THE POSSIBILITY OF POSTNATIONALITY
IN THE CASE OF EUROPEAN UNION CITIZENSHIP

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ABSTRACT

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Recent developments such as internationalization of labor markets, emergence of multi-level polities and a global discourse on human rights have influenced citizenship practices and challenged conventional definitions of citizenship. While conventional definitions of citizenship often presuppose the relationship between citizenship, nationality and nation-state, as an institution, citizenship is constituted and reconstituted by economic, political, social and legal practices. In this context, European Union citizenship (EU citizenship), which was formally introduced in 1993, has generated a discussion on its nature. As a reflection of its dynamic and ambiguous character, there is a variety of interpretations on EU citizenship that can be evaluated between postnational and national ends. In line with these interpretations, this thesis aims to provide an insight to the possibility of postnationality in the case of the European Union Citizenship. In this sense, the analysis of EU citizenship depends on two significant theoretical bases: the contemporary debates on citizenship and the theories of European integration. It is attempted to combine these theoretical frameworks in a critical

analysis in order to consider the postnational potentials and possibilities that the EU citizenship has. In the case study of EU citizenship a socio-historical analysis of the making of EU citizenship is carried out mainly with reference to the official documents of the institutions of European Union. In the light of this analysis, EU citizenship is critically examined according to designated discussion themes. Consequently, in this thesis, it is mainly argued that dynamic and evolving nature of EU citizenship create contradictory notions in its development process. This also reflects that possibilities for postnationality are inherent to the EU citizenship.

Keywords: Citizenship, Nation-state Citizenship, Postnational Citizenship, European Integration Theories, European Union Citizenship (EU Citizenship), Postnationality vs. Nationality.

ÖZ

AVRUPA BİRLİĞİ VATANDAŞLIĞI ÖRNEĞİNDE
ULUS-ÖTESİ OLMA İMKANLARI

Ay, Özgür

Yüksek Lisans, Siyaset Bilimi ve Kamu Yönetimi

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Emek piyasalarının uluslararası hale gelişi, çok-katmanlı idari sistemlerin ortaya çıkışı ve insan hakları üzerine küresel bir söylem oluşması gibi son dönemdeki gelişmeler, vatandaşlık pratiklerini etkilerken, geleneksel vatandaşlık tanımlarını da tartışılır hale getirmektedir. Geleneksel vatandaşlık teorileri, çoğunlukla, vatandaşlık, milliyet ve ulus-devlet kavramları arasında yakın bir ilişki olduğu varsayımından yola çıkarken, ekonomik, politik, sosyal ve hukuki pratikler vatandaşlık kavramını yeniden inşa etmektedirler. Resmi olarak 1993 yılında ortaya çıkartılan Avrupa Birliği vatandaşlığı da bu şartlar içerisinde kendi doğası üzerine bir tartışma yaratmıştır. Dinamik ve muğlak yapısının bir yansıması olarak, AB vatandaşlığı, ulus-ötesi ve ulusal uçlar arasında değerlendirilebilecek çeşitli yorumlara sahiptir. Yapılan yorumlar çerçevesinde, bu tez, Avrupa Birliği vatandaşlığı örneğinde ulus-ötesi imkanlara bir kavrayış sağlamayı amaçlamaktadır. Bu anlamda, AB vatandaşlığının analizi iki önemli teorik zemine dayanmaktadır: Günümüz vatandaşlık tartışmaları ve Avrupa entegrasyon teorileri. AB vatandaşlığının sahip olduğu ulus-ötesi imkan ve ihtimaller üzerine değerlendirme

yapabilmek amacıyla, bu teorik yapılar eleştirel bir analiz içerisinde birleştirilmeye çalışılmıştır. AB vatandaşlığı örneğinin incelenmesinde de, temel olarak, Avrupa Birliği kurumlarının resmi dokümanlarına dayanan bir toplumsal-tarihsel analiz yapılmıştır. Bu çalışma ışığında, AB vatandaşlığı, belirlenmiş temalar çerçevesinde eleştirel olarak incelenmiştir. Bu tez, temel olarak, dinamik ve evrilen bir doğaya sahip olan AB vatandaşlığının, gelişim süreci içerisinde, birbirleriyle çelişen unsurlar ortaya çıkardığını iddia etmektedir. Bu durum aynı zamanda, AB vatandaşlığı içerisinde ulus-ötesi imkanlar barındığını da göstermektedir.

Anahtar Kelimeler: Vatandaşlık, Ulus-devlet Vatandaşlığı, Ulus-ötesi Vatandaşlık, Avrupa Entegrasyon Teorileri, Avrupa Birliği Vatandaşlığı (AB Vatandaşlığı), Ulus-ötesi-Ulusal Karşıtlığı.

To My Family

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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 and conducts, I have fully cited and refrenced all material and results that are not original to this work."

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CHAPTER ONE

INTRODUCTION

Citizenship is one of the important concepts in social science. It is also a significant and universal institution in modern world with its relation to political, economic and social structures and systems. While, in general terms it can be defined as membership to a community, it is basically considered as a notion within the context of the nation-state. In this sense, conventional definitions often presuppose the relationship between citizenship, nationality and nation-state.

While acquisition of citizenship may vary (e.g. jus sanguinis, jus soli) with respect to different state traditions, economic and political structures or social conditions, it is generally conceived as a body of rights and duties, which also implies a sense of belonging. Citizenship can also be considered as an internally inclusive and externally exclusive concept. It is used as an instrument by states to establish the boundary between citizens and aliens, in other words who belongs and who does not to the territory and polity of the nation-state. The content of this set of rights and duties has changed with time and may change in the future. The procedures of acquisition of citizenship are also not stable and may be transformed by the changing conditions in the social, economic and political institutions and structures. This is why, as an institution, citizenship is constituted and reconstituted by economic, political, social and legal practices. In other words, it is possible to say that citizenship, both as a concept and institution, has a dynamic and developmental potential, which creates variations and different

practices depending on different historical and social phases in different geographies. This situation also reflects itself in the different approaches and conceptualizations of citizenship in the social theory.

Moreover, recent developments on the local, regional and global levels have influenced citizenship practices and challenged the conventional definitions of citizenship. International and regional migration flows have increased both the mobility and heterogeneity of large populations living within the territories of different states. Also, the emergence of ethnic, regional and nationalistic separatist movements and social movements, including feminism, environmentalism, gay & lesbian movement etc., led to the formation of new cultural identities. These developments also create new sets of rights and responsibilities within the context of human rights and/or citizen rights.

New organizations and institutions have emerged at the global and regional levels with respect to economic and political conditions resulting from globalization. On the one hand, new and alternative forms of authority and polity in international politics have been established such as United Nations (UN), North Atlantic Treaty Organization (NATO) or European Union (EU). On the other hand, there emerged transnational or multinational economic organizations and processes as a result of intense mobility of capital. All these newly emerging institutions and organizations sometimes transcend the borders of nation-states, challenge traditional political entities and create problems or bring possibilities of alternatives to existing political and economic entities.

Reflections of these developments can be seen in the contemporary debates of citizenship. The conventional conceptualizations of citizenship especially defined within the context of the nation-state are criticized and challenged with alternative conceptions. The question of whether the national

citizenship becomes an inadequate conception for the new dynamics of rights, membership and belonging has started to be asked in the social sciences. In this context, the possibilities of global citizenship, postnational citizenship, ecological citizenship, multicultural citizenship are searched and analyzed within the critiques of conventional citizenship definitions.

In this sense, concrete examples of different citizenship practices become significant and necessary for the analysis and discussions on citizenship. The concept of European Union citizenship (EU citizenship) can be considered as a good research case since it represents a different kind of citizenship practice, which contains contradictory elements in it. As a reflection of the dynamic and ambiguous character of EU citizenship, there is a variety of interpretations about EU citizenship that can be evaluated in a continuum where postnationality and nationality constitute opposite poles.

Under the light of this framework, the subject matter of my thesis is whether there is a possibility of postnational citizenship in the case of EU citizenship. My question covers both the existing structure and content of EU citizenship and its potential for future development. It is also worth emphasizing that my thesis on EU citizenship covers neither all the contemporary discussions on the conception of citizenship nor all the theoretical explanations of the European integration process. Instead, both of the theoretical frameworks are going to be analyzed in relation to the debates on the postnational/supranational vs. state-centric explanations. In the line with these, in the analysis of EU citizenship, it is questioned if EU citizenship changes/may change the conditions of acquisition and practice of citizenship defined in the context of nation-state. In this sense, the main question of this dissertation is that whether the potential for post-nationality is inherent to EU citizenship or not.

In order to analyze the concept of EU citizenship, first of all, it is necessary to mention some of the basic theoretical approaches on citizenship. For providing a theoretical background on debates and analysis on EU citizenship, the second chapter starts with the analysis of different theoretical approaches on citizenship. The selected conventional theoretical approaches, basically, deal with the institution of citizenship within the context of nation-state. The relation between nationality and citizenship is taken for granted in most of these historical and philosophical approaches.

The analysis of citizenship in terms of liberal-individualist and civic-republican types of citizenship is one of these theoretical approaches. This analysis depends on the dichotomy between different traditions in political thought. While liberal-individualist conception of citizenship depends on the liberal tradition, which can be traced back to natural law theories starting with John Locke, the civic-republican understanding of citizenship is viewed as an outgrowth of the tradition of political philosophy that draws upon Aristotle (Oldfield, 1994; Habermas, 1994). Marshall's (1994) historical analysis about the evolution of citizenship rights as civil, political and social rights is another significant approach that has to be referred within the conventional theoretical approaches. In his analysis, Marshall mainly attempts to explain the extension of citizenship rights in a historical development line as a result of social, economic and political transformations. Also, Brubaker's (1989, 1992, 1994) analyses on the relationship between nationhood and citizenship is one of the important works in this literature. In his historical-comparative analysis, Brubaker focuses on different citizenship practices in Germany and France related to their different nation-building processes. He differentiates between state-centered, assimilationist understanding of nationhood and ethnocultural understanding of nationhood in

Germany, which brings different kinds of citizenship policies in these countries. Another important theoretical attempt, depending on a sociological analysis of citizenship, focuses on the development of citizenship and different types of citizenship related to different historical, social and cultural conditions (Turner, 1994). The active/passive and public/private distinctions are used as typologies to explain distinct forms of citizenship in this analysis.

The second section of this chapter provides a critical background for the analysis of citizenship. Recent developments, emerging processes and changing conditions in the contemporary world, challenge the conventional analysis on citizenship which take for granted the connection between nationhood, nation-state and citizenship. In this context, this section covers a part of the citizenship debates which criticize conventional conceptions of citizenship and offer alternative theoretical approaches on citizenship. It starts with the analysis of Hammar (1989) and the concept of "denizenship" as an alternative conception. Denizenship can be explained as a newly emerging dimension of citizenship as experienced by the long-term, legal foreign residents, especially, in Western Europe and North America as a result of large-scale international migration. Reflections of recent developments in the institution of citizenship, the paradoxes in the make up of citizenship, "denationalization" of citizenship and possibilities of postnationality in the practice of citizenship are the basic arguments dealt in the second section of this chapter.

Similar to the process of European integration and the formation of the European Union, the notion of EU citizenship has a dynamic and developing nature. The developmental history of EU citizenship has gone hand in hand with the deepening and widening process of the European integration process. The periods of crisis or intense integration in Europe influence both the discourse and

practice of EU citizenship. This is why; it is going to be argued that the European integration theories form another important strand of theoretical analysis, which is necessary for the evaluation of EU citizenship. In this respect, the third chapter focuses on some of the basic theoretical approaches, which attempt to analyze the integration process in Europe. These theoretical analyses can be interpreted in a continuum where postnational/supranational approaches and state-centric approaches constitute the opposite poles. In this sense, functionalism, federalism, neofunctionalism, intergovernmentalism, institutitonalism, consociationalism and multigovernance approaches are mentioned in the third chapter. The policy-making in the European Union, the nature of the integration and the future of the European Union are the basic themes dealt with in the analysis of these theoretical approaches. It is also important to mention that there is an interrelation between the integration theories and the process of European integration. These theoretical approaches sometimes can influence the dynamics of European integration while they are shaped and reshaped within the integration process.

In the last two chapters, the case study of EU citizenship is going to be introduced. In this study, EU citizenship is conceived as a result of the European integration process. In this sense, the formation and transformation of citizenship practices in the process of European integration is understood as a result of historical processes containing, multi-dimensional cultural, social, economic and political practices of different actors involved within the European integration process and its correspondent institutions. As a result, in the analysis of EU citizenship, a socio-historical perspective is followed.

In some way, the theoretical perspective used in this study can be considered as a derivation from the sociological and historical analysis that will be mentioned in the second chapter. From a Marshallian understanding, modern

citizenship is analyzed as an evolutionary process in which the attributes of citizenship have developed and extended as a result of social and historical transformations. With Turner's sociological analysis, it can be argued that different social structures in different historical contexts created different types of citizenship. By using comparative-historical approach of Brubaker, it is possible to say that different historical experiences and social practices can result in different traditions of citizenship. This historical and evolutionary understanding continues in the critical analysis and alternative conceptions of the second chapter. But this time, it is argued that recent developments have led to the emergence of new practices of citizenship and the transformations in the social structures will continue to modify the definitions of citizenship.

Therefore, concerning the contribution of the citizenship debates introduced in the second chapter, EU citizenship will be analyzed from a socio-historical perspective with reference to the claim that specific historical experiences in specific social contexts may lead to the emergence of different traditions and definitions of citizenship.

From this perspective, the fourth chapter consists of two sections. The first section includes a historical analysis of EU citizenship, the roots of which can be traced back to 1970s. Depending on the official documents of the European institutions and the secondary sources analyzing the historical development of EU citizenship, the focus will be on the dynamic and evolutionary nature of EU citizenship. In this respect, the shifts and transformations in the discourse on citizenship during the European integration process is emphasized in this section. In the second section of this chapter, the content of EU citizenship is analyzed. The rights constituting EU citizenship and the ways in which these rights were put into practice are considered with reference to Treaty articles, reports and other

official documents of European institutions and the secondary sources which deal with this subject matter.

The fifth chapter focuses on the evaluation of EU citizenship. It is mainly composed of two parts. In the first part, the debates on EU citizenship are analyzed and secondly, a critical analysis of EU citizenship is introduced. Four important themes are designated in this part that has to be taken into consideration in the analysis of EU citizenship as an institution and the inherent possibilities for its development. These are the complementary/supplementary character of EU citizenship, the economic nature and the deficiencies of EU citizenship in providing political rights, the exclusive tendencies in its content and the possibility of postnationality in EU citizenship. The second part of this chapter depends on the analysis of the nature of EU citizenship and some projections on its development within the framework of general citizenship debates, European integration theories, the historical development of EU citizenship and the critiques of the constitution of EU citizenship.

The selected literature on contemporary citizenship debates regarding the traditional conceptions of citizenship and alternative theoretical analysis on citizenship as a result of recent developments, the descriptive and prescriptive theoretical explanations on European integration process, the existing structure and practice of EU citizenship and the critical analysis on the nature of EU citizenship may give some clues both on the current status of EU citizenship and the potentiality of EU citizenship for postnational possibilities.

From this perspective, in its existing conditions, EU citizenship can neither be evaluated as a reproduction of nation-state citizenship nor postnational citizenship. While, in the Treaty of European Union, it is defined as additional and complementary, the practice of EU citizenship contains contradictory notions,

which make it possible to define EU citizenship in various forms within the continuum between national and postnational images. As a consequence of these contradictory notions and the dynamic nature of EU citizenship, my conclusion will be that the possibilities of postnationality are inherent to EU citizenship in its evolutionary development process.

In this dissertation it is avoided from presenting a clear-cut conclusion on the nature of EU citizenship. It is because, in this study, EU citizenship is accepted as a dynamic and unstable concept that is shaped and reshaped continuously by social processes open to different sorts of possibilities ranging within the national/postnational continuum. On the other hand, this study still may contribute to the debates on citizenship since it attempts to combine theories of European integration and contemporary citizenship debates in a single framework, in the case study of EU citizenship, with respect to the national/postnational dichotomy.

CHAPTER TWO

THE PREVAILING CONCEPTIONS OF NATIONAL CITIZENSHIP
AND NEW CHALLENGES

Citizenship has been an important aspect of the modern society. While its roots may be traced back to ancient Greek, citizenship is often accepted as "a product of modern politics, that is the socio-political consequence of the French and Industrial revolutions" (Turner, 1994). In fact, it is generally accepted that there is a close relationship between the emergence of modern nationalism and modern citizenship. In this sense, modern citizenship is often defined as membership in a nation-state.[1]

In recent years, changing dynamics of political, economic and cultural structures at the local, regional and global levels gave rise to challenges on the conventional definitions of citizenship. For instance, according to Tambini (2001), national citizenship increasingly becomes problematic as a result of some economic, cultural, demographic and institutional-political processes;

> (Economic globalization), especially the mobility of capital has reduced the state capacities to control the national economy [and] the entitlements of the national citizenship are becoming increasingly marketized and privatized. (Cultural Denationalization) The national state's capacity for cultural nation-building and the assimilation of the linguistically and culturally different has been drastically reduced in recent year. (Migration) Labor mobility has led to increased cultural diversity and complexity of many polities. (Transnational institutions) The existence of global institutions and discourses of human rights, and legal institutions of appeal challenge the nation state's monopoly on rights and offer new channels of citizenship participation (2001:198-199).

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[1] As an example, see Brubaker, Rogers. 1992. "Citizenship and Nationhood in France and Germany", London, MA, Cambridge: Harvard University Press. Also, as examples of citizenship debates in Turkey see Ayşe Kadıoğlu, 2002; Mesut Yeğen, 2002; Nalan Soyarık, 2000.

In addition to these developments, Habermas (1994a:20), specifically, states two important contemporary historical movements that lead us to think the relationship between citizenship and national identity once again. The first one is the liberation of the Central Eastern European states and the ethnic conflicts that are breaking out throughout Eastern Europe after the reunification of Germany. The second one is the process of European integration. The political future of European Community may bring a reconsideration of the relationship between citizenship and nationality or particularly, of relationship between national citizenship and national identity.

To make an evaluation on the nature of European Union citizenship, firstly, it is essential to take into account some basic theoretical debates on citizenship. The content and nature of EU citizenship will be meaningful within this theoretical framework.

Modern citizenship determines individual's rights and responsibilities as well as individual's contribution to his/her community. It constitutes and is constituted by legal, economic, political, and social practices. Therefore, citizenship, as an institution, is affected, shaped and reshaped by these dynamics. In this sense, there are different conceptions of and approaches to citizenship.

With this respect, this chapter, basically, aims to evaluate important conceptions and approaches to citizenship. It consists of two main parts. In the first one, a selected literature on the conceptions of citizenship is reviewed in order to take into account different types of approaches on modern citizenship. In the second part traditional definitions of citizenship are critically analyzed. Almost all of them argue that recent developments on the regional and global level affect the nature and content of citizenship. Most of these critical analyses emphasize

the formation of EU citizenship as a significant example, which challenges the conventional definitions of citizenship related to national belonging. In this respect, this chapter may be useful for us in observing particular notions within the definitions of citizenship that lead/led to questioning, criticism and reevaluation of citizenship.

2.1   CITIZENSHIP THEORIES:

One of the important classifications in the literature of citizenship depends on two different conceptions of citizenship that are coming from different traditions within the Western thought. They have different conceptions on the nature of individual and on the existing bonds between the individuals. They can be identified as "liberal-individualist" and "civic-republican" (Oldfield, 1994). While the liberal-individualist conception of citizenship is generally seen as a component of the liberal tradition of natural law starting with J.Locke, the roots of civic-republican understanding of citizenship depends on the tradition of political philosophy that draws upon Aristotle (Habermas, 1994b:345).

The liberal-individualist conception of citizenship focuses on individual rights and equal treatment. The main concern is the needs and entitlements of the individual, which are regarded as the rights of the citizen. These rights accepted as inherent and natural human rights. According to Oldfield from the seventeenth to nineteenth century achieved rights were primarily civil, political, legal and religious rights while in the twentieth century, a number of economic and social rights have been added to them (Oldfield, 1994:188-189). These rights can be seen as needs since they provide the conditions for the individual citizen considered as an effective agent. In other words, "the individual remains external to the state, contributing only in a certain manner to its reproduction in return for

the benefits of the organizational membership" (Habermas, 1994b:346). These rights can also be seen as entitlements that are necessary to give individuals human dignity.

According to liberal-individualist conception, the status of citizen imposes no duties beyond the minimally civic ones and that of respecting other individuals as sovereign and autonomous citizens. This is a respect which is owed to them in return since it ensures the conditions for equal treatment. There is no social bond other than contract and any social solidarity or common purpose.

On the other hand, in the civic-republican conception what is important is the duties that are necessary to establish individuals as citizens among others. Citizenship depends on practice or activity. The activities that are necessary to achieve the community's short- and long-term purposes and ends are constitutive of citizenship (Oldfield, 1994:191). "The citizens are integrated into the political community like parts into a whole…and …citizenship can only be realized as a joint practice of self-determination" (Habermas, 1994b:346). In this sense, different from liberal-individual conception, in the civic-republican model, society is prior to the individual where the individual becomes and remains a citizen by sharing responsibilities.

According to Oldfield (1994:192), both types of conceptions are "standards against which we can measure the institutions and practices of our societies and with which we can guide our own political activity." In this respect, they can also be used in the debates about the nature and status of European citizenship.

There are also historical analyses, which conceive citizenship within an evolutionary process. The analysis of T.H.Marshall is the most significant example of this approach. The studies on the conception of modern citizenship usually refer to the classical works of Marshall. Especially, in the recent years there has

been an increasing amount of interest on the analysis of Marshall. Marshall's primary concern in his analysis is with citizenship and its impact on social inequality in Britain (Marshall, 1994). In other words, it is the contradiction between the egalitarian character of citizenship and extensive social and economic inequality of the capitalist market in the existing system (Turner, 1994:201).

His conception of citizenship is sociological rather than political. It analyzes the relationship between citizenship and social class, and "links the development of citizenship to the development of capitalism in the modern nation-state" (Shaw, 1997:9). He defines citizenship as a status of full membership of a community:

> (It) requires a bond of a different kind, a direct sense of community based on loyalty to a civilization which is a common possession…Its growth is stimulated both by the struggle to win those rights and by their enjoyment when won. We see this clearly in the eighteenth century which saw the birth, not only of modern civil rights, but also of modern national consciousness (Marshall, 1994:23).

Taking the citizenship as a body of rights and duties, he proposed to divide the concept into three parts; civil, political, and social (1994:9). According to his analysis, rights of citizenship in modern societies have been expanded step by step. In this sense, he describes this evolution and extension of citizenship rights and duties from civil to political and further to the social sphere in a historical path of development. The civil element, emerged in the eighteenth century, is composed of the rights necessary for individual freedom such as freedom of speech and the right to own property. At this stage the content of citizenship status did not contradict with the inequalities of the capitalist society. Instead, they were necessary for the maintenance of those inequalities since civil rights provide the conditions for a competitive market economy (1994:19).

Political rights came next that was primarily developed in the nineteenth century. Until the beginning of twentieth century, the capitalist society of nineteenth century saw political rights as a secondary product of civil rights. This secondary position is abandoned and political rights attached directly to citizenship with the principle of universal political citizenship accepted in 1918 (1994:13-17). The last element, social rights joined to the other two in the twentieth century. This type consists of economic and social security rights that became meaningful with the modern welfare state of Western Europe.

The relationship between nationhood and citizenship also constitutes an important part of the modern citizenship analysis. It is because of the fact that citizenship policies are still shaped and carried out within the borders of modern nation-states, with some limited exceptions like EU citizenship. The historical comparative works of Rogers Brubaker(1989, 1992, 1994) are useful in the analysis of the relationship between nationhood and citizenship. According to him, "citizenship is a universal and distinctive feature of the modern political landscape" (1992:21). He primarily focuses on national citizenship, which he finds to be an invention of the French Revolution:

> The development of the modern institution of national citizenship is intimately bound up with the development of the modern nation-state. The French Revolution marked a crucial moment in both. There are several respects in which the Revolution shaped the modern institution of national citizenship. As a bourgeois revolution, it created a general membership status based on equality before the law. As a democratic revolution, it revived the classical conception of active political citizenship but transformed it from a special into what was, in principle if not in practice, a general status. As a national revolution, it sharpened boundaries – and antagonism- between the members of different nation-states. And as a state-strengthening revolution, it "immediatized" and codified state-membership. National citizenship as we know it bears the stamp of all these developments (Brubaker, 1992:49).

He claims that citizenship in the modern state is an internally inclusive and externally exclusive institution (1992:21-23). It is internally inclusive in that it excludes only the foreign persons, the persons who belong to another state. On the other hand, it is also an object of closure in the modern state, since entrance to a defined territory (state) unconditionally, suffrage, military service and naturalization in that territory are all depended on a certain qualification; being a citizen of that defined territory. He argues that territorial closure against non-citizens is vital and essential to the modern territorial state and state-system, which makes territorial state different from other modes of membership closure.

One other important feature of modern territorial state is that it is also a nation-state. Although there is a lack of consensus around the definition of nation-state, it is generally accepted that in the minimal sense "a state is a nation-state as it claims to be a nation's state: the state 'of' and 'for' a particular distinctive, bounded nation" (1992:28). Rather than the different ways of these distinctiveness and boundedness created, the fact of distinctiveness and boundedness is important.

Brubaker (1992) also argues that in a world divided into a system of bounded states, the politics of citizenship have been shaped according to some distinctive traditions of nationhood. For example, the expansive, assimilationist citizenship law[2] reflects the state-centered, assimilationist nationhood understanding of the French tradition. On the other hand, German definition of citizenship as a community of descent[3] is in relation with the ethnocultural understanding of nationhood and it brought about a different understanding of

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[2] It, mainly, depends on the principle of "jus soli" which means that citizenship is acquired by the fact of being born in a territory over which France state has sovereignty.
[3] It reflects itself in the German citizenship law mainly by the principle of "jus sanguinis". It can be interpreted as genealogical rather than territorial.

citizenship (1992:14). The emergence of nationhood coincided with formation of nation-state in French case where, as a result, French nationhood is constituted by political unity in relation to the institutional and territorial framework of the state. Contrary to France, the German idea of the nationhood was not originally political. It developed before the nation-state as a result of a negative reaction to French Revolution and Enlightenment. In addition to these different traditions, in the British case, the absence of a clear conception of citizenship is a result of the absence of a clear conception of British nationhood. It had no concept of citizenship until 1981. In recent years, it has a complex system of citizenship that is built on to an exclusionary identity based on 'blood and culture' (Joppke, 1999).

In the citizenship literature, there are also sociological approaches to citizenship. The analysis of B.Turner can be considered as a significant example of sociological theory of citizenship. In his study, Turner (1994) analyzes and criticizes the works of Marshall and draws his own conceptual framework as an alternative model that may be complementary to the works of him. In his conception, Turner offers a typology that will cover several distinct forms of citizenship with a comparative understanding (Table 1). It consists of two crucial variables from which four political contexts for the institutionalization or creation of citizenship rights can be developed:

> The first concerns the passive or active nature of citizenship, depending on whether citizenship is developed from above (via the state) or from below (in terms of more local participatory institutions such as trade unions). The second dimension is the relationship between the public and the private arenas within civil society. A conservative view of citizenship (as passive and private) contrasts with a more revolutionary idea of active and public citizenship (Turner, 1994:199).

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***Table 1**- Turner's Citizenship Typology*

CITIZENSHIP			
Below	***Above***		
Revolutionary French Tradition	Passive Englsh Case	**+**	***PUBLIC SPACE***
American Liberalism	German Fascism	**-**	

(Turner, 1994:218)

According to Turner (1994:218), in French tradition there is a combination of revolutionary active citizenship with an attack on the private sphere of the family, religion and privacy. It emphasizes the priority of public sphere and common good of the society come to the fore. The liberal democratic model, which is exemplified by American Liberalism, emphasizes participation of citizens. In this sense, this model of citizenship is developed from below. However, since the priority is given to the individual rights, this model depends on the privacy and sacredness of individual opinion (private sphere). In the passive democracy type, which fits to English case under the seventeenth century settlement, citizen appears as the mere subject. It shows a passive form of citizenship while the emphasis is the public sphere in the creation of the sphere of political activity. The last type is the plebiscitary democracy. It is identified with German Fascism in the typology of Turner. Citizenship is given from above. There is minimal participation of citizens under the control of strong and sacred state, and private sphere is emphasized as the context of citizen. The priority is given to notions such as family, religion.

Although EU citizenship is introduced as a complementary status additional to national citizenship, the theoretical model of Turner can be used in the analysis of EU citizenship, which combines historical and philosophical features and gives examples from the European context.

Until now, some of the important approaches on citizenship are mentioned that can be considered to be significant and useful in the analysis of EU citizenship. What is common in all these approaches is that the relation between citizenship and nation-state or national belonging is taken for granted. In other words, as has mentioned earlier, in these analyses, citizenship is generally considered as membership to a nation-state. However, according to some, the concept of citizenship has to be analyzed as a dynamic evolutionary process. In this sense, it carries different potentialities in itself and its relationship with nation-state and national identity is not a necessary but a contingent one.

Emerging processes and changing conditions challenge the conventional definitions of citizenship connected to nationality and nation-state. In the contemporary world, the internationalization of the labor market and the worldwide massive migration flows have increased the heterogeneity of populations within the borders of nation-states. In addition to this, new cultural identities and various social movements have been formed as a result of cultural denationalization. The discourse of human rights emerged and is still developing at the global level that ascribes universal rights to all individuals independent of their nationality or status. Also, economic and political transnational and international organizations, institutions and polities as well as civil initiatives gain importance at the global level which transcend and cut across the national boundaries and sovereignties.

All these developments make it necessary to reevaluate the conventional definitions of modern citizenship and to offer alternative conceptions. In this

sense, I will try to give some basic arguments challenging the traditional notions of citizenship that are also significant for the evaluation of the content and the status of European citizenship.

2.2   NEW APPROACHES AND CRITICAL ANALYSES:

The analysis of T. Hammar (1989) constitutes an important example of these alternative approaches. He offers an additional conception necessary to understand different dimensions and features of citizenship that emerged as a result of new developments. His analysis basically depends on the discussions of dual citizenship. He argues that, as a result of large-scale immigration, the amount of long-term foreign residents has been increasing in Western Europe and North America. This development challenges the traditional dichotomy between the citizens and aliens. Instead of this dichotomy, he offers a distinction between three elements, foreign nationals, denizens and citizens (Hammar, 1989). While foreign nationals only have temporary rights lacking permanent work, residence and welfare rights, denizens are "foreign citizens who have a secure permanent residence status, and who are connected to the state by an extensive array of rights and duties" (1989: 84).

While it cannot be said that immigration directly generates dual citizenship, it has an influence on the increase in the number of dual citizens. Especially the 'denizens' are carrying the potential to be the dual citizens of the future in Western Europe and North America. According to Hammar, "there were by the late 1980s some 12 million foreign citizen residents in the western industrialized states, some 50 percent of whom have been estimated to be denizens." (quoted in Stewart, 1995:67)

Hammar (1989) also emphasizes the dynamic structure of citizenship by focusing on legal, political, social, cultural and psychological dimensions. While these elements are found in all states, the particular meaning of citizenship differs from one state to another:

> Citizenship has a different meaning in countries of emigration and countries of immigration, in old and new states, naturally homogenous and multinational states, in secular and religious sates, in states that feel threatened and states that feel secure, in totalitarian and liberal democratic states (1989:86).

The definition and practice of citizenship includes notions such as nation and state, people and population, loyalty, identity and democracy. This variation makes the debates of dual citizenship and dual citizenship essentially political rather than a purely technical and legal matters (1989:93).

Benhabib is another figure who is interested in citizenship debates. She criticizes the state-centered character of conventional citizenship debates and argues that a multi-dimensional approach is necessary for the analysis of contemporary citizenship models and practices. According to her, in the contemporary conditions the global integration with its every aspect changes the older political entities, especially the nation-state (Benhabib, 1999:709). This integration process also is in parallel with "socio-cultural disintegration and the resurgence of ethnic, nationalistic, religious and linguistic separatism" (1999:710). In addition to these developments, there is also a tendency of conflict between human rights and sovereignty claims since "universal human rights transcend the rights of citizen and extend to all persons considered as moral beings" (1999:711). In this sense, she asks what kind of citizenship and immigration policies would be compatible with these human rights, which brings her to the debates of citizenship.

Benhabib argues that a complete sociological analysis of citizenship has to cover all aspects of citizenship. Rather than focusing particularly on political membership, it also has to deal with the other components of citizenship such as collective identity, social rights and claims (1999:720). When we try to apply the citizenship model of Marshall to foreigners in the European Union we find the reversal of his model. Non-citizens in European states enjoy most of the social rights and their civil rights, earnings and property are also under protection of law equally as citizens while they have no or limited political rights. This brings up another question: "why are certain rights granted to foreigners and others not?" (1999:723) The possession of political rights can be accepted as the highest privilege of citizenship, according to Benhabib, possibly a significant criteria in drawing the line between citizens and foreigners. This is also something about the relationship between active citizenship and national membership. But she shows the problematic in this relation by asking a question from contemporary Europe:

> If an Italian or a Portuguese national can take up residence in Paris, Hamburg or London and run office as well as vote in local elections in those countries after about six months, what is the justification for denying similar rights to a Turkish or Croatian national, to a Pakistani or to an Algerian who have resided in these countries, who have participated in the economy and civil society of these countries, who have been members of trade unions and religious groups, school boards and neighborhood associations? (Benhabib,1999:728).

She criticizes the theories of citizenship for being constituted on false premises. One of the false premises is the view that a democratic society can be viewed as a complete and a closed social system. Another one she points out is that "while democracy is a form of life that rests upon active consent participation, citizenship is distributed according to passive criteria of belonging like birth upon a piece of land and socialization in that country or ethnic belonging to a people" (1999:726-727). In this sense, according to her, civil citizenship should lead to

political citizenship. And, finally, she criticizes the state-centeredness of the citizenship debates that leads to an ignorance of identities and associations above and below the nation-state.

Similar to the arguments of Benhabib, in his analysis, Bader (1995) argues that there are some paradoxes of state sovereignty in the age of globalization. For example, ethnic revivals, nationalist separatisms, new tribalisms go hand in hand with economic, political, ecological and informational processes of globalization. New political units, both at the local level (provinces, regions, communities) and at the international level (suprastate organizations and international organizations), challenge the indivisible sovereignty of nation-state and may share its sovereignty. The practices in the monopoly of nation-state sovereignty such as taxation, legislation, jurisdiction, and currency may be transferred to new political units, for example, European currency or the European courts in the context of European Union (1995:212). There is also an increasing contradiction between international human rights and the traditional principle of nonintervention in the internal affairs of nation-states.

All these paradoxical developments make the definition and applications of citizenship problematic. While the principle of equality among citizens in terms of legal and political rights has been advancing, the systematic exclusionary processes that create political and legal inequalities between citizens and non-citizen residents are continuing (1995:212). On the other hand, non-citizens and denizens started to enjoy economic, social and cultural rights that are traditionally attributed to citizenship status.

As another paradox in citizenship, Bader argues that while "political citizenship is complemented by economic, industrial and social citizenship and political citizenship is gaining importance on different, increasingly suprastate

levels of political integration", its acquisition is still defined within the context of nationhood in most of the states. In the light of these problematic developments, "citizenship has to be thought of as a multiple and multilayered concept." (1995:212)

Similar to Bader, Bauböck (1997) analyzed the challenges to modern citizenship. According to him, there are traditional premises that construct the dichotomy between citizens and aliens. These are subjection to territorial sovereignty, exclusion from citizenship rights, sovereign determination of acquisition and loss of citizenship and human rights that are premised upon citizenship (1997:1-5). These four aspects draw the line between aliens and citizens. Bauböck also argues that there have been new developments that challenge these basic aspects. For instance, territorial limitation of citizenship has been largely overcome (1995:6). People in the territory and sovereignty of a different state may continue to enjoy most of the rights originating from their citizenship status. Another development is the extension of some of the citizenship rights to non-citizens who have a permanent residence in a host country. "Immigrants ought to enjoy rights derived from their residence and employment independently of their foreign citizenship" (1995:7).[4]

In addition to these developments, Bauböck points out an increase in toleration of dual citizenship as a result of changing conditions.

> The old dichotomy between jus soli and jus sanguinis traditions has been partially overcome by various combinations which recognize a claim to automatic or optional citizenship for children born and raised in the country by immigrant parents (1995:9).

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[4] Bauböck also emphasizes that his analysis is different from Soysal's, since he thinks that "*most new rights of aliens are an extended form of citizenship derived from their societal membership in host countries as well as from their citizenship of origin, rather than rights of persons disconnected from their ties to states.*" (1995:10)

He also argues that in the new world order after 1945, human rights became the cornerstone of international law as well as its existence as the core of citizenship. This means that human rights are not only an internal affair anymore. Individuals have rights, independently of their nationality and citizenship, which may be defined as fundamental human rights. On the other hand he adds that human rights still "remain largely declarative and…there is a glaring dearth of international agencies of juridical enforcement" (1995:10)

Yasemin N. Soysal (1996, 2000) is another scholar who analyzes the challenges to the nation-state citizenship and focuses on the possibility of post-national membership especially in the light of the European Integration. According to her, it is a popular method to divide the concept of citizenship into two as "civic citizenship" and "ethnic citizenship" (Soysal, 1996:17). Civic citizenship defines belonging on the basis of participation through rights and obligations. On the other hand, ethnic citizenship depends on community-based notions of belonging through particularistic identities. However, the national citizenship concept depends on both of these two types of citizenship.

The modern national citizenship conception was achieved on the one hand, through the extension of civic rights and benefits to the whole society, on the other hand, by attributing shared values, language, blood, history and culture to the collective citizenry. As a result, the process of nation-building brought together the principle of nationality and principle of rights in the very basis of citizenship.

Soysal (2000:5) argues that, in the postwar era citizenship has undergone a change which affected the characters of national citizenship. Rights that were once defined with belonging in a national community became abstract and defined at the transnational level. "Identities, in contrast, perceived as

particularized and territorially bounded" (1996:18). Soysal lists four important postwar period developments that effected the definition of citizenship in the Europe.

The first one is the internationalization of labor markets. As a consequence of this, there have been massive migratory flows to Europe, from European periphery and also from other geographies. This process changed the existing national and ethnic composition of European countries (2000:4).

The second one is the decolonizations after 1945, which led to the mobilization of newly independent states at the international level and to the emergence of an awareness of their rights and also the questioning of the existing notions of citizenship in Europe. This resulted in the formation of a variety of cultures and identities such as women, gays and lesbians, environmentalists, regional identities, youth subcultures, as well as identities of immigrants (1996:19).

Third development was the emergence of multi-level polities especially in the example of European Union. The existence of multi-level polities creates new opportunities for social mobilizing and advancing demands within and beyond the national borders (1996:19).

Final development was the increasing intensification of the global discourse and instruments on individual rights. It was carried out through a codification of human rights as a world-level organizing principle in legal, scientific and popular codes and laws. It created a discourse of human rights which ascribes universal rights to the person, independent of membership status in a particular nation state and also led to the introduction of new forms of rights (Sosyal, 2000:5).

Also, international organizations like the International Labor Organization and the Council of Europe are very much interested in the conditions of immigrant populations by the help of the human rights discourse and contributed to the redefinition of their status and development of their rights in the host countries (Soysal, 1996:20). The majority of the immigrant populations does have a near status to citizenship in terms of the rights and privileges it offers:

> Permanent residents of European host countries are entitled to full civil rights and have access to a set of social services and economic rights almost identical to those available to national citizens, including public education, health benefits, various welfare schemes and free access to the labor markets. The right that differentiates national citizens from the resident foreigners is the national voting right. Local voting rights, on the other hand, are extended to non-citizen populations in a number of European countries (1996:21).

According to Soysal, there are important implications of these developments for the definition of citizenship in Europe and for the citizenship policies of European Union. First of all, these trends show that the nation state as a territorial entity is no longer the source of legitimacy for individual rights (1996:21). The structural changes in the organization and ideology of the global system led to the replacement of the institutional and normative base of citizenship to a transnational level with extended rights and privileges beyond the national boundaries. Secondly, "classical conceptions of national citizenship are no longer adequate in understanding the dynamics of membership and belonging in a polity are increasingly matters beyond the vocabulary of national citizenship" (1996:21).

From this perspective, Soysal proposes a new conception, the postnational membership, replacing the conception of national citizenship. According to her, this postnational model has three important differences from the previous one. The first difference is about the territorial dimension of citizenship. The classical model is nation-state bounded and citizenship provides a territorial

relationship between the individual and the state. Contrary to this model, the boundaries of postnational citizenship are fluid;

> A Turkish guestworker need not have a primordial attachment to Berlin (or to Germany for that matter) to participate in Berlin's public institution and made claims on its authority structures… holding citizenship in one state (Turkey) while living and enjoying rights and privileges in a different state (Germany) (1996:22).

This feature also leads to the increasing acquisitions of dual nationality across Europe. Switzerland, Belgium and the Netherlands recently passed legislation allowing dual citizenship. On the other hand, this fluidity in the boundaries of membership does not mean fluidity in the boundaries of the nation state (ibid). It is known that all the European countries are strengthening the limitation and controls in their national boundaries through restrictive immigration policies. So, on the one hand, we are witnessing to the development of a more expansive membership and individual rights, and a changing nature of citizenship within the territories of nation-states, on the other hand, these nation-states reinforce their boundaries against immigration.

A second difference is about the differences between rights and privileges, in the postnational and national citizenship:

> The classic order of the Western nation state is centered around a formal equality in the sense of uniform citizenship rights. Citizenship assumes a single status; all citizens are entitled to the same rights and privileges. The postnational model, on the other hand, implies multiplicity of membership (1996:22).

This means a plurality of membership forms. For example, in the emerging European system, the position of different groups of migrants changes according to their status. Soysal argues that legal permanent residents, political refugees,

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dual citizens and the nationals of common market countries are more privileged than temporary residents and illegal migrants (1996:23).

The third difference depends on the differences in the basis of legitimization of membership. The classical model uses the criteria of nationhood in the constitution of the basis for membership. But in the new model:

> the membership of individual is not solely based on the criteria of nationality; their membership and rights are legitimated by the global ideologies of human rights. Thus, universal personhood replaces nationhood, and universal human rights replace national rights (ibid).

In other words, the rights of membership are shaped by international codes, conventions and laws on human rights, independent of their citizenship in a nation-state.

According to Soysal, the problems and contradictory policies about international migration in the postwar period are the results of the duality between national sovereignty and universal rights:

> The principle of human rights ascribes a universal status to individuals and their rights undermining the boundaries of the nation-state. The principle of sovereignty, on the other hand, reinforces national boundaries and invents new ones. This paradox manifests itself as a deterritorialized expansion of rights despite the territorialized closure of politics (1996:24).

Human rights expanded beyond the realm of civil rights and started to include social and economic rights such as employment, education etc. However, while the codification of citizenship rights expands beyond the national borders, its organization remains to be organized on the national level. In other words, the exercise of universalistic rights is tied to specific states and their institutions.

Similarly, Bosniak (2000) is another scholar who analyzes the possibility of the denationalization of citizenship. According to her, in the past few years some scholars have argued that citizenship is becoming increasingly denationalized and new forms of citizenship exceed the national boundaries. She thinks that the

debates around the concept of citizenship show that there is not a sole answer to questions on citizenship since there is no single conception of citizenship.[5] The answer varies when citizenship is considered as a legal status, as a system of rights, as a form of political activity or as a form of identity and solidarity (Bosniak, 2000:2).

According to Bosniak, when we take the concept of citizenship as a legal status, "who is entitled to acquire and maintain citizenship status?" becomes an important question and "the significance and legitimacy of the line dividing the citizens from aliens including the legitimacy of denying rights and benefits to aliens" has been questioned (2000:4). She says that while the locus of citizenship is accepted to be the territorially-bounded nation-state, three recent developments lead to the denationalization of citizenship.

The first one is the case of European Union, where there is a concept like EU citizenship which is tried to be constructed as a regionally-framed, supranational institution. While the citizenship of the Union contains some economic and political rights at a supranational level including the right to free movement, "it remains subordinate to EU national citizenships in important aspects" (Bosniak, 2000:4). In this sense, according to Bosniak, "while European citizenship represents a real departure from the national model, the departure is limited in both kind and effect" (2000:5).

The second one is the extension of some basic rights to the long-term resident aliens. By giving the example of Soysal's analysis, she says that one may argue that aliens increasingly enjoy basic socio-economic rights and, in this sense, citizenship can be considered as denationalized since the enjoyment of

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[5] Bosniak defines this condition as "the chronic uncertainty of meaning associated with concept of citizenship" (2000:2).

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basic rights "no longer depends on so fundamentally on nationally-based norms" (2000:5). But enjoyment of these rights does not mean that their formal legal status is also changed. Since they remained to be as outsiders when citizenship is considered as a legal, formal status.

The third development is the increasing usage of dual or multiple citizenship. It is an important development since "historically- and ideally-citizenship has been regarded as an exclusive status, one the individual maintains with a single nation-state" (2000:6). But according to Bosniak, it represents a "multinationalization of citizenship" rather than a post-national form of citizenship. Because, while the citizen's entitlements and commitments divided into more than one part, they are shaped and created in the contexts of nation-states (2000:6).

The conception of citizenship is also analyzed as a political activity in some contexts which is defined as active engagement in the political life of community. In this context, there are alternative definitions to nation and state based definitions of political membership. The first view emphasizes the concept of "local citizenship" as an alternative. It is often defined as "the fulfillment of republican ideal, entailing the face-to-face contact and common experience and interests among community members necessary to enable true collective action" (2000:8). The second approach focuses on new transnational movements, grassroots activities and the activities of non-governmental organizations. According to Bosniak, to define these movements as a new form of citizenship, for example as global citizenship, one should accept an "extra-statist view of citizenship and a transnational civil society thesis" (2000:10).

According to Bosniak, the locus of citizenship is often accepted as nation-state if we consider citizenship as the enjoyment of rights. But it can also be stated that it is not the only locus of citizenship rights since there has been also

an extending human rights regime shaped at the international level.[6] But "does it make sense to view the growing international human rights regime as a nascent form of citizenship beyond the nation?" (2000:7) Bosniak argues that it carries the risk of overstating the influence and role of human rights regime in the protection of individuals, since these rights are enjoyed and guaranteed by means of states. Also, there isn't any transnational body that has authority over the states that control the states' compliance with major human rights norms, except the European Court of Human Rights.

In the light of these basic arguments on citizenship it can be argued that there emerged critical analysis in the literature of citizenship as a result of recent developments in the local, regional and global levels. While modern citizenship is generally considered as a notion that is meaningful within the context of nation-states, international migration flows, formation of new cultural identities, emergence of new associations and institutions both at the international and regional levels gave rise to certain challenges on the conventional definition of citizenship in the era of globalization.

On the one hand, the importance of nationality seem to persist as a counterveiling force to these new developments and the power of the nation-states remains as an enforcer and main determinant of individuals' political, economic and social rights. On the other hand, in contemporary conditions, there are deviations from the classical citizenship practices as we see in the example of Hammar's (1989) analysis. The changing social and economic conditions force the possibilities of dual citizenship, which are contradicting with the definitions of citizenship depending on the national belonging.

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[6] See also Soysal, 1996, and Bauböck, 1994.

Also the universalization/internationalization of human rights transcending the citizenship rights makes some features of national citizenship problematic. Especially, the exclusionary tendencies that are inherent to national citizenship create political and legal inequalities between citizens and non-citizens legally residing in the same country. Contrary to this, there are also examples of citizenship practices applied to non-citizens which included economic, social and cultural rights that are traditionally attributed to national citizenship status.

In addition to these, the emergence of EU citizenship and the debates on its content and status prepares a ground for the recent debates which reflect the challenges on the conceptions of national citizenship. In this sense, it can be argued that critiques of and alternative approaches on citizenship are closely related to the formation and development of EU citizenship. The possibilities and potentialities for postnational citizenship in the case of EU citizenship must be analyzed within the context of the new alternatives and critiques which are raised against the limitations of conventional approaches.

On the other hand, it should also be noted that EU citizenship is an outcome of the process of European integration. Moreover, it is an institution which is continously modified and reshaped within this process. Therefore, it is necessary to introduce the models and theories of European integration as they were involved in the integration process itself. So that it would be possible to delineate the historical and theoretical linkages between the constitution of EU citizenship and the process of European integration. In this framework, the theories and models of European integration is going to be introduced in the next chapter. In this sense, it will be seen that the process of European integration is

conceived within the same continuum as in the case of the current perceptions of citizenship; the continuum between postnational/supranational and state-centric images.

CHAPTER THREE

THEORIES OF EUROPEAN INTEGRATION

The contemporary analysis of European integration can be divided into two broad theoretical camps as supranational/postnational and state-centric approaches. In this context, the two main theoretical approaches in European studies can be named as neofunctionalism and intergovernmentalism. These two theories offer two different scenarios for the European future; the European Union (EU) as an intergovernmental organization versus the EU as a putative supranational state. There is a variety of possible alternative trajectories between these two poles. The polarization between the two shows itself in the analysis of "the fundamental question of the role of the nation-state and national governments, both as agents of integration and as plausible ways of organizing and ordering social and political life" (Rosamond, 2000:105).

Similarly, Sweet and Sandholtz argue that, in the analysis of EU integration,

> there is a continuum from intergovernmental politics through to supranational politics. Intergovernmental politics represents the ideal type international bargaining among states where the EU operates as an international regime in the strictest sense of the term. The supranational end of the continuum represents centralized control of governance capacity over policy areas across the constituent member states (Quoted in Rosamond, 2000:127).

The differences between neofunctionalism and intergovernmentalism also reflect the debate in social theory between structure and agency.[7] In this sense, neofunctionalism advocates a structure-oriented perspective while intergovernmentalism is agency-oriented (Wolf, 2002).

Also, in the analysis of European integration theories, it is worth taking into account two important points that influence the nature, content and dynamics of integration theories in general. The first one is the close and essential interaction between the theories and the process of European integration. From this perspective, the fact that the EU integration process has a dynamic and evolving nature makes it difficult to analyze and predict the European integration.

In other words, the subject matter of integration theories (actors, institutions, activities and borders) has been altered relating the validity, popularity of integration theories and the emergence of new theoretical approaches to the different historical phases of the European integration process. The developmental and/or evolutionary stages and periods of stagnation or crisis are all influential over the nature and content of the theoretical analysis about integration. Also, the integration process has often had unpredictable and unintended consequences different from original purposes. In this sense, different theoretical approaches have strength and credibility in the analysis of European integration at different times.

The emergence of the federalist and functionalist explanations coincided with the formation phase of European Community. These approaches were interested mostly in the preferable evolution and developmental path of European integration. On the other hand, the neofunctionalist approach can be evaluated as

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[7] As an attempt of establishing a middle ground between two, see T. Christiansen, and K.E. Jorgensen, 1999; T. Christiansen, K.E. Jorgensen, and A. Wiener, 1999; T. Chritiansen, T. Falkner, and K.E. Jorgensen, 2002.

an attempt to define and describe the functioning of an institutional body which has already been created. The integovernmentalist approach emerged as an alternative to neofunctionalism as a result of stagnation and/or crisis periods.

One specific example which strengthens the argument of dynamism, instability and relativity of the integration theories related to the different phases of integration process is the emergence of Moravcsik's liberal intergovernmentalism which depends on the analysis of the Single European Act (SEA) signed in 1986 and the introduction of the Treaty of Maastricht (TEU) in 1993. It has been an influential work in the contemporary integration studies. Depending on the active role of governments in the formation of SEA and TEU, Moravcsik focuses on the determining role of intergovernmental bargaining, emphasizes it as an important factor in the integration process.

The second important point about the analysis of integration theories is related to the nature of these theoretical explanations. Prescriptive, descriptive and normative tendencies are inherent to these explanations. In other words, on the one hand, analysis about the integration process aims to describe the process and try to make future predictions for the development and destiny of the European integration. On the other hand, overtly or covertly, there is a tendency to direct the evolution or development of European integration to a desired end state. This tendency directly influences the explanations and predictions of integration theories and also reflects the variety of theoretical analysis about the European integration.

Federalism, Functionalism, Neofunctionalism, Intergovernmentalism, Institutionalism, Multi-Level Governance Approaches and Confederal Consociationalism are some of the important theoretical approaches used in the

analysis of European integration process which are going to be mentioned in this chapter.

3.1   FEDERALISM AND FUNCTIONALISM:

Both federalism and functionalism, within the unstable climate of 1940s, search for effective governance and stable socio-economic order and sought to theorize the conditions for ending human conflict (Rosamond, 2000). Federalism is mostly influenced from activists involved in the integration process. This led to a tendency in federalism for giving very much emphasis to the "end-product of integration" (Muttimer, 1994). Rather than attempting to understand the dynamics of integration, federalists are interested in the creation of federal institutions within the process of integration. In other words, the main purpose of federalism is the relocation of power to separate but connected levels of authority within a multinational federal state by disaggregating it from the sovereignty of nation-states in the process of integration (O'Neill, 1996).

According to federalist approach integration must be a political process. Thus, to unite the state in the integration process, it is necessary to build new institutional structures and a new kind of political organization. But it does not mean that federalists advocate the transcendence of the nation-state or its replacement with an alternative form of world order. Rather, they accept statehood either as a desirable or inevitable mode of governance (Rosamond, 2000:26).

For the achievement of a federalist integration, the institutional creation can be provided through a "constitutive assembly" with representatives from all nationalities and the purpose of it must be an agreement upon a shared common vision for the future of Europe. After that, the public consent for integration must

be provided by extensive public discourse and debate by which legitimacy and acceptance of the new political order will be achieved.

Functionalism can be considered as the opposite of federalism, in terms of approach and purpose, since it understands integration as pragmatic, technocratic, flexible and apolitical. The foundations of functionalism depend on the idea that "rational, peaceful progress is possible, conflict and disharmony are not endemic to the human condition" (2000:31).

The key figure of functionalist theory is David Mitrany. In his analysis about the integration, Mitrany argues that function determines structure and structure must affect practice. So, instead of the ideal form, the essential functions of that form have to be found out. According to him, the key dynamic of integration is the transnational nature of international problems, which create demand for transnational solutions. He argues that there is a common index of need in the world, which cut across national boundaries, and the beginning of an international community of interests could be built on joint agencies that deal with these common needs (O'Neill, 1996:33). In some way, Mitrany attempted to depoliticise international relations and to make a distinction between political and economic.

The goal of functionalism is not to create a super state above the member states. Rather, it aimed to provide worldwide peace by establishing links of international activities that transcend national and political divisions. Functionally integrated international services can create mutual dependencies and make war unfeasible for states.

3.2   NEOFUNCTIONALISM:

The basic arguments of this approach can be related to two major theoretical foundations (Wolf, 2002:6). Parallel to functionalism, one of them uses

Durkheim's notion of functional differentiation as the central source of modernization.[8] The other depends on the idea of pluralist society in which there are a variety of competing interest groups and social movements with the aim to lobby and influence the political sphere in order to realize the preferred goals.

The neofunctionalist approach can be seen as an attempt to theorize the strategies of the founding architects of the European Community (Rosamond, 2000:51). In a way, it can be said that it is both an attempt to describe theoretically the process of integration and it also aims to serve as a "manual" for the development path of the European integration and other possible integration processes (Muttimer,1994:33).

Neofunctionalism is primarily associated with Ernst B. Haas and his student Leon Lindberg. In his analysis, Haas reconsiders the functionalist approach by criticizing Mitrany's analysis, which depends on the distinction made between political and functional or economic. In fact, Haas criticizes the functionalist understanding which tends to separate power from welfare, defense/security issues from economic tasks and political from technical (Muttimer, 1994:27-28). Similarly, according to Lindberg, the most important failure of functionalism is that it did not contain a theory of politics as a consequence of an assumption that "economic problems could be solved by technical experts apart from the political process" (Lindberg, 1994: 99).

The acknowledgement of the importance of the relation between politics and economy constitutes the main difference between functionalism and neofunctionalism. From this perspective, rather than theorizing a functional

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[8] "Durkheim traces the development of modern societies to increasing sectoralization, segmentation and specialization, which increases the efficiency of social and economic processes but also increases the mutual interdependence of each of the sectors, segments or specialized areas." (Dieter,2002:6)

international integration, neofunctionalists try to form a theory of political integration at the international level.

The basic theme behind the neofunctionalist approach is the increasing international dependency. And the most significant conception of its analysis is the concept of "functional spillover". According to neofunctionalists, the basic dynamic behind the integration process is the pressures created by the functional spillover.

Lindbergh defines spillover as

> *a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action and so forth* (1994:107).

From this definition it is clear that the term spillover carries a deepening integration theme in itself. The factor of political actors is also added to the analysis of neofunctionalism. According to Haas, the spillover is not an automatic process. Policy change and institutional change also require a convergence of interests between member states (Keohane & Hoffman, 1994:251). In other words, for further stages of integration, the political will is necessary.

Also, the process of spillover has to be directed for its functioning in the right direction and this can be provided in the coordination of a high authority. Therefore the creation of a high authority, which has the ability of upgrading the goals of integration, provides the support of political institutions/structures and has autonomy from the member-states, is essential.

On the other hand, neofunctionalism does not have a clear end point prediction about the European integration. It can be considered as result of conceiving the integration as a process, an open-ended product or a procedural solution (Muttimer, 1994:31). But it inheres an idea of supranationality. According

to Haas, supranationality is not the exact opposite of intergovernmentalism. He views supranationality as a style of decision-making or political behavior "through which political interests would be realized, not as a depoliticized form of technical decision-making" (Keohane & Hoffman, 1994:245). On the other hand, this is a style of supranationality without supranational institutions:

> the Council is a body of state representatives; the Commission is not a supranational entity in the sense of being an authoritative decision-maker above the nation state, nor has loyalty been transferred from the nation state to the Commision (1994:246).

Rather than offering the transfer of member-state sovereignty, it introduces the concept of pooling and sharing of member-state sovereignty at supranational level. But the institutional structure of this process is not clearly defined. It may lead to a federal state or a state with a nonfederal character (Muttimer, 1994:31).

3.3   INTERGOVERNMENTALISM:

Intergovernmentalism can be considered as the main alternative to the neofunctionalist approach. Intergovernmentalism, basically, argues that state governments and their interests represent the central explanation behind the integration process. The analyses of Moravcsik (1993, 1994, 1999) is one of the important examples of the intergovernmental approach and it has been a major influence upon contemporary work in EU studies.

According to Moravcsik, there are some important differences between neo-functionalist and intergovernmentalist explanations (Moravcsik, 1994:299). He argues that where intergovernmentalist analysis focuses on the significance of "domestic (regional/national) coalitional struggles", neo-functionalism emphasizes "domestic technocratic consensus." When neofunctionalism argues that there is

an active role of supranational institutions and actors, liberal intergovernmentalism stresses passivity of institutions and the autonomy of national actors.

Moravcsik defines his liberal intergovernmentalism approach as an attempt to integrate two general international relations theory within a single framework (Figure 1). These theories are a liberal theory of national preference formation and an intergovernmentalist analysis of interstate bargaining and institutional creation, which are often seen as contradictory. In this sense, the history of European integration can be analyzed in a two-stage approach. In the first stage, national preferences designated which are primarily determined by the constraints and opportunities imposed both by domestic politics and economic interdependence. In the second stage, the outcomes of the interstate negotiations are analyzed which are determined by the relative bargaining powers of Member States mainly as a consequence of the first stage (Moravcsik, 1993:517).

Liberal Theories

(International demand
for outcomes)
Underlying societal
factors: pressure from
domestic societal
actors as represented
in political institutions

**Intergovernmentalist
Theories**

(International supply of
outcomes)
Underlying political
factors: intensity of
national preferences;
alternative coalitions;
available issue linkages

NATIONAL PREFERENCE FORMATION ⟶ CONFIGURATION OF STATE PREFERENCES ⟶ INTERSTATE NEGOTIATION ⟶ OUTCOMES
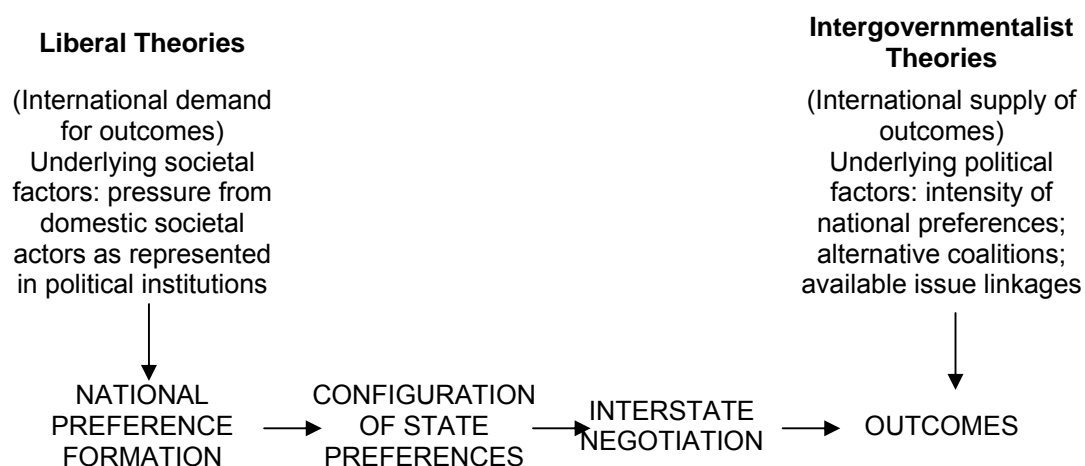
Figure 1-*The Liberal Intergovernmentalist Framework of Analysis* (Moravcsik, 1993:517)

In this sense, Moravcsik claim that "rational state behavior does not emerge from fixed preferences but, rather from dynamic processes in the domestic polity" (Rosamond, 2000:137). Both the interest formation at the national level and bargaining at the intergovernmental level characterized as complicated processes.

Intergovernmental approaches are mainly supported by events of 1980s. The introduction of the Single European Act and the Treaty on European Union (Maastricht Treaty) were seen as the results of intergovernmental conferences. In his analysis about the formation of the Single European Act (SEA), Moravcsik (1994) argues that the role of the European institutions, transnational interest groups and international political leaders were not as important as it was argued by the supranationalist explanations. It was more a result of the bargaining between the governments of the most powerful EC countries: Britain, France and Germany (Moravcsik, 1994). In other words, the EC reform with the SEA is resulted from interstate bargaining rather than "elite alliance between EC officials and pan-European business interest groups" (1994:213). The primary source of integration is the national interest of Member States and the relative power each brings to European Union.

While European integration is dependent on the will of the national executives, it also strengthens the polities of member states in their domestic politics. In other words, rather than weakening, the international integration strengthens the state:

National governments are able to take initiatives and reach bargains in Council negotiations with relatively little constraint. The EC provides information to governments that is not generally available…National leaders undermine potential opposition by reaching bargains in Brussel first and presenting domestic groups with an 'up or down' choice…Greater domestic agenda-setting power in the hands of national political leaders increases the ability of governments to gain domestic ratification for compromises or tactical issue linkages (quoted in Rosamond, 2000:138).

Beside these, Moravcsik also emphasizes that this does not mean to reject the theories based on social and economic interdependency. Instead, it aims to offer a mechanism "by which international impulses are translated into policy" (Moravcsik, 1994:232). In other words, in his analysis, he mainly argues that a liberal intergovernmentalist study of European integration must be thought as a precondition for the development of theoretical explanations of integration like neofunctionalism.

Rather than ignoring or rejecting the role of supranational institutions, in his study about the SEA, Moravcsik claims that his analysis "accords an important role to supranational institutions in cementing existing interstate bargains as the foundation of renewed integration" (1994:232). Parallel to this understanding, in an analysis carried out together, Keohane and Hoffman (1994) make a synthesis of three hypothesis about the European integration. These three hypothesis are the process of spillover (neofunctionalism), the international political economy and the preference-convergence (intergovernmentalism).

There is little doubt that European decision making has since 1985 been more expeditious and effective; we attribute a decisive role in that change not only to incentives for the world political economy and spillover but also to intergovernmental bargains made possible by convergence of preferences of major European states (Keohane & Hoffman, 1994: 255).

Similarly, Wolf (2002) has a useful analysis about the neofunctionalist and intergovernmentalist approaches, which aims to find a common point between the two. His analysis depends on the differences between polity, politics and policy:

> (In the neofunctionalist and intergovernmentalist approaches) dependent variable of the analysis (both approaches') belongs to the realm of policies. Both approaches attempt to explain the deepening and widening of European integration, which can be described as a set of formal and informal regulations, treaty provisions and institutional developments. The independent variables however reveal a different picture. In the case of neofunctionalism the explanatory factors are of structural or functional in nature and mostly consist of polity elements: socio-economic and political-administrative structures as well as functional necessities. On the contrary, the explanation of intergovernmentalism is based on interests, preferences and the strategic ability to pursue them in a bargaining process. These are typical elements of the politics dimension (2002:11).

3.4 CONFEDERALISM AND CONSOCIATIONALISM:

These two approaches have a significant place within the studies of EU integration. Both approaches focus on the question of what sort of an entity can be the EU. While confederalism view integration as the voluntary association of states with a common interest in building larger markets, according to a consociational analysis, "judicious institution-building and the development of a consensual political culture among elites could be a sufficient condition for the successful governance of societies with deep sub-cultural divisions" (Rosamond, 2000:149).

Consociation can be defined as a "collectivity lacking genuine sovereignty, with the central authority being evenly divided among the subunits so as to avoid the danger of intersegmental subordination" (Chryssochoou, 2000:3). Parallel to this understanding, the Union is defined as a compound polity constituted from units which are culturally and politically distinct from each other, but bound in a

form of union in which they neither loose their national identity nor resign their individual sovereignty to a higher central authority (2000:8).

An interesting view as an attempt to combine Confederalism and Consociationalism is the works of Chryssochoou (1997,2000), who develops the notion of 'Confederal Consociation'. He defined his notion as:

> (Confederal Consociation is) a compound polity whose distinct culturally defined and politically organized units are bound together in a consensually pre-arranged form of 'Union' for specific purposes, without losing their national identity or resigning their individual sovereignty to a higher central authority (quoted in Rosamond, 2000:150).

While this model links the confederal emphasis on voluntary nature of integration to "consociational concern with segmented autonomy", it also attempts to establish a link between "the elite-led nature of European integration" and the lacking democratic character of EU (2000:150).

According to him the confederal character of European Union helps us also to understand its consociational nature. First of all, it is a "contractual union of state, a treaty-constituted political body" (Chryssochoou, 2000:9). It also does not derive its authority directly from popular consent. The conditional character of Union citizenship to national citizenship is an example of this (2000:10). Thirdly, in the process of integration, the Member States do not lose their distinct national identities. And, finally, the Member State have the chance and right to dissociate themselves from the association if they want.

Chryssochoou finds a similarity between his consociationalism and Sartori's 'polycracy': "'a many turned into one without seizing to be many', or 'a separable multiplicity made of the unit each one'" (quoted in Chryssochoou, 2000:20) Also, his typology of EU constitutional choice (Table 2) seem to be a useful one:

Table 2-*Chryssochoou's Typology of EU Constitutional Choice*

	APPROACHES	*Pragmatic*	*Normative*	*Mixed*
PROPERTIES				
End Result		Confederation	Federation	Confederal Consociation
Modus Operandi		Flexibility/ Efficiency	Demos-Formation	Controlled Pluralism
Locus of Sovereignty		State Rule	Civic Rule	Consensus Elite Government
Central Arrangement		Constitutions	Constitution	Constitutional Engineering

(Chryssochoou, 2000:20)

3.5   INSTITUTIONALISM:

The institutional approach to European integration uses some explanations of both neofunctionalism and intergovernmentalism. Rosamond (2000) claims that the institutionalist analysis can be divided into as historical and rational choice variants. Also a further distinction can be made between historical and sociological institutionalism (Hall & Taylor, 1996). But it can be said that, in general, new institutionalism, similar to intergovernmentalism, acknowledge the primacy of member-state but then give emphasis to the process in which institutions shape and "structure the individual and collective policy choices" (2000:116).

According to historical institutionalists, institutions have the capacity of shaping both the context of political action (structure) and the goals and preferences of actors. They also argue that the EU integration was an outcome of

a very particular historical context in which there was post-war construction and emerging bipolar global political system.

In his historical institutionalist analysis of European integration, Pierson (1996) argues that there emerge gaps in member state control over the evolution of European institutions and public policies. These gaps create possibilities for actors other than member states to influence the process of European integration.

According to him, there are similarities between historical institutionalism and neofunctionalism (1996:147). He believes that both approaches emphasize the significance of supranational actors. Also, they both suggest that the unintended consequences including the spillover effect have the potential to influence the institutional development in the integration process. What differs historical institutionalism from neofunctionalism is the former's convincing analysis of member-state constraints in the decision making processes within the intergovernmental bargaining carried out in the integration process:

> Member States may dominate decision-making in these intergovernmental bargains and actively pursue their interests, but they do so within constraints (frequently unplanned and often hardly visible) created by their predecessors and the micro level reactions to those preceding decisions (Pierson, 1996:148).

A scheme of his analysis (Figure 2) can be useful in understanding the similarities and differences of historical institutionalism from both neofunctionalism and intergovernmentalism.
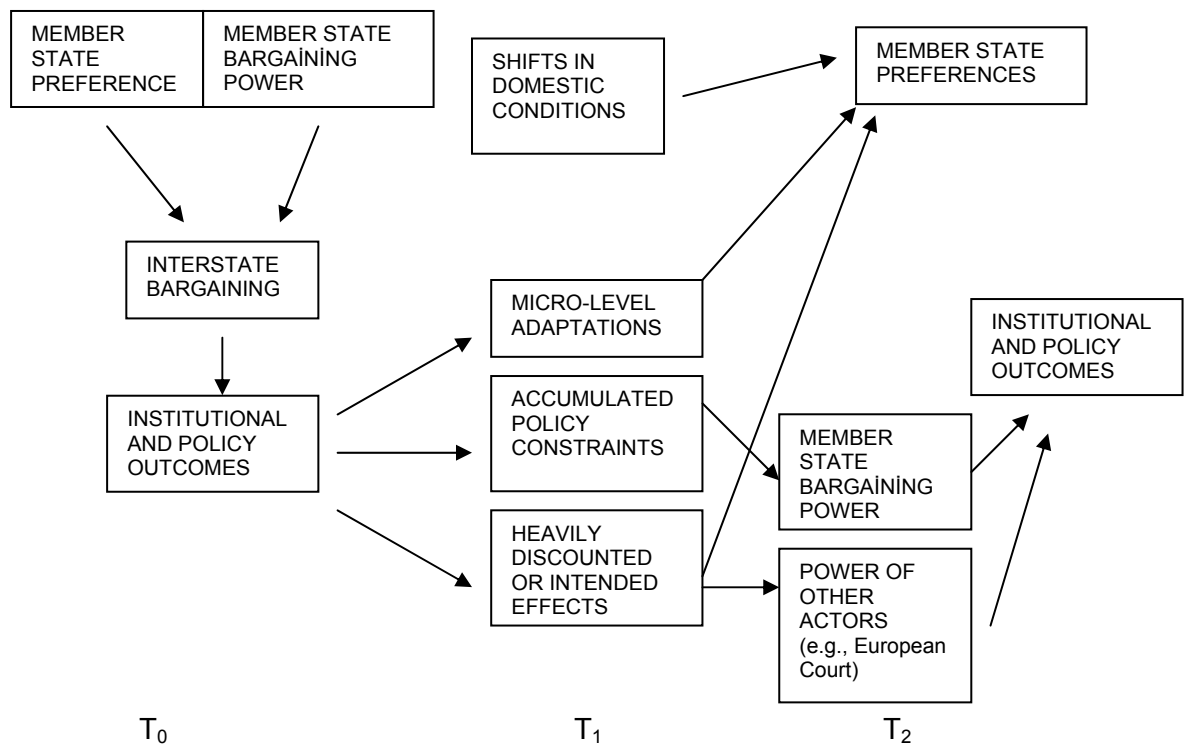
MEMBER STATE PREFERENCE

MEMBER STATE BARGAİNİNG POWER

SHIFTS IN DOMESTIC CONDITIONS

MEMBER STATE PREFERENCES

INTERSTATE BARGAINING

MICRO-LEVEL ADAPTATIONS

INSTITUTIONAL AND POLICY OUTCOMES

INSTITUTIONAL AND POLICY OUTCOMES

ACCUMULATED POLICY CONSTRAINTS

MEMBER STATE BARGAİNİNG POWER

HEAVILY DISCOUNTED OR INTENDED EFFECTS

POWER OF OTHER ACTORS (e.g., European Court)

T_0　　　　　　　　T_1　　　　　　　　T_2

Figure 2-Decision-making in European Integration (Pierson, 1996:149)

According to Pierson, intergovernmentalists focus on the bargaining process at time T_0. On the other hand, there is the possibility of gaps emerging at T_1 which influence the conditions of the next bargaining time T_2 where "states will again central actors but in a considerably altered context" (Pierson, 1996:148).

The other main strand of institutionalism is the sociological institutionalism. Sociological institutionalists, emphasize the ability of institutions that influence the behavior of actors "by providing the cognitive scripts, categories and models that are indispensable for action" (Rosamond, 2000:119). In other words, through the institutions, the world becomes meaningful for the actors and, these scripts, models and categories socially construct interests and actions.

The emphasis of sociological institutionalism to ideas produce new routes the study of ideas, beliefs and discourses in which the central question becomes

"how the ideas internalized and discourses become embedded" (Rosamond, 2000:120). One example of that is the analysis on the role of communicative action, according to which "the communicative processes are a necessary condition for ideas to become consensual" (quoted in Rosamond, 120). The works of Jürgen Habermas is the major example of this approach which takes the principle of communicative action as its essential principle in the formation of 'Constitutional Patriotism' within the borders of European Union.

Rosamond argues that one clear outcome of the emphasis on governance in the theories of integration is a choice of middle range theoretical work rather than the use of 'grand theories', since neither institutionalist nor the actor-based models claim to explain everything in the integration process of EU. Rather they try to analyze particular parts of the EU polity (Rosamond, 2000:126).

3.6. MULTI-LEVEL GOVERNANCE, POLICY NETWORKS AND ACTOR-BASED MODELS:

In contemporary debates on European studies, there are some alternative approaches that give emphasis on the factor of governance in the integration process. Multi-level governance approach is one of those alternative views.

In general, multi-level governance (MLG) approach takes the EU as a polity "where authority dispersed between levels of governance and amongst actors, and where there are sectoral variations in governance patterns" (Rosamond, 2000:110). Its main emphasis is on the variability, unpredictability and multi-actorness/multi-levelness of European integration; different from the analysis of the contemporary intergovernmentalists, the basic principle of EU's policy system is its complexity. In other words, the analysis of MLG depends on

the "permanence of uncertainty and multiple modalities of authority – suggesting an association with postmodernity." (Rosamond, 2000:111)

The emphasis on governance prevents the analysis of European integration stuck in the "zero-sum notions associated with discourses of sovereignty." (2000:110) In the analysis of MLG, states remain as a significant element but they are transformed into "a multi-level polity by their leaders and the actions of numerous subnational and supranational actors." (2000:111)

Policy network analysis goes parallel with MLG in claiming that power has dispersed within the EU polity. According to Peterson, the term 'network' represents a variety of actors interacting with one another and share information and resources. In other words, it is an "arena for the mediation of interests of government and interest groups" (quoted in Rosamond, 2000:123).

In the context of EU integration, an analysis of policy networks focuses on the motivations and interests of actors in the policy making process. In this sense, it is argued that this kind of an analysis can be used as a method to understand how the process of EU policy-making system works.

While both institutionalist and actor-based models believe that economy-based explanations are not sufficient for a full understanding of EU integration by emphasizing that the "politics matters", they differ in their approaches. The actor-based approaches emphasize "the role of agency in the within the EU system, often at the expense of structural explanations of polity development and change" (2000:126).

After this short overview of European integration theories, it seems to be reasonable to say that in a complex political process like the European integration, there cannot be a single answer. What is at stake in European

integration is not only the degree of integration but also multiple issues embedded in the policy process (Rosamond, 2000:107).

The concept of sovereignty constitutes an important part of the public debate about the European integration. But, while this debate, depending on the matter of nation-state versus supra or super state, is a critical one, it cannot capture all the possible future trajectories of European integration between the poles of "'Europe des Patries' and 'United States of Europe'" (2000:106).

The concept of EU citizenship can be considered within the framework of these integration theories. For instance, emphasis on EU citizenship's complementary and/or subordinate character is meaningful within the intergovernmental approach compared to others. In this sense, EU citizenship reflects the role and significance of member states in the formation and process of European integration.

On the other hand, it also possible to argue that the role of governance in integration and enjoyment of citizenship rights at different levels by different groups of persons (Member state nationals, member state nationals reside in another member state, third country nationals, etc.) reflect the multi-level polity and process nature of the European integration (Meehan, 2000).

Quite closer to the intergovernmental understanding, from the confederal consociationalist model, the European integration process is defined as a treaty-constituted political body where the participant states do not loose their distinct cultural political and national identities. In this sense, the conditional and supplementary characteristic of EU citizenship can be interpreted as a component of this contractual body.

With an historical institutionalist analysis (Pierson, 1996), it can also be argued that the development of citizenship practices have transformed since

1970s. Parallel to the widening and deepening process of European integration, EU citizenship have acquired new meanings and different dimensions, which also means that for future developments it has a potential for future possibilities.

Similarly, within a neofunctionalist perspective, it can reasonably claimed that, a possible evolution in the European integration process would effect the content and status of EU citizenship. Moreover it can be argued that this evolution would lead to the emergence of a postnational polity and hence a postnational citizenship.

Consequently, the different kinds of analysis and interpretations introduced in this chapter reflect that, in its existing form the process of European integration has an unstable and dynamic character. In fact, it is possible to argue that, European integration contains contradictory notions which lead to different sorts of derivations on its nature within a continuum between postnational/supranational and state-centric explanations. Moreover, these various forms of analysis have very much influenced the historical development of EU citizenship, its definition in the official documents of European institutions and the critical evaluations on EU citizenship. In the next two chapters, this will be observed more apparently with the analysis of EU citizenship. For understanding the dynamic and evolutionary character of EU citizenship, in the fourth chapter the historical development of EU citizenship is introduced in details depending on official documents of EU institutions and related secondary sources of analysis.

CHAPTER FOUR

THE MAKING OF EUROPEAN UNION CITIZENSHIP
IN HISTORICAL PROCESS

European citizenship was formally introduced with the Treaty of Maastricht (Treaty of Union) in 1993. It became an important, constitutive component of the European integration. Since its emergence as a basic element in the Treaty of Union (TEU), it has also generated a discussion over its nature[9]; whether it is a new form of citizenship (postnational, transnational etc...) or a dependent, complementary notion to nation-state citizenship.

In this context, the most significant questions become; "Can EU Citizenship be considered as a postnational concept of citizenship which transcends the limits and borders of nation-state citizenship?", "Can it be a concept which will function in a multi-level political system that can be neither defined as postnational nor national?" or "Is it created as a supplementary concept depended on the nationality of Member States which serves/will serve as nothing more than an insignificant, secondary status?"

From this perspective, the main purpose of this chapter is to deal with these kinds of questions and try to understand the nature of EU citizenship. This is also important and necessary for a future projection about the development of EU citizenship. That is, within the framework of both European integration theories and citizenship debates, it is possible to bring out an argument on contradictory

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[9] For a detailed analysis of debates on the political meaning of EU citizenship, among many others, see Andreas Follesdal, 2001a, 2001b; Bernhard Giesen & Klaus Eder, 2001; Carlos Closa, 1998; Dominique Schnapper, 1997; Elizabeth Meehan, 1997; Elsbeth, Guild, 1996; Massimo La Torre, 1998; Percy B. Lehning, 1997,2000; Theodora, Kostakopoulou, 1998, Ulrich Preuss, 1996, 2003.

tendencies in the concept of EU citizenship between the poles of postnationality and nationality and also on the future of EU citizenship. But before dealing with the definition of EU citizenship in the Treaty of Union and its current status, it is important to analyze the historical background of the concept and the understanding, which has brought EU citizenship into the agenda of European integration. In relation to its historical background, in the second part, current status and content of EU Citizenship will be analyzed. The evaluation of EU Citizenship and critiques about it will constitute the basic themes of the last two chapters.

4.1   HISTORY OF EU CITIZENSHIP:

As European integration is an evolutionary and open-ended process, one of its component EU citizenship, can be considered as an unfinished and continuously changing project. By emphasizing its unfinished and dynamic character, this argumentation also implies that EU citizenship, is open to new developments and possibilities. In this context, the contemporary constitution and the possibilities of EU citizenship can be evaluated/speculated within a continuum in which postnationality and intergovernmentality constitutes the opposite poles.

With this respect, before the discussion on the nature and future of EU citizenship, it will be useful to analyze the different transformational stages which led to the emergence of European citizenship with a socio-historical approach as a consequence of the European integration process. This is important since the development path of EU citizenship may give some clues to us for the prediction/speculation of its potentialities/possibilities for postnational citizenship.

Before dealing with the historical development of the concept of European citizenship, it is also important to mention that some of the basic rights

constituting the European citizenship were introduced before the formal establishment of the European citizenship in the Treaty of Maastricht.

For instance, the right to move and reside freely within the territory of Community, which is now accepted as the central right of EU citizenship (COM[2001] 257)[10], took part in Articles 48 and 52 within the framework of Rome Treaty. However, some categories were excluded from the enjoyment of this right. In fact, the free movement right was closely linked to the people's economic status as employee, self-employed or service provider and, in this context, the right of residence throughout the community was given to employees, the self-employed individuals and members of their families. It shows that, at that period of time, the freedom of movement was understood from the standpoint of labor mobility as part of the socio-economic processes. In this sense, it is possible to say that, within the framework of the Rome Treaty, the right of free movement and residence were interpreted as a part of the market-based principles of the Community.[11]

The signing of the Schengen Agreement in 1985 was another important development that has influenced directly/indirectly the policies and practices of citizenship in the context of European Union. Its experiences have also very much affected the immigration policy-making of the EU. The main purposes of the agreement are the removal of the internal border controls at the shared borders and adoption of a common set of rules regarding visa policies and asylum procedures. In other words, it both provides a legal base for the exercise of free movement right within the borders of signatory states and an important attempt to

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[10] Proposal for a European Parliament and Council Directive, "On the Right of Citizens of the Union and their Family Members to Move and Reside Freely within the territory of the Member States", Commission of the European Communities, 23.05.2001, Brussels.
[11] Free movement of the capital, goods, services and labor were accepted as the principles of the European Economic Community.

establish a standard for immigration and asylum policies through concerted efforts and sharing information (Uğur, 1995). While at the beginning the Schengen Agreement was signed only by Benelux countries, France and Germany, the Schengen area, step by step, has been extended to include almost every member state of the European Union except United Kingdom and Ireland. The Schengen agreement represented an important model for European Union and as a part of the Treaty of Amsterdam signed in 1997, it was integrated to the institutional framework of European Union.

But, in general, the development of a notion such as European Citizenship can be traced back to 1970s (CoR, 226/99).[12] Wiener's (1997, 1999) analysis could be useful in understanding the transformational stages of European citizenship starting from the 1970s. According to him, until now, the story of citizenship practice in European Union "reveals three major shifts of policy paradigm" (1997:5). In this sense, the Paris Summit Meetings in 1973 and 1974, the Fontainebleu Summit Meeting in 1984 and the Maastricht Summit Meeting in 1991 were the important dates of these policy changes. The politics oriented policies of 1970s turn to market oriented policies in 1980s and with 1990s legitimacy and democracy became the basic issues for the policies of EU citizenship (Wiener, 1997).

In 1970s, the basic concern of the European Community member states became the establishment of a political union, "based on a new identity and a working administrative body", in Europe (1997:6). Wiener argued that the citizenship policies of that time were framed by changing institutional, economic

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[12] "Opinion on EU Citizenship", Committee of the Regions, European Union, 16-17.02.2000, Brussels. Committee of the Regions (CoR) was created by the Maastricht Treaty. The Treaties oblige the Commission and Council to consult the Committee of the Regions whenever new proposals are made in areas which have repercussions at regional and local level. The CoR can also draw up an opinion on its own initiative, which enables it to put issues on the EU agenda. (www.cor.eu.int)

and political conditions on the global level which influenced the flow of European politics.

The first attempts for the introduction of 'special rights' to nationals of European Economic Community emerged in the early 1970s (Evans, 1984). After the declaration of the goal of political union at the 1972 Paris Summit of European Council, in 1973 Copenhagen Summit of European Council, a paper on "European Identity" was issued, in which the European identity was conceived on the basis of an image of "common heritage." Then, in 1974 Paris Summit of European Council, for the first time, citizens of European Community member states were defined as participants of the European integration process rather than only as consumers. Establishment of special rights for citizens of European Community was an important issue put on the agenda in the Council of 1974 Paris Summit.[13] The list of special rights includes a general right of residence; the right to vote and stand for elections at least at the local level; the right to access to public offices and also a common passport policy (CoR, 226/99). These kind of new policy instruments, would provide a feeling of belongingness to a broader territory than a nation-state and increase awareness of Europe as a new political actor, both of which helps to the construction of EU citizenship. On the other hand, they can also be considered as a new and efficient element of a flexible labor market (Wiener, 1999).

In 1976, with the Tindeman Report, the purpose of going further of a mere common market with an objective of creating a community of citizens was proposed. This report added a number of further provisions to 'special rights'

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[13] According to Commission reports, summit meeting held at Paris in 1974 is important for the development of EU citizenship where the special rights of citizens of Member States were first considered. (COM[93] 702 Final, p.1)

including extension of personal rights[14] and extension of freedom of movement.[15] It is argued that the concept of 'European citizenship' first appeared in the Tindeman Report on European Union (Closa, 1992:1141). At that time, it was argued by some authors that a concept of European citizenship could be developed around three principles: definition/description of persons by a common (European) criteria, enjoyment of some certain privileges by those people, the abolition of discrimination on the basis of nationality (Closa:1992).

In 1979, because of the limited character of the rights of free movement and residence, the Commission proposed a directive for the extension of these rights to all nationals of Member States. Parallel to this, the 1984 Fontainebleu Summit, generating from the idea of free movement of workers as a basic element of a flexible market, drew upon three directives[16] establishing the right of residence for workers, their families and students (Wiener, 1999:208). These three directives proposed by the Commission in 1989 and finally adopted by the Council in 1990.[17] With these three directives, the limited character of free movement and residence rights depending on the economic activity were partially passed over (Closa, 1992:1142).

The special rights were developed further in the report of the Adonnino Committee established in 1984 after the European Council at Fontainebleu,

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[14] *"Recognition of basic rights and freedoms and the granting to individuals of the rights to bring actions before the European Court of Justice in the event of infringement of basic rights"*, CoR, 226/99, p. 3
[15] *"Abolition of identity checks at frontiers and recognition of the equivalance of diplomas"*, CoR, 226/99, p.3
[16] The adoption of "regulations", "directives", "decisions", "recommendations" and "opinions" are the legal instruments used in the exercise of the legislation power and they are the components of Community law. This legislative power exercised by the Council of the European Union in co-decision with the European Parliament. Also, European Commission has the right to initiate draft legislation by presenting legislative proposals to Parliament and the Council. "**Regulations** are directly applied without the need for national measures to implement them. **Directives** bind Member States as to the objectives to be achieved while leaving the national authorities the power to choose the form and the means to be used. **Decisions** are binding in all their aspects upon those to whom they are addressed to any or all Member States, to undertakings or to individuals. **Recommendations and opinions** are not binding." (europa.eu.int/inst/en/cl.htm)
[17] Council Directives 90/364/EEC, 90/365/EEC, 90/366/EEC.

where the importance of creating a People's Europe was emphasized (COM[93] 702). The report recommended:

> Removal of frontier formalities; mutual recognition of diplomas and examination certificates; general right of residence, irrespective of whether or not the person concerned is engaged in gainful employment; the granting of the right to vote in local elections to citizens of other Member States; standard voting provisions in respect of elections and the right to petition to EP and complain to ombudsman; more cultural exchanges and exchanges involving young people and sports (CoR, 226/99:3).

While this report was accepted to contain the germ of the provisions that constituted the citizenship of the Union introduced in the Maastricht Treaty (COM[93] 702), it also reflected the problems resulting from the limitations and deficiencies of the existing set of rights at that period. In the 1980s, European community witnessed a paradigm shift in citizenship policies, from politics oriented to market-making oriented. The creation of internal market was said to be the main concern of debates in this period (Maas, 2001:4). The right to move and reside freely within the territory of member states is a critical element both for the construction of a borderless, free economic area and its efficient processing. On the other hand, it also led to the construction of a social space (Wiener, 1997:11). This created problems since the needs and requirements of economic and social spaces were not equally covered and satisfied. In other words there emerged a tension between successful economic integration and lacking social elements including political exclusion. This tension brought up a new understanding to the notion of "special rights" concerning the social and political necessities.

Basically, two types of special rights emerged from the right to move and reside freely, which was especially based on the movement of workers (Wiener, 1997). First one was composed of some social rights such as health care, the right to establishment, old-age pensions and the recognition of diplomas effective

within the borders of European Community. Second set of rights includes political rights. This was the result of political exclusion since, while a citizen of a member state have the right to move to any place within the territory of the community for economic purpose, she/he can do this in the expense of loosing her/his access to political participation. To handle this problem, the Commission proposed the right to vote and stand for election in municipal elections in the country of residence.

While the recommended political rights were limited to economically active citizens, Wiener believes, it was still clear that a market oriented policy created a linkage between economic, social and political rights. This was named as a "discursive shift in EC citizenship practice because it linked normative values (of citizenship) to the politics of market-making" (Wiener, 1997:13).

The changing political atmosphere of 1990s that was shaped by events such as the fall of Berlin Wall and the end of the Cold War politics converged with the debates on the nature of European Community. In the light of the suggested set of social, economic and political rights, the concept of European Community, which was purely economic in the Treaties started to be questioned, criticized and "Union building reemerged on the agenda of the Euro-Polity" (Wiener, 1999:209). In this context, the most important issue became the transfer of Community Citizenship into the emerging structure of the Union.

It is argued that the letter of the Spanish Prime Minister to the European Council was one of the important documents of the period at the beginning of 1990s when the discussions on the political union were carried on. In the letter, EU citizenship is defined as a significant part of the European political structure and the elements of EU citizenship described as "the unlimited freedom of movement, establishment and access to employment and the right to vote and stand for elections irrespective of their country of residence" (Closa, 1992:1153).

This description was not found to be an appropriate idea by some Member State delegations; "[EU citizenship] was regarded as a vague notion by some other Member states…the UK believed that it was premature to consider citizenship as a constitutive element of political union" (1992:1154).

Then in 1991, Spanish Delegation proposed a text on European citizenship in Intergovernmental Conference (IGC) on Political Union. By criticizing the limited character of the 'citizen of the Community' developed around the Treaty of Rome, a further step was proposed which would improve the condition of Member state citizens residing in an another Member State. The concept and content of EU citizenship is described as "having an evolving dimension and as being an element which should inform all the policies of the Union" (Laursen and Vanhoonacker, 1992:325).

The Danish Memorandum on the IGC on Political Union was accepted as another important document of these debates. "The right to vote in local elections in the Community for Community citizens who are resident in a Member State other than their own" was proposed in the Danish Memorandum under the heading of "Strengthening of the Democratic Basis for Community Co-operation" (1992:297).

The Treaty of Maastricht introduced most of the recommended provisions of the past reports and proposals while providing a constitutional status to the existing practices of citizenship. Provisions on Union citizenship were set out in a separate part of the Treaty of Union which also means that EU citizenship became a key aspect of EU integration policy. With the Treaty of Union (Maastricht), the special right of Community Citizenship was extended to all categories of nationals of member states without any discrimination. According to Wiener, Maastricht Treaty revealed that "the focus (of citizenship practice in EU)

shifted from creating a feeling of belonging to establishing the legal ties of belonging" (Wiener, 1999:211). European Parliament defines the purpose of EU citizenship as

> to increase people's sense of identification with the EU and to foster European public opinion, a European political consciousness and a sense of European identity...(it) can also act as a source of legitimacy for the EU (European Parliament Fact Sheets, 2.2.0).

It is also claimed that, for the first time, a direct political link created between nationals of Member States and the European Union (COM[93] 702). In this context, parallel to the analysis of Wiener on the major shifts of policy paradigm in EU citizenship practices, legitimacy and democracy became the basic issues of the discourse of EU citizenship by the 1990s.

After the introduction of EU citizenship legally within the framework of Maastricht Treaty, reports prepared by the European Commission in order to assess the practice of EU citizenship. According to the article 22 of the EC Treaty, the Commission was charged to report to the European Parliament, to the Council, and to the Economic and Social Committee every three years period on the application of the provisions constituting EU citizenship. Until now, starting with the report of the year 1993, the Commission has adopted three reports covering the period from 1993 to 1999.[18]

According to the results of these Commission reports, given opinions from the European Economic and Social Committee[19] and the Committee of the Regions and the debates both at the national and supranational level, new provisions on EU citizenship were added and the present ones were reinforced to a certain degree.

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[18] COM(93)702 final, COM(97)230 final, COM(2001)257 final
[19] The European Economic and Social Committee is a consultative body set up by the Rome Treaties in 1957. Its main task is to advise to three major institutions of European Union; European Parliament, Council of the European Union and European Commission. (www.esc.eu.int)

One significant example of the reinforcement was about the right of free movement and residence. In the second report on "Citizenship on the European Union" (COM[97]) 230) it was claimed that the EU citizens still faced with difficulties in their exercise of the rights of free movement and residence. These rights were subjected to different provisions applicable to different categories of citizens as the application of these rights were governed by a complex body of legislation composed of two regulations and nine directives.[20] These legislation procedures were accepted as a "legacy for the past that should be replaced" since they were predated the introduction of EU citizenship (COM[2001] 506:13). Beside these main Community instruments, there is also a large volume of case law established by the European Court of Justice. This complex situation created an inefficiency in the exercise of the right to free movement and residence, which was criticized for putting into question the transparency of the Community instruments (COM[97] 230:16).

In this sense, it became necessary to reinforce this right by establishing a single, comprehensive legislative instrument which would bring together the existing items of Community legislation (CoR, 287/2001).[21] It was considered to remove the obstacles like "the continued existence of checks at internal frontiers, shortcomings in administrative practices and legislative deficiencies" (COM[98] 403:2).[22] With this understanding, the proposal for a "Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States", adopted by the Commission on 23 May 2001

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[20] For detailed information, see also CES(93)885; CES(2002)28; COM(93)209; COM(1999)127; SOC/306.
[21] "Opinion on the Proposal for a European Parliament and Council Directive on the Right of Citizens of the Union and their Family Members to Move and Reside Freely within the Territory of the Member States", Committee of the Regions, European Union, 13/14.03.2002, Brussels.
[22] Communication from the Commission to the Council and the European Parliament, *"On the Follow-up to the: Recommendations of the High-Level Panel on the Free Movement of Persons"*, Commission of the European Communities, 01.07.1998, Brussels.

(COM[2001] 257:2). It took into account the recommendations of the High Level Panel on the Free Movement of Persons (COM[1998] 403), the Second Report on Citizenship of the Union (COM[97] 230) the European Parliament resolutions and the past rulings of the Court of Justice.

The proposal brought the different categories of European citizens enjoying the right to free movement and residence to a single legislative instrument in order to "relax and simplify the conditions and formalities associated with the exercise of this right and to clarify the restrictions that may be placed on these rights for reasons of public policy, public security and public health" (COM[2001] 506:2). The Directive applies to all categories people including salaried employees, the self-employed, students, the economically inactive and pensioners. As a result of this reinforcement of the right of free movement and residence, "the practical significance of citizenship of the Union" will be expected to enhance in the eyes of the nationals of Member States who exercise the right of free movement (COM[2001] 506:13). It was also emphasized in the Directive that special attention should be paid to preservation of the rights of citizens who are long-term residents or minors especially the ones who are the members of the family of a Union citizen.

In this respect, after the Maastricht Treaty, a new debate was put into the agenda by interest groups and European Parliament. This debate was generated because of the problem of inequality between the included and excluded residents within the territory of European Union. Namely, this political tension stemmed from the exclusion of so-called third country nationals from EU citizenship rights since they have no or partial legal ties with the Union.[23] For

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[23] For instance see Andreas Follesdal, 1999; A.C. Oliviera, 1998.

instance, a conference on the integration of immigrants was organized by European Economic and Social Committee (EESC) in cooperation with the European Commission. One of the main conclusion of the Conference is that nationality was not the only definition of political rights and the migrant population of Europe consisting 12-15 million migrants could not be excluded from the political process (Economic and Social Committee, Press Relase No. 64/2002). Therefore, the European Convention which has been working on drafting a Constitutional Treaty for the European Union should pay attention to the existing problems and "propose an overall package of rights and obligations of a European civic citizenship for all residents of the Union" (Press Relase No. 64/2002) According to the opinion of EESC, this would improve integration process and make it easier for third country nationals(TCNs) to exercise their political rights (Economic and Social Committee, SOC/141).[24] This understanding goes parallel with the Tampere European Council Conclusions. Under the heading of "Fair Treatment of Third Country Nationals", it was claimed that the legal status of TCNs should be approximated to that of Member States' nationals (Tampere European Council, Presidency Conclusions, Press No: 200/1/99).

As a result of the discursive shift in EU citizenship practice in 1990s, Union citizenship has been accepted both as means and an end for EU integration process. Specifically, EU citizenship is seen as an instrument of legitimacy, because of the fact that "European integration can only be sustained if the public in the Members State perceive and support it as a matter of common concern" (CoR, 226/99:10). The deficiencies in the application of the existing rights, lack of knowledge about the set of rights which can be used by the citizens of the Union,

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[24] *"Opinion on Access to European Union Citizenship"*, Economic and Social Committee, European Communities, 14.05.2003, Brussels.

different interpretations and incoherence in the practice of citizenship policies have been the most significant notions emphasized in the official documents of the institutions of European Union after 1990s onwards.

As I mentioned earlier, "Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States", adopted by the Commission on 23 May 2001 (COM[2001] 257:2) was a consequence of these debates on the efficiency of EU citizenship. Also, the lack of information seems to be an important problem in the practice of EU citizenship. It has been mentioned in almost every official document about EU citizenship that citizens are entitled to be aware of their rights and EU institutions responsible for its simplicity and efficiency in order to prevent EU citizenship of having an image as a vague, intangible concept which means very little in reality (COM[97] 230:18).

The last significant attempt for the reinforcement of EU citizenship and to increase the public support for the European integration process that has been criticized for having democratic deficit is the proclamation of the Charter of Fundamental Rights. It is proclaimed by the President of the European Parliament, the President of the Council and the President of the Commission on 7 December 2000 in the Nice European Council (COM[2001] 506). In the Cologne Council, the main objective of the Charter is set out as "to make their overriding importance and relevance more visible to the Union's citizens" (COM[2000] 559:3). Before this proclamation, it is concluded in the Cologne council that it is necessary to establish a Charter of Fundamental Rights in order to meet the needs increased as a result of entering to a new, political phase of integration. "The charter is a major milestone for Europe as a political force, which is evolving into an integrated area of freedom, security and justice, simply as a consequence

of citizenship" (COM[2000] 559:3). In the proclaimed Charter; civil and political rights, economic and social rights and rights of the EU citizens are brought together in a single text which reflects their indivisibility (COM[2001] 506).

The content of the Charter was formed by various instruments such as The Treaty on European Union, The European Convention for the Protection of Human Rights and Fundamental Freedoms, Social Charters adopted by the Community and the Council of Europe, the case law of the Court of Justice of the European Communities and the European Court of Human Rights and the constitutional traditions of the Member States (COM[2001] 506). The Charter is expected to be incorporated into the Treaties in the Intergovernmental Conference planned for 2004. It is also argued that it is hard for the European institutions to ignore a publicly proclaimed Charter in the future and "whatever its legal status, (it) will inevitably become an essential point of reference for the Court of Justice in the development of its case law on the fundamental rights protected at EU level" (COM[2001] 506:23). In this context, the proclamation of the Charter of Fundamental Rights can be considered as the final example of the democracy and legitimacy debates in the deepening and widening European integration process which directly effects the nature, content and strength of the EU citizenship.

4.2 THE STATUS AND THE CONTENT OF EUROPEAN CITIZENSHIP:

As was mentioned earlier, the Citizenship of the European Union was formally introduced by the Treaty of Maastricht in 1993. All the member state nationals can enjoy a series of rights attached to this new legal status. With the Treaty of Amsterdam, the link between the European and national citizenship was clarified: "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."

According to Community institutions this has two practical results; firstly, it is necessary to be a national of a Member State in order to enjoy citizenship of the Union. There isn't any other possible way of acquiring it. Member States retain as the single authority for determination of who is to be considered their own nationals with the "Declaration of the Intergovernmental Conference on Nationality of a Member State" annexed to the final Act of the Treaty of European Union (COM[97] 230:6). Also Member States have to accept the status as EU citizen, even if the person concerned is also a national of a non-member country (COM[2001] 506:7). Secondly, European citizenship will supplement and complement the rights conferred by national citizenship. "Because of its origins and the rights and duties associated with it, citizenship of the Union is sui generis and cannot be compared to national citizenship of a Member State" (COM[2001] 506:7).

In this respect, EU Citizenship consists of some rights that are added to rights enjoyed by Member State nationals in the context of laws that regulate the European common market. With the exception of some political rights, the substance of Union citizenship can be considered as a systematization of existing rights. These rights can be summarized as follows:

• The right to move and reside freely:

> 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 effect (Treaty of Nice, Article 18 [ex Article 8a]).

The limited scope of the right of free movement and residence coming from the Treaty of Rome is extended with the Treaty of European Union by detaching

these rights from the exercise of economic activity.[25] But, the Member States have the right to restrict the free movement and residence right of EU citizen on ground of public policy, public security or public health with reference to the Articles 39(3), 46(1) and 55 of the European Community Treaty. Neither the Treaties or the secondary legislative procedures define the concepts of public policy, public security or public health. Nevertheless, the measures for restriction should respect the individual's fundamental rights as guaranteed in the Community legal order (COM)[2001] 506:11). In other words, any decision to take a measure concerned is "limited by the whole framework of Community law, especially the fundamental principles and rights and the citizenship of the Union" (COM[1999] 372:10).

As it was mentioned in the previous section, for the efficient practice of it, the right of free movement and residence was reinforced by the adoption of the "Directive on the right of citizens of the Union and their family members to move an reside freely within the territory of the Member States" on 23 May 2001 (COM[2001] 257:2).

- The right to vote and stand in local government and European Parliament elections in the country of residence:

> 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 adopted 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.

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[25] For further analysis see A.C. Oliviera, 2002; C.A. Groenendjik, 1993.

2. (...) 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 national of that State (...)" (Treaty of Amsterdam, Article 19 [ex Article 8b]).

These are the only political rights introduced for the enjoyment of EU citizens. They were created in the line of the Danish Memorandum of 1990 that was proposed in the IGC on political union. In that document, it was proposed to include voting right in local elections to citizens of Member States nationals living in another Member State and the introduction of ombudsman system (Council Doc. SN 9046/1/90 quoted in Closa, 1992:1155).

In the third report on the Citizenship of the Union (COM[2001] 506:3), it is noted that, although it is higher then in 1994, the practice of the voting right for the June 1999 elections to the European Parliament by EU citizens residing in another Member State was very low (%9). For the wider enjoyment of these political rights the Commission emphasized the importance of promotion of political participation in the political life of the EU citizens resident in another Member State (COM[97] 230:10).

- The right of protection by the diplomatic and consular authorities of any Member States where the State of which the person is a national is not represented in a non-member country:

   Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State, Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection." (Treaty of Amsterdam, Article 20 [ex Article 8c]).

The necessary procedures for the practice of this rights have not been introduced by all the Member States. As a result, "the decision taken by the representatives of the Member State governments to give effect to this right have not entered into force" (COM[2001] 506:3).

- The rights to petition the European Parliament and apply to the Ombudsman:

> Every citizen of the Union shall have the right to petition the European Parliament (...) Every citizen of the Union may apply to the Ombudsman (Treaty of Amsterdam, Article 21 [ex Article 8d]).

Both the right to petition the European Parliament and the right to apply to Ombudsman is available to all legal residents of European Union whether or not they are EU citizens (COM[93] 230:13). The function of Ombudsman is the investigation of the cases of alleged maladministration by the Community institutions and bodies, which will make the EU institutions more open and democratic (COM[2001] 506:19).

The petition rights is regarded as "an important opportunity for individuals to have their concerns formally examined by the Commission's institutions" (COM[97] 230:17). But the subject of the petitions should be within the scope of the Community's activity. "The large number of petitions that are deemed as inadmissible" (COM[2001] 506:4) shows that the EU citizens still do not have a clear idea about the activities and duties of the EU institutions and the content of their rights.

- The right to write to any European Institutions in one of the official languages of Union and being answered in that same language:

> Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 7 in one of the languages mentioned in Article 314 and have an answer in the same language (Treaty of Amsterdam, Article 21 [ex Article 8d]).

- The right to access to Parliament, Commission and Council's documents, except in the cases legally agreed.

These two rights were added to European Community Law with the introduction of Amsterdam Treaty in order to increase the transparency of the EU institutions and to make the access to EU institutions easier.

In this chapter, depending on the official sources such as Treaties, reports and opinions of EU institutions, it is attempted to provide a historical and legal framework for the analysis of EU citizenship. In addition to the theoretical framework constituted by contemporary citizenship debates and European integration theories, this descriptive and information-providing chapter on the historical development and existing form of EU citizenship is necessary for the critical analysis of EU citizenship and possible future trajectories. Within this framework, in the fifth chapter, a critical analysis of EU citizenship is introduced.

CHAPTER FIVE

A CRITICAL ANALYSIS OF
THE EUROPEAN UNION CITIZENSHIP

In the evaluation of EU citizenship, I designate some basic notions, which are important in understanding the nature of the concept. These notions will also help to determine whether, in its existing form, EU citizenship is different from nation-state citizenship and transcends the features of nation-state citizenship or continues to carry the basic properties of nation-state citizenship and does not constitute an alternative form of citizenship. Thus, in the first section of this chapter, the basic themes in the literature pertaining to the critique and analysis of EU citizenship will be introduced.

But, more complicated than the aforementioned national/postnational picture, both the integration process of European Union and, as one of its consequences, EU citizenship imply a variety of possibilities that can be viewed in a continuum. In other words, similar to what I mentioned earlier as the poles of "Europe des Patries" and "United States of Europe", concerning the European integration process, national and postnational models may constitute only the opposite poles in the case of EU citizenship. From this perspective, the second section of the chapter depends on the evaluation of EU citizenship in terms of integration theories, citizenship debates and the history of EU citizenship.

5.1 BASIC NOTIONS ON THE ANALYSIS OF THE EU CITIZENSHIP:

In the analysis of EU citizenship, regarding the contemporary debates on its content, practice and status, four basic themes are going to be designated that seem to be critical for the evaluation of the present and possible/potential forms of EU citizenship. These themes are also interrelated with and dependent on each other. These are; the complementary/supplementary character of EU citizenship, its economic nature and imbalance between economic and political rights, exclusive tendencies behind the definition of EU citizenship and the possibility of postnationality.

5.1.1 THE COMPLEMENTARY/SUPPLEMENTARY CHARACTER OF EU CITIZENSHIP:

"…citizenship of the Union shall complement and not replace national citizenship…" (Treaty of Amsterdam, Article 17[1])

The complementary character of EU citizenship is one of the most criticized features of this concept. The concept of EU citizenship introduced in Maastricht Treaty is largely derived from the national concept of citizenship. In this sense, one must posses the nationality of one of the Member States for the recognition as a citizen of the Union. The Treaty of Amsterdam strengthens this with an additional statement which emphasizes that EU citizenship is not introduced for replacing the national citizenships.

Moreover, it also does not bring any standard to acquisition of citizenship and let the Member States free in their consideration of naturalization policies for the acquisition of citizenship. In the "Declaration of the Intergovernmental Conference on Nationality of a Member State", that is annexed to the Treaty of Maastricht, it is mentioned that

wherever in the Treaty establishing the European Community reference is made to nationals of the Member States, the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State Concerned (COM[893] 702:2).

This statement shows the understanding behind the introduction of EU citizenship. The Member States remain as the single authority for the decision of who is to be considered as their national and who is not. In other words, rather than creating a new type of citizenship which is constituted independently from national citizenship policies, it can be seen that the matters of 'access to rights' and 'belonging in EU citizenship' remain in the realm of national politics and policy-making (Gharib, 1998).

In this context, Broekman's definition presents an explanation that may be useful in understanding the nature of EU citizenship:

[EU citizenship] is a legal construction, not the legal expression of something that is ontologically given. The EU possesses no specific territory and, consequently, no territorial sovereignty; its sovereignty results from contract as a legal construction, not from any reference to a given datum. Legitimation of citizenship must, therefore, also be constructed and it is done so in many ways of mimesis. It means that there is no legal ground for citizenship without reference to the national Member States (quoted from Broekman, in Reich, 2001a:8).

Therefore, the relationship between nationhood and citizenship which was mentioned in the second chapter, through the works of Brubaker, does not seem to be challenged in the case of EU citizenship. In other words, it is possible to say that, EU citizenship reviews the traditional relation between citizenship and nation-state in a different way, rather than breaking with it.

Also the attempt of developing an analogy between the concept of European citizenship and the US federal model on the basis of the principle of free movement of people was not a possible one. Closa (1992, 1141) rejected this idea, since, while state citizenship in US is subordinate to federal citizenship, in

the case of European Union, the enjoyment of certain rights and privileges of EU citizenship depends on citizenship/nationality to a Member State which is still the defining criteria.

This complementary/supplementary feature of EU citizenship reflects that the traditional connection and relationship between nation-state and citizenship is not influenced very much by the introduction of EU citizenship. The attachment of EU citizenship to the nationalities of Member States seems to be a significant obstacle for its full development. It shows that the European integration process does not challenge the sovereignty of Member States significantly in the case of citizenship.

5.1.2 THE ECONOMIC NATURE OF EU CITIZENSHIP AND ITS DEFICIENCIES IN PROVIDING POLITICAL RIGHTS:

While it is claimed that for the first time, with the treaty of European Union (Maastricht), a direct political link was created between the citizens of Member States and the European Union (COM[93] 702), for some, it is argued that EU citizenship was a minor concern for the constructors of the European Union. This is because the European integration process has been basically for economic purposes in which the cultural, political and social aspects have been neglected for a long time (Martiniello, 1995:32).

A report sent from the Commission to European Parliament in mid-1980s shows the nature and purpose of the European Community (COM[86] 487). The Commission claimed that

> political elections (parliamentary and presidential elections, referenda) play a part in determining national sovereignty. The Community is not intended to impinge on national sovereignty, or to replace states and nations. That would come from a federalist process which is not provided for in the existing Treaties (quoted in Closa, 1992:1147).

In fact, the right to vote and stand for elections in local and European Parliament in the place of residence within the borders of European Union is the only political right introduced for European citizens by the Treaties. The political rights of EU citizenship do not include the central political rights such as the voting rights in the national elections. It is possible to argue that the right to vote and stand at the municipal elections and elections of European Parliament were added to the content of EU citizenship, since they do not bring a significant challenge to the national sovereignty of Member States.

In this sense, in its current form, European citizenship does not imply the existence of a political relationship between individual and Union similar to those existing between Member States and their nationals.

In his analysis Closa argues that, the most significant and primordial element of citizenship is accepted as the enjoyment of political rights. However,

> once political rights were universally available and guaranteed for the citizens, the concept lost its initial connotation as referring to the political subject. Moreover, the evolution of the State as a welfare promoter led to the association of the idea of citizenship with the enjoyment of social rights. This trend has been particularly evident within the European Community, an entity mainly concerned with achieving economic objectives. Since the Community lacked 'sovereignty' strictu sensu, the notion of Community citizen included mainly those rights which could be forced out of the Treaty and the promotion of an "European" identity (Closa, 1992:1139).

According to Martiniello (1995:30), to understand whether the Treaty of European Union replaced the old technocratic, market-oriented and elitist Europe with a new political Europe where the citizens actively participate in its formation, one has to ask some questions such as: "Is post-Maastricht Europe effectively less economic and significantly more political? Is it effectively less technocratic and elitist, more a construction of committed European citizen?"

These questions may be answered according to the typology of Turner, which has been mentioned in the first chapter. In that context, EU citizenship could be evaluated as a 'passive' form of citizenship since it is developed from above, from the institutions of EU. The limited enjoyment of political rights reflects the minor importance given to the 'active participation' of EU citizens in the 'public realm' to the policy-formation mechanisms of European Union. This also shows that the 'democratic-deficit' and elite-governing characteristic of EU continues to exist. Thus, the answers to the question mentioned above seem to be negative.

Similarly, Habermas (1994a, 1999) claims that there is the risk of "clientelization" in the context of EU citizenship. He argues that the link in the Marshallian conception of rights between the civil, social and political rights, is a contingent one. In the evolutionary Marshallian analysis, it was claimed that "the individual freedom and social security can be considered as the legal basis for the social independence necessary for an effective exercise of political rights" (1994a:350). Instead, Habermas argues that without the development of political rights, the improvements in the civil and social rights can possibly lead to a dependency relationship between citizens and the political authority. In this sense, economic and social rights would be improved not because of the political demands and/or struggles of the citizens but, solely, according to the decisions of authority and bureaucracy. It makes the rights attached to citizenship 'granted' rather than 'acquired'. Instead of having a right of choice, the citizens would enjoy what was given and could not have the capability to form new demands and alternatives by exercising their political rights and processing the democratic mechanisms.

In the case of European integration, the limited capacity of EU institutions with deficient political power and the existing conditions of EU citizenship with its

lacking political attributes contrasts with the introduction of significant socio-economic rights such as the right to move free and reside within the territory of European Union to which a potential threat of clientelization is inherent. In this sense, it is possible to argue that European integration brings a new form of tension between democracy and capitalism. On the one hand, there is a systematic integration of economy and administration at the supranational level, and on the other hand, the political structure still functions at the national level (Habermas, 1994b:348).

According to Habermas, the important issue is that whether this imbalance between the economic and political integration is a temporary one that can be solved by "parliamentarization of the Brussel expertocracy" or is a general trend of superstate bureaucracies originating from an economic criteria of rationality which continues to function (1994b:349).[26]

In fact, the evolution of EU citizenship does not have a similarity with the evolutionary development path of Marshallian citizenship conception. While EU citizenship offers social and economic rights that can be considered as significant, the political rights remain to be limited for a group of citizens and legally resident third country nationals. It can be argued that there is a dual membership structure in European Union, which reflects the division of the practice of the economic and political rights in European Union.

> (In the structure of European Union) the 'inner circle' consists of the national political community composed of citizens, while the 'outer circle' represents membership of the national social and economic community which, in addition to citizens, includes permanent residents aliens and citizens of common market states (Gharib, 1998:8).

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[26] For further readings, among many others, see Brigid Laffan, 1996; Anthony D. Smith, 1992; L.Hansen, and M.C. Williams, 1999.

In other words, this dual structure consists of a 'core' group of political rights that is available territorially and a 'periphery' group of economic and social rights.

If we accept that the political rights are the most significant part of the concept of modern citizenship, then it is possible to say that EU citizenship can be considered as a premature form of modern citizenship, rather than transcending the nation-state citizenship. It can also be evaluated as the last example of 'denizenship' since it depends on the enjoyment of social and economic rights without having the essential political rights.

The claim of being a "political union" and the continuous process of enlargement make further integration and deepening of European Union necessary by a possible institutional reform. Habermas explains the debates on "European Constitution"[27] as a response to this crisis which resulted from the imbalance between economic and political integration (Habermas, 2001).

5.1.3 EXCLUSIVE TENDENCIES:

In Brubaker's analysis about the relationship between nationhood and citizenship, he argues that citizenship in the modern state is an externally exclusive institution and this property is essential for modern states in a world system divided into territorially bounded states.

In the context of EU citizenship, this exclusive tendency continues to exist, especially, because the enjoyment of EU citizenship is based upon the criteria of Member State nationality. According to some scholars, third country nationals legally resident in States of European Union enjoy civil rights and have access to economic and social rights almost identical to the rights available to Member

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[27] For instance, see D.Castiglione, 2002; Jean-Claude Piris, 2000 and official documents such as CoR 114/2002; SOC/113; COM(2000)200.

State nationals. "The only right differentiates national citizens from the resident foreigners is the national voting right" (Soysal, 1996:21).

Bhabha (1999) rejected this idea. According to her, third country nationals do not enjoy the full civil rights the member state nationals have access to. Also, "racial harassment and violence persist across EU Member States, discriminatory police behaviour and visible ghettoization characterize European metropolitan cities and widespread racism in employment and provision of public services remain acute public concern across the EU" (1999:18).

Moreover, in the context of its exclusive tendencies, it is also argued that, since its definition based on member-state nationality rather than residence or some other form of permanent affiliation, EU Citizenship, failed to provide an inclusive basis for belonging to Europe. It "establishes a unitary basis for exclusion rather than a coherent set of criteria for inclusion" (Bhabha, 1999:15). Many of the third country nationals, however long-standing their legal residence in Europe, have no such rights that are provided to member state nationals.

Parallel to the critiques of Bhabha, Stolcke (1999) understands the European integration process as a two-fold process. On the one hand, we are witnessing the diminishing of intra-European borders. On the other hand, the external boundaries are more rigidly closed (Stolcke, 1999:25). The main reason behind this attitude might be the strengthening tendency to see the migrants, third country nationals as the reason of all socio-economic problems and crisis. In other words, immigrants become the 'scapegoats' of all the problems in Europe such as unemployment, deficient social services etc.

Similarly, in his analysis about the post-Maastricht European Union, Geddes argues that the democratic deficit characterizing European integration continues to effect immigrant minorities (TCNs)' access to the rights of EU citizenship:

First, the three pillared Union structure that has emerged tends to consign issues of high politics -such as migration and asylum policy- to intergovernmental forums which are clearly accountable at neither the national or supranational level. By doing so, a form of dissociational democracy is created within which both access to and use of channels of political participation are severely restricted. Second, in most areas relating to the rights of immigrant minorities, the EU remains a creature of its Member States who determine access to national citizenship and, consequently, define those who will benefit from the rather limited package of rights available within the European Union (Quoted in Gharib, 1998:10).

It can be argued that the member states in the European Union are unwilling to accept the jurisdiction of supranational institutions of EU in matters that are closely related with national sovereignty. In this sense, critical issues such as immigration and asylum that are closely related to national sovereignty remain subject to intergovernmental framework. Strict restriction measures on legal migration[28] and the exclusive tendencies that were mentioned in this section show that there is a contrast between the inclusive possibilities of EU citizenship and the exclusion of third country nationals in the EU context. In this respect, liberal improvements in the immigration and asylum policies may have an influence over the nature of EU citizenship and may create postnational possibilities. Hence, for the enjoyment of economic, social and political rights by all residents of European Union, new set of criteria should be considered. The "Europeanized denizenship", "extended anti-discrimination" and "reformed asylum procedures" are some of the issues that are discussed for the inclusion of migrants to the European Union.[29] Especially, the "European denizenship", which

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[28] It is possible to say that since the mid-1980s the form of migration has altered. When the near-past European migration history is analyzed, the first wave of migration is designated in early 1970s as result of post-war demand of labor. Since 1980s a second wave of migration started which has been mainly formed from migration of family members as a result of family reunion. As a result of restrictions on legal migration, after mid-1980s rather than migrants coming in the status of workers, the migration to European countries has mainly consisted of refugees, asylum seekers and illegal migrants. In this sense, while legal migration has dropped in last years, migration still continues in significant numbers. Recently, immigration policies are mainly carried out by intergovernmental framework such as the Schengen agreement (1985) which has an important role in determining immigration policies and procedures of border-control.
[29] For instance see, Geddes, 2000.

can be defined as the acquisition of EU citizenship rights as a result of legal residence rather than member state nationality, may have an influence on the citizenship practice within the context of EU.

In this sense, parallel to the discourse of migrant inclusion, Reich has a different approach about the enjoyment of rights that are attached to EU citizenship. According to him, while, the legal status of the concept depends on the condition of Member State nationality, some rights are based on criteria different than nationality. In fact, it is argued that some of the rights that are included in EU citizenship "have already been developed by Court practice in its extensive interpretation of the fundamental freedoms of the EC Treaty and the right to non-discrimination based on nationality and gender" (Reich, 2001a:5).

By giving reference to the Amsterdam Treaty, Reich (2001b) gives examples of different rights, which are not based upon the criteria of Member State nationality, but on other criteria, especially residence. That also shows the complex and confusing structure of European Union law in terms of enjoyment of rights.

The Article 141 states "each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied". This right is not dependent upon the nationality of worker. Article 153 provides a right to all consumers, without any reference to nationality or residence, "to information, education and to organize themselves in order to safeguard their interests." Article 194 provides that "any citizen of the Union, and any natural or legal person residing or having registered office in a Member State, the right to address individually or in association with other citizens or persons a petition to the European Parliament." With Article 255, any citizen of the Union and any natural or legal person residing or having his registered office in a

Member State has the right of access to European Parliament, Council and Commission documents (Reich, 2001a:7).

In this context, it can be argued that, except the rights of free movement and voting rights, most of the rights are granted to individuals on the basis residence rather than Member State nationality. Then, what is the reason laying behind the insistence on the Member State nationality in granting EU citizenship rights or acquisition of EU citizenship?

5.1.4 THE POSSIBILITY OF POSTNATIONALITY:

According to some, EU citizenship can be considered as an example of postnational membership. For instance, according to Soysal (1996,2000), 'postnational membership' has three significant differences from national citizenship; territorial fluidity, plurality of membership forms and the basis of legitimization. The emergence of this new conception has a significant influence on the citizenship policies of Europe and on the formation of EU citizenship.

Similarly, Meehan argues that, a new type of citizenship is emerging and it is neither national nor cosmopolitan. She doesn't claim that the traditional concept of nation-state citizenship is simply replaced by EU citizenship. However, as a reflection of various identities people possessing a body of rights and duties emerged which are exercised in a territory of interaction between states, national and transnational interest groups, voluntary associations, local or provincial authorities, regions and alliances of regions. She believes that EU citizenship should continue to exist in this multi-dimensional framework of national and international institutions (Meehan, 1993:185).

On the other hand, according to some authors in its current form EU citizenship, has a limited character and it does not offer a postnational alternative

to modern citizenship. For example, according to Ugur (1995), the inter-Europe free movement had been completed on the basis of nationality and equal treatment by 1968:

> Regulation 1612/68, Article 1(1), stated that nationals of a member state, irrespective of their place of residence, shall have 'the Right' to take up employment and pursue such activity within the territory of another member state…(and)… Article 4(1) stipulates that a member state, although allowed to devise restrictions aimed at foreigners, could not extend such restrictions to nationals of other member states (Ugur, 1995:475).

According to him, these definitions gave a final shape to the process of creating 'insiders' and 'outsiders' within the borders of European Community. This finding is important because; while there are developments in the social rights of some migrant workers, these rights are highly fractured, complex and they vary depending on the nationality of the migrant workers since "the vast majority of the existing EC rules on TCN residents' rights are scattered amongst a host of international agreements concluded with non-member states" (Hedeman-Robinson, 2001:527). The discriminatory nature of the free movement right still exists in EU citizenship which is based on member state nationality. Parallel to this, some scholars argue that there is an uncertainty and variation in the treatment that third country nationals (TCNs) received under European Community Law and it stems from the problem of competence. The status of TCNs in the European Union can be described as "pot-pourri of actual and potential rights that may be gleaned from international agreements and indirectly from rights granted to citizens of the European Union" (quoted in Shaw, 1997:249).

In this context, Bhabha (1999:21) claims that the existing structure of EU citizenship operates as an internal divider, with the deprivation of third country

nationals from the full enjoyment of EU citizenship rights. An inclusionary definition of EU citizenship will only be produced by replacing nation-based concepts of belonging with a postnational notion of human rights. Besides many negative effects, globalization process, provides a base "for the creation of a substantial and rapidly growing body of international law concerned with the protection and enforcement of human rights" (Bhabha, 1998:702).

Similarly, in the second chapter, it was mentioned that the globalization tendencies in the human rights regime have been considered as one of the challenges to the practices of nation-state citizenship. It was argued that there emerged a global discourse and new instruments on human rights which ascribe universal rights to all individuals as human beings. But it was also mentioned that while the discourse of human rights globalized, the human rights continue to be enjoyed and guaranteed mainly by individual nation-states.[30] In this sense, it will be too optimistic to claim that transnational institutions and instruments have a control over the states in terms of human rights norms. On the other hand, it is still possible to argue that in the post-war period the world has been witnessing to globalization of human rights and the formation of an institution like EU citizenship will possibly be influenced from these global tendencies. Further, EU citizenship and European Union as a transnational political authority may provide an example of a human rights regime. Such a practice would transcend the borders of the nation-states. The proclamation of the Charter of Fundamental Rights can be considered as a sign of this tendency.

A somewhat different suggestion comes from J.Shaw. She emphasizes that EU should find a form of membership "which goes beyond consanguinity or national membership, and use a form of postnational membership based on

residence or territoriality" (Shaw, 1997:44). From this perspective, by giving examples from some proposal directives[31], she argues that step by step policy-making rather than a grand constitutional change would form the framework of the recognition of the civil status of lawfully resident third country nationals (TCNs) as EU citizens. The existence of the problem of competence as a potential obstacle, especially to visa-free travel, she thinks that such proposals can be adopted under the third pillar as joint actions (Shaw, 1997: 45).

She argues that if the free movement right within the borders of European Union accepted as the core of EU Citizenship, despite the restrictive definition in Article 8, all persons enjoying the right of free movement can be considered as de facto EU citizens.

> The next step would then indeed be the constitutionalisation of such changes through amendments to the Treaty, including a change in the definition in Article 8, and perhaps also an express generalization of the scope of Community competence, and the breaking down of remaining barriers between the First and Third Pillars[32] (Shaw, 1997: 46).

She concludes that,

> It is arguable that although they are limited in scope, and even though they are not necessarily directly motivated by humanitarian concerns to equalize the status of third country nationals and EU citizens, nonetheless the EU would have taken some small steps on the road to some form of 'denizenship' status vis-à-vis both the EU- as the guarantor of interstate free movement rights- and each of the Member States who are bound by such measures...This could be an interesting example of the gradual de

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[30] See Bosniak, 2000.

[31] "Nonetheless substantial new rights would be granted: third country nationals lawfully resident in one Member State (Article 3), those holding a mutually recognized visa valid for the crossing of the external frontiers of the EU (Article 4(1), and third country nationals exempted by all Member States from visa requirements (Article 4(2)) would be entitled to three months visa free travel within the EU. Third country nationals subject to visa requirements in some Member States would be entitled to visa free travel in those which did not require a visa (Article 4(3))." (Shaw, 1997:44)

[32] With reference to the Maastricht Treaty, European Union is constituted from three "pillars". The first pillar covers a wide range of community policies (such as agriculture, trnasport, environment, energy, research and development) designed and and implemented according to the decision-making process whivh begins with a Commsion proposal. The other two pillars are the Common Foreign and Security Policy as the second pillar and the area of Justice and Home Affairs co-operation as the third pillar. While In the first pillar, the member governments act as the Council (often taking decisions by majority vote) with the full involvement of the other EU institutions. In the second and third pillars, decisions are taken according to intergovernmental decision-making processes. (http://europe.eu.int.inst/en/cl.htm)

facto extension of citizenship rights through step-by-step policy-making rather than grand constitutional gestures (Shaw, 1997:46).

Similarly, there are some scholars who argue that there is the possibility of development in EU citizenship, because of the uncertain and dynamic nature of the concept of citizenship in European Union. The further evolution of European democracy, polity and law may lead to the development of EU citizenship into more intense forms of civic, social and political rights (Reich, 2001a:9). Or, as Weiler suggests,

> a demos understood in non-organic terms, a coming together on the basis of not of shared ethnos and/or organic culture, but a coming together on the basis of shared values, a shared understanding of rights and societal duties, and a shared rational intellectual culture which transcends organic-national differences (quoted in Reich, 2001a:9).

The article 22 (ex article 8e) of the Treaty of European Community (Amsterdam) provides the base for the future additions and modifications of current rights. Thus, the rights introduced in the TEU are considered as not stable but dynamic and European citizenship carries the possibility of development in itself (Closa, 1992). However, Treaties assigned the Council to adopt new provisions for the concept of European citizenship's future development. It shows that the political decisions and development of European Union such as the future development of EU citizenship still depends on the political power and influence of the Member States, since the Council is composed of ministers representing the national governments of Member States.

> In any case, future provisions are not automatically binding, since the Council shall recommend to the Member states for adoption in accordance with their respective constitutional rules. Therefore, the future development of Union citizenship is left to the discretion of the Member States (Closa, 1992:1167).

Similarly, in his analysis, Habermas (1994a) argued that by becoming a 'European Community' the 'European Economic Community' proclaims its political will to create a "European Union". But, the nation-states, which are reluctant in transferring the political power and sovereignty and the democratic processes functioning within the borders of nation-states, constitutes a significant obstacle through the way going to European Union.

On the other hand, he thinks that the single market will provide the appropriate conditions for 'horizontal mobility' and increase the possibility of interaction between people from different nationalities. Not only intensive migration from Eastern Europe and third-world countries will increase the diversity of the European societies, but also it will lead to new social tensions. If these tension processed productively, they will create new types of social movements which generates the formation of European-wide spheres:

> Given these conditions, communication networks of European-wide public sphere may emerge, networks that may form a favorable context both for new parliamentary bodies of regions that are now in the process of merging and for a European Parliament furnished with great competence (Habermas, 1994b, 352).

According to Habermas, only a form of democratic citizenship can provide the base for world citizenship "which does not close itself off within particularistic biases, and which accepts a world-wide form of political communication" (Habermas, 1994b:357). Different ethnic or cultural forms of life can coexist within the framework of a democratic legal system. He argues that the identity of a political community must be defined in relation to constitutional principle rooted in a political culture. "That is why it must be expected that new citizens will readily engage in the political culture of their new home, without necessarily giving up the cultural life specific to their country of origin" (1994:356). With his argument, Habermas mentions the necessity to separate the cultural and ethnic emphasis

from the political culture. By insisting on the primacy of formation of a common constitutional political culture, he argues that a cultural emphasis is not necessary for the process of democracy. In this sense, a multicultural or multiethnic society structure

From this perspective, he thinks that "Hannah Arendt's analysis that stateless persons, refugees, and those deprived of rights would determine the mark of this century" continues to preserve its significance (Habermas, 1994b:352). In this sense, the European Union should agree upon a liberal immigration policy and decide to form a democratic concept of citizenship, dissociated from national identity which cannot allow exclusive and restrictive asylum and immigration policies (1994b:353-357).

5.2   EVALUATION OF EU CITIZENSHIP:

When we consider contemporary citizenship debates, European integration theories and analysis of EU citizenship together, it is worth mentioning that there are some notions and problems, which they have in common. The rich literature on citizenship debates, which is partly dealt in the first section of the second chapter, indicate that the concept of citizenship has a multi-dimensional and dynamic character. This also means that, it is not easy to make a general definition for the concept of citizenship. There are different and possible explanations on the understanding and practice of citizenship depending on the time period of analysis, political, economic and social transformations. The contemporary debates on the content and nature of citizenship, some of which are mentioned in the second section of the second chapter, reinforce the claim that the concept of citizenship is open to change and alternative explanations.

In the third chapter we also see that there are various theoretical analysis on the process of European integration. All these theoretical approaches have the capacity to explain some part of the integration process consistently. However, they are faced with problems and crisis when they try to explain the whole process and/or attempt to find the basic motives behind the integration process. In other words, it is possible to say that while most of the theories on European integration have consistent and strong explanations on some notions of the integration process within certain time periods, it becomes troubling for these theories to put clear cut and general arguments on the explanation of the whole European integration process. The most significant reason for this is that the European integration process has a dynamic structure. The developmental history of the process contains different phases of purpose, understanding, policy-making and institution formation, which make the nature of European integration unstable, ambiguous and hard to explain. It also shows the multi-dimensional character of European integration which means that, in the formation and development of European integration, various notions, actors and institutions have roles and effect.

In this context, the citizenship of the European Union is expected to have a dynamic, unstable and ambiguous nature both as an institution of European integration and as a citizenship practice. The analyses of EU citizenship have difficulties parallel to the problems of integration theories and citizenship debates, which constitute its theoretical framework. In this sense, it is not easy and appropriate to make definite and clear cut evaluations on the status, content and future of EU citizenship. The first section of the fourth chapter attempt to show this difficulty by presenting a historical analysis of the development of EU citizenship.

In this section, following the basic themes given in the previous section, an attempt is going to be made to continue the lines of analysis introduced so far as to evaluate EU citizenship.

From an intergovernmentalist explanation, the complementary character of EU citizenship reflects the significant and active role of the Member States' in the process of European integration. Being a EU citizen depends on the naturalization and citizenship acquisition policies of Member States and in this way the national sovereignty of Member States are not challenged. Also, parallel to the analysis of Moravcsik (1993, 1994 and 1999), it can be argued that the introduction of EU citizenship strengthens the polities of Member States in their domestic polities, as EU citizenship bring additional rights to their citizens. Moreover, it also provides a symbolic base of legitimacy which may handle with the critiques of 'democratic deficit', through the claims of 'ever Closer Union'.

When the rights associated with EU citizenship are considered, it is possible to argue that giving essential political rights to EU citizens does not seem to coincide with the interests of Member State governments, since it could provide a relative autonomy to EU citizens transcending, partially, the nation-state sovereignty. It may also challenge the national citizenship definitions of Member States and decrease the importance of national citizenship. Thus, the argument that the limited political character and the economic nature of EU citizenship is preferable for the Member States governments is a consistent explanation from an intergovernmentalist perspective.

The exclusive tendencies in the content and practice of EU citizenship can also be evaluated as reasonable from the intergovernmentalist approach. Current definition of EU citizenship depending on Member State nationality excludes the legal resident third country nationals and, to a certain degree, limits or prevents

the enjoyment of some of the rights attached to EU citizenship. Mostly, this is the result of not having a common immigration and asylum policy, which led to the formation of policy- and decision-making procedures at the national level. In this sense, the exclusive tendencies in EU citizenship can be considered as a natural consequence of the determining role of Member States and significance of intergovernmental bargaining in the process of European integration.

The answer of an intergovernmentalist perspective would be negative to the argument on the possibilities of postnationality in the case of EU citizenship. Putting the intergovernmental bargaining and national sovereignty into the fore, intergovernmentalism will reject any idea that question or challenge assumed dominance of Member States over European institutions. In other words, the possibility of postnationality of EU citizenship would also mean that the European integration is a postnational process or has a potential for being postnational where Member State preferences are as significant as they are considered to be.

From a different perspective, the economic nature of EU citizenship and its lacking political features can also be interpreted as a consequence of functionalist understanding and principles in the roots and nature of European integration process. The existing features of EU citizenship is possibly argued to carry apolitical, technocratic and economy based characteristics parallel to the view of functionalist approach on European integration. This is also part of the reasons of why the "architectures" of European Union has been criticized for having a functionalist understanding of integration and for leading to a "democratic deficit" in the integration process.

On the other hand, within the neofunctionalist approach, it is possible to say that, at this stage of integration, the introduction of EU citizenship does not have to imply a claim that there is a clear cut emergence of a new form of citizenship

independent from Member States' citizenship conceptions. In its existing form, EU citizenship can be explained as an expected result of "functional spillover". As follows, the emergence of EU citizenship can be considered as a consequence of the practices and policy-making procedures which are aimed to increase the efficiency of European internal market. Thus, EU citizenship may be considered as one of the 'further action' created in the assurance of effective processing of internal market.

The current content of EU citizenship reflects this tendency. While it consists of significant social and economic rights, some of the political rights are not included to the body of rights enjoyed by EU citizens. In this sense, it can be said that structural necessities create the emergence of existing form of EU citizenship. Or, it is used as a legitimacy tool in taking one step further the European integration.

This explanation also implies that, in the future, pertaining to the widening and deepening process of European integration, EU citizenship would take a new form independent from national definitions and practices of citizenship which transcends them. It should not be forgotten that the concept of EU citizenship wasn't on the agenda of integration process until 1970s. The dynamic nature of European citizenship like all the other components of integration process can be considered as an evidence of this possibility. Therefore, from a functionalist perspective, it is possible to claim that, with the intensification of the integration process and as a consequence of new structural demands and functional necessities, we may witness to the extension in the European citizenship rights or changes in the form of the concept.

This kind of an understanding is meaningful when we consider the analysis and methods of integration of Jean Monnet:

we believed in starting with limited achievements, establishing de facto solidarity from which a federation would gradually emerge. I have never believed that one fine day Europe would be created by some great political mutation...(however)...the pragmatic method we had adopted would...lead to a federation validated by the people's vote; but that federation would be the culmination of an existing economic and political reality, already put to the test (J. Monnet, quoted in Featherstone, 1994:159).

In this sense, it is appropriate to say that step-by-step policy making can be interpreted as a strategy in order to achieve a supranational/postnational end point in the European integration process. When we consider the development of EU citizenship, within its short historical context starting with 1970s, we have witnessed a deepening and widening scope of citizenship practices at the EU level. Thus, while its enjoyment is determined according to Member State nationality, in the future it is possible for EU citizenship to transcend the borders of national definitions of citizenship.

From a different perspective, the multi-dimensionality can be emphasized in the emergence and nature of EU citizenship. Perhaps from a multi-level governance point of view, in a report of European Commission, it is argued that because of its *sui generis* nature, EU citizenship should not be compared to national citizenship of Member States. "In this new type of multiple citizenship on different levels, citizenship of the Union complements national citizenship but does not replace it" (COM[2002] 506:7). Indeed, as was mentioned earlier, the evolution path of EU citizenship can be considered as a reversal of the Marshallian evolution line of national citizenship (Benhabib, 1999). Similarly, it is argued by some scholars that EU citizenship is a set of rights and duties emerged as a reflection of various identities people possessing in a territory of complex system of multi-level interaction (Meehan, 2000).

When we consider the institutionalist approach, we find a somewhat combination of intergovernmentalism, neofunctionalism and multi-level

governance approaches which adapted basic arguments of these theoretical analysis to a historical framework emphasizing the dynamic nature of EU citizenship. It also attempt to combine the integration theories with the formation of EU citizenship by focusing on the relationship between a polity (European Union) and its constitution process: "If the definition of the polity depends not only on what constitutes a polity but also on how this polity is constituted and reconstituted through practice, then analysis of constitutional politics needs to take account of citizenship" (Wiener and Sala, 1997:598). With this respect, in the analysis of EU citizenship from an institutionalist perspective, the emphasis is given to the process-oriented and dynamic nature of citizenship. In its history of development, the practices of citizenship in European Community/European Union, EU citizenship evolve from the idea of special rights and common passport policy to a legal institution the content of which continues to extend and become more inclusive.

As a result, by looking at the basic argumentation points and critical claims on the EU citizenship we can reach to some general conclusions. It is possible and easy to argue that, with its existing nature and definitions with reference to Treaties of the European Union, EU citizenship is an additional/supplementary concept depending on the definitions of Member State citizenships. The set of rights found in EU citizenship is said to complement the national citizenship (COM[2001] 506). This can also be interpreted as one of the reasons accounting for the deficient political rights within the constitution of EU citizenship and its economic nature in general covers important social and economic rights. It can also be criticized heavily in terms of its exclusive tendencies, which mainly influence negatively the status of third country nationals (TCNs) and create inequalities between the nationals of Member States and legally resident TCNs.

However, these strong claims on the status and nature of EU citizenship, as if it was a static concept, may lead us to ignore some contradictory developments that can also be identified when the evolution and practice of EU citizenship is analyzed carefully. As mentioned earlier, the citizenship policies and practices in the EC/EU context have evolved from the debates on creation of special rights to the establishment of EU citizenship as legal and constitutive notion of the European integration process.

The adoption of the "Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States" (COM[2001] 257), the proclamation of "the Charter of Fundamental Rights" in the Nice European Council, the studies on the draft of a constitutional treaty and debates on the policies of the European Union related to the rights and status of third country national which are legal residents within the territory of the European Union are all important developments of the near past, reflect that the evolution is continuing both in the European integration and EU citizenship.

Finally, it may be argued that the dynamic and unstable nature of EU citizenship shows that the practices and policies of citizenship create contradictory notions and ideas in its development process. This also means that future possibilities for postnationality are still inherent to the EU citizenship, as they are inherent to the European integration process.

CHAPTER SIX

CONCLUSION

European Union citizenship was formally introduced in 1993 with the Treaty of Maastrict. It became a constitutive part of the European Union and after its introduction; it has also generated a discussion on its nature. This discussion has been, generally, carried out through the question of whether it is a new form of citizenship or, complementary to national citizenship, as it just reproduce the practices and principles of national citizenship. In this context, this thesis aimed to provide an insight to the possibility of postnationality in the case study of the European Union (EU) citizenship. With this purpose, it depends on three different strands of analysis; the contemporary debates on citizenship, the theories of European integration and the formation of EU citizenship. All these different analyses contain a common tension between the continuum of postnational and state-centric understandings which also explains the variety of models, theories and analysis located somewhere between postnationality and nationality. In addition to this, another common issue for citizenship theories, European integration theories and EU citizenship is the dynamism and instability which is inherent to all of them. This is also a result of the recent developments in the contemporary world and the continuing transformation of both the social, cultural, economic and political structures and practices that make it difficult to constitute long-term explanations in social sciences.

Within this framework, for the analysis of my research question, it is necessary to find the relation and establish the linkages between citizenship theories, European integration theories and EU citizenship.

Therefore, in this study, firstly, the citizenship theories have been considered. Recent developments in the contemporary world have influenced and challenged the conventional definitions of citizenship. Within the context of globalization, while international migration flows have increased the heterogeneity of world population, new social movements and cultural identities emerged. New sets of rights and responsibilities have formed in terms of human rights and/or citizenship rights. Also new organizations and institutions emerged some of which tend to challenge and force to change the conditions of conventional and sovereign political entities, especially, the nation-states. All these developments have very much influenced the contemporary debates on citizenship. Conventional definitions of citizenship, in which modern citizenship is often defined as membership to a nation-state, is criticized and challenged with alternative conceptions of citizenship practices. In this context, the institution of the EU citizenship stands as a concrete research material that can be used in the contemporary analysis of citizenship. As an institution, its different historical development and status offers new possibilities as well as creates new tensions including the reconsideration of the definition of citizenship.

To emphasize the variety and possibility of distinct models and theories of citizenship, some of the conventional analyses of citizenship are introduced. While these conventional analyses of citizenship vary in terms of their different methods and theoretical constructions, all of them take for granted the close relationship between nation-state and citizenship and seem to accept modern citizenship as national citizenship.

My analysis continued with the alternative views on citizenship that criticize the conventional definitions of citizenship and focus on different dimensions and attributes of citizenship practices emerging as a result of new developments. Within this context, the concept of "denizenship" is analyzed which emerged as a result of intense international migration flows and used for the explanation of the position of legal resident migrants working and living especially in the West European and North American industrialized states (Hammar, 1989). Also, the paradoxes of state sovereignty and existing definitions of national citizenship in the age of globalization are discussed. This discussion mainly focuses on new developments such as internationalization of labor markets, emergence of multi-level polities such as European Union and emergence of global discourse and instruments on human rights. All these critical analyses, questioning the conventional definitions of citizenship, attempt to offer alternative conceptions; one of which is postnational citizenship.

Then, a selected review of the European integration theories has been introduced. Similar to the contemporary debates on citizenship, in the analysis of European integration there is a continuum from intergovernmental explanations to postnational/supranational explanations. They offer two different scenarios; while the former one represents European Union as an intergovernmental/international regime, the latter represents European Union as a supranational organization, which operates across the Member States. There are also a variety of alternative models between these two poles. One of the reasons of this variety within the European integration theories is that they have a dynamic and evolving nature related to the fact that the process of European integration has an unstable and changing structure. The development stages and the periods of crisis through the integration process, which contain unintended and unpredictable consequences,

influence both the validity and strength of integration theories and may lead to the emergence of new theoretical explanations. Also, prescriptive, descriptive and normative explanations are inherent to theoretical approaches of European integration. While they try to describe and explain the process of integration, they also attempt to determine the developmental route of integration.

By the review of the selected theoretical analysis, it is aimed to argue that there cannot be a single explanation of a complex process like the European integration and different sorts of derivations may be carried out depending on the developing nature of integration, which contains contradictory notions. Moreover, as a component of the European integration, EU citizenship is continuously modified and shaped through the integration process. In this sense, it may be also be argued that these theoretical explanations have an impact on the development of EU citizenship, including its potential and possibilities for further development.

After constituting a theoretical base with the analysis of citizenship and integration theories, the historical development of EU citizenship and its existing structure have been analyzed from a socio-historical perspective depending on the analysis of different sorts of official documents of European Union. The socio-historical perspective followed in this study can be considered as a derivation from the sociological and historical analysis of citizenship that is dealt within the second chapter. Within this framework, it is claimed that specific historical experiences within specific contexts may lead to the emergence of different types of citizenship, as is the case in the EU citizenship. The related articles of the Treaties of European Union, reports, opinions and proposals prepared by European institutions concerning the structure of EU citizenship and the rights exercised within the EU citizenship have been used with reference to the analysis of official documents. Especially benefiting from the analyses of Wiener (1997,

1999), in this chapter, it is aimed to show that the discourse of the citizenship practices in the context of European integration have transformed according to the different periods of integration. This is an essential point for the emphasis of the dynamic, unstable character of EU citizenship. Within this framework, three important policy paradigms have been designated in the historical development of EU citizenship. The politics oriented policies of 1970s turn to market oriented policies in 1980s and with the formal introduction of EU citizenship in 1990s legitimacy and democracy became the major issues in the citizenship practices in the European Union. Recent developments such as the reinforcement of the right of free movement and residence, the proclamation of a Charter of Fundamental Rights and the discourse on third country nationals' inclusion also have been mentioned which are thought to be strengthening the idea that EU citizenship has been consistently evolving mostly, by extending the scope rights it contains and increasing its role in the process of integration.

After presenting this information-based chapter, a critical analysis of EU citizenship has been introduced in the fifth chapter, in order to evaluate the basic attributes of EU citizenship and to provide an insight to the question of whether the possibility of postnationality is inherent to EU citizenship. From this perspective, four basic themes are designated by using the analysis on historical development of EU citizenship and critiques on the practices of EU citizenship in its existing structure which have been introduced in the fourth chapter. These are the complementary/supplementary character of EU citizenship, its economic nature and its deficiencies in providing political rights, exclusive tendencies and the possibility of postnationality.

By combining the contemporary debates on citizenship and the theories of European integration, it is possible to put an argumentation regarding the

possibility of postnationality in the example of EU citizenship. But, first of all, it should be noted that the perceptions on the EU citizenship vary within the continuum between postnational and national explanations. As was mentioned earlier, to an important extent the European integration process is conceived from the same continuum, which is also the case in the current perceptions of citizenship. Therefore, the evaluation of EU citizenship could not present a clear-cut argument both on its existing structure and on its potentialities and possibilities.

In this sense, with reference to definitions and descriptions of EU citizenship, in the official documents of European Union institutions, it is possible to argue that EU citizenship is an additional/supplementary concept that can be exercised with reference to the citizenship regulations of the Member States. The deficient political rights and additional economic and social rights strengthen the belief that the EU citizenship has been introduced in order to reinforce and supplement the national citizenships. Also, the imbalance between the socio-economic rights and political rights brings into mind the question that, as Habermas puts it, there is a risk of "clientelization" in the practice of EU citizenship. Without the development of political rights, the improvements in the civil and social rights can lead to a possible dependency relationship between "the citizens" and the political authority. Within this relationship, the citizens would enjoy the rights that were "granted" and could not have the capability to form new demands and alternatives by exercising their political rights and processing the democratic mechanisms. In addition to these, the acquisition of the EU citizenship conditionally depending on the possession of Member State citizenship directly leads to the exclusion of third country nationals who legally and permanently reside within the territory of European Union. Especially, when the strict migration

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and asylum policies carried out within intergovernmental framework are considered, there seems to be a contrast between the inclusive possibilities of EU citizenship and the exclusive migration and asylum policies.

However, this kind of an analysis may prevent us to take into consideration the potential of EU citizenship. Besides its negative attributes, EU citizenship also offers possibilities of alternative practices of citizenship. If the relatively short history of its development is considered, it will be seen that the practice of citizenship within the context of the European integration started with the discussions of "special rights" in 1970s. In a time period of three or four decades, the citizenship practice in the European Union has evolved from "special rights" discourse to the introduction of the EU citizenship as a formal component of the European integration which is also started to be accepted as the main legitimacy instrument of the European Union and the guaranty of the widening and deepening process of the European integration.

When the enjoyment of the EU citizenship rights by the Member state nationals is considered, a development can be observed. For instance, previously, the right to move and reside freely within the territory of European Union was a conditional right exercised only by the economically active citizens of the Member States. It has evolved and extended parallel to European integration process and recently, it is enjoyed by all citizens of the member states if, for the first four years, they can ensure that they have sufficient resources and sickness insurance. After four years of uninterrupted residence, individuals will acquire a permanent right of residence in the host Member State. Also, until 1990s, the right to vote and stand as a candidate in municipal elections and elections to European Parliament in the Member state of residence has not been introduced. But now, in

the official documents of EU institutions, the ways of encouragement are discussed in order to increase the enjoyment of these rights.

On the other hand, when the position of third country nationals is considered, it can be observed that there are some rights that are granted to all individuals legally reside within the territory of European Union without looking at the nationality of the individual. With reference to the Treaty of Amsterdam, the right to petition the European Parliament and apply to the Ombudsman (article 21), the right of equal payment for male and female workers (article 141) and the consumer rights (article 153) are some of the rights that are based on residence rather than nationality. Recently, discussions have been carried out focusing on the exclusion of third country nationals from some of the EU citizenship rights. In these discussions, the emphasis has been given to the necessity of fair treatment of third country nationals.

In this sense, the continuing of the reinforcement of the EU citizenship for the efficient enjoyment of the rights attached to it strengthens the idea that the EU citizenship became one of the most essential components of the European Union. The proclamation of "The Charter of Fundamental Rights", the studies related to the preparation of the draft of a constitutional treaty and growing debates on the exclusive tendencies of the EU citizenship are some other recent developments may create possibilities of new reinforcements or modifications in the institution of EU citizenship. From this perspective, there is a possibility for the exercise of the full political rights including the national elections. It is also reasonable to argue that there is a possibility of replacement of nation-based definition of belonging to EU with an alternative form of citizenship based on residence. It shows that the EU citizenship preserves the potential of postnational possibilities in its structure.

Consequently, in this study, it is not aimed to cover all the issues within the contemporary debates on citizenship and discussions related to the theories of European integration. Rather, it is attempted to find a common point or a related issue between two strands of theories in order to understand what is the EU citizenship and, depending on its potential, what will it be in the future. In this sense, the debates on nationality vs. postnationality, which is an essential issue in the analysis of the EU citizenship, seem to be a key argument point for both kinds of these theoretical constructions. The attempt of combining these theoretical frameworks in a critical topic and also integrating them to a socio-historical case study may be the attribution of this thesis on the consideration of the potentials and possibilities the EU citizenship has.

There is also another point that has to be mentioned. The possible developments in terms of the evolution and extension of the EU citizenship rights may not influence the situation of illegal residents positively who live in the Member States of European Union positively. They will continue to be subjected to discrimination as a result of exclusive tendencies inherent to European Union policies. In this sense, as Habermas (1994a,1994b) argues, the European Union should also agree upon a liberal immigration policy and decide to form a democratic concept of citizenship, dissociated from national identity which cannot allow exclusive and restrictive asylum and immigration policies. As has been experienced since September 11th, ethnic, cultural and religious differences can be used as exclusive mechanisms. A liberal immigration and asylum policy in addition to an inclusive definition and practice of EU citizenship may create new discussions and provide new possibilities for the development of alternative citizenship conceptions.

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