined to explain why electorates have allowed integration and the relatively low level of politicisation and controversy surrounding European issues. It is based upon the idea that citizens have based their consent upon the satisfaction of socio-economic gains and material prosperity rather than its impact on democratic practice.

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integration towards achieving social cohesion and achieving a more egalitarian society through social and cultural integration. The prioritisation of European citizenship and the desire to encourage the emergence of a distinct European identity around an explicit and agreed set of core values and principles represents a radical development in the history of integration. The idea of constructing a European identity and demos represents a fundamental and direct challenge to the basic authority of the nation state and constitutes a dramatic reversal of the Union's previous long term strategy of incremental and gradual integration which relied upon integration proceeding in non-controversial areas that had demonstrable collective economic benefits. The implications of this paradigm shift may have far reaching consequences for the future of integration with a more overt and positive conception of the role of a political Europe and the renaissance of Federalist ideas that supranational institutions may be the most effective and efficient solution to the challenges posed by globalisation; as Marks (1996:33) speculates the European Union is no longer regarded as a mechanism for achieving policy goals, but as a set of authoritative institutions worth fighting for in their own right. Whilst its strategies may be changing, the European Union will continue to be influenced by those aspects of integration which have proven to be successful in the past and therefore classical integration theory continues to play a vital role in the way European integration is likely to develop. The following sections of chapter four will examine the core aspects of those theories which continue to play a prominent and influential role in approaches to both formal and informal types of integration.

Introducing the second stage of the research methodology, chapter four will develop the proposed model of integration by incorporating the distinction between formal and informal types of integration. This new syncretic model which explains integration as a cyclical rather than a linear process and which emphasises the role of citizenship as an important factor in promoting informal integration is expressed in diagram two.



**(4:4) Federal or Confederal Europe? Visions of European Unity.**

The idea of federalism has become synonymous with the evolution and development of the European Union and the creation of a supranational political framework which seeks to transcend the limitations of the nation state. Federalism is however, more than an ideological or philosophical approach; it represents a successful and long term method of political organisation which has peacefully unified previously autonomous regions, states and cantons in a number of countries.<sup>104</sup> Differences in the political systems and institutions which have emerged in these countries serve to illustrate that there is no one single theory of federalism and that its practical implementation can take a variety of forms. Despite this, Federalism in a specifically European context is often misrepresented as the aspiration to create a “European Super-state” which supersedes and then replaces the nation state. Consequently, the idea of federalism is often viewed in the most hostile, negative and pejorative terms rather than presented as a rational and viable alternative method of democratic governance. As Burgess (2000:27) has pointed out, hostility to a federal Europe is based upon a fundamental misunderstanding of federalism itself and the polarisation of the debate about federalism obscures the fundamental idea that federalism “is anchored in the belief that political authority should be organised as far as possible in a manner which accurately reflects national socio-economic diversities...with power dispersed among and between different groups and organisations in society”. Disputes about where political authority is most appropriately located, at the nation state or transnational level often diverts attention from the underlying rationale of federalism as a proven method of securing peace, entrenching and extending democracy and guaranteeing human rights. Viewed from this more positive perspective therefore the aims of federalism can be seen to emphasise the idea of power sharing and devolved power through the operation of constitutional democracy which as Rosamond (2000:25) has argued provides a safeguard against the threat of war and an efficient framework of democratic governance by locating the source of political authority as closely as possible to the people. federalism’s prioritisation of the importance of the continued development of human rights and the perfection of an effective, working,

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<sup>104</sup> Examples of Federal systems operate in the United States of America, Canada, Germany, Switzerland and Belgium and Australia amongst others.

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representative, democracy ensures that the idea of citizenship remains an integral part of federalist political strategies.

Having established that the basic philosophical aims of federalism correspond directly with the founding principles of the European Union as outlined in the pre-ambule to the Treaty of Rome it is useful to now consider to what extent federalist principles have been incorporated into the political framework and institutional system of Europe, and to determine what type of federalism has subsequently emerged, and as a result if Europe can now be seen to represent a federal, confederal, quasi-federal, or a unique hybrid form of Euro-federalism. Developing the underlying premise of the thesis that integration is influencing the direction of citizenship's development, further consideration must also be given as to why in the absence of widespread popular federalist movements or public support, its influence continues to remain so pronounced, and how the more recent problems manifested by the processes of globalisation are renewing the impetus to find federal solutions to Europe's transnational problems.

Attempting to produce a definitive definition of federalism as a method of political governance is, as McKay (2001:6) suggests, beset with problems. The wide variety of federal systems that are currently in existence from the highly decentralized arrangements in Switzerland to the relatively centralized constitutional arrangements of the United States highlights that federalism offers a variety of potential models and that federal arrangements can combine a variety of different features. Writing in a specifically European context, Burgess (2000:25) takes a broad perspective defining federalism as "a specific organisational form which includes structures, procedures and techniques" whilst Chryssochoou (2001:45) is more specific and forward looking defining it "as a multi-level political arrangement based on a constitutional system of delegated, reserved and shared powers between relatively autonomous yet inter-related structures of government whose multiple interactions aim to serve the sovereign will of the federal *demos*". Taking into account these differences in emphasis, it is possible to assert that in its simplest sense, federalism can be understood to represent the development of a political system where there is a clear division of authority between centralised governmental institutions and those institutions which are based at the state or regional level. In the case of the European

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Union the supranational institutions of the European Parliament, the European Court of Justice and the European Commission represent the federal elements governing, setting policy and enacting legislation which affects the whole, whilst the individual member states', and where applicable individual countries<sup>105</sup> or regions govern those areas of competencies which are not exclusively exercised at the central level. The fundamental principle of federalism in practice therefore is the necessity to develop appropriate mechanisms whereby efficient power sharing can be given a formal and legal basis which clearly delineates which level of authority is to act in any given policy area. This separation of powers is normally achieved through the formal constitutionalization of powers either in a distinct written constitution or through a legal framework overseen by a supreme judicial institution. The recent attempts by The European Union to introduce a formal constitution illustrate that this aspect of federalism is particularly important, not only for efficient decision making and problem resolution, but also to ensure that Europe's political system is clear, accountable and transparent and that democratic legitimacy depends upon individual citizens being aware of the appropriate political institutions where they should direct their claims and make their representations.

The lack of a formal constitution does not however imply that the European Union does not constitute an attempt to develop a type of federal arrangement. As Koslowski (2001:35-36) has identified, constitutionalization need not be the single act of a constitutional convention, but rather the gradual accumulation of rules and customary practices that have become accepted over time the *acquis communautaire*. Koslowski's analysis succinctly highlights the real area of contestation between federal approaches - the contrasting idea of a once and for all constitutional arrangement against the gradualist and incrementalist strategy of achieving a federal objective over time through measured progress in a variety of political, legal economic social policies. The choice of approach adopted will have important implications for the future of both integration and citizenship and the indications that the European Union is persevering with attempts to revive a formal constitution and at the same time trying to develop a distinct European identity demonstrates that policy

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<sup>105</sup> In the case of the United Kingdom following devolution the Scottish Parliament and the Welsh Assembly have assumed different responsibilities. This is becoming an increasingly controversial political issue as Scottish MP's are still able to vote on legislation that affects only English voters, thereby challenging traditional ideas of political accountability.

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makers may be adopting more overt federalist aspirations for the future of the European Union as a political system culminating in the creation of a union of peoples, rather than just a union of states.

The preceding section has attempted to provide a basic understanding of the nature of federalism, its contrasting approaches and to outline the influence of its philosophy in the construction of the European Union. In order to lend support to this idea it is appropriate to examine the evidence that Europe as a political project holds federalist aspirations and to determine the influences which have driven the adoption of strategies to achieve this as a primary objective. The roots of the idea that federalism could provide a solution to Europe's turbulent history are firmly anchored in the experiences of the Second World War, the full realisation of the nature and consequences of this devastating conflict reflected in the massive loss of life, institutionalised abuses of human rights and the atrocities of the Holocaust profoundly influenced the principal actors from all sides of the political spectrum. The realisation of the dangers of authoritarian government and the fragility of democracy and basic human rights found expression in the Ventotene<sup>106</sup> Manifesto, drafted in 1941; the Manifesto provided a critique of totalitarianism and called upon workers and intellectuals to create a European Federation which could provide security and social justice for all Europeans. Illustrating the point that the idea of European federalism transcended political ideologies was the call by Winston Churchill for a "United States of Europe" in a speech at Zurich University in 1946<sup>107</sup>. Despite losing the 1945 general election Churchill remained an influential international figure and his analysis that Europe must unite before it was destroyed by war could only be achieved through the development of a European ideal and values driven forward by a strong partnership between France and Germany. Churchill's intervention, according to Nelson & Stubb (2003:7-8) forced European leaders to take the concept of European federalism seriously leading to the Hague congress of 1948 and the creation of the Council of Europe in 1949. In the context of the development of modern democracy and citizenship the Council of Europe represents an important milestone, as its

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<sup>106</sup> The Manifesto was drafted by Altiero Spinelli a former Communist who became a prominent European Commissioner and member of European Parliament 1976-1986 and Ernesto Rossi an anti-fascist journalist.

<sup>107</sup> Churchill's speech did not however include detailed proposals to achieve these objectives and his view on Britain's role in Europe remained vague and ambiguous.

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founding objective was to work for European unity, to improve living conditions develop human values, and to uphold the principles of parliamentary democracy and human rights, values which continue to be influential today.

The practical realisation of these objectives was first given substance in the Schuman<sup>108</sup> declaration of 1950, where it was proposed that the war making capacity of the heavy coal and steel industries of France and Germany would be pooled under a single authority. The plan, which was subsequently implemented by Jean Monnet,<sup>109</sup> introduced the concept of adopting a gradualist approach to integration based upon pragmatic, small, collective and non controversial steps; it was envisaged that integration would inevitably proceed into other areas producing a change in attitudes and perceptions and the success of this strategy in forming the ECSC led to the rapid creation of the European Economic Community and Euratom in the Treaty of Rome in 1957. The adoption of this approach, which relies heavily upon the theoretical assumptions of both functionalism and neofunctionalism will be explored in more detail in the following sections of this analysis.

It should not however be assumed that integration has proceeded entirely smoothly, a historical overview of the history of integration reveals it to have been both discontinuous and uneven and this is perhaps best illustrated by two specific examples which marked a reassertion of Intergovernmentalist visions of the future of Europe. Following his veto of The United Kingdom's application to join the European Community in 1963, Charles De Gaulle<sup>110</sup> precipitated what has become known as the "empty chair crisis", prompted by initiatives to develop a more independent Community budget and what he regarded as a deliberate attempt to undermine the authority of the individual member states', France unilaterally withdrew from all committees for six months ensuring that no further progress could be made. The resolution to this impasse was only reached in 1966 with the agreement on the so called "Luxembourg compromise", an agreement which essentially allowed any member state to veto any proposal which it judged to be against its national interest.

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<sup>108</sup> Robert Schuman was the French foreign minister.

<sup>109</sup> Widely regarded as the architect of the European Union, Monnet was a French diplomat and first president of the European coal and steel communities high authority.

<sup>110</sup> De Gaulle vetoed The United Kingdom's application in 1963 and 1967 commentators have speculated that his motivation was his perceived treatment by the British during World War Two.

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This of course represented a major setback for the idea of building upon the progress made and creating a federal vision of Europe and along with the oil price rises and economic recessions of the 1970's accounts for the period of stagnation and Euro-sclerosis which effectively stalled Europe's political development. The second occasion which re-ignited the integration debate was the intervention by Margaret Thatcher in a speech delivered in Bruges in 1988 responding to the implications of the agreement of the Single European Act implemented in 1987. Thatcher's Conservative political philosophy of minimal state intervention, privatisation and free trade and the importance of traditional notions of authority made her suspicious and sceptical of the centralizing tendencies of the European project. In its place she argued, Europe could only succeed by preserving national identity and enhancing co-operation between sovereign states in a "family of nations" rather than through the creation of a bureaucratized formal union. Both De Gaulle and Thatcher's' contributions to this important debate stressed the intergovernmentalist opposition to any further moves to transfer political authority away from the individual member states, a position which continues to polarise the debate on the future of Europe. It is somewhat ironic, that the Bruges speech did have profound and un-intended consequences, challenging the Intergovernmentalist view directly and responding to the changing political situation in Eastern Europe the President of the European Commission Jacques Delors<sup>111</sup> returned to Bruges and launched his alternative vision of a "Necessary Union" strongly arguing that federalism was the only guarantee of pluralism, democracy and human rights and the only mechanism which could prevent a return to the nationalism that had plagued Europe's past, Delors' strategic vision and his timing would appear to have been crucial as the Maastricht Treaty agreed two years later introduced the concepts of subsidiarity and formally created the institution that is European citizenship.

It is possible to draw a number of conclusions from this historical analysis. In the lack of widespread or popular pan-European federalist movements federalism has been driven by the vision of a small political elite and consequently represents a top-down strategy which has been achieved through the gradual implementation of a wide range of institutions, practices and policies rather than a concerted effort to reach a once and

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<sup>111</sup> Jacques Delors was President of the Commission from 1985-1995.

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for all constitutional arrangement. The federal project in Europe has had as its guiding principles the preservation of peace and the entrenchment of democracy and human rights this has been explicitly recognised in the treaties of the European Union from the pre-amble to the Treaty of Rome which declares the EEC is "determined to lay the foundations of an ever closer union" through the Schuman declaration that "Europe will not be made all at once, or according to a single plan" through the Single European Act's statement that the "European idea corresponds to the wishes of the democratic peoples of Europe" and the Maastricht Treaty's stated intention "to continue the process of creating an ever closer union among the peoples of Europe in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity". The debate that will ultimately shape the future of European integration and the form of its political institutions remains the competing and contrasting views of federal and inter-governmental conceptions of the appropriate location of political power.

Having set out the initial premise that Europe has been built upon an ultimate federal goal, it is instructive to now consider how successful it has been in the realisation of its objectives, and acknowledging the evolutionary nature of federal development, determine the type of political system which is currently in operation. In relation to its initial objectives it is demonstrable in a continent with a long history of mutual antagonism and warfare the European Union has delivered an unprecedented period of peace and stability making the idea of war between the participating democracies inconceivable. The stability of its political framework and its emphasis on institutionalising liberal democracy has seen Greece, Portugal and Spain and more latterly the countries of the former Soviet Union returning to systems of democratic governance. The success of its economic policies and the delivery of consistent sustainable growth have resulted in an increasing standard of living for its citizens which has helped limit the electoral success of far right parties and exile extreme politics to the fringes of mainstream politics<sup>112</sup> ensuring that there has been no return to the authoritarianism of the past.

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<sup>112</sup> It should however be noted that a formal pan European far right grouping was established in the European Parliament on 15/1/2007. Comprising 20MEP's drawn from 7 countries the Identity, Tradition and Sovereignty grouping claiming to represent 23 million European citizens will be entitled to up to 1 Million Euros from the public purse, and the vice-chairmanship of some European Committees.

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At the forefront of Europe's achievements has been the realisation that any meaningful idea of citizenship and democracy is based upon the protection of basic human rights and this has been reflected in the creation of the European Convention on Human Rights and Fundamental Freedoms (1950) and developed through subsequent protocols. The ECHR represents an important milestone in the development of citizenship because it provided an international recognition of an individual's right to life, freedom from torture, the right to security and liberty, the freedom of conscience, expression and religious belief and the freedom of association and assembly. The establishment of the European Court of Human Rights based in Strasbourg to protect individuals from human rights violations and invested with the power to create legally binding decisions and the ability to award damages in proven cases created an increasing transnational dimension to the idea of citizenship.

These principles were expanded even further in the European Charter of Fundamental Rights (2000) whilst this does not currently enjoy any legal or constitutional status (it was intended to be incorporated into the European Constitution), it has been adopted in a "solemn proclamation" by the European Council, Commission and Parliament as a statement of principles and intent. The Charter not only reaffirms the basic conceptions of human rights but also seeks to give legal status to the right to education, the right to work and the right to environmental protection. Perhaps the most significant development however, lies in the Charter's application of the principle of equality, emphasising that everyone is equal before the law, and any discrimination based on sex, race, colour ethnic or social origin, belief, age, disability or sexual orientation is prohibited. Recognising the diverse nature of today's multi-cultural society and the challenges this poses for social cohesion the Charter gives formal recognition and respect for the right of cultural, religious and linguistic diversity. The breadth of the charter and its unambiguous language and positive interpretations of equality clearly show that individual human rights, citizenship and democracy remain at the forefront of the European Union's ambitions to develop an integrated Europe.

The success of its subsidiary objective of moving towards a federal political system which is capable of resolving problems more efficiently than individual nation states' is somewhat harder to quantify. Supporters of integration would point out that the

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founding treaties of the European Union are irrevocable instruments having no proscribed timescale for expiry or re-negotiation and acceptance of the *acquis communautaire* has consequently introduced a permanent political arrangement effectively locking in the participating countries into a dynamic and evolving institutional framework. Through the applications of the principles of supremacy and direct effect (outlined in chapter two) the European Union's legal system enjoys pre-eminence over domestic legislation and constitutes the highest law of the land. In consequence, the majority of legislation that affects individual citizens emanates from Commission directives, legislative decisions of the directly elected European Parliament and through the creative judicial interpretations of the European Court of Justice. It can be argued that the transfer of this important and crucial aspect of political authority clearly corresponds to the underlying ideas of federal governance.

Given the emphasis that the European Union has placed upon its economic priorities and the perfection of the single market, it is unsurprising that its financial system demonstrates distinctly federal features. As Bainbridge, Burkett & Whyman (2000:234) acknowledge, fiscal federalism involves a re-distribution of resources from more successful to weaker countries or regions. Through the application of its Regional, social and structural funds the European Union has been able to redistribute resources from its central budget to target problem areas and to promote economic development, reconstruction and to offset the problems created by regional unemployment. In terms of political symbolism the introduction of the Single currency and a single interest rate policy marked a significant advance. The abolition of the previously important national sovereign symbols of the Franc and the Deutschmark and their replacement with the Euro firmly places the idea of Europe as a tangible entity into citizens' minds on a daily basis and despite pessimistic predictions from economists, to date, the Euro has proved remarkably stable and shown consistent growth when measured against other currencies such as Sterling and the U.S. Dollar.<sup>113</sup>

The clearest indication that Europe is seeking to develop a federal political arrangement was the introduction of the concept of subsidiarity in the Maastricht

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<sup>113</sup> Opponents of the Euro claimed that a single interest rate policy was not sustainable internationally due to asymmetrical shocks, such as national and regional variations in inflation and unemployment.

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Treaty and subsequently expanded in a protocol to the Amsterdam Treaty. The principle of subsidiarity introduces the concept that a central authority has a secondary function, performing only those tasks which cannot be performed at a more local level. The principle establishes the idea that for any community action to be justified the proposed action cannot be achieved by member states' acting within their own national framework or the action is intended to resolve issues and problems which have transnational aspects. Additionally, under the doctrine of proportionality any action that the Union takes shall not go beyond what is necessary to achieve the objectives of the founding treaties, and legislation will be as simple as possible and only be employed to the extent necessary. The introduction of the principle of subsidiarity represents a clear attempt to delineate the central responsibilities of the European Union and to distinguish its areas of legislative competence. The idea that decisions which affect the lives of citizens should be taken as closely as possible to them, and by bodies which are representative and accountable to them, is a central tenet of both federalism and participative citizenship; the introduction of the principle of subsidiarity can therefore be seen as an attempt at self regulation and, demonstrates a formal recognition that the centralising tendencies of informal and formal integration may be having a detrimental effect upon democratic legitimacy.<sup>114</sup>

In contrast to these positive interpretations, critics of the idea of Europe as a federal system can legitimately point out that Europe continues to have problems of legitimacy, and does not have a sole legislative body that is directly elected, also important areas such as taxation, healthcare and levels of social security and pensions remain outside the European Union's sphere of competence. Whilst there is a broad identification with the economic benefits of membership of the European Union there still remains a lack of identification with its core values and institutions and the symbolic adoption of overtly national symbols such as the European flag and anthem would not appear to have captured the imagination of Europe's citizens. In many ways, the individual citizen is still not directly connected to the Union in any meaningful sense, citizens pay no direct taxes and have no direct responsibilities, and consequently the criticism that people Europe remains both remote and abstract would appear to have some validity. This problem of promoting a positive identification

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<sup>114</sup> The exclusion of the European Court of Justice from these measures however weakens the practical impact of subsidiarity.

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between Europe's institutions and its citizens' is further compounded by the seeming inability of the European Union to act as a major influence in global politics. Its apparent inability to adopt a unified and coherent attitude on major foreign policy issues such as the Iraq war, is compounded by the fact that the Union is not a member of the United Nations security council or the G8 in its own right and consequently the external political status of the European Union would not appear to be commensurate with its status as an economic superpower.

The sharpest debate for analysts about federalism in a specifically European context lies in the absence of a formal written European constitution and the Union's reliance upon its founding treaties, legislation and legal decisions forming the basis of its constitutional system. In the absence of a clearly defined, democratically ratified and authoritative document which clearly delineates the separation of powers and the rights and responsibilities of both political authorities and individual citizens Europe will not have achieved its aim of becoming a federal system of governance, and this conclusion highlights why the current debates on the constitution are so important for the short term future of integration.<sup>115</sup>

What is often overlooked in these detailed analytical debates on the most appropriate way to achieve a federal outcome is the sheer scale of the European project itself, the fact that that Europe has in contrast to other federal systems, attempted to create an international version of federalism which by necessity is trying to unite a much wider variety of religious, cultural, ethnic and linguistic diversity. The interlinking of peoples who do not share a common language, and who have throughout history developed different political traditions and cultural practices, is obviously problematic for the development of a homogeneous system and this in part explains why Europe has adopted its gradualist approach and why federalism in a European context may be a long term multi-generational process.

Weighing up the balance of the evidence presented by both perspectives, it would be premature to conclude that Europe currently exhibits all the features of a fully evolved federal system and this conclusion has led Burgess (2000:268-269) to argue that

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<sup>115</sup> Commencing its presidency of the European Union on 17/1/07 Germany has called for the ratification of a constitution by 2009.

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Europe should more properly be defined as a confederal type arrangement. Distinguishing between the two, Burgess identifies the important features of confederalism as a political arrangement driven by the *raison d'être* of powerful common economic interest, which derives a wide measure of public support from the belief that closer ties will enhance security, encourage economic growth and deliver prosperity. In order to achieve this, Burgess suggests that confederalism requires a written basic law in the form of treaties or constitutions that are legally binding on the various confederal allies and through these mechanisms, confederalism results in a partial uniting of individual member states without depriving them of their statehood. The extent to which confederalism represents a distinct approach or political theory in its own right or conversely if it is merely a description for the way the European Union has evolved is a matter of conjecture and debate, however, the idea of confederalism as a distinct evolutionary stage of the process towards federalism has been taken up influential politicians such as Joschka Fischer (the former German foreign secretary) who in a speech given at Humboldt University in 2000 made strident calls for “the transition from a union of states to full parliamentarization as a European Federation”. Calling for a bi-cameral parliament and European government Fischer advocated the abandonment of the gradualist approach, arguing that if agreement could not be reached then those countries that were prepared to accept closer integration should establish a pioneer group to drive integration forward. The idea that a core group of countries may decide to pursue closer integration outside of the formal institutional structure of the Union will have profound consequences for the dynamics of integration and the type of political system that emerges. This aspect will be analysed in more detail later in this chapter by exploring the contemporary applications of the idea of functionalism.

Relating the historical contribution of federalism to the development of the European Union there is clear evidence in the explicit statements incorporated into its founding treaties that Europe has pursued the idea of creating a federal system. Driven by the experiences of its past, European federalism has a strong connection to the protection of human rights and the consolidation of democracy and citizenship. Perfecting a political system capable of uniting the peoples of sovereign member states which have a wide range of cultural diversity and political traditions is a long term evolutionary process. The implementation of this process has been characterised by the adoption of

two distinct approaches, the gradualist or evolutionary method; and the idea of a once and for all constitutional settlement. At the present stage of its development Europe does exhibit some of the features of a federal system however these are far from complete and accordingly the description of Europe as a confederal arrangement would appear to be the most appropriate at this time. As Burgess (2004:25) concludes “hybrid Europe, with its complex institutions, structures and procedures that defy precise definition and categorization in conventional political science terms is widely deemed today to be moving towards a final *politique* that looks increasingly like a federal destination”.

Far from being an obsolete or moribund political theory or a simple attempt to recreate the nation state at an international level, European federalism continues to exert a powerful influence on the shape of the European Union’s institutional architecture and the continuing evolution of democratic citizenship. Attempts to resurrect the European constitution and to develop a European identity around a common set of core values ensure that the idea of federalism as a theory of integration remains important, and demonstrates a clear link between the processes of integration and the practice of citizenship.

### **(4:5) The Functional Approach to Governance**

The origins of functionalist approaches to political organisation lie in the theoretical work of David Mitrany.<sup>116</sup> In a series of volumes, Mitrany put forward an alternative conception of international relations and governance, which had as its foundation the aspirations of the peace movement to develop an anti-dogmatic version of social democracy through the creation of evolving international structures aimed at developing peaceful co-operation between countries and thereby ending war and conflict. For Mitrany, the core of functionalist reasoning was the belief that rational peaceful progress in human affairs was possible and that conflict and competition were not inevitable in the relations between countries and peoples. Consequently, as Rosamond (2000:33) argues, the prioritization of human needs and public welfare are

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<sup>116</sup> David Mitrany (1888-1975) was a Romanian educated at the influential London School of Economics.

more important than the sanctity of the nation state or any unnecessary ideological pre-occupation with the form that international society should take.

With its rejection of political ideology and dogma, and the absence of any founding principles or theoretical statement of its ultimate goal, functionalism represents an approach to integration rather than a distinct theory, (Corbett 1998:20, Howell 2000:61), and as I will subsequently develop in this chapter, aspects of functionalism have been adopted as a strategy by some federalists even though Mitrany himself was opposed to federalist ideas of regional integration, which he considered merely replicated the problems of state systems on a wider scale. Despite the apparent subversion of its original intentions, functionalism has proven to be an “innovative and distinctive approach to international politics”, Rosamond (2000:39) exerting an influence upon international relations theory<sup>117</sup> and through its contribution, becoming the intellectual antecedent of the theory of neofunctionalism. In a modern context, the underlying assumption that the shape of political institutions should be dictated by the functions which they perform, the so called “form follows function” axiom, has influenced the evolution and development of Europe’s political institutions and this is reflected in contemporary debates about the importance of the idea of historical institutionalism (a feature which will be explored in chapter six). More recently, Warleigh (2002) has argued that an updated concept of flexible functionalism could explain how the future of European integration may take shape either through the evolution of a multi-speed Europe, the concentric circles model or the a la carte vision of Europe. Whilst functionalism may have been intended as a scientific attempt to develop a system of global inter-relationships and governance, it has had a profound impact upon the development of Europe, legitimising the concept of a system “which by linking authority to a specific activity seeks to break away from the traditional link between authority and a definite territory” (Mitrany 1943:25). In this sense, functionalism offered practical methods of achieving supranational governance and has important implications for the idea of citizenship and democratic practice beyond the nation state.

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<sup>117</sup> With its criticism of the nation state, Functionalism represents a strand of the liberal idealist tradition of international relations which has influenced interdependence theory, multi-level governance offering a challenge to Realist state centric ideas of power politics.

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Mitrany's underlying rationale for the development of functionalism was the conclusion that "the lines of national and international evolution are not parallel but converging, internationally it is no longer a question of defining relations between states but of merging them"(1971:107). For this to be achieved, Mitrany considered it was necessary to undertake a re-conceptualization of the technique of governance shifting its emphasis from politics towards the creation of specific task orientated and performance based administrative units. In contrast to federalist views, functionalism takes the position that political sovereignty cannot be transferred effectively by a simple formula or constitutional settlement but has to be developed through the gradual transfer of individual loyalties which are encouraged by the delivery of solid practical benefits. Based on this perspective, functionalist logic assumes that the new institutions create an overlapping political and economic system which in time becomes accepted constituting a new international civil society capable of promoting attitudinal change amongst citizens, weaning them away from their loyalty to the nation state. In the context of the European Union, Olsen (2001:328) describes how this process has mirrored the historical development of the European Union from the initial co-ordination of policies in an ad hoc fashion, through the removal of internal barriers and the creation of a framework of common rules and administrative regulations to the creation of competent supranational institutions and more recently the attempt to create a common public space with a shared political identity and culture. Holland (1996:96-98) is even more specific, arguing that the strategies adopted by Jean Monnet from his involvement in the Organisation of European Economic Co-operation (1948) the European Coal and Steel Community and his presidency of the Action Committee for the United States of Europe (1955-1975) point to him, being primarily an "economic functionalist" and secondly an "incremental federalist". Linking the concepts of functionalism to gradualist federalism these analysts have identified how functionalism has been pragmatically adopted in order to consolidate federal outcomes even though this has at times, meant temporary detours and setbacks into more inter-governmental areas. Evidence that functionalist reasoning is still influential can be found in the design, authority and remit of the institutions of the Union, for example the European Central Bank, the European Investment Bank, the European Ombudsman, The European Court of

Auditors, The European Economic and Social Committee have all been invested with specific authorities and competencies concerning distinct policy areas.<sup>118</sup> The combination of pragmatism and flexibility is an important feature of functionalism, ensuring it can act as a bridge across the political spectrum between federalism and intergovernmentalism, providing compromise solutions which preserve the overall momentum of the process of integration. As Holland (1996:103) concludes, functionalism's contribution to integration lies in its expansive logic, resulting in the power of nation states being progressively reduced as the web of functional linkages at the transnational level develops.

Lending strong support to the idea that functional approaches to integration have contemporary relevance Warleigh (2002) updates core functionalist reasoning in the context of today's multi-cultural and global environment. Developing a system he calls flexible Functionalism Warleigh's analysis is predicated upon the assumption that diversity has become a central and defining feature of pluralist society. Pointing to the enhanced mechanisms for closer co-operation incorporated into the Maastricht, Amsterdam and Nice Treaties<sup>119</sup> both Galloway (2001) and Warleigh (2002:1-6) argue that flexibility and "diversity management" have become the key dynamics of European integration and explicit principles of Union governance. Warleigh argues that the success of flexibility rests on the principle of managed, but respected diversity and that this could be achieved through the greater use of common minimum standards rather than an insistence on complete legislative and procedural uniformity. Secondly, in an enlarged Union more use could be made of the granting of long term derogations<sup>120</sup> from specific policies and policy areas what Warleigh calls "constructive abstention" allowing those member states who have specific difficulties or objections in implementing new legislation or initiatives to develop the appropriate capacity at the time of their own choosing. This process would then allow member

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<sup>118</sup> Additionally, Europe has created a number of specific agencies focussing on areas such as aviation safety, vocational training, disease prevention and control, safety and health at work, food safety, environment agency and a monitoring centre on Racism and Xenophobia.

<sup>119</sup> In particular the Nice treaty reduced the minimum number of states required to launch initiatives from a majority to 8, secondly the ability of member states to veto enhanced co-operation in the 1<sup>st</sup> and 3<sup>rd</sup> pillar have been replaced by qmv. Finally enhanced co-operation in the 2<sup>nd</sup> pillar has become subject to qualified majority voting with the proviso that 1 member state can apply for an emergency break veto".

<sup>120</sup> The opt out of the United Kingdom, Ireland and Denmark from the Schengen agreement and the United Kingdom and Sweden from single currency provide examples of this in practice.

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states to balance their own national interests whilst at the same time preserving the overall momentum of integration and allowing progress in the evolution of the Union as a whole. As Warleigh points out, the adoption of this flexible type of system places an obligation upon the member states to decide how much integration they wish to support and engage with (although he does stress that liberal democracy, human rights and a commitment not to adopt policies contrary to European Union policies are essential) and it gives member states' the opportunity to tailor the extent of their participation to the level which best suits their own interests.

The development of the idea of flexible functionalism recognises and gives some theoretical basis to the three competing models which are dominating the debate on the political future of the European Union. The multi-speed model, which is based upon the assumption that all the individual member states are committed to pursuing deeper political, and social as well as economic integration, requires complete legal and political uniformity through a common framework of legislation, rules, practices and authoritative institutions. The concentric circles model, sometimes referred to as variable geometry accepts the principle that some member states will be unable to adopt the Union's legislation in full and accordingly allows for the creation of permanent divisions amongst member states, this permits member states to decide how much of the Union's legislation they wish to implement and the appropriate division they wish to join. This model allows those states who want to pursue deeper integration at a different speed to others to form a pioneer or vanguard group to push integration forward. Finally the *à la carte* model, which as its rather unscientific name suggests is the most loose and flexible type of arrangement, this model accepts the principle that some states do not have the political will to pursue full integration, and accepting this limitation, allows some member states to pick and choose those initiatives they wish to be involved in, resulting in a permanent differentiation between the core and the periphery.

The choice of model that the European Union ultimately adopts is of course central to the future of integration, determining not only the source and location of political authority but also the institutional structure of the Union, accordingly it will over time determine the arenas where citizenship practice takes place.

Despite its prevailing ethos and its supposed emphasis of the importance of the citizen and the maximisation of public welfare, functionalism has a complex and at times contradictory relationship to the practice of citizenship. This dualism has arisen, both from the way functionalist ideas have been interpreted and implemented, and perhaps more importantly through the impact of other external processes on the evolution of the supranational institutions which make up its framework. The relevance of functionalist ideas to the development of the idea of citizenship can be detected in the origins of European citizenship itself, the fundamental right of free movement and residence of EU citizens to live and work in the country of their choice was a functionally specific right, introduced and expanded through the treaties of Rome, the Single European Act and the treaties of Maastricht and Amsterdam, but as Martiniello (1997:36) points out “Citizenship was only required for a more efficient completion and functioning of the internal market”. In this sense it can be argued that from the outset, the origins of European citizenship were not initially part of any grand strategy to develop a trans-national identity, but were specific measures adopted as the most efficient way of achieving the European Union’s economic objectives. This idea of functionally specific rights is given additional substance with the introduction of the right of citizens to petition both the European Parliament and the European Ombudsmen as part of the formal rights of European citizenship contained in the Maastricht Treaty. Whilst these measures were ostensibly introduced to provide a more direct and non-judicial link between citizens and Europe’s institutions they also demonstrate that functionalism can have innovative results which may have profound long term implications. Included in article 8 (d) is the statement that the right to petition is available to “all natural and legal persons resident in the Community, or who have a registered office in the community” in essence this clause has granted a basic citizenship right to corporate bodies, transferring the idea of citizenship outside of the sole realm of the individual and into new areas.<sup>121</sup>

In the short term functionalism’s influence on future democratic practice may become more pronounced as the impact of globalisation and technological innovation accelerate. As Mitrany (1971:532) pointed out “ new inventions and discoveries have

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<sup>121</sup> Whilst the impact of this development would at present appear to be limited in scale the idea of “corporate Citizenship” usually expressed as corporate responsibilities to the wider community is increasingly invoked particularly in matters relating to the environment workplace safety and job security.

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rendered traditional ideas of what politics is about almost as obsolete as astrology and alchemy” arguing for a system of “working democracy “ rather than a “voting democracy” functionalism anticipates some of the important debates on the future of political representation .The practical application of these new technologies and the popularity and access to mass communication devices such as the internet and the mobile phone may radically alter traditional concepts of democratic participation. The idea of direct citizen’s action operating outside of traditional political structures is evidenced by the recent European Citizens Initiative launched in November 2006, which is aimed at creating a legally binding instrument if 1 million European citizens call upon the European Commission to propose a change in European law. New technology has made the idea of wider consultation, new forms of participatory democracy and the prospect for the introduction of Europe wide plebiscites or referenda a realistic possibility. As an analytical tool therefore, functionalism continues to be a useful predictive indicator of how citizenship may continue to develop outside of the confines of the nation state.

In a particularly insightful passage Mitrany (1933:94) anticipates many of the current debates on the nature of political identity clearly arguing that “the functional approach leaves individuals free to enter into a variety of relationships religious, political, professional, social and cultural each of which may take him (sic) into different directions” he concludes his analysis with the statement that “each of us is in effect a bundle of varied functional loyalties”. Overall, Mitrany’s analysis anticipates the emergence of multiple overlapping identities which are changing the way citizens formulate and pursue their political expectations and their demands for improved economic, social and human rights. Recognising that both individuals and organisations have begun to organise themselves outside of traditional political structures and procedures, functionalism can in part explain the emergence and the growth in popularity of single issue political groups and more loosely based coalition campaigns focussed around specific political issues. Over time the traditional political boundaries that have existed between left and right have become increasingly blurred and the decline in activism and public support for political parties may indicate the reluctance of more individualistic and materialistic citizens to accept the whole of an individual party’s political platform. These developments not only pose serious challenges to our understanding of the nature of modern representative democracy but

also vindicate functionalism's assumption that political loyalties can be weaned away from the nation state.

The application of functionalist logic in practice however does not necessarily imply an improvement in democratic legitimacy or political participation. By contrast an alternative reading of functionalist ideas displays some evidence of elitist, technocratic and inherently conservative trends. At its core functionalism aims for a de-politicisation of public issues, for Mitrany (1933:253) "the functional approach breaks up national, political issues into specific economic or social or technical problems, so that each of these, can be seen as a case in itself and as far as possible dealt with at an administrative level."<sup>122</sup> The idea that responsibility for important policy areas such as monetary policy should be transferred to non-elected bodies and technical experts who have no democratic mandate is a controversial one, as Pentland (1973:71) argued "the functionalist shares the technocrat's belief that there is a concrete distinction to be made between activities that are inherently controversial and hence political and those that are not controversial or technical". In practical terms, the implementation of the growth and stability pact to support the Euro has limited the ability of individual governments to undertake deficit financing public spending programmes which exceed a total of 3% of their Gross Domestic Product. In consequence, the application of functionalist practice means that radical public spending increases would have to be financed from electorally unpopular tax increases rather than state borrowing. Whilst this may be an un-intended consequence rather than a deliberate political strategy the institutionalisation of these arrangements effectively constrains choice, and limits debate on the appropriate level of state intervention in the wider economy. To a certain extent therefore it can be argued that decisions on the level and direction of public state spending have been reduced to administration rather than a political debate, effectively reinforcing the current neo-liberal economic system. At a time when there is a perceived political disengagement and declining voter turnout in all types of political elections the temptation for political elites to transfer more policy areas to technical "experts" and administrators in order to deliver economic growth represents a clear danger to the ability of citizens to directly influence the fundamental decisions which shape their lives.

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<sup>122</sup> The transfer of responsibility for interest rate policy to the European Central bank in the Euro zone or in the United Kingdom to the Bank of England is a good example of this in practice.

More general criticisms of functionalism as a system have been articulated by Smith (1973). Smith challenges some of the core aspects of functionalist reasoning by arguing that, as it is based upon a doctrine of consensus, functionalism is unable to explain the dynamics of power, conflict and coercion and the structural inequalities that are integral parts of modern political and economic society. According to Smith, in modern capitalism, the equal inter-dependence of all interested actors political, economic and social is simply not plausible and that it is both naive and simplistic to assume that governments, and individuals always act in a rational way consequently it is not possible for society to arrive at a shared working consensus about what human needs actually are, functionalism as a theory is therefore unable to offer a systematic programme of reform and as a system it is inherently conservative, institutionalising capitalism and liberal democracy rather than introducing radical and innovative ideas.

More specifically, functionalist approaches ignore the idea that supranational institutions, once established, begin to develop their own political agendas and relationships and seek to develop and expand their own competencies and authority. The idea that institutions will simply evolve on a purely neutral basis to accommodate additional tasks and functions as and when required is a technocratic view that does not take into account the impact of the wider social processes at work.<sup>123</sup> The gradual expansion of the powers of the European Parliament and the role of the European Court of Justice in promoting integration through judicial activism do not fit neatly into classical functionalist ideas of integration and the importance of this idea of historical institutionalism will be analysed later in this chapter.

An objective assessment of the success of functionalism in achieving its objectives of a depoliticised and efficient method of global governance would indicate that it has a poor record of prediction, yet, despite its professed rejection of the idea of regional or trans-national systems of governance, functionalism has been an important feature in the creation and evolution of the political institutions of the European Union. Its role in influencing the future development of integration will in part be determined by the

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<sup>123</sup> With its rejection of political ideology functionalism is silent on the importance of the role of competition in the allocation of increasingly scarce economic resources and rests upon a shared assumption of the idea of social justice and equality

way functionalist ideas are interpreted and implemented in practice, consequently the strategies and policies which the European Union adopts will ultimately demonstrate if functionalism is the appropriate organisational mechanism which can provide innovative and creative political solutions rather than just the consolidation, entrenchment and formal institutionalisation of the present arrangements.

In the short term however it is likely that functionally specific measures to reform Europe's political institutions and deliver improvements to the value and profile of European citizenship will form a core part of the European Commission's longer term ambitions to create a distinct European identity. As Cram (2001:236) argues "the extent to which a sense of attachment to the European Union develops is contingent upon the satisfaction of its citizens with developments in the functional dimension". Cram's analysis, that individual political loyalties have become more strongly tied to the satisfaction of economic demands has particular contemporary resonance in our individualist and consumerist society. If her analysis proves to be correct the success or otherwise of the concept of European citizenship will be dependent on the ability of the European Union to convince European citizens that supranational solutions and closer integration are the most efficient ways to protect their own interests in an increasingly competitive globalised environment.

This search for a more efficient, representative and legitimate form of democratic governance and for a collective identity that encourages social cohesion is set against the background of a society which is being continually transformed and challenged by the processes of globalisation. These pressures indicate that functionalist ideas will continue to be relevant in shaping both the political architecture of the European Union and the composition of European citizenship.

**(4:6) Neofunctionalism and the Idea of Integration as a Self Replicating and Automatic Process.**

Neofunctionalism occupies a curious position in the firmament of integration theory because its creator Ernst Haas subsequently reappraised his original theory declaring it obsolete in 1973 and in his last writings in (2001:24) concluding that as the European Union had evolved in unexpected ways the basic assumptions of the automatic processes of neofunctionalism had been proven invalid and that political actors have shifted their concerns to wider concerns of global interdependence.<sup>124</sup> Despite this apparent complication, a significant number of other analysts (Caporaso 1998, Rosamond 2001, O'Keohane & Hoffman 1992, Feld 1998, Eriksen & Fossum 2000, Corbett 1998,) amongst others have continued to develop and update neofunctionalist ideas in the light of contemporary developments and as Corbett (1998:26) has concluded "neofunctionalists may have been too hasty in abandoning an approach that has produced many insights." Perhaps Caporaso (1998:341) is more accurate to suggest that when integration slowed down, in the eyes of theorists integration theory was thought to be disconfirmed, but rather than being wrong it was simply less relevant. To some extent neofunctionalism is currently enjoying something of a critical renaissance and according to Howell (2000:66) and Chrysochou (2001:53-54) it has found its way back into theorizing after twenty years of neglect because it provides an accurate description of the pattern of regional integration which has emerged in Europe and in contrast to other theoretical perspectives (intergovernmentalism excluded) it has decisively inserted an understanding of the importance of conflict in the integration process itself.

In the context of the propositions and relationships discussed in this thesis the continued relevance of neofunctionalist ideas lies in its explanation of the potential impact of automatic processes and the emergence of informal practices and procedures which arise outside of deliberate political decisions. The central idea of spillover (which will be discussed later in this chapter) has been given renewed

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<sup>124</sup> Haas never explicitly claimed neofunctionalism to be a theory of international relations. His aims were more modest to predict the prospects of political integration first in Europe, then in other regions and finally in a global setting.

impetus by globalisation and a growing interconnectedness in many sectors of the wider social, economic, political and legal environment.

One of the most comprehensive analytical descriptions of neofunctionalism as an approach to political integration has been articulated by Rosamond (2001:51-56). He convincingly demonstrates how neofunctionalist reasoning is based upon an incremental staged process towards political union and by relating theory to actual practice Rosamond draws useful comparisons to the evolution of the European Union. Starting in areas of “low politics” which are relatively non controversial but key strategic economic sectors (for example The European Coal and Steel community), integration is established through the creation of a supranational or High Authority which is created to oversee and regulate integration in this sector and invested with sufficient powers to become a sponsor of further integration. For the neofunctionalist the integration of economic sectors across nations creates functional pressures for linkages in related sectors (for example the introduction of common standards, common regulations, standardised legal and financial instruments, the removal of barriers and the facilitation of integrated transport systems, leading to a progressive deepening of the integration process).<sup>125</sup> Responding to these functional pressures the High Authority (the European Commission) can guide and direct further integration becoming a key sponsor in its own right and developing its own strategies to advocate and publicise the benefits to be gained from continued integration. As Sandholtz and Stone-Sweet (1998:5) argue, once supranational institutions are born, a new dynamic emerges. Once this cycle of integration has begun, competing social actors, political elites, companies, unions and individuals “ transfer their loyalties and redirect their activities seeking the most effective route for the fulfilment of their material interests” (Rosamond 2001:52). As these pressures and linkages become more pronounced, they lead to a deepening of integration which necessitates an increasing European institutionalization and formalization of procedures, practices and regulations. This idea of integration as a self reinforcing and inherently expansionist process leads to perhaps the most controversial conclusion of neofunctionalism that political integration is more or less an inevitable and deterministic consequence of economic

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<sup>125</sup> Neofunctionalism influence can be seen in orthodox theories of economic integration which explains how integration starts with a free trade area leading to a customs union followed by a common market an economic union and ultimately a total economic and political union. Jovanovich' (1998:10)

integration<sup>126</sup>. As Haas (1958:147) originally envisaged “our study substantiates the pluralistic thesis that a larger political community can be developed if the crucial expectations, ideologies and behaviour patterns of certain key groups can be successfully refocused on a new set of central symbols and institutions”. Both Howell (1992:65) and Chrysochou (2001:54) recognise the crucial significance of this aspect of neofunctionalist reasoning and its relationship to democratic practice and legitimacy and, I would argue, conceptions of active citizenship.

Seen from this perspective neofunctionalism does not require widespread consent for the transfer of political decision making but is instead driven by self-seeking interest groups seeking to maximise their own interests, for the neofunctionalist, consensus and identification with the new supranational institutions will ultimately emerge through a process of bureaucratic interpenetration known in the European context as “engrenage”. As O’Keohane & Hoffman (1992:285) observe, neofunctionalist strategies are not necessarily based on a manifestation of enthusiasm for the ideology of Europe, but a more prosaic result of swapping concessions from a variety of sectors. Whilst it is difficult to prove the ultimate validity or otherwise of this conclusion, neofunctionalism does provide a rational explanation for the reasons why integration has continued to widen and deepen and why its momentum would not appear to be suffering the periodic setbacks and hiatus of the past.

Central to the success of the neofunctionalist logic of the automatic expansion of integration is the principle of Spillover which Haas (1958:523) and Lindberg (1963:10) defined as the process whereby integration expands into new and additional sectors when it becomes clear to the chief political actors that the initial aims of integration cannot take place without such expansion. More recent analyses of the dynamics at work in the process of spillover have led (Rosamond 2001, Chrysochou 2001, Corbett 1998) to identify three distinct types of spillover. Functional spillover where technical pressures lead towards further sectoral integration, political spillover which occurs as a result of elite socialization and the gradual convergence of economic and political interests and finally cultivated spillover which represents the deliberate activities of the central bureaucracy seeking to expand its own

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competencies and authority. Corbett (1998:28-31) provides specific examples to justify this conclusion arguing that functional spillover is demonstrated in successive increases in the Community finances in order to fund the Common Agricultural Policy, political spillover which was graphically illustrated by British Trade Unions pursuing workers rights through the European Commission during the hostile years of the Thatcher administration, and finally cultivated spillover which has been a feature of the European Parliaments consistent demands for increased legislative powers since it became directly elected in 1979. Taken as a whole therefore, the concept of spillover remains important in shaping the future of integration because it responds to the automatic pressures which are produced at a sectoral level and transfers them into the wider political and economic environment. As O'Keohane & Hoffman (1998:291) describe the "logic of spillover from the internal market suggested to many, although by no means all, informed observers the necessity of monetary union". Through the process of spillover the basic economic objectives of the European Union have been transformed through the creation of the single currency (with the political symbolism that implies) the establishment of the European Central Bank and concerted efforts towards establishing a more formal political union to efficiently regulate and administer this deeply integrated supranational economic system.

Translating the ideas of neofunctionalism to the practice of citizenship, it is possible to argue that the three types of spillover have had both a direct and indirect influence on the evolutionary development of citizenship. Perhaps the most striking example of this lies in the creation of the political right of European citizens to stand and vote in the European and municipal elections of their country of residence. As O'Leary (1996:53) identified "prior to the adoption of the Maastricht Treaty only three of the then twelve member states (Ireland, the Netherlands and Denmark) permitted non-nationals to stand for election in their elections". What this meant in practice was that citizens who exercised the fundamental right of free movement and residence (an essential component of the single market programme) became effectively disenfranchised from significant parts of the political process. Recognising that the experts and administrators necessary for the single market to work are drawn from a particular educated socio-economic group it is unsurprising that they articulated demands for this deficiency to be rectified leading to the important decision that non-nationals would be given the political right to participate in elections, a right which

had previously been restricted to citizens of the individual member states. Whilst this political right has not yet been extended to participation in the general elections of the respective member states, as a point of principle it represents a radical and important development because it disengages the notion of political participation, political legitimacy and accountability from that of nationality and consequently broadens the concept of citizenship.

The dynamics of functional spillover can also be used to offer a plausible explanation for the evolutionary history of citizenship which indicates there is an increasing appetite and demand for an ever expanding variety of individual human, political, civil and economic rights. These citizens' demands for increased access to education, healthcare and welfare services are increasingly seen as fundamental rights of citizenship, this convergence of economic interests coupled with the transference of political loyalties presents the European Union with a significant challenge as Rosamond (2001:66) concludes " new agencies such as the EC might remain relatively invisible to recipients of their largesse. It may be that contrary to the reality of emergent supranational governance, actors continue to assume that their needs are still catered for by national agencies". This process of loyalty transference and the promotion of a greater identification with the institutions and symbols of the European Union may be achieved through the cultivated activities of the major institutions such as the European Parliament and the European Court of Justice, an idea which will be explored in chapter six.

Whilst neofunctionalism provides many useful insights into the processes of integration its critics rightly point out that integration cannot be regarded as a smooth linear and progressive process. The idea that economic integration inevitably leads to political integration has not yet been substantiated, indeed it is evident from the reluctance of individual member states to transfer responsibility for key issues such as access to citizenship, control of taxation and responsibility for foreign policy and military decisions that there is continuing resistance to the centralizing trends of political integration. At its core, neofunctionalism is predicated upon the assumption that over time supranational institutions will be able to generate widespread political support and the transfer of loyalty from the individual member states to the idea of Europe. Whether neofunctionalists have overestimated the ability of supranational

institutions to perform this task and transcend traditional ideas of national identity remains an area of contestation which will only be resolved over a long time frame as Eriksen & Fossum (2000:11) insightfully summarise “Neofunctionalism does not explain how integration driven by economic self interest can be converted into stable patterns of behaviour and a sense of allegiance and identity”.

Despite its flaws, neofunctionalism remains important to an understanding of integration because it recognises the influence of the informal processes of integration which act outside of deliberate political decisions. Neofunctionalist concepts of spillover would appear to have assumed greater relevance due to the processes of globalisation and the impact of new technologies which are encouraging a growing interdependence and interconnectedness across all aspects of contemporary society. Whilst its original timescales may have been optimistic, neo-functional theory has been accurate in describing the evolution of the economic sector of the European Union, Corbett (1998:34) and it may therefore provide useful indicators for the future shape of political integration.

### **(4:7) Limiting the Scale of Integration? Liberal Inter-Governmentalism and the Preservation of National Interests.**

Standing apart from other perspectives of integration which largely draw upon liberal idealist<sup>127</sup> traditions of international relations, liberal intergovernmentalism, as developed by Moravcsik is firmly rooted in the realist<sup>128</sup> school. With its emphasis on the continued importance of the nation state rather than supranational institutions, intergovernmentalism questions the idea that integration is creating a new type of political arrangement, as Bulmer & Lequesne ( 2005:6 ) have described “ pooling sovereignty does not lead to a diminution of the role of states, but on the contrary (leads) to a strengthening of their role”, rejecting the ideas of neofunctionalism they challenge the idea that “the creation of one regime does not necessarily lead to the

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<sup>127</sup> Idealist perspectives recognise that individual states are not the only important actors in world politics. Adopting a positive progressive view of the world, idealist visions stress the possibility of co-operation and progress through the development of international organisations.

<sup>128</sup> Realist perspectives adopt a more sceptical approach and take the position that the principal motivation for states in adopting foreign policy strategies is the maintenance of their own sovereignty and survival.

creation of others by any automatic spillover effect". Perhaps because it continues to stress the centrality of the nation state and by implication question the underlying rationale for the European project itself, intergovernmentalism has been the subject of fierce controversy and criticism. As Schimmelfennig (2004:75) has posited it has become a common *Bon Mot* amongst European scholars that liberal intergovernmentalism is a theoretical school with no disciples and a single teacher: Andrew Moravcsik. This tendency towards a casual dismissal and even personalisation of the issues intergovernmentalism seeks to raise prematurely closes off important areas of research and analysis. In contrast, I would argue that, given integration's discontinuous history, any objective consideration of the likely future of integration has to consider the possibility of a reassertion of latent nationalism and a more forceful restatement of individual member states' own national interests and priorities. Evidence of these trends can be identified with the failure of member states' to agree a comprehensive reform of the Common Agricultural Policy, the evident disagreements over the development of a common foreign and security policy which emerged over the invasion of Iraq, and crucially how the debate and referenda on the proposed European constitution were undermined by some nationalist parties linking its ratification to more domestic political issues of immigration and asylum. Even areas of the European political system which appeared to have become established and inviolate are facing fresh challenges. In a speech to mark the 50<sup>th</sup> anniversary of the European Union in March 2007, the Conservative leader David Cameron has called for a repatriation of powers to the individual nation states and for a renegotiation of the *acquis communautaire*. What is apparent from these developments is that integration and its impact on the political sovereignty and authority of the nation state continues to polarise opinions, and theorists cannot therefore assume that integration will continue to be allowed to widen and deepen without serious and determined opposition from nationalist quarters.

Moravcsik's (1993,1999) ideas of intergovernmentalism attempts to give an alternative theoretical basis for the reasons individual member states' have decided to pool sovereignty and to pursue integration as a political strategy. Starting from the premise that the state is a rational actor in Europe, intergovernmentalism perceives integration as resulting from a series of rational choices made by national leaders pursuing primarily economic interests. Integration is therefore simply a process in

which member states (through their political elites) define a series of underlying objectives or preferences and then subsequently engage in interstate negotiations and bargains to arrive at substantive compromise agreements which are then embedded in and administered by appropriate supranational institutions, (Moravcsik 1999:3). According to Rosamond (2001:137) these priorities and preferences which individual member states bring to the international negotiating arena emerge from “domestic political conflict as societal groups compete for political influence” and reflect the economic interests of powerful domestic constituents. For Moravcsik, this notion of preference formation is central to the nature of European integration as he argues that member states’ priorities and policies “need not be uniform across issues, countries or across long periods of time, they vary in response to exogenous changes in the economic, ideological and geo-political environment”. Accordingly for an intergovernmentalist, integration does not represent any ideological commitment or long term coherent or strategic plan towards political union but a series of pragmatic bargains entered into in order to achieve specific economic objectives which are driven by changing domestic political concerns and the desire of individual governments to maintain them in office.<sup>129</sup> As Moravcsik (1999:472) concludes “European integration has not been a pre-ordained movement towards federal Union, but a series of pragmatic bargains among national governments based upon concrete national interests, relative power and carefully calculated transfers of sovereignty.”

As a general approach therefore, intergovernmentalism offers a minimalist interpretation of the appropriate level, scale and scope of integration which is based upon the idea that integration is essentially just a means of solving problems that individual countries have in common rather than the more ambitious objectives of creating a European identity and integrated political community. In this context, intergovernmentalism may continue to act as a powerful counter argument for opponents of integration to utilise in order to frustrate any more deliberate moves to expand the European Union’s influence and authority, and through populist appeals to domestic political constituents provide an avenue for nationalist politicians to

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<sup>129</sup> Intergovernmentalism argues that individual member states governments require a coalition of support of domestic voters, and powerful interest groups to maintain themselves in office, support which is contingent upon the delivery of perceptible economic prosperity and growth.

articulate demands to protect ideas of national identity, tradition and thereby preserve the integrity of the nation state.

The ideas of liberal intergovernmentalism have important implications for the practice of citizenship, particularly those developments which threaten to move the concept beyond the confines of the nation state. Whilst intergovernmentalism correctly identifies the importance of the role of conflict in the formation of member states' foreign policy preferences it pays little attention to the influence of political citizenship and the changing priorities of ordinary citizens. To a large extent, it can be argued that intergovernmentalism assumes citizens are at best ambivalent to the process of integration, and at worst openly hostile. This idea of "permissive consensus," the process whereby electorates have allowed continued integration ignores the fact that electorates in a wide range of countries have consistently supported those political parties which have delivered economic benefits and at the same time have been enthusiastic proponents of the European project. Liberal-intergovernmentalism as a theory has failed to adequately recognise that the political priorities and demands of citizens are subject to change and that the rising awareness of the importance of issues such as climate change, environmental protection and global security are prompting demands and pressures for increased transnational co-operation and the adoption of more common policies which can only be accomplished through closer integration.

And yet recognising the political symbolism of citizenship and its close historical relationship with the ideas of ethnicity and territory it is somewhat ironic that intergovernmentalism may hold the key to the future of European citizenship. The incorporation of formal European citizenship into the Maastricht Treaty set out that European citizenship was intended to be complementary to national citizenship and did not replace it, and more fundamentally in article 8EC it was established that "Every person holding the nationality of a member state shall be a citizen of the Union". On the surface this seems to be a relatively straight forward statement. However it is of critical importance, because European citizenship is dependent upon holding member state nationality and the way individual member states choose to define who their nationals are. Taking up this central point, O'Leary (1996:3) correctly concludes "member states have ultimate control of access to, enjoyment of,

and even forfeiture of the rights of citizenship of the Union". The fact that access to European Citizenship is defined by criteria adopted by individual member states is a serious barrier to the creation of a universalistic and non-discriminatory conception of European citizenship, as third country nationals resident in member states may be effectively denied citizenship of the Union. If the European Union is serious about creating political equality through citizenship then it has to have the basic ability to control who has access to its citizenship rights and in tandem with its commitment to eliminating all forms of discrimination this would necessitate broadening the definition of a citizen to include anyone who is legally resident in the European Union. This tension between intergovernmentalist conceptions of the continued relevance of national identity and the nation state contrasted with the ideas and the ambitions of the Commission to develop a wider loyalty to Europe's institutions is likely to frame the future of the debate on the effective improvement of European citizenship.

In an increasingly complex and insecure global political environment and at a time when nation states' internal social structures are being challenged by the fragmentation of identity and a breakdown in the authority of traditional institutions of governance, liberal intergovernmentalism has some superficial attractions and some popular appeal. Attempts to provide a theoretical justification for the preservation of the existing state system and the primacy of the nation state through measures which are ostensibly aimed at protecting linguistic, historical and cultural tradition are understandable responses to the sensitive issues raised by the emergence of a more pluralistic and multi-cultural society. As an objective theory of integration however, intergovernmentalism has a number of conceptual flaws. As Van Ham (2001:111) has pointed out, it is unduly static and with its exclusive focus on the nation state it neglects the role of other actors and agencies in the international political system. Reflecting the fact that intergovernmentalism sees integration primarily as a series of pragmatic bargains, analysts such as (Caporaso 1998:349, Sandholtz & Stone Sweet 1998:2, Schimmelfennig 2004:82) justifiably highlight that intergovernmentalism by definition denies the significance and importance of supranational governance and as such cannot explain the impact that institutions such as the European Court of Justice have had in driving the momentum of integration forward. This neglect of the dynamics of integration, and the underlying assumption

that supranational institutions solely pursue the goals determined by member states' rather than developing political agendas and priorities of their own is increasingly being challenged by the evidence supporting the more recent analyses of the impact of historical institutionalism (which will be discussed further in chapter six). The rather simplistic and one dimensional notion that integration is simply the outcome of a politically negotiated process also ignores the growing impact of globalisation and the expansion of social exchange, cultural homogeneity and the emergence of new procedures and practices which have developed outside of deliberate political decisions.

Portrayed in its most negative sense, intergovernmentalism can be seen as an attempt to limit the growth of integration and preserve the autonomy of the nation state. For intergovernmentalists there are clear economic benefits to be gained in pooling some aspects of sovereignty, but there are clear limits to how far integration should go. The extent to which intergovernmentalism is a palliative to vocal nationalistic domestic constituents is an interesting point, as successive governments of various political persuasions have been content to enter into respective treaties that have transferred important aspects of their authority to institutions over which they exercise no jurisdiction. Overall, whilst intergovernmentalism may be being rapidly overtaken by those external factors which are changing integration from simply an option to a political and economic necessity it remains important because it continues to directly control access to European citizenship and to link the idea of citizenship to national identity, ethnicity and sovereignty and consequently it will continue to influence the debate on the future of both European citizenship and integration.

### **(4:8) Marxist and Post-Marxist Critiques.**

The sudden collapse of the Soviet Union and the subsequent ending of the cold war fundamentally transformed the political landscape of Europe.<sup>130</sup> The discrediting of Soviet style Communism can in retrospect be seen as a major contributory factor in

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<sup>130</sup> The unexpected political developments that presaged the collapse of the Soviet Union and encouraged the revolutions in Eastern Europe removed the external threat that had been the main *raison d'être* for the development of the European Union. The rapid reunification of Germany and the possibility of the EU's further expansion to the East may explain why the 1992 Maastricht treaty shifted Europe's attention to developing a more coherent strategy towards political union.

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the emergence of neo-liberalism as the hegemonic form of economic and political organisation in today's society. The triumphalism of neo-liberalism was most famously expressed in Fukuyama's (1992:*xiv*) end of history thesis, and his conclusion that "technology makes possible the limitless accumulation of wealth...directional history now leads to capitalism rather than Socialism as its final result". In consequence, Marxist interpretations of the importance of class and class conflict, the structure of power relationships and the influence of those interests who own and control the means of production have become both politically and academically unfashionable and relegated to the fringes of analysis. Despite these contemporary developments both Marxist and Post-Marxist approaches remain valuable, because they offer an alternative perspective both for the motivation for, and the driving factors influencing integration.

Writing specifically in connection with the evolution of the European Union, Holland (1980) highlights that the key to understanding the Marxist position is its underlying assumption that the ownership of the means of production is the dominant factor which conditions the social, political and economic life of capitalist society. For the Marxist therefore, capitalism is a system which is based upon the systematic exploitation of the working class resulting in growing inequalities, poverty and the polarisation of society between the wealthy and the poor. These are problems which Marxists believe can only be reconciled through class conflict and struggle and ultimately a break with the capitalist system and its replacement with the common ownership of the means of production. From this theoretical starting point, Marxism is inherently critical of European integration in its present form because it is predicated upon a seemingly unconditional acceptance of capitalism and the efficiency of the free market.

Carchedi (2001) develops this idea further by arguing that European integration has been motivated by two factors, firstly expansionism, represented by the need of capital to secure resources and markets in an increasingly competitive world economy. Secondly that economic integration has been founded on the protectionism of European markets a conclusion he justifies by describing how the Common Agricultural Policy has provided state subsidies for European farmers, imposed tariffs for non-European producers and as a result has artificially distorted the world food

market, privileging large scale European producers at the expense of third world countries. In contrast to other theories, Marxism emphasises the direct relationship between economic power and political decision making and therefore perceives economic integration to be a mechanism to achieve the specific and often unstated political objectives of the ruling class. In this sense integration is not a method of deepening democracy or the creation of an international political community but simply a means to ensure the stabilisation, development and legitimisation of capitalism at the supranational level. As such for Marxist's European integration should be regarded as another phase of capitalist development and a modern response to the changing economic pressures created in a globalised world economy.

The Marxist interpretation of the way international capital has developed provides a plausible explanation for the processes of globalisation and the emergence and growing influence of multi-national companies. Orthodox Marxist theory suggests that competition between producers is a defining feature of capitalism and this competition requires producers to sell commodities at a lower price than that of its competitors. This leads to an overriding imperative to cut production and labour costs leading to the introduction of large scale production and the domination of the market by fewer and fewer companies. This process of rationalisation and the concentration and centralization of capital has according to (Holland 1980, Gill 2002:53) been deliberately facilitated by the economic policies of the European Union, the removal of trade barriers, the introduction of the single market, privatisation and the liberalisation and de-regulation of the financial markets have allowed multi-national companies to act outside of the constraints of an international regulatory system allowing capital to pursue the maximisation of profit without recourse to wider social implications such as unemployment or social responsibility. Recognising the benefits that have accrued to multi-national companies as a result of economic integration Carchedi (2001:31) points out that big business and capital are considerably more organised than is immediately apparent. Highlighting the existence of organisations such as the ERT (European Roundtable of Industrialists)<sup>131</sup>, AMUE (Association for the Monetary Union of Europe), and the CAG (Competitiveness Advisory Group) he argues "The ERT has been a driving force behind all the major reforms since the

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<sup>131</sup> The ERT comprised 45 senior executives of the major multi-national companies representing a combined turnover of 550 billion in 1997

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1980's and more generally behind the institutionalisation of neo-liberalist policies within the European Union". Carchedi's analysis raises interesting questions about the ability of financially powerful interest groups to secure access to the highest levels of European decision making and the extent to which they can exert disproportionate, unrepresentative and unaccountable influence on the political and economic direction of society. Viewed from this perspective, the evolution of the European Union reinforces the Marxist idea that the state (or political authority) is not a neutral institution, but serves to advance the interests of the dominant class within society. As Wetherly (1998:167-168) describes, the economically dominant class is also politically dominant and consequently this may explain why the momentum of integration has continued despite widespread popular support because it reflects the interests of a powerful elite.

Marxist ideas have of course attracted considerable criticism; in particular its notion of historical inevitability and its deterministic conclusion of the ultimate collapse of the capitalist system and the triumph of the working class in a Communist society have proven unfounded as Popper (1996:197) anticipated; "none of Marx's more ambitious historicist conclusions, none of his inexorable laws of development have ever turned out to be a successful prediction". Whilst capitalism has been beset by periods of economic crisis and recession it has proven to be far more robust and durable than Marx anticipated and while economic and social exclusion continue to exist they have not resulted in the anticipated revolutionary transformation of society. The revolutionary aspect of Marxist ideology, culminating in the violent seizure of power and its focus on class struggle as the primary agent of social change is increasingly being challenged by rising economic prosperity, the entrenchment of representative democracy and the improvement of human rights. The solidarity of the working class as an identifiable and organised group which shares common aims and objectives has been undermined by a pervasive culture of individualism and materialism and consequently while Marxism may continue to provide useful insights into the power relationships which structure political decision making it is difficult to foresee its return as a serious political option.

Cognisant of these deficiencies in classical Marxist interpretations of the evolution of capitalist society, recent theorists such as (Howarth 1998, Wright, Levine & Sober

1992, Hoffman 1998, Townsend 1998, Laclau & Mouffe 2001) have argued for a rehabilitation of some core aspects of Marxist philosophy. Abandoning the traditional concept of the revolutionary transformation of society and the complete overthrow of liberal democracy Post-Marxists have instead focussed their attention upon ways of deepening and expanding its democratic elements and through the notion of identity politics developing a broad coalition of interests to provide a credible alternative to the neo-liberal system. Broadening the idea of class and class struggle Howarth (1998:135) argues that there is no longer a universal working class and by definition therefore a single agent of social change and consequently class, is now only one aspect of wider political struggles for freedom, justice and equality. Arguing from the perspective that neo-liberalism has resulted in an impoverished concept of democracy and that political participation has been confined to simply exercising the vote, Post-Marxist analyses are raising important questions about the legitimacy and effectiveness of representative democracy.

Redefining the conceptual link between economics and politics advocates of Post-Marxism aim for a radicalisation of democracy through a new type of class struggle based upon both economic re-distribution and issues of political recognition. As Laclau & Mouffe (2001:17) conclude “struggles against racism, sexism and in defence of the environment need to be articulated alongside working class issues of economic inequality”, interestingly, and writing in the context of the United Kingdom the Commission on Social Justice (1994) support this argument arguing that “the U.K. remains a society corrupted by inequalities of class which intersect with those of gender, race and disability”. Based upon these conclusions, and central to the Post-Marxist perspective is the fact that the resolution of economic inequality is a prerequisite for any meaningful idea of active or participatory citizenship and due to its complexity and sophistication the capitalist system now pervades all aspects of individual and collective life and consequently oppression (in a classical Marxist sense) is no longer concentrated solely in the hands of the state but permeates all of civil society. In consequence, the ability of individual citizens to participate in and influence the direction of modern society, is dependent upon not just economic factors but a wide variety of other issues such as access to education, stable employment, the enjoyment of sufficient leisure time and the political, religious, and cultural freedom to live without the fear of discrimination. Combining these themes

Laclau & Mouffe (2001:185) challenge the basis of the present political system and emphasise the importance of restoring the centrality of democratic politics and the necessity to broaden rights “beyond the limited traditional field of citizenship”. Although these analyses does not specifically provide a critique of the European Union or integration, the argument for the creation of multiple sites of political authority, decentralization and placing decision making as close as possible to the citizens it affects, draws heavily upon federalist ideas of political organisation.

Post-Marxism is a relatively under-developed area of study in the context of the European Union, however its underlying recognition of the fluidity of individual identity and the growing evidence that citizens are increasingly looking outside of traditional political parties and ideologies and turning to new social movements and single issue politics as a means of satisfying their aspirations leads to the conclusion that it has a contribution to make to challenging the hegemony of the neo-liberal capitalist system. Identity politics could coalesce around issues such as the perceived democratic deficit and provide a platform for socialist and left wing parties who have traditionally been sympathetic to the aims of the European project to articulate a systematic and alternative conception of the future of integration and the European Union.

### **(4:9) Contemporary Approaches to Integration New Institutionalism, Informal Integration and the European Court of Justice.**

It is understandable that the EU, as a unique type of supranational political system which is founded upon an overlapping set of authoritative institutions that possess differing degrees of competencies and authority, has renewed interest in institutionalist approaches to integration. The continued evolution of the EU has forced political analysts to reconsider the importance of institutions in sustaining and promoting integration and to develop a more sophisticated understanding of their role in shaping new kinds of political outcomes and policy processes. From simple observations of the activities and the mechanisms of the EU’s institutions, the analysis has now turned to examining how the broader system of rules, practices, norms and procedures supported by the institutional structure has become established over time,

and how it has become an increasingly influential factor in consolidating, reinforcing and promoting further integration.

At its core therefore, new institutionalism recognises that integration is no longer just a formal process which emerges from deliberate political decisions, but instead reflects the combination of a variety of ongoing factors, the actions of actors and institutions pursuing their own interests and agendas, the “spill-over” of policy initiatives from other areas and the emergence of new types of political behaviours and practices. The cumulative impact of these informal processes disrupts the internal cohesiveness, functional integrity and legitimacy of the EU’s political system. This has meant that integration has often evolved in unexpected and unplanned ways. New Institutionalism seeks to explain these developments in a systematic manner and attempts to provide a more balanced insight into the processes of integration and thereby establish a sound theoretical basis for the prominent role that informal integration now plays in the EU’s development. As Chrysochou (2001:17) explains, “new institutionalism raises challenging if not fascinating research questions about the institutional dynamics of macro-political order building ... the ways and means institutions structure the interaction between different actors, shape their choices and influence their behaviours.”

Building upon these ideas Olsen (2001:327-328) maps out the institutionalist perspective succinctly, identifying that without the structural inter-connectedness of institutions, integration as we understand it today could not have developed to its present levels of complexity and sophistication. Specifically relating institutionalism to the evolution of the EU, Olsen further argues that institutions have been central to the European project; he develops his argument by explaining that member states initially began to coordinate policies in an *ad hoc* and pragmatic way, through the removal of the internal barriers, to interaction and exchange and the development of common rules and standards. The successful operation of this new system required the development of supranational institutions and procedures for joint decision making and the establishment of common administrative regulation and enforcement mechanisms. Consequently it became necessary to invest the institutions with the powers to determine their own functions and competencies. Significantly, Olsen concludes that ultimately it is necessary to “develop a common public space, civil

society and institutions able to educate and socialize individuals into informed citizens with a shared political identity and culture". Olsen clearly sees developmental institutionalism as deterministic (a conclusion which has yet to be validated). However, the basis of his argument does accurately capture both the historical evolution of the EU to date and the present aspirations and strategies of the Commission to deepen political integration through the promotion of a distinct European identity and citizenship.

The continued extension of the powers of the EU and the direct control and influence which its institutions now exert over the decisions that affect ordinary citizens' day-to-day-lives means that new institutionalism is an important addition to the canon of integration theory. Consequently it is important to understand how its three constituent elements relate to integration, political legitimacy and citizenship.

Rational choice institutionalism understands institutions as the formal legalistic entities which constitute a political system and the set of rules and procedures which impose obligations on the self interested political actors which operate within it. In the context of the EU, rational choice institutionalism is interested in determining the extent to which rule-bound interactions which have emerged produce new types of policy outcomes. One pertinent research topic, for instance, would lie in the question of how the growth of the system of QMV in the Council of Ministers has encouraged increased co-operation and coalition building. This is a development which has in turn led to more pragmatically-negotiated, 'Europeanized', policies. Secondly, rational choice institutionalism introduces the idea that, once they have become established and invested with authority, supranational institutions act as a decisive constraint on the actions of the political actors which created them. Therefore the original decision of the member states to pool specific aspects of their individual sovereignty limits their ability to act unilaterally in other areas.

Pollack (2004:140) has developed this concept further, arguing that through "path dependence" and "lock-in", institutions have actively reinforced integration; he argues that "early decisions provide the incentives for actors to perpetuate institutional and policy choices inherited from the past, even when the resulting outcomes are manifestly inefficient". A prime example of this in practice is the Common Agricultural Policy. Introduced as a way of guaranteeing Europe's food supplies, the

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CAP has grown to be a significant burden upon the EU's budget. Despite prolonged criticisms of its protectionist role in creating preferential conditions for European producers, and in therefore distorting the world food market, it has proven difficult to reform. Rational choice institutionalism, with its emphasis upon an understanding of the importance of institutions and the process of policy formation, has introduced the idea that integration is influenced by the internal dynamics of the EU's political system and has, to an extent, become a self-replicating and self-reinforcing process. Overall, Checkel (2001:50) summarises the emphasis of rational choice institutionalism as the idea that institutions are "thin" and act as an "intervening variable" in the political process, forcing actors to recalculate how to achieve their interests within a new supranational framework.

The most widely discussed aspect of institutionalism is the idea of historical institutionalism. Pierson (1998:29) explains that this approach is defined by the understanding that political development is a slow, evolutionary, process which unfolds over time. He posits that institutions are important because they constitute the framework where the changes and processes which facilitate integration take place. From this starting point, historical institutionalism adopts a wide definition of institutions, broadening it to include established laws, customs, and practices, codes of behaviour, conventions and established norms<sup>132</sup>.

This has led analysts such as Rosamond (2000:114) to argue that "rather than being simple passive vessels within which politics occurs, institutions provide contexts where actors can conduct a relatively higher proportion of positive sum bargains". The crucial point in Rosamond's analysis lies in his conclusion that institutions themselves "matter", and accordingly over time they develop distinctive political agendas outside of the interests of those actors who created them.<sup>133</sup> Historical Institutionalism recognises the idea that institutions can also shape both the goals and preferences of political actors, and, in consequence, produce their own political outcomes; Pollack (2004:140) describes this process as the principle of "increasing

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<sup>132</sup> According to the Oxford English Dictionary an institution can be defined as "an established, law practice or custom".

<sup>133</sup> The European Commission is a good example of this, because it is constituted to act on behalf of the interests of the EU as a whole. The European Parliament has successfully argued for the regular extension of its powers through appeals to its political legitimacy as the only directly elected European institution.

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returns”, insofar as those institutions and policies tend to generate incentives for actors to adhere to and not to abandon existing institutions. An example of this is the case of the ECJ which has consistently advanced individual rights. Consequently, when individual citizens’ legal actions are unsuccessful in their own national courts, there is a higher likelihood of them appealing cases to the ECJ, in an attempt to realize their objectives or defend and extend their rights.

In contrast to functionalist and intergovernmentalist approaches, historical institutionalism has focussed attention upon the importance of European institutions in their own right and their capacity to both consolidate and extend integration. Pierson (1998:45-47) takes up the former point identifying that the “sunk costs” and the “rising price of exit” have meant that the evolution of EU policy over time has made the reversal of course difficult and the massive sunk costs of investment<sup>134</sup> which the individual member states’ have made, makes policy reversal unattractive. Pierson argues that, “while the governments of sovereign member states remain free to tear up treaties and walk away at any time, the constantly increasing costs of exit in the densely integrated European polity have rendered this option virtually unthinkable”.

Historical institutionalism makes an important contribution to the understanding of the processes of integration by demonstrating that the political framework within which integration takes place is not neutral, but, over the course of time begins to develop its own priorities and objectives and seeks to independently encourage the transfer of individual political loyalties and the transfer of more aspects of sovereignty and political authority to the supranational level. As a developing theory, historical institutionalism is exploring the growing importance of informal integration and the issue of how, over the longer-term, Europe’s institutions are exerting a deeper impact on the very dynamics of the European integration process.

The most recent innovation in institutionalist thinking is the idea of sociological institutionalism. Rosamond (2000:114) sums up this approach as “the capacity of

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<sup>134</sup> Investment in this sense is not just the financial costs of reversing policies, such as the single currency, but the combined legislation, directives and jurisprudence which the EU has developed, and which has become the established practice in the member states.

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cultural and organizational practices (institutions) to mould the preferences, interests and identities of actors in the social world". Sociological institutionalism is principally interested in the idea that institutions are the carriers of beliefs, knowledge, understandings, values and ways of doing things and these "cultural attributes" stabilize over time reproducing new behavioural patterns and activities. Consequently, as Chrysochou (2001:115) argues, institutions become a decisive influence upon behaviour. In contrast to other approaches, sociological institutionalists understand that interests and identities are endogenous to the processes of interaction which institutions are representative of. Integration thus creates the institutional architecture from which can emerge new types of political identities, methods of political organization and a European 'public space'. Schlesinger & Kevin (2000:210) have developed this idea further, arguing that sociological institutionalism provides a theoretical explanation for the emergence of a new political culture which is composed of the set of legal principles, institutions and political norms and practices which are commonly diffused throughout a given polity". The foundations of sociological institutionalism can be seen to have a close affinity to the most recent strategies of the Commission and its ambitions to create a distinct European identity and public space, by means of the active promotion of European citizenship and the development of a close identification between individual citizens and the basic values and objectives of the EU. What is interesting about sociological institutionalism is its recognition that integration has proceeded far beyond the simple enactment of formal political decisions, and its acknowledgment of the growing role of informal integration, in both consolidating integration and also extending it into new areas.

From the preceding analysis, it can be seen that the separate strands of institutionalist thinking share common ideas about the importance of institutions and the notion that the scale and scope of their authorities evolve over time. Recent sociological contributions to the debate have highlighted that European citizenship could, in time, become an important and influential institution in its own right. However, given its relatively short history (it was only formally established in 1992), this is difficult to empirically substantiate at this early stage of its development, Warleigh (2001:19) however, has already identified that "EU institutions notably the European Parliament and the European Commission have attempted to use citizenship as a means of self

advancement". New institutionalism has a strong theoretical basis, and the extent of its influence will be explored in chapter six with a case study of the European Court of Justice which has played a crucial role in both the development of informal integration and the enhancement of individual citizenship rights.

**(4:10) Constructivism, Transactionalism and the Theoretical Basis of European Identity.**

Emerging in the 1990's as a response to an increasingly globalised international political and economic environment, constructivism represents the latest attempt to theorize the development of the EU as an entirely new kind of political organisation. Constructivist analysts do not claim to have discovered a new substantive theory of integration but instead are interested in developing a broad based inter-disciplinary research programme which is sufficiently flexible to overcome the limitations of classical integration theory. The emergence of constructivism can therefore be seen as an appropriate recognition of the fact that a single theory of integration is now insufficient to explain the multiplicity of processes which are currently influencing the impetus towards further integration.

What is distinctive in the constructivist approach is that it does not dismiss the competing theoretical perspectives which purport to explain how the EU has evolved. Instead, it attempts to update them in the light of contemporary social conditions. From this initial starting point, constructivists take the perspective as Christiansen, Jørgensen & Wiener (2001:2) outline, that "European integration itself has changed over the years, and it is reasonable to assume that in the process, agents' identity and subsequently their interests and behaviours have equally changed". Constructivism recognises that integration has not only had a transformative impact upon the European state system, but equally it can be used to analyse how the relationship between individuals and the emerging polity is now shaping the content and practice of European citizenship and in the process re-constructing multi-layered political identities.

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Given that constructivism does not claim to represent a single theoretical approach attempting to provide a concise definition of its distinctive contribution to European studies is somewhat problematic. Perhaps the clearest attempt to explain constructivism's broad approach has been provided by Risse (2004:160-164) who argues that "it is probably most useful to describe constructivism as based on a social ontology which insists that human agents do not exist independently from their social environment and its collectively shared systems of meanings". Developing the idea of the important constitutive effects of both social norms and institutions, Risse makes the point that collective norms and understandings define the "basic rules of the game" and thereby constitute and influence the identity and behaviours of actors in civil and political society. In this sense, according to Risse, identity defines who "we" are as members of a "community". Integration theorists should therefore concentrate their analysis on the nature of the social identities of rational actors if they are to fully understand, and account for, the impact of their changing interests, preferences, values and behaviours on the wider system of political organization and representation.

From this initial perspective, constructivists argue that through integration, the EU can no longer be viewed as 'external' to the actors which constitute its supranational system. In real terms therefore, political actors such as national governments, corporations, interest groups and individual citizens are now deeply embedded in and affected by the social, legal and political institutions in which they act. The EU as an emerging polity not only limits the range of political choices available to actors. In addition to this, increasingly, their identities, choices and behaviours are becoming defined by the very fact of EU membership. Risse (2004:164) sums up this idea when he argues that through the development of its own unique discursive and behavioural practices the EU has over time, become part of the "social furniture" with which social and political actors have to deal on a daily basis.

The idea that membership of the EU has a gradual socializing effect which has created new practices and behaviours, is borne out by the "Europeanization" of public policies, which will be analysed in chapters five and six of the thesis. To a large extent it can be argued that constructivism draws upon some of the earlier theory of transactionalism. Klausen & Tilley (1997:4) support this view when they argue that "multiple social processes have promoted the integration of economic, political and

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social life within the larger European framework... European integration is an aggregate outcome of diverse social, economic and political processes that are stimulated by EU institution building, but not entirely determined by such". Drawing together both constructivist and transactionalist ideas about the importance of identity for determining patterns of political behaviour is leading analysts to re-appraise and redefine elements of classical integration theory. This, I argue, provides a clear link between the core concepts of integration and citizenship and the relationship between the individual and the wider polity which forms the basis of this analysis.

Constructivism's attempt to re-conceptualize Integration theory is predicated upon the central assumption that the EU no longer fits into any single neat or conventional political category. However, because constructivism challenges conventional academic approaches to integration, it has attracted vociferous criticism. Representative of this is Moravcsik (2001:177) who makes the point that "hardly a single claim is formulated or tested in such a way that it could, even in principle, be declared empirically invalid". Consequently, Moravcsik concludes that "Constructivism contributes far less to our empirical and theoretical understanding of European integration than their meta-theoretical assertions might suggest- certainly far less than existing alternatives". Moravcsik's view can however be legitimately challenged: not only is he arguing for a perpetuation of the longstanding debate that a single theoretical perspective can hold all the answers to integration as a phenomenon, but recent developments surrounding the evolution of the proposed European Constitution into the Reform Lisbon Treaty (2007) vindicate many of the constructivist arguments that Moravcsik questions, and lead to the conclusion that analyses of the EU need to incorporate the impact of wider social changes and political influences, rather than solely rely on state-centric and institutionally-driven processes and frameworks.

Koslowski (2001:33) takes up this concept and makes the fundamental point that by agreeing the TEU, the individual member states of the EU have entered into a type of political relationship that is neither domestic nor international as conventionally defined. Consequently, for Koslowski, discussions of federalism which either implicitly or explicitly advocate the transformation of Europe into a federal state are starting from a false premise. Developing this argument Koslowski concludes that

because the EU does not exactly conform to the federal models as developed in nation states, this does not necessarily mean that federalism is not a valid way of understanding the EU, in contrast, he argues that in order to transcend state centric approaches constructivists must seek “to redefine federal theory by focussing attention upon the political practices of all actors at all levels of the EU”. Koslowski’s conclusion implicitly recognises both the growing importance of informal integration (a central theme of this thesis) and the role of influential individuals within the EU’s institutions and more generally the role of citizens and their values, activities and behaviours as part of the wider polity. At the core of Koslowski’s (2001:40) argument, is the idea that, in contrast to intentional federation by treaty, federal political relationships have also started to emerge inadvertently through legal judgements and the gradual routinisation of transnational political practices. These have now started to exert “an equal if not greater impact on the course of political integration”. As Koslowski (2001:38) outlines, “although intentional efforts to build a European federation have indeed failed to produce a federal state, it does not mean that political practices that lacked a federal intent have not produced a federal outcome”.

Pointing to the fact that member states have agreed to establish federal types of institutions such as the European Parliament, the European Court of Justice and the European Central Bank and that these are underpinned by federal principles such as qualified majority voting (QMV), subsidiarity and the establishment of European Citizenship as a direct link between the political and legal authorities and individual citizens tends to suggest that the emerging European polity can still be understood in federal terms. Recent developments such as the measures to streamline the institutional operation and effectiveness of the EU, as well as the proposals to introduce reforms to encourage continued integration in areas such as foreign policy, internal policing and Justice and Home Affairs (JHA), provide additional evidence to support the constructivist position that, even if Europe is not moving towards what Koslowski (2001:47) calls a “hypothetical end state that it may never reach”, it is still developing a non-territorial based type of federalism which is being facilitated in part, by the on-going development of political and legal practices which are based upon individual citizens effectively exercising their civil, political and social citizenship rights.

Providing further evidence to support the constructivist argument for the necessity of redefining federal theories has been the conclusion of the negotiations relating to the Reform (Lisbon) Treaty. As Chapter Six will outline, Shaw (2001:69) has put forward the argument that traditional “black letter” or single formal constitutions may no longer be the sole or most appropriate means of reaching a federal political outcome. Her conclusions have to a large extent been vindicated, through its lengthy and at times convoluted progress the original proposed European constitution has been replaced by a Treaty which contains two substantive clauses amending respectively the Treaty on European Union (TEU) and the Treaty establishing the European Community (TEC) as a result of these reforms, the TEU will keep its present name and the TEC will be called the Treaty on the Functioning of the Union. According to the Draft IGC Mandate, “the constitutional concept, which consisted in repealing all existing Treaties and replacing them by a single text called “Constitution”, is abandoned.” Whilst both political and public opinion is divided on the extent to which the new Treaty mirrors the provisions of the original constitution, it appears evident that, subject to ratification rather than a single constitutional document, the EU political system now rests upon the two treaties as amended, and the *Charter of Fundamental Rights* which, while it now enjoys the same legal status as the treaties remains a separate formal document.<sup>135</sup>

From an analytical perspective, it can be argued that taken together the three distinct documents constitute the formal legal, political and social system of the EU. The respective Treaties clearly delineate the allocation of political authority and competencies between the individual member states and the centre whilst the *Charter of Fundamental Rights* sets out a comprehensive set of civil, political and social rights which connect individual citizens to the EU as a supranational political system. Viewed in this way, it is legitimate to argue that the EU is in the process of developing an entirely new kind of constitutional settlement, one which, to all intents and purposes, produces a federal type of outcome, but one which is not based upon the traditional ideas of political organizational structures and mechanisms that

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<sup>135</sup> In the case of the UK, the future of the *Charter of Fundamental Rights* is particularly controversial. The extent to which the UK Governments negotiated “opt outs” or “red lines” will be effective in the light of future European legal decisions is still unclear. However, the draft IGC mandate does contain a specific Protocol which states that, “in particular, and for the avoidance of doubt, nothing in Title IV of the Charter creates justiciable rights applicable to the United Kingdom except in so far as the United Kingdom for such rights in national law”.

currently exist in federal models based within nation states. By avoiding any rigid doctrinaire adherence to a single theoretical perspective constructivism seeks to avoid being drawn into the largely abstract debate about federal versus quasi-federal or functional systems and encourages analysts to view the EU outside of typical political categories, and, in the process, to develop more detailed analyses which are rooted in practical political developments.

The example of the Reform Lisbon Treaty (2007) also provides evidence to support some of constructivism's more contested propositions. In particular, the position articulated by Diez (2001:85) that language and political discourse are increasingly influential factors in the construction of the EU appear to be validated by contemporary events. Diez makes the argument that alongside its own unique political vocabulary, through political discourse and "speech acts" that language "is not always a neutral and purely descriptive device, instead it may contain evaluations and serve political purposes". Diez (2001:88) takes the position that the whole history of European integration can be understood as a history of "speech acts" which have established a system of governance "which is above all about rules that are binding for the members of the system". More specifically, Diez argues that "speech acts performed by a variety of actors, often with different intentions, not only led to the establishment of EU citizenship, but also to the reformulation of the concept of citizenship, with consequences for the shape of the Euro-polity".

In many respects it is difficult to empirically confirm or reject these particular assertions. This thesis asserts that there is no single clear and defining moment which analysts can point to as the creation of European citizenship. Its formal incorporation into the TEU merely reflected the consolidation of practices which had emerged through formal political decisions, legal judgements and other informal processes developed over time. Recent events however, indicate that it may be premature to entirely dismiss the role of language in the process of integration. The attempt by the EU to advance institutional reform through the creation of a Constitution has proven to be problematic, because amongst certain political elites and member states' electorates the idea and symbolism of a Constitution for Europe represents a direct challenge to sovereignty and national identity. What has been instructive in this process of negotiation and re-negotiation is that, rather than abandon its programme of

reform in the light of negative referenda results, the EU has instead dropped the word “Constitution” and its associated symbolism from its current vocabulary. This seems to have been sufficient to persuade the Dutch and UK governments not to hold further referendums<sup>136</sup> to ratify the amended Treaty. This development significantly enhances the chances of the ratification process being successful. Member state governments have reached agreement at the Lisbon Council 2007 to ratify the Treaty by 2009. More crucially, the ratification of the Treaty will not now be subjected to the vagaries of individual referenda which critics often argue are primarily influenced by other, and un-connected, domestic political issues.

The political lessons which the EU has learned from these events may have a significant influence on the development of its short- and long-term policies. The initial rejection of its reform programme effectively created an institutional and political crisis which threatened the ability of the EU to enact the changes, which, it argued, were necessary to ensure its continued efficiency, competitiveness and effectiveness in an enlarged Union of 27 member states. Recognising the fundamental importance of these issues, the question to be considered is whether it was a premature and tactical political mistake for the EU to attempt to replicate the symbols and structures that are firmly associated with the nation state and, if this is the case, will the EU now return to its more ‘tried-and-trusted’ methods of slow incremental reform? In order to explore these key issues, chapter six of the thesis will analyse both the short and long term policies currently under consideration to establish whether the EU has now decisively broken with attempts to replicate the symbolism of the nation state, and whether it will now attempt to introduce more innovative and creative methods of developing its own unique and distinctive types of identity and active citizenship.

Constructivism not only seeks to redefine existing integration theory, but also attempts to provide a more complete understanding of the role that individuals play within the institutional framework of the EU as a political and legal system. Of particular interest in this respect are the case of the ECJ and its validation of the ideas

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<sup>136</sup> The Republic of Ireland is still constitutionally obliged to hold a Referendum, although, given its recent economic growth, there exists strong support for the EU, and Ireland is expected to ratify the terms of the new Treaty.

of historical institutionalism which will be explored in detail in chapter six. It is widely accepted that the ECJ, through its integration-friendly, creative, judgements, played an influential role as a motor of integration. However, very little attention has been devoted to explain the motivations or strategies which allowed the ECJ to establish the legal doctrines which now occupy such a dominant position. Wincott (1996:180) identifies this as an important issue when he argues that “the influence of the Court has been attributed to a number of factors, including the cleverness and political acumen of the judges, the normative power of the formalism of the law and the lack of interest paid to the Court during the early stages of the integration process”. Developing this initial argument, Wincott (1996:181) goes on to make the crucial point that “the cleverness of Judges has been their ability to take up frankly political positions while broadly retaining credibility as a legal, that is, apolitical institution”. Wincott’s analysis, which pre-dates constructivist approaches, not only highlights the important role of the individual (albeit a small professional elite) but also reinforces the New Institutional argument that supranational institutions are not passive vessels but over time assume their own distinct and on-going agendas. Rather than attempting to explain why the ECJ decided to adopt such an overly political and consistent ideological position to encourage integration, Wincott concentrates his assessment upon the strategies which the ECJ has employed to achieve its objectives. In his persuasive analysis, Wincott argues that the ECJ has essentially adopted a strategic and incremental approach whereby it introduces new doctrines gradually, normally establishing a “general principle” which is subject to specific legal caveats and qualifications. He also points out that in many cases this may mean not applying the doctrine at all to the particular case under review.

Following the publication of its judgement, and assuming there are no significant protests or objections, the Court is able to reaffirm the new doctrine in subsequent cases brought before it and at the same time remove the initial caveats and qualifications revealing the full extent and implications of the new doctrine which may not have been apparent in the initial legal judgement. Seen in this light, and outside of expert legal scrutiny, it is perhaps understandable that the fundamental legal principles such as direct effect, the supremacy of EU law and the idea of pre-emption did not provoke more widespread political controversy or debate. The incremental and strategic approach described neatly avoided drawing the ECJ into

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political controversies or conflict with either member states or other EU institutions, and the strategy bears all the hallmarks of the original incremental federalist policies of the founding architects of the EU in transforming ostensibly functional organisations into active institutions capable of producing 'federal' outcomes.

Whilst he concentrates his attention upon the specific strategies of the ECJ, Wincott's analysis opens up potentially new avenues of enquiry into the nature of the role that individual identities and behaviours play within the framework of the EU's institutions. From this starting point, more recent constructivist analyses are attempting to deepen this understanding and try to explain the factors which have contributed to institutional actors such as the Council of Ministers and the ECJ maintaining such an overtly consistent pro-integrationist perspective.

Developing this concept, a strong proponent of the idea that social construction is now an important aspect of European integration is Checkel (2001:50) who argues that, in order to fully understand the process of institution building at the supranational level, integration theories must address "the constitutive dynamics of social learning, socialization, routinisation and normative diffusion". Checkel (2001:53) defines social learning "as the process whereby actors, through interaction with broader institutional contexts, acquire new interests and preferences and that more fundamentally agents' own interests and identities are shaped and changed through that interaction". Checkel (2001:53) develops the basis of this idea by arguing that within the EU, social learning is more likely to occur in groups which share common professional backgrounds for instance judges and lawyers, European central bankers ( and I would add Ministers who share the same Ministerial portfolios). Secondly, he describes how social learning is more likely to take place in those groups which meet repeatedly, where there exists a high density of interaction amongst the participants, and where the group itself is isolated from direct political pressure or exposure. This aspect of Checkel's argument - and the implication that important decisions are often made behind "closed doors" - seems to be supported by the current attempts of the EU to address its perceived 'democratic deficit', by improving the transparency of its

decision making processes. It does so by opening up institutional deliberations, for instance, in the Council of Ministers, to wider public access and scrutiny.<sup>137</sup>

Having established the important role of elite groups, Checkel seeks to argue that intra-group communication, political discourse and influencing skills are all crucial factors in the development and diffusion of new norms, practices, values and ideas. Trying to explain the dynamics of group interaction Checkel (2001:57) identifies that “well placed” and influential actors are able to turn their individual beliefs into broader shared understandings. For Checkel, these individuals or groups become “policy entrepreneurs” maximising specific opportunities to advance distinct political agendas when the institutions they represent are faced with problems which have no clear or absolute solutions. Viewed in this way, Checkel’s analysis challenges many of the assumptions inherent in liberal intergovernmentalist understandings of the nature of interstate bargaining. As well as providing an alternative explanation for the discontinuous history of integration it introduces the idea that representatives of member states not only reach pragmatic compromise policies that are rooted in state interests, but also acknowledges the fact that actors become “socialized” into the institutional structure of the EU’s policy making process itself. It can be argued that in many respects Checkel’s arguments are leading towards the incorporation of psychological evaluations of individual and collective behaviours, and of cognitive motivations, most of which are clearly outside the scope of this thesis. As a central principle however, Checkel’s idea of social learning provides an alternative understanding for the gradual “Europeanization” of public policy and demonstrates that constructivism as an approach is inter-linking aspects of federal, functional, neo-functional and institutionalist theory and translating them into a much broader political and social context.

Alongside its developmental role in building upon existing integration theory by explaining institutional processes and behaviours, constructivism also makes its own original contribution to integration studies by analysing the factors which purport to explain changes in the identity of individual citizens. Personal identity is of course central to the concept and practice of citizenship, because how we choose to define

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<sup>137</sup> This reform was included in the Reform Treaty (2007).

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ourselves as individuals ultimately shapes our interests and preferences and therefore influences our political behaviours, attitudes and the loyalties we exhibit towards both political authorities and wider communities. There is no single causal factor for identity change. However, there is now an increasing acceptance of the idea that, as a result of globalisation, identity has become more fluid and multi-layered than in the past. Miller (1998:30) takes this position, arguing that “ we may begin to have multi-layered political identities among which no one level is clearly dominant and we then have to ask how our notions of citizenship should change to accommodate this”. Miller argues that multiculturalism has further complicated this process, he identifies that for certain groups cultural identity is now their dominant political identity and that for some individuals, religious faith may be more important than their responsibilities as individual citizens. Miller’s argument highlights that like citizenship, identity is also dualistic and those changes in identity can also have negative consequences. Those who choose to define themselves and others’ identities in exclusive and closed terms can reinforce and perpetuate racist attitudes and religious fundamentalism and can provide a platform for a resurgence of ethnic nationalism.

Seen from this perspective, the idea of European identity becomes central to the achievement of the EU’s wider objectives, social cohesion in Europe is contingent upon open and inclusive ideas of citizenship and identity. If the EU is to be successful in eliminating racism, xenophobia and all forms of discrimination, it needs to develop an identity which emphasises pluralism and promotes a positive engagement with its own civil and political communities. Whilst cognisant of these dangers, “policy entrepreneurs” such as the European Commission also recognise that identities change, and that shifts in societal values provide opportunities for the further political integration of the EU and a step towards “an ever closer union” of the peoples of Europe.

In order to maximise this opportunity, public policy makers need to understand the factors which encourage identity change. Constructivism is useful in this respect, since it can offer alternative explanations. In one of his last articles, the originator of neofunctionalism, Haas (2001:27), argued that “actors are expected to choose in terms of their perceived interests and to select the means deemed most appropriate for

realizing them. They are expected to change interests, if and when, the ideas and values inspiring them undergo alteration, and to substitute new means for old ones found to be unsatisfactory". For Haas, identity can be seen as a combination of material self-interest with wider, ideological and political, values. Consequently, individuals can be persuaded to change their behaviours and transfer their loyalties to those institutions which maximise their interests. The economic success and opportunities provided by the EU's Single Market, the propensity of the ECJ to positively interpret claims for social citizenship rights and the activities of the EU in promoting economic reconstruction and redistribution through its regional aid programmes, all act as powerful incentives for citizens to positively identify with the successes of the EU as an economic system. Risse (2004:167) takes a somewhat broader view when he argues that "social identities contain, first, ideas describing and categorizing an individual's membership in a social group or community including emotional, affective and evaluative components". In many ways, Risse's argument recognises that communities are made up of the aggregation of individual identities, behaviours and values, which together constitute the norms and practices which define the acceptable rules of society. In this sense, 'community' (as analysed in Chapter three), represents the combination of both an emotional attachment to cultural, religious, ethnic or linguistic traditions alongside new evaluative responses such as changes in morality and the emergence of new political priorities, demands for increased citizenship rights or new methods of improved democratic participation and governance. The extent to which these constructivist ideas about the nature of identity are becoming influential will be explored in the next section of this final chapter with an investigation into the Commission's strategies and policies aimed at constructing an identity through 'active citizenship'.

The preceding analysis has demonstrated that constructivism can explain how new values and norms can originate at an elite institutional level through processes of socialization. It has further shown that individual identity is subject to re-construction in response to developments in the wider social, political and economic environment. Constructivism has however not yet explained satisfactorily, how these changes become 'routinized practices' in the wider polity. This omission can in part be addressed by a reinterpretation of a transactionalist approach to integration which

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seeks to analyse the role of informal processes and collective identity in the formation of new political communities.

Transactionalism has largely been overlooked in the field of integration theory, particularly amongst federalists and pro-integrationists, because its originator, Karl Deutsch, was primarily interested in developing methods of peaceful conflict resolution which were capable of maintaining the stability of the nation state system whilst preserving the nation state as the principle *locus* of political authority. Deutsch (1970:404) was principally an idealist whose aims were to theorize the conditions of international relations that could abolish war eradicate poverty and hunger and create adaptive and expansive systems of government which respect individual freedoms, protect minorities and which - through increasing cognitive capacities - respond to the growth in what he termed "personal self-determination." Despite his initial interest in the role of the nation state, Deutsch (1966:41) recognised at an early stage that political integration is itself "a historical process of social learning in which individuals, usually over several generations become a people" Deutsch hypothesised that three basic conditions were required for this to take place: firstly, a compatibility of the major societal values; secondly, a responsiveness and willingness amongst political elites; and thirdly, the relative predictability of one another's political, economic and social behaviours. Nelsen & Stubb (2003:122) point out that Deutsch's transactionalist approach to integration was largely "overshadowed by the rise of neofunctionalism". However the relevance of Deutsch's argument seems to grow in the same measure as the EU enlarges further to the East, and as the question arises of who is, in fact, a European.

The revival of interest in transactionalism is a recognition of the fact that many of Deutsch's original insights have been vindicated by the processes of globalisation and the increased interaction between states and between different individuals and communities which are being facilitated by technological innovation and the speed and availability of modern communications. Deutsch (1957:33) defined integration in general as "the attainment of a sense of community, accompanied by formal or informal institutions or practices, sufficiently strong and widespread to assure peaceful change among members of a group...the processes that create unifying habits and institutions will henceforth be called integration". For Deutsch, therefore,

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identities, both individual and collective, are constituted as a result of cultural transactions. They are the products of intensive interactions, communications and those socio-psychological tendencies and learning processes which lead to a gradual convergence and assimilation of values and behaviours. Deutsch (1957:36) did not see assimilation as necessarily a case of the dominant culture subsuming other cultures. Instead, he regarded it as a “process, in which participating individuals or political units become as similar as possible to one another in language, culture, political and economic habits”. As a theorist, Deutsch was principally interested in understanding the mechanisms and processes of integration which could transform a society (*Gesellschaft*), defined as a people held together by economic and material self-interest founded upon the division of labour and civil contract into a more participatory community (*Gemeinschaft*), defined as a people that is bound by common values, sentiments, habits and practices and political loyalties. It is instructive to note at this juncture just how closely Deutsch’s arguments written over fifty years ago accurately reflect, contemporary political and social challenges the EU faces in transforming its successful economic community into a genuine ‘Union of Peoples’. Deutsch’s (1970:392) insights into the impact of globalisation have proven to be remarkably prescient. Thus, he argued that “the first need of a political system will be to preserve a sense of identity and continuity for its people...members need a sense of identity, a sense of continuous growth and a sense of belonging in order to face the dangers, the opportunities and the tasks of re-orientation which they will encounter”. Deutsch’s analysis brings together many of the key themes and relationships explored by this thesis, in that integration is seen increasingly as a necessary political and economic response to globalisation and in that the continued growth and stability of the EU as a supranational system is partly contingent upon its ability to construct a functioning collective identity, based upon the active exercise of civil, political and social citizenship rights.

In order to give practical substance to his arguments Deutsch (1970: 116-117) developed his core theory of transactionalism. This is predicated upon the understanding that the individual is the basis of all political systems and that political systems are held together from within. The overall stability and cohesion of any given system is made by interdependence, and that interdependence is created by the volume and frequency of transactions. Deutsch argued that transactions can be

understood as a chain of events, which begins in one place or unit and ends in another. Many of these events may include the transfer of material objects, the transfer of energy and the transfer of services and information. A particularly important class of transactions is represented by the movement of people; a phenomenon which creates distinct cultural linkages. Deutsch (1970:39) argued that, "it is the volume of transactions, political, cultural or economic, which throws a burden upon institutions for peaceful adjustment or change". Deutsch anticipated that what he called "integration load" - the volume and range of informal social transactions - is rapidly increasing, whilst, at the same time, the "integration capabilities", understood as the speed and responsiveness of the nation state to deal with these changes, is decreasing. As a result of these processes, Deutsch (1970:47) argued that, "the development of functional linkages through informal economic and social interaction among separate West European communities creates in the course of time, socio-psychological tendencies and learning processes that in turn lead to assimilation and integration... Over time, these induce elite-led attempts to institutionalize and formalize the initial functional linkages" Deutsch also recognised (1970:247) the importance of citizenship in this process. In a particularly salient passage he sets out that "most effective among the political appeals and interests to the cause of integration are appeals for new or greater rights and liberties for individuals and groups". Seen in this light, Deutsch is giving explicit recognition to the idea that citizenship remains an important aspect of institution building and is central to the development of new political systems.

Taken as a whole, it can be argued that Deutsch has made a wide-ranging and very significant contribution to an understanding of processes of integration. Deutsch's analysis accurately predicted, and gave added theoretical substance to, the assertion that globalisation is increasingly questioning the capacity of the nation state to deal with contemporary economic, political and social problems. Deutsch's argument surrounding the volume, frequency and effectiveness of transactions which define and constitute the stability of a political system, seems particularly pertinent. Indeed, the policies which the EU has pursued in the completion of its Single Market have created the necessary environment to facilitate an increase in economic, political and social transactions which in turn is now generating pressures for further integration.

In the context of this thesis, Deutsch's most significant conclusion is that informal processes and practices which emerge through cultural linkages are a crucial aspect of integration. They encourage political elites to institutionalize and legitimise new habits and behaviours through formal reforms. This supports the idea of integration being characterised by continuous patterns of informal integration periodically consolidated and developed by responsive formal integration, and, at times, by constructive, formal, integration. Deutsch's contention that political integration and the methods by which individuals becomes 'a people' takes place through social learning and the emergence of functional economic and cultural linkages provides an alternative perspective to those who claim that the development of a distinct European identity is implausible or unlikely. Furthermore, as those informal linkages are created through the utilisation of civil, political and social citizenship rights, they reinforce the conclusion that citizenship and integration have become increasingly inter-linked and interrelated concepts and practices. Drawing together these diverse issues Deutsch (1970:138) elaborated a persuasive functional case for the necessity of continued political integration when he argued that "because a system can no longer live with itself or with its environment, it then begins to change its goals or transform its structure. Goal change and self transformation are therefore, more complex and more elaborate aspects of the basic function of integration". Deutsch's analysis of the internal dynamics of integration provides a plausible and non-ideological explanation for the progressive development of the EU from an economic community towards a more comprehensive supranational political union.

### **(4:11) Evaluative Summary.**

Chapter four has introduced the idea, and sought to provide evidence in support of the proposition that a single theory of integration is insufficient to capture the complexity of the European Union as a supranational political system. Arguing for the adoption of a more syncretic approach to the processes of integration, this thesis is arguing that the present conceptual categories of formal and informal integration have become too broad to provide a complete understanding of the wide variety of factors which are continuing to drive the momentum of integration forward. Developing a more nuanced distinction, that formal integration has both phases of constructive

development and periods of the consolidation and legitimisation of those procedures and practices which have developed outside of the scope of deliberate political decisions, the proposed new model of integration recognises that integration has not proceeded on a smooth linear basis, but is more cyclical in nature. As most integration theorists have now accepted, integration is an evolutionary process which is conditioned by the wider global political, economic and social environment in which it is embedded, and accordingly, it is logical to conclude that different theories can assume different influence and significance at specific stages of the integration process. Recognising both the qualitative and quantitative changes in integration brought about by globalisation and new technologies the thesis is developing an understanding of the growing influence and impact of informal integration.

Applying the research methodology set out in the first chapter, chapter four has outlined a proposed new model of integration which explores the respective contributions of both classical and contemporary integration theories and related these findings to the role that the evolution of citizenship rights has played in the continued economic, political and social integration of Europe. Emphasising that the European Union now constitutes a unique form of supranational political system, chapter four has also sought to demonstrate that no single theory of integration is sufficient to adequately capture the complexity and sophistication of Europe as a system of governance. In contrast, and recognising that the European Union now incorporates important aspects of the legal, economic, political and social functions and competencies of its member states' the chapter has argued that a more syncretic approach to integration is now necessary and that a fuller understanding of the European Union requires the reconciliation and fusion of elements of different theories.

Developing the proposed model, chapter four has argued that previous analyses of integration have largely underestimated the importance of informal integration and that this lacuna is being exacerbated by the accelerating processes of globalisation. Viewed from this perspective, the thesis has posited that European integration should now be seen as a cyclical rather than a linear process. Introducing the crucial distinction between formal and informal integration, the new model has identified three distinctive constituent elements of the integration process. Firstly, discontinuous

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periods of constructive formal integration characterised by the introduction of measures which have an explicitly political aim to redirect integration into patterns other than those originating through the market or emerging through social trends. Secondly, discontinuous periods of responsive formal integration consisting of formal changes in the framework of rules and regulations aimed at consolidating and legitimising informal practices which have emerged. Finally, the whole process of integration is underpinned by continuous informal integration which consists of those patterns of integration which emerge outside of the scope of deliberate political decisions.

Broadening the understanding of informal integration to include new institutionalist, constructivist and transactionalist ideas, chapter four has explained how it is the transactions of individuals and groups pursuing their own private interests which drive the momentum of informal integration forward. This conclusion provides the important conceptual link between the practice of citizenship and the process of integration and this gives an added theoretical basis and legitimacy for the European Commission's desire to legitimize continued integration through the mechanism of citizenship.

Adopting the perspective that it is premature to dismiss a theory in its entirety simply because some aspects of its explanation no longer correspond to Europe as an evolving supranational system, chapter four has sought to identify those aspects of classical and contemporary integration theories which remain relevant today. Summarizing the research findings, chapter four has described how incremental federalism has been the favoured political strategy of Europe's policy makers and that federal political arrangements appear to be particularly suited to an enlarged European Union of 27 member states' each of which has a widely divergent culture, language and political tradition. Describing how federalism is a multi-level political arrangement which is based upon a constitutional system of delegated, reserved and shared powers chapter four has highlighted how the principles of subsidiarity and proportionality are aimed at locating the source of Europe's political authority as close as possible to the citizen thereby continuing the historically close relationship between federalism, citizenship and democratic practice.

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Introducing the theoretical basis of functionalism, the model highlights that functionalism's core premise that the shape of political institutions should be dictated by the functions they perform has important implications, because it seeks to link political authority to the performance of an activity rather than a defined territory. In consequence, functionalism offers policy makers' an alternative strategy to the federalist vision of a constitutional settlement arguing instead that political sovereignty can only develop through the gradual transfer of individual loyalties based upon the delivery of tangible economic benefits. Functionalism continues to be relevant to an understanding of integration because Europe's supranational institutions particularly the European Central Bank, European Court of Justice and the European Ombudsmen have been designed on essentially functionalist lines. In addition, and as chapter five will explore European citizenship itself originated in the creation of the functionally specific civil rights of the freedom of movement and residence, rights which were created in order to facilitate the completion of the Single Market.

Building upon basic functionalist ideas the model has sought to demonstrate that whilst neofunctionalism represents an approach to integration rather than a distinct theory it makes an important contribution to an understanding of informal integration through its explanation of the principle of spillover. In contrast to other perspectives neofunctionalism explains how through the process of spillover integration becomes an automatic and self-replicating system which expands into new sectors when it becomes apparent that the initial aims of integration cannot be achieved without such expansion. At a time when globalisation is creating a more interconnected economic, political and social environment it is logical to suggest that the propensity for spillover is likely to increase and consequently it is premature to dismiss neofunctionalism as a valid explanation for the reasons why integration has continued to widen and deepen. Specifically relating the idea of spillover to the development of citizenship, chapter five will analyse how the exercise of the civil rights of freedom of movement and residence effectively dis-enfranchised those citizens who utilised them resulting in the demand for the introduction of the political rights to participate in local and European elections. Seen from this perspective, spillover provides a plausible explanation for the initial creation of the political dimension of European citizenship.

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Turning to more contemporary theories, the model has described how the concept of new institutionalism is becoming increasingly influential. Based upon the simple premise that institutions matter, historical institutionalism explains that the political framework within which integration takes place is not neutral, but that over time through the process of elite socialization institutions begin to develop their own distinct interests, priorities and political objectives. Sociological institutionalism develops the concept further by broadening the definition of institutions to include new habits, practices and procedures, positing that it is institutions which are the carriers of beliefs and values and that over time they encourage new behavioural patterns and create the architecture and environment from which new types of political identities can emerge. In the context of the proposed model this is particularly relevant to the development of citizenship outside of the nation state. As subsequent chapters of the thesis will outline, the ECJ as a legal institution has creatively interpreted the spirit of the Union's founding treaties and has consolidated, extended and improved citizenship rights. Secondly, highlighting the continuing problem of Europe's perceived democratic deficit the model can be used to explain why the European Parliament has consistently attempted to expand the scope of its own powers and competencies and thereby formalise and legitimise the direct political relationship between European citizens' and their only directly elected institution. Taken as a whole, new institutionalism makes an important contribution to a fuller understanding of integration by recognising the fact that integration is no longer simply a question of political choice, and that alongside globalisation functional supranational institutions have begun to exert their own independent agendas to promote further integration. Reflecting this historical development the model will suggest that it is highly likely that institutions such as the European Commission, the European Parliament and the European Court of Justice will continue to actively promote European citizenship in order to maximise the extent of their own influence and authority.

Emerging as a response to an increasingly interrelated and interconnected global environment constructivism represents a broad theoretical perspective which argues the case for a reappraisal of existing theories and the adoption of an inter-disciplinary approach to understanding the European Union. The defining feature of constructivism's contribution to the integration debate lies in its attempt to explain the

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reasons for changes to an individual's identity and political behaviour. For constructivists, individuals can be persuaded to change their behaviours and to transfer their allegiances to those institutions which are most capable of satisfying their aspirations and material interests. Seen from this perspective, both identity and citizenship are not static concepts irrevocably tied to the nation state, but instead are developing and evolutionary practices which can be utilised to actively promote a more direct identification with the European Union as a supranational political system. This aspect of the new model and its likely impact on the future composition of European citizenship will be explored in greater detail in chapter six of the thesis

Incorporating the final stage of the research methodology, and adding a new dimension to constructivist approaches, the proposed model of integration has argued for a reappraisal of the theory of transactionalism as a means of understanding how collective identities develop and change. Pointing out the close correlation between transactionalist ideas and the effects of globalisation chapter four has explained how individual and collective identities develop as part of a historical process of social learning in which, over time, individuals become a people. Exploring the transactionalist perspective that identity change occurs as a result of the increasing volume of cultural transactions ( the free movement of people, the free exchange of ideas and improved access to communications and cultural exchange) the model explains how Europe's Single Market has created the environment where transactionalism can flourish. Developing Deutsch's initial ideas further, the model seeks to demonstrate how transactionalism leads to the gradual assimilation and convergence of core values which in turn encourages the emergence of a new type of community (*Gemeinschaft*) that is, a community and people bound together by common values, habits and political loyalties. Supporting the model's hypothesised relationship between integration and citizenship transactionalism asserts that the most effective case for integration is made by the demand for new or greater rights and liberties by individuals and groups. Seen in this light, transactionalism implicitly recognises that citizenship is one of the primary elements of informal integration which the model posits has been one of the principal motors of integration. Transactionalism therefore makes an important contribution to the new model of integration because it reaffirms the importance of informal integration and provides a plausible explanation as to how new collective identities and new communities can be

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created. Achieving the European Union's objectives of maintaining social cohesion, improving inclusion and social justice and producing a community which is underpinned by shared common values adds a new cultural dimension to the concept of citizenship. These developments will be analysed in chapter six of the thesis.

In Summary, the development of a new syncretic model by using classical and contemporary integration theories to explain the emergence of the European Union as a unique type of political system, and specifically relating integration theory to the creation of European civil and political citizenship rights, remedies a lacuna in this analytical field, by providing a systematic explanation for the reasons that the practice of political citizenship has now moved beyond the confines of the nation state.

This conceptual link between the legitimacy and accountability of the institutional architecture of the collective political system and the effectiveness of individual political participation forms the basis of the following chapters of the thesis. The progressive development of the European Union as the principal source of political authority together with changes to the composition and nature of modern citizenship highlights that both classical and contemporary theories of integration continue to be influential in the design of the measures and reforms necessary to achieve Europe's short and long term strategic political objectives.

From the outset, the thesis has argued that a new model of integration should not just be a simple normative or revisionist account, but instead should be able to develop a theoretical framework which can act as an interventionist analysis and critique. The application of the proposed model developed in this chapter, raises important research questions about both the evolution and the future of European citizenship.

Accordingly, the following chapters of the thesis will analyse how citizenship has become Europeanized by the process of integration. Secondly, the analysis will assess the implication of the decision of the European Commission to place European citizenship on a more formal basis as a means of legitimising further integration. Finally, the thesis will seek to determine whether European citizenship will replicate the chronological model of citizenship outlined in chapter three with the introduction of European social rights and the creation of corresponding responsibilities, thereby

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transforming European citizenship from a transnational status to a participatory post-national practice.

## **(5)The “Europeanization” of Citizenship and its Role in European Civil Society.**

It seems to me that European Citizenship constitutes neither an acquisition nor a simple idea, but a process strewn with obstacles. One that is both absolutely necessary and entirely uncertain: in short a long march on which all of us, whether we will it or not, are engaged. Balibar (2004:156)

### **(5: 1) Introduction.**

Following its formal incorporation into the Maastricht Treaty (1992), European citizenship has become an important feature of the institutional structure of the EU. The codification of specific rights and the routinisation and simplification of those mechanisms and procedures which provide access to institutions such as the European Parliament, the European Court of Justice and the European Ombudsman lend a much more tangible expression to the developing relationship between individual European citizens and Europe’s political and legal institutions. Whilst the provisions of the TEU formally established European citizenship, and can therefore be argued to represent an important milestone for the idea of citizenship beyond the nation state, the rights that it contained did not, as Wiener (1997:2) identifies, “emerge out of the blue” and reflect the culmination of the policies, Directives and jurisprudence that have arisen as a result of the progressive development of the EU and the completion of its single market. Closa (1998:175) sums up this relationship well, arguing that “given that EU law is establishing a supranational sphere for economic activity the EU is increasingly becoming the area within which individuals exercise their autonomy”.

The formalisation of the body of European citizenship rights into a series of distinct legally enforceable articles<sup>138</sup> could therefore be seen as an example of the process of responsive formal integration, which this thesis is proposing is one of the recurring features of the cyclical integration process. Article 8e of the Treaty gives implicit recognition of this and of the idea that citizenship is evolving in response to wider influences by requiring the Commission to report every three years to the European Parliament, the European Council and the Economic and Social Committee on the

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<sup>138</sup> Article 8 sets out this basis, establishing Citizenship of the Union, defining its citizenry as any person holding the nationality of a member state and determining that “citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.”

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application and implementation of the provisions specifically taking into account the wider development of the Union. Subsequent initiatives, as contained in the Amsterdam Treaty (1997), the adoption of the Charter of Fundamental Rights at Nice (2000) and the Reform Lisbon Treaty (2007) coupled with the continuing application of the principles of direct effect and supremacy that constitute the jurisprudence of EU law, means that the composition of European citizenship is not located in a single, constitutional document, but can once again be found in a wide variety of legal instruments, treaty provisions, Directives and policy initiatives.

In order to analyse the precise nature of the type of European citizenship that currently exists and to provide evidence to support the thesis's contention that as it is presently constituted it represents an imperfect form of transnational citizenship, chapter five will incorporate an analysis and critique of the historical evolution of citizenship rights in Europe, and, through the Commission's own tri-annual reports, provide an assessment of the effectiveness of the rights which it has conferred upon its citizens. Recognising that the formal construction of citizenship, enacted through the agreement and ratification of the respective European treaties is part of the interstate process of pragmatic political negotiations and bargaining, the chapter will also examine the dominant socio-historical traditions of the French and German attitudes towards citizenship and identity and explore how their influence and the ideas of civic republicanism in conjunction with the UK's model explored in chapter four, has resulted in the development of a hybrid "Europeanized" model of citizenship.

Building upon this evidence, and in contrast to analysts such as Delanty (2000:65) who argue that EU citizenship now represents a new form of post-national citizenship<sup>139</sup>, the thesis is proposing that, reflecting its current limitations, a more accurate definition of European citizenship is one of a transnational status and practice which provides citizens of the Union (as defined by the individual member states) with a series of qualified rights in relation to European and domestic institutions. In this sense Balibar's (2004:177) nuanced distinction that we presently have "Citizenship in Europe" but not "European Citizenship" would appear to be

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<sup>139</sup> Adopting a broad analytical base Delanty argues that "Post-national citizenship incorporates any form of citizenship that is not exclusively defined by the nation state."

more appropriate. Whilst recognising the theoretical importance of European citizenship, (Kostakapolou 2001:158, Lehning 1997:175), and its central role in divorcing the concept from that of membership of the nation state, the historical development of political institutions and citizenship practices discussed in chapters three and four, support the idea that they are both slow incremental and evolutionary processes<sup>140</sup>, consequently the notion of a single paradigmatic shift from a national to a fully developed post national and even global conception of citizenship and political identity is difficult to substantiate. From this perspective, and providing further evidence for the proposed relationship between integration and citizenship, this thesis is continuing to develop the idea that the combination of the effects of informal political, economic and social integration have resulted in the emergence of a unique but imperfect and transitional form of transnational citizenship. This represents a type of citizenship, which Bellamy & Warleigh (2001:12) have described as “supranational and transnational practices subject to a variegated pattern of evolution”. Developing this concept, chapter five will examine how, dependent upon the type of political decisions and institutional reforms introduced in response to wider external social factors, citizenship may subsequently develop over time, into a more genuine and expansive type of participatory post-national citizenship as part of a wider European political community.

If the relationship between integration theory and citizenship theory, and the thesis’s model of distinct periods of informal integration, responsive formal integration and sporadic constructive formal integration is to form the basis of a reliable and accurate predictor of the likely shape of Europe’s political future, then (Eder & Giesen’s 2001:267, Kostakapolou 1998:160) suggestion, that citizenship becomes the catalyst and “ the potential basis of the collective identity of Europe” becomes especially relevant. Citizenship’s short- term and long- term developments will be influenced by the nature of the pressing social problems that contemporary European civil society faces and the practical policy initiatives which Europe’s institutions decide to prioritise in response. Accordingly, chapter five will also explore three contemporary issues which have a direct impact upon the construction of transnational citizenship.

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<sup>140</sup> These processes and their role in the theory of historical institutionalism, based upon the premise that institutions become more important over time will be further developed in chapter six, in conjunction with an assessment of the role of the European Court of Justice.

Firstly it will analyse the specific problems created by an increasingly multi-cultural society and the demands for the creation of more distinctive group rights; secondly it will explore important changes in core attitudes, values and political and social behaviours in what has been termed “civic dis-aggregation”, and, more specifically it will assess the implications and validity of the persistent criticisms of the perceived democratic deficit that exists between Europe and its citizens. Finally, arguing that globalisation has internationalised a growing range of political issues which has initiated transformations in social attitudes, values and individual identities and consequently the practice of citizenship, developments which have led Bellamy & Warleigh (2001:5-7) to conclude that “individuals view their political engagement less as a commitment to a particular political party and system and more as a concern with various causes”. Chapter five will conclude that the combination of all these issues has important implications for the projection of the external identity of the EU and the continuation of its own competitiveness, efficiency, legitimacy and stability. Globalisation and the processes of integration are both creating new challenges, and affording new opportunities for the emergence of a more socially and politically integrated and cohesive European civil society that is in the process of attempting to define, and develop a broad commitment to a shared set of common values and political objectives. If the citizens of Europe are to become not just passive citizens of supranational institutions, but active participants in a post national political community, then the relationship between European citizenship and the fundamental basis of European civil society requires careful evaluation and analysis.

### **(5:2) The “Europeanization” of Citizenship: Historical Legacies, Contemporary Issues and the Distinctive Idea of Civic Republicanism.**

It is indicative of the importance which member states’ now place upon the idea of citizenship and its role in shaping both domestic and European politics, that alongside institutional reform, the single market and external foreign policy; it has become a central feature of the high profile European Council’s agenda. However, as chapter two has described, Europe’s policy making is comprised of a variety of mechanisms, institutions and instruments, a combination of which has contributed to the emergence of a political system which Stubb, Wallace & Peterson (2003:139) describe as the

“crossroads where subnational, national, supranational and international policymaking intersect”<sup>141</sup>. Since its formal recognition in the Single European Act (1986),<sup>142</sup> the European Council has now become the most politically symbolic and publicly visible example of internationalised decision-making, and the formation of the type of “high” politics which shape the overall political direction of Europe, through the negotiation and enactment of landmark agreements and treaties<sup>143</sup> by the Heads of State and Government (HOSG) at the Bi-annual Council summits. This process ensures that inter-state bargaining, in carefully orchestrated and “elaborately staged events,” has become the focal point for media coverage of the EU, (Bomberg, Cram & Martin 2003:56). In many respects, therefore the Council can be seen as the arena into which the political leadership of the individual member states bring their own political traditions and objectives, immediate domestic political concerns and priorities and where they develop the strategies and ideas to maximise the benefits of integration in an intensive negotiating forum. From its modest beginnings as an informal discussion group, the Council has over time developed into a major agenda setter, providing political leadership for the whole of the EU. It has been particularly successful in the area of problem resolution,<sup>144</sup> securing agreement on sensitive issues and preserving the overall momentum of the integration process. The way the Council is constituted, and the practical necessity to conclude negotiations within a relatively small time frame of 2-3 days, has resulted in the emergence of public policies which represent a combination of compromise, pragmatism and trade-offs .Wallace (2005:37) articulates this idea convincingly, asserting that policies become subject to “assertive issue linkage” that is, a government will not agree to X outcome unless Y is also agreed. Consequently, through the use of threats to veto policy initiatives or the insistence upon the right of derogation, the policies which emerge frequently represent a compromise position on a number of issues. This process of policy

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<sup>141</sup> The intersection of political actors with different powers and competencies results in the EU policy making processes producing differentiated outcomes. Whilst most EU decisions are purely administrative, national officials monitor the execution of policies in a delegational system that has become known as “Comitology”.

<sup>142</sup> The European Council was originally created in 1973 and first met in 1974 on an informal basis. Since 2003 meetings have been held in Brussels and are hosted and arranged by the country holding the six monthly rotating presidency of the EU.

<sup>143</sup> The European Council has played a pivotal role in launching important initiatives. The decision to continue enlargement, the introduction of the single market, the creation of the single currency and the formal creation of European citizenship and major treaty reform have all emerged from its decisions.

<sup>144</sup> It should however be noted that to date the Council has consistently failed to secure agreement on reform of the financing of the Common Agricultural Policy.

formation raises several interesting questions that specifically relate to integration and citizenship as issues of public policy. Radaelli (2003:30) has recognised this relationship in his description of what he calls the “Europeanization of public policy” which he defines as “ processes of construction, diffusion and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ways of doing things and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies”. From the perspective of this thesis, Radaelli’s definition, supports the underlying argument that the continuing processes of formal and informal integration and the evolution of the nature of citizenship and identity as matters of public practice, debate and construction have resulted in citizenship becoming more “Europeanized”. As Stubb, Wallace and Peterson (2003:153) argue, the EU now penetrates the policy processes of its member states and vice versa. “The Union’s policy process could be viewed as an amalgam of national policy processes which in turn has Europeanized policy making”. This idea of European political policies and institutions emerging as a hybrid or amalgam of nation state ideas and traditions is particularly relevant to the analysis of citizenship which continues to be shaped by the historical and often conflicting traditions of the dominant French, German and United Kingdom models.

The gradual Europeanization of the political environment may add a new dimension to policy making by opening up new tactical and strategic opportunities for political actors to promote integration. However, it would be naive to assume that all of the 27 member states exert the same level of political influence or share the same objectives in the formulation of policy. This disparity in influence, is perhaps best exemplified by the longstanding bi-lateral relationship and political co-operation between France and Germany, <sup>145</sup> which Wallace (2005:28) has described as an example of “multiple bilateralism”. Outlining a number of objective criteria, such as the size of the country, the size of the respective populations, the strength of the countries’ economies and

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<sup>145</sup> This relationship often defined by direct personal relationships between the French Presidents and German Chancellors can be seen in the Elysee Treaty of Friendship and Reconciliation in 1963 agreed between Charles De Gaulle and Konrad Adenauer, and was also evident in the working relationship between Georges Pompidou and Willy Brandt and between Giscard D’Estaing and Helmut Schmidt.

their historical geo-political position and date of accession to the EU,<sup>146</sup> Wallace argues that the policy of the EU has to a large extent been dominated by the Franco-German relationship. Balme & Woll (2005:103) reinforce the significance of this relationship in the development of the EU pointing out that “the Grand Bargain” between President Mitterrand and Chancellor Kohl (1989), was a pragmatic exchange of French political support for German re-unification, for the reciprocal German support of the introduction of the single currency. More recently, the joint opposition of President Chirac and Chancellor Schroeder (2003) to the War in Iraq can be seen as an attempt to re-establish and re-assert their joint leadership in European diplomacy. Whilst the immediate priorities of President Sarkozy and Chancellor Merkel at the 2007 Council did not publicly display these levels of close co-operation,<sup>147</sup> substantial progress continued to be made with the Council’s agreement of the terms of the draft reform treaty which reflected Germany’s enthusiasm to resurrect the essential elements of the proposed European constitution which the French electorate had previously rejected.

Viewed from a historical perspective, there is considerable evidence to support the idea that the close political relationship between France and Germany has been one of the principal motors of European integration. However close co-operation between the two countries on the issue of citizenship has not been as pronounced; the fact that the respective countries have historically had radically divergent traditions and conceptions of citizenship may explain why the formal evolution of citizenship, since its establishment in the TEU has not developed as quickly as anticipated. In order to understand how the renewed political emphasis on citizenship and identity is developing in a European context, and how “Europeanization” is likely to alter traditional conceptions of citizenship, political practice and community, it is important to understand the background and particular priorities that both France and Germany place on these important issues.

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<sup>146</sup> This influence is recognised in the number of votes allocated to countries under the Qualified Majority Voting (QMV) system in the Council of Ministers with Germany, France, United Kingdom and Italy allocated 29 votes and Spain and Poland allocated 27 votes. Under the QMV system in order to secure the required majority, requires the support of the dominant countries.

<sup>147</sup> Angela Merkel’s priority throughout the German Presidency was to rescue the proposed European Constitution whilst President Sarkozy’s objectives were to remove the principle of “free and unfettered competition and end competition as an ideology and dogma in Europe by removing it from the text of the reform treaty.

France has occupied a central and at times problematical role in the construction of the EU. The original *raison d'être* for the creation of its predecessor, the ECSC was the containment of the military power of Germany through the pooling of the heavy industrial production of the two countries. As chapter four has described the strategies of incremental Federalism which have been an influential part of the integration process were designed and implemented by French politicians and administrators.<sup>148</sup> French attitudes towards integration have however varied over time and reflect a combination of pragmatic self interest, (its robust and at times intransigent defence of the financing of the Common Agricultural Policy) together with a broader political desire to protect French national identity and to promote its historical, cultural and political values. Explaining this process in the context of constructivist ideas of changing nation state identities, Marcussen, Risse, Martin (2000:101) identify two decisive periods that have shaped France's current attitudes towards Europe as a political project. Firstly they argue that the collapse of the Fourth Republic (1946-1958) following the Algerian crisis of 1958, and the founding of the Fifth Republic under President De Gaulle resulted in a reconstruction of French nation state identity around a common vision of France's role in the world. Rooted in his experiences of the German occupation of France and the conduct of the Vichy Regime, De Gaulle sought to reunite a deeply divided nation based upon the ideas of national independence, freedom from outside interference and the idea of French *Grandeur*. For De Gaulle, the French "*Mission Civilisatrice*" was to spread the universal values of democracy and enlightenment of the French revolution and to reassert French influence on the world stage. De Gaulle's vision of uniting identity with values proved successful in resolving the instabilities and insecurities which had led to the collapse of the Fourth republic, ushering in a period of political stability. Externally De Gaulle's attitudes precipitated the "empty chair crisis" and the resultant Luxembourg compromise, and De Gaulle's desire to preserve French influence in the new Europe was manifested in his vetoing of the United Kingdom's applications to join the European Community. By and large, the Gaullist conceptions of Europe remained broadly consensual in French politics until the Socialists came to power in 1981. The failure of President Mitterrand's programme of Keynesian economic

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<sup>148</sup> See particularly the role of Jean Monnet, Robert Schuman and the influential period of Jacques Delors presidency of the European Commission.

reforms resulted in the adoption of Social democratic policies in 1983 and the re-orientation of French policy towards a more pro-European stance. For Mitterrand the emphasis now became less on the illusion of French “*Grandeur*” and more upon Europe as the “future”, with a shared heritage; consequently the *mission civilisatrice* was now to ensure that the political direction of the European Union was influenced by the French political traditions of republicanism.

Reflecting this shift in direction by the French political elites and the changed political environment that occurred as a result of the ending of the cold war and the reunification of Germany, Marcusse, Risse, Martin (2000:108) have concluded that “the political debates surrounding the referendum on the Maastricht Treaty in 1992 can be seen as an identity related discourse about the new role of France in Europe and the world after the end of the cold war”. This example of how France’s nation state identity has changed as a result of the political imperatives created by integration is a particularly interesting one, and challenges those critics who claim that national and political identities are fixed and immutable concepts which cannot be created or changed, this serves to underline the important role that citizenship and societal values play in the process of identity formation and attitudes towards integration.

Citizenship is therefore an integral part of the modern French political tradition. As Brubaker (1992:35) claims, “modern national citizenship was an invention of the French revolution”. In his comprehensive comparative analysis, Brubaker describes how citizenship was central to the theory of the Revolution of 1789 and was an important element of the decision to overthrow the *ancien regime*, during which legal inequality formed the basis of the social order. For Brubaker, the French Constitution of 1791 contained the first formal explicit delineation of the citizenry carried out by a western territorial state. Consequently, French conceptions of the citizenry and citizenship practice are both historically and theoretically important. The revolution, in overthrowing aristocratic privilege ostensibly delivered civil equality<sup>149</sup> creating a class of citizens entitled to common rights and bound by common obligations who enjoyed formal equality before the law. By extending democracy to the citizenry, the Revolution formally institutionalised political rights as citizenship rights, transposing

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<sup>149</sup> Political equality was not, however, extended to women, and they were not granted the franchise until the end of World War Two.

them from the realm of the city state to the nation state and transforming them from the privilege of a minority into a generalised right and obligation to actively participate in the “business of rule.”

The political legacy of the French Revolution is that it has continued to be influential in shaping the values and the modern institution of citizenship in France. British citizenship and democracy may have been formed principally by political evolution. By contrast in France they were the result of revolutionary transformation which created an immediate, direct, form of state membership. Consequently, French citizenship has become synonymous with an identification with the Republic and its political ideals, with a strong correlation between French national identity, the French nation state<sup>150</sup> with citizenship an important and enduring feature of France’s political and cultural traditions. The very centrality of citizenship to the political and social system of France has also meant that as a subject it is highly politicised with the codification of state membership, and the issue of who or who is not defined as a citizen, a particularly controversial and often divisive issue.

Although based upon the principle of *jus sanguinis*, French citizenship law also incorporates strong elements of *jus soli*. From 1889 onwards citizenship has been attributed to most persons born on French territory. Under this system, citizenship is granted at birth to any child born in France provided at least one of its parents was also born in France or in one of its colonies prior to their independence. Citizenship is also acquired automatically at the age of majority (18) by all children born in France of foreign parents provided the parents have been legally resident in France for the last five years. By automatically transforming second -generation immigrants into citizens the French conception of citizenship can be regarded as a broadly state centred, inclusive, assimilationist and expansive institution.

The close inter-relationship between the status of citizenship and French national identity, has had several important political consequences, and has resulted in a different structuring of the public- private divide of citizenship than of that in the

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<sup>150</sup> Article 1 of the French Constitution of 1958 states “France shall be an indivisible, secular and democratic social republic. It shall ensure the equality of all citizens before the law without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis.

United Kingdom. This has led to citizenship being characterised by the development of a culture of a politics of identity rather than a politics of the self interested entitlement to individual rights. The more pronounced emphasis on the idea of distinct French political and cultural values and the prioritisation of the importance of civic participation and civic obligation as an identification with the ideals of the Republic has come to define the basic relationship between the French citizens and the state. Taking up this particular point, Rees (1996:15) provides a useful example of how the French state has intervened in the private sphere of citizenship, arguing that “the French developed certain aspects of social citizenship early, and on less deeply gendered lines than in Britain...the French approach to citizenship, in which the state’s duty to advance the welfare of children, future French citizens, is seen as more important than a one sided emphasis on the rights and obligations of the male breadwinner”.

Since the 1970’s, French citizenship has also become an increasingly politicised issue, part of the ideological programme of the far right, Front National<sup>151</sup> has as one of its main tenets an opposition to the expansive acquisition of French citizenship by Moslem immigrants particularly those from North Africa and Algeria ( the Maghreb). Nationalists have continued to assert a basic incompatibility between the political and legal culture of Islam and that of the French secular republican tradition. Favell (1998:53-55) deconstructs the popular appeal of these policies arguing that for nationalists “cultural difference and the sectarian demands by Muslims could thus be highlighted as the unwanted outcome of French society’s past openness to newcomers...*immigrés* were all thereby said to enjoy overly easy and unproblematic access to social rights and welfare. This was then argued to have debased the institution of French Citizenship.” This debate became most acute in 2002 when the leader of the Front National, Jean Marie Le-Pen<sup>152</sup> came second in the French presidential election. Despite the fact that the eventual victor, Jacques Chirac secured the highest ever majority, the success of Le Pen and the right wing in reaching the run off stage at the expense of other mainstream candidates provided stark evidence of

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<sup>151</sup> The Front National has had mixed electoral fortunes, in 1986 it won 35 seats in the National Assembly, although currently it has none. It has, however, maintained a consistent number of MEP’S winning in 1984, 10 seats, 1989, 10 seats, 1994, 11 seats 1999, 5 seats, 2004, 7 seats. It is a member of the Identity, Tradition and sovereignty grouping.

<sup>152</sup> Jean Marie Le Pen has run for the French Presidency on 5 occasions. 1974,1988,1995,2002,2007.

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how polarised the issues of citizenship, multi-culturalism and immigration have become in France. Despite these pressing domestic political concerns and sensitivities, the French traditions of republicanism and citizenship as an identification with shared values and objectives would appear to be influential in the EU's current strategy to develop a distinct European identity rather than focus upon the creation of new individual citizenship rights. Consequently it is highly likely that French conceptions of citizenship will continue to play a prominent role in the development of the ideas which will encourage a more Europeanized version of citizenship in the future.

Unlike France, German attitudes towards Europe and towards closer economic and political integration have been remarkably consistent in the post war period. Even the reunification (*Wiedervereinigung*) of Germany following the ending of the Cold War does not appear to have fundamentally changed Germany's perception of its role in Europe and to date it has not sought to assert its own independent position and has been content to continue to pursue a method of bi-lateral co-operation. Both Marcussen, Risse, Martin (2001:101) and Anderson (2005:78) attribute this to the fact that West German political elites<sup>153</sup> have shared a consensual and Europeanized view of nation state identity as a means of overcoming Germany's past. Consequently there has been both a high level of public support for European integration and its institutions and a willingness and support by politicians for the transfer of authority to the supranational level. A good example of this in practice was the German support for the introduction of the single currency and the replacement of the Deutschmark which had become politically symbolic as a tangible representation of the stability and economic success of the FRG. Germany as Europe's largest country with the largest economy and population is of course central to the European project, and it is a testimony to the success of the EU's founding strategies that Germany has moved from being the object of integration to an enthusiastic proponent of it, providing stability and consistency for Europe's political framework.

To a large extent German citizenship displays a similar level of consistency and durability. Prior to 1871, there was no German nation state and there was no distinct

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<sup>153</sup> Both the CDU (Christian Democratic Union) and SPD (Social Democratic Party) have shared broadly similar attitudes towards European integration.

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revolutionary event to act as the catalyst for the development of citizenship. German citizenship had its origins in the status of the Prussian subject and it was not until 1913 that significant developments took place. The revision to citizenship law during this period introduced an ethno-national inflection to citizenship; (Brubaker 1992:52) by allowing the retention of citizenship by *Auslandsdeutsche* (German residents abroad); the reforms effectively severed the concept of citizenship from that of residence, thereafter defining the citizenry as “a community of descent”. The basis for German citizenship from this period onwards was built upon the principle of pure *jus sanguinis* with citizenship ascribed only on the basis of descent, German citizenship was attributed only to descendants of German citizens. Birth and residence had no bearing and German citizenship law allowed immigrants and their children to remain foreigners indefinitely. The basic Wilhelmine conception of an ethno-national basis of citizenship was reinterpreted during the Nazi era providing the legal basis for the exclusion of Jews and the justification for Nazi ethno-racial ideology.

Reflecting the consistency of German attitudes towards citizenship even the post war division of Germany into the separate republics of the FRG and GDR did not mark a divergence from the tradition of *jus sanguinis*. The political reconstruction of West Germany was founded upon the Basic Law (*Grundgesetz*)<sup>154</sup> which drew heavily upon Wilhelmine citizenship law and became the highest code of the Federal Republic. Brubaker (1992:82) highlights why this is important, arguing that German citizenship law continues to be “defined restrictively vis-à-vis non- German immigrants yet defined expansively vis-à-vis ethnic Germans”. The political, economic, social and military separation of the two German Republics created an interesting situation with regards to citizenship. Between 1967 and 1990 the citizenry recognised by the FRG always included the citizens of the GDR; this meant that a common indivisible German citizenship guaranteed every East German as a German citizen the constitutional right to enter, reside and work in West Germany. Conceptually this is particularly important as it highlights how the application of *jus sanguinis* can divorce

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<sup>154</sup> The Preamble to the Basic Law(*Grundgesetz*) for the Federal Republic of Germany 23May 1949 states that “Inspired by the determination to promote world peace as an equal partner in a united Europe, the German people, in the exercise of their constituent power have adopted this basic law... This basic law applies to the entire German people.

the concept of citizenship from that of the bounded territory of the nation state.<sup>155</sup> Although this particular example is based upon descent and birth, I would argue that the underlying principle that citizenship is not irrevocably tied to the nation state is especially relevant in attempts to create new forms of transnational citizenship.

In a more contemporary context, the restrictiveness of access to German citizenship has resonated in the debates about the substantial numbers of Turkish “Guest Workers” (*Gastarbeiter*) in Germany. Throughout the 1970’s and 1980’s the position of the FRG was that it was not seen as a country of immigration and those immigrants who migrated to Germany in search of work were not regarded as long term citizens, and consequently Germany lacks a political culture of naturalization. The existence of millions<sup>156</sup> of long term residents who are effectively disenfranchised from participation in German political and civil society is obviously problematic for social cohesion and this led to the introduction of a series of reforms in 2000. The new measures were intended to close the gap that has existed to date between social reality and citizenship status, and are an acknowledgement that through socialization, long term residents have become Germans, but they have in legal terms continued to be foreigners. The new law substantially changes the principle of descent and according to the German Embassy “is an offer to foreign nationals to facilitate their integration into the civic community”. Under the new system it is possible to acquire German citizenship as a result of being born in Germany (*jus soli*); children who are born in Germany to foreign nationals will receive German citizenship when one of the parents has resided lawfully in Germany for at least eight years. Recognising the probability that such children will also acquire the citizenship of their parents, they must decide within five years of turning eighteen whether they wish to retain their German or their other citizenship. In relation to foreign nationals, the legal entitlement to naturalization has been reduced from a period of fifteen years residence to eight years, provided the applicant professes loyalty to the democratic order laid down in the German constitution, is able to support himself without welfare assistance, has

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<sup>155</sup> The notion that Citizenship can be based upon other factors is also demonstrated in the Muslim conception of the Ummah, or worldwide community based upon the Islamic faith.

<sup>156</sup> According to the German Embassy more than 7 million foreigners live in Germany. One third has lived there for more than 30 years, and over half in excess of 20 years.

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renounced or lost his previous citizenship and has an adequate command of the German language.<sup>157</sup>

Whilst these amendments have received relatively little attention in the literature on citizenship and identity, they represent important changes. The basis of German citizenship has been transformed from that of pure *jus sanguinis* to a mix of *jus sanguinis* and *jus soli* on a similar basis to that of France. The conditions imposed upon the legal entitlement to naturalization, the commitment to the liberal democratic order (embedded in Article 20 of the Basic Law) can be seen as an explicit attempt to link citizenship to the political basis of the German constitution rather than an identification with the German nation state and the attempt to institutionalise the idea of constitutional patriotism.

Based upon this evidence it is clear that the citizenship laws of both France and Germany have been modified on numerous occasions, however until recently the basic mix of *jus sanguinis* and *jus soli* in France and *jus sanguinis* in Germany had been relatively fixed. The recent amendments to German citizenship law indicate a trend towards the emergence a more consensual view about the status of citizenship. This may in turn facilitate the further continued development of European citizenship by providing the opportunity for political leaders to develop a more consistent and influential level of bi-lateral co-operation between the two countries on this important issue.

In today's pluralist and multicultural society in which heterogeneity and cultural, religious and social differences are becoming more evident, and where traditional political identities are seemingly being replaced by a multiplicity of regional, national and supranational loyalties, it is understandable that academics and the policy makers of the EU are searching for those areas of common ground which constitute civil society. Accordingly, accompanying the general convergence in citizenship law is a corresponding interest in establishing the common features of modern liberal democracy. If owing to globalisation, the creation of a single unitary political identity has become more problematic, the alternative of individual identities based upon

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<sup>157</sup> Whilst not publishing specific figures the new laws have met with a positive response with the number of applications for naturalization rising sharply.

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values and objectives as opposed to symbols of statehood or “Black letter constitutions”<sup>158</sup> could become a more influential trend in political thinking. As Neidleman (2001:172) correctly points out though, “without a common identity to pull people together the problem of exclusion becomes incoherent, unless there exists some common culture, some general will, there is nothing to which previously excluded individuals might gain entry”. Neidleman’s assessment describes the fundamental dichotomy that the EU faces, in order to achieve its objectives of an ever closer union of peoples, and sustained economic prosperity and social justice for all, it must become more than just an efficient single market. A potential solution to this dilemma has emerged in the shape of a renewed interest in the concept of civic republicanism or more recently in a post-national context in the idea of “constitutional patriotism” which has prompted Von Beyme (2001:74) to conclude “Citizenship in Europe is set on the road of constitutional patriotism.”

Originating in the pre-democratic society of the 11<sup>th</sup> century Italian states, civic republicanism has a long historical tradition<sup>159</sup> and has become strongly associated with participatory democratic theory and civil society. Republicanism is predicated as Bellamy (2000) describes on a belief that “the moral framework of politics is defined by a duty to participate in collective decision making and to take the views of one’s fellow citizens seriously”. In contrast to the liberal tradition where citizenship is expressed according to negative rights, and where citizens enjoy the protection of the state so long as they pursue their private interests within an agreed legal framework, in the republican model, citizenship rights are conceived as positive liberties with an expectation and responsibility for individuals to share in the shaping of the community. Under this system, therefore, the *raison d’être* of the state (or political authority) becomes not the protection of private rights but the development of an understanding on those shared goals which are both beneficial and of equal interest to the community as a whole. The current emphasis which the EU is placing upon persuading individual citizens to develop an acceptance and identification with its core aims and objectives, rather than simply creating new individual citizenship,

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<sup>158</sup> Following the discussions to agree the terms of the Draft reform treaty 2007, all references to the European Constitution, the European anthem and flag were removed from the wording of the final text.

<sup>159</sup> Republicanism in a variety of forms was influential in the political theories of Machiavelli, Rousseau, Kant and deTocqueville.

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rights plausibly demonstrates that this aspect of republican thinking is of direct contemporary relevance.

According to Delanty (2001:35) civic republicanism represents the “Communitarianism of participation”. Consequently from his perspective, identity is based upon a commitment to achieving common goals, rather than an association with abstract ideas such as the nation state or political ideologies. For the individual, therefore, the emphasis of society should be the civic bond that binds communities together, with individualism reaching its highest point in a commitment to public life and the prioritisation of the public interest above self interest. With its emphasis on positive freedoms and participation, civic republicanism introduces a direct political interpretation of citizenship with a commitment to strong democracy resulting in a more rounded concept of active citizenship that includes participation as well as the entitlement to rights.

By transferring political authority to the supranational level European integration has been responsible for the progressive Europeanization of citizenship practice and public policy. An important part of this process has been the influence of the shared republican traditions of France and Germany which both share a strong reliance on formal constitutions as the basis of their political systems. Alongside this, the gradual expansion of liberal democracy to all the states in Europe, the institutionalisation of competition and the free market, a broad commitment to human rights and social equality contained in the *acquis communautaire* and the Treaty of Amsterdam, indicate a regional convergence of member states’ political systems and values. Shaw (2000:309-310) provides further evidence of this trend by highlighting that statements from the European Commission in 1994 and 1996 concern certain shared values which it claims to have identified, these include democracy and individual rights, free collective bargaining, the market economy, equality of opportunity for all and social welfare and solidarity. “These values are held together by the conviction that economic and social progress must go hand in hand, competitiveness and solidarity have both to be taken into account in building a successful Europe for the future”.

Christodoulidis (1995:190) draws all these issues together in his explanation of how civic republicanism is developing within the unique institutional framework of the

EU; he argues that modern republicanism represents the link between three areas, politics, community and the law. Firstly, the notion of community is not limited by territorial boundaries but is a more expansive concept which is defined by political dialogue (the debate between differing political perspectives about the allocation of scarce resources) and it is the constitution which hosts this dialogue. Constitutionalism in this context, he argues, means the rational discussion of public matters by the body politic and the outcome of these deliberations are the laws which provide “a deep self-interpretation of the political community” with legislation and policies (the rules that society chooses for itself), becoming the manifestation of the political community’s existence and identity. Christodoulidis specifically relates these developments to the practice of citizenship, pointing out that from the republican perspective, citizenship becomes synonymous with social involvement and constitutes an individual’s contribution to, and influence upon, the social dialogue that forms and transforms the basis of civil society. Citizenship therefore becomes an expression of, but not the sole determinant of an individual’s political identity.

Viewed from this perspective, recent interpretations of civic republicanism or constitutional patriotism can be argued to be drawing upon a combination of both constructivist and constitutionalist approaches to integration. The political appeal of adopting this particular strategy is that constructing an identity around socially agreed values does not rely upon the more controversial, contentious and politically sensitive symbols of statehood and consequently may result in integration being perceived as less of a threat to national identity, sovereignty and cultural traditions. Building upon the past economic successes of the EU and founded upon broadly accepted core principles of democracy and rights, the expansion of civic republicanism as a political approach could provide an environment and opportunity from which can emerge a type of European identity that can co-exist with, but not fully replace, the traditional historical and political loyalties of Europe’s citizens.

**(5:3) European Citizenship Rights; a Critical Assessment of Theory and Practice.**

The chronology of the emergence of European citizenship rights has been comprehensively documented (Meehan 2000, 2001, O’Leary 1996, 1998, Castles and Davidson 2000). However, it is important to understand that the codification of specific citizenship rights in the TEU should not be seen as a single constitutive act of creating citizenship; rather it was reflective of a combination of previous political decisions, informal developments and the un-intended consequences of other policy initiatives. It is instructive, therefore, to briefly review the key milestones in citizenship’s development in order to demonstrate that, whilst there appears to be little evidence so far of a systematic attempt to develop a coherent programme to enhance its effectiveness, ideas about the importance of identity and citizenship have been recognised as important concepts in the attempt to politically unify Europe. The first reference to “the peoples of Europe” were contained in The Treaty of Rome 1957, however it was not until the Paris Summit of 1974 that substantial progress in the form of the establishment of a working party to investigate the granting of “special” rights to European citizens was made. The Tindemans Report of 1975 concluded for the first time that the construction of Europe required not only political agreement but also the popular support and participation of European citizens; as such this document recognised at an early stage that the legitimacy of integration and citizenship were now closely connected. Continuing this theme, The European Parliament Florence Round Table in 1978 focussed on the issue of special rights and raised the possibility of the accession of the Community to the ECHR. It introduced the idea that the legitimacy of the community now required either a constitution or to be underpinned by some form of a bill of rights. In 1979, the first direct elections to the European Parliament were held on the basis of universal suffrage, thereby establishing a direct democratic relationship between European institutions and the European citizens. The next significant developments arose out of the Fontainebleau European Council in 1984 and its decision to adopt measures to strengthen and promote the identity of the Community and its image in the minds of its citizens and the world. Following the recommendations of the Adonnino Report (1985) the community adopted the

European flag and European anthem<sup>160</sup> as an attempt to project a more cohesive image on the global stage, by means of those symbols traditionally associated with the nation state, it aimed to foster a greater identification with Europe as a distinct political identity. The Single European Act (1987) SEA was the centrepiece of the economic integration of Europe and guaranteed the right of freedom of movement to nationals of member states. Additionally significant institutional changes such as the extension of QMV and an expansion of the European Parliament's role, through the introduction of the co-operation and assent procedures for legislation, also reflected an increasing focus on the importance of creating more democratic decision making procedures. Responding to criticism of its democratic deficit and declining electoral participation in European elections, the Maastricht Treaty in 1992 formally established European citizenship and created the Charter of Social Rights which as Wiener (1998:408) aptly describes as follows "the resources that had remained more or less hidden for twenty years were now, if only in part, bundled and had a name, Union Citizenship".

The implementation of the Schengen Accords (1990) was the culmination of the signatories'<sup>161</sup> goal of abolishing internal frontiers. The subsequent removal of internal borders opened up Europe as one territorial space, whilst at the same time re-defining its external common borders through increased police and judicial co-operation. Schengen is significant because it essentially abolished the territorial boundaries which have traditionally defined the parameters of the nation state. They also implicitly recognise that the issues of immigration, policing and criminal justice are matters which transcend national borders and consequently require transnational solutions and enhanced political co-operation.

The Amsterdam Treaty (1997) was principally concerned with the institutional reforms required in preparation for the prospective eastern enlargement and resulted in a reduction in the number of Commissioners and an extension of the system of QMV in the field of CFSP. More significantly the Treaty further increased the powers of the European Parliament through the extension and modification of the co-decision procedure, making co-decision the norm for new legislation thereby considerably enhancing the democratic basis of the EU's legislative process. As part of its equality

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<sup>160</sup> Beethoven's "Ode to Joy"

<sup>161</sup> The United Kingdom and Denmark opted out of the arrangements.

## CHAPTER FIVE

programme the Treaty also extended action against discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation implicitly recognising that individuals' identities are becoming more complex and multi-faceted.

Last but not least, The Nice Treaty (2001) provided for further extensions to QMV and gave a formal recognition to The Charter of Fundamental Rights, although it stopped short of making it a legally binding instrument. The Nice Treaty's decision to convene an IGC in 2004, on the future of Europe with a particular emphasis on the status of rights and the desirability of creating a European constitution has dominated the recent political agenda and has been crystallised in the terms of the Reform Lisbon Treaty (2007) which will be explored in chapter six.

From this historical overview it is possible to draw several conclusions about the formal evolution of European citizenship. The idea of a distinct European citizenship and identity has been an elite-led and top-down process originating at the highest levels of Europe's policy making structure. So far, there is little evidence of a more widespread popular demand or significant transnational movements promoting these issues. Whilst democratic legitimacy and citizenship have frequently been subordinated to other economic objectives their longevity as political issues reflects the fact that they are long term evolutionary processes which are closely connected to the development of the institutional framework of the EU. The regular extension of the powers of the directly elected European Parliament indicates a clear recognition of this fact and demonstrates a commitment to a consistent widening and deepening of the democratic dimension of the EU.

Having established how the formal aspect of European Union citizenship has evolved, it is important to now determine to what extent the rights conferred in the TEU have been successful in achieving the avowed objective of bringing Europe "closer to its citizens". In order to produce a balanced evaluation, this will incorporate both a theoretical critique of the basis of the rights and an assessment of the Commission's own views on their practical implementation contained in its successive reports to the European Parliament and Council.

Article 8 of the TEU sets out that “Citizenship of the Union is hereby established. Every person holding the nationality of a member state shall be a citizen of the Union. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.” Under this provision Member state nationality is used to define who Union citizens are and who can enjoy the benefits of Union citizenship. Consequently, the Treaty grants neither the powers of ascription or naturalization to the EU. This seems a fundamental contradiction, as the basis of citizenship was intended to create a direct relationship with EU citizens, yet its flagship policy continued to exclude those people resident in Europe who were defined as non-nationals by member states.<sup>162</sup> As O’Leary (1997:5) points out, “over nine million third country nationals are legally resident and working in the member states of the EU and they do not enjoy the rights conferred by Community law because of the member state nationality condition”. A more logical position for the EU to have adopted would have been to automatically grant citizenship to anyone born in the EU, or to anyone who was legally and permanently resident within its boundaries for a specific period of time. Whilst this may have had financial implications and created additional liabilities in terms of welfare and social assistance, there is no practical reason why the EU could not introduce a system to reimburse the member state affected from its own resources. The continued reliance on member state nationality has meant that the EU has effectively created a body of citizens, but has no direct influence upon who has access to the enjoyment of its rights.

The secondary problematic element of Article 8 is the inclusion of the phrase “subject to the duties imposed”. Despite being in existence for 15 years there are currently no direct responsibilities, duties or obligations that the individual citizen owes to the EU. There is no direct financial relationship in the form of taxation, no obligation to perform military or community service and therefore it is pertinent to question why in an otherwise carefully worded text this particular statement was included. Is it the ultimate intention of the EU to balance the provision of rights with reciprocal responsibilities? And, if so, what form will these take. Perhaps, in the light of the consistently declining turnout in elections it would be appropriate to introduce compulsory voting so that the citizens who enjoy the economic and legal benefits of

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<sup>162</sup> This is a particular problem for the significant number of Turkish Guest workers (Gastarbeiter) resident in Germany.

the EU also have a duty to participate in the political process which creates and supports it.

Article 8a provides that “Every citizen of the Union shall have the right to move and reside freely within the territory of the member states, subject to the limitations and conditions laid down in this treaty and by the measures adopted to give it effect.” Ostensibly this right merely formalises the rights of individuals to make use of the provisions of the SEA and the Schengen Accords to reside and work in a member state of their choice. However this right is in part restricted by Directives adopted in 1990. These Directives stipulate that, in order to enjoy a right of residence individuals have to be in possession of sufficient resources and in possession of sufficient medical insurance. Clearly these measures have been adopted to ensure that migrants and their families do not become a burden upon the social welfare programmes of their intended host member state. In many ways it can be argued that these Directives are at odds with the objectives and the spirit of the TEU, the interpretation of the blank clause “sufficient resources” allows those states which grant social assistance more generously than others to legitimately exclude other member state nationals even though those individuals’ resources may be above subsistence level in their country of origin. In effect this restricts the right of freedom of movement and residence to a particular socio-economic group. O’Leary (1997:51) develops this argument further. She concludes that the conditions imposed upon economically inactive citizens “are creating different classes of Union Citizenship, as only those economically active citizens can enjoy the full range of benefits”. Fears of the economic consequences of welfare migration displayed by the evident lack of social solidarity amongst member states could be argued to be undermining the original, universalistic, conception of European Union citizenship.

Article 8b (1&2) establishes that “ Every citizen of the Union in a member state of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections (and elections to the European Parliament) in the member state in which he resides under the same conditions as nationals of that state”<sup>163</sup>. The introduction of these political rights was intended to resolve the problem of the

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<sup>163</sup> For the purpose of clarity, I have combined the wording of the respective clauses. Interestingly the wording of the original text is gendered and consistently refers to “he” when referring to citizens.

political disenfranchisement of those citizens who took advantage of the right of free movement and residence. The provisions do not however create the right for European citizens to participate in the national or general elections of their host country and as such represent only a partial solution to this particular problem. Excluding residents who are legally living and working in a country from political participation now seems a curious anomaly and contrary to the democratic principles of the EU. The introduction of the right to participate in local and municipal elections is aimed at promoting integration by fostering a greater identification with, and participation in, local communities by migrants. As a general principle this is a welcome development, however in the context of citizenship it does not significantly extend universal rights as there is no common system of municipal government in the EU. Within the individual member states there continues to exist a wide degree of variance as to the powers which the state chooses to devolve to the regional or local level, therefore those citizens living in states with highly de-centralized power structures will enjoy more political influence than those living in highly centralized arrangements. This problem is further compounded by the existence of derogations from the provisions which allow that “member states may provide that only their own nationals may hold the office of elected head, deputy or member of the governing college of the executive of a basic local government unit”. This blatantly discriminatory statement (it contravenes the principle of equal treatment) seems to imply that whilst member states have been prepared to concede the political right to vote,<sup>164</sup> they may not be as prepared to allow migrants to occupy positions of real influence and power.

The provisions for election to the European Parliament codify the direct political relationship that has existed between individual citizens and Europe’s supranational institutions since 1979. Europe’s political system now represents the second largest democratic electorate in the world,<sup>165</sup> and the subsequent adoption of a common electoral system in 2004 has introduced proportional representation (based on either the party list system or the single transferable vote STV) to the UK for the first time. Despite the fact that the introduction of the system of proportional representation represents a radical transformation to the UK’s political system, it provoked hardly

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<sup>164</sup> In certain circumstances even this is questionable in the provisions concerning European elections derogations are possible when the non-national population exceeds 20% of the total population residing there.

<sup>165</sup> The Republic of India remains the largest democracy.

any political debate or controversy and it provides further evidence that the EU is having a profound impact on the political systems of its member states.

Article 8c provides that “Every citizen of the Union shall, in the territory of a third country in which the member state of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any member state on the same conditions as the nationals of that state”. This is a relatively straightforward measure which provides protection and assistance for individual citizens “in case of need”. However, it also reflects the first attempts of the EU to project an external diplomatic identity in its own right.

Article 8d provides that “Every citizen of the Union shall have the right to petition the European Parliament and every citizen may apply to the European Ombudsman”. The purpose behind these measures is according to O’Leary (1997:64) to provide “an innovative non-judicial and inexpensive means to improve the protection afforded to Union citizens to protect their rights.” Interestingly this right is granted not just to citizens but to any legally resident persons or to anyone who has a registered office in the Community. The full implications of this extension of citizenship rights to non – personal, corporate or institutional organisations may become more significant over time. The introduction of the system of petitioning both the European Parliament and the European Ombudsman is intended to reinforce the relationship between citizens and the two institutions. However this development is complicated by the lack of clarity about what the petitions should concern. In the case of the Parliament, petitions must affect the petitioner directly and concern the protection of personal interest. In the case of the European Ombudsman they must specifically concern instances of maladministration by the institutions of the Union, as such the petitions cannot be utilised as a mechanism to initiate a debate about public policy. This lack of transparency has meant that a substantial number of petitions which have been submitted have been rendered inadmissible. This tends to frustrate the principle which led to their introduction. The potential of using petitions as a method of political participation is however growing in popularity; the spread of the internet has made the possibility of the European Citizens Initiative (an on-line petition of over 1 million signatories) as a demand for the creation of legislation on specific issues more

practical. Consequently the development of the system of petitioning may become a more significant aspect of Europe's institutional system in the future.

The final article of the TEU article 8e provides that "the Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions. This report shall take account of the development of the Union". As part of its obligations under this provision 8e the Commission has so far produced four general reports (1993,1997,2001,2004) and one special report (2002)<sup>166</sup> on the progress of the implementation of the citizenship rights created in the TEU. These reports provide a valuable insight in to how the rights are being utilised in practice and are also an indication of the Commissions own political interpretation of citizenship in the form of the recommendations it makes. As they form part of an ongoing procedural reporting system the reports do of course contain repetitive elements and accordingly I have focussed my analysis on the specific issues which relate directly to the arguments advanced by this thesis. In its first report (1993:2) the Commission sets out its own stance on the basis of citizenship declaring that "the rights flowing from Citizenship of the Union are in effect granted constitutional status...these rights are to be construed broadly and exceptions to them are to be construed narrowly...it must be stressed that the provisions of the EC Treaty are not static, but are essentially dynamic in nature, it envisages that these provisions be strengthened and supplemented in the future". It is clear from this statement that whilst the member states may have restrictively defined citizenship in terms of the original wording of the text of the TEU, the Commission adopted a much more expansive interpretation with a positive emphasis on developing the provisions. Given its role as the initiator of legislation and its responsibility to promote the interests of the EU as a whole this initial decision provides a powerful impetus for citizenships continued evolution.

In its second report (1997) the Commission had the opportunity to analyse the effectiveness of citizenship rights over a sustained period. The EU Executive firstly concluded that the introduction of citizenship had succeeded in establishing a relationship with European citizens and had "raised citizen's expectations as to the

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<sup>166</sup> The report concerned the application of Directive 94/80/EC on the right to vote and stand as a candidate in municipal elections.

rights they expect to see conferred and enforced". Highlighting problems in communication and transparency however, the Commission also recognised that there was a potential danger of citizenship becoming a vague and distant concept. In order to counteract this trend and to encourage more citizens to make use of European citizenship rights the report recommended two lines of action, a permanent information effort to guarantee to citizens access to factual information concerning their rights; and secondly a more pronounced effort by the Commission and member states to ensure that the rights are effectively enforced.

The third report (2001) indicates a movement away from simple rights provision to a wider appreciation of the importance of citizenship. For the first time the Commission recognised citizenship as a source of the legitimisation of the process of integration by reinforcing the participation of citizens and improving the sense of belonging to the Union through the creation of a European identity. Recognising the growing significance of transnational citizenship, the Commission concluded that EU citizenship could no longer be compared to national citizenship and represented a new type of "multiple" citizenship which exists on several levels. At the practical level the report also identified continued barriers to the right of free movement and residence and concluded that the Directives and legislation which predated the TEU should be replaced with a simplified Directive on the right of residence. In relation to the status of rights the report (2001:23) highlighted that the agreement of the content of The Charter of Fundamental Rights "sends a clear signal that the citizen is now at the centre of European integration". In consequence, the Commission concluded that it will be impossible for the three institutions that publicly proclaimed the Charter to ignore it in the future, and that whatever its legal status, the Charter will become an essential reference point for the development of case law by the European Court of Justice (ECJ). Accordingly, the Commission recommended that the Charter should now be formally incorporated into the Union's treaty architecture. This conclusion represents a clear attempt by the Commission to influence the other institutions to now give the Charter a legal constitutional status. Overall, the third report is a comprehensive and wide ranging assessment highlighting the recurrent problem of a widespread lack of information about the activities of the Union, the Commission's recommendations contained within the report represent an ambitious attempt by the Commission to take a more proactive role in the promotion of citizenship.

The special report (2002) was specifically concerned with the implementation of Directive 94/80/EC, concerning the right to vote and stand as a candidate in municipal elections. In a somewhat pessimistic analysis the report was concerned about the lack of detailed information available on this subject, but in general terms pointed to a wide variance in electoral turnout<sup>167</sup>. It found that the percentage of non-nationals included on the electoral role also differed significantly from country to country<sup>168</sup>. Based upon this empirical evidence the Commission concluded that the “participation of non-national citizens of the Union in local elections in their member state of residence was in general quite low...more significantly member states were seldom able to provide information regarding the number of non-national citizens standing as candidates.” Reflecting the importance of political rights to the status of citizenship the Commission therefore recommended sending information by post, and urging the individual member states to specifically raise this issue whenever Union citizens have contact with local authorities in order to ensure that the overall general awareness of non-national citizens concerning their political rights be improved.

In its latest report (2004),<sup>169</sup> the Commission raises the issue of access to citizenship. Whilst reaffirming that member state nationality governs the rules concerning the acquisition or loss of Union citizenship, the report specifically refers to the 1999 Tampere Council’s objective of providing the opportunity for long term third country residents to acquire the nationality of the state in which they are resident and thereby automatically also gain citizenship of the Union. The view of the Commission is that the acquisition of nationality is a means of facilitating the integration of immigrants and that the conditions imposed on naturalization are an important part of this process. Implicit in the Commission’s conclusion is that as this ultimately affects the basis of who becomes Union citizens, the EU should have some influence in shaping the conditions which provide access to its citizenship; in this case the interests of the EU

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<sup>167</sup> The report estimated turnout was 88% in Spain, 75% in Sweden, 60% in Netherlands, 56% in Finland, and 34% in the UK.

<sup>168</sup> The Commission estimated that rates of registration averaged 26.7% across the EU.

<sup>169</sup> The report contains specific numerical information on the utilisation of the right to petition. The European parliament received 1283 in 2001-2002 of which 744 were admissible; in 2002-2003 it received 1514 petitions of which 642 were admissible. The number of complaints received by the Ombudsman has risen steadily 1874 complaints in 2000, 2211 in 2002 and 2436 in 2003, 29% of the complaints examined appeared to be within the mandate.

as a whole may be best served by the development of a more uniform system of naturalization. A significant part of the report is devoted to changes to the rights of freedom of movement and residence which have resulted from the adoption of Directive 2004/38/EC. According to the Commission (2004:5) “the Directive marks a major step forward in terms of freedom of movement and residence...it will encourage mobility of Union citizens across the European Union, which in turn will have a positive impact on the competitiveness and growth of European economies”. The Directive codifies, in a single instrument, previous Directives, legislation and case law and establishes some additional rights. These new rights are that Union citizens will be able to reside in a member state for three months without any other condition than the requirement to hold a valid identity card or passport, the creation of the permanent right of residence after five years continued residence in the host member state and for the first time the Directive provides that member states must admit the registered partner of a Union citizen as a family member, provided the host member state treats registered partnerships as equivalent to marriage. Whilst these developments represent undoubted improvements in terms of equality, for periods of residence longer than three months and up to five years, the new provisions remain subject to the conditions that citizens must either be workers or self employed persons; or have sufficient resources and medical assistance not to become a burden on the host state. It is difficult therefore to share the Commission’s optimism that the Directive will encourage a substantial increase in the number of citizens taking advantage of these rights.

On the subject of electoral rights, the report further highlights several potentially significant developments; the Commission holds the view that political parties operating at a European level would contribute to the forming of a European awareness and to “expressing the political will of the citizens of the Union”, consequently the adoption of Regulation 2004/2003/EC has established a framework for financing European political parties from the Community budget. The financing of the development of a system in which political parties focus exclusively upon European issues may create the environment for greater co-operation in the European Parliament and the emergence of policies that are less constrained by the domestic concerns of the individual member states’ political parties. Additional evidence of the Commission’s intention to develop citizenship rights is included in its response to

petitions, parliamentary questions and public correspondence which reveal “the concerns of many Union citizens regarding a gap in electoral rights at the present level of Community law”. The Commission not only draws attention to the increasing demands of non-national Union citizens to vote and stand as a candidate in national or regional elections in the member state of residence, it also introduces the possibility of extending these rights to those countries<sup>170</sup> which have concluded agreements concerning the right of freedom of movement and residence. This proposal if acted upon would give EU nationals political rights in third countries and vice versa, if implemented this is potentially a decision which affects the fundamental basis of the EU. Based upon these examples it would appear that the Commission has started to propose far more wide ranging, radical and innovative initiatives which significantly change both the status and practice of European citizenship and the institutional framework of the EU. This development reinforces one of the fundamental hypotheses proposed by this thesis, that integration and citizenship have now become closely interlinked processes which are central to the continued development of the European Union.

**(5:4) Contemporary Issues Affecting European Civil Society: Multi-Culturalism, Civic Disaggregation and the Democratic Deficit.**

A significant proportion of the literature on European integration has been concerned with the debate about whether a distinct European *demos* and civic society can be said to exist, the so-called no *demos* theory; see (Weiler 1997:269-273). This debate has been largely driven by the misconception that democracy, identity and community are somehow inextricably linked to the realm of the nation state. In contrast, and reflecting the fact that people no longer restrict their political, legal, economic or social activities to the nation, Clossa (1998:174) argues “the EU shows that it is possible to detach the subject of democracy the *demos* from nationality”. The development of the EU’s supranational system has led, to summarize Lehning, (1997:110), to a community of citizens which does not derive its identity from some ethnic and cultural properties, but rather from the praxis of citizens exercising their

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<sup>170</sup> Switzerland and countries in the European Economic Area (EEA). Iceland, Lichtenstein and Norway.

rights. Consequently the EU now has a shared political culture, the essential defining characteristic of which is being subject to the rules and norms it develops; therefore European civil society is defined by the nature of these rules and its *demos* is constituted by those citizens on whom it confers rights.

Reinforcing this trend towards social convergence, the accelerating processes of globalisation are increasingly creating interlinked problems which are common to all states and which require increased co-operation and transnational solutions. Consequently, European civil society is now faced with a new set of issues that threatens its structural and social cohesiveness; these are represented by the public debate about the impact of multi-culturalism, the effects of civic disaggregation and the necessity to find a means of resolving Europe's democratic deficit.

Multiculturalism is not a new phenomenon, Hoffman & Graham (2006:215) state that, it "emerged in the 1960's as a distinct area of academic debate", when ideas of cultural identity began to supplant those of race and religion. Hall (2000:46) takes this idea further arguing that technological, social, economic, political and moral changes mean that multiculturalism has created far more internally diversified and plural cultures amongst the majority populations themselves. However, as chapter two has highlighted, it is the integration of the 15 million Moslem citizens into European society which has become the focus of the current debate about multiculturalism and Europe's most immediate political priority. The events of 9/11, public attitudes towards the wars in Afghanistan and Iraq and the terrorist attacks in Madrid and London have sharpened the focus upon Islam's relationship with the West. As a consequence of these events, there is now a tendency in public discourse to equate fundamentalism with multiculturalism. Fukuyama (2007:27) makes an important contribution to the delineating of the two concepts by pointing to the role of globalisation in this process. He argues that "the root of radical Islamism is not cultural that is, it is not a by-product of something inherent in Islam, radical Islamism has emerged because Islam has been deterritorialised in such a way as to throw open the whole question of Muslim identity". What is evident however is that multiculturalism has erroneously become synonymous with the supposed incompatibility of Islamic and Western values? Whilst accepting that some forms of Islam pose special difficulties for assimilation, Brubaker (1992:149) points out that

there is a clear danger that multiculturalism conceived in this narrow reductionist way could encourage the perpetuation of racism based upon religious practice rather than ethnicity.<sup>171</sup> This is further exacerbated by the seemingly mainstream acceptance of the idea that multiculturalism is a failed social experiment, a revisionist conclusion, which conveniently ignores the fact that the cosmopolitan nature of society is a direct result of the legacy of Europe's colonial past, and the result of its own policies of immigration when it required a supply of cheap labour.

The debate about the future of multiculturalism and particularly the integration of Muslims into European society raises issues which have a significant impact on the fundamental shape of citizenship, polarising the debate about assimilation versus integration, the appropriate public-private divide of citizenship and the controversial subject of the legitimacy of group rights. In his assessment, Parekh (2006:179) shows how the case of Muslims highlights the differences between assimilation and integration. Deconstructing media coverage and commonly held perceptions he argues that Muslims are categorised as having no commitment to democratic institutions and instead form self-contained communities which maintain only minimal ties to the wider community. This self-imposed marginalisation leads to an alienated underclass full of resentment and a potential source of social unrest and violence. Because of the centrality of faith to Muslim life, Islam "religionizes" political life and Muslims make special demands on society based upon their religion. The introduction of this theological form of political reasoning subsequently rules out any shared form of public discourse or compromise. From this perspective, Muslims have "a proselytizing mission" and want to challenge and transform society, since Muslims harbour revolutionary aspirations "they are a hostile other, an enemy within".

In an effort to articulate a counter thesis to these arguments Modood (2006:49) points out that the media gives a disproportionate coverage to extremists and Muslims have a good record as a law abiding community even when subjected to overt discrimination. Citing the fatwa (religious edict) issued by Taha Jabir al-Alwani which encourages Muslims to participate in political life as "a duty which must be discharged" Parekh

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<sup>171</sup> The inability or unwillingness of the substantial British expatriate communities in France and Spain is not regarded as problematic. Similarly the large influx of Polish migrants into the UK is perceived as an economic rather than a cultural threat.

notes that Muslims have stood as candidates in both national and local elections. The majority of Muslims therefore have no difficulty with many of the European values and would state that “human dignity, equal human worth, equality of the races, civility and the peaceful resolution of differences are all part of the Islamic tradition”. Based upon this argument, Parekh makes the legitimate point that provided Muslims confine their protests and demands to legal activities it should not provoke anxiety; in fact, liberals should actively welcome the debate as a manifestation of the freedom of expression which is so important to liberal democracies. In many respects Parekh’s analysis is building upon Beck’s (2000:85) earlier theory of “contextual universalism”<sup>172</sup>. Beck argues that since human rights can be found in other cultures, traditions and religions, albeit in different forms, “the things we hold most sacred must be opened to criticism by others”, Consequently contemporary society cannot afford “the presumptuousness of universal certainty”. What both Parekh and Beck’s conclusions demonstrate is that multiculturalism is increasingly challenging the ability of assimilationist strategies to successfully integrate minority cultures into wider society, multiculturalism’s emphasis on the preservation of cultural, religious, or ethnic rights has meant that the public-private divide of citizenship has become a highly politicised issue. Furthermore, it can be argued that social globalisation and the extension of individual rights has encouraged a reconceptualization of personal identities. This has meant that issues that were once categorised as private are now intruding into public policy.

Stychin (2001:111-112) argues, that in the case of the EU this has an added dimension. Writing in the context of Gay and Lesbian politics he argues that “sexuality claims which might originally appear to be passive, private have come to possess an active, public, political component as they emerge in the political space of the EU...the private is no longer characterized as “national” but instead is beginning to enter a transnational public sphere”. The growing interest in identity politics has made issues such as sexual orientation, civil partnerships, public morality, abortion, domestic violence and recreational drug use become matters of public discourse. This, of course, raises fundamental questions about the type of issues on which it is proper and legitimate for political authorities to legislate. Ultimately, this questions the basis

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<sup>172</sup> Beck argues that Human Rights should not be equated with universal values, they do not have to apply everywhere on Earth in the form that they were created in the West.

of whether the state should be a neutral or interventionist institution and raises challenging questions about the appropriate limits to individual freedoms. Modood & Kastoryano (2006:170) summarise the cumulative effect of these developments, arguing that the cultural values of the public realm are in turn reshaping the private realm, Muslims, in particular, feel threatened by the cultural intrusion into the private sphere and understandably wish to preserve and protect their own religious values. Multiculturalism therefore polarises the debate about assimilation and integration and the form and content of citizenship rights. In the assimilationist case it recognises the right to the toleration of difference in the private sphere, whilst in the more expansive, integrationist, position it recognises the right to have differences both recognised and supported in the public sphere. Clearly these are contradictory positions, and consequently Modood & Kastoryano (2006:173) have argued that for multiculturalism to be successful there needs to be a reconceptualization of equality from that of “sameness” to an incorporation of a respect for difference, they argue that this should take the form of a pragmatic case- by- case, negotiated approach, not an” ideological drawing a line in the sand mentality.” Their conclusions articulate the reasons why multiculturalism has made the concept of group rights an important aspect on the debate on the future of citizenship.

The idea of group rights has always been a problematic issue for both the concept and practice of citizenship, (Kymlicka 2002). From a theoretical standpoint, as citizenship is principally concerned with producing equality before the law and providing equal access to public resources through equal rights, the creation of specific group rights for any class or any cultural, ethnic or religious minority negates the fundamental principle of universality. Adopting this position and placing it in a modern context Fukuyama (2007:30) has argued that “Liberalism cannot ultimately be based on group rights; because not all groups uphold liberal values...some contemporary Muslim communities are making demands for group rights that simply cannot be squared with liberal principles of individual equality.”<sup>173</sup> Summarising the alternative perspective Rodger (2000:44-45) points out that since at any given time, there will be groups in society seeking to expand their citizenship rights while others will be fighting to

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<sup>173</sup> Specifically he refers to the demands to exclude non-Muslims from certain types of public events, and the right to freedom of speech illustrated in the controversy over the publication of cartoons depicting the Prophet Mohammed in a Danish paper and some other newspapers.

“make up what they perceive to be a deficit in their entitlements or to overcome their exclusion”. Rodger’s conclusion identifies that group rights have always been a feature of our political system, from absolute monarchies, feudalism and the aristocratic privileges which led to the political struggles surrounding modern democracy, citizenship and the welfare state as we understand it today. From this perspective group rights emerge as a result of legitimate, competing, claims and they create rights which more accurately reflect the differing requirements of a heterogeneous society. Contrasting the two positions it would appear that multiculturalism has led some analysts to conclude that group rights and universal citizenship have become incompatible and mutually exclusive practices.

Writing in the context of gender politics in the EU, Vogel (1997:158) challenges this assumption arguing that the two concepts are interdependent and that, whilst “no theory of citizenship can build upon heterogeneity and group identity alone...equality requires a common floor of universal rights which pertain indiscriminately and irrespective of any particular form of difference to individuals as European citizens.” Recognising that the resolution of this complicated issue is vital for integration and the cohesiveness of society, Isin & Wood (1999:33) conclude that in an age of postmodernization and globalisation the basis of group rights needs to be reconsidered. Drawing upon the earlier ideas of Iris Young (1990, 1997) they suggest that there needs to be a re-appraisal of the idea that inequality can be solved solely through the redistribution of wealth; consequently, they argue there is a necessity for a shift in emphasis to those factors which perpetuate oppression, domination and exclusion. Developing the logic of their argument they conclude that simple adherence to the principle of equality is no longer enough and that the inclusion of everyone necessitates the creation of special or group rights. What is distinctive about Isin and Wood’s assessment is their introduction of the idea that, when thinking about group rights, we should distinguish between rights guaranteed to an individual on the basis of their membership of a group and those rights which are granted to groups themselves. This is a subtle distinction, but it has firm foundations as it could be argued that the legally enforceable collective rights of Trades Unions and European Works Councils to consultation, information and negotiation is a group right to pursue the interests of those individuals who are members.

These specific examples highlight the complexity of the concept of group rights, as well as the impact of the idea on the overall composition of citizenship. The issue is politically sensitive because group rights are often cited as an example of the so called “special treatment” of minorities and used as a means of fuelling racism and xenophobia. It has to be recognised however, that citizenship operates within a framework of capitalism which is itself a system of inequality, therefore group rights whilst not desirable, are necessary in order to protect the most disadvantaged and vulnerable groups in society and to protect historical, religious and cultural traditions. The German Constitutional Court *Bundesverfassungsgericht* (2002) appears to have reached a similar conclusion by re-establishing the right for German butchers to slaughter animals according to Islamic religious ritual.<sup>174</sup> It would appear though that group rights have to be carefully managed and crafted so as not to institutionalise difference and perpetuate allegations of preferential treatment at the expense of the majority, but conversely be seen as a means of ensuring the equality of opportunity for all. The EU with its broad range of cultural, linguistic, religious and ethnic diversity cannot rely on universalistic principles of citizenship alone to create equality. The Union is therefore causing us to rethink the traditional basis of citizenship, combining both universal rights which apply to all, with collective or group rights as a way of achieving its objectives of promoting equality, eliminating discrimination, respecting diversity and preserving and promoting local identity.

The progress of European integration and the evolution of citizenship are now proceeding in a period of unprecedented technological and social change. It is widely accepted that globalisation has opened up individuals’ exposure to a wider range of cultural influences and has contributed to fundamental changes in social attitudes and behaviours. The undermining of traditional values, certainties and structures of institutional authority has led social conservatives to view post-modernity as a society in moral decline, whilst for liberals it represents a society in moral transition. What is evident is that declining participation and support for political parties and politicians, established religions and Trades Unions means that the organisations which provided

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<sup>174</sup> The Federal Constitutional Court (*Bundesverfassungsgericht*) allowed the case on the basis that Federal Constitutional Law (BVG) grants minorities the right to live according to their faith among themselves if they otherwise observe the law. Welcoming the decision, the German Consumer Protection Minister argued the ruling confines the ritual slaughtering to a very small group of people, and reduces racial/religious tensions in a multicultural society.

the framework for social co-operation, citizenship and community no longer enjoy the support they once had. Economic globalisation and the dominance of the free market has resulted in a decisive shift away from industrial production towards an economy based upon services, finance and information and a move away from job security, the so called “job for life” to temporary, part time and increasingly vulnerable forms of employment<sup>175</sup>. The destruction of traditional industries has further fragmented the communities which surrounded them, destroying the local informal support structures which once provided valuable social solidarity and cohesiveness.

The success of the EU in preserving peace and security and improving access to healthcare services and welfare has contributed to an increasing life expectancy and an ageing population. For the first time in history, we are now living in a period where the old outnumber the young and this has profound implications for the welfare systems of member states<sup>176</sup>. It can also be argued that the extension of liberal democracy through its overt promotion of equality and its positive recognition of, and tolerance of difference through welfare benefits, has facilitated changes in morality and social behaviours. Falling marriage rates, increasing divorce rates, a rise in the number of single parents and single occupancy households have to a large part disrupted the extended family networks which once contributed to social identity.

The combination of all these factors represent significant political, economic and social challenges; these are indicative of a society in transition, whilst globalisation has positive benefits, it is also producing increased alienation and threatening social cohesion, resulting in what Beck (2000:154) calls a condition of “ socially produced existential insecurity”. There is no single causal sociological or political explanation for globalisation, but its transformative impact has renewed interest in citizenship as a mechanism to restore political legitimacy and to re-establish properly functioning communities.

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<sup>175</sup> The outsourcings of Information technology and call centre services to the emergent Indian economy in Bangalore and elsewhere on the Indian Sub-Continent are a good example of this.

<sup>176</sup> According to the Commission’s forward projections, the total population is heading for stabilization followed by decline after 2025. The number of young persons is falling from around 87million in 2010 to 80 million in 2020. Projected expenditure increases on welfare range from 3-5 % of GDP.

## CHAPTER FIVE

In an often-overlooked but interesting contribution to this debate, Selbourne (1994:6-20) sets out the thesis that the social problems of society can be attributed to a corruption of the liberal order and the development of a culture and politics of “dutiless rights”. He argues that modern liberal ethics have become too preoccupied with the ideals of individual freedoms guaranteed by the state with the result that citizenship has “ceased to have any objective meaning” and that the community has become a randomly associated mass of individuals who are moral strangers to each other. Recognising that alongside the trend towards possessive individualism, materialism and consumerism which have been encouraged by neo-liberal economic policies, he points out that the emphasis on individual rights has weakened respect for the “civic bond” and for the principle of duty. This has led to the dissolution of any shared civic consciousness and sense of co-responsibility and represents the root cause of the undermining of traditional forms of political authority. Based on his analysis, Selbourne concludes that what is necessary is a return to “moral and practical duties some embodied in law; and some in the preserve of conscience, duties that are owed by the individual to the civic order that they belong”. Selbourne’s idea of creating externally imposed and enforceable duties is politically controversial, and from some liberal perspectives, could be construed as potentially having authoritarian overtones. However, Selbourne seeks to refute this criticism by arguing that there is no valid reason why society could not reach agreement on the scale and scope of such duties, as it has not encountered similar problems in arriving at a consensus on the basis of the establishment of individual rights. Tilly (1999:251) gives further substance to this conclusion pointing out that the post-Soviet Republic of Kazakhstan’s (1995) constitution stresses both the rights and obligations of Kazakh citizenship.<sup>177</sup>

Selbourne does not confine his analysis to a theoretical critique but also offers some specific examples of how they could be implemented in practice; he suggests that individuals be required to render voluntary service to the community which they belong, for instance by assisting in the provision of social care for the elderly or children perceived to be at risk, the acceptance of environmental responsibility for local neighbourhoods, a more pronounced duty of intervention in order to combat

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<sup>177</sup> These include an obligation not to violate the rights and freedoms of other persons, to care for the protection of historical and cultural heritage and to preserve nature and protect natural resources.

crime and anti-social behaviour and a general obligation to act socially with others on behalf of all. Selbourne's analysis has drawn the academic criticism that it lacks intellectual or theoretical foundations, and his curious choice of archaic language does at times obscure some of his reasoning; however the fundamental thrust of his argument gives some practical substance to the nebulous concepts of responsibilities, duties and obligations which are emerging in recent political rhetoric. It is pertinent to recall that article 8 of the TEU states that "Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby" consequently the legal competencies for the EU to introduce specific duties already exists. Given the emphasis which the Commission is now placing upon citizenship as the mechanism to legitimise integration, a more expansive form of European citizenship that incorporates some form of responsibilities as well as rights could re-establish the idea of identity, community and participation which globalisation has fragmented.

One of the recurrent features in the literature explaining European integration is the suggestion that despite successive institutional reforms and the creation of political rights for citizens, the EU continues to suffer from a significant "democratic deficit". If this argument is substantially correct it would imply that integration has weakened representative democracy and has reduced the level of influence and political control which individual citizens can exert over their governing authority, thereby reducing the idea of citizenship to that of an abstract and relatively meaningless status. Criticisms of Europe's political system highlight perceived problems in accountability, legitimacy and transparency. In this context, accountability and legitimacy comprise the rules and mechanisms whereby authorities must publicly justify their actions and specify how if necessary, they may legitimately be removed from office; on the other hand the concept of transparency refers to how clearly the system delineates which political representatives are responsible for policy outcomes.

Analysts such as Fella (2000:87) and Goldman (2001:49) have argued that to a varying degree, all of the EU's formal institutions exhibit some of the features of a democratic deficit. The only institution through which all legislative proposals pass, The Council of Ministers (formerly the Council of the European Union), is the fulcrum of political power; until 2006 Council meetings were held in closed

session<sup>178</sup>. Despite its crucial role in decision making, the Council is not a permanent body, and is answerable to no other institution. Consequently, as the principal decision making body the Council has the authority through individual Government Ministers to develop policies without the rigour of Parliamentary scrutiny. Since the Council is empowered to make majority decisions based upon the system of QMV, it is argued that individual member states can be collectively bound to decisions which their own citizens may oppose or have voted against. On the surface this appears to be a valid and logical criticism; however it simply reflects the extension of majoritarian principles of democratic practice into a wider supranational context.

Enjoying the exclusive right to propose legislation the Commission has been criticised as lacking political legitimacy. With the exception of its President whose appointment is ratified by the European Parliament, individual Commissioners are not elected and are the political appointees of Member state governments. The Commission represents the interests of the EU as a whole and functions on the basis of collective responsibility and whilst the Commission is technically dismissible on bloc there are no mechanisms to censure or remove individual commissioners. Consequently there is a serious deficit in terms of the accountability of the Commission. This was brought into sharp relief following the resignation of the Santer Commission in 1999 as a result of the publication of a report that contained serious allegations of fraud, financial mismanagement and nepotism by individual Commissioners. The disgrace of the Santer Commission not only tainted the reputation of the Commission and raised questions about its legitimacy, but also focussed analysts' attention on the growing influence of lobbying in the EU. Anderson & Eliassen (1996:254-259) argue that direct influence (lobbying) has in many ways replaced the Parliamentary channel as the most direct form of influence and interest representation, everyone who wants to influence EU decisions has to engage in lobbying. Anderson & Burns (1996:231) explain that the Commission has strengthened its own position through coalition building with European interest associations and that in consequence more than 200 "Euroquangos" have been established. As they conclude, the introduction of the system of lobbying has meant that "representation, participation and political influence are not primarily based or linked to EU citizenship", but are in part based

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<sup>178</sup> A restricted number of meetings have now been opened to public scrutiny.

## CHAPTER FIVE

upon specialised, organised interests and the deployment of expertise and resources. Clearly the extension of the system of lobbying poses a serious threat to the notion of equal citizenship because it confers disproportionate influence on those interest groups and associations who can deploy significant financial resources in pursuit of their interests; therefore in order to preserve the basic principles of democratic equality, lobbying requires to be carefully regulated and scrutinised.

The European Parliament as the only directly elected institution has the strongest claim to democratic legitimacy, however it is not immune from criticism, its lack of the right of legislative initiative weakens its power and influence and undermines the primary relationship between MEPs and individual citizens. Few voters actually know who their MEPs are, or understand the functions that they perform, this means that there is little direct connection between the electorate and its representatives frustrating the creation of an effective political system based upon a popular democratic mandate.

The notion of the democratic deficit, whether it is real or imaginary, is important because it undermines public confidence in the EU as a legitimate and democratic political system. In order to address these concerns the EU has by means of successive Treaties, introduced institutional reforms and regularly expanded its democratic dimension through the regular extension of the powers of the European Parliament. Despite this, the continuing problem appears to be one of a lack of transparency and a lack of information as to how Europe's institutions actually work and how individual citizens can influence the political decision making process. Democratic participation and identification with the EU, are unlikely to increase if they are not seen as directly relevant to Europe's citizens, consequently high-profile public information campaigns aimed at highlighting these important issues could encourage a more effective and widespread use of European citizenship and improve the basis of the democratic legitimacy of the Union.

**(5:5) Evaluative Summary**

Chapter five has analysed the significant factors which have shaped the formal development of European citizenship. Emphasising how in France and Germany integration has transformed nation state identity and encouraged politicians to adopt a positive and pro-active approach to pursuing integration, the chapter has argued that the resultant bi-lateral co-operation drew heavily upon the respective countries traditions of civic republicanism and constitutionalism, offering an alternative to the Anglo-Saxon model adopted by the UK. The combination of these competing perspectives and the necessity to arrive at pragmatic compromises through interstate bargaining and negotiation has resulted in the Europeanization of public policy. In the context of citizenship, this has had the effect of introducing the idea of civic responsibility and public participation as a civic duty to the debates about the future of citizenship. Additionally, recent changes to citizenship law in Germany and a perceptible shift towards the harmonization of the rules of ascription and naturalization, which constitute access to citizenship, created opportunities allowing increased co-operation between the countries on this issue.

The chapter has also argued that the provisions of the TEU formally establishing European citizenship can be seen as an example of responsive formal integration; the citizenship rights set out in the Treaty, represent the codification and institutionalisation of the informal rules, and practices which have developed as a consequence of other political decisions and initiatives. Analysing the effectiveness of citizenship rights granted by the TEU both from a theoretical perspective and from an assessment of the Commission's own conclusions, demonstrates that the provisions continue to have both conceptual and practical flaws. The EU currently enjoys neither the power of ascription or naturalization in its own right, and, consequently, it remains dependent on the member states to define who European citizens are. The weakening of the rights, through the application of Directives, secondary legislation and derogations (introduced to protect member states economies and welfare systems), coupled with issues of legitimacy and accountability and the limited direct relationship that exists between individual citizens and Europe's political system leads to the conclusion that European citizenship currently represents an imperfect form of

transnational citizenship. The axiom that we have “Citizenship in Europe” but not yet “European Citizenship” would appear to be particularly apposite it confirms that it is premature to view European citizenship today, as a genuine example of an inclusive and participatory post-national citizenship.

Despite these limitations, European citizenship is important for political analysis because it has decisively broken the link between citizenship, democracy and the nation state. No other international organisation has citizens of its own, in spite of many suggestions within, for instance, ASEAN and elsewhere. The fact that EU citizens can claim a direct legal and political relationship to the Union (through legally enforceable rights) means that European citizenship has become more than symbolically important. As Kostakapolou (1998:160) has concluded, “EU Citizenship as an institutional design offers both unique challenges and interesting possibilities amongst those are the prospect of a post-national political arrangement which facilitates multiple memberships and the prospect of a heterogeneous community which values diversity”.

Based on the available evidence indications are, that the development of European citizenship is likely to continue, the Commission through its expansive interpretation of the basis of citizenship established by the TEU, has efficiently utilised the provisions of article 8e to introduce new proposals and initiatives aimed at encouraging its progressive development. If the Commission is to realise its objectives of legitimising integration and developing social cohesion through citizenship, then citizenship rights and corresponding responsibilities need to be sufficiently robust to be able to provide solutions to the problems posed by multiculturalism and the fragmentation of communities brought about by globalisation. Accordingly, European integration can be argued to have not only moved the site and location of citizenship practice away from the nation state, but also introduced new factors which may ultimately transform its very nature and fundamental composition a theme which will be developed in chapter six.

## **(6) Citizenship, Legitimacy and Identity in the European Union.**

“Those who predicted an apocalyptic third millennium for the old world will not be remembered for their clairvoyance. Europe has undergone profound changes over the past 15 years. In a favourable world economic climate it has found a way of reconciling its ideals of solidarity and respect for the individual with technological innovation and the pursuit of economic efficiency.”

(Forward Studies Unit EU Commission, 2000: 17)

### **(6:1) Introduction.**

Analysing the development of the European Union this thesis has sought to advance the argument that a single theory of integration is no longer sufficient to capture either the complexity of the EU as a supranational political system; neither is it capable of providing a satisfactory explanation for the variety of those informal and formal processes that are now influencing its development. Rather than dismissing all previous theoretical perspectives as mutually exclusive, the thesis has argued that different theories can assume different degrees of significance and influence at different stages of the integration process and consequently the adoption of a more syncretic approach to integration theory is now required. Developing the idea that informal integration (that is: integration defined by those rules, regulations, behaviours and practices which have arisen outside of the sphere of formal interstate agreements or outside of those deliberate political policy choices which have some basis in direct political legitimacy), the thesis has advanced the perspective, that informal integration is now assuming much greater prominence in driving the momentum of integration forward by generating the institutional and political pressures which necessitate the enactment of further legitimising responsive formal integration.

In order to highlight the relationship between integration and citizenship the first part of chapter six will analyse the contribution of new institutionalism outlined in chapter four and which as Rosamond (2000:202) describes is “a broad movement in contemporary political science that seeks to reinstate and refine the study of institutions as important variables in political life.” Taking up the point that there is a danger of ‘over-specialisation’ in European studies, Rosamond questions the sub-

division of institutionalist approaches into rational choice institutionalism; historical institutionalism and sociological institutionalism, pointing out that the three approaches are not mutually exclusive. Seen from this perspective, new institutionalism is a developing field of enquiry which has clear affinities with constructivist approaches to integration. Whilst it may still be based on the relatively straightforward proposition that “institutions matter”, more recent interpretations have begun to analyse the importance of institutions not just as the actions and decisions of formal legalistic entities such as the ECJ, the EP or the Council of Ministers but also as the formal rules, compliance procedures and system of norms which form the basis of the EU’s institutional system, such as the requirement to adhere to the *acquis communautaire* or the terms of the growth and stability pact. It is however, one of the central arguments of institutionalism that institutions in the broadest sense increase their capacity to socialize different actors and influence and structure identities and expectations progressively over a long period of time. Consequently, it would be rather speculative at this stage, given the lack of empirical evidence, to definitively conclude that citizenship is inevitably bound to become an effective institution in its own right. There is however a clear indication from its own pronouncements that the Commission understands the potential of citizenship as a mechanism to provide a direct legitimising link between individual citizens and Europe’s institutions.

In order to explore and validate the potential of citizenship as a developing institution it is therefore instructive to apply institutionalist theory to the role of the ECJ which Ward (1996:52) argues “has uniformly and consistently been the most effective integrative institution in the Community”. The ECJ has been chosen as a specific subject of analysis, since through its expansive legal judgements it has extended the scale and scope of integration further than that envisaged or set out in the founding treaties of the EU. Through its interpretation of case law, the ECJ has established the supremacy of EU law over the domestic law of the member states and created a direct legally enforceable relationship between the citizens of the EU and its institutions. In specific cases brought by individual citizens the ECJ has also challenged some of the secondary legislation and directives which undermined the principles of equality and the right of free movement and residence contained in the TEU and the decisions of the ECJ have therefore resulted in the adoption of new directives and the expansion of citizenship rights which were described in chapter five. What is particularly striking

about the role of the ECJ is the fact that from the outset it has seemingly based its legal interpretations on the concept that the treaties of the EU were not simply agreements governed and regulated by international law but, more importantly a form of constitutional law. Weiler (1997:112-113) makes this point forcibly when he concludes that the principles of “direct effect and supremacy are at the core of the constitutional construct...the ECJ has consistently referred to the Treaties as the constitutional charter of the Union”. Constructivists such as Diez (2001:87) have recently argued that the use of language is not ‘politically innocent’ and that “within the language in which we operate, lies a set of choices about the political decisions of our day”.

Linking the two concepts together chapter six will discuss how the pronouncements of the ECJ can be seen to have contributed to the climate of political demands for the creation of a final constitutional settlement for Europe. Tracing the developments set out in the *Laeken Declaration* (2001) to the comprehensive mandate produced by the *Draft Reform Treaty* (2007), chapter six will examine whether the new treaty represents a constitution in traditional political science terms, or whether it represents a new form of post-national constitutionalism more in keeping with Europe’s supranational system.

Analysing the implications of the decision to grant a legal personality to the EU, to incorporate the European Council as a formal institution and to grant it the authority to establish new categories of own resources<sup>179</sup> and finally to invest the *Charter of Fundamental Rights* with the same legal status as the other treaties, chapter six will further seek to demonstrate that (subject to ratification) the present treaty represents an attempt to simplify and legitimise those practices which have emerged as a result of the processes of informal integration.

As the Commission’s own Opinion<sup>180</sup> on the Draft Treaty sets out, “The task of the IGC is to agree the text of a reform Treaty to amend the existing treaties, with a view to enhancing the efficiency and democratic legitimacy of the enlarged Union as well

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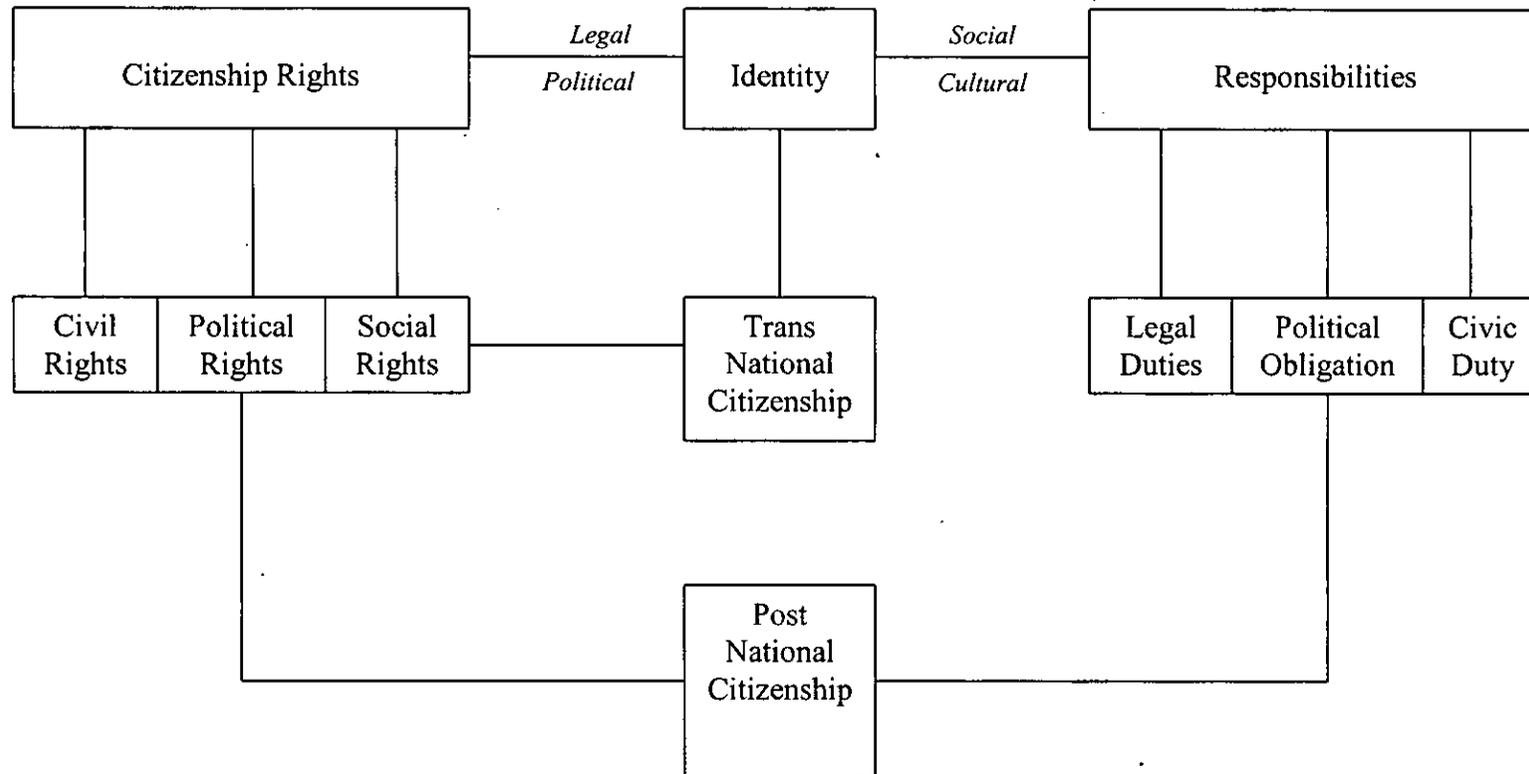
<sup>179</sup> Article 262 would give the Council power to levy its own taxes.

<sup>180</sup> Opinion of the European Commission, pursuant to Article 48 of the Treaty on European Union, on the Conference of representatives of the Governments of the member states, convened to revise the Treaties: COM (2007) 412 final 10.7.2007.

as the coherence of its external action... The proposed Reform Treaty will amend the EU's two core treaties. The result will be a legal framework designed to give the Union the tools it needs to meet the challenges of the future." The draft reform treaty represents the culmination of a lengthy period of debate and internal reflection on institutional reform. It is increasingly clear that all the formal institutions of the EU are united in their wish to resolve this issue and to conclude a period of formal responsive integration. The past decade of Europe's political development has been concerned with the institutional reforms required in preparing for an enlarged Union of 27 members, reflecting the dynamic nature of integration. This latest treaty will, in due course, be reinterpreted and amended, and the debate about a single constitution for Europe will in all likelihood resurface at some time in the future. At present, however, the Commission can focus its attention on its twin-track strategy of creating a distinct internal and external identity and of encouraging moves towards closer political and social integration. Consequently, the EU could be seen to be about to enter one of its infrequent phases of constructive integration.

Developing this concept further, and applying the syncretic model of integration to specific policy initiatives the remainder of chapter six will focus upon how the theories of constructivism and transactionalism can be used to aid our understanding of the way new individual and collective identities will emerge. Analysing the Commission's (2007-2013) *Europe for Citizens programme*, *The New Culture Programme* and the more radical initiatives contained in the discussion paper *Building a Political Europe 50 Proposals for the Europe of Tomorrow* the chapter will explore the feasibility of the Commission's aim to develop European citizenship from a transnational status to that of an active post-national practice. Concluding the analysis, chapter six will explain that if European citizenship is to successfully act as the mechanism to legitimise further integration and at the same time become the catalyst for wider social cohesion then the composition of European citizenship itself will have to be significantly extended and improved. Highlighting specific proposals to create European social rights and for the first time introducing corresponding responsibilities chapter six will discuss how a more effective political relationship between Europe's citizens' and Europe's supranational institutions is likely to develop. The projected composition of a new type of European citizenship which incorporates these elements is illustrated diagrammatically in diagram three overleaf.

The Projected Composition of European Citizenship



**(6:2) Case Study. New Institutionalism and the Role of the ECJ in Promoting Informal Integration and Developing Citizenship Rights.**

First established by the founding Treaties of Paris and Rome, the EU now enjoys a mature and effective supranational legal system based upon three separate courts, the European Court of Justice (ECJ), the Court of First Instance (CFI)<sup>181</sup> and the Court of Auditors<sup>182</sup>. Situated in Luxembourg, and receiving relatively little public attention, the EU's courts are empowered under Article 220 (1) EC "to act within their own jurisdiction to ensure that in the interpretation and application of this Treaty, the law is observed". The creation and maintenance of an efficient legal system has been essential to the success of integration, it is based upon the understanding that in any dynamic economic and political system it is impossible for any formal treaty to cater for all possible situations. Accordingly, the member states' recognised at the outset, the necessity to create a fair and equitable legal system which could mediate between disputing parties and be able to provide a mechanism for the resolution of conflict between member states and the new supranational authority. Over time, through case law and institutional reform, the EU has developed a more complex and sophisticated legal system. This has meant that EU law is now derived from a number of sources. Today the legislation which constitutes the EU's legal framework emanates from the formal treaties of the EU, the specific laws enacted by EU bodies (European Parliament and Council of Ministers), the binding Regulations, Directives and Decisions of the Commission, the rulings, decisions and case law established by the ECJ and finally the individual laws of the constituent member states.

Recognising the centrality of law to the effective functioning of the economic integration of Europe, it is somewhat surprising to note that as analysts such as Dehousse (1998:3) have pointed out that in terms of political analysis "there has been a lack of interest in Community law in general, and the ECJ in particular", Dinan (1994:295) is even more explicit in this context, arguing that "for much of its

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<sup>181</sup> The CFI was created in 1987 by the 1989 Single European Act (SEA). The Court was established in order to reduce the caseload of the ECJ and to speed up the legal decision making process. Since 1993 its jurisdiction has been extended to cover all direct actions brought by individuals against the EC institutions.

<sup>182</sup> The function of the Court of Auditors is to audit all the revenue and expenditure budgets of the EU.

existence the ECJ was the least known institution, located far away from the political fray in Brussels and Strasbourg, the Court initially received little outside attention as it waded through a growing number of seemingly arcane and unimportant cases". Dehousse (1998:69-70) attributes this analytical lacuna to the fact that both political authorities and social scientists initially adopted the view that the ECJ was simply a "technical servant" a functional institution which was created in order to regulate the new supranational system. This assumption however has seemingly precluded analysts from considering the possibility that the ECJ could develop legal principles which would force member states to adopt behaviours that may not be consistent with their original intentions or their own national interests. Whilst Dehousse is correct to identify that for long periods analysts overlooked the importance of institutions, the failure to recognise the significance and growing influence of the legal dimension of the EU runs much deeper. I would argue that there is an implicit assumption in all modern liberal democracies that the rule of law is based upon an independent and impartial judiciary which is free from political influence and bias. Consequently, member states have been reluctant to question or challenge legal decisions, even when they obviously conflict with political decisions arrived at through the democratic process. The disparity between the legitimacy of the legal and political decision making process has meant that the ECJ has now emerged from its relative obscurity.

As Bomberg, Cram & Martin (2003:60) highlight "at first glance, the ECJ seems neither a particularly powerful nor controversial institution it has however been remarkably innovative in pushing the integration process forward". Dehousse (1998:5) is even more unequivocal when he argues that the prominent role that the ECJ now plays in the European institutional system has no parallel in the international system, where courts are usually confined to a marginal role, Ward (1996:191) supports this contention going as far as arguing that "the overt politics of the ECJ is exceptional". This interest in the ECJ has led to the development of the concept of "judicial activism" and an understanding of its role as an important factor in the integration process. Judicial activism, according to Cuthbert (2006:43), is the idea that the ECJ, in exercising its authority, is going much further than what would normally be regarded as legal interpretation; through its creative and expansive judgements therefore the ECJ can be seen to have pursued its own distinct and consistent political agenda.

Fundamentally, this process of judicial activism has partially reversed the principle that the judiciary is subordinate to the legislature resulting in what Stone (1995:288) calls “governing with judges”. According to both Weiler (1997:113) and Haltern (2004:181), the ECJ has been responsible for the judicial rewriting of the founding treaties of the EU and for the progressive ‘constitutionalization’ of its legal order. If recent institutionalist analyses are correct in their conclusions that the ECJ has had a transformative impact upon integration and has extended the scope of individual rights, then this raises some difficult questions about the basis of the political legitimacy of the EU and the fundamental nature of European citizenship.

In the context of the arguments proposed by this thesis, the activities of the ECJ have meant that it has, over time, assumed the mantle of a primary factor in promoting informal integration. Through its case law, the ECJ has introduced new practices and behaviours which require legitimisation and formal consolidation into the institutional structure of the EU. Consequently, over the last few years the need for institutional reform has dominated the political agenda, promoting a renewed interest in the Federalist search for a final “constitutional settlement”. In order to understand how the ECJ has managed to exert such influence and to introduce the idea that the EU’s founding instruments are not simply treaties governed by international law, but a form of constitutional charter, it is necessary to analyse the features of the EU’s legal system which have allowed the ECJ to extend its authority and the doctrinal legal principles on which it has based its, frequently expansive, judgements.

Following the last EU enlargement the ECJ is currently composed of 27 judges and 8 Advocates General<sup>183</sup>. Both the judges and the Advocates General are appointed by “common accord” by the governments of the member states, for a renewable term of office of 6 years. Judges are chosen from amongst the most senior members of the legal profession and are expected to be “independent, impartial and in possession of recognised competence in legal affairs. Dehousse (1998:9) points out, however, that this has not always been the case, highlighting that during its most influential period of decision making in the 1960’s and 1970’s the Court had a diverse composition

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<sup>183</sup> The Advocates General enjoy the same status as the judges of the ECJ. Their function is to assist the Court’s deliberations, by making reasoned submissions on cases, giving opinions on facts of law, applicable texts and legal precedents.

which included former judges, high ranking civil servants, former politicians and a high percentage of academics. It is interesting to note that the legal edifice and the precedents upon which the ECJ has subsequently based much of its case law were established precisely during this period. This could explain why the initial decisions of the ECJ were so overtly political because they were drawn from a broad political and sociological perspective, rather than just a strict legal interpretation of the wording of the treaties.

From a historical institutionalist perspective, it is understandable that the ECJ is not a neutral institution. However, the extent to which individual judges can remain independent and impartial is more difficult to quantify<sup>184</sup>. Decisions made by the ECJ are taken collegially, by consensus or simple majority, and the judges' deliberations remain secret and contain no indications of the votes taken or any "dissenting opinions" expressed<sup>185</sup>. This mechanism of relative anonymity for individual judges was intended to prevent individual member states' from exerting 'undue influence' upon their appointees. However, as Dehousse (1998:15) points out, this has only been partially successful. Citing the example of Chancellor Helmut Kohl's criticisms of the rulings of the ECJ on social security for migrant workers in the 1990's, he outlines how the comments were interpreted as a rebuke to the German judge at the time Manfred Zuleeg whose term of office was not renewed in 1994. In this sense, whilst member states' cannot exert any direct control over individual judges, there is a clear threat that if the ECJ acts in too controversial a manner there is a strong possibility that judges will not be reappointed.

One of the clearest indications of the validity of the new institutionalist theory of integration is the way that the ECJ has developed its own authority and jurisdiction. Davies (2003:59) concludes that, "because the EU treaties give little guidance as to the interaction between National and Community law, it has been left to the ECJ to interpret which source of law is supreme in situations of conflict". From the rather vague wording of the founding treaties, the ECJ has established the legal environment

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<sup>184</sup> Judges enjoy relative security of tenure, once appointed for their six-year term; there is no formal mechanism to remove them from office.

<sup>185</sup> In complex or important cases the Court sits in a Grand Chamber of 13 Judges, in other cases it sits in Chambers of either 3 or 5 Judges. The Judges panel always consists of an odd number in order to produce a majority decision.

where its competence and authority is obligatory. In joining the EU, new member states must accept its authority. Secondly, as the 'Supreme Court of the EU', its competence is exclusive; there is no other method of conflict resolution or appeal mechanism following a ruling by the ECJ, so if member states are opposed to its decisions, it would be necessary to renegotiate the treaties upon which the decisions are based. Reinforcing its position of legal supremacy, the ECJ rules in the context of several categories of legal proceedings. In Actions for Failure to fulfil Treaty Obligations, the ECJ rules upon whether a member state has fulfilled its obligations under Community law.<sup>186</sup> Through Actions for Annulment, applicants can seek the deletion of any measure, regulation, directive or decision adopted by an EU institution<sup>187</sup>. Perhaps the most innovative method by which the ECJ has been able to extend the scope of its authority is through the Preliminary Reference Procedure. Introduced in Article 177 (234) of the Treaty of Rome, this measure promotes cooperation between the ECJ and the national courts of the member states. Introduced in order to ensure the uniform application of community law, the preliminary reference procedure encourages national courts to refer to the ECJ on points of legal clarification or to seek preliminary rulings of the validity of proposed legislation and its compatibility with EU law. The ECJ's response to these requests is not simply an opinion, but a reasoned judgement. It constitutes a legal 'order', which is binding upon the national court. Dehousse (1998:33) highlights the significance of this process by arguing that, in practice, national judges, by routinely taking into consideration the views of the ECJ, have, in effect, become Community Judges. The ECJ has thus managed to become fully integrated into the judicial customs and practices of the member states.

From its modest origins in a court that was intended to mediate and resolve intra-EU disputes the ECJ has managed to create a system of supranational law which effectively constrains the member states' ability to unilaterally initiate their own legislation. It has achieved this through the development of three principal legal doctrines, direct effect, supremacy and pre-emption. The doctrine of direct effect

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<sup>186</sup> These actions are normally initiated by the Commission. If the Court finds that an obligation has not been fulfilled, the State must bring the failure to an end without delay or face a financial penalty.

<sup>187</sup> The Court of First Instance now has jurisdiction in actions brought by individuals.

originated in the judgement made in the case of *Van Gend en Loos* (1963).<sup>188</sup>The underlying circumstances of the case were not particularly controversial, A Dutch Company challenged before the courts a decision which applied a higher customs duty to imported goods than that was applicable before the coming into force of the Treaty. The company argued that the Dutch government had infringed the treaty by breaching Article 12 which prohibited the raising of duties, the Dutch court sought a preliminary reference to the ECJ to ascertain if the treaty provisions had a “direct application” in its national legal order and if individuals could claim rights which the national court was legally bound to protect. Faced with this question on what was effectively an interpretation of the treaty, the ECJ determined that the Dutch authorities had acted illegally in contravening the treaty. Ginsberg (2007:118) explains that the Treaty, which created a customs union, confers rights on individuals that the ECJ enforces. These rights arise not only when they are expressly granted by the Treaty, but also by reason of obligations that the Treaty imposes on individuals, member states’ and EC bodies. In what Davies (2003:47) calls a “ground breaking decision”, the ECJ based its judgement on the legal argument that the Treaty “is more than an agreement which creates mutual obligations between the contracting states. The Community constitutes a new legal order of international law for the benefit of which, the states have limited their sovereign rights albeit within limited fields and the subjects of which comprise not only member states but also their nationals”.

The wording of the judgement in the *Van Gend en Loos* case, is particularly significant; the ECJ concluded that the agreement of the Treaty created “a new legal order”. This is a far more expansive interpretation than that provided for in the terms of the treaty itself. As Dehousse (1998:38) concludes “the very structure of this judgement is remarkable; the Court could have limited itself to a straightforward analysis of Article 12 yet the ECJ saw in the establishment (of European institutions) that the authors of the Treaty wanted to reach out to the individual”. This of course was a radical departure from the idea of Europe as an international agreement designed to facilitate a customs union.

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<sup>188</sup> 26/62 NV *Algemene Transport-en expeditie onderneming Van Gend & Loos V Nederlandse Administratie der Belastingen* {1963}.

## CHAPTER SIX

The introduction of the principle of direct effect has had several important consequences for integration: fundamentally it introduced the concept that EC law creates legal rights and obligations which may be enforced before national courts. Haltern (2004:180) develops this idea when he points out that as a result of direct effect, EC law creates horizontal relations between individuals, as well as between public authorities and individuals, and that states are now faced with legal actions at the suit of individuals. From this perspective Haltern argues that individuals have become the “guardians of the Community’s legal order”, placed in a historical context it can be argued that the ECJ created the first direct relationship between individual citizens and the institutions of the EU and consequently it transformed the nature of integration. Integration was no longer just an elite-led process of political decision-making, but could be developed through the actions of individual citizens seeking to protect or enhance their rights. In this sense, it was the ECJ that created the formal mechanism whereby citizens could actively exercise their civil citizenship rights.

Taking up the point that, through the application of direct effect, EU law creates both legal rights and obligations, Weiler (1997:115) identifies that the ECJ has through its actions challenged conventional understandings of political legitimacy, he argues that whereas before, all legal obligations were created in a national forum exercised by citizen control “the European situation as created by *Van Gend en loos* is that obligations can be created independently of the legislation of member states and without direct legitimation”. This may have been an unintended consequence of the ECJ decision; however it strikes at the heart of democratic legitimacy and the practice of meaningful citizenship in that citizens no longer have any direct control over a substantial proportion of the legislation which they are obliged to obey.

Having established the principle of direct effect, it took the ECJ little over a year to further extend its influence with the development of the crucial doctrine of the supremacy of EU law. In *Costa V ENEL* (1964)<sup>189</sup> individual shareholders challenged the Italian Government’s nationalization of an Italian electric company, on the grounds that it breached the provisions of the Treaty. The Italian Court requested a ruling from the ECJ to determine if the nationalization of the company was

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<sup>189</sup> 6/64 *Costa v. ENEL* {1964} ECR 1141

compatible with EC law. The Italian State then challenged the validity of the preliminary reference to the ECJ, arguing that the national court should only apply national Italian law. Whilst the Treaty was silent on the particular circumstances surrounding the case, the ECJ took the opportunity to interpret the “spirit” that underpinned its creation. As part of its judgement, the ECJ concluded that the uniform application of Community law is “an existential requirement”, i.e. the nature of Community Law cannot vary from country to country without jeopardising the attainment of the objectives of the Treaty. According to Dehousse (1998:42), the reasoning in this judgment marked a clear divergence from classic notions of sovereignty with “the Court proposing a new reading of the integration process, centred on the notion of transfer of competences. The precise wording of the judgement is even more explicit and far-reaching, as the ECJ concluded “the transfer by the States from their domestic legal system to the Community legal system of the rights and obligations arising under the Treaty carries with it a permanent limitation of their sovereign rights, against which a subsequent unilateral act incompatible with the concept of the Community cannot prevail”. By virtue of its reasoning the ECJ argued that in signing up to the treaties member states had permanently limited their rights. Reversing previous political traditions, the ECJ took the view that the original decision to pursue integration was now binding upon subsequent administrations and by implication could not be reversed. On the basis of the judgement that it reached in *Costa v ENEL* the ECJ established that in situations where National law and EC law conflict then EC law must take precedence. In many respects, this decision was a logical continuation of the arguments elaborated in developing the principle of direct effect, and a means of improving the effectiveness of EC law by creating the uniformity of legislation in all member states. As a bi-product it also reinforced and improved the general trend of integration.

The doctrine of supremacy was further expounded in the case of *Simmenthal* (1977)<sup>190</sup>. In this case, an Italian Court referred a dispute over the compatibility of EC law with Italian regulations and fees levied on the import of Italian veal and beef. The Italian court decided that the regulations were in fact incompatible with EC law and that the Italian government must repay the fees with accrued interest. The Italian

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<sup>190</sup> 106/77 *Italian Minister for Finance v Simmenthal SpA* {1978}

government challenged this decision and argued that only the Italian Constitutional Court had the legal authority to declare Italian regulations unconstitutional. In its judgement the ECJ determined “the relationship between the provisions of the Treaty and directly applicable measures of the institutions on the one hand, and the national law of the member states on the other, is such that those provisions and measures not only by their entry into force render automatically inapplicable any conflicting provision of current national law but- in so far as they are an integral part of, and take precedence in, the legal order ...also preclude the valid adoption of new national legislative measures to the extent to which they would be incompatible with Community provisions”. Dehousse (1998:43) analyses the implication of the wording of this decision when he argues that “By virtue of this audacious reasoning. Community law enjoyed absolute supremacy over all national provisions, even those of a constitutional nature.<sup>191</sup> With one stroke of the pen, the ECJ thus conferred on the Treaty an authority similar to that of a Constitution in a federal system”.

It is difficult to overestimate the importance of these landmark decisions and the impact they have had upon democratic and political legitimacy and meaningful citizenship. As a result of its rulings in several relatively uncontroversial cases, the ECJ had managed to construct a legal supranational system which has conferred upon itself the authority to set aside any domestic legislation that it subsequently rules to be incompatible with EC law. On the basis of the legal competence that the ECJ has created, individual member states’ democratically elected governments now find themselves in a position where their legislative programmes even those based upon election manifesto commitments can be legitimately challenged before the courts.

Seen from this perspective in the case of the EU, the legislature has now become subordinate to the judicial process. This raises fundamental questions about the nature of modern representative democracy, and this situation could be argued to represent the real hidden democratic deficit. It is curious, therefore, that, given the extent of its powers, that the ECJ has not received more critical attention. This may indicate a general deference to legal principles or alternatively it may vindicate the new

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<sup>191</sup> The principle was further extended to include EC Directives as a result of the ECJ ruling in the case of *Publico Ministero v Ratti* (1978)

institutionalist position that the full implications of the influence of institutions only become apparent “over time”.

Criticisms pertaining to the actions of the ECJ originate from the political perspective that its role has directly contributed to an exacerbation of the democratic deficit. Some legal analysts such as Wincott (1996), however, take a contrary view and point out that, as the ECJ can only influence integration through case law, it must therefore wait for cases to be brought before it and cannot act ‘pro-actively’ as an institutional actor. Wincott develops his argument by highlighting that the ECJ has not been given the right of judicial review in all areas and it was specifically excluded from the 2<sup>nd</sup> and 3<sup>rd</sup> pillars of the TEU<sup>192</sup>. More fundamentally, Wincott makes the point that, despite having the authority to levy financial penalties upon member states who infringe EU law, the ECJ is still reliant upon member states to apply and enforce its judgements. Despite legitimate concerns that the ECJ has developed a supranational system that was not envisaged or provided for in its founding treaties, individual member states have not taken the opportunity of successive Treaty reforms to overturn the legal doctrines and practices which the ECJ has established. On the contrary, institutional reform has gone some way to consolidate and legitimise its decisions into the formal structure of the EU. It can therefore be argued that, over time, the ECJ has assumed an implied legitimacy although this is a somewhat tenuous and fragile basis upon which to establish a democratically legitimate legal and political system. This fragility may also go some way to explain the renewed political appetite among Europe’s political elites to finalise a constitutional settlement which is democratically endorsed.

As well as developing the legal principles which have enhanced its own position the ECJ has also been influential in redefining what is meant by integration. In its judgement in *Cassis de Dijon*<sup>193</sup> (1979) the ECJ ruled that Germany could not prohibit the sale of an imported liqueur, simply because the product did not conform to its own national standards. At the time German law prohibited the sale of spirits whose alcohol content was less than 25 percent and *Cassis de Dijon* only contained 20 percent alcohol. The ECJ determined that provided the product was legally produced

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<sup>192</sup> The 2<sup>nd</sup> Pillar is the Common Foreign and Security Policy (CFSP), the 3<sup>rd</sup> pillar is Justice and Home Affairs (JHA)

<sup>193</sup> 120/78 *Rewe-Zentral AG v. Bundesmonopolverwaltung für Branntwein* “*Cassis de Dijon*” {1979}

and sold in its country of origin, which in this instance was France, its sale could not be blocked anywhere in the Community. This ruling had the significant effect of creating a new balance between negative and positive integration, Ginsberg (2007:122) takes up this point arguing that, based upon the ECJ's judgement, the mutual recognition of standards - later expanded to include services - was taken up by the Commission in developing the influential White Paper on Completing the Internal Market (1985). This served as the basis for the introduction of the SEA. As a direct result of the legal decisions of *Cassis de Dijon*, the Commission was emboldened to initiate legislation which overcame decades of non tariff barriers imposed by the member states and establish the internal market which has been the cornerstone of the economic success and prosperity of the EU.

Ginsberg (2007:122) emphasises the importance of the ECJ's judgements concluding that "without the rulings that interpret and uphold the spirit and letter of the Treaty, the EC as the world's single largest internal market would not exist. Legal integration affirmed then consolidated economic integration". Ginsberg's analysis highlights the ways in which the decisions of the ECJ have been used by other institutional actors to deepen integration. It also provides further evidence that the early neofunctionalist idea of "spill-over" continues to be an important factor in the process of integration.

Alongside its role in promoting institutional integration the ECJ has been sympathetic to claims for individual and group rights, particularly in the areas of gender equality and the elimination of discriminatory practices. Stone (1998:310) attributes this in part to the desire of the ECJ to protect its own position following concerns expressed by the German<sup>194</sup> and Italian Constitutional Courts about the impact of the supremacy of EU law. Stone argues that in an attempt to confer legitimacy upon itself the ECJ started to elaborate a "Bill of rights, derived from the Constitutional traditions common to the member states, unwritten general principles of law and the European Convention of Human Rights (ECHR)". Through its rulings the ECJ has used the founding Treaties' objectives and articles, and an expansive interpretation of the spirit and intentions which created them, to establish the beginnings of a legal charter of

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<sup>194</sup> In the *Solange* ('as-long-as') case (1974) the German Court stated it would review whether EU legislation respects fundamental rights *as long as* the EU did not have a directly elected Parliament, with legislative powers and a catalogue of fundamental rights.

fundamental rights that culminated in the formal declaration by the Commission, Parliament and Council of the Charter of Fundamental Rights during the 2000 Nice Summit.

A useful starting point in analysing the ECJ's role in developing individual rights is the *Defrenne* case (1976)<sup>195</sup>. In this instance Gabrielle Defrenne brought an action for compensation against her employer, the former Belgian flag-carrier airline *Sabena*, on the basis that her male colleagues were paid more than her for doing the same job. The ECJ based its ruling on the principle of equal pay for equal work included in Article 119 of The Treaty of Rome concluding that "Article 119 has as its aims both economic and social functions which form part of the social objectives of the Community" the Court ruled that Article 119 is mandatory and applied not only to public authorities but to all agreements that intended to regulate paid labour". As such, the ECJ held that Article 119 could be relied upon in equal pay claims before national courts.

An interesting feature of the *Defrenne* case is not necessarily the individual judgement reached; the fact that men and women were being paid differently for doing the same job was overtly discriminatory. In bringing the case before the ECJ, the plaintiff highlighted the fact that the Treaty had committed member states to implementing equal pay legislation by the end of 1962. Yet, at the time the case was heard, the legislation had still not been adopted, and member states seemed unwilling to take the appropriate action. Wincott (1996:177) argues that as a result of *Defrenne* it was the ECJ which made the crucial difference in raising the issue of equality by putting pressure on member states to pass the proposed legislation by establishing the right of any man or woman who had been treated unequally in terms of pay to sue their employers before the courts. Through its ruling the ECJ not only significantly enhanced equal rights, but it also demonstrated its willingness to enforce the legislation and obligations which member states had committed themselves to in formulating the founding treaties.

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<sup>195</sup> 43/75 *Defrenne v. Société Anonyme Belge de Navigation Aérienne (Sabena)* {1976}

The potential consequences of ECJ rulings were convincingly demonstrated in the *Barber* case (1990)<sup>196</sup>. In this instance Mr Barber had been made redundant at the age of 52. Under the company's pension rules, he was only entitled to a deferred pension at his normal pension age, whereas a woman in a similar situation could have claimed an immediate pension. The ECJ ruled that Mr Barber could rely upon Article 141 of the Treaty of Amsterdam to claim equal pension benefits to that of women. Here, the ECJ had not only reaffirmed the principle of gender equality, extending the principle of Article 119 on equality of pay to pensions, but had also extended the equal retirement ages that existed in public pension schemes to that in occupational pensions. Pierson (1998:52) describes how member states realised that, if this decision was to be applied retrospectively, it would have significant financial implications: initial estimates were a cost of £40bn in the UK and DM35bn in Germany. The imposition of these additional costs would of course threaten the solvency of some of the major employers and threaten the economic stability of the member states' economies. This resulted in what Pierson calls "the most intense lobbying campaign yet seen in Brussels". In an unprecedented response, member states attempted to limit the potential damage by reaching a unanimous agreement to amend the TEU. The incorporation of the so called "Barber protocol" made clear that the decision of the ECJ could not be applied retroactively. Pro-integrationists would note with a degree of irony that it appears to have been financial considerations, rather than concerns about political legitimacy or issues of sovereignty, which had finally prompted member states to attempt to limit the influence of the ECJ's decisions.

In relation to the principle of non-discrimination, the ECJ has also increased the effectiveness of citizenship rights by means of extending the basis for the granting of positive entitlements to nationals of other member states. This conclusion is demonstrated by reference to the case of *Cowan v Le Tresor Public* (1989)<sup>197</sup>. Mr Cowan, a British national, had the misfortune to be attacked near a *Metro* station in Paris. Subsequently he applied to the French authorities under a criminal injuries compensation scheme. His claim for financial compensation was rejected on the basis that he was not a French national. Cowan challenged this decision before the ECJ, who ruled that on the basis of Article 12 EC he was entitled to the same degree of

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<sup>196</sup> C-262/88 *Barber v. Guardian Royal Exchange Assurance Group* {1990}

<sup>197</sup> 186/87 *Cowan v. Le Tresor Public*

protection as that of a French national. The interpretation of the ECJ in this case created a general right of the freedom of movement for nationals of the EU's member states. Previously, in order to benefit from the protection of non-discrimination, Cowan would have needed to demonstrate that he was participating in the economic or market function of the Treaty. By adopting a "minimal threshold" and viewing Cowan as a "consumer of services", the ECJ allowed him to invoke EC law. In practice this has meant that the mere fact of travelling within a member state has become sufficient to confer the protections of non-discrimination as a result of which the right of freedom of movement is no longer predicated upon economic activity. The ECJ thus revised the original terms of the Treaty and made the fundamental right of freedom of movement more accessible and attractive to individual citizens.

In this context, Barnard (2004:409-415) describes how, in attempting to protect social rights for migrant citizens, the ECJ has created a system of 'differentiated rights'. Starting with what she views as the seminal case of *Martinez Sala* (1998)<sup>198</sup> Barnard describes how Ms Sala was a Spanish national who had lived in Germany since 1968. During her period of residence Sala had held various jobs and had obtained the necessary valid residence permits in order to remain in Germany. In 1993, Ms Sala gave birth to a child, however the German authorities refused to grant her request for child allowance on the grounds that she was not a German national or currently holding a valid residence permit (although she did have a certificate as evidence that an extension to an existing permit had been applied for.) Under the EU rules of the time, if Ms Sala had been "economically active" or a "worker", she would have been entitled to social benefits. Ruling in the case, the ECJ determined that Ms Sala enjoyed the rights laid down by Article 17 (2). These include the right not to suffer discrimination on the grounds of nationality. On this basis the Court decided that Sala was suffering from direct discrimination. Analysing the ECJ's judgement Barnard (2004:414) argues that it based its decision on the view that, owing to her length of residence, Ms Sala was fully integrated into the host state's community: "having spent most of her life in Germany, she was more German than Spanish". Accordingly, the court decided that Ms Sala should be treated as a national enjoying the payment of benefits on exactly the same terms as would a German national. Barnard points out

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<sup>198</sup> C-85-86 *Martinez Sala v Freistaat Bayern* {1998}

that, as a result of *Martinez Sala*, it became unclear whether migrant workers could benefit from the full range of social advantages enjoyed by nationals from day one of their legal residence in the host state and secondly what had become of the limitations laid down in the Residence Directives.

This situation was further compounded following the case of *Grzelczyk* (2001)<sup>199</sup>. In this instance, Mr Grzelczyk was a French national who was studying at a Belgian university. For the first 3 years of his course he supported himself financially. However, in his final year he applied to the Belgian authorities for the grant of the *Minimex*,<sup>200</sup> which Belgian students were entitled to but migrant students were not. The ECJ ruled that, because Mr Grzelczyk was a citizen of the Union lawfully resident in Belgium, he had suffered direct discrimination and he could rely on Article 12. Based on its interpretation the court ruled that the Belgian authorities had to provide some temporary support to the migrant citizen as they would to their own nationals, but only for so long as they “do not become an unreasonable burden on public finances”. In reaching this judgement, the ECJ took the view that Mr Grzelczyk was not considered to be fully integrated into the Belgian community, as it was expected that he would return to France at the end of his studies. Being only partially integrated he could not therefore expect to enjoy unlimited equal treatment with Belgian nationals, but he was entitled to temporary support in the form of the *Minimex* on a non-discriminatory basis. Barnard (2004:412) makes the important point that the ECJ considered that as a result of the creation of Union Citizenship there now exists “a certain degree of financial solidarity” between nationals of a host member state and nationals of other member states’.

However, the ECJ has not always been entirely supportive of rights based claims. This was demonstrated in the case of *Collins* (2003)<sup>201</sup>. Mr Collins was an Irish national who arrived in the United Kingdom and immediately applied for the Job-seekers allowance. His claim was refused by the public authorities on the grounds that he was not habitually resident in the UK. This decision was appealed and rejected on the basis that Community Law did not require the benefit to be provided to a citizen

<sup>199</sup> C-184 *Rudy Grzelczyk v. Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve*. {2001}

<sup>200</sup> The *Minimex* is a financial benefit, the *Belgian Minimum Income Guarantee*.

<sup>201</sup> C-138/02 *Brian Francis Collins v Secretary of State for Work and Pensions*. {2003}

of the Union who entered the territory of a member state with the purpose of seeking employment, while previously lacking any connection with the state or its domestic employment market. In this instance the ECJ did not take the opportunity to further extend European social rights ( the right to welfare assistance) as a consequence of citizens' utilising the civil rights of freedom of movement and residence.

Drawing parallels between the three aforementioned cases, Barnard (2004:415) concludes that the body of EU case law now suggests that there is a "spectrum" or hierarchy of rights for migrant citizens. At one end are those citizens who are fully integrated into the host state and who enjoy full equality of treatment. Secondly, there are those who are partially integrated and enjoy only limited or temporary equality of treatment. Finally, there are those migrant citizens who have just arrived and who, while they enjoy the basic rights of freedom of movement, do not enjoy equal treatment in respect of social welfare benefits. On balance it is perhaps understandable that the ECJ's decisions may have been influenced by political fears of the impact of unrestrained economic migration. Consequently, it has through its case law reinforced the idea of differentiated rights, although ultimately this will complicate the process of creating a genuine, universalistic, European citizenship.

It is a testament to the influence of the ECJ that some of its decisions have now started to influence the very basis of member state nationality. Evidence of this began to emerge following the *Micheletti* case (1990)<sup>202</sup>. In this instance Mr Micheletti held dual Argentine and Italian nationality. He acquired the latter on the basis of the Italian law that the child of an Italian father or mother is an Italian citizen (*Jus sanguinis*). In 1989, Mr Micheletti applied to the Spanish authorities for a temporary Community residence permit providing as evidence a valid Italian passport. Before the expiry of this permit he applied for a permanent residence card in order to set up a dental practice in Spain. This application was rejected by the Spanish authorities on the basis that Article 9 of the Spanish Civil code provided that in cases of dual nationality the nationality corresponding to the habitual primary residence of the person takes precedence. The matter was referred to the ECJ for a preliminary ruling who determined that "under international law, it is for each Member State, having due

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<sup>202</sup> C-369/90 *Mano Vincent Micheletti v Delagacion de Gobierno en Cantabria*{1990}

regard to Community law, to lay down the conditions for the acquisition and loss of nationality. However, it is not permissible for the legislation of a member state to restrict the effects of the grant of nationality of another Member State". To a large extent, this decision questions the effectiveness of the ability of member states to control who has access to its citizenship, because through integration and EU law Mr Micheletti was as an Italian citizen also a citizen of the EU and entitled to legally enforceable rights in other member states. O'Leary (1997:46) takes a similar view pointing out that, in 1993, a Bill was presented to the Dutch Parliament proposing to remove Dutch nationality for plural nationals who had been resident abroad for over 10 years. As a result of the ECJ's decision in *Micheletti*, these proposals were modified to 10 years residence outside of the EU, as the original law interfered with the fundamental right of the freedom of movement.

More recently, the *Chen* case (2004)<sup>203</sup> has highlighted this is still a problematic area, in this case Kunqian Catherine Zhu also known as Catherine Chen was a child born in Belfast in 2000 to Chinese parents who were working for a Chinese company in Britain. It subsequently emerged that Mrs Chen had deliberately selected Northern Ireland as the birthplace for her child, as by giving birth in Belfast, Mrs Chen automatically obtained Irish Citizenship<sup>204</sup> for her daughter and it was her intention to use the child's status as a means of relocating her family to Cardiff. The British authorities rejected the Chens' application for permits to permanently reside in Britain. This decision was appealed to the ECJ who ruled that, as an EU citizen, Catherine Chen has an "inalienable" right to reside anywhere in the EU. Denying residency to her parents at a time when she is unable to care for herself would conflict with this basic right. This decision was particularly controversial in Ireland because it meant that the parents of children born in Ireland would acquire the rights to reside anywhere in the EU, fuelled by fears that asylum seekers and illegal immigrants were deliberately presenting themselves at hospitals in the late stages of pregnancy in order to secure Irish citizenship for their children. Highlighting this Constitutional loophole, Ireland was the only country in the EU to grant Citizenship on this basis. The *Fianna Fail* Government proposed an amendment to the Constitution of Ireland, to the effect

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<sup>203</sup> C-200/02 *Chen & others*.

<sup>204</sup> Introduced in the Belfast or Good Friday Agreement 1999 article 2 of the Irish Constitution states it is the entitlement and birthright of every person born on the Island of Ireland, which includes its islands and seas, to be part of the Irish nation.

that children born on the island of Ireland to parents who were both non-nationals would no longer have a constitutional right to Irish Citizenship. The Twenty-seventh Amendment of the Constitution Act 2004 was approved by referendum on 11<sup>th</sup> June 2004<sup>205</sup> and came into effect on the 24<sup>th</sup> June partially reversing the changes that had been introduced as part of the Belfast Agreement of 1998. Seen from this perspective it can be argued that the decisions of the ECJ forced a reassessment of the basis of Irish nationality, identity and citizenship.

Based on the evidence surveyed in this section, it is clear that the ECJ has been a key actor in promoting European integration. As Dehousse (1998:177) argues “its interpretations of the Treaty of Rome have had a decisive impact on the dynamics of integration. Its weight has been felt at all levels of the decision making process.” The case study of the ECJ consequently provides strong evidence of the validity of the new institutionalist theory of integration and empirical support for the idea that informal integration is a significant factor in the deepening and widening of the Union.

### **(6:3) Responsive Formal Integration Post-national Constitutionalism and the Reform (Lisbon) Treaty 2007.**

The idea of a formal constitutional settlement has dominated the European political agenda for the past decade. The basis of constitutionalism is predicated upon the understanding that legitimate political and legal systems should be underpinned by a formal written document, the “Constitution”, or a distinct “bill of rights”; these documents are intended to delineate the powers of political authorities and specify the rights enjoyed by individual citizens. constitutional systems have become synonymous with federal political arrangements and are long standing traditions of the majority of EU states; it is understandable therefore that constitutionalism in some form is an influential idea in the process of European integration. As Turpin (2002:241) noted as early as 1953, Altiero Spinelli proposed the introduction of “a Treaty Constitution”. Whilst this was ratified by four countries it was eventually abandoned. In a modern context however, the idea gained renewed impetus in the

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<sup>205</sup> In the referendum the votes cast were 1,427,520 (79.17%) in favour, 375,695 (20.83%) against.

1990's with the prospective enlargement of the EU to incorporate former Soviet Republics and the practical realisation that the institutional structure of the EU was, perhaps, inadequate to cope with the pressures created by an enlarged Union of 27 member states.

The debate about whether a constitution is appropriate for a supranational political system has been characterised by the competing perspectives of the federalist and intergovernmentalist approaches towards integration. The argument, even within the two positions, is finely balanced. For the federalist position, the creation of a constitution would clearly limit the powers of the EU, whilst in the intergovernmentalist perspective; it would represent another step in the moves towards creating a 'Federal Superstate'. At the theoretical level, the idea of constitutionalism in Europe was for a long time focussed on the problems of legitimacy: how was it possible to create a legitimate constitution in a Europe which was considered to have no single identifiable *demos*? This debate was comprehensively explored in an exchange of views between Dieter Grimm and Jürgen Habermas in 1995. In a contemporary setting it appears this debate has finally been resolved. Bellamy (2001:60) sets out what seems to be the emergent consensus when he argued that "a European *demos* exists through its links with other *demoi*. This relationship has been conceived as either an additional and complementary civic identity or as an overarching civic identity within which others, the national and regional, are nested".

In what has proven to be a crucial intervention in this debate Weiler (1997:128) advanced the argument that the doctrines of direct effect and supremacy created by the ECJ represent the core of the European constitutional construct, and that Europe had "Constitutionalism without a Constitution". Weiler, however, related this to the overall evolution of the EU, and he concluded that "classical European constitutionalism has had the exquisite fate of being a concept and reality which moved from being ahead of its time, to being behind the times, with no interregnum". Weiler's point mirrors the present political reality: the issue is no longer whether or not a constitution is legitimate, but whether a single constitutional document is the appropriate instrument to regulate a complex and evolving supranational system.

Shaw (2001:76-77) takes up this point, cautioning against attempts to replicate traditional singular “black letter constitutions” in the European polity. She argues that analysts should now be thinking in terms of post-national constitutionalism as “an open textured concept used to express many of the dynamic and *sui generis* elements of the EU as an integration project, involving the process of polity formation and in particular constitutional processes”. Post-national constitutionalism thus appears as part of the wider trend of constructivist thinking which is seeking to reassess the impact of integration upon the traditional balance between legal and political authority and individual rights. Koslowski (2001:36) summarises the constructivist position as “the view that constitutionalization need not be the single act of a constitutional convention, but rather the gradual accumulation of rules and customary practices that become accepted as legitimate over time”.

The recent history of the proposed European Constitution<sup>206</sup> lends credence to this line of argument. The publication of the IGC mandate and the text of the proposed Draft Reform Treaty deliberately exclude any reference to a constitution or the politically- sensitive symbols of statehood such as the European anthem and flag. For the time being at least, it seems that European political leaders appear to be keen to focus the debate on the ability of the new amending treaty to act as a means of legitimising, consolidating and simplifying the EU’s political system, making it more democratic, accountable and transparent and placing Europe in a better position to meet the numerous future economic and political challenges posed by globalisation.

The Reform Lisbon Treaty 2007 (assuming that it is ratified in its current form by all the member states) represents a significant milestone in the evolution of the EU. It is based upon the terms of reference set out in the Nice Declaration (2000)<sup>207</sup> and the Laeken Declaration (2001).<sup>208</sup> It incorporates large parts of the European Constitution

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<sup>206</sup> For a comprehensive overview of the history and development of the constitution from the Nice Treaty (2000) the Laeken Declaration (2001) the European Convention through to the Constitution’s ratification process and subsequent rejection in the referenda in France and the Netherlands see: Piris (2006).

<sup>207</sup> The Nice Declaration identified four questions: (1) how to establish a more precise delimitation of competencies between the EU and the member states; (2) the status of the Charter of Fundamental Rights; (3) simplification of existing Treaties, and; (4) the role of national Parliaments in the framework of the European institutional architecture.

<sup>208</sup> The Laeken Declaration stated that “Europe stands at a defining moment in its existence; the unification of Europe is near”. In order for Europe to progress and become a stabilising force on the

as agreed by the European Convention (2003) and ratified by the European Council in (2004). According to the Commission (2007:4), “the proposed Treaty will amend the EU’s two core treaties. The result will be a legal framework designed to give the Union the tools it needs to meet the challenges of the future, promoting reform while respecting the strong foundations of the established institutional balance which has served Europe so well over the past fifty years”. The Treaty significantly revises the institutional structure of the EU, introduces important new political initiatives and attempts to place the citizen at the heart of the EU by granting the same legal status to the Charter of Fundamental Rights as that of the founding Treaties. In the context of the new model of integration and citizenship proposed by this thesis, the Treaty can be seen as an example of responsive formal integration, reflecting the efforts by the EU to streamline consolidate and legitimise the practices and procedures which have emerged over time as a result of informal integration.

In order to understand how the reform Treaty may now be used to facilitate further political integration and promote the continued development of European citizenship this thesis will now analyse the most significant features of the new procedures and initiatives in conjunction with the Commission’s assessment as expressed in its own opinion to the Council<sup>209</sup>. For ease of reference and purposes of clarity the new articles have been analysed in the numerical order in which they appear in the new Treaty apart from article 6 which concerns the basis of The Charter of Fundamental Rights which is analysed as a separate element at the conclusion of this section.

Article 2 of the proposed Treaty sets out the basis of the Union’s new shared common values stating that “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice solidarity and equality between women and men prevail”. These explicit core values indicate that the EU has a strong continuing commitment to citizenship and democracy in the form of civil, political and social rights and that consequently the

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global stage, European institutions must be brought closer to its citizens, become more democratic, transparent and efficient.

<sup>209</sup> Communication from the Commission to the Council: *Reforming Europe for the 21<sup>st</sup> Century* COM (2007) 412 final. 10.07.2007.

individual citizen is now firmly placed at the heart of the European project. Furthermore, the statement also recognises that in today's diverse multi-cultural society, specific action needs to be taken in order to protect the interests of minority groups, by implication, this provides formal recognition for the continuation of group rights or differentiated rights as a means of achieving wider social cohesion and full equality. These basic values are underpinned by Article 3 of the Treaty which outlines the Union's objectives. This article declares that "The Union shall offer its citizens an area of freedom, security and justice without internal frontiers...The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability; a highly competitive social market economy, aiming at full employment and social progress...It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child." Taken together, Articles 2 and 3 indicate that the EU is no longer simply a supranational agreement aimed at developing deepening economic co-operation and improving competitiveness, but the objectives of integration have now become more focussed towards the promotion of the common values of modern liberal democracy, as such, the basic values and objectives contained in the Treaty can be argued therefore to represent a more overtly political conception of Europe.

Article 4 of the Treaty concerns the relations between the Union and the individual member states. Section 2 of this article confirms that "The Union shall respect the equality of member states before the Treaties as well as their National identities inherent in their fundamental structures political and constitutional inclusive of regional and local self government." From the specific wording of this article it is evident that the prospective European identity which the Commission is now aiming to develop is seen as complementary to both national and regional identity. In many respects this reflects the idea that individual identities are increasingly composed of multiple and overlapping loyalties, rather than attempting to create a single overarching European identity it would appear that the EU has recognised that globalisation has created the opportunity and space from which to create a European identity which exists alongside the traditional identifications with the territorial boundaries of the nation state.

Article 8a of the Treaty reaffirms that “The functioning of the Union shall be founded on representative democracy. Citizens are directly represented at Union level in the European Parliament. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and closely as possible to the citizen”. Article 8a indicates both a strong commitment to the idea and practice of political citizenship and an attempt to address the problems of accountability and transparency associated with the “democratic deficit”. This is further reinforced in the provisions of Article 9C8 which establishes that “The council shall now meet in public when it deliberates and votes on a draft legislative act”. Consequently, individual citizens now have the opportunity to scrutinise the nature and the reasons for the creation of the legislation which is enacted on their behalf by their political representatives.

Perhaps the most innovative and radical proposal is introduced in Article 8b. This article introduces for the first time the principle of participatory democracy to the Union. The purpose of this provision is to ensure that the institutions of the EU shall by appropriate means “give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. What is significant in the creation of the “European Citizens Initiative” (ECI) is that it allows “not less than one million citizens who are nationals of a significant number of member states may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposals on matters where citizens consider that a legal act of the Union is required for the purposes of implementing the Treaties”. The introduction of the ECI represents the first form of “direct democracy” in the EU, allowing citizens to directly participate in the political decision making process. The introduction of new technology such as the internet has made it possible to develop new forms of political organisation and the creation of electronic “petitions” which effectively become Europe wide referenda now allows individual citizens, acting with others to act as political “agenda setters”. The ECI is obviously in its formative stage; however it could in the future become an important political tool, particularly for well organised interest groups such as the ETUC, the environmental movement and anti-poverty campaigners to raise legislative proposals, which the Commission then has to introduce into the legislative framework of the Union. The ECI has the potential to reinvigorate the democratic process by providing

an efficient mechanism<sup>210</sup> whereby individual citizens can participate in political decision making more regularly and see that their activities and views have a direct influence and bearing upon the direction of the EU.

As a consequence of successive enlargements and the continued integration of further elements of the member states' economic, political and legal competencies and functions into the supranational system of the EU, it is understandable that a substantial proportion of the new Treaty is devoted to the institutional reforms necessary to ensure the efficient operation of a system that now accommodates 27 separate member states. Article 9a of the Treaty concerns the proposed reforms to the powers of the European Parliament which according to the Commission (2007:5) will mean that "The increase of co-decision in around 50 areas<sup>211</sup> will see the European Parliament placed on an equal footing with the Council for the vast bulk of EU legislation". In the context of democratic citizenship, this proposal continues the trend that has run through successive Treaty reforms to consistently extend the powers of the only directly elected European institution, and represents a significant deepening of the democratic element of the EU.

Article 9B concerns the future role of the European Council which is incorporated into the institutional structure of the EU as a formal institution for the first time. As part of its remit the Treaty determines that "The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof". More significantly, the article provides for the creation of the new post of President of the Council, a position elected for a term of two and a half years, renewable once. Replacing the rotating presidency this new position is intended to chair and drive forward the work of the Council and ensure continuity, reporting to the European Parliament after each meeting of the Council. In many respects this new position, elected by a qualified majority may become a de facto "European President" providing a powerful impetus to create a more coherent and long term programme of initiatives and policies to promote further integration

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<sup>210</sup> On line petitions are cost effective, convenient and simple to administer and participate in, and may prove attractive to those people who do not traditionally vote in European elections.

<sup>211</sup> Co-decision has been extended to areas such as The Structural and Cohesion Funds, The Common Agricultural Policy, Energy, Crime prevention, Eurojust, Europol, Police co-operation, immigration and Frontier Controls.

rather than reflecting the short term priorities and national interests which characterised the six monthly presidencies when held by member states.

The final aspect of institutional reform which is likely to facilitate further integration is the extension of the system of Qualified Majority Voting (QMV) in the Council. Under the proposed new Article 9D the system of QMV is to be revised from the 1<sup>st</sup> November 2014 whereupon a majority will be defined as 55% of Members of the Council, comprising at least 15 member states and representing 65% of the population of the Union. This replaces the present system where a majority is defined as 74% of the weighted votes in the Council, plus 62% of the population of the Union, plus a majority of member states. According to research undertaken by the pressure group Openeurope (2007:14)<sup>212</sup> it is estimated that the new procedures reduces the capacity of member states to block EU legislation by over 30%. Additionally the giving up of the member state right of veto in 40 new areas means that majority voting now becomes the normal legislative procedure. In the view of the Commission (2007:6) these new measures will ensure “that common issues can be tackled through common decision- making, fairly reflecting the varying sizes of the EU’s member states. The extension of qualified majority voting to more than 40 new cases will make a reality of EU action in these areas.” Based on this conclusion it is highly likely that the streamlining of the system of QMV will result in the introduction of more EU legislation and the resultant weakening of the member states “blocking” procedures will mean the further progressive “Europeanization” of public policies and the extension of integration into new political, legal, economic and social areas.

In the context of European citizenship, the most significant development proposed by the Treaty, lies in the inclusion of Article 6 which states that “ The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of 7 December 2000, as adapted on [...2007], which shall have the same legal value as the Treaties.<sup>213</sup> The Union shall accede to the European Convention for the protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union’s competences as defined in the Treaties. The crucial point to be made in this

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<sup>212</sup> [WWW.openeurope.co.uk](http://WWW.openeurope.co.uk).

<sup>213</sup> It should be noted that the UK has opted out of implementing The Charter of Fundamental Rights, although it is likely that the legal effectiveness of this “opt out” will subsequently be challenged before the ECJ.

respect is that the Charter has moved from simply being a “solemn proclamation” and has effectively become a legally enforceable “bill of rights” enjoying the same legal status as the founding treaties of the EU. The Charter itself contains 54 separate articles sub-divided into 7 specific areas of Dignity, Freedoms, Equality, Solidarity, Citizens Rights, Justice and General Provisions this represents a comprehensive, if at times vaguely worded entitlement to a wide range of civil, political and social citizenship rights. On the surface, the proposed new Citizenship provisions mark a significant improvement to the citizenship rights contained in the TEU, however to a large extent their full implementation and realisation will only be determined by the future decisions of the ECJ as a consequence of individual citizens bringing cases before it, in order to secure what they perceive as their legal entitlements. Within the confines of this thesis it has not been possible to analyse every specific article of the Charter in detail and accordingly the analysis has focussed its attention upon how the Charter extends individual freedoms, how it extends anti-discrimination measures and promotes social equality and cohesion, how it reinforces the introduction of group rights and finally how it potentially introduces the legal basis for the introduction of significant social rights into the framework of European citizenship.

The preamble to the Charter sets out the EU’s view of the role of citizenship quite clearly by stating “It places the individual at the heart of its activities, by establishing the Citizenship of the Union and by creating an area of freedom, security and justice...To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter...Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.” This statement makes clear that meaningful participatory citizenship is not fixed or static but needs to evolve in response to wider societal changes and be responsive enough to recognise and accommodate the changing nature of individual identities by taking advantage of the opportunities afforded by new technology to develop more effective forms of democratic participation and representation. Of particular interest is the change in emphasis of the idea that an entitlement to citizenship rights also entails responsibilities and duties (although these are still unspecified) to the wider community rather than to the EU itself. In many respects this underlines the communitarian conception of citizenship

## CHAPTER SIX

which aims to promote an identification with civil society and its common values rather than attempting to develop abstract loyalties to specific political authorities or ideologies.

The concept of civil citizenship rights is articulated in a series of rights beginning with Article 10, which provides that “everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance”. Contained within this provision is a definite attempt to provide a formal and public recognition of cultural difference by establishing the legal right to practice religious observance both in private and in public. In today’s multi-cultural society, this will have important implications for the Muslim community and ostensibly provides a legal basis for Muslim women to wear the traditional Burka, Hijab or Niqab in public, without discrimination, as such; this represents a significant improvement to group rights for a large minority community. Developing these rights further, Article 14 provides “the freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions...Intended to respect religious, cultural and linguistic diversity the application of Article 14 allows for the continuation of “faith” and other schools and the right for minorities to raise their children in their own historical traditions.

One of the central civil rights in modern liberal democracies is the right to the freedom of expression and this is expressed in Article 11, which establishes that “This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”. In the context of political expression within the EU, the wording of Article 11 raises a number of interesting and problematic questions, for instance should there be any limits to the freedom of expression? Is it legitimate to continue to criminalize “Holocaust Denial”?<sup>214</sup> Or is it appropriate to continue to impose restrictions upon the

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<sup>214</sup> Holocaust denial is currently illegal in Austria, Belgium, The Czech Republic, France, Germany, Poland, Portugal, Spain and Romania.

activities of far right parties such as the BNP or the ITS<sup>215</sup> grouping in the European Parliament. Like other political authority, the EU needs to strike an appropriate balance between an individual's rights to legitimate freedom of expression together with a respect for the rights of minorities through legal measures to prohibit the promotion of racial or religious hatred. As it is presently worded, Article 11 would seem to prioritise the rights of the individual to express any views without interference, at the expense of wider social cohesion and the EU's broader objectives of actively prohibiting discrimination. Given the sensitive nature of this particular debate I would suggest that it is highly likely that a political organization will seek to test the basis and protection afforded by Article 11 before the ECJ at the earliest available opportunity.

One aspect of citizenship which the EU has been keen to prioritise has been the development of full equality, it has attempted to do this through the introduction of anti-discrimination legislation, and this trend is continued with the inclusion of Article 21. This Article states that "Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited." Article 21 reflects changing social attitudes and the broad liberal consensus that any form of discrimination is unacceptable, and broadens the definition to afford protection for a wide range of social groups. As citizenship in any meaningful sense is predicated upon the principle of equality, the prohibition of any form of discrimination will provide individuals and groups with the mechanisms to challenge decisions which unfairly restrict their activities or interests. More specifically, Article 23 provides that "Equality between men and women must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex". What is interesting in this Article is that it now seemingly provides a legal basis for the adoption of affirmative action programmes, such as all women short lists and is a clear recognition that group or differentiated rights have an important role in resolving inequality and promoting equality of opportunity.

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<sup>215</sup> The Identity, Tradition and Sovereignty grouping is an umbrella organisation comprising a number of right wing parties drawn from individual member states.

As chapter five explained European citizenship as defined in the TEU has been criticised as being largely abstract and intangible because it provides European citizens with no entitlements to social rights. This apparent lacuna is redressed by article 34 and 35 of the Charter which introduces the principle that “The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Community law and national laws and practices. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages...In order to combat social exclusion and poverty, The Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources”. In many respects the provisions of Articles 34 & 35 could be argued to represent a broad statement of intent by the EU to eradicate poverty and create social justice by ensuring a minimum standard of living for European citizens. However, by virtue of its expansive wording it opens up the possibility of the introduction of the legal entitlement to important social welfare benefits such as, housing and healthcare. Furthermore the fact that the Article provides no restriction to whom the rights are available provided they are resident or legally moving within the EU, would appear to contradict both the Directives and the case law established by the ECJ concerning migrant workers. This could have significant implications for the numbers of citizens utilising the right of the freedom of movement of persons and result in increased political pressures towards the harmonization of the social security systems of the individual member states.

At the time of writing of this thesis the future of the Reform Lisbon Treaty (2007) is still uncertain. Its implementation still requires the ratification by each of the member states in accordance with their own Constitutional requirements and it is conceivable that the Treaty may be subsequently rejected by a member state in a referendum<sup>216</sup> or by their legislature. Notwithstanding this, the determination of the EU’s political

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<sup>216</sup> In the UK despite an election manifesto commitment the present Labour government has argued that the Treaty is sufficiently different to the proposed European Constitution that a referenda is not required. Organisations as diverse as the Conservative Party and the TUC have opposed this view and are challenging the government to hold a referendum on this issue.

leaders to conclude some form of institutional reform despite the rejection of the original European Constitution indicates that it is likely some form of political solution will eventually be reached. The Reform Lisbon Treaty (2007) is the culmination of a long process of consultation, public discussion and pragmatic interstate negotiations and represents a landmark agreement which seeks to clarify, legitimise and consolidate those procedures and practices which have emerged over time, as a result of the processes of informal integration. In the context of the arguments advanced by this thesis the Reform Treaty can therefore be seen as an example of formal responsive integration. In relation to citizenship, the granting of the same legal status to the Charter of Fundamental Rights as that of the founding treaties of the EU significantly enhances both the status and practice of citizenship. Overall, the Treaty introduces significant institutional reforms which are intended to facilitate the continued integration of Europe and the development of both an internal and external European identity. As the Commission (2007:8) has concluded “The Reform Treaty will underpin some of the most deep-seated aspirations of European citizens. It will reinforce core values; it will clarify key issues; it will reassure persistent concerns. Above all, it will give the Union the capacity to deliver change, to make Europeans more secure and prosperous, to open up their opportunities to shape globalisation”. The Commission’s statement neatly encapsulates the core proposition of this thesis that European citizenship and integration have become inter-related concepts and practices in an attempt to respond to the significant political, economic and social challenges posed by the accelerating processes of globalisation.

**(6:4) Legitimising Integration Through Citizenship; Prospects for Post-National Identity and Citizenship in the European Union.**

The final part of the thesis takes as its starting point the perspective outlined in chapter two that globalisation has transformed the global political and economic system, to such an extent that continued European integration has become a political necessity, rather than a mere policy option. Globalisation as the “*Zeitgeist*” of our times is widely acknowledged to be exerting a profound influence upon the political, economic, social and cultural relationships in contemporary society. The EU, through its policies of economic integration and the introduction of the Single European Act

(SEA), has placed itself in a strong position to maximise the benefits of economic globalisation and has established itself as both a significant and influential competitor in the global market. To a large extent, and with the exception of the harmonisation of taxation rates<sup>217</sup> and the removal of any remaining non-tariff barriers to trade, the project of economic integration within the EU is now nearing completion. It is perhaps indicative of the ‘hard lessons’ that the EU learned during the period of stagnation and “Eurosclerosis” that characterised the 1970’s that the EU should now focus its attention upon measures to develop an internal and external political identity that is commensurate with its new status as a global economic superpower.

Globalisation is, however, a complex and multi-faceted phenomenon. In political terms, it is challenging the very basis and authority of the nation state, by internationalising the nature of the problems which contemporary society faces. Political solutions to problems such as economic stability<sup>218</sup>, the growing threat posed by climate change, the social issues associated with immigration and economic migration and the preservation of security and justice at a time of heightened global tension can only be achieved through increased transnational co-operation. In Shaw’s words (2001:74): “there exists an increasingly global economy which demands institutional innovation in response to novel problems of control”.

In many respects, contemporary politics is witnessing the emergence of a rudimentary global polity characterised by transnational social and political movements. These are now beginning to challenge the hegemony of the nation state, by encouraging individual citizens to transfer their political loyalties and allegiances to new sub-state, regional and international organisations, which it is argued can provide more efficient and effective solutions to these new challenges. At the same time, globalisation is also exerting a profound influence on the complex social relations in society. The introduction of new technologies such as the internet has facilitated the emergence of

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<sup>217</sup> Specifically the standardization of the rates of corporation tax, to eliminate unfair competitive advantages.

<sup>218</sup> The impact of economic globalisation was graphically demonstrated in the case of the UK *Northern Rock Building Society* in September 2007. Concerns about sub-prime lending in the American mortgage market led to an international “credit crunch”. This ultimately affected the liquidity of the *Northern Rock* as other commercial lenders refused to lend it funds in the inter-bank loan market. When this became public knowledge it resulted in a loss of confidence by ordinary depositors and a massive withdrawal of savings. This, in turn, necessitated an intervention by the Bank of England as “lender of the last resort”.

new identities and political behaviours. Individuals and communities are no longer solely defined or limited by geographical boundaries. This, as Isin and Wood (1999:155) argue, means that “The new cultural politics has effectively questioned the master identity (that was) imposed by the modern nation state”. It is one of the paradoxes of globalisation as a phenomenon that on the one hand it is promoting cultural homogeneity with the replication of global cultural symbols such as the free market, universal human rights and liberal democracy, whilst at the same time it is encouraging increased individual heterogeneity by providing access to an almost unlimited range of cultural, political and social influences and ideas. Viewed from this perspective, globalisation can be argued to be transforming the nature of both political and social integration and to be presenting both significant opportunities and also creating potential barriers to the development of Citizenship and individual identity.

Delanty (2000:135) takes up this point by arguing that “the components of citizenship are becoming part of a complex reconfiguration of the democratic field. The state no longer dominates the discourses and politics of citizenship, whose components are being taken up by a broad spectrum of social actors”. Against this background of fundamental political and social change, the decision of the EU to now attempt to try to create a new type of European identity and develop a more effective and meaningful type of European citizenship can be seen as a pragmatic decision to take advantage of a specific window of opportunity rather than simply an abstract or aspirational long term political ambition.

The idea of identity is, of course, both complex and contested; individual identities are increasingly defined and further complicated by multiple and overlapping characteristics. What seems evident, however, is that the principle that European identity alongside European citizenship is intended to compliment, and not replace existing national, regional cultural or religious identities. From this starting point it is possible to identify three distinct types of European identity.

The first case scenario is the idea of a basic functional identity which is encouraged by the regular use of, and identification with European symbols such as the Euro, the European passport and, in a broader sense, the general satisfaction with the performance of the EU as measured by the *Eurobarometer* and other sources. The

second type of identity is represented by the constructivist position which as Elliot (2001:26) argues is the notion that “the project of modern identity is that of identity building”. Constructivists argue that identity is not fixed or deterministic; consequently, European identity should be seen as a process which emerges and is re-constructed over time through a variety of wider social and political factors. The final option is the development of an identity built upon a positive identification with the basic values and institutions of the EU; the identification with core values such as equality, social justice peaceful co-operation and progress is represented by the ideas of constitutional patriotism or civic republicanism.

In order to demonstrate that these ideas have moved from the theoretical arena into public policy domain, this Chapter will analyse the Commission strategies for the promotion of active citizenship<sup>219</sup> and initiatives such as the *European Year of Intercultural Dialogue 2008* and examine the potential impact these may have upon the practice of citizenship and the consolidation of a European public space. Recognising that the project of identity building is, however, a long term even generational project the final part of the thesis will analyse the implications of some of the more radical proposals for political integration and citizenship that were articulated in a position paper initiated by the Commission and produced by a *Round Table* chaired by Dominique Strauss-Kahn in 2004.<sup>220</sup> The report, whilst it is not yet official policy, contains innovative and creative ideas which would fundamentally transform the nature of the EU and introduce the idea of responsibilities into the concept of European citizenship. Consequently it is important to understand the nature of the political ideas which are currently being debated as these are likely to form the basis of future policy initiatives.

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<sup>219</sup> Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006 *Establishing the Period 2007 to 2013 the Programme Europe for Citizens to Promote Active European Citizenship*.

<sup>220</sup> *Building a Political Europe - 50 Proposals for the Europe of Tomorrow*; “A Sustainable Project for the Europe of Tomorrow”, set up at the initiative of the President of the European Commission.

**(6:5) Constructing a Distinct European Identity.**

By incorporating the constructivist and transactionalist ideas (described in chapter four) about the process of individual and collective identity formation into wider integration theory we can now attempt to analyse in greater detail the types of identity which are starting to emerge at the supranational level. Drawing together the core themes explored by this thesis, particularly the relationship between civil, political and social citizenship rights to integration and the process of institution building, it is possible to detect the emergence of three inter-related trends: at the most basic level is the notion of a largely functional identity which is based upon common symbols and a positive identification with the economic success of the EU. There is also a general support for continued membership of a stable and prosperous supranational system. Secondly, there is the constructivist idea of identity-building as a long-term political project which has no pre-determined or fixed endpoint, but is based upon developing an 'inclusive' community, through an emphasis on shared values, culture, education and history. Finally, there is the development of a distinct political identity, normally associated with the ideas of constitutional patriotism or civic republicanism, which implies a positive engagement with, and commitment to, a meaningful participation in the political dimension of the EU. Applying the logic of the constructivist arguments that I have developed in this Chapter, the three perspectives are not mutually exclusive, but do, in fact, co-exist. Indeed, in many respects, due to globalization, the increasing fluidity of identity ensures that there is no longer any one single dominant factor which constitutes either individual or collective identity.

Munch (2001:137) adopts this perspective and explains its impact on European integration when he argues that, "individuals change, end, begin or broaden memberships, collectives repeatedly define themselves inwardly and outwardly". For Munch, individual identity is comprised of those attitudes which constitute a common core of thoughts and behaviours and: "the more an individual gets involved in interactions with others... the more chances exist for a convergence of the mutual attribution of identity traits". In this sense, collective identity comprises, for Munch (2001:137) of, "the core of attitudes which all members of a collective have in common in their thoughts and behaviour and which differentiates them from other

collectives...thus we are able to speak about European identity if common attitudes can be determined that exercise a strong influence on the thoughts and behaviour of those people who we can denote as European". Munch's analysis recognises the importance of how we define "who is a European". I would argue that this implicitly acknowledges the importance of both the inclusive and exclusive status of European citizenship; because as not everyone is in possession of it, the status of European citizenship itself becomes important, in that it provides individuals with access to the resources, services and benefits of the broader political community.

Perhaps the most obvious manifestation of a functional European identity - and a reflection of the fact that the EU has become part of everyday life - is the adoption of widely employed symbols such as the European Flag (with its twelve stars denoting unity, solidarity and harmony), the European Passport and for those countries in the Eurozone the daily use of the Euro. Van Ham (2001:76) understands the wider significance of these symbols. He explains that "the basic political and psychological idea behind the introduction of these symbols is to gradually modify the consciousness of the peoples of Europe of the political entity to which they belong". In many ways, Van Ham's conclusions are adding a further dimension to the transactionalist concept of social learning, which, through regular use symbols, can encourage a sub-conscious, but positive, identification with the EU as a political entity. Van Ham (2001:76) goes further than this and suggests that the single currency is a powerful source of unity; he argues that "The day the citizens of the European Union begin to pay with the Euro instead of peseta, pounds escudos or drachmas, this new dynamic society will be more European and more of a Union..." Most significantly Van Ham (2001:77) does not see these developments as simply 'coincidental' by-products of economic integration. Instead, he claims that the EU is well aware of the semiotics of the Euro and of the principle that "banknotes and coins reflect national values and history and are central to people's consciousness". In order to support this assertion, Van Ham draws upon the EU's own communication concerning the Euro,<sup>221</sup> particularly the now famous aphorism that "A French citizen will be able to buy a hot dog in Berlin using a Euro coin carrying the imprint of the King of Spain." Developing the idea that the Euro carries its own 'political narrative',

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<sup>221</sup> "Europa" on line: <http://europa.eu.int/euro/htmlentry.html>.

he cites the fact that the designs are “symbolic for Europe’s architectural heritage. They do not represent any existing monuments. Windows and gateways dominate the front side of each banknote as symbols of the spirit and ‘openness’ and ‘co-operation’ in the EU. The reverse of each banknote features a bridge from a particular age, a metaphor for communication among the people of Europe and between Europe and the rest of the world.” The extent to which individual citizens understand this subtle political and psychological symbolism and persuasion is, of course, questionable. However, the use of a stable currency, which reinforces the idea of the EU as a positive institution, is a useful tool in encouraging greater identification with its function as a viable economic and political alternative to the nation state.

The case for the existence of a basic, functional, European identity is also supported by analysts such as Kohler-Koch (2000:79) who argues that “in most EU countries there is a good deal of positive or at least permissive support for Europe. Support for European integration has always been stronger among the well educated and higher income groups”. Evidence from the most recent *Eurobarometer* (2006)<sup>222</sup> tend to support this conclusion, whilst there was significant variation from country to country the majority of respondents questioned expressed positive support for the EU and viewed continued membership as a “good thing”. To a large extent, it can be argued that this support primarily rests upon a perceived satisfaction with the economic stability and prosperity that the EU has achieved, and that these views are perhaps reflective of those specific socio-economic groups who, by means of relative prosperity and the benefits of social mobility and education, have been able to take full advantage of the benefits of EU membership. A useful indicator of whether these economic benefits are now being recognised and enjoyed by the wider population will be the result of the forthcoming Irish referendum on the ratification of the new Reform (Lisbon) Treaty. The outcome will highlight the issue of whether the economic success of the Republic transformed from one of the poorest countries in Europe to one of the most prosperous and dynamic has been sufficient to persuade ‘ordinary’ voters of the overall benefits of continued political integration.

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<sup>222</sup> The highest levels of support were expressed by respondents in Luxembourg 82%, The Republic of Ireland 73%, The Netherlands 70% and Spain 66%, whilst the lowest were Sweden 39%, Finland 38% and the United Kingdom at 34%.

## CHAPTER SIX

Based on these observations there is strong evidence to suggest that there already exists a basic functional European identity at both the symbolic and the practical level. This relatively weak form of identity, which is largely individual rather than collective in nature, is underpinned and facilitated by the status of European citizenship and this means inclusivity, for those member state nationals who can enjoy its benefits, and exclusivity towards those third party nationals and “others” who cannot.

At the practical level, functional identity is exercised through the use of civil citizenship rights such as the right of freedom of movement and residence and through the application of the legal doctrine of direct effect, which confers the right of individual citizens to initiate legal actions against member states’ governments. But whilst civil citizenship rights can be argued to foster an identification with the economic benefits of EU membership, they do not necessarily promote a deeper collective engagement with the EU’s core values or its political institutions, or encourage the development of a wider inclusive community. The existence of a functional identity and a broad identification with the EU is however, significant, as it provides the Commission with a strong framework upon which to develop a more comprehensive identity that builds upon the proven economic success of the EU and extends it into the political and socio-cultural areas of civil society.

The concept of identity which most closely corresponds to the EU’s favoured strategy of long-term, incremental, reform is the constructivist view of identity building as a specific project or process. Barnavi (2002:90) summarises the rationale behind this view as the idea that “collective identities are not naturally occurring phenomena but must be created”. In order for collective identities to develop Barnavi argues that there needs to exist an objective framework (in this case the institutional structure of the EU) and the political determination to facilitate and encourage the process. Kostakopoulou (2001:35) takes this a stage further arguing that European identity “emerges out of a complex web of institutionalised practices of co-operation and participation. European identity is thus a process and a project to be achieved as the grand conversation concerning the political restructuring of Europe goes on”.

The distinctive characteristic of the constructivist contribution to the debate on identity building is its notion that a distinct European identity is neither incompatible with national identity nor identical to it. Kostakapolou (2001:36), for instance, argues that national identities are primarily affective, (based upon emotional attachments) whilst a developing European identity has the potential to become more “evaluative, critical and reflective”. Drawing upon the transactionalist ideas described in chapter four, Kostakapolou (2001:36-37) describes how “through interaction, communication and the exchange of information, a European identification would induce individuals to learn, make political judgements...and behave in ways that are congruent more with their value systems than with their feelings or psychological needs”.

Viewed from this perspective, constructivism recognises the growing connection between identity, citizenship practice, social transformation and political reform. The constructivist project therefore, is concerned with developing a European identity as a means of attaining an inclusive sense of community based upon shared values which recognises cultural, ethnic and religious diversity and which, at the same time, promotes active civic engagement in the activities of the EU. By definition, the constructivist vision of European identity is therefore more abstract than just political symbolism or a broad identification with the economic success of the EU. Its objective of developing “a politics of belonging” and a transnational community which is bound together by a common history, a common culture and heritage and common values and behaviours is dependent upon an ability to educate Europeans about being European<sup>223</sup>. Barnavi (2002:91) and Van Ham (2001:77) both note that this is not just an academic or theoretical debate, when they cite Jean Monnet’s now famous remark that “if we were beginning the European Community all over again, we should begin with culture”. This idea has been reaffirmed by the current Commission President Jose Manuel Barroso (2007:1) who, explaining the adoption of the Commission *Communication on a European Agenda for Culture in a Globalised World*<sup>224</sup> argued that “Culture and creativity are important drivers for personal

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<sup>223</sup> An example of this is the European Commission’s ERASMUS (MUNDUS) programme, designed to encourage students to study abroad, and to undertake many wider, extracurricular, activities. The programme involves 1600 participating institutions and has assisted 200,000 students.

<sup>224</sup> *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Agenda for Culture in a Globalising World.*

development, social cohesion and economic growth. Today's strategy promoting intercultural understanding confirms culture's place at the heart of our policies"<sup>225</sup>.

In order to develop a coherent political strategy and give a more tangible and empirical basis to an understanding of culture and the dominant European cultural values held by Europe's citizens, the Commission (2007:1) has called for the adoption of "evidence-based policy making. In other words, the direction which policy takes is to be monitored and guided through the application of careful research". As part of this process, the Commission has produced a special *Eurobarometer* report on "European Cultural Values."<sup>226</sup> Respondents to this survey were presented with a list of nine values and asked to choose which, up to a maximum of three, they would prefer to preserve and reinforce in society. The most selected value was 'peace', followed by 'respect for nature and the environment', then 'social equality and solidarity' with 'progress and innovation', 'cultural diversity' and finally 'entrepreneurship' attracting the least support.<sup>227 228</sup> The validity and objectivity of the survey is however questionable on a number of levels: since respondents were asked to rate a 'pre-prepared' list of values, rather than selecting their own, it could be seen by critics as an engineered, and self-reinforcing, mechanism, designed to reflect and legitimise the Commission's own political priorities and agendas. Secondly, as the survey results do not provide any information on the breakdown of the socio-economic group of the respondents, it is difficult to determine if the survey constitutes a genuine representative sample or is a reflection of widely held values and beliefs. Despite these problems, the report can be seen as significant particularly given the Commission's stated objective of pursuing evidence based policy making. Based on the results, it is possible for the Commission to draw the inference that the Single Market is less important than external global issues, such as peace and protection of the environment and that the idea of entrepreneurship and competition are less important than social equality and solidarity. This may prove to be influential in

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<sup>225</sup> The TEU incorporated culture into the legal competencies of the EU with the stated objective to "respect and promote the diversity of its cultures".

<sup>226</sup> Special *Eurobarometer*: 278/Wave 67.1-TNS Opinion & Social.

<sup>227</sup> The survey interviewed 26,755 citizens in the 27 member states between 14<sup>th</sup> February 2007 and 18<sup>th</sup> March 2007.

<sup>228</sup> The full results of the survey into key societal values highlights peace 61%, respect for nature and the environment 50%, social equality and solidarity 37%, freedom of opinion 37%, tolerance and openness to others 37%, respect for history and its lessons 17%, progress and innovation 14%, cultural diversity 12%, entrepreneurship 10%.

determining the direction of the political priorities the Commission adopts, once the process of institutional reform is complete.

The constructivist project of identity-building recognises that societal change and more fluid conceptions of identity provide opportunities to develop a broader community, outside of the nation state. For constructivists, however, this cannot be imposed “from above” and has to emerge gradually through education, communication and dialogue, intercultural exchanges and interaction. It is somewhat surprising, therefore, that constructivists have not yet made the direct link between the practice of citizenship and the theoretical basis of its arguments about how identities and communities are formed. At the most fundamental level, education, culture and transnational interactions are contingent upon individual citizens having sufficient financial resources, economic security and crucially the time<sup>229</sup> to make the most of the new educational and cultural opportunities open to them. Consequently, if the constructivist project is to be successful, it has to be supported by a commitment to significantly enhance social citizenship rights. In a number of ways, the framework for this to be realised is now starting to emerge. Thus, the granting of full legal status to the *Charter of Fundamental Rights* (particularly Article 14), the right to education and Article 34 (the right to social security) all provide opportunities for the ECJ over time to interpret the nature of social provision within the EU. These developments serve to reinforce the idea that the ideas of ‘integration’, ‘citizenship’ (as both a status and a practice), identity and community are all becoming increasingly inter-linked concepts in the evolution of the EU.

The final type of identity - and the one which has been regarded as the most problematic - is the idea of a distinct European Union political identity which promotes a positive identification with the political objectives and the institutions of the EU itself. The notion of political identity has traditionally been associated with the ideas of civic republicanism, and Habermas’s ideas of constitutional patriotism. Kostakapolou (2001:31) explains that this entails “a common European political culture based on the rule of law, separation of powers, democracy and respect for

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<sup>229</sup> The French Government recognised this factor when introducing the 35 hour working week in 2000. Its objectives were to reduce unemployment and give workers the time to improve the quality of their lives. It should be noted that current President Nicholas Sarkozy promised to repeal this legislation.

human rights". These principles are, of course, not controversial. However, as Kostakapolou (2001:31) subsequently argues, the separation of *demos* from *ethnos* means "the formation of a European political identity shared by all citizens, regardless of their own national identities and subcultures, and makes democratic citizenship the main integrative device in the Union".

Viewed in this way, European identity comes into direct competition with nation states' ideas about national identity and represents a challenge to them, by creating an alternative system vying for the political loyalties of ordinary citizens. Weiler (1997:287) is a strong advocate of this type of approach and argues "European identity should not be based on imaginary transnational cultural affinities or shared history or the construction of a European national myth...but on shared values expressed in its constituent documents and a commitment to duties and rights".

To some degree, this polarised debate between national identity and European identity has been overtaken by events. Owing to globalization, cultural change and the increase of interest in identity-politics, it is no longer appropriate to think in zero-sum terms about identity. Consequently, a political identity can now be said to exist at many different levels for example local, national and transnational. Van Ham (2001:73) recognises this as an important opportunity: he suggests that European identity could be modelled on a 'European Way of Life' as an alternative to the 'American Way of Life' of capitalist individualism. He concludes that "Europe's identity would then be moulded on the belief that Europe has found a unique balance between the market and social protection, a unique balance between commerce and culture, between capitalism and socialism." What is significant in Van Ham's analysis is that it anticipates many of the themes and commitments expressed in the EU's *Berlin Declaration* (2007). This document gives substance to the idea that, at an institutional level, there is already a discernable European political identity. Risse (169-170) also takes this position arguing that "the EU as an active identity builder has successfully achieved identity hegemony in terms of increasingly defining what it means to belong to Europe"<sup>230</sup>. Ginsberg (2007:377) develops this argument further,

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<sup>230</sup> A specific example of this can be seen in the actions of the EU following the entry into a coalition government of Jörg Haiders' far right *Freedom Party* in Austria in 2000. The Heads of Government of

highlighting the emergence of what he calls “political conditionality” which is the combination of the *acquis communautaire*, the *acquis politique*<sup>231</sup> and the Copenhagen Criteria<sup>232</sup> that now form the basis of the political values of the EU.

Based upon this evidence, it would appear that the task for the Commission is to translate these core political values into a wider collective participation in Europe’s political system. Ultimately, a collective European identity will only emerge through the progressive extension of political citizenship rights, by making representative and participatory democracy more effective and by introducing some form of duties and responsibilities which deepen the direct relationship between citizens and the EU. Drawing together the respective types of identity, Munch (2001:137) poses the pertinent question: “can the EU restore the lost unity to our lives and connect us to the world as a whole?” He concludes that it can only accomplish this if “it can produce a structural change in our identity, in our sense of belonging and in our notion of citizenship beyond the establishment of the Single European Market and beyond the transfer of political authority to the Union level”.

**(6:6) Translating Theory into Public Policy: The European Commission’s Strategies for Active Citizenship and Culture 2007-2013 and Long Term Proposals for Continued Political Integration.**

A helpful test of the validity of any political theory is to analyse the extent to which its conclusions and ideas are being applied in practice. In order to give an empirical basis to the ideas of constructivism and transactionalism and highlight their impact upon citizenship, identity and their role in the formation of new supranational communities, the final part of this Chapter will undertake an analysis of the short term policies of the Commission set out in the 2007-2013 programme “*Europe for*

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the EU agreed to cease co-operation with the Austrian government, effectively introducing diplomatic sanctions in protest at the election of a racist and anti-democratic party.

<sup>231</sup> This is defined as the body of existing agreements, actions and procedures of the CFSP.

<sup>232</sup> Applicant countries to the EU must be functioning, constitutionally representative, democracies that respect the rights of their citizens and are engaged in market economic reforms.

*Citizens*”<sup>233</sup> and its “*New Culture Programme*”<sup>234</sup>. Recognising that the Commission’s longer term stated objective is to legitimise continued integration through the use of citizenship, this section will also explore some of the more radical proposals for political integration which emerged in the position paper “*Building a Political Europe 50 proposals for the Europe of Tomorrow*”(2004).<sup>235</sup> Taken in conjunction with the *Charter of Fundamental Rights*, this provides a useful framework within which to assess the likely direction, form and future development of European citizenship and its role in the process of wider political integration.

Compared to other policies the *Europe for Citizens Programme* has attracted relatively little political or media attention. Yet its implications are potentially very significant: the enactment of *Decision No 1904/2006* by the European Parliament and the Council gives a formal political and legal basis to a more expansive concept of European citizenship than that set out in the TEU. From the outset, it would appear that this has been the intention of the Commission: in its original proposal for a *Decision* by the Parliament and Council <sup>236</sup>(2005:9) it sets out that “Union Citizenship should be the fundamental status of nationals of member states.” Whilst this has been amended in the final document to read “having regard to the Treaty establishing the European community...Citizenship of the Union complements national Citizenship of the respective member states”, it represents a clear statement of intent from the Commission of its present view that European citizenship will ultimately subsume national Citizenship and become the primary political identity of EU citizens. Given the importance of the role of the Commission as the sole initiator of legislation the attitude which it takes towards European citizenship is likely to be a crucial factor in shaping the policies that will influence the future development of the status of citizenship.

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<sup>233</sup> *Decision No 1904/2006/EC of the European Parliament and the Council of 12 December 2006 establishing the period 2007 to 2013 the Programme Europe for Citizens to Promote Active European Citizenship.*

<sup>234</sup> *Decision No 1855/2006/EC of the European Parliament and the Council of 12 December 2006 Establishing the Culture Programme (2007 to 2013).*

<sup>235</sup>“A sustainable project for the Europe of tomorrow” set up at the initiative of the President of the European Commission: published in April 2004.

<sup>236</sup> Proposal 2005/aaa (COD)

The rationale which sets out the justification and the political thinking which lies behind the establishment of the programme is important, particularly given the proven propensity of the ECJ to expansively interpret the spirit and intention of European treaties and political decisions. In a lengthy Preamble, the text<sup>237</sup> explains that European citizenship is “an important element in strengthening and safeguarding the process of European integration. However, recognising that European citizenship has so far largely failed to engage ordinary citizens, it also notes that “the community should make citizens fully aware of their European citizenship, its benefits as well as its rights and obligations, which are to be promoted with due regard for subsidiarity and in the interests of cohesion.”

It is pertinent to note here that the idea of obligations and duties as a corresponding part of an entitlement to citizenship rights has been re-affirmed, although, once again, this have not been developed or given any practical substance. However, the concept is becoming a recurring theme in the political language employed when discussing European citizenship. Providing the clearest link of the formal link between citizenship, identity and integration is the inclusion of the following statement: “ For citizens to give their full support to European integration, greater emphasis should therefore be placed on their common values, history and culture as key elements of their membership of a society founded on the principles of freedom, democracy and respect for human rights, cultural diversity, tolerance and solidarity, in accordance with the *Charter of Fundamental Rights of the European Union*, proclaimed on 7 December 2000”.

What is significant in this choice of wording is that it can be interpreted as the idea that the *Charter of Fundamental Rights* is not just regarded as a document setting out individual entitlements and benefits. It is also seen as an expression of the basic social and political values of the EU. Secondly, it underscores the idea that citizenship is not aimed at just strengthening the existing Union; more crucially, it is seen as a mechanism to be employed in the creation of a distinct European civil society (*Gesellschaft*). This idea is supported further by the Commission’s conclusion, in the same document, that “encouraging active citizenship is a key element in strengthening

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<sup>237</sup> <http://eur-lex.europa.eu/LexUriServ.do?uri=OJ:L:2006:378:01:EN> (accessed 01/08/2007)

not only the fight against racism, xenophobia and intolerance but also cohesion and the development of democracy". In many respects, it can be argued that the EU has therefore explicitly recognised the validity of Marshall's argument (analysed in Chapter three) of the important historical role that citizenship has played in the process of political institution building and the evolution of modern democratic practice. Concluding its rationale, the *Decision* highlights that, "in order to bring Europe closer to its citizens and to enable them to participate fully in the construction of an ever closer Europe, there is a need...to involve them in transnational exchanges and cooperation activities, contributing to developing a sense of belonging to common European ideals". As we have seen from the previous section of this Chapter, this idea has a strong correlation to the idea of social learning that forms the basis of Deutsch's ideas of the role of transactionalism in the process of political integration. This also provides further evidence of the continued relevance and contemporary application of transactionalism as a theoretical perspective.

Having established the basis for its implementation the *Decision* then sets out a number of key objectives which aim to give citizens the opportunity to "interact and participate in the construction of an ever closer Europe". These include developing a sense of European identity, based on common values, history and culture; fostering a "sense of ownership" of the EU among its citizens; enhancing tolerance and mutual understanding whilst promoting cultural and linguistic diversity through intercultural dialogue. On a practical level, the programme establishes a financial budget of EUR 215 million to promote interaction by bringing together people from local communities to share and exchange experiences, opinions and values and to foster action, debate and reflection related to European citizenship and democracy. More specifically, the programme has four main priorities: firstly, active citizens for Europe which is aimed at raising the profile of the EU at the local level through "town twinning" and the establishment of citizens' projects on subjects of common interest. The development of an active civil society in Europe is predicated upon the idea that new social movements, NGO's, Trades Unions and Federations are an increasingly important part of the civic, educational, cultural and political activities of both societies and individuals, and that they are, consequently, influential in the strengthening of transnational networks. Through the "*Together for Europe*" initiative, the programme aims to change media and public perceptions of the EU, and

emphasise the idea that Europeans belong to the same community through the introduction of 'high-visibility' events such as the commemoration of major historical events, the celebration of European achievements and the awarding of prizes to highlight major accomplishments. Finally the development of "Active European Remembrance" which consists of the preservation of the main sites, memorials and archives associated with the mass deportations and the commemoration of the mass victims of Nazism and Stalinism. This aspect of the programme represents a positive reinforcement of the legacy of the EU in preserving peace and stability in Europe and acts as a powerful reminder of where the abandonment of democracy, human rights and where the withdrawal of the status of citizenship can ultimately lead.

Closely aligned to the *Citizens for Europe Initiative*, and running contemporaneously alongside it, is the launch of the *New Culture Programme (2007-2013)*<sup>238</sup>. The objectives of this programme are to enhance the cultural area common to Europeans through the development of cultural cooperation between the creators, cultural players and cultural institutions taking part, with a view to encouraging the emergence of European citizenship. As part of its initial rationale, the *Decision* sets out the link between integration, identity, culture and citizenship, by arguing that "for citizens to give their full support to, and participate fully in, European integration, greater emphasis should be placed on their common cultural values and roots as a key element of their identity". Extending these concepts into the wider objectives of the EU, the *Decision* reaches the conclusion that "it is essential that the cultural sector contribute to and play a role in, broader political developments...there is a clear link between investment in culture and economic developments, hence the importance of reinforcing cultural policies at regional, national and European level." In part, this conclusion has been drawn from an assessment of the relative successes of the *European Capitals of Culture* programme which brings together a partnership of industry, business, local authorities and citizens promoting increases in tourism and contributing to substantial urban regeneration projects, whilst at the same time raising

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<sup>238</sup> *Decision No 1855/2006/EC of the European Parliament and of the Council of 12 December 2006. Official Journal of the European Union 27.12.2006. L 372/1*

the profile of the EU in those cities which have hosted the events<sup>239</sup>. More specifically, the new Culture programme has three key objectives: firstly, it aims to promote the transnational mobility of people working in the cultural sector; secondly it seeks to encourage the transnational circulation of works and artistic products; and finally it attempts to encourage intercultural dialogue.<sup>240</sup> In order to meet these objectives, the programme has an allocated total budget of Euro 400 million, the bulk of which (77%) is intended to encourage theatres, museums, professional associations, research centres, universities, cultural institutes and public authorities “to collaborate and extend their cultural and artistic reach across borders”. The remainder of the budget is intended to promote cross border arts festivals, orchestral and dramatic theatre productions and provide the basis for the establishment of an annual European prize for literature, an EU prize in cultural heritage and finally an EU prize for contemporary architecture.

Given its stated objectives, and its emphasis on the role of culture in wider economic development and social cohesion, it can be argued that the new *Culture Programme* is, perhaps, designed to encourage the development of a distinct European cultural identity, in order to support and strengthen the idea of a functioning European civil society. However, it is interesting to note that the Commission has not yet attempted to extend its reach into popular mainstream culture<sup>241</sup> and the measures introduced by the new culture programme primarily reflect the interests of a relatively small professional socio-cultural economic class. At the practical level this perhaps reflects a recognition of the fact that support for European integration has traditionally been strongest amongst the better educated and more prosperous sections of society and therefore could be seen as further evidence of a pragmatic attempt by the Commission to build upon the support of those groups who are already receptive to the idea of continued political integration.

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<sup>239</sup> *Decision No 1622/2006EC of the European Parliament and the Council* has extended the programme to run from 2007-2019. From 2008 onwards, several cities will host the event; in the first year, these will be Liverpool in the UK and Stavanger in Norway.

<sup>240</sup> The importance of intercultural dialogue at a time of heightened religious tension is further reinforced by the designation of 2008 as “the European Year of Intercultural Dialogue.”

<sup>241</sup> The popularity of sporting events such as *European Champions League* football, support for the *European Ryder Cup* golf team and for the recent Rugby Union World Cup.

Taken together, the two programmes constitute the short term policies of the EU and reinforce the thesis's central argument that identity and citizenship are important aspects of European integration and integral to the gradual evolution of a European civil society. Whilst the programmes themselves are relatively uncontroversial, in that they do not address the fundamental deficiencies of European citizenship described in Chapter Five, it would appear that the Commission's short-term priority remains the development of civil society rather than attempting to enhance individual civil, political or social citizenship rights. Notwithstanding this, the allocation of a total budget of Euro 635 million<sup>242</sup> represents a positive commitment to encourage transnational exchanges, promote a more constructive engagement with other institutions and forge important links at the national, regional and local level. As such, the programmes contribute to the process of raising the profile of the EU and facilitate identity formation by encouraging intercultural dialogue and a positive identification with the EU's achievements and common cultural heritage. Seen from this perspective, the two programmes add a new cultural dimension to both the status and practice of citizenship. They can be seen to represent a part of the Commission's incremental strategy of constructive, formal, integration.

**(6:7) Citizenship, Identity and the Political Integration of Europe.**

In a supranational organization as complex as the EU, the introduction of public policy initiatives is often a lengthy process, and the final shape of EU legislation is the culmination of negotiations and discussions based upon working papers, feasibility studies and discussion documents. Currently the most overtly political of these documents is the summary conclusions of the Round Table for a *Sustainable Project for the Europe of Tomorrow (2004)* set up at the instigation of the former President of the European Commission Romano Prodi and chaired by Dominique Strauss-Kahn<sup>243</sup>. Drawing together senior figures from politics, business, the arts and influential academic figures<sup>244</sup> the report "Building a Political Europe; 50 proposals for the

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<sup>242</sup> Compared to its overall annual budget and compared to policies such as The Common Agricultural Policy the financial "envelope" still remains a relatively small percentage of EU spending.

<sup>243</sup> Subsequently Dominique Strauss-Kahn was elected as the new chairperson of the International Monetary Fund (IMF) in September 2007.

<sup>244</sup> Magda Aelvoet (Belgium) former environment minister, Dora Bakoyannis (Greece) Mayor of Athens, Lord Simon of Highbury (UK) former chairman of BP, Hans Tietmeyer (Germany) former

Europe of Tomorrow”, sets out a comprehensive justification of the necessity of continued political integration, together with a wide range of radical and innovative proposals for deepening the relationship between the EU and its citizens. Whilst the report’s conclusions do not yet reflect the official policies of the EU, and the report contains the normal caveat that the views expressed do not necessarily reflect the views of the Commission, the document is important because it highlights current trends in political thinking amongst influential “policy entrepreneurs” and provides indications of the potential direction of longer term reforms.

The report itself reaches the conclusion that the great ambition for the next 20 years is building a *Political Europe* and that *Political Europe* as a concept is legitimate, because Europeans have a common model of society consisting of “A European people with its own identity and collective values”. According to the report, the European model is based upon the desire to found a world of justice based on the irreducibility of human dignity. As such, European society is composed of four identifiable elements, the inviolable nature of human rights established through the progressive extension of constitutional freedoms. A cultural dimension drawing upon the humanist idea of culture as an instrument of human development and at the heart of the European project an economic model of sustainable development “characterised by a balance between economic prosperity, social justice and the protection of the environment”. Finally, the report set out a vision of a world order based upon the promotion of multilateralism and the extension of the model of justice that the EU has developed, onto the global stage through “negotiation and arbitration and through solidarity with poor countries”. Clearly these are ambitious objectives, but as the report subsequently asserts, a political Europe is not only desirable but is increasingly becoming a necessity to defend the European model against the internal and external challenges posed by the twin processes of globalisation and wider societal change (a conclusion that was developed in chapter two).

Given the breadth of the report, it has not been possible to provide a detailed analysis of all its specific proposals, accordingly I have chosen to focus upon those ideas which are aimed at developing a closer political relationship between the EU and its

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Governor of the Bundesbank, Jose Saramago (Portugal) Nobel Prize winner, Professor Jürgen Habermas, Professor Amartya Sen.

citizens and the implications that the introduction of these initiatives holds for the nature and practice of European citizenship rights. In order to be able to carry a general political project, the report states that the EU must have conferred upon it a full political legitimacy. This is to be achieved in three dimensions: the creation of fully legitimate political institutions, the development of a European public life through a strengthening of the European media, a strengthening of representative democracy and the promotion of participative democracy and finally bringing about a feeling of belonging to the Union through mobility, education and culture. One of the most significant initiatives recommended by the report is contained in Direction VII and VIII (proposals 16-21) which concern the implementation of a European social policy devoted to realising genuine equality of opportunity to promote equality of destinies through the creation of social protection for European citizens. More specifically, proposal 20 calls for the introduction of “the principle of a European minimum income whose level will be set in each member state with regard to the average income of this member state”.

The idea of a European minimum income draws heavily upon the work of some academics (Van Parijs 1997, Bussemaker 1999, Schmitter 2001) and is predicated, as Van Parijs (1997:161) outlines, upon the principle that “the ultimate objective must be the introduction of an unconditional basic income, i.e. an income guaranteed to every citizen or permanent resident on an individual basis, without means test or willingness to work conditions”. Bussemaker (1999:78-79) explains that the central idea “is that citizens have a universal, individual, right to an income, irrespective of their former career household, gender, age or any other factor”. This would give citizens, “the freedom to become involved in the social and political domain, for example by engaging in care or voluntary work.”

The idea of the basic minimum income recognises the fundamental principle that effective citizenship practice and civic and political participation is contingent upon citizens having sufficient resources to make meaningful choices. Schmitter (2001:105) takes up this point and argues rather than introduce a universal minimum income it would be more practical to create “A Euro-stipendium which would consist of the monthly payment of a stipulated amount of Euros to all citizens or permanent residents living within the EU whose total earnings correspond to less than one-third

of the average income of everyone living within the EU.” Schmitter subsequently argues that such a scheme could be funded and the stipend set at a figure which corresponds to the present combined value of all the EU’s agricultural subsidies and regional and structural aid programmes.<sup>245</sup> While Schmitter recognises that this particular scheme “is not likely to be politically feasible”, he is making a central point that economic redistribution is not really a question of affordability but one of political priorities. Rather than abandon the concept of a minimum income entirely however, (Schmitter 2001:107, Bussemaker 1999:79) suggest the introduction of a Euro-sabbatical whereby citizens would be entitled to the payment of a fixed and equal salary for varying periods of time during which they would voluntarily forego their usual paid employment. Bussemaker (1999:79) points out that “this is cheaper, more reversible and more gradualist than the basic income strategy”. The idea of the sabbatical account is to give every citizen the opportunity if they so wish to take paid career breaks to undertake care-leave schemes, pursue educational qualifications or undertake voluntary work in the community. Viewed from this perspective the Euro-sabbatical is attractive for individuals who are increasingly concerned about ‘lifestyle politics’ and ‘work-life-balance’, whilst at the social level, it offsets the costs of care for an ageing population. In the broader context, it provides a mechanism to encourage participation in strengthening local communities.

The financial implications of the introduction of any such schemes are recognised by the Round Table’s report and its conclusion that “Political Europe has a cost; it can not be achieved with the existing budgetary resources at less than 1% of GDP.” Accordingly, Direction XIII (proposals 32-33) suggests moves towards a more pronounced form of fiscal Federalism, to do away with the ceiling of own resources initially from increased contributions from member states, but in time, creating a first ‘European tax’, which could take the form of an additional levy on company taxation as part of the logic of the completion of the Single Market.

The introduction of a first European tax would, of course, be politically quite controversial. It would also be profoundly significant: once the principle is established

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<sup>245</sup> Schmitter’s financial analysis is based on 1996 figures; he argues that the total “pot” available to finance the scheme would be 63,139,000,000 Euros. On the basis that there are 8,323,000 persons classed as living in poverty in the then 15 states of the EU this would equate to an annual Euro-stipend of 7,586 Euros per person.

there is an inevitable economic and political logic that it would in time be extended to include individual taxation. In many respects it can be argued that establishing a direct, fiscal, relationship between individual citizens and the way in which the EU spends their money, would, in fact, promote a more active engagement in Europe's political system.

Alongside its more radical proposals the report also contains suggestions to improve Europe's "democratic space". Direction XVI (proposals 34-41) is focussed upon measures to make the European political system more directly relevant to European citizens. Recognising that the EU is often portrayed in a pejorative light by the media and that Europe's decision making system is regarded as complex and opaque, one such proposal is the creation of a public broadcasting channel which has a "European vocation" this would enable the EU to provide a more accessible form of information on its activities and achievements.<sup>246</sup> Whilst the commercial viability of such a scheme is questionable the expansion of digital media through radio, podcasts and the internet means that technically and financially it has now become a realistic option. This idea of creating a European wide media is related in part to the desire to facilitate a greater role for pan-European political parties. The report suggests that "in order to increase the European dimension of European elections" a portion of the seats of the European Parliament (say 20%) is set aside for members to be elected on the basis of pan-European lists, and additionally that European political parties should be given a role in the selection of candidates for European elections. The report acknowledges that the creation of fully functioning and effective pan-European parties is organisationally problematic and argues that the EU has the responsibility therefore "of organising the political life of European parties, their Congress, motions, member's votes and local parties". The introduction of measures and the financial supports necessary to encourage the emergence of mainstream pan-European political parties would be a useful way of reinforcing the common political and cultural values of the EU and would also be an effective method of promoting an increase in the intercultural and intercommunity dialogue which the Commission has identified as an important part of social cohesion. At the same time, the strengthening of pan-European political parties and an increase in cooperation and communication

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<sup>246</sup> This could include televising the deliberations of the European Parliament or Council in the same way that the proceedings of the House of Commons are televised in the UK.

promotes social learning and could contribute to the eventual breakdown of the political and ideological “blocs” and groupings which currently dominate the European Parliament and result in a directly elected chamber that is less dominated by national self interest and domestic political influences and which is instead more focussed upon Europe’s perceived shared values, common aspirations and social, political and economic objectives.

Drawing together elements of institutional reform, democratic citizenship practice and an extension to the principle of subsidiarity the report also proposes making the choice of the President of the Commission and the individual Commissioners at the heart of European elections. The introduction of what would essentially be a directly elected European political executive would be supported by the deployment “throughout the territory of the Union, local representatives of the Commission responsible before the citizens for the implementation of European policies in their area”. The implementation of such a proposal is however fraught with difficulties, if it were to be introduced the Commission could claim to hold a democratic mandate equal to that of the European Parliament and this could effectively consolidate and centralize political power in a relatively small group encouraging competition between the two institutions thereby complicating the EU’s decision making process even further. What is instructive in this proposal however, is that it reflects an emergent trend continued in the most recent Lisbon Treaty 2007<sup>247</sup> of creating specifically European influential and formal high profile political positions which are aimed at conferring a more distinct and public identity on Europe’s political institutions.

The final proposals and in many ways potentially the most significant for the long term future development of citizenship are contained in direction XVII (proposals 42-49) and are concerned with measures to strengthen the sense of belonging to the Union. Reaffirming the ideas described earlier in this chapter that education and culture are important factors in the formation of both identities and new communities the report calls for the introduction in university curricula the requirement to undertake at least one year of study outside the students country of origin. In relation

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<sup>247</sup> The creation of the new position of President of the Council for a 2 1/2 year term renewable once.

to wider educational provision the proposals recommend the creation of a specific course on European history in schools and to “complete the national civic education”<sup>248</sup> in schools by a sensitization to European values and a presentation of the Union’s institutions.” Finally, recognising the centrality and importance of effective communication the report also recommends making a second European language obligatory from primary school. What is significant about these proposals is that they represent the first concrete and practical attempt to introduce the concepts of duties, responsibilities and obligations which individual citizens owe to the EU. In practical terms the completion of degree level education which is now a pre-requisite for many professional careers would become contingent upon students exercising their civil citizenship rights of freedom of movement and residence, in their period of study abroad. Clearly these measures are in the first instance primarily aimed at students, young persons and children and this reinforces the idea that the development of post-national citizenship is a long term even multi-generational project. As a general principle however, it indicates that political thinking is gradually moving towards the idea that European citizenship is not merely a set of rights and entitlements but also includes corresponding duties and responsibilities that citizens owe to the EU as a political system. In consequence the formal project to build a political Europe and the continued informal processes of integration may over time exert a more profound influence upon the very composition, status and practice of citizenship as we understand it.

Taken as a whole, the Round Table’s report contains both radical and practical policy recommendations for the next phase of integration the building of a more overtly political Europe. Whilst some of the recommendations are unlikely to be translated into public policies the report is instructive as it demonstrates how academic studies and ideas (particularly the citizen’s minimum income) can be adopted by influential policy makers and become part of Europe’s formal deliberative process. When viewed in conjunction with the Commission’s short terms policies of the *Citizens for Europe Programme* (2007-2013) and the *New Culture Programme* (2007-2013) the report highlights that both citizenship and identity are likely to remain influential elements in attempts to legitimise continued integration. This reaffirms the central propositions

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<sup>248</sup> For instance the recent introduction of Citizenship as a curriculum subject in the UK.

explored by this thesis, that citizenship and integration have become interlinked processes and that the development of European citizenship is an important area of research if we are to fully understand the nature of the EU as an entirely new type of supranational political system.

### **(6:8) Evaluative Summary.**

Chapter six has sought to update the thesis model of integration and citizenship in the light of contemporary political developments. Highlighting the growth of interest in new institutionalist approaches to integration theory, the chapter has provided further evidence to support the idea that informal integration is both a continuous and increasingly important factor driving the momentum of European integration forward. Linking institutionalist approaches to an analysis of the role of the ECJ and determining how through its important judgements the Court has developed integration in ways not envisaged by the founding treaties, chapter six has developed a more comprehensive and detailed understanding of the nature of informal integration. Identifying how through its development of the legal doctrines of direct effect and supremacy the thesis has argued that the ECJ has effectively prioritised the judiciary at the expense of the legislature and exacerbated the democratic deficit. This situation has contributed significantly to the political climate which has led to the demands for the enactment of a formal constitutional settlement for Europe in order to provide a degree of democratic legitimacy to the present political arrangements.

The result of these on-going institutional and political pressures have culminated in the recent agreement of the terms of the proposed Reform Lisbon Treaty (2007) which is intended to introduce the institutional and procedural reforms necessary to ensure the efficient operation of an enlarged EU of 27 member states. Reinforcing the link between citizenship and integration, the chapter has described how the granting of full legal status to *The Charter Of fundamental Rights* significantly enhances the provisions of European citizenship set out in the TEU. This lays the foundation for the creation of a tangible set of social and welfare rights which may in time encourage a greater identification with the EU and its core values and activities.

## CHAPTER SIX

It is clear from the opinions expressed by the Commission, Council and European Parliament that the institutions of the EU intended the Treaty to act as a conclusion to the lengthy process of reform, this I would argue, demonstrates a clear example of responsive formal integration. The conclusion of this process and the implementation of the new measures, will allow the EU to embark upon the next phase of political integration which is the development of a distinct internal and external European identity.

The project to create a distinct European identity can be seen to represent the start of a period of constructive formal integration, a phase which was identified by the thesis's proposed syncretic model of integration. Building upon the functionalist view of European identity as a general support for and an identification with the positive benefits of EU membership chapter six has described how the Commission is now seeking to develop a more pronounced "politics of belonging" which emphasises Europe's shared common history, shared culture and its core values of equality, democracy and social justice.

Evaluating the Commission's proposals contained in the *Europe for Citizens* and *New Culture Programme*, it would appear that the Commission's strategy draws heavily upon transactionalism's suggestion that through cultural exchange, mobility and education there will be a general convergence of societal values from which can emerge a new type of community. Seen from this perspective, the project of identity formation is a long term even generational project and this bears all the hallmarks of a return to Europe's earlier federalist strategy of achieving political integration through small incremental measures and reforms.

Drawing together both integration and citizenship theory, chapter six has sought to demonstrate that as chapter three described, Marshall's assertion that citizenship is an important factor in the process of institution building and the evolution of democratic practice appears to have been replicated at the supranational level. Introducing the constructivist perspective that new individual identities will only emerge through the progressive extension of political and social citizenship rights, the chapter has argued that further political integration will require the creation of fully legitimate and accountable political institutions and practices. This conclusion supports the thesis's

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central argument that citizenship and integration are increasingly interlinked and interrelated concepts.

Weighing up the available evidence, chapter six has posited that whilst European citizenship currently represents an imperfect form of transnational citizenship its creation has instigated the conceptual disengagement of citizenship from that of ethnicity and the nation state. The introduction by the Commission of specific programmes to further develop European citizenship, identity and culture adds a new dimension to this process and opens up the possibility of creating the first truly participatory post-national form of citizenship.

**(7) Thesis Conclusions.**

The purpose of this research has been to undertake a comparative analysis of the historical and theoretical link between the processes of integration and the continued evolution of the status and practice of modern citizenship. Taking as a starting point the stated political aims of the European Commission (2001:7) to legitimise continued integration through European citizenship, the thesis was based upon a number of specific inter-related objectives. Firstly, to develop a model of integration that reflects the fundamental political and social changes brought about by the accelerating processes of globalisation. Secondly, to develop a model of integration which can provide a theoretical explanation for the evolution of citizenship from a nationality-based status to that of a transnational practice. Finally, to explore the contribution which European citizenship can make to the development of a distinct European identity and the creation of an inclusive and pluralistic European civil society which is based on shared values, political behaviours and common political and social aspirations.

In order to establish a coherent framework for its analysis, the research methodology undertaken incorporated a critical reassessment of the existing literature relating to both integration and citizenship theory. Drawing together the two concepts the thesis has sought to question whether a single theory of integration is still sufficient to capture the complexity and sophistication of the EU as a supranational political, economic and legal system or conversely, if the adoption of a more syncretic and narrowly focussed theory is now more appropriate. Whilst acknowledging that there is a considerable volume of academic research devoted to the subjects of integration, citizenship and the EU, no systematic attempt has previously been made to understand the historical and theoretical relationships between the concepts. Accordingly, this thesis is not intended to be a simple normative or revisionist account but instead is attempting to address a theoretical lacuna by providing an alternative theoretical explanation for the reasons why integration and citizenship have become mutually reinforcing concepts and more specifically why the concept of citizenship is increasingly seen as the most appropriate mechanism of legitimising continued

## CHAPTER SEVEN

European integration and why citizenship is therefore now integral to the EU achieving its internal objectives of creating social cohesion, social justice and conferring democratic legitimacy on an enlarged union of 27 member states.

In order to highlight the importance of integration and its increasing impact on the daily lives of the citizens of its participating member states<sup>7</sup>, chapter two traced the evolution of the EU from its relatively modest origins in the European Coal and Steel Community (ECSC) through the European Economic community (EEC) through to the European Union (EU) we recognise today. Focussing upon the process of integration chapter two sought to explain the reasons why member states have voluntarily agreed to surrender important aspects of their political, legal and economic competencies to new supranational institutions over which they exercise little control. Furthermore, recognising that the progress of integration has been discontinuous, and has at times been encouraged or frustrated by wider geo-political events the thesis has drawn the conclusion that integration itself is an evolutionary and open ended non deterministic process which has progressed far further than that envisaged or provided for in its constituent treaties. This has resulted in the creation of a unique type of supranational political system which has extended the basis of political authority and moved elements of democratic and citizenship practice outside the traditional boundaries of the nation state.

Reinforcing the idea that integration is contingent upon external factors, chapter two also explored the increasing impact of globalisation. Whilst globalisation itself remains a contested concept there is a growing consensus that due to the internationalization of problems such as climate change, terrorism and economic migration the nation state is increasingly unable to deal with the economic, political and social challenges of the twenty first century. Accordingly in terms of economic competitiveness and global political influence regional integration is increasingly being seen as a political necessity rather than a policy option. On an internal level globalisation is also exacerbating the deep socio-economic trends which are affecting the stability and cohesiveness of European civil society. Declining political participation and voter disengagement from traditional political parties coupled with the breakdown of communities and extended family networks are contributing to a decline in respect for institutionalised forms of authority. At the same time a

demographically ageing population and an increasing multicultural and ethnically, religiously and culturally diverse population is challenging the notion of a European society which is founded upon universal common values. Globalisation however also represents an important opportunity, the increasing fluidity of identity means that individual political loyalties and behaviours are no longer dominated by one single factor and consequently the EU can now begin the process of constructing a distinct European identity through the promotion of active citizenship and through measures which promote intercultural dialogue, toleration, social justice and a respect for diversity. Drawing together these themes, chapter two provides the context for the remainder of the thesis and underlines the conclusion that globalisation has qualitatively changed the nature of European integration and that identity, citizenship and community have become important aspects of the European project.

Introducing the theoretical understanding of the concept of citizenship, chapter three has described how citizenship is currently enjoying a critical renaissance in both political thinking and public policy making. Citizenship both as a status and a practice is important because it defines the relationship between individuals, legitimate political authorities and civil society. Consequently, as European integration is moving the site of political authority away from the nation state to the supranational level the status of European citizenship becomes an increasingly important and politicised issue.

The starting point for modern analyses of citizenship is the work of Marshall (1950). In his seminal essay *Citizenship and Social Class*, Marshall described the chronological emergence of civil, political and social rights and established the idea that citizenship has become synonymous with the development of capitalism and representative democracy. Translating Marshall's framework into the European environment chapter four has sought to demonstrate how the evolution of European citizenship has to a large extent replicated Marshall's model and lends support to Rees (1996:5) conclusion that "institutions evolve and develop in correlation to the growth of rights." Analysing and contrasting a variety of analytical perspectives chapter four has provided evidence to support the assertion that citizenship is a dynamic and evolving concept. Highlighting the particular contribution of Communitarian ideas, chapter four has aimed to demonstrate that Citizenship is no longer confined to the

role of a “status” or just a simple entitlement to rights but is now incorporating ideas of the nature of individual and collective identity and of the necessity of introducing corresponding duties and obligations to participate in shaping the shared common values of the wider community. Establishing this theoretical and practical link reinforces the idea that whilst integration is fundamentally transforming the composition of citizenship, citizenship is also beginning to shape integration and the practices and institutions which constitute the political architecture of the EU.

In order to transcend long standing controversies and the dangers of over specialisation chapter four of the thesis has argued for the adoption of a syncretic model and a complementary approach to integration theory. This conclusion is predicated upon the perspective that the EU is a unique type of supranational organisation which does not fit into any neat conceptual category or theoretical framework. Consequently I have subsequently argued that elements of classical integration theories such as federalism, functionalism, neofunctionalism and even liberal intergovernmentalism remain relevant and run in parallel to the more contemporary ideas expressed by the new institutionalist, constructivist and transactionalist perspectives.

Extending and elaborating upon the initial ideas of Wallace (1992) chapter four has sought to introduce a new critical distinction between constructive and responsive formal integration. Arguing that the former is constituted by sporadic periods of innovative reform ( such as the initial creation of the ECSC, the introduction of the Single European Act and more recently attempts to build a Political Union) while the latter consist of the legitimisation and consolidation of those informal practices and processes which have emerged outside of deliberate political decisions. Viewed from this perspective, European integration can be understood as a cyclical rather than a strictly linear process and consequently the role of the on-going impact of informal integration assumes much greater significance in driving the momentum of integration forward. Specifically linking integration theory and citizenship theory together chapter four has highlighted that informal integration consists of the cumulative results of the transactions of individuals and groups pursuing their own private interests. Understood in this way it is therefore possible to assert that conceptually the introduction of European citizenship was originally a functional measure designed to

facilitate the smooth workings of the single market this was subsequently expanded by the neo-functionalist idea of “spillover” and resulted in the chronological emergence of more defined and meaningful European civil, political and social rights. Taken together, chapter two’s analysis of the impact of globalisation and chapter four’s assessment of the growing importance of informal integration can explain why integration has continued to widen and deepen, and why in the absence of widespread public support integration has advanced further than the stated economic, political and social objectives specified in the EU’s founding treaties.

Building upon the theoretical understanding of the concept of citizenship established in chapter three, chapter five analysed the evolution of European citizenship and undertook a critical assessment of the formal citizenship rights introduced in the Maastricht treaty (1992). Describing how the TEU codified and institutionalised a wide variety of policies, directives and legal jurisprudence which arose out of the gradual development of the EU and the completion of its single market, this aspect of the thesis highlights how the creation of European citizenship can be seen as an example of responsive formal integration. Drawing upon a combination of theoretical critiques and the Commission’s own assessment of the effectiveness of European citizenship chapter five has identified that the current provisions have a number of flaws. Principally this is demonstrated by the fact that the EU does not currently enjoy either the power of ascription or naturalization and this means that in practice the EU continues to remain dependent upon the individual member states to define who European citizens are. Secondly, the weakening of the rights through the application of subsequent directives, derogations and secondary legislation means the aspiration of creating universal citizenship rights has not yet been fully realised. Finally whilst the provisions confer a series of rights upon European citizens they do not yet include any corresponding duties or obligations which citizens owe to the EU as a political system. Despite these initial problems chapter five has however identified that through the process of the “Europeanization” of public policy there has been a gradual convergence of the previously divergent conceptions of citizenship represented by the French tradition of *jus sanguinis* and the German tradition of *jus soli*. Tracing the gradual harmonization of the naturalization and ascription laws of the two countries indicates that there is now an increased potential for co-operation between the two

countries and an opportunity to extend the influence of their bi-lateral relationship to actively promote European citizenship.

Analysing the wider role of citizenship in the development of European civil society chapter five has pointed out that the achievement of the EU's objectives of promoting social cohesion and social justice whilst at the same time respecting and preserving religious, ethnic and cultural diversity implies a more extensive use of the controversial concept of "group" rights. In many respects this will fundamentally challenge traditional understandings of the very composition of citizenship which has previously been based upon the idea of universal rights provision.

Weighing up the available evidence chapter five has drawn the conclusion that at the present time it would be premature to classify European citizenship as genuinely post-national and a more accurate definition of European citizenship would be as an imperfect and developing form of transnational citizenship. Despite its current conceptual and practical limitations European citizenship is however important because it has broken the exclusive link between citizenship, democracy and the territorially bounded nation state. No other international organisation has citizens of its own and EU citizens can now claim a direct political relationship to the EU through legally enforceable rights; European citizenship has therefore become more than symbolically important by holding out the prospect of the development of a genuine type of participatory post-national political system.

In order to validate the thesis's proposed model of the deepening relationship between integration and citizenship the final chapter of the thesis analysed the most recent theories of integration and related their ideas to contemporary political developments. Illustrating the contribution of the theory of new institutionalism chapter six has developed the thesis's analysis of the nature of informal integration. Explaining that institutionalist approaches are based upon the premise that "institutions matter" and that over time they assume their own distinct interests and agendas, institutionalist theory suggests that once they have become firmly established, supranational institutions begin to structure the interaction between different actors, shape their political choices and influence their behaviours. Developing this concept further, sociological institutionalism seeks to redefine the definition of institutions to also

include the established laws, customs and practices, codes of behaviour, conventions and established norms that underpin modern political and social systems. In the context of the arguments and relationships proposed by this thesis, the status and practice of citizenship clearly falls within this new conceptual category.

Linking these concepts together, chapter six employed a detailed case study of the impact of the ECJ in promoting European integration and developing the basis of European citizenship rights. Describing how through its creative jurisprudence the ECJ has introduced important legal doctrines which have qualitatively changed the nature of integration, chapter six has also argued that seeking political legitimacy the ECJ has gradually elaborated a “Bill of rights” derived from the constitutional traditions of the member states, unwritten principles of law and the principles of the European Convention of Human rights (ECHR). Explaining how through its judgements the ECJ has interpreted different cases relating to the social benefit provision for migrant citizens, chapter six has made the crucial point that the ECJ has introduced the beginnings of a hierarchical system of differentiated social rights and thereby effectively institutionalised the concept of group rights into the legal system of the European Union for the first time. Relating the activities and overall impact of the ECJ, to the thesis’s model of cyclical integration lends credible empirical evidence to support the idea that informal integration is increasingly creating the political environment that necessitates the enactment of further formal responsive integration in order to consolidate and legitimise the practices and behaviours which have emerged as unintended consequences of integration.

Relating these conclusions to contemporary events, chapter six traced the somewhat problematic history of the proposed “European Constitution” through to the agreement of the final wording and content of the Reform Lisbon Treaty (2007). Analysing the implications of the proposed institutional reforms and emphasising the significance of granting full legal status to the *Charter of Fundamental Rights* it is legitimate to conclude that the EU has made a serious attempt to enhance the current provisions and public profile of European citizenship as part of its wider political strategy to encourage a greater identification with its own core values and activities. Emphasising the stated view of the European Parliament, the Commission and the Council that the new Treaty is intended to conclude a lengthy process of institutional

reform provides firm evidence that the EU is now set to embark upon a new period of constructive formal integration. With the project of the economic and geographical union of Europe almost complete the ambition of the Commission is to now build a more overtly political conception of Europe through the development of a more coherent and distinct internal and external identity, and through the transformation of European civil society (*Gesellschaft*) into a more comprehensive and inclusive European Community (*Gemeinschaft*) founded upon shared political and social values.

Concluding the thesis, the final section of chapter six starts from the perspective that the purpose of integration theory is not merely to explain the historical evolution of the European Union, it should also be robust enough to establish the guiding norms and principles which can provide accurate indications as to its likely future development. Accordingly, incorporating constructivist and transactionalist ideas about the nature of individual and collective identity formation into the thesis's model of integration, chapter six has sought to explore the developing relationship between citizenship and the emergence of new types of political identities and communities. Recognising that the building of a "Political Europe" is a long term project, chapter six has also analysed the conceptual and practical implications for citizenship of the Commission's policies contained in the *Active Citizens for Europe* and *New Culture programmes (2007-2013)* together with an appraisal of the more innovative and radical measures which emerged from the report "*Building a Political Europe; 50 Proposals for the Europe of Tomorrow*".

Constructivism itself does not claim to be a new substantive theory of integration, but is instead aimed at developing an inter-disciplinary research framework which encourages political analysts to think outside of conventional and state centric political ideas and categories. At the core of constructivist theory therefore is the central idea that as an emerging polity the European Union not only constrains the range of political choices available to actors, but that increasingly their identities, choices and behaviours are becoming defined by the very fact of EU membership. For constructivists, integration can be understood as a process of both elite "socialization" and more general "social learning" whereby actors through interaction with broader institutional contexts gradually acquire new values, interests and preferences. What is

distinctive about the constructivist approach is its recognition of the idea that individuals can be persuaded to change their behaviours and transfer their loyalties to those institutions which are seen as best able to maximise their interests. As a relatively recent theoretical perspective constructivism understands that globalization is challenging the notion of a single dominant master identity, and that therefore a specific opportunity has arisen for the EU to capitalise upon its economic success and promote a more positive identification with its achievements and institutions as a way of establishing a distinct European identity.

Whilst recognising the contribution that constructivism makes to an understanding of the process of individual identity formation, chapter six has posited that it can not satisfactorily explain how wider collective identities are created and transformed. In order to address this lacuna, chapter six has undertaken a critical re-appraisal of the transactionalist theory of Karl Deutsch which purports to explain integration as a historical process of social learning in which individuals usually over several generations become a people. Describing how identities are formed through cultural transactions, interaction and communication Deutsch explained that learning processes and socio-psychological tendencies lead to a gradual convergence of collective values and behaviours. This over time leads to the transformation of a society held together by purely economic self interest into a community bound together by common values habits and practices. Whilst transactionalism has largely been overlooked in the field of integration theory, Deutsch's insights have proven remarkably prescient. In many ways the policies of the EU in creating the Single Market have created the necessary conditions to support the volume of cultural interactions and exchanges to stimulate the conditions which Transactionalism argues are required to create the pressures for continued institutional and social change. This conclusion, coupled with the growing impact of globalisation and the increased access to information and the greater range of cultural influences available to ordinary citizens suggests that the core ideas of transactionalism are assuming greater relevance in the study of the deepening relationship between European integration, identity and citizenship and represents a promising area for future research.

Relating the constructivist and transactionalist ideas of identity formation to the concept of citizenship, chapter six has identified three potential models of European

identity. Firstly a basic functional identity which is based upon a broad identification with the “symbols” and economic success of the EU and which is facilitated by the exercise of civil citizenship rights. Secondly, the constructivist idea of identity building as a non-deterministic “project” which is based upon education, culture and inter-cultural exchange and dialogue, the realisation of which I have argued is contingent upon the provision of comprehensive social citizenship rights. Finally, the creation of a distinct European political identity which promotes a positive identification with the political objectives, values and institutions of the EU itself, and which I have argued will require a progressive extension of political citizenship rights and an improvement in the democratic legitimacy, accountability and transparency of Europe’s political institutions.

Relating the core concepts of the thesis to current policy initiatives, the final part of chapter six has analysed the implications of the Commission’s strategies incorporated in the *Active Citizens for Europe Programme* and the *New Culture Programme (2007-2013)*. Highlighting how the specific measures are aimed at developing European civil society and the promotion of the idea of a common cultural heritage, chapter six has concluded that the Commission’s priority for the short term at least, is to add a cultural dimension to the concept of citizenship rather than seek to significantly enhance individual citizenship rights. This I have argued represents a return to the Commission’s favoured strategy of incremental reform and an attempt to build upon the existing support of those groups who are already receptive to the idea of continued political integration.

In the longer term and reflecting the Commission’s explicit statement that European citizenship is now intended to legitimise continued integration, chapter six has analysed the implications of the more radical and controversial initiatives contained in the report “*Building a Political Europe; 50 proposals for the Europe of Tomorrow*”. Whilst acknowledging that this is a working paper rather than an official policy statement the report provides useful indications of the type of initiatives that influential “policy entrepreneurs” are introducing into the debate about future policy. Taken as a whole, it is clear that the recommendations contained in the report are aimed at creating a more direct relationship between European citizens and Europe’s supranational institutions. Of particular significance in this respect are the arguments

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advanced to support the introduction of the first European tax and the idea to create a minimum citizens income. More fundamentally, chapter six has demonstrated that the report introduces for the first time the idea of obligations and responsibilities which individual citizens owe to the EU and how if introduced this would radically transform the nature and composition of modern citizenship as we understand it.

Judged against its initial research objectives the thesis has sought to provide evidence to demonstrate the close inter-relationship between European integration and citizenship and how over time they have become mutually reinforcing processes. Arguing for a syncretic approach to integration theory and citizenship theory the thesis has attempted to update our understanding of both concepts in the light of a rapidly changing globalised political, social and economic environment.

In order to remedy perceived gaps and deficiencies in existing analyses, the thesis has developed a new theoretical model which emphasises the growing importance of the role of informal integration and which differentiates between distinct periods of constructive formal integration and responsive formal integration. Drawing integration theory and citizenship theory together in this way, the thesis provides a more comprehensive and theoretical explanation for how European citizenship has evolved. Based upon this evidence, the thesis has reached the conclusion that whilst it currently remains an imperfect form of transnational citizenship the creation of a distinct European citizenship has broken the historically exclusive link between democracy, identity and the nation state.

Recognising that both integration and citizenship continue to be dynamic and evolving concepts, the thesis has established a progressive and open ended research agenda by creating a methodology which can be used to analyse future political developments. This can be used to determine the extent to which the EU has the potential to develop into a truly participatory form of post-national political and social community with its own distinct internal and external identity founded upon a shared set of common values, beliefs and practices. Overall, the thesis makes a timely and original contribution to a more complete understanding of the complex nature of the EU as a supranational system and of the increasing role that European citizenship is intended to play in the project to complete the vision of a "Political Europe".

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