

EU CITIZENSHIP AND EUROPEANNESS: NATIONAL CHALLENGES AND
POSTNATIONAL PROSPECTS TOWARDS POLITICAL INTEGRATION

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ABSTRACT

EU CITIZENSHIP AND EUROPEANNESS: NATIONAL CHALLENGES AND POSTNATIONAL PROSPECTS TOWARDS POLITICAL INTEGRATION

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The issue of political integration has been one of the most contentious subjects in terms of the academic studies concerning European integration. Despite many researches have been conducted in the areas concerning institutional problems, enlargement or European security, the researches concerning the socio-political dimension of the political integration are still very rare. This thesis approaches the issue of political integration from a socio-political

perspective. The problematic of EU citizenship, its impacts upon the European political identity and possible measures to reconstruct the EU citizenship in accordance with the imperatives of postnational citizenship have been analyzed in a multidimensional framework. In that respect, it has been asserted that, if the EU citizenship could be restructured in accordance with a postnational understanding, it would provide an accurate measure to develop the feelings of Europeanness among the masses and thus, many initial tensions obscuring the political integration would be gradually resolved.

Keywords: National Citizenship, National Identity, EU Citizenship, European Identity, Postnational Citizenship, Constitutionalization, Political Integration

ÖZ

AB VATANDAŞLIĞI VE AVRUPALILIK: ULUSAL MEYDAN OKUMALAR VE ULUS SONRASI BEKLENTİLER

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AB entegrasyonunun siyasal boyutu, bu konuda yapılmış akademik çalışmalarda sıkça tartışılan bir konudur. Her ne kadar siyasal entegrasyonda kurumsal sorunlar , güvenlik ve genişleme süreci ile ilgili sorunlar sıkça işlenmiş olsa da konunun sosyo-politik boyutları hakkında yapılmış çalışmalar halen sınırlıdır. Bu tezde AB siyasal entegrasyon sürecinin sosyo-politik boyutlarını incelemeye çalıştık. Bu amaçla AB Vatandaşlığı çerçevesinin Avrupa siyasal kimliğinin oluşturulması üzerindeki negatif etkilerini inceleyerek bu yasal çerçevenin ulus sonrası bir anlayışla nasıl yeniden yapılandırılabilceğini ve bunun gelecekte oluşabilecek AB siyasal kimliğine

yapabileceđi katkıları analiz ettik. Bu bağlamda, AB vatandaşlığı'nın ulus sonrası bir anlayışla yeniden yapılandırılması halinde bunun Üye ÷lke toplumları içerisinde Avrupalılık bilincinin oluşmasına yardımcı olabilecek bir başlangıç olacağını ve böylece siyasal entegrasyon projesinin başarıya ulaşmasını engelleyen pek çok sosyo-politik sorunun aşamalı olarak çözümlenebileceđi görüşünü savunduk.

Anahtar Kelimeler: Ulusal Vatandaşlık, Ulusal Kimlik, AB Vatandaşlığı, Avrupa Kimliği, Ulus sonrası Vatandaşlık, Anayasallık Ruhu, Siyasal Entegrasyon

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I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

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CHAPTER 1

INTRODUCTION

European integration is the most striking political edifice that has been realized during the second half of the twentieth century. In comparison with other regional cooperation frameworks, the degree of success that the EU has achieved during the last forty years could never be evaluated as trivial. The EU, by means of transforming its activities from technical cooperation to economic and monetary unification, has not only transcended over other regional cooperation organizations but also become one of the most significant economic actors on the global scene.

Furthermore, another factor that has differentiated the EU from other regional cooperation organizations is that of its political content. The successful trend achieved in terms of economic integration has functioned as an encouraging catalyst for the commencement of the efforts towards political integration by the early 1970's. The initial momentum which had first been started for maintaining the EC's diplomatic identity, soon transformed into a more wide-ranged, appealing ideal for the future of the European politics.

Especially, after the dissolution of the Soviet bloc in 1989, this ideal had been resolutely institutionalized at the Union level in accordance with the imperatives of the Maastricht Treaty. On the basis of the legal framework set by the Maastricht Treaty, a *Suis Generis* political structuring for the EU- which might be termed as a ‘loose federation’¹- had been introduced. In addition to these administrative arrangements, the range of the intended political unification further been exposed through the introduction of the EU citizenship. The prospective political structure of the Union -instead of being a forum for close, intergovernmental political cooperation- would be a consolidated regional polity with a developed supranational authority and a postnational “European” political community organized in terms of the citizenship rights and common values. By virtue of these arrangements, the EU has legally exposed its target towards political integration at the beginning of the new millennium.

However, starting from the time when Maastricht Treaty had been ratified, realization of these intentions has been continuously obscured because of the sovereignty considerations of the Member States and of the criticisms about perceived theoretical, legal and institutional imperfections of the anticipated political structure. These twin obstructions concerning the primacy of the nation-states and the internal limitations of the Union system, besides other subjects of high politics, have impeded the realization of the institutional initiatives to flourish European political community through the EU

¹ Wallace 1998

citizenship framework. In addition to these concrete concerns, the abstract confusions contained within the legal framework, have hindered the popular internalization of Europeanness at the societal level. Hence, overtime the project of maintaining political integration through the EU citizenship has become a secondary subject that has always been sacrificed for the sake of promoting the economically pragmatic and politically sound initiatives.

This negligence of EU citizenship could also be observed in terms of the academic studies on European politics. Despite there is vast body of researches conducted in the areas like institutional structure, common policies or integration, the researches about EU citizenship are still very rare. The main reason for this situation stems from the a priori acceptance of the EU citizenship as a symbolic status which lacks the potential of resolving initial problems on the way towards construction of an 'Ever Closer Union'. Because of these considerations, the studies about political integration of the EU are mostly bounded with institutional and theoretical analyses but lacking necessary explanatory content.

Researches concerning the formation of a particular polity, in every respect, should have to include the political community into its analytical focus. Political communities are the compulsory constitutive elements for the existence and the viability of the polities regardless of the source or scope of the political unit in question. In that respect, citizenship as the core organizing feature of the political communities comes to fore front as an area that should be explained and analyzed so as to understand all characteristics of a particular

polity. Citizenship is a powerful; multidimensional concept which could not be solely defined as a legal status. Beyond legal means, citizenship also comprised a subjective category of identification that is generally associated with feelings of togetherness, obligation, patriotism and solidarity. It is social cement that mobilizes and unifies people for the realization of a common goal in times of crisis or perceived threat. Due to these reasons, starting from the eighth century BC when the early forms of citizenship had first emerge in ancient Greece, citizenship has been defined as the indispensable feature of democracies.

Related to these, it is obvious that the issue of EU citizenship should be analyzed in a more detailed and innovative way. For the purposes of such an analysis, existing impediments against the political integration could be identified and thus possible remedies and prospects might be developed both from above and from below.

In addition to these, another factor, which made the issue of EU citizenship worth studying, is the political developments encountered by the last decade of the twentieth century. The transformative momentum that has been started by the 'Velvet Revolutions' in the Central and Eastern European Countries have soon spread out the Western part of the continent in the form of the radical social movements concerning recognition of identity differences and social inclusion. Furthermore, simultaneous with these developments, acceleration of the globalization process -besides economic impositions- gave way to the formation of a powerful global civil society that is able to impose

new universal obligations upon the states about issues like environmental protection or human rights. All these profound transformations, while changing the conventional framework of the politics, revealed the need for developing a new definition of constitutional citizenship that transcends over the exclusionary, static conceptions of nationhood. Through such demands, the importance of the citizenship has again become central within the national polities.

In terms of these trends, as a new form of regional citizenship and an upper category of identification, the EU citizenship again comes to fore front as a key option to reconcile these tensions at the Union level. For constructing a viable Union polity, the measures to advance political integration should be reinterpreted in a more responsive style. Through such a reinterpretation, the measures to develop the feelings of Europeanness, purified from the exclusionary limitations of nationalism, could take roots.

In the contemporary period of globalization, almost every concept related with the nation-state gets into a transformation. Like all other issues, citizenship has also taken its part from this transformation. In the developed liberal democracies, previously settled notions of nationality and citizenship could no longer respond the emergent socio-political realities of this world. In that respect, the possibilities about a postnational order have been started to be pronounced in terms of the philosophical and sociological debates concerning the citizenship problem. In that respect, the EU citizenship could be viewed as the most promising alternative that would realize a postnational declination.

However, the current structure of the EU citizenship is lacking the necessary qualities to bring about this change.

This thesis has been structured on this particular understanding. In accordance with this, the thesis has been developed upon a multidimensional framework that would evaluate the EU citizenship in accordance with the imperatives of the postnational citizenship. By this analysis, it has been intended that, in the context of European integration the problems concerning the political identity formation would be redressed.

In that respect, these issues have been analyzed within the scope of the following chapters. In the second chapter, the historical background of the EU citizenship has been presented with reference to the European integration. By this retrospective review, institutional and practical problems that necessitated the introduction of the status would be crystallized. In the third chapter, the contemporary legal framework of the EU citizenship has been reviewed so as to address the concrete, legal drawbacks of the issue. In the fourth chapter, theoretical dimension of the citizenship question has been reviewed both at the national and at the EU level. In the fifth chapter, the impact of the EU citizenship upon the development of European identity has been analyzed. In relation with the previous analyses, through reviewing the alternative models of Habermas and Delanty, the possible ways to reconstruct the EU citizenship have been evaluated. On the basis of these analyses, in the sixth chapter, overall analyses concerning the prospective role of the EU citizenship on the development of a political identity within the EU context have been made.

CHAPTER 2

CURRENT STRUCTURE OF THE EU CITIZENSHIP

The contemporary structure of the Union citizenship represents a final picture of the efforts for conciliating the Union with its society against the economic, political and institutional struggles that the EU had obliged to challenge during the last thirty years. The struggles that paved the way for the dynamic transformation of the EC to the EU also bring about the necessity of establishing a political community for that *Suis Generis* organization. The EU Citizenship has been introduced as the by-product of that initial evolution and during the last thirty years, it continues its extraordinary evolution to complement and construct the core of the European identity.

Due to that factor of dynamism at the very core of the issue of the Union citizenship, any analysis, which would be made with a static understanding, could not be explanatory in terms of presenting the whole dimensions of the subject matter. Because of this reason, before making any analytical explanations about the issue, it would be useful to summarize the

short history of the Union Citizenship's evolution with reference to European identity.

In relation to these, in the following sections of this chapter, the economic, political and social factors that bring forward the launch of the Union citizenship in retrospect will be explained. By devoting this chapter to this retrospective review, it has been intended to provide an actual ground for the following arguments.

2.1 Historical Development

The idea of a "United Europe"² in retrospect mostly connotes unification of the continent under a single political regime or a single ruler. In the rhetoric of these ideas, even though the integration of politically scattered nations mentioned, its impossibility is an obvious point that is widely accepted.

The reasons for such a conditioning are quite understandable given the linguistic, cultural, religious and political differences of the European societies. These differences provided the main reason of political cleavages in the continent and obscured cooperation between the countries for centuries.

However, the Second World War and the complete catastrophe that it had caused functioned as a genuine shock for European states to reconstruct mutual relations and economic cooperation. But, this rapprochement at the states level was not identical with the attitudes at the

² Urwin 1995

societal level due to the recent memories of war and holocaust. Because of this reason, during the course of the early attempts for the EC, the founding fathers of the Community (Monnet and Schuman) developed a clear pragmatic understanding that they intentionally left public interference out of the scope of their activities. That tendency of Monnet and Schuman could be clearly seen by looking at the institutional framework of the EC set by the Treaty of Rome. The weak position of the European Parliament (EP), namely the agent which was designed to be the people's voice within the Community, is the best explanatory example for the intention of the founders at the beginning.

In the following years, the Member States for the sake of promoting further technical and economic cooperation had also continued this elitist design of Monnet and Schuman. By this way, the initial steps for the project of European integration had been taken quite safe until the late 1960's. Until that time, the arguments for determining the future route of the integration project had been carried out by the leading political elites in accordance with the norms of the international relations. Thus, many obstructions that had been arisen on the way towards the success of the project had been resolved through negotiation and reconciliation between the states.³

But that structure was proved to be outdated and ineffective against the harsh challenges that the Community faced up with during the thirty-years-long period from 1969 to the present day. In order to give a fully-fledged

³ See chapters about Empty Chair Crisis and Luxemburg Compromise in Dinan 1999 and Urwin 1991

account of the developments happened within that period a fastidious account has been presented below on a decade-by-decade basis.

2.1.1 1970's: Prelude for Political Integration

The 1970's was a period of which the European Community had to struggle with many problems both on the community level and on the international level. Different from the previous decade, when the main problems were originated from the different interpretations of the Member States about the nature of the integration, on the eve of the 1970's the Community had to deal with not only internal issues such as containment of the German new foreign policy alignments (Ostpolitik), French curiosity towards the first enlargement or institutional reform but also the Community had to work out intensively on problems originated from the oil crisis, increasing tensions in trans-Atlantic relations and instable economic environment. In order to solve these problems and to strengthen the Community competencies before the first enlargement, the Community directed its efforts to produce a series of remedies in all of the areas starting from the year 1970.

By the same year the European Political Cooperation (EPC) had been established based on the ideas pointed out in the Davignon Report. The main aim behind that arrangement was extending the Community's competencies into the sphere of foreign policy. By that arrangement it was also intended that the emerging 'Ostpolitik' of Germany would be contained

and participating Member States would form a coordinated foreign policy stance about the major issues thorough regular meetings of the ministers.

With these arrangements, the Community reached an initial step on its way towards constructing an international political identity. However, in terms of these early efforts, even though there was an intention to construct an identity which would show the Community as a single actor on the international arena, the measures that had been taken in accordance with that goal were hesitant and designed with an obvious fear of falling behind the emerging trends of the day.

In addition, some economic measures had been designed in order to complement the measures taken in the sphere of politics. Similar to the intentions of the Community regarding the politics, the economic measures initiated at that time were mainly designed so as to maintain the monetary identity of the Community. In relation with that purpose, Werner Plan had been launched in 1970. It was originally a plan composed of seven preparatory stages to carry the Community to a fully-fledged economic and monetary union. The development of the political identity of the Community carried a great importance in that respect. Accordingly, it had been underlined in the report that, the achievement of the economic and monetary union would be impossible without the maintenance of coherent and harmonious reforms made in the sphere of politics and institutional structure. In that respect, in terms of the institutional sphere, the budgetary agreements had been finalized so that the EC acquired a self-financing budget. Also, by that agreement, the

budgetary powers of the European Parliament had been extended. Dinan, by referring to the work of Feld, interpreted the finalization of the Budget as:

...an important step of the EC's development. Undoubtedly the acquisition of clearly defined financial resources accruing directly to the Community and the expansion of the Parliament's budgetary authority were major steps on the path toward political integration.⁴

These efforts, coupled with the refreshed spirit of optimism caused by the first enlargement, encouraged the Community to underline their purpose of creating a more consolidated community. That tendency would clearly be seen in the final declaration of the Paris Summit held in 1972. In that highly optimistic declaration, it was said that: "The Member States of the Community...affirm their intention before the end of the present decade to transform the whole complex of their relations into a European Union."⁵

However, the bold attitude of the member states faded quickly due to the oil crisis and the tightening conflicts in the Middle East. The oil embargo caused an economic downturn in most of the Member States. The circumstances caused by the oil crisis carried a great importance to test the EPC's effectiveness. Accordingly, the ministers of foreign affairs of the Member States got together to form a common respond to the issue without consulting to the United States. However, their efforts caused just the souring of the Community's relations with the United States. But the Community took a lot of lessons from that misfortune. It had been understood that the Community should not further rely on and to continue its developments under

⁴Dinan, D. (1990): "Ever Closer Union" pg: 63

⁵Quoted in Dinan, D. (1990): "Ever Closer Union" pg:75

the invisible hand of the United States. In order to maintain further integration and international prestige, the Community had to get out of the shadow of the United States. In that respect, the emergence of that tension provided an additional inspiration for the Community to develop a more consolidated international and institutional character distinct from the United States.

In accordance with these the word ‘European Identity’ had first been officially pronounced in 1973. “Document on European Identity”⁶ issued by the member states as a response to the American demand for a new Atlantic charter and the Danish foreign minister had presented it in his visit to Washington. Of course, the term “European Identity” in that document was used more as an indicator of European identity on the international relations arena, it did not connote to a wider whole except the Community. An understanding that includes the societies into its scope of perception was out of the question for the Community up until the year 1976.

In 1976, in accordance with the efforts of institutional reform for the establishment of the EMU, Tindemans Report had been issued. In that report, the Prime Minister of Belgium presented a refined ‘new approach’ about the institutional reform. In that respect, the maintenance of some principles like flexibility in the institutional framework had been underlined. In addition to these, Tindemans stressed the importance of bringing the Community closer to its people and proposed a set of reforms to achieve that end by pronouncing the term ‘Citizen’s Europe’. The main reason for such an idea to come forward

⁶ Boxhoorn 1996, Dinan 1990, Rosamond 2000

was that of preparing a vital ground for the rooting of the EMU. Because, an exclusionary development in the preparatory processes towards the EMU would further diminish its feasibility and most importantly would undermine the factor of democracy within the framework of Community which even of that day was an actual problem.

The new approach of Tindemans raised many considerations about democratization and institutional reform. The report also prepared the initial groundwork for the future treaties of Maastricht and Amsterdam. However, in terms of our point of concern, Tindemans report could be handled as a prelude on the way towards political integration and thus inclusion of the people into the project of integration. But it should be admitted that, his proposal for 'Citizen's Europe' did not carry the intention of creating a real society for the prospective European Union. Rather, it was an attempt to increase support for European integration and thus maintaining a popular ground, which would, in the following periods, decrease the tone of arguments about the democratic deficit of the Community.

The problem of democratic deficit of the Community covered a great place in the public arguments. In addition, it was the main point that the Eurosceptic criticism of that time was mostly focused on. For that reason, in addition to the influence created by Tindemans' new approach, the first direct elections for the EP should be taken into account as an important element as far as the development of the European Citizenship in retrospect is concerned.

Direct elections for the EP marked the end of an episode in the history of the Community. Originally, in the articles of the Treaty of Rome, the EP was explained as an institutional organ whose main mission was that of 'being people's voice' within the Community. But, contrary to the rhetoric, its functions were arranged just as a consultative body whose opinions were not binding the Council in decision-making process and whose members were appointed by the Member States. These democratically deficient qualities of the EP created a popular perception against its institutional effectiveness. In that respect, 1979 direct elections paved the way for the development of a positive public opinion about the EP. With relatively high voter turnouts the 1979 elections were inspiring for many Euro-optimists in terms of the EP being on its way towards becoming a real political forum for the European people. Moreover, with respect to the issue of European Union Citizenship, the elections should be taken for granted as an important step towards increased democracy and accessibility of the Community institutions for the people. Even the arrangements for direct elections of the EP had been started before the Tindemans report; the positive psychology that the elections had created gave enough encouragement to the Community officials to launch further measures which would lead to the creation of a political society in the following decades.

Taking all these developments into account, in spite of the negative international and internal circumstances that occurred during the 1970's, the EC worked too hard to continue its development not only in terms of

economic but also in terms of political integration. Through launching economic and political measures- that would consolidate the internal structure and the international stance of the Community- simultaneously, the EC had managed to overcome the encompassing problems of the period. In addition to these, the Community, by taking the initial steps to construct a distinct political and economic identity for itself, had managed to lay the very foundations for its prospective political existence distinct and partially autonomous from the U.S. influence. Ultimately, when reviewing the Community's history in terms of the efforts for creating its political society, the 1970's might be analyzed as a period when the EC had started to realize the share of political and social dimensions of the integration for maintaining success in technical and economic fields of integration. In the following periods, this new understanding paved the way for the EC to transform its agenda in a way that would maintain progress in both fields.

2.1.2 1980's: Single Market and the Citizenship Question

The initial steps that were taken during the 1970's have provided the necessary impetus for the Community to continue its efforts towards establishing a fully-fledged economic and political Community in the 1980's. In that period the Community, while making various reforms to overcome the democratic deficit and to complete the economic program, had encountered with new issues which had paved the way towards the introduction of the Union citizenship in the following period.

In this period the basic focus of the Community was again on the economic issues, namely completion of the Single Market and its related institutional reforms. The need to increase intra-community economic and trade activity became an all-encompassing factor against the rising commercial and technical competitiveness of the American firms both in European and in global markets. In addition to these, the European businesses, seeing benefit in the project, also made positive contributions to the Community for urging their work towards that goal.

Furthermore the forthcoming political accession of the three new and economically poor member states in the Community raised considerations that were favoring this goal. The accession of Greece (1981), Spain and Portugal (1986) on the one hand underlined the politically predisposed route of the Community towards democracy; it, on the other hand, brought additional economic hunchbacks to the Community budget. For that reason Single Market has been thought of an important incentive that would accelerate the removal of economic inequalities between these countries and the rest of the Member States.

The completion of the Single Market by the year 1992 determined the main orientation of the efforts of both the Community and of the Member States starting from the beginning of the 1980's. Establishment of an area without internal frontiers, in which the free movement of goods, persons, services and capital is ensured, was a wide ranged task that required many arrangements made not only at the national but also at the Community level.

Within the scope of this attempt, harmonization of the markets, standardization of products and equalization of the national economies became urgent prerequisites in order to achieve the Single Market. Under the effect of the optimistic atmosphere created by the encouraging reports of the Commission and special committees, completion of the Single Market had been perceived as a huge step for the deepening of the Community. However, the multi-dimensional nature of the task and its possible drawbacks soon became crystallized.

The complementary four freedoms of the Single Market, namely free movement of goods, services, capital and people, brought about the human factor in the Community framework. The EC, via the introduction of the free movement of people principle, was about to experience its first serious attempt towards integrating people within the Community framework. Despite the essence of that principle foreseen the free movement of the workers and the specialists, its scope had been enlarged by the proposals of the new member states throughout the deliberative process for the Single European Act. However, adoption of that principle did not follow a smooth path of development. Due to the nature of the subject matter, there were many breaking points and drawbacks that had to be considered cautiously in order to complete the whole process.

Among the freedoms associated with the single market, most problematic one was certainly the free movement of persons. The EC was experienced and informed to a greater extend in terms of the issues that are

falling between the lines of the remaining three freedoms. However, the issues covered within the area of free movement of persons were relatively new and equivocal for the Community. Any supranational arrangement, which would be made for the fulfillment of that principle, carried the risk of failing the realization of the whole project.

By taking all these factors into account, the approach of the Community for the maintenance of the free movement of people principle was relatively modest and was intentionally kept in the symbolic lines. Of course, the advantages of integrating people by virtue of such a principle were being realized even during the 1970's. However, the nature and scope of the measures were designed in a careful way to be abstained from evoking any tensions based on the arguments of national sovereignty. For example, the Council resolution of June 1981, for the issuing of the European Community passports, has used a vague and fastidious rhetoric in terms of people's integration into the EC framework. The reason for the introduction of the EC passports has been explained as follows:

...Council, agreed on to introduce a passport of uniform design, anxious to promote any measures which might strengthen the feeling among nationals of the member states that they belong to the same Community, considering that the establishment of such a passport is likely to facilitate the movement of nationals of the member states...If necessary in particular cases, Member States may, without prejudice to the passport to be drawn up in accordance with this resolution, continue to issue the old type of passport.⁷

⁷ Official Journal, C 241 19/09/1981 pg: 0001-0007

Similarly, the ad hoc Committee on People's Europe which was established in 1984 Milan Summit explained their main tendency when approaching their task as: "...the integration should have direct and tangible influence in the people's everyday life..."⁸ The reports of the people's Europe Committee further gave the Council a chance to introduce further measures which would make the Community part of the everyday lives of the people and thus promote a gradual approach which would result in the institutionalization of the EU citizenship during the following decade. Thus, through these measures the proximity of the Community to its citizens would be promoted visibly. Within the scope of that intention the Committee suggested many measures of symbolic influence like EC driving licenses, EC television channel, EC health cards and EC border signs. So, in accordance with these suggestions the Council adopted a series of measures that had symbolic influence-including flag and anthem-but further serious initiatives that would be perceived as a threat to the national identities and interests were hesitated to be introduced.

On the other side of the continuum, as far as the Member States' dimension was concerned, there was an obvious dilemma observed. On the one hand, having affected from the enthusiastic trend towards further integration, Member States were working for the completion of the single market initiative. On the other hand, they were curious about the possible complications and drawbacks that would emerge from the free movement of

⁸ Möttönen, K. (2002): "Culture, Identity and the Sense of Togetherness" pg:4

people principle. Because of the fact that abolition of the internal borders would undermine the border security of the frontier countries and thus would credit the increase of illegal actions. Based on that basic dichotomy, Member states while working very hard to initiate the arrangements that were in the scope of the remaining three freedoms, decided to establish an intergovernmental initiative outside the Community. For that reason, France, Germany, Belgium, Luxembourg and the Netherlands in order to abolish border checks between the signatory countries and to take common precautions for border security signed the Schengen Agreement in 1985. Major issues of concern were the asylum seekers, visas for the third country nationals, illegal immigration, drug trafficking, smuggling and police cooperation. The formulation of efficient and settled measures about these issues took five years of the signatory states and in 1990 the Schengen Protocol was signed. By the protocol issues about common visa stamps, harmonization of the immigration laws, common list of the third countries required visa, common measures for asylum seekers, exchange of information, cooperation of judicial and police forces⁹ and the establishment of the Schengen Information System (SIS) have been resolved. Also, in the following years, Schengen area has been extended by joining of Italy (1990), Spain and Portugal (1991), Greece (1992), Austria (1995), Denmark, Finland and Sweden (1995).

⁹ Later, that initiative prepared the groundwork for the establishment of European Police Agency (EUROPOL)

However the application of the Schengen has always been problematic against the shifting security considerations of the signatory states. For instance, Germany in 1989 postponed the signing of the Convention and, similarly, many signatory countries after the democratization of the Eastern European countries declared that they would continue checks in their borders. This reality comes to forefront as an element that reflects the dichotomy of the Member States when approaching to the issue of free movement of people. That is to say, Member States while supporting the idea of free movement of people as an integral part of the single market project, they continue to keep their basic curiosities about national security and therefore hesitated to initiate any supranational measures based on the principle of mutual thrust.

Despite all these sensitivities and curiosities, the Community and the Member States remained determined to continue their road towards the fulfillment of the single market objective. The 1985-1986 Luxembourg intergovernmental conference started within such an atmosphere. After series of meetings held at the ministerial level, the deliberative text of Single European Act had been completed in 1986. By the ratification of the SEA, many problems of the Community, which had been addressed during the previous years, were resolved at least on the theoretical level.

The Act has put forward the strategy of completion of the Single Market and ensured the completion of the preparations for the EMU in the future; it has institutionalized new powers for the EP within the decision making process through introducing co-decision procedure and assent

procedure; it has incorporated the EPC within the Community framework; but most importantly in terms of our point of concern, the SEA by introducing the free movement of people principle took the first serious step on the way towards establishing the Union Citizenship.

In spite of its fragile content, the EC by virtue of launching that principle got the advantage of gradually attracting the attention of the European societies in real terms. The report of the Eurobarometer issued in 1989 was really explanatory for that Europe-wide arousal of interest.

There has been a significant increase in the interest taken by European citizens in the matters related to the European Community. %43 of those interviewed were “a great deal” or “to some extent” interested in Community affairs compared with %39 in Autumn 1988...European Community affairs are considered important, even very important, for the future of the Member States. This view is shared by % 81 of the interviewees.¹⁰

In terms of people's approach to the Single Market the survey also showed a positive trend:

A very large majority of Community citizens are now familiar with the plans for the 1992 Single European Market...ten specific aims of the program to complete the Single Market enjoy an impressive level of support in all twelve Member States. Europeans see advantages in being able, throughout the Community, to: reside anywhere without restriction; make payments without formality; carry unlimited amounts of money when traveling to another community country; buy products lawfully marketed elsewhere in the Community; work anywhere without restriction; open a bank account anywhere; buy land or property anywhere; have VAT rates brought closer together; see border controls eliminated; contract freely for public works¹¹

¹⁰ Eurobarometer Poll “Public Opinion in the European Community” June 1989 No.31 pg: 1-2

¹¹ *ibid.* pg:16-17, 31

However, the survey also underlined the fact that the percentage of these positive responses vary dramatically in terms of the social background of the interviewees, by stating that:

... the internal market is most popular among the professions and senior management; farmers are its strongest critics...however, it should be borne in mind that, only %47 of the interviewees were in paid employment. Similarly, most of those who believe that Single Market is a “good thing” describe themselves as upper or upper middle class and fall within the higher income brackets. Those who described themselves as working class and are in the lower income brackets are least positive in their attitudes.¹²

The perception that the launching of the SEA was a development that would worth celebrating only for the advantaged groups within the European societies soon became a critical point for the Community. As it had also been stressed by the Eurobarometer’s analysis, among all the advantages, which were associated with the agreement, there was nothing important or beneficial for the workers and employees. That negligence of the socio-economic backbone strata of the EC societies started to be heavily criticized by national political parties. They started to emphasize the necessity of a Community level initiative that would ensure the inclusion of the working classes into the framework of the Single Market. Based on this main point of concern, the Commission channeled its interest towards the issue of adding a social substance to the SEA by 1988. Thus, the Community Charter of Fundamental Social Rights of Workers (Social Charter) has been adopted in 1989, Strasbourg summit. Even the text identified several rights varying from

¹² ibid. pg: 19

freedom of movement to equal treatment; it did not go beyond the symbolic importance due to its lack of legal character and to its contradictory approach to the social realities of the year 1989.

While analyzing the factors that paved the way for the Union citizenship in retrospect, it is impossible to neglect the importance of the year 1989 in terms of the momentum that it had gained to the process. Since, as Van Gunsteren puts it:

The events of 1989 and their aftermath have catapulted the world into a period of constitution making and transformation of political regimes that transcends the logic of the nation-state...citizenship has reemerged as a priority on the political agenda of many established democracies, which felt the need to redemocratize¹³

As a matter of fact, the effects of these profound changes also appeared on the EC level. The Community, having won the ideological battle against COMECON, had to redirect and reshape its political identity in order to re-approach the East and the West. However, that would not be an easy mission not only in concrete economic terms but also in abstract socio-political terms.

The issue of bringing the Eastern European polities into the standard of the Western European ones includes many contradictions and drawbacks especially as far as the cumbersome and winding bargaining processes of the Community is concerned. Also, the spontaneous opening up of the East gave way to many different declinations about the nature and scope of that process. On the one hand, unexpected 'Velvet Revolutions' in Eastern Europe and

¹³ Van Gunsteren, H. R. (1998): "A Theory of Citizenship" pg: 6, 8

prospective German unification were inspiring for most of the pro-European political elites. These events assured political and economic construction of “Europe” as a distinct entity in terms of its real meaning and for that reason the Community should have to take on the task of assisting its newly democratizing partners. On the other hand, some critiques were curious about the visible and invisible costs for the Community of taking on such a mission. The urgent need for economic reconstruction of these countries necessitates the Community help and this meant extra, visible costs on the EC budget. Moreover, the sudden rush of the Eastern European peoples into the labor markets of their Western counterparts for better salaries and living conditions also put additional burdens on the Member States. Even before 1989 high unemployment figures were problematic for the Community and by this emergent wave of migration from the East to the West the issue became more surpassing. Furthermore, as a reaction to the new wave of migration and relative decrease in the life standards of the lower classes in the host countries, marginal xenophobic groups had been resurrected and started to gain a considerable number of supporters. The rising extreme right wing arguments against foreigners in terms of political activities were also centered on the issue of the redefinition of citizenship. In that respect, any Community-wide political initiative on the issue of citizenship became important. Due to this reason, the Community obliged to follow a dual political path both to establish an effective agenda for re-approaching the East and the West and to protect the present progress of the deepening from external influences. In other words, the

Community, while providing assistance to develop its Eastern partners, it also had to assure the stability and progress of its original Member States. This two-dimensional approach of the Community prepared mainlines of the Community practices in the following period.

Finally, under the light of all these developments, the 1980's might be understood as a period of radical transformation for the Community. Just as the developments of the 1970's provided dramatic shock for adopting a more realist and pragmatic approach about integration, the events of the 1980's paved the way for the EC to construct a more determined understanding for establishing an accurate and a concrete political identity which transcended its economic side. In other words, the EC by introducing symbolic measures, ratifying the right of free movement for Member State citizens through SEA and by adopting the Social Charter, laid the foundations of the prospective Union citizenship.

In addition to these legal arrangements, the Community institutions started to change their rhetoric in public declarations and official documents. When making statements the spokespersons attentively refer the themes such as "Europeanness" or "Common European Values". By using these themes, the institutions intended to construct a Europe-wide public opinion about the legality and the vitality of being together for the benefit of all. However, the usage of these themes was not really considered as vital in terms of the Member States reluctance towards establishing a real supranational formation. Until 1989, continuous emphasis on being part of European integration was

mostly made in order to maintain the necessary consensual basis for the Community practices. However, in the course of the rapid changes started by the dismantling of the Berlin Wall in 1989 and the simultaneous dissolution of the Soviet bloc, the rhetorically limited understanding of the notables, had been subjected to change. Thus, the slow and rather reluctant progress towards the initiation of the Union citizenship had been accelerated by the beginning of the 1990's.

2.1.3 1990's: The European Union and Citizenship

At the beginning of the 1990's, the EC had a more clear and determined vision about economic and political deepening than any other time in its history. As it has been mentioned above, the profound transformation of the post war international system in favor of the EC, paved the way for the Community notables to consider the establishment of the Community's long proclaimed aim of political and economic union. As preparations for the 1992 were accurately made and the markets were being activated with the new demands of the Central and Eastern European Countries, it was thought to be the best time for the Community to move one step further in terms of maintaining economic consolidation.

Moreover, the Iraqi invasion of Kuwait and the sudden outbreak of the civil war in Yugoslavia in 1991 also functioned as significant catalysts for the EC to reconsider its international and security identity more seriously. That is to say, hesitancy of the political leaders to intervene the Gulf War and failure of the EPC in negotiating both sides in Yugoslavia fueled the Member State

interests towards the advancement of cooperation about the matters of foreign policy and security matters.

To achieve these ends, the Community concentrated its efforts to make necessary arrangements for achieving economic (under the structure of the EMU) and political (under the title of the European Political Union-EPU) union. This main intention that would transform the EC to EU determined the main focus of the Community throughout the last decade of the Twentieth century. Thus, the EC, during the 1990's, by ratifying Maastricht and Amsterdam treaties in 1992 and 1997 managed to lay the very foundations of the EU and its bonded Union citizenship.

The EC having clarified its goal towards establishing EMU on the one hand and on the other hand establishing European Political Union (EPU), held several intergovernmental conferences from December 1991 until December 1992. These two issues were decided to be considered simultaneously since the establishment and functioning of the former goal required initiation of simultaneous reforms and harmonization in the latter area. Thus, the twenty-year-long pronouncement of the political reconstruction of Europe became legally considered. At the end of these meetings, although the system and goal of the economic side of the Union had been openly designed, the political side of the Union remained vague and was far from satisfying the original intentions. However, that imbalance between the two prospective competencies did not prevent the formation of the emergent document of Maastricht Treaty (Treaty on European Union-TEU) in 1992.

The treaty, in terms of its scope and content, was designed in a way that utilizes the Member States demands for deepening. By the three-pillared structure set in the treaty, a wide range of subjects had been brought under the Union competence. The supranational establishment and timetable for the EMU and the EU citizenship had been covered in the first pillar (The Community Pillar); the intergovernmental establishment of the former EPC and WEU had been brought under the second pillar of Common Foreign and Security Policy (CFSP) and the issues that were falling between the lines of free movement of persons like controls on external borders, asylum, immigration, judicial and police cooperation in civil and criminal matters and subjects concerning the position of third country nationals had been brought under the third pillar of Justice and Home Affairs (JHA). In addition to these, due to the equivocal atmosphere of the period, the treaty obliged the organization of an intergovernmental conference in the future for making the necessary amendments to the TEU.

The signing of TEU was certainly an important step in the history of the EU. In terms of the diversity of the issues which were being brought under the Community competence and in terms of the new institutional measures which it had introduced, TEU maintained and assured the opening up of horizons for the EU's future. A huge variety of macro and micro issues, ranging from EMU or CFSP to accession, culture, social rights, tourism, youth, education and vocational training were being brought under the Union's competence at various levels. In addition to these, by establishing the

Committee of Regions and by integrating the Court of Auditors, EPC into its institutional framework, the Union's democratically deficient and institutionally closed structure were changed to a certain extent. Moreover, by introducing co-decision procedure, by extending the scope of the assent procedure and the areas in which the qualified majority voting is mandatory in the Council of Ministers, TEU marked the establishment of a new form of institutional balance.

In terms of the economic facet of the TEU, a three-staged timetable for the EMU has been set within the treaty articles. At the fulfillment of these preparatory stages, the national currencies of the participant Member States would be replaced by the Union single currency unit- EURO (1 January 2002)- and monetary policies of the Member States would be controlled and supervised by the independent European Central Bank (ECB). By virtue of launching such a system, The Union would complete the whole system for the effective functioning of the Single Market. Also, with attributing the ECB an autonomous position and with the new currency unit, control of inflation within the EMU area would become easier. In terms of international trade, if the program would be successfully implemented EURO supposed to diminish the widely accepted domination of the U.S. dollar in international transactions as an alternative international medium of exchange. If that would be the case, the Union in terms of establishing new relations with the third countries would reach an additional advantage. Another advantage that the initiators had been concerned was about the social dimension of EURO. That is to say, usage of

single currency would function as a unifying feature for the citizens of the Member States. The people when traveling across the borders of the Single Market would use the same currency and would encounter relatively same prices everywhere; in addition, by carrying the EURO in their pockets another symbolic feature of Europeanness would become part of their everyday lives. In other words, EU would become the main medium of exchange in the daily lives of the people of the Union.

The promotion of the sense of Europeanness was considered to be an important factor for the maintenance and development of not only the EMU but also of the EPU. Promotion of the political union was not only necessary for dealing with complex issues but also it was necessary for establishing a basis for the prospective advancements in that field. As a matter of fact the superstructure established by the EMU, CFSP and JHA should be grounded onto an accurate substructure for the sake of the whole integration project. In relation with that initial calculation, the European Union citizenship has been established by TEU. By introducing the Union citizenship with a set of rights and freedoms, which would further be analyzed in the following section, the EU established its abstract society for the prospective political union. Also, through introducing this new level of belonging, various measures that were also been introduced by the treaty articles gained an addressee. However, the acceptance of this new level of belonging by the Member State societies did not occur as easy as it had happened during the Maastricht summit.

The emergence of the Maastricht Treaty had considerable repercussions in media and in public debates in terms of the popular measures that it had introduced. Especially, the introduction of common currency and the Union citizenship attracted the attention of the media commentaries due to the speculative potential contained in the very nature of both issues. However, TEU reached its maximum popularity in the public discussions during its period of ratification. The problematic Danish and French referendums covered a great place in media and arguments about the issues of national sovereignty or supranationality started to be held at the public sphere. The low turnout figures in both of the referendums fueled considerations about people's curiosity about the European integration project. The Community, after its twenty years long struggle for popular appeal, was still perceived as an organization remote to its people. In other words, even though the Maastricht Treaty was designed in order to establish a particular political structure and its bounded political community, it failed to fulfill the main requirement, necessary for its general acceptance. Even that negative trend of public opinion was tried to be revised by the considerably higher positive votes of the Irish referendum, the supranational institutions of the Community felt the necessity to trace the developments in that particular area through promoting special practical projects intended to provide quick response to the needs of the certain social groups. By use of these measures, the identification of the people with the Union was supposed to be managed. However, the share of these pragmatic measures remained limited in the Union's agenda due to

the surpassing importance of issues such as EMU or enlargement. As a matter of fact, question of the Union's proximity to its society kept being an auxiliary subject matter in the name of developing economical deepening and political enlargement.

The issue of enlargement gained a special importance within the emerging global conjuncture and thus became the focal point of the Union's concern during the 1990's. For that reason, in 1993 the Copenhagen European Council introduced a list of requirements for accession, known as the Copenhagen Criteria. Adherence to the European common values of democracy and respect for the human rights, rule of law, and respect for the minorities were the measures that were set as obligatory besides the candidates' economic and bureaucratic eligibility for application of the *Acquis Communautaire* and EMU. In that respect, by introducing such a list of criteria the Union tried to prevent possible drawbacks that would arise before the realization of the enlargement¹⁴.

It was widely accepted that, the new Union could be consolidated through participation of new political partners. In order to get a significant place within the global world order, the Union should have to credit both the deepening and the widening. Eventhough that balance had been accepted by all the Member States, there was an obvious disagreement about the priority of areas. On the one hand, widening was an area of top priority for the Member

¹⁴ The points mentioned in the Copenhagen Criteria, in 1993 also mentioned and affirmed in the Agenda 2000 report issued by European Commission.

States that were usually favoring widening like Britain and Denmark. On the other hand, Member States like France and Belgium held the position that deepening of the Union competencies was far more important than enlargement since a new enlargement would undermine the present progress of deepening. However, the third enlargement of the EU was realized in way that prevented the two opposing groups from coming across.

The accession of Austria, Sweden and Finland in 1995, contrary to the previous enlargements, did not have a dramatic effect on the progress of the Union. By virtue of relatively well-structured economies, wide ranging web of social services and democratically efficient institutions the accession negotiations of these three new Member States were completed smoothly and in accordance with the article O of TEU¹⁵. The accession of these new countries that were well-known with their dedication to the European values not only provided the emergence of a new enlargement rhetoric based on the “Europeanness and contribution to the common values” but also paved the way for the opening of new wave of applications from the Central and Eastern European countries in the following years. Similar to the tone of the third enlargement, the newly democratizing Eastern European and Baltic states developed their arguments about eligibility for membership in accordance with these criteria of Europeanness throughout the negotiations.

¹⁵ Article O stated that: “Any European state may apply to become a member of the Union.”

These arguments of enlargement, Europeanness, European identity and clashing understandings about TEU covered a great place throughout the preparatory stages of the 1996-1997 intergovernmental conference for the initiation of Amsterdam Treaty. Delgado-Moreira, when analyzing these arguments on European identity and its bounded concepts, referred to the statements of the Union institutions made during 1995. Almost all of the statements made on these subjects reflected a main point that TEU, because of its vague language and content about the political union, failed to create a general consensus about the new direction of the integration and this factor should be cleared out during the upcoming intergovernmental conference unless the integration of the people would become an area of polemic in the future. For instance, the progress report, which had been released on September 1995, stated that:

...European citizenship...is perceived as a threat to national identity in some of the Member States, and that, unless the perception is corrected, they do not think it appropriate to develop either the content or essence of the concept...¹⁶

Similarly, the Commission report issued in December of the same year stated the importance of some provisions to locate the European identity among its people:

The European Community...to act more effectively and visibly in the areas of great symbolic value, which are capable of contributing towards enhancing shared community values (culture, youth, education and tourism, health care)¹⁷

¹⁶ Delgado-Moreira, J. (1997): "Cultural Citizenship and the Creation of European Identity" pg:4

¹⁷ Ibid. pg:5-6

By accumulating all of these statements and ideas, the 1996-1997 intergovernmental conference had been started with a clear objective for completing the unfinished issues in 1992. The problems arising from the vague language of TEU, institutional reform and redefinition of the blind points about the Union citizenship and concepts related with the European identity were dealt for the sake of the future progress. Thus, a yearlong deliberative process had been finalized by the signing of Amsterdam Treaty in 1997.

By launching Amsterdam Treaty, uncertainties of TEU had been clarified and reorganized to a certain extent. The Union's powers extended regarding the areas of foreign policy and internal security. Some issues in the third pillar of TEU had been communitized. That is to say, the issues dealing with the status of third country nationals, visas, asylum and immigration were brought under the first pillar while the judicial and police cooperation continued to be kept under the third pillar. The Schengen protocol had been incorporated into the treaty and thus greater Member State cooperation at the Union level about the issues of internal security were being assured. In terms of the second pillar of TEU, the compatibility of NATO and WEU was foreseen and peacekeeping mission of WEU integrated into scope of the treaty for the promotion of the military aspects of the EU. Thus, the independent defense and security identity of the Union tried to be consolidated.

In terms of completing the institutional reform, the drafters of the Amsterdam Treaty concerned about the practical measures that would be

useful in dealing with complex issues about citizens. For that reason, by Amsterdam Treaty two auxiliary principles of Community action were integrated into the legal framework of the Union: the principle of subsidiarity, which has foreseen the allocation of competences between the Community and the Member State and the principle of proportionality which help the Community institutions to determine whether or not to take an action in cases dealing with its citizens. Also, as it had been mentioned before, in order to cope with the problems emerge from the Union's prospective widening towards the East; flexibility clause for limited areas had been added to the treaty. Also, by extending the areas where the use of co-decision procedure and assent procedure is mandatory, the EP again acquired new powers.

Furthermore, Amsterdam Treaty, in order to clear out the confusions rising from the vague language of the TEU articles about citizenship, amended the wording of the related articles and introduced some additional citizen rights that would further be analyzed in the next section. Briefly it was explained that, just as the TEU created the Union citizenship, Amsterdam treaty differentiated the status of the Union citizenship from the national citizenships and specified the link between the people and the Union.

However, these arrangements did not prevent the critiques to continue about the exclusionary scope of the Union citizenship status and its integral legal content. The main reason for continuous criticisms were mostly focused on the fact that the legal framework of citizenship rights was not in nature of promoting a democratically structured regional organization given that the

actual functioning of the decision making process which marginalizes the sole democratically elected body -the EP- in the process. In addition, the rights that were said to be given to the citizens were not different from which people acquire as citizens of the Member States. The source of citizenship was also subjected to criticism because of the fact that it neglects the third country nationals who were living in Member States under the permanent resident status and made very important contributions to the development of these countries during the post war reconstruction.

Besides those institutional criticisms, another important factor was that of the EU citizenship being designed in a way that was lagging behind the emergent realities of the period. That is to say, within a period when the issue of constitutional recognition of cultural and ethnic minorities became a major subject of political discontent (even within the Member State polities); the Union citizenship was explained in accordance with the conventional logic of the nation-state. Thus, the so-called special link between the Union and its citizen blurred, since this new level of belonging did not make any actual contribution to the issue of constitutional recognition of the minorities and ethnic groups who are living in the Member State societies. This socio-political ineffectiveness of the Union citizenship also analyzed as a paragon for the exclusionary nature of European identity. That is to say, the xenophobic and exclusionary qualities of European identity, which were contended to be explained by the Union, were being reproduced officially within framework of the union citizenship through contenting from conferring

upon a new trans-national political forum for recognition of the group differences and through assuming the third country nationals as non-European.

Under the shadow of these drawbacks it had soon become clear that, Amsterdam treaty took modest and unsatisfactory steps for completing the institutional reform and technical issues for preparing the Union for the accession of its new members¹⁸ still required further serious arrangements. These arrangements were not only necessary for overcoming the technical drawbacks in the post enlargement period, but also they were necessary for maintaining the harmonization of the institutions and the Member States. Ultimately, the EU having managed to lay the very foundations of its economic and political unification concentrated its efforts to clean out the remaining problems on its way towards deepening and widening during the initial years of the new millennium. For the sake of that goal, starting from the year 1999 when Amsterdam Treaty enters into force, European Union determined its path for deepening especially on the issues dealing with internal security, human rights and development. Thus, through advancements made in

¹⁸The first accession negotiations opened with the first group of candidate states in 1998 (Czech Republic, Estonia, Hungary, Poland, Slovenia and Cyprus). In the following year, in Helsinki European Council meeting accession negotiations were decided to be started with other six candidate countries (Latvia, Lithuania, Bulgaria, Romania, Slovak Republic, Malta and European Strategy for Turkey had been launched). The issues which were brought about with the Eastern enlargement has been considered since early 1990's but there were still some important problems for the Union to consider for ensuring the stability of the institutions after the enlargement. Contrary to the previous years, when the Union concentrated totally on the issue of developing these countries before the official negotiations take place, the Union by the late 1990's focused on the possible structural problems of the enlargement which might have effects on the functioning of its own institutions.

these fields the construction of European Identity on supranational basis gained speed during the initial years of the 2000's.

By and large, the 1990's had been a decade of tough challenges and radical transformations for the EU. The Union, by ratifying two important founding treaties and by launching the new wave of accession negotiations got into the way of maintaining its technical and geographical consolidation. But, despite these positive developments, some of the general problems of the Union were still dominant and preventing the Union to go further to tackle with more wide ranging problems.

Integration of the people into the Union was still a problematic issue, due to the high level of curiosity towards the democratic and legal qualities of the Union's measures. In addition, the upcoming enlargement of the Union brought about alternative issues- both politically and sociologically- to Union's agenda. In that respect the maintenance of the popular consent and legitimacy, inclusion of the civil society into the Union, elaboration of the related concepts about European identity and belonging became dominant aspects of the discussions for the Union. In relation with these, the need for accompanying the positive achievements made in the technical areas with further social and political developments for the promotion of the actual fulfillment of the Union's distinct existence became a fact which the EU could not neglect any more. For that reason, the Union during the initial years of the 2000's while maintaining its technical integration, also had to deal with the more abstract issues about deepening and widening.

2.1.4 2000's: A New Europe

At the beginning of the new millennium, the world seemed to be far from fulfilling the pacifist expectations of the early 1990's. The new world order, which was supposed to be established by the U.S., did not bring the prosperity, stability and security that it had promised¹⁹. Besides economic and social drawbacks of globalization, almost every part of the world witnessed a radical transformation from the velvet revolutions for democratization and proximity towards heightening of internal and international disputes based on the arguments of identity differences²⁰. Further, September 11, 2001 attacks and its aftermath made the question of identity a more central subject through sharpening the edges between the East and the West. Thus, the questions of identity, recognition and security, which had started during the last decade, reached a new and equally equivocal phase.

The reemergence of the question of identity on the global political agenda, while re-problematizing the conventional arguments about nationalism and constitutionalism, it also paved the way for the EU to revise its permanent problems on the way for constructing an 'Ever Closer Union'. During the Nice European Council meeting at which the final version of the Charter of Fundamental Rights had been adopted and the Treaty of Nice in

¹⁹ Yıldızoğlu 2002, Habermas 2001

²⁰ In the Middle East Arab-Israeli conflict gained a new momentum after the election victory of the Likud party; In Russia Chechen resistance were tried to be suppressed by military means; In most of the Third world countries Islamic fundamentalism and inter-sectarian tensions increased; In Europe the increasing xenophobic sentiments within Member State societies became an obvious fact against the considerable election victories of the extreme right wing parties.

2001 had been signed, the necessity of establishing a constitutional basis for the EU started to be pronounced by the Union institutions more widely. Formulation of such a comprehensive constitutional text supposed to be an important step for the Union in terms of maintaining its basis of legitimacy and guaranteeing its international position as a new type of political organization within the global system.

In addition to these, it is obvious that within the turmoil of a new century in which whole world become the battleground of clashing conceptions of identity and constitutional recognition, maintenance of solidarity and feelings of belonging to the Union are the factors that are vital for the EU's progress and stability. In that respect, the need for a constitutional text, which would ensure inter-societal dialogue and Europeanness under the political umbrella of EU citizenship in particular and European identity in general, has been confirmed.

The Laeken European Council in December 2001 was held under the effect of these considerations. In relation with the aforementioned arguments, the Council affirmed the necessity of formulating a constitutional text for the Union for the sake of promoting the proximity of the Union to its society; of realizing the abstract qualities of the institutional reform and of consolidating the Union so as to meet the challenges of the new millennium. These aims have been put forward in the final declaration as follows:

...the Union faces twin challenges, one within and the other beyond its borders...Europe needs to shoulder its responsibilities in the governance of globalization. The role it has to play is that of a power

resolutely doing battle against all violence terror and all fanaticism...A power seeking to set globalization within a moral framework...the citizens are calling for a clear, open, democratically structured community approach, developing a Europe which points the way ahead for the world...²¹

In accordance with these considerations, the Council decided to convene a Convention to consider the main features of the constitutional text and make necessary preparations for the intergovernmental conference in which the Constitutional text would take its final form. Besides the Convention, organization of a Forum has been affirmed in order to promote deliberations from civil society. Thus, in accordance with these conclusions the long deliberative process of constitutionalization of the Union has been started.

Two months after the introduction of the EURO, the first meeting of the European Convention has been started under the Chairmanship of Valéry Giscard d'Estaing. Throughout the following fifteen months the Convention continued its work with the lively contributions taken from various civil societal organizations in order to set the legal basis of the construction of the "New Europe". Among various contributions that had been acquired from the previous Convention that had given shape to the Charter of Fundamental Rights, the main focus of the deliberations was about the maintenance of intra-Union democracy and integration of various groups into the process through constitutional recognition. However, while the Convention was fully occupied

²¹ Presidency Conclusions Laeken European Council, 14-15 December 2001, DOC/01/18, pg: 23-27

with constitutionalizing the structure of the reunified continent, the actual political agenda of the EU has been shifted to an opposite direction because of the U.S. war on Iraq.

Contrary to the rhetoric of the Convention and Union institutions about the solidarity and coherent stance of the Member States, the U.S. led military campaign against Iraq proved the stiffness of these discourses. The argument which started first within the ranks of the U.N. soon found its reflections on the Union level between the Member States who favored that operation and the Member States who did not. By the opposing declarations of the governments, the refreshed trans-Atlantic relations of the Union constructed after the September 11 period soon eroded and the so-called unified common international stance of the Union became a controversial issue. As a matter of fact, the U.S. war against Iraq functioned as a catalyst to prove the abstention of the Union in defining its role in the new international system emerged after the 1989 period. Even the emergent stress in trans-Atlantic relations tried to be resolved through initiatives of the Commission in particular, the equivocal international role of the Union continued to affect the intra-Union affairs predominantly for the following few months.

The most recent and most striking enlargement of the EU has been realized under the shadow of these arguments in May 16, 2003. Even the stressful Franco-British discourse about the international identity of the EU and the questions about future role of the British government within the integration has not totally wiped out; the joining of the new, enthusiastic

Member States into the Union provided a considerable degree of optimism that marginalized these tensions. The realization of that long proclaimed goal of widening paved the way for heightening of similar expectations about deepening crystallized in the works of the Convention.

Due to these reasons, when the final draft of the Constitutional text has first appeared as presented in the Thessaloniki European Council Meeting (19-20 June 2003), it received a considerable degree of public and political interest. The introduction of the constitutional text is assumed to be a decisive achievement not only because it has complemented the political reunification but also it has emerged as a result of a truly democratic process that is unique in the Union's history. This factor has also been underlined in the Commission's statement:

The work of the European Convention is now complete. The approach adopted by the Convention...has proved its effectiveness, for the first time enabling the full range of European and national viewpoints to be heard in a broad-based, open and transparent debate.²²

Indeed, this factor of democratic deliberation at the very essence of the constitutional process could be evaluated positively both on the grounds of institutional reformation and of global social change. In terms of the former issue, the deliberative process connoted the ultimate resolution of the thirty years long institutional reform saga of the Union. The poor reform initiatives that had been made during the previous decade has now been managed to be transformed into a more coherent and legally binding basis.

²² Convention on the future of Europe Draft Constitution-Commission Statement, IP/03/836, pg:1

On the other hand, as far as the latter aspect of the issue has been considered, the deliberative text of EU constitution might be seen as an initial response of the EU to the global social change experienced within the context of the continuous identity disputes for constitutional recognition. As it has been mentioned before, prevention of the identity disputes considered to be important for the EU to construct an area of true security peace and justice. In that respect, integrating people into the Union framework through deliberative measures might be considered as an important imperative for the Union both to provide the solidarity within its abstract political society and to maintain belonging to the Union. In addition to these, the Union through operating these measures of democratic deliberation obscured the emergence of potential identity struggles arise from the multi ethnic societies of the new member states.

This inclusionary structuring of the preparatory process also crystallized in terms of the final framework of the document. As a whole, the draft constitution is a hybrid text composed both the conventional measures distilled from the constitutional traditions of the Member States and the measures that would establish the initial institutional structure of the political Union. Coexistence of these national principles and Union objectives signifies the future route of the political unification based on a balance between these two levels. When the articles of the draft constitution are analyzed this intention becomes more obvious. Many issues regarding the areas of institutional and international identity of the Union, the functioning of the

Union procedures and the actors involved into the integration have been responded clearly by this Constitutional text.

Ultimately, in terms of its institutional identity, the EU has been revealed as a legal entity with a clearly defined single legal personality which has certain set of powers (competencies), values, objectives, institutional structure and society that enjoys the rights guaranteed by the bill of rights (Fundamental Charter of Rights). These articles further accompanied by the articles that assured the division of powers between the Member States and the Union through constitutionalization of the principles of subsidiarity, proportionality and conferral. In that respect the complex issues about the competencies that caused a lot of confusions during the previous decades have been resolved. Besides these, the procedures for membership of the Union have been reorganized. By introducing the measures that sets the conditions for application for the membership, suspension and withdrawal of the membership the Union has got legal criteria that would be applied for the future enlargements.

Similarly, in order to promote the EU as a democratically structured institution the conventional constitutional principles that guarantee democratic equality, inclusion of the social partners and organizations, proportional representation and democratic participation have also been added into the Draft. In that respect, most strikingly, the citizens' are given the right to call the Commission to take measures in an area in which any Union level initiative deems to be necessary by the citizens. Also, for responding the

demands towards transparency, measures that foreseen the accessibility of the Union documents for the citizens have been put under the constitutional guarantee.

Furthermore, in terms of the international identity, the international position of the Union has been restructured through adoption of the post of Foreign Ministry into the draft constitutional text. The Foreign Minister, who will be appointed by the qualified majority of the Council and the agreement of the president of the Commission, will be responsible for supervising the external relations of the Union and determine the possible policy directions regarding the areas of international relations, security and defense. This development might be evaluated as the expected evolution of the CFSP; however, that new office in terms of its institutional role seems to go beyond the position of the High Representative. In that respect the difficulties confronted with most strikingly during the Iraq War might be intended to be resolved through institutionalizing a unifying office for maintaining coherence between the Member states and for managing the common international identity.

Similar intentions could also be observed in terms of the articles arranging the functioning of the CFSP. The global need for reconstruction of security after the September 11 period, found its expression with the articles that had foreseen the consolidation of the peacekeeping missions of the Union and increased military capability. To serve these ends, while the exceptional position of NATO has been recognized, the establishment of a European

Armaments, Research and Military Capabilities Agency has been foreseen as an ultimate end to institutionalize the initial need for “mutual security”.

In terms of the internal security dimension of the post September 11 period, development of the mutual thrust in terms of information exchange between the judicial and legal organs has been foreseen as an important instrument for the consolidation of the EUROPOL and EUROJUST initiatives. In relation with these, based on the previous considerations about setting a common policy on migration, special provisional measures have been put into the constitution that enables any future initiative to serve this end will be under constitutional guarantee. In addition to these, as the solid reflection of the fear of any terrorist attacks or biological and chemical assaults, solidarity clause has been added to the Draft text. Within the margins of that clause, any joint action of the Member States and the Union in such a case has been recognized as Constitutional²³.

By these arrangements the initial groundwork for a new European level of polity has been laid. As it has been mentioned before, even the need for establishing a political community for completing this framework has been noticed long before the introduction of the Convention, there has been little progress made in that field. The most striking effort, which has resulted in the introduction of the EU Citizenship, has always been impeded by the top priority given to the issues of EMU and enlargement. Thus, the Union

²³ That structuring of the solidarity clause might be seen as the equivalent of the emergency clauses exists in most of the national constitutions.

citizenship remained to be a minor subject that has many legal imperfections and deficiencies.

One of the most critical deficiencies of the Union Citizenship was of its deprivation of a bill of rights that complements the framework of the Union. The constitutional adoption of such a text has been predominant in most of the national constitutional traditions. By putting forward the reasons for writing that particular constitution and listing the rights conferred upon the addressee of that new establishment, the constitutions supposed to have expressed a certain fresh start for the new polities. Thus, the new structure of the political life, related relationships and actors included into these relations has been recognized and the continuity of their actions is being brought under the Constitutional guarantee by the text. This deficiency of the Union Citizenship has been removed by integrating the previously adopted Charter of Fundamental Rights into the Draft²⁴ within a separate part. The initial aim of the European constitutional experience has been manifested in the preamble of the Charter as follows:

The Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities by establishing citizenship of the Union and by creating an area of freedom, security and justice. The Union contributes to the preservation and to the development of these common values while respecting the diversity of cultures...as well as the national identities of the Member States...it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services

²⁴The Charter was originally adopted during the Nice European Council in 2000 but based on the common position set by the institutions its integration into the founding treaties had been postponed up until 2003.

and capital and the freedom of establishment...it is necessary to strengthen the protection of fundamental rights in the light of the changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter. This Charter reaffirms...the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Union ...and the case law of the Court of Justice of the European Union and of the European Court of Human Rights.²⁵

These statements might be evaluated under a positive light regarding their probable impacts for promoting the moral framework of the future integration and for promoting the inclusion of the people into the sphere of European political community.

In terms of the former aspect of the issue, the hybrid document, which combines common constitutional values of the Member States and the values that the EU has been attributed to itself through judicial and legal sources, sets a certain moral framework for the future Member States. This moral framework should be understood both as the expected maturation of the internal process started by Maastricht Treaty in which the Union's adherence and respect to the fundamental human rights has been affirmed or should be seen as a fundamental manifestation which revealed the EU as a totality of values both against the international society and to its prospective political community. The nature of rights and freedoms mentioned under the Title II are adopted in a way that ensures the promotion of the second option. This

²⁵ The Charter of Fundamental Rights of the Union, CONV 797/1/03, pg:48

position has also been affirmed by the EP's Report on the Charter of Fundamental Rights:

Like the Bill of Rights common to the constitutions of most Member States, the Charter draws together in a single text in a comprehensive catalogue of not only specific rights but also general freedoms, values and principles. In style, form and precision it is a familiar document; while the Charter was not intended to create new rights, it succeeded in making existing rights more visible. In building a fresh large consensus around a new formation of rights, the Charter brings greater clarity and salience to them. It reflects contemporary European norms of good governance with respect to equality and anti-discrimination, social policy, ecology, civil rights, administration and justice. The rights are indivisible: in Europe, liberty, equality and solidarity hang together...²⁶

Indeed, the rights and freedoms mentioned within the Charter are varying to a greater extent from the right to life to integration of the people with disabilities. Thus, ultimately, integration of national and international rights and freedoms into the constitutional architecture proves the very essence of the Union's intention for promoting a smooth transition to the political Union.

This constitutional framework also related with the latter benefit of the Charter in terms of political inclusion. In accordance with the Union's long proclaimed goal of 'bringing the Union closer to its people' the preamble and the text of the Charter have been adopted in a way that assures the constitutional fulfillment of this goal. The preamble, having stated the human factor lies at the very core of the integration, has brought the prospective European political community to a central place. Even integration of the people into the European project had been supposed to be essential before; in

²⁶ European Parliament Report on 2002/2139(INI), 8 October 2002, pg:1-2

the previous treaty articles such open manifestation that confirms this end had not been used. This progress that has been taken by the incorporation of the Charter into the Draft Constitution should be considered as the most serious leap forward on the way towards establishing an Ever Closer Union.

Another dimension of this issue might be about the change in political outlook of the Union started from the last half of the 1990's. The change in the political priorities of the Union and the attitudes of most of the Member States that had previously prevented the Union to take striking actions in this field has been subjected to change in the course of the identity disputes and emergent marginal ethnic movements on the global scale. For promoting the goal of establishing 'an area of freedom, security and justice'; prevention of the Union homeland from the possible impacts of these movements started to gain importance. The Charter's incorporation into the text of the Draft Constitutional treaty is the best example that proves this new effort for proximity. Furthermore, if the Thessaloniki European Council Conclusions, which stated:

The European Council deems necessary the elaboration of a comprehensive and multidimensional policy on the integration of legally residing third country nationals who...should be granted rights and obligations comparable to those of EU citizens²⁷

have been examined, this momentum towards proximity seems to bear further openings in terms of inclusion of the third country nationals.

²⁷ Presidency Conclusions Thessaloniki European Council, 19-20 June 2003, pg:10

Besides these, the means of Constitutional recognition, in combination with the simplification of the treaties, are also used in order to ensure the inclusionary stance of the Union. That is, similar to the variety observed in the catalogue of rights and freedoms, the groups that are declared as elements of the European political community also vary considerably. Within the whole text of the Charter, most of the marginalized groups within the Union population have been recognized indirectly as beneficiaries of the common policies of the Union or directly addressed as legal partners who enjoyed rights and freedoms under the citizenship status. Merging the international and national catalogue of rights provided an additional opportunity for this wide-ranged recognition to be made. For example, the people with disabilities or the elderly have been constitutionally recognized as indirect beneficiaries of the rights which are rising from the Social charters of the Union; whereas the Citizens who are members of the different religions are brought under the Constitutional guarantee by the freedom of conscience principle which could commonly be found in almost all of the national constitutions. By virtue of this multi dimensional catalogue of rights and freedoms the marginal groups within the Union society are being centralized. Thus, the established institutional substructure has been completed with the constitutional superstructure that sets the initial framework of the European political community that might be expected to form in the future.

Finally, based on these brief evaluations, the Draft Constitution seems to be a striking enterprise of the Union at the beginning of the new millennium

through which the Union represented itself as a new type of organization that is eager to develop politically and learned a lot from its previous experiences. The fastidious preparatory process and the cumulative formulation of the document are in nature of confirming this idea. Even there are still some points which will further be considered during the intergovernmental conference, such a constitutionalist movement should be evaluated positively both in terms of a retrospective analysis of the integration and in terms of prospective route of the Union. Within the margins of today's ever-changing international atmosphere where all of the political notions are being subjected to change such a reconstructive initiative at a wider level deserves such an evaluation.

However, it will be uneasy to say this movement will result in a smooth transition to the political unification. The curiosities towards such a homogenizing polity would expectedly be challenged for the sake of protecting the settled institutions and identities. The preliminary signs of these probable struggles have started to appear even within and from outside the Union²⁸. The resolution of these disputes and settling of the prospective notions of supranationalism would, most probably, take decades and requires further joint efforts at the Union level for raising European minded generations. This task seems to be hard for the EU since the initial tensions

²⁸ The public discussions after the introduction of the draft constitution are in nature of presenting these signs. For example the Polish church posed its first deposition on the preamble of the Charter based on the lack of references to the religious identity of the Union.

about the integration process has long been neglected for the sake of institutional establishment.

Tensions about the European identity and national identity have been one of most striking point in the process of integration. Because of the abstract and relative nature of the phenomenon, any European level initiative would not solely be enough for the resolution of these disputes. This aspect of the issue becomes more visible as far as any possible Southeastern enlargement has concerned. The draft constitution seems to have a huge potential of negotiating and calming some of these tensions however it has not enough power to remove them effectively outside the framework. As it has been mentioned before, the effort for establishing an inclusive Union was a long proclaimed goal that its achievement has been subjected to various obstructions throughout the history due to the various economic and political considerations. In that respect the stage that the Union has reached today is promising in terms of promoting the political deepening in real terms. In the future if these intentions would be realized the EU should have tackled with the issue of solving this tension and should have to define the framework of the European identity accurately. Ultimately, if the Union manage to resolve these main tensions existing within its structure, then, it would be possible to evaluate the EU in terms of a new type of political establishment that is based on a morally defined monolith legitimate ground.

CHAPTER 3

LEGAL FRAMEWORK OF THE EU CITIZENSHIP

As it has been exposed in the retrospective analysis, the need for establishing a European political community for complementing and consolidating the economic integration has shaped the efforts for the legal formation of the EU Citizenship. The existence of a legally organized political community through which people would participate into European affairs as citizens has been supposed to be the main key for prospective political union. Since, like the single currency, the status of citizenship has been considered as a legal asset that specifies and symbolizes the link between the EU and the individual. However, as it has been exposed in the previous chapter, even the need for maintaining such an establishment has long been recognized, the realization of this goal has always been subjected to obstructions due to the national tensions existing within the very nature of the European integration.

In 1992, when the Union Citizenship has first appeared as part of the legal transformation of the EC to the EU, the new status had been met with a certain degree of curiosity. Despite the political intentions behind this measure

have been quite clear in the context of the Single Market and prospective EMU, the legal qualifications of the Union Citizenship were not enough to consider it as a valid status.

By 1997, the Union for clarifying these uncertainties has amended the EU citizenship that has been officially explained as:

With the Treaty of Maastricht, the link between the citizens in the Member States and the European Union became more direct, with the creation of the concept of European citizenship, which introduced a series of civil and political rights. These rights were further developed by the Treaty of Amsterdam, which also specified the link between national citizenship and European citizenship

However, this evaluation of the Union did not persuade the critiques and did not provide any direct impact for these arguments to be removed. Although some of the criticisms which have risen from non existent qualities of the EU Citizenship have later been resolved by virtue of integration of the Charter of Fundamental Rights into the Draft Constitution, the status and content of the EU Citizenship is still subjected to many criticisms and it is still an issue that requires further justifications. In this chapter, legally critical points regarding the issues of belonging and legal inclusion would be evaluated with reference to the Treaty articles ruling the EU Citizenship. By this complementary legal account, the following arguments concerning the link between the European identity and EU Citizenship intended to be grounded on a coherent basis.

The Union citizenship has been taken up under the article 8 -later Part Two²⁹- of the EU Treaty. Within the scope of this article the so called citizens of the Union are given rights to move and reside freely; to stand and to vote in the municipal and European elections; to make petitions to the EP and to the European Ombudsman and get reply in one of the official languages of the Member States; to consular/diplomatic protection in the territory of a third country. By attributing these rights that were previously within the competence of the Member States, the Citizenship of the EU has been stated to be 'hereby established'. However, in contrast with the rhetoric *de facto* establishment of the citizenship of the Union does not indicate such simplicity.

All of the technical and practical criticisms about the EU Citizenship might be centered on its controversial qualities in comparison with the conventional legal notion of citizenship. This legal understanding of citizenship which has been formulated by Marshall³⁰, for example, foreseen the legal guarantee for individual participation into political decision making; into the judicial system through rules and into the standard socioeconomic welfare benefits through social security systems. Marshall interpreted belonging as the by-product of the individual satisfaction from participation into these processes. Thus, belonging to a particular polity has been defined in the framework of the attributed political and civil rights that is given to the individual in return for obligations. However, existence of settled institutions,

²⁹ For the full text of the Treaty articles see Annex

³⁰ Marshall 1992, Van Gunsteren 1998

which would provide and guarantee individual's full participation, has been supposed to be a prerequisite for validation of this status. In comparison with this general legal understanding, the EU Citizenship is far from satisfying these qualities neither in terms of direct legal principles nor in terms of indirect practices. In that respect, it becomes hard to consider the EU citizenship as a new status that would foster supranational ties of belonging.

In terms of the technical drawbacks of the issue, the legal experts³¹ mostly concentrate on the disorder arising from the referral of rights. That is to say, in all of the legal documents the citizenship rights are being listed in accordance with the original treaty that had introduced the Union citizenship and remaining rights that are arising from the communitization of the issues have just been referred equivocally. This factor has been considered as a reason for confusion, as it has been mentioned by Guild:

While the rights of the treaty as regards persons are normally considered in the context of the free movement...there are also other rights, such as freedom of discrimination...rights of job security on transfers of undertakings and consumer protection rights. These rights too, presumably, now attach to citizenship of the Union as well as nationality of a Member State. As the treaty provides that citizens of the Union shall enjoy the rights conferred by the treaty there does not appear to be any reason why those rights are limited to those set out in Article 8 itself.³²

This equivocal referral of rights also exists in the Draft Constitution. Even the catalogue of rights has been formulated by merging different legal texts into

³¹ Mc Cruden 2001

³² Guild, E. (1996): "The Legal Framework of Citizenship of the Union" pg: 30-31

the body of the Constitution, the article which rules the Union citizenship has appeared as the simplified version of the article ratified in 1997.

Another technical drawback concerning the legal framework is that of non-existence of the measures that organizes the acquisition and loss of the citizenship. In accordance with the discipline of law, if any right has been conferred upon an individual the factors which may lead to prohibition or to delay the usage of that right for a certain period of time should also exist for the legal structure of this right to be complemented³³. In terms of the EU Citizenship, this issue has been left to the Member States. That is to say, determining the eligibility of a person as citizen or not has been left as a subject of national legislation and thus the State becomes the sole actor who determines an individual's eligibility for Union Citizenship status.

By leaving this issue into the domain of national law, another blind point has been created unintentionally for exclusion, given that the huge variety of differences in the national legal systems in terms of determining the source of citizenship. Mainly, in the continental Europe, the models of citizenship have been categorized as either civic citizenship based on the individual rights and obligations (French Model) or ethnic citizenship based on the nationality of the parents (German Model)³⁴. However, the acquisition of citizenship overtime has become a more complex subject matter by the introduction of the double citizenship laws in some of the national legal

³³ Wheare 1985

³⁴ Dumond 1994, Brubaker 1992, Nuhoglu-Soysal 1996, Heater 1990

systems³⁵. Within such complex models of citizenship, the exclusionary exercises would be unavoidable on the basis of differing understandings of citizenship. In that respect, technically, linking the source of the EU Citizenship with nationality does not come to forefront as a feasible alternative for the Union to establish its democratically organized political community.

Binding the Union citizenship to the nationality precondition has added a critical dimension to the problematic of Union citizenship. Due to the fact that the measure –theoretically- contradicts with the anti-discrimination laws of the EU. Because structuring the Union citizenship on a ground of nationality meant the negligence of the over thirteen million third country nationals who are the legal permanent residents of the Member States and make important contributions to the economic and cultural life of these states. This legal exclusion of these people from the European integration might also be considered as a negative point for the EU and its value oriented character. Despite recent initiatives started for integrating these people into the EU framework, the development of this system-both at the Union and at the national levels- seem to require a long period of time. Especially as far as the factors such as high percentages of xenophobic sentiments within Member States or the Member States reluctance for pooling sovereignty in this field have concerned, it would be highly optimistic to expect a quick change in this exclusionary framework.

³⁵ Keyman 1997

Similar to the technical inefficiencies observed in the legal framework of the EU Citizenship, there are also some practical problems dealing with the freedoms conferred by the article 8. The dilemma of the rhetoric and practice of rights has been comprised of the problems regarding the exercise of the rights of free movement, residence and participation into political life of the Union. In that respect the legal problems arising in terms of this category are mostly about the Member States reluctance for applying the required practices made for the fulfillment of the citizenship objectives.

The citizens' right concerning the free movement of persons is the most problematic field in that respect. As it had been mentioned in the previous section, the exercise of this freedom has always been a point of conflict between the Member States and the EU since the Member States tended to preserve their authority in this area. The legislations in this field are also designed in an intergovernmental nature in which the EP is just considered as a consultative body in dealing with issues of free movement. Even by 1997, the issues previously dealt under the third pillar had been brought under the community competence; much of the determining sphere has still been left open for the national authorities to consider. Due to this reason, the actual exercise of these rights might subject to limitations based on the changing security considerations of the Member States. The history of the official exercise of the free movement of persons mostly shows this general movement back and forth for promoting this measure. Especially after the September 11 period most of the Member states reconsider the issue of border

checks on the grounds of their interests for terror prevention³⁶. In that respect a coherent community level initiative seems necessary to equalize the actual functioning of this freedom to the rest of the three freedoms regarding the free movement of goods, capital and services.

In relation with the question of free movement of persons, the problems relating with the freedom of residence should be considered. In terms of the exercise of this right certain practical problems arising from the lack of substructure harmonization have been observed. That is to say, the original design of the Single Market has foreseen the free movement of persons who are economically active. Only after the Commission's efforts for integration of the less advantaged income groups into this framework, the scope of these rights has been theoretically amended inclusively. However, integration of the economically disadvantaged and inactive groups into this framework requires further legal arrangements for this right to be valid. Since, most the persons in these groups might want to use this right for seeking jobs, vocational training and for obtaining higher education; transfer of social security benefits into the hosting Member State's system becomes vital. But, similar to the case in internal border checks, the social security systems of the Member States vary dramatically in terms of their scope and content. Thus, the actual exercise of this right has been subjected to an indirect limitation. In that respect, in resemblance with the EMU experience a Union-level initiative for

³⁶ In addition to these some of the Schengen Countries declared that they suspend the Schengen applications for an undetermined period.

maintaining a certain degree of harmonization necessary in this field if the right to reside freely has been intended to be realized. Otherwise these rights would continue to be the areas that make the EU Citizenship a status of alienation and discrimination.

In terms of the article 8b of the EC treaty, there were also some practical problems that undermine the voting rights of the citizens who are living within the territory of a Member State which he or she is not a national. According to the observations of the ECAS, for the realization of this right even there were efforts made by the Union a considerable number of Member States and regional authorities behave reluctantly in providing the necessary information for the citizens to use this right:

Before the June 1994 European elections, the European Parliament voted a resolution demanding that all EU citizens resident in other Member States should be informed, in writing, of their right to vote. Only a minority of Member States or regional authorities took this step and the majority relied on general information campaigns...As a result, this new electorate was virtually disenfranchised³⁷

Thus, voting rights, the most significant measure that would give a chance to citizens to get involved in the European affairs, has become an issue that has been undermined by the Member States' reluctance. This practical problem might also be considered as an obstruction that stands on the EU's way for establishing a political community in real terms. Since the participation into the political life of the Union has been manipulated and indirectly limited. Thus the European elections function on the contrary to the

³⁷ Euro Citizen Action Service (ECAS) memorandum (2001): "European Citizenship: Giving Substance to Citizen's Europe in a Revised Treaty" pg:17

original political intentions for favoring and popularizing a common political identity of Europeanness³⁸.

As the bearer of the belonging through citizenship, the measures for participation into the judicial system of the EU have also critical dimensions. After the amendments made in Amsterdam treaty the citizens got a chance to be informed or replied in one of the official languages of their country. Thus the linguistic limitations were supposed to be resolved for the sake of promoting proximity and belonging to the Union. However, the main problem here is that; the third country nationals living within the Member State societies are again subjected to discrimination through linguistic differences. This aspect of the issue becomes more critical when considering the population of linguistic groups has been concerned. Field, referring to the work of Barbour, underlined this factor as follows:

...One consequence of the decision to use all the main languages of the Member States as working languages has been that while there are more speakers of Turkish than Danish in the EU...³⁹

Such a negligence of the third country nationals present a dramatic controversy in terms of the legal personality of the EU which has been presented in the Draft Constitutional Treaty. The exclusion of these people into the European framework both politically and legally, would put a load onto the EU in terms of promoting the target of an 'Ever Closer Union'.

³⁸ Habermas 2001

³⁹ Field, H. (1998): "EU Cultural Policy and The Creation of a Common European Identity" pg: 7

Finally, from this overview the EU Citizenship appears to be an untimely enterprise for the EU. In a time when all the content and scope of the citizenship has been subject to a radical transformation, introduction of a measure similar to the old forms of national citizenship proves the arbitrary design of the status. Moreover, as a title that promise belonging into a new level of polity, the EU Citizenship is far from satisfying the political intention behind it. Since, the status through its legal framework closes the options for establishing and developing a settled European political culture that the Europeans participated within the scope of a distinctively formulized post national citizenship. So, the whole framework of the EU Citizenship becomes in Van Gunsteren's words:

The Maastricht Treaty instituted a European Citizenship; but like other parts of the treaty, these clauses have not come alive in the hearts of the new Europeans. Nor has the treaty led to any deepening of legal, socioeconomic and political citizenship at the European level...all in all European Citizenship remains mired in the cultural sphere, without real legal and political incisiveness. Small wonder, then, that many people remain uninterested.⁴⁰

When we look at overall historical development of the EU Citizenship, together with its legal structure, Van Gunsteren's analysis seems to be suitable for explaining the current condition of the subject. As it has been presented above, the project of constructing the Union's political community through EU Citizenship has always been a critical issue for the Member States, since the project contains an open challenge to the initial logic of the nation-states and national political communities. The factors that might shape the future

⁴⁰ Van Gunsteren, H. R. (1998) : "A Theory of Citizenship" pg: 135

framework of the political integration- like reduction of national sovereignty or merging of the national political communities into the EU establishment- convincingly deemed as challenges to the statehood and they needed to be confronted so as to protect the de facto existence of the national polities. On the basis of this calculation, despite of the efforts made by the supranational institutions of the Union, the Member States' hesitations are still predominantly preventing these efforts to go beyond the limits.

For explaining the theoretical background of this confrontation, in the following chapter, first of all, the theoretical framework of the idea of national citizenship will be examined with regard to the classical schools of thought. In the second place, based on these theoretical models, the crisis of the national citizenship and the EU citizenship problematic would be analyzed. On the basis of this theoretical account, probable influence of the European identity on the EU citizenship has been intended to be addressed in the fifth chapter.

CHAPTER 4

THEORETICAL FRAMEWORK OF CITIZENSHIP

The concept of national citizenship has a complex nature in which almost all aspects of legal, political and social membership congregate. Legally, national citizenship connotes an acquired status of (nationality) which confers certain political, economic and social rights upon a particular person in return for obligations. In terms of sociology, national citizenship might be explained as: "...set of practices (juridical, political, economic and cultural) which define a person as a competent member of society, and which as a consequence shape flow of resources to persons and social groups."⁴¹ In terms of political theory, the definition of national citizenship would be: "...status, loyalty, duties and rights not primarily in relation to another human being, but in relation to an abstract concept, the state"⁴²

As it could be understood from these definitions, integrating all of these qualities into a single theoretical definition is almost impossible and

⁴¹ Turner, B. (1993): "Contemporary Problems in the Theory of Citizenship" pg:3-4

⁴² Isin, E. and Wood, P. K. (1999): "Redistribution, Recognition, Representation" pg:3

contains the risk of oversimplification⁴³. Since citizenship is a multidimensional phenomenon, the nature of citizenship might be explained in various ways depending on the subject and discipline.

For the purposes of this thesis, the concept of national citizenship would be taken into consideration in relation with the concept of national identity. In that respect the concept of national citizenship used to refer a status that combines conventionally determined norms of membership into a political community (in terms of exercise of rights, obligations and representation by virtue of being member of a particular polity) and prepolitical values of belonging to a cultural community (in terms of sharing common historical, cultural and ethnic legacies by virtue of being member of a particular ‘community of fate’) together. This dual structure of the status provided the general theoretical framework of national citizenship and identity that had been emerged between the eighteenth and nineteenth centuries and is still valid in the intellectual discourses dealing with the question of identity.

Explaining ‘citizenship’ in integrity with ‘identity’ might be considered as a fallacy because, citizenship connotes a legally constructed status for determining the society of a particular state, on the contrary “identity is a concept that presupposes a dialogical recognition of the other; it is a relational concept”⁴⁴. However, as the transitive nature of these two concepts has examined, the logical linkages between them would become clear.

⁴³ Heater 1990, Turner 1993

⁴⁴ Ibid. pg:19

Isin and Wood advocated this transitive logic between the concepts of ‘citizenship’ and ‘identity’ as follows:

While identity does not need to have a legal and juridical basis, it may become the subject of legal dispute and struggle...The affinity between citizenship and identity is that they are both group markers. Citizenship marks out the members of a polity from another as well as members of a polity from non-members. Identity marks out groups from each other as well as allowing for the constitution of groups as targets of assistance, hatred, animosity, sympathy or allegiance.⁴⁵

Kymlicka and Norman also adopt a similar stance by underlining the fact that: “Citizenship is not just a certain status, defined by a certain set of rights and responsibilities. It is also an identity, an expression of one’s membership into a political community.”⁴⁶ In resemblance with these, Bloom considered the relevance of citizenship in accordance with the psychological aspects of the identification theory⁴⁷. By reviewing the assumptions of important schools of thought, Bloom intended to present the main psychological motives that bring about the relation between these two concepts. According to Bloom’s account, the identification is a social and continuous process. The individuals starting from their infancy need to adopt identities both for maintaining communications with the social environment and for feeling psychologically secure. In that respect, citizenship becomes important as an upper identity that individuals came to identify themselves both with the established polity and its respective historical/cultural community. In that respect, the author explained national identity as:

⁴⁵ Ibid. pg:19&20

⁴⁶ Kymlicka, W. & Norman, W. (1995): “Return of the Citizen: A Survey of Recent Work on Citizenship Theory” pg:301

⁴⁷ Bloom 1990

...condition in which a mass of people have made the same identification with the national symbols...so that they may act as one psychological group when there is a threat to, or the possibility of enhancement of, these symbols of national identity.⁴⁸

Thus, 'citizenship' and 'identity' come to for front as mutually reinforcing concepts that form the objective and subjective definitions of belonging to a particular polity.

Based on this transitive relation between the concepts of 'national identity' and 'national citizenship', the role of the 'nation-state' should also be analyzed so as to complement the conceptual dimensions of the issue. The main reason for analyzing nation-state as part of these arguments is that; the nation-state-in contrast with the earlier forms of political establishments-has been managed to capture and reconcile these two sides of belonging into its establishment successfully. That is to say, the nation-state through binding its legitimacy to the existence of a particular 'nation' managed to mobilize masses under its authority. In relation to this, the main factor that makes the nation-state predominant has been its ability to redefine and channel the prepolitical identifications of the people within its framework. Bloom, sees this process of 'nation-building' as the initial project which all states needed to exercise in order to define and differentiate their society and their exclusive political community respectively. In addition to these, the author also underlines the very factor that the process of nation- building would not be taken into consideration as a finite imperative. On the contrary, for the

⁴⁸ Bloom, W. (1990): "Personal Identity, National Identity and International Relations" pg:52

continuity of the nation-state, the political construct of the 'nation' needs to be redefined against the changing aspects of the social and political life.

Bloom goes on to argue that, for this process to be fully operational the state's existence-as the legitimate derivative of a particular nation and their common experiences- should be felt and experienced by all members of the society. This "internalization of identification will occur if: the symbols of the state present an appropriate attitude in situations of perceived threat, or symbols of the state beneficently towards the individual."⁴⁹ As it could be understood from this account, the nation-state-through the innuendo of symbols-constructed an affirmative/ legitimizing relationship with a particular 'nation'. According to Anderson⁵⁰, this affirmative function of the national symbols also gives the state an additional advantage of excluding the minorities from the official recognition. Anderson, by evaluating the physical spaces and practical exercises of the nation- states, argues that the hints of the exclusionary nation-building efforts could be observed in almost all aspects of the public sphere like museums or memorial monuments. Yet, the use of symbolic definitions is not the only theoretical instruments that the states used in terms of political mobilization of the masses. The ideological and diplomatic aspects of the nation- building process should also be taken into consideration respectively.

⁴⁹ Ibid. pg:61

⁵⁰ Anderson 1991

In terms of the ideological aspects of the nation-building process, the idea of 'nationalism' should be considered. Nationalism-the ideology that ensures the political mobilization of the nation- has been the main theoretical instrument for the nation- building both in abstract and in concrete terms. The politization of the national identity with regard to the abstract discourses of nationalism provided the affirmative ideology behind the official framework of national citizenship. Habermas, when analyzing the historical background of nation-state evaluated the function of nationalism as follows: "Nationalism...founded a collective identity that played a functional role for the implementation of the citizenship that arose in the French Revolution."⁵¹ Through this encapsulation of the cultural community into the legal framework of national citizenship, the exclusive national political communities had been managed to be established both internally and externally.

In terms of the international relations, the process of nation building points out the international differentiation and estrangement of the political communities from one another. In that respect, international relations might be evaluated as the external manifestation of the national-identity and as Bloom notes:

Internationally...internal coherence is reflected in a clear political solidarity in relation to the external environment. Nation-building has been successful when the state rely upon the mass support of its citizenry in situation of competition with external actors...Provided

⁵¹ Habermas, J. (1995): "Citizenship and National Identity: Some Reflections on the Future of Europe" pg:259

that state foreign policy initiatives can be perceived to be defending or enhancing national identity, then the state can take an initiative in foreign policy in the confidence that there will be an initial and automatic response of support from its citizens.”⁵²

In addition to these, Linklater argues that, structure of the modern international system not only contains the external manifestation of the national identities but also assures the absolute transformation of the loyalties from ‘ethical universalism’ towards ‘ethical particularism’⁵³. This emancipatory transformation of the international system also paved the way for the states to assure the loyalties of the citizens until the late twentieth century. That is to say:

...sovereign states emerged within the ruins of a more inclusive civilization which had been united by a normative and religious power of Christendom...few states have tried to eliminate ethical universalism entirely and most have concentrated their efforts on containing the threat which it poses to the ties which bind citizens together.⁵⁴

Through these effective means of nation-building, the states managed to establish and their exclusive political communities on the basis of national citizenship.

This theoretical construction of citizenship- both as an autonomous political agency and as an international category- have emerged as a result of the historical process of transformation of the territorial kingdoms to the nation-states. However, these transformations have been realized within

⁵² Ibid. pg:58

⁵³ The concept of ethical particularism denotes to the obligations of the individuals to their fellow citizens and state. The concept of ethical universalism denotes the obligations of the individuals to the rest of the humanity. For further explanation about these concepts see Linklater 1990

⁵⁴ Linklater (1998): “The Transformation of Political Community” pg:23

different contexts of social change, like revolutions or civil/intellectual debates. Based on these different modes of transformation, the theoretical frameworks of national citizenship vary. In terms of the theories which are defining the framework of national citizenship, two conventional schools of thought (republican and liberal models) are predominantly applied within the European nation-states until the late twentieth century. However, changes in the social composition of these polities and diversification of the sources of rights, through emergence of the new international actors, have paved the way for the dilution of these models and thus made the debates about EU citizenship more central.

In that respect, to present the theoretical background for these challenges occurred within the nation-states, the main assumptions of these classical models and the reasons for their crisis would be explored in the following section. On the basis of these arguments the theoretical framework of the EU Citizenship as a prospective institution for reorganizing the Union's political communities would be argued.

4.1 Classical Models and Crisis of National Citizenship

4.1.1 Republican Model

The republican model of citizenship had emerged after the French Revolution in 1789. In accordance with the revolutionary ideas of equality, freedom and fraternity, this model of national citizenship have been established. Buoyed from the radical social transformation, the theoretical structure of the republican model of citizenship had been founded upon a

highly idealistic understanding which has mainly been formulated by Rousseau.

The most striking factor shaping the theoretical framework of the republican model was that of assertion of the universality of citizenship status⁵⁵. That is to say, the rights and obligations which had previously been conferred upon the aristocratic classes were now enhanced to the common people in accordance with the idea of equality.

This universal and egalitarian understanding of citizenship further impacted on the establishment of an inclusive political community in which the main source of citizenship has been considered as the individual adherence to the republican values and democratic practices, regardless of other particularistic affinities. Within the margins of this political community, the citizenship functioned as an upper identity under which all other acquired or natural identities of the people have been neglected for the sake of promoting the ‘common good’ which has been determined in accordance with the ‘general will’.

The former concept refers to all actions and services which aim to realize the ultimate ideals of the state and of the political community (or nation). In relation to this, the latter concept represented the mutually settled ideas upon which the republic has been established. These two concepts have shaped the concrete and abstract structuring of the public sphere (or practically, the republic).

⁵⁵ Faulks 2000, Heater 1990, Güvenç 2002

The citizens' role within this public sphere was that of promoting and securing it through participation into the democratic, administrative processes or through military means which would even go further to the point of self-sacrifice for the country. Heater, reviewing Rousseau, explained the role of a citizen as follows:

... The true citizen seeks the realization of the general will, the common good, not the satisfaction of his own selfish interests. Rousseau's ideal citizen has...endowed with the 'republican virtues' of moral integrity, strong personality, self-discipline and a deep patriotism. These qualities...would be cultivated by participation in decisions concerning the major matters requiring resolution.⁵⁶

This central role attributed to the citizens has been considered as the main strength of the republican model, because of the highly developed sense of civic mindedness and feeling of solidarity.

However, this strength of the republican model also provided the main source of weakness in terms of individual freedoms. That is, the issue of freedom has also been taken into consideration with regard to the predominance of the common good. Within the margins of the republican model of citizenship, although the core civil rights like freedom of speech or conscience has been recognized, their exercise might be subjected to limitations on the basis of preventing any possible tension which might arise in the public sphere. The emergence of such tensions needed to be avoided since they risk the absoluteness of the political community.

⁵⁶ Heater, D. (1990): "Citizenship: The Civic Ideal in World History, Politics and Education" pg:40

In that respect, the perception of ‘the individual’ came to fore front as an emptied agency. That is, through determining the balance in favor of the common good, all of the personal qualities of the individual -except the republican citizenship identity- are being neglected. The negligence of plurality and representation of the other communal identities at the political level provided the systemic inflexibility of the republican model when dealing with the problem of organizing pluralities⁵⁷.

Taking all these into account, republican citizenship would be analyzed as an ultimately value-oriented and idealistic model. The establishment of a homogenous political community on the basis of the republican virtues which were assumed to prevent the entire sources of social and political deviations has functioned effectively during the initial period following the Revolution. However, as all idealistic political theories, the republican model put too much pressure on the individual to give up entire affinities outside the republican communal identity and similarly considered the state as the derivative of the abstract construct of the ‘common good’. Thus, having grounded the nation-state on the fragile conceptions of republican idealism and high level of communal consciousness, the republican model neglected the importance of instrumental capacity of citizenship managing the pluralities in terms of maintaining a durable legitimacy. By analyzing the communal and idealistic conception of Republican model of citizenship on the one hand it would be beneficial to analyze the other side of

⁵⁷ Van Gunsteren 1998, Isin and Wood 1999, Nuhoglu-Soysal 1996, Delanty 1998, Üstel 1999

the continuum, namely the liberal model of citizenship, in order to present the reasons for failure of the individualist conceptions of citizenship.

4.1.2 Liberal Model

The theoretical framework of the liberal model of citizenship had been originally set out by the classical liberal thinkers at a time when advancing capitalism and the emergent capitalist classes were striving for the enhancement of the scope of civil and political rights in Britain. Within this conjuncture, the earliest form of liberal model has been founded upon a clear democratic understanding which foreseen an egalitarian relationship between ‘the autonomous individual’ and ‘the autonomous state’. It has been assumed that the relationship between these two actors should be based on liberties and on democracy so as to assure citizens’ equal participation into the political and administrative decision making processes. By this way only, Mill addressed “...can the citizen develop the intellectual qualities of reason and judgement; and only by behaving politically can the individual attain moral maturity.”⁵⁸ In accordance with these, the status of citizenship has been understood as set of civil and political rights through which the individual would achieve maximum utility as the active members of the political community.

However, Mill has not been taken these progressive discourses too far to the point of proposing a highly inclusionary model similar to the republican experience. On the contrary, he asserted the point that the conferral of

⁵⁸ Quted in Heater, D. (1990): “ Citizenship: The Civic Ideal in World History, Politics and Education” pg: 73

citizenship status should only be enjoyed by those who were economically advantaged and politically conscious. Otherwise, he thought, democracy and freedoms would be left at odds. On the basis of this elitist understanding, coupled with the developed idea of freedom, the liberal model of citizenship has been founded upon many dichotomies which, overtime, have paved the way for its crisis and dilution.

The core dualism of the liberal model has been the dichotomy of individual and community. In contrast with the republican model, liberal model praise the individual as the central actor of the political community. In that respect, the political community has been considered as the totality of rational, autonomous actors who seek their maximum utility rather than serving the highest ideals of the state and the nation. The political community has been considered as the democratic arena of the autonomous individuals who are participating into the decision- making processes on the basis of their pure rationality. The citizen, when participating into these processes, has been assumed to make a rational choice free from the external inspirations.

This *a priori* acceptance of the rationality of individual choices has been criticized by Van Gunsteren in terms of:

The insights and preferences of autonomous individuals might originate from 'impure' processes: The information they were provided might be biased or meaningless, or their preferences might have arisen from a fit of anger.⁵⁹

⁵⁹ Ibid. pg.17

In that respect, the author goes on to argue that, decisions and ideas are being formed through social interactions and thus “...individuals who remain disconnected from all contingencies are nothing. They can not...have any preferences at all...”⁶⁰ The continuous stress on the individuality and rationality also has reflections in the theoretical structuring of the liberal state.

The state, in liberal model, has been perceived as extremely minimal and its role has been defined with reference to the market. The state’s role has been limited as the supplier of the initial security and administration tasks for the markets to operate freely. Instead of the virtuous, constitutional membership foreseen in the republican model, it would be the markets to determine who would enjoy participation into the political community. In that respect, the ‘equality’ of the citizens has been grounded on the relative and elective democracy of the market.

By binding the exercise of civil and political rights on economic standards, the liberal model wages further modes of exclusion. That is say, the social and natural identities of the people which made someone less preferable than the others in the market are being considered as normal. The most striking example about the exercise of this economic exclusion could be observed in the social rights legislations of the nineteenth century. During this period the beneficiaries of the social aids were composed of women, children and the dispossessed and they, nevertheless, had not been considered as citizens.

⁶⁰ Ibid. pg: 18

This framework of citizenship had not been able to endure against the social and economic conditions of the postwar conjuncture and the theoretical groundwork of the liberal model had been reinterpreted by T.H. Marshall in a way to include social rights into its structure which, then, came to be called as social liberalism.

According to Marshall, modern citizenship has been defined as the totality of social, economic and civil rights. The author further asserted citizenship: "...is 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 endowed."⁶¹

Through this legalistic definition Marshall, mainly, intended to redefine liberal citizenship in a way that would diminish the effects of economic inequalities undermined the political efficiency of the citizenship status. He defends the point that, for civil and political rights to become meaningful, they should have to be accompanied by the social rights. Therefore, the limiting impacts of economic difficulties, which prevented the working class from participating into the decision making processes and from enjoying civil rights, would be disappeared. In addition to these, as an author writing during the early twentieth century, Marshall claimed that, enrichment of the rights would also maintain plurality and would further democratize the content and nature of citizenship since such an enrichment in rights would

⁶¹ Quoted in Isin, E. and Wood, P. K. (1999): "Citizenship and Identity" pg:27

unify the individuals at a certain welfare degree at which they would have a chance to enjoy civil and political rights equally.

However, Marshall's account of social liberalism also infuses another dualism to the liberal model in terms of rights. That is to say, in terms of the classical liberalism social rights and civil rights were not assumed to be complementary since the exercise of the social rights imposes certain obligations to the economically advantaged citizens (in the form of taxes) and thus undermines the fundamental right to property. Faulks expresses this liberal dichotomy of different kinds of rights as:

First, civil rights are seen as natural and...the whole purpose of them is to protect the individual's basic liberties from potentially damaging implications of political decisions...social rights...are perceived as restrictions on economic freedom and as enhancing the power of the state. Second, social rights are resource dependent...this makes them vulnerable in times of economic recession. Third... social rights...can lead to a culture of dependency and destroy the sense of personal innovation...⁶²

In addition to these criticisms, Marshall's framework has further been criticized in terms of its deficient content about inclusion of the disadvantaged groups into the framework of citizenship. Within the framework of Marshall, despite there is an effort for balancing the inequalities between citizens, removal of other inequalities based on identity differences are, again, neglected. In that respect the social liberalist citizenship theory has been assumed to be contradictory. That is to say; on the one hand the author presented the citizenship status as set of objective instrumental rights that

⁶² Quoted in Faulks, K. (2000): "Citizenship" pg: 63-64

would help individual emancipation. On the other hand, the author neglected the subjective sources of inequalities which would undermine the enjoyment of citizenship status.

Thus, as the classical framework of the liberal model had collapsed against the all-encompassing challenges of the postwar period, the social liberalist framework of citizenship has been diluted against the emerging economic recession of the 1970's and the successive neoliberal period. The deconstructive approaches of the emergent neoliberal governments, in terms of diminishing the basis of social rights, have brought about this initial degeneration of citizenship. The shrink of the social rights, coupled with the liberal model's initial assumption of the predominance of the individual over other forms of affiliations, made the liberal framework of citizenship more vulnerable against the rising demands of domestic marginal groups in favor of recognition and representation.

4.1.3 Common Crisis

Despite these two models have different theoretical claims about the nature of citizenship; both models share same ideas about the issue of citizenship's existence within a particular nation-state. Rousseau, as the main theorist of the republican model, has foreseen that for citizenship to be a viable institution, it needed to be kept within a nation-state. Similarly, Mill, when explaining his ideas on citizenship, has declared that the political communities should be organized on cultural and ethnic commonalities because;

Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of the representative government; cannot exist.⁶³

Another commonality of these models is that; both models define and design the framework of national citizenship with regard to the so-called existence of a homogenous cultural community and, accordingly, both models have developed exclusive theoretical tools to maintain a certain degree of homogeneity of the political community. On the one hand, the republican model assures the homogeneity of the political community through defining citizenship with regard to the prevalent existence of the public sphere and, so, other individual affiliations and minority cultures are being subordinated. On the other hand, the liberal model, through recognizing the individual as the pivotal agency of the polity closes all potential theoretical arguments for recognition and differentiation of the group affiliations. On the basis of these exclusionary organizations of the political communities and the related international states system, the European nation-states have established and maintained their legitimacy for almost two hundred years.

However, by the late twentieth century, these exclusionary frameworks of these models and the nation-based legitimacy of the nation-states have gone into a crisis situation⁶⁴ due to the opposing trends for, on the one hand, diversification of citizenship (in terms of reinterpreting the national citizenship

⁶³ Quoted in Heater, D. (1990): "Citizenship: The Civic Ideal in World History, Politics and Education" pg: 58

⁶⁴ Keyman 1997, Üstel 1999, Habermas 1998, Nuhoglu-Soysal 1996

framework in an inclusive way) and, on the other hand, extension of citizenship (in terms of ensuring a postnational framework of membership). On the basis of these opposing trends, the conventional conceptions of citizenship has been centralized in the arguments related with the issues of belonging and democracy in the contemporary period.

In terms of the former aspect, the demands of minority groups for official recognition of communal rights and representation of their distinctiveness have shaped mainlines of the arguments about diversification of national citizenship. The issues like the exclusionary design of the national migration and naturalization procedures or recognition of diverse religious and cultural practices became the main areas of confrontation within the national polities. These debates about inclusion of diverse identities into the legal framework of the national polities have not only paved the way for the dispersal of the theoretical groundwork of the national identity but also make citizenship the main battleground of redemocratization. Within the scope of these arguments, representation of particular identities in the public sphere also became problematic. Thus, the multicultural reinterpretation of the classical conceptions of the national citizenship and national identity became inevitable so as to reconstruct the cohesive political communities.

In terms of the latter aspect, the demands of the global socio-political groups for extending the nature of political membership beyond the national framework could be considered. The powerful global socio-political groups like transnational minority organizations or environmental groups are playing

a pivotal role in terms of promoting this postnational reorganization of citizenship. Turner, when considering these trends argued that:

The new issues of citizenship appear to centre around gender politics and around the Green movement...social rights relating to AIDS victims...the right of abortion...These social movements combined with the umbrella movement towards greater ecological security, suggest that the most interesting issue of citizenship in the late twentieth century may centre on the complex relationship between nature and society...All these changes appear to confirm...that the expansion of citizenship means the expansion of abstract universal social rights, devoid of particularistic or national foundations.⁶⁵

In other words, the transnational nature of these issues provided a new perspective to the individuals through which they would acquire a chance to enjoy multiple, global memberships beyond the particularistic limitations of the national citizenship. Thus, the classical exclusionary pronouncements of national citizenship and identity have further been diluted and have been undermined by the emergent global identities.

In relation with this aspect, emergence of the new supranational institutions might be taken into consideration as an additional factor which affirms these extensive trends. Through the emergence of these institutions, the nation-state's centrality as the sole determiner of the rights and obligations has been undermined because "Rights that were once associated with belonging in a national community have become increasingly abstract, and defined and legitimated at the transnational level."⁶⁶

⁶⁵ Ibid. pg: 13-14

⁶⁶ Nuhoglu-Soysal, Y. (1996): "Changing Citizenship in Europe" pg:18

In that respect, given the legitimacy crisis of the conventional conceptions of national citizenship and the increasing importance of supranational organizations, the EU citizenship might be taken into consideration as a prospective enterprise which signifies the postnational reorganization of the political communities. However, as it has been presented in the previous chapters, the legal and institutional framework of the EU citizenship has been designed in a way that to prevent its full realization. Therefore, the EU citizenship's potential to reconcile and unify the particularistic and universalistic claims about the national citizenship become controversial. Due to this reason, in the following section, by explaining these theoretical debates about the EU citizenship would be presented so as to clarify and summarize the whole dimensions of the subject matter.

4.2 Theoretical Problems of the EU Citizenship

In relation with the practical dichotomies of the EU citizenship, developing an accurate theoretical framework for the EU citizenship has been a controversial issue. The practical and legal abstentions contained within the practice of the EU citizenship also prevented the development of a generally agreed conceptualization of the EU citizenship. In terms of these debates, the EU citizenship might be theoretically described in two ways. On the one hand, the EU citizenship might be considered as a new mechanism which would assure the multi level memberships necessary for the transnational affirmation of democracy in the contemporary era of globalization. On the other hand, the EU citizenship might be taken into consideration as a symbolic legitimizing

element for the prospective political integration of the EU realized between the Member States.

In terms of the former arguments, the EU citizenship has been taken into consideration as the main signifier of the emerging postnational political order. The scholars who have supported this position developed their arguments in relation with the current momentum of the globalization process and increased interdependency relations both at the level of states and at the level of the national political communities. In that respect, the introduction of the EU citizenship provided a new sphere to the people of the Union at which they could acquire the chance to develop deliberative efforts for progress and democracy through participating into the administrative and juridical processes of the Union. Soysal, as supporting this position argued that:

...the nation-state...is no longer the source of legitimacy for individual rights...the post-war changes in the organization and ideologies of the global system have increasingly shifted the institutional and normative basis of citizenship to a transnational level and have extended rights and privileges associated with it beyond national boundaries...National citizenship or formal nationality is no longer a significant construction in terms of how it translates into certain rights and privileges...What we have is a trend towards a new model of membership anchored in deterritorialized notions of personal rights.⁶⁷

Similarly, Roche by approaching the issue of EU citizenship in terms of social rights argued that:

Postnational change is associated with various processes of 'globalization'...Postnational change is as challenging to the dominant paradigm of citizenship...most important example of it in the late

⁶⁷ Ibid. pg: 21

twentieth century, namely the development of the European Community (EC)...⁶⁸

Based on this evaluation the author argues that, the EU- through maintaining a deterritorialized scheme of rights legislation and through introducing the EU citizenship- managed to set the groundwork for a distinct, multi level democracy. Roche considers this system promising both in terms of its potential to resolve common problems of poverty and of its potential to promote a considerable homogenizing welfare degree among regions and social groups.

On the contrary, in terms of the latter arguments, the development of the EU citizenship framework has been considered as a symbolic membership status which has not carry the potential of transforming the normative basis of citizenship in real terms. Contrary to the postnational considerations, these arguments are mostly concerned of the fact that the current wave of globalization process do not purified from its nation-state linkages⁶⁹ in real terms. In that respect, arguing about a postnational reorganization of polities that transcendent over the national polities has been considered as a fallacy. As it has been argued by Lupher⁷⁰, the main aim of the so-called transnational efforts for unification into continental or regional blocs is mostly about the maintenance or consolidation of the state capacity at the international realm rather than pooling of sovereignty. In that respect, the EU- as the most striking

⁶⁸ Roche, M. (1992): "Rethinking Citizenship: Welfare and Ideology Change in Modern Societies" pg: 191

⁶⁹ Sklair 1999

⁷⁰ Lupher 2001

example in terms of this trend- has been taken into consideration mainly as an international organization where the majority of the decisions are being channeled in accordance with the national interests and the actual functioning of the system is highly dependent on the consent of the national authorities.

Faulks, when evaluating the EU structure argues that:

The danger of reforming, but retaining the concept of the state can be illustrated by the EU's attempt to construct political union through the extension of citizenship to the supranational level. The ambiguity of the EU project in general...symbolizes the wider tensions that are increasingly shaping global politics.⁷¹

Similar to Faulks' account, Delgado-Moreira, in his comparative analysis argued that, the co-existence of the actors in the process- Member States and the EU- signifies the initial development of a 'national superstate'⁷² instead of a postnational polity.

In relation with these arguments, the EU citizenship has been theoretically located as a symbolic status which does not constitute any direct, concrete linkages for democratic deliberation and participation to the addressees of it. The rights which have been associated to the EU citizenship status are perceived as mere privileges which would only be enjoyed by a particular group of people who would advance the economic activity within the European single market. Therefore, the discourses on the transnational rights and their democratizing potential have been criticized in terms of the conventional framework of national citizenship rights which have given

⁷¹ Ibid. pg:158

⁷² Delgado-Moreira 1997

central importance to the enjoyment of political rights so as to maintain the internal cohesion and democracy.

On the basis of these, the latter arguments seem to be more appropriate in terms of their descriptive content. Another factor that affirms this consideration is that of the exclusionary design of EU citizenship framework. As it has been mentioned in the first chapter, the legal framework of the EU citizenship has foreseen the conferral of the status only for the citizens of the Member States and, related to this, it has been argued that, this exclusionary design puts the EU citizenship status far from the point of establishing a unified postnational political community which the norms of political participation into the deliberative processes have been determined through universal rights, instead of particularistic conceptions of nationality. Due to this reason, given that the legitimacy crisis of the exclusionary models of national citizenship frameworks, the EU citizenship came to be perceived as an enterprise which has furthered the problematic of national citizenship and democracy beyond the states level.

Taking all these into account, on the basis of the controversial co-existence of national and supranational authorities and of the exclusionary and inactive framework of citizenship, it becomes hard to describe the theoretical framework of the EU citizenship as a prospective instrument that would lead to a postnational political composition. On the contrary, the nation-oriented conferral of the status and the absence of rights for participation into the supranational deliberative processes, made it appropriate to conceptualize the

EU citizenship as the membership status for a prospective European ‘national superstate’. This EU sponsored reproduction of the particularism could also be verified as far as the discourses on European identity and EU citizenship has concerned. As it has been underlined by O’Leary:

...far from being a postnational organization, the EU is in fact attempting to encourage an exclusive (and mythical) European identity that sets cultural as well as legal limits on the expansion of citizenship.⁷³

Buoyoned from these conclusions, the role of the European identity in terms of realizing the political integration of the masses under the political framework of EU citizenship should be analyzed. Due to this reason, in the following chapter, the discourses on European identity would be evaluated.

⁷³ Quoted in Faulks, K. (2000): “Citizenship” pg:100

CHAPTER 5

EUROPEAN IDENTITY

The relationship between the discourses of European identity and the EU citizenship needs to be analyzed so as to complement previous arguments. In accordance with the aforementioned definition of the national citizenship framework and the legal and theoretical resemblances of it with the EU citizenship framework, analyzing the subjective side of the citizenship status (nationality dimension) would be beneficial in terms of identifying the obstacles for realization of political integration at the EU level.

The discourses of European identity and the EU citizenship, similar to the national citizenship models, have been developed upon the principle of political and cultural exclusion. In the official documents of the EU, European identity has been defined as the socio-cultural essence of the EU citizenship⁷⁴. Following this assertion, an ambiguous set of cultural and social qualities have been rhetorically associated with Europeanness. Thus, through emphasizing

⁷⁴ Möttönen 2002

the socio-cultural distinctiveness of European identity, feelings of belonging and solidarity has been tried to be created at the rhetorical level⁷⁵.

However, the applicability of this creation at the supranational level contains many controversies with regard to the nature and scope of the political integration in question. Maintaining socio-cultural allegiance among the citizens -comprised of twenty five different nations and numerous historical, ethnic and regional cultural groupings- is a task which transcends over the limited assumptions of the identification theory. In addition to these, as far as the legitimacy crisis of the national citizenship frameworks has concerned, supplementing citizenship with the culturally obscure discourses of Europeanness carries the risk of intensifying the identity discourses further to the point where the whole project of political integration would dilute.

On the basis of these difficulties, in this chapter, first of all, the problematic of the contemporary construction of European identity would be argued both in theoretical and in practical terms. In the second place, the possible theoretical projects for an inclusive reconstruction of Europeanness would be reviewed. On the basis of these analyses, the problems of the contemporary structure of the EU citizenship would be complemented.

5.1 European Identity: Unity or Diversity

In terms of the contemporary efforts towards political integration, maintenance of European identity has become a central issue. Under the EU supervision, Europeanness has been tried to be psychologically reconstructed

⁷⁵ Möttönen 2002

as an abstract mechanism of belonging that would take place in the collective imagination of the Union societies. To achieve this end, the contemporary content of European identity has been filled in with an ambiguous collection of values, common experiences, and European cultural heritage. Besides these cultural appropriations European identity has been asserted as an additional source of supranational membership that would not replace but complement the membership into the national cultural communities.

As far as the preamble of the constitutional text of the EU has concerned this rhetorical structuring of Europeanness would be crystallized. It has been asserted in the preamble:

...Conscious that Europe is a continent that has brought forth civilization...its inhabitants...have gradually developed the values underlying humanism: equality of persons, freedom, respect for reason...Drawing inspiration from the cultural, religious and humanist inheritance of Europe, which, has always presented in its heritage, has embedded within the life of society...convinced that while remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their ancient divisions, and , united ever more closely to forge a common destiny...thus ‘United in Diversity’ ...⁷⁶

These phrases signify an implicit effort to define and differentiate an abstract cultural community for an integrated Europe. Through rhetorical attributions of shared values, common past and cultural heritage ‘New Europeans’ have been intended to be created institutionally. Related to this intention, exclusion of the minorities has been bounded up with additional abstract criteria of cultural affiliation.

⁷⁶ CONV 797/1/03 REV 1 pg:4-5

However, this construction of European collective identity from above is a controversial issue as far as the historical and theoretical ambiguities of European identity has concerned. That is to say, given that the historical and theoretical elusiveness of European identity, the integrative capacity of the concept becomes a contentious issue. In that respect, the theoretical ambiguities of the concept should be reviewed so as to give a meaning to the contemporary problems in the official construction of European identity.

European identity, both in theoretical and in historical terms, is an ambiguous concept⁷⁷ which is hard to define with reference to a concrete reality. The main reason for this is about the fact that, throughout the history of the continent European identity has been contextually reconstructed as an optimum value against the ever-changing threats or political circumstances. So, in almost all periods European identity came to denote the abstract source of the idea of Europe (or European self-image) waged by the political elites and the intellectuals. Despite the source of the self-image have been changed, the underlying ideas of European supremacy and the distinctiveness of Europe have remained the same in all of these various appropriations. In other words, the intention behind the idea of Europe, in retrospect, has never been of peace and universality. Instead of this it is about fostering difference and supremacy against the relational other.

On the basis of these general explanations, the theoretical problems contained within the concept of European identity would be more easily

⁷⁷ Delanty 1995 and 1998, Çırakman 2001

explained. The most striking theoretical fallacy about European identity is about its equation with cosmopolitanism. According to Delanty:

The idea of Europe has all too often erroneously seen as a cosmopolitan ideal of unity...far from being its enemy...The European idea has in fact reinforced rather than undermined the ideology of nationality.⁷⁸

The irrelevance of the cosmopolitanism in European identity could also be explained in historical terms. Due to the fact that:

...as the concept of citizenship was being revived in the seventeenth century, the European states system was being consolidated...the new secularized politics was being built in theory and in practice round a dominant feature utterly antithetical to the cosmopolitan ideal.⁷⁹

Another theoretical fallacy concerning European identity is about its vague association with European culture. On the basis of this ambiguous equation, a common European cultural identity has been argued to be existent. These commonalities are mostly extracted from the resemblances of the particularistic social structures⁸⁰ like economy and religion or common historical experiences⁸¹. However, when culture has been taken into account in terms of its wider meaning, it would become clear that culture is more than shared experiences or resembling structures. It includes accumulation of traditions, social values and visible elements of authentic creation⁸²- which are not in fact existent in European conjuncture. In that respect theoretically

⁷⁸ Delanty, G. (1995): "Inventing Europe: Idea, Identity, Reality" pg:8

⁷⁹ Heater, D. (1990): "Citizenship: The Civic Ideal in World History, Politics and Education" pg:15

⁸⁰ Delanty 1995

⁸¹ Wintle 1996

⁸² Güvenç 2002, Uyğur 2003

asserting European identity in terms of shared culture reveals as a fallacy that is not viable in theoretical terms.

Having identified the theoretical ambiguities of European identity, it would be suitable to analyze the contemporary theoretical construction of the European identity in terms of the political integration. Different from these historical experiences, in terms of the contemporary political integration process, European identity-more than being an intellectual ideal- has been tried to be created at the societal level through the officially defined set of values and symbols. However, similar to the historical reconstructions, the content of the European identity have been defined in a way to imply European supremacy and distinctiveness⁸³.

As a mixture of all historical and theoretical appropriations, the contemporary framework of European identity imposes the institutionalization of the exclusive ideal of Europe. Through appropriating certain historical and cultural elements for the European integration, the cultural area of Europe has been tried to be structured. In addition to these, similar to the nation-based legal framework of the EU citizenship, the nationality ideal has been reinforced and tried to be encapsulated within the framework of the European identity through declaring the main characteristic of integration as 'Unity in Diversity'. Thus, through these institutional efforts an artificial culture for the citizens has been tried to be constructed from above.

⁸³ Delanty 1995 and 1998, Habermas 1998

However, this institutional creation of Europeanness imposed many deficiencies to democracy and representation of the masses within the integration process. Related to these possible deficiencies, the tensions contained within the rhetorical construction of European identity should be considered. Möttönen, through examining the official documents of the EU institutions asserted that, the implicit ambiguities expressed within the slogan of ‘Unity in Diversity’ is the most visible example that shows the uncertain role attributed to the European identity in terms of maintaining the EU citizenship framework. In that respect the author argued that:

The tension between unity in diversity is significant for citizenship, because it makes a difference whether EU citizenship is constructed on the basis of unity (unifying rhetoric) or on the basis of diversity (diversifying rhetoric). This tension may express itself in solution concerning inclusion and exclusion...concerning who is a citizen and who is excluded from citizenship, culture or identity.⁸⁴

Wintle, in his analysis, tries to identify the viability of the ‘Unity in Diversity’ slogan in terms of maintaining the mass identification with the European integration. In that respect, he argues that:

At the European level, the EC initiative of the ‘Europe of the Regions’ encouraged regional groupings, like the Basques, the Welsh and the Wallons to realize their identity in a European framework...⁸⁵

Related to these, he goes on to argue that, the ‘Unity in Diversity’ slogan might be promising in the future due to the fact that it gives a chance to the minority groups to affirm their existence through European integration. Furthermore he asserted the point that, the European integration might provide

⁸⁴ Möttönen, K. (2002): “Culture, Identity and a Sense of Togetherness” pg:8

⁸⁵ Wintle, M. (1996): “Cultural Identity in Europe: Shared Experience” pg: 21

a prospective source of shared experience for the citizens to develop a self consciousness of Europeanness.

However, to approve Wintle's claims about the sincerity of the 'Unity in Diversity' rhetoric is very hard given that the institutional negligence of the contemporary minorities of the continent. In terms of these minorities the asylum seekers, migrant workers, permanent residents and marginal social groups should be considered. Through defining the membership into the political community in relation with the cultural criteria, the realization of the more critical minority identities at the European level have been undermined and related to this, the utilization of the term diversity has become implicitly contentious.

In that respect, supplementing the citizenship framework with theoretically ambiguous and historically defeated conceptions of Europeanness comes to fore front as the additional factors that have made the prospective political integration vulnerable in terms of managing the necessities of contemporary global politics and emergent identity disputes. In that respect it is obvious that besides the postnational revision of the EU citizenship framework, the socio-cultural dimension of the citizenship, needs to be rescued from the highly contradictory claims of cultural supremacy. Through such a restructuring, the initial deficiencies of the EU would be recovered and the prospective political integration could be considered positively.

In that respect, related to this necessity in the following section alternative models of identification proposed by Habermas and Delanty would

be reviewed in the following section. On the basis of this account, it has been intended that the arguments about European identity has been finalized.

5.2 Alternative Models:

On the basis of the previous analyses, removal of the theoretically exclusive and historically mythical elements from the European identity has been identified as the most striking necessity for maintenance of an effective citizenship framework. In accordance with this, in this section two alternative models of restructuring the European identity would be reviewed so as to attain a logical framework.

5.2.1 European Constitutional Patriotism

The model of “European Constitutional Patriotism”⁸⁶ of Jürgen Habermas offers a viable option for the inclusive reconstruction of the European political identity. As a model that has been developed right after the dissolution of the Soviet Union, this model concerns a value-oriented approach in terms of political integration. The author advocated that, since the removal of socialism from Eastern Europe provided a new wave of democratization all over the continent, the prospective image of Europeanness should be constructed on the basis of shared democratic norms. This model, according to Habermas, would be more promising in terms of rescuing the EU from the limited, historicist perceptions of Europe. It has been stated that:

...our task is less to reassure ourselves of our common origins in the European Middle Ages than to develop a new political self-confidence

⁸⁶ Waever 1995

commensurate with the role of Europe in the world of the twenty first century.⁸⁷

Related to this assertion, Habermas clearly opposed to the construction of political integration in resemblance with the national frameworks. In his later works he asserted the point that, such a reproduction of a nationalist model at the European level would be nothing but reproduction of the crisis at the regional level. He asserted his argument as follows:

Hegel took the view that every historical formation is condemned to decline once it has reached maturity...the nation-state at one time represented a cogent response to the historical challenge of finding a functional equivalent for the early modern form of social integration that was in the process of disintegrating. Today we are confronting an analogous challenge...globalization...poses problems that can no longer be solved within the framework of nation-states or by traditional agreements between sovereign states. If current trend continue, the progressive undermining of national sovereignty will necessitate the founding and expansion of political institutions on the supranational level...I think that we can take our orientation on the precarious path toward postnational societies⁸⁸

However, as a supporter of the establishment of a constitutional order at the EU level for maintaining a legitimate ground for further political integration, Habermas contained the fact that, within this constitutional framework the legal and instrumental means to provide democratic deliberation-that are not existent within the institutional structure- of the citizens should be guaranteed. The author underlined that; only through the advancement of the democratic deliberation a common postnational public

⁸⁷ Quoted in Waeber, O. (1995): "Europe Since 1945: Crisis to Renewal" pg:206

⁸⁸ Habermas, J. (1998): "The European Nation-State: On the Past and Future of Sovereignty and Citizenship" pg: 2

sphere for the Union would be achieved⁸⁹. This advancement of democratic processes at the Union level would provide the possibilities of the postnational organization of the European polity free from the particularistic interferences of the national culture.

In that respect, Habermas' claims about European constitutional patriotism model might be analyzed as an alternative restructuring of the participatory mechanisms through which political acculturation of the national political communities would be promoted. Far from fostering a homogenizing framework, the author foreseen that this structure should be developed on the basis of the preservation and representation of the multicultural structure of Member States. By the exercise of supranational deliberative democracy, a new form of common political culture and stronger political identity among the Member State societies might be flourished⁹⁰.

In addition to these, as far as the next enlargement has concerned, this restructuring of the Union polity would also serve as a conciliatory framework for the new Member States to give up their abstentious approaches about the issue of pooling national sovereignty. Thus, the ideal of 'Ever Closer Union' would be achieved through leaving the realization of Unity to the collective process of inter-societal deliberation and democratic dialogue.

⁸⁹ Habermas 2001

⁹⁰ Habermas 2001

5.2.2 European Knowledge Society

For the inclusive reconstruction of the European political identity, Gerard Delanty proposed a similar alternative model that would forge intersocietal dialogue and continental democracy through the maintenance of “European Knowledge Society”⁹¹. In resemblance with Habermas’ claims about the contemporary crisis situation of national polities, Delanty also argues that reproducing these identification mechanisms at the European level, would lead to nothing but stretching the crisis to a wider level.

Related to this assertion Delanty, as confirming Habermas’ claims, argues that neither the highly nation-based models of citizenship nor the historicist explanations of cultural community would provide an effective mechanism for European political integration at the societal level. In that respect, the author argues that:

...from a highly normative and philosophical point of view, I believe Habermas’ notion of a discursive democracy based on communicative spaces located in civil society is of great importance for understanding a possible model for European integration.⁹²

On the basis of this assertion, the author attempted to develop a suitable model that would lead to the creation of European society independent from the theoretically ambiguous linkages of exhausted conceptions of *demos* and *ethnos*.

⁹¹ Delanty 1998

⁹² Delanty (1998): “Social Theory and European Transformation: Is There a European Society?”
pg: 13

He proposed that this realization might be established by the idea of ‘European Knowledge Society’ which is not directly identical with the idea of ‘Information Society’ because: “...knowledge pertains to the wider cognitive capacity of society to interpret itself and to imagine alternatives.”⁹³ This idea has been claimed as fully applicable in terms European integration given that Europe’s ambivalence as a political and cultural reality. The author argues that: “...if Europe cannot be ‘real’ community perhaps it can become a ‘virtual’ one. This virtual society is not the one that is constituted as a system of values but as a discursive framework.”⁹⁴

Delanty advocated that, this model would also function as a transformative framework for exclusiveness of the European identity and the emergent trends towards recognition of the identity disputes at the national level. This would be the case because; a prospective European society would be a society without key organizing actors who are legitimately authorized to resolve disputes. In that respect, the author asserted that:

In the absence of a key social actor, it is the public who is becoming more important as a social mediator in disputes which question the very foundations of a society’s cognitive and cultural structures. Under these circumstances a model of consensus is being replaced by a model of dissensus ...to appreciate the full significance of such developments we must see that knowledge is becoming a medium of cultural experience...In the resulting confluence of culture and knowledge, the politics of identity are released.⁹⁵

⁹³ Ibid. pg: 11

⁹⁴ Ibid. pg:14

⁹⁵ Ibid.pg 15

Finally, taking all these arguments into account it becomes clear that the contemporary construction of European identity as the derivative of theoretically and historically contentious claims of Europeanness would not fulfill enough mechanisms to promote intersocietal dialogue and inclusion of the minorities into the integration framework. The confusion of ‘Unity in Diversity’ which might be analogous with the confusion of maintaining a marble or a mosaic of cultures paved the way for this contradictory situation. In addition to these, it is obvious that these assertions of Europeanness are far from maintaining the citizens’ identification with the emerging supranational polity.

In that respect, if the European integration process aimed to become a political reality within the global conjuncture of the twenty first century, the exclusionary and democratically deficient structure of its social dimension needs to be restored in a way to provide more open and democratic framework of political membership.

On the basis of all these analyses, an overall analysis about the issue of the EU citizenship and Europeanness would be made. In that respect, in the following concluding chapter, an overall analysis of the all the previous discussions has been made. Through this final analysis, all of the arguments concerning the role of the EU citizenship and Europeanness have been relocated in a reconstructive framework.

CHAPTER 6

CONCLUSIONS

The question of citizenship has been one of the oldest and, yet, most contentious subject both in theory and in practice of politics. Determining the standards of membership into a particular political community is a multidimensional issue which could not easily be understood with a static understanding. Citizenship, both as a legal status and as a socio- political identity which the members of a particular political community share in common, is a powerful status that contains the potential of stimulating masses for the realization of a common goal or for meeting a common threat. In relation with these, citizenship has been considered as a significant category of identification starting from the eighth century BC. The main reason for defining citizenship with reference to the subjective feelings of belonging, togetherness, obligation or patriotism are mostly originated from this psychological association.

Those features of citizenship developed simultaneously with the emergence of the nation-states in Europe. Equalization of the citizenship status

with nationality is also product of this great historical experience. However, this equation, besides many virtues, brings about many limitations. That is to say, despite classical citizenship models have been established upon differing conceptions of community and individual, both models have an exclusionary understanding that lefts representation of historical, religious or cultural minorities out from the constitutional framework. In relation with this, by the second half of the twentieth century, this constitutional design of citizenship started to get into a crisis due to the emerging movements for diversification of citizenship. In addition to these, as the globalization process gains momentum, these conventionally settled notions of national citizenship became insufficient to explain the contemporary norms of obligation and rights. Thus, at the eve of a new century this conventional understanding of citizenship has started to loose much of its attractiveness and major Western liberal democracies have obliged to face up with a crisis situation concerning the redefinition of citizenship.

Simultaneous with these developments, political integration within the EU has gained momentum. Within the scope of the Maastricht Treaty the EU Citizenship had been introduced so as to promote feelings of Europeanness and to foster socio-political integration among the Member State societies. With this measure, it has been intended that, through the framework of EU citizenship Member State societies would develop a psychological association with the EU institutions and would develop a considerable interest in European affairs. However, EU Citizenship has been designed in a way that

neglects the aforementioned national struggles. In legal and theoretical terms, the framework of EU Citizenship contains many imperfections that paved the way for its popular negligence. Thus, overtime the EU Citizenship came to be evaluated as a legal construct which does not complement but duplicate the weaknesses of the national citizenship frameworks.

Furthermore, it had soon become clear that, the EU Citizenship, as the supranational derivative of the national citizenship frameworks, remained ineffective in terms of stimulating a European consciousness among the masses. Due to the inherent institutional tensions contained within the structure of the EU, the legal design of the EU citizenship framework foreseen an inactive status which does not confer any additional rights or privileges to persons beyond the national citizenship frameworks and does not provide efficient democratic deliberative mechanisms through which the people would have a chance to develop inter societal proximity. Due to these reasons, all of the inherent potential of the citizenship status, in terms of resolving the initial problems of the European societies (like racism, xenophobia and inter societal remoteness) have been underestimated. This institutional and political underestimation has blocked all options for a more consolidated political integration from below.

Within the scope of the previous chapters, these factors have been evaluated from institutional, theoretical, legal and practical view points. In all of these dimensions, the influence of the EU citizenship on the development of the European socio- political identity has been regarded as the main frame of

reference. In relation with these, it has been asserted that, in the contemporary EU context, these concepts have been used only in symbolic and rhetorical terms. In addition to these, as far as the identity dimension of the citizenship question has concerned, it has also been asserted that completion of the EU citizenship framework with the historically exhausted notions of European supremacy would not provide an effective declination for Europeanness within the contemporary EU context.

On the basis of these analyses, it has been advocated that, unless the legal framework of the EU citizenship would not be reformed in accordance with a postnational understanding, the future of the European political integration project would be established upon fragile grounds of remoteness and democratic deficit. Moreover, in terms of rehabilitating the negative aspects of a prospective European political identity, it has been advocated that, the social psychological associations of citizenship in the EU context should not be established upon the conventional premises of the nation-building theories. On the contrary, on the basis of the multicultural, polyethnic structure of the European societies, the cultural identity of the EU should be represented independently from the framework of the EU citizenship. In order to protect the authenticity of cultures and to prevent the marginalization of the minority cultures, prospective political identity of the EU should be developed upon the universally accepted norms of democratic deliberation, human rights, transparency and constitutional patriotism. In addition to these, in order to promote and guarantee a higher degree of constitutional representation, the

scope of the EU citizenship should be extended in a way to include all modern minorities into its scope.

Buoyed from these factors, within the scope of this thesis, possible alternatives that had been developed to resolve the problem of socio-political integration had been reviewed with a reconstructive approach. On the basis of the arguments that have been presented with regard to the models of “Constitutional Patriotism” and “European Knowledge Society” it has become clear that in order to construct a fully fledged polity in context of the EU, the initial illnesses of the self image of Europe should have to be cured. The self image of Europe should have to be purified from the historically mythical and legally exclusionary declinations. A new conception of Europe should be defined and institutionally advocated in order to resolve the existing and potential tensions on the way towards forging an ‘Ever Closer Union’ which would be ‘United in Diversity’. Through this, it has become obvious that, the ambivalent content of the European identity needs be cleared out. Thus, a more realistic vision of Europeanness could get deeply rooted in the minds of the ‘New Europeans’.

Finally, taking all of these into account, the issue of reforming the legal framework of the EU citizenship should be evaluated as the contemporary reflection of the historical obstruction on the way towards constructing a unified Europe. That is, the high degree of political fragmentation among the European nations. Even today, the conciliatory relations between the Member States are being maintained on the basis of a sensitive balance. Within this

atmosphere, it is obvious that prospects for political integration could not be left merely in the hands of the politicians and bureaucrats. Because of the initial sovereignty considerations of the national politicians, such an integrative scheme from above would always carry the risk of dissolution and might be intentionally left underdeveloped. In that respect, the prospects towards political integration should have to be improved both from above and from below. Without establishing necessary measures to give the people a direct access to the EU politics, any promising possibility for the establishment of a European political community would be left at odds.

The EU citizenship has the potential to realize these goals. If the EU citizenship could be restructured in accordance with the impositions of a postnational political order the previously diverging tendencies among the societies would be harmonized. For the realization of political integration in real terms, postnational restructuring of the EU citizenship is certainly necessary. Through promoting such a broad based citizenship framework, both the EU and the Member States would have a chance to resolve most of their social problems concerning increasing racism and right wing extremism. Thus, the migrant groups which have been living within the Member State societies for decades would have a chance to feel legal inclusion and would escape from chronic alienation. In addition to these, historical minorities within the Member State societies would acquire chance to express their ethnic identities in an open, equal platform. Hence, the exclusionary declinations of European identity would be transformed into a more appealing and multicultural content.

It is obvious that, such a transformation would not be realized through an ordinary legal amendment but that amendment would provide the necessary starting point to encourage Union societies. Through this way, the atomistic conceptions of nationhood would be transformed into the wider identification of Europeanness gradually. As far as the future enlargements of the EU has concerned, the postnational reconstruction of the European political community through the legal framework of the EU citizenship becomes more important. The EU, in order to promote peace and social solidarity within its region and to forge a multicultural, democratic political culture, should have to deal with this task resolutely. Otherwise, even the project of political integration would be realized, the “New Europeans” who would provide inspiration to other prospective regional integration organizations would not be created.

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ANNEX

PRESENT TREATY ARTICLES ON EU CITIZENSHIP

MAASTRICHT TREATY

ARTICLE 8

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union.
2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

ARTICLE 8a

1. 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.
2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act unanimously on a proposal from the Commission and after obtaining the assent of the European Parliament.

ARTICLE 8b

1. Every citizen of the Union residing 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 in the Member State, in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1994 by the Council acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

2. Without prejudice to Article 138(3) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1993 by the Council acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

ARTICLE 8c

Every Citizen of the Union shall, in the territory of a third country in which the Member State of which he is not 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. Before 31 December 1993 Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection.

ARTICLE 8d

Every citizen of the Union shall have right to petition the European Parliament in accordance with article 138d.

Every citizen of the Union may apply to the Ombudsman established in accordance with article 138e

ARTICLE 8e

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee before 31 December 1993 and then every three years on the application of the provisions of this part. This report shall take account of the development of the Union.

On this basis, and without prejudice to the other provisions of this Treaty, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament,

may adopt provisions to strengthen or to add to the rights laid down in this part, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements

AMENDMENTS INTRODUCED BY AMSTERDAM

TREATY

9. Article 8(1) shall be replaced by the following:

“1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.”

10. Article 8a (2) shall be replaced by the following:

“2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act in accordance with the procedure referred to in Article 189b. The Council shall act unanimously throughout this procedure.”

11. in Article 8 d, the following paragraph shall be added:

“Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 4 in one of the languages mentioned in Article 248 and have an answer in the same language.”

Source: (<http://www.europe.eu.int/eurlex>)