



The European Union's Citizenship Regime. Creating Norms and Building Practices

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This article deploys the concept of citizenship regime to describe the citizenship norms and practices of the European Union (EU). The EU is, and has been since 1957, involved in building citizenship practices. The goal of the article is to reanimate discussions of European citizenship and to recapture them from the almost exclusive control of political philosophy and a focus on the standard liberal democratic model. Instead, it presents the European citizenship regime for what it is: a set of norms and practices in motion. Its characteristics are captured by analysing four dimensions of any citizenship regime: the responsibility mix; acquired rights and duties; governance; and belonging. On each dimension, current citizenship practices of Union citizenship are briefly described. When this is done, the EU is observed to be adjusting its borders and boundaries of citizenship. *Comparative European Politics* (2007) 5, 53–69. doi:10.1057/palgrave.cep.6110102

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Introduction

This article deploys the concept of citizenship regime to describe fundamental norms and the citizenship practices of the European Union (EU). Its goal is to participate in efforts to reanimate discussions of European citizenship and to recapture them from the almost exclusive control of political philosophy and a focus on the standard liberal democratic model. We will see the European citizenship regime for what it is: a set of practices in motion. These involve fundamental norms, organizing principles and standardized procedures, as citizenship regimes have always done.

European citizenship in context

Citizenship in general and therefore European citizenship in particular is contested. As the 2005 debates about the draft Constitution made abundantly clear, norms and practices of social citizenship are as important to constitutional discourse in the EU as are matters of political rights, democracy and European identity. There is also contestation among academics in a range



of disciplines about the very meaning of citizenship (Jenson and Phillips, 1996; Bosniak, 2000); no authoritative definition exists (Faist, 2001, 40). Nevertheless, with some notable exceptions, discussion of European citizenship has recently been focused on a narrow range of issues, using a definition of citizenship limited to participation and liberal rights. For example, Andreas Føllesdal is concerned that the term 'Union Citizenship' promises too much, because it fails to live up to its name, failing to '... satisfy democratic principles harking back at least to Jean-Jacques Rousseau and Immanuel Kant' (Føllesdal, 2001, 323). Another example comes from a recent issue of *Citizenship Studies* devoted to traditions of citizenship in the EU. Ulrich Preuss and his colleagues bemoan the thin nature of EU citizenship, due in large part to the fact that it is Member States that still confer it (Preuss *et al.*, 2003, 5). They then turn to an examination of differing national practices of citizenship *within* the countries of the Union, as if there were no more to 'European citizenship' than practices within Member States.

As early as 1997, Antje Wiener urged students of the EU to move beyond the traditional and increasingly outmoded understandings of citizenship (Wiener, 1997, 1998). While some researchers accepted the challenge and examined and compared citizenship practices, many others continue to deploy definitions of European citizenship as being limited primarily to democratic legitimacy and human rights. The narrowness of this conception no doubt accounts for the decline in interest in 'European citizenship' within the research community.¹ It fails to reflect the real diversity of citizenship practices that currently exist within the EU and its institutions.

The stance adopted here is that we should heed Seyla Benhabib's call for a fruitful collaboration between sociological and philosophical theory because 'for too long normative political theory and the political sociology of the modern state have gone their separate ways' (2004, 143).² Adopting an historical understanding of citizenship as a notion with contingent rather than an invariable normative content, provides a sociological rather than philosophical reading of the current European citizenship regime and the ways in which it is adhering, just as many countries are, to 'new governance' models of citizen participation and accountability as well 'modernizing' social policy (Jenson and Saint-Martin, 2003, www.cccg.umontreal.ca). With this understanding, we can observe alterations in the norms about democratic government as well as about the very boundaries of solidarity regulated by citizenship practice.

The concept of citizenship regime

Beginning in the 1990s, there was a clear revival of interest in citizenship. There are multiple reasons for this attention, but any list must include European



elites' objective of fostering European citizenship (Wiener, 1998; Petit, 2005). This goal is expressed in the rights identified in the Maastricht and Amsterdam Treaties, and the extension of democratic spaces in the draft Constitution of 2005. But, it is also found in other institutional innovations, well beyond those the draft Constitution grouped under the heading of citizenship.³

The story of modern citizenship, created in national states from the 18th century to the 20th century, is one of constant contestation over borders and boundaries.⁴ For more than 200 years, citizenship involved recognition and protection of rights by public authorities acting within the *borders* of a national state recognized by the sovereignty norm of the Westphalian state system. Citizens have rights and responsibilities within the frontiers of a polity; non-citizens and denizens do not have the same. Despite a tendency in some circles to stretch the concept in several directions (e.g., by speaking of 'citizens of the world' or 'global citizenship'), full citizenship status still implies membership in a bordered community.⁵

In addition, however, it is important to recognize that all nationals — or citizens — have not always enjoyed full citizenship rights. A result is contestation over the *boundaries* of citizenship, that is the conditions under which excluded categories will be recognized as full members. By shifting boundaries, governments expand or contract the space for citizenship and — perhaps even more importantly — for claims-making about citizenship.⁶ Contesting boundaries provides a way for groups representing excluded or unrecognized categories of the population to claim and win inclusion as full citizens.

The concept of citizenship regime is useful in order to capture these historically contingent differences in practising citizenship. By citizenship regime, we mean the institutional arrangements, rules and understandings that guide and shape concurrent policy decisions and expenditures of states, problem definitions by states and citizens, and claims-making by citizens. There are four dimensions to a citizenship regime.

- Citizenship involves the expression of basic values about the *responsibility mix*, defining the boundaries of state responsibilities and differentiating them from those of markets, of families and of communities in the 'welfare diamond.'⁷ The result is the definition of how to produce well-being, whether via the market, via the reciprocity of kin, via collective support in communities, or via collective and public solidarity, that is state provision and according to the principle of equality among citizens. The latter choice establishes a space for citizenship in the responsibility mix.
- Through formal recognition of particular *rights and duties* (civil, political, social and cultural; individual and collective), a citizenship regime identifies those entitled to full citizenship status and those who only, in effect, hold



second-class status as well as those who are not citizens. It establishes the boundaries as well as the borders of inclusion and exclusion of a political community.

- A citizenship regime also prescribes the *governance arrangements* of a polity. Among these, we include the institutional mechanisms giving access to the state, the modes of participation in civic life and public debates, and the legitimacy of specific types of claims-making.
- Finally, a citizenship regime contributes to the *definition of membership*, in both the narrow passport-holding sense of nationality and the more complicated notion of identity. It thereby contributes to maintaining the borders of the regime but also its boundaries, identifying those who consider themselves on the inside and those for whom the regime is alien.

The dimensions of a regime are never fixed once and for all (Jenson and Phillips, 1996). They are subject to redefinition and transformation in accordance with the ideas and practices of the times. Government choices influence how people will live together, and governments continue to make significant and consequential choices about responsibility, community, governing and inclusion in their actions every day. Only some of these choices fall within the boundaries of citizenship; sometimes states assign — or leave space for — significant decisions and outcomes to be determined by families or in markets and communities. The boundaries of citizenship will expand or contract in consequence of the space given to other locations for choice. More space for markets or families means less for citizenship. Therefore, the task of analysing any citizenship regime is to identify the space for citizenship, observing its contraction or expansion, not only with respect to rights and duties, but also in terms of governance arrangements and definitions of membership.

A number of analysts have recognized and identified the parallels in the redesign of citizenship in national states and the EU. For example, Paul Margette (and colleagues) has identified two significant directions of change in governance, adopted in the EU often simultaneously with the same changes in national governments. One is an alteration in organizing principles, associated with the increasing resort to independent or quasi-independent executive agencies. Their use significantly alters patterns of accountability and transparency (Costa *et al.*, 2003; also Flinders, 2004; Sabel and Zeitlin, 2006). A second is the enthusiasm for 'civic participation' and for involving organized civil society in policy processes (Margette, 2003; also Meehan, 2003; Jenson and Saint-Martin, 2003). A third change is the observation that in the areas of labour and social policy, both European institutions and national policy regimes are moving towards labour market activation and to efforts to



‘modernize’ social policy to make it more proactive and less ‘passive’ (e.g., Esping-Andersen *et al.*, 2002; Zeitlin *et al.*, 2005).

In part, these parallels exist because of the ways in which national states, in Europe and elsewhere, are redesigning their own citizenship regimes. They are building citizenship regimes in which the responsibility mix assigns greater space for well-being to non-governmental organizations (NGOs) and market-based decision-makers, in which new forms of citizen involvement in and access to policy-making are initiated, in which rights are defined in general and flexible ways, to be given content in decentralized processes, and finally in which challenges to national identities and commitment are supposed to be resolved by resort to ‘good governance.’⁸ Newman *et al.* (2004, 204) summarize these changes this way.

The role of the state shifts from that of ‘governing’ through direct forms of control (hierarchical governance), to that of ‘governance,’ in which the state must collaborate with a wide range of actors in networks that cut across the public, private and voluntary sectors, and operate across different levels of decision-making. Public administration and social policy literatures variously describe the ways in which governments — in the UK, the USA and across much of Western Europe — have attempted to shift the focus towards various forms of coproduction with other agencies and with citizens themselves through partnerships, community involvement and strategies of ‘responsibilization.’

Such changes, although most often ascribed to discussions of new governance, go well beyond issues of accountability, participation and so on. They are almost inevitably linked with alterations in rights and duties and the responsibility mix more generally (as the quote from Janet Newman makes clear). They have also been implicated in sustaining space for sub-national and supra-national feelings of belonging, particularly in multinational states (e.g., Papillon and Turgeon, 2003). The EU is not alone, in other words, in reshaping both the borders and boundaries of its citizenship regime.

The Dimensions of the EU's Citizenship Regime

This section examines the dimensions of the European citizenship regime, taking each separately and pointing to the consequences for the designation of borders and boundaries. The discussion of the content of citizenship will not be limited to that which the EU officially designates as touching on ‘citizenship’ — that is Articles I-9 and I-10 of the draft Constitution. It will include under the label of citizenship the social, economic and environmental rights that are becoming European as well as forms of policy-making involving citizens who are often treated under other headings. The focus will be primarily on the



post-Amsterdam and post-Lisbon moments, although our sociological understanding of citizenship compels recognition that some elements of EU citizenship existed well before Maastricht.

European citizenship rights and duties

Europeans have enjoyed some classic citizenship rights since the Treaty of Rome. The construction of the edifice has been long, undertaken in a piecemeal fashion and often promenading under another name altogether, such as worker mobility, the single market, institutional reform and so on. Just as in national stories of citizenship, rights were often first targeted and guaranteed over time to particular categories of the population before boundaries were extended to all.

The Treaty of Rome and subsequent directives and judicial decisions provided rights to European workers, guaranteed by Community institutions.⁹ For the most part, these were rights arising from the Community's mission to create a common market and economic space, and therefore rights were linked to employment. Article 118 of the Treaty of Rome guaranteeing freedom of movement recognized a traditional civil right, to use T.H. Marshall's typology, and provided the foundation for decisions of the European Court of Justice (ECJ) dealing with residence, the administration of justice and ownership of immovable property for workers moving within the Community. In addition, the ECJ recognized that the Treaty gave a common legal right to expect, and duty to ensure, that states comply with Community law. While these were rights of 'Europeans,' the mechanism to guarantee them was regulation of Member States' behaviour.

Non-discrimination emerged as one of the most important of these legal principles. Regulations outlawed discrimination based on nationality with respect to migrant workers' access to insurance-based social benefits and social assistance. Discrimination on the basis of sex was targeted in interpretations of Article 119 of the Treaty of Rome, and provided the legal basis for five important Directives in the 1970s and 1980s.¹⁰ Then in the 1990s the Social Dialogue process generated Directives guaranteeing parental leave and leave for family reasons, establishing the burden of proof in cases of discrimination, and extending protections to part-time work.

Civil rights went beyond the principle of non-discrimination. The Single European Act of 1987 required consultation and protection in situations of risk and hazard at work. Young workers and older workers were targeted in the 1989 Community Charter of Fundamental Social Rights of Workers. Social Dialogue, and the Maastricht Treaty brought movement towards protections on working conditions and workers' rights of consultation. Thus, well before treaty recognition of EU citizenship, such decisions conferred rights and duties that crossed borders and broke down boundaries of difference.



'Citizenship' formally entered Europe's political discourse in the early 1970s, fully 20 years before the Amsterdam Treaty, and focussed initially on two policy packages, those of voting rights for Community citizens and passport union (Wiener, 1997, 530–538): a 1976 Council decision guaranteed direct universal suffrage in the first European elections; a Council resolution on the European passport came in 1981. Both actions were emanations of concerns, expressed much earlier, about the need to foster feelings of belonging to the Community, expressed, among other places, in the field of education (Petit, 2005). In other words, well before the formal consolidation of European citizenship in Treaty form, we can observe a steady expansion of the borders of citizenship via the conferring of civil, democratic and social rights across the European space.

Concerned to counter criticisms about the narrowness of the Single Market project as well as the so-called democratic deficit, European institutions finally consecrated formal citizenship status in two steps (Warleigh in Bellamy and Warleigh, 2001, 21–22). Article 8 of the Treaty on EU of 1992 awarded all nationals of Member States the complementary status of EU citizenship, and opened a new constitutional channel for collective participation, via the Committee of the Regions. A flurry of initiatives, studies and interventions marked the period between Maastricht and Amsterdam (Wiener, 1997, Table 1, 546). Citizenship was confirmed as a personal status at Amsterdam, conferring new rights: increased freedom of movement, the right of European citizens to vote in some elections according to residence rather than nationality; the right to stand in local elections as well as European elections in a Member State other than their own; the right to petition an Ombudsman and the European Parliament; the right to diplomatic protection by another Member State in third countries when one's own state is not present. The Treaty also located European citizenship via a reference to the European Convention on Human Rights and Fundamental Freedoms.

Maurizio Ferrera (2005a, 5, www.urge.it/files/papers/5_wpurge4_2005.pdf) recently summarized the effects of Europeanization on borders and internal boundaries, for two of Marshall's standard categories of rights, civil and social: 'The traditional link between rights and territory has become much looser: for most civic and social rights, the filtering role of nationality has been neutralized.'

The responsibility mix

This is not the place to rehearse again contestations about the normative teleology of the EU: a 'Europe of the bankers,' an 'ever wider union,' and so on. Suffice it to say that the initial criticisms of the social provisions of Maastricht were correct. After reviewing the work of many critics, Thomas



Faist summarized the situation at the end of the 1990s (2001, 38): '... rapid economic integration is not accompanied by an equivalent adaptation of social policies and legislation. ... Correspondingly, the Union citizenship created by the Treaty of Maastricht is not considered to be an effective step in creating and maintaining substantive social rights.'

At the same time that critics were railing against the emphasis on market-making without social rights, however, within the EU institutions movement to protect and extend the boundaries of European social rights never came to a complete halt. The neoliberal thrust towards deregulation and a reduced role for the state has been weaker in EU institutions than at the Member State level (Falkner *et al.*, 2005; Pochet, 2006, 3, www.ces.fas.harvard.edu/bismarck/papers.html). A catalogue of European social rights was developed for the Charter of Fundamental Rights (proclaimed at the European Council in Nice in 2000) and incorporated into Part II of the draft Constitutional treaty. The naming of these 'solidarity' rights is seen by some as 'a very significant innovation, which could promote a normative and symbolic re-balancing of the Union's overall mission and thus might prompt a gradual redress of the traditional asymmetry between the economic and social dimensions of integration' (Ferrera, 2005a, 8–9).

A key space for the institutionalization of citizenship norms within the responsibility mix follows from the European employment strategy (EES). The main objective of the EES (as that of all employment policies since at least Keynes) is to ensure that policy interventions contribute to economic growth. At the same time, it is meant to ensure some protections to workers and provide incentives to increase employment (Jenson and Pochet, 2006). One innovation that allowed more space in the responsibility mix for regulation according to principles of citizenship was the invention of the open method of coordination (OMC) as a new tool in the governance arsenal of the EU. The OMC is modelled from experimentation with the EES, begun in 1997. What has come to be labelled the 'Lisbon strategy' had two goals: to improve European competitiveness and to coordinate European methods of social protection. Initiatives can be loosely characterized as either 'competitiveness-fostering' or 'welfare-fostering,' with the first bringing an emphasis on the information society, research and development policy, internal market and macro-economic policy; and the second bringing talk of the renewed European social model, involving investing in people, activation, education, employment policy, sustainable pensions, actions against poverty and social exclusion and so on (Borrás and Jacobsson, 2004, 189–190).

All targets of the OMC have not been met, of course (Collignon *et al.*, 2005; Zeitlin *et al.*, 2005). Nevertheless, the efforts spent on it represent the extent to which there is, within the institutions of the EU, a place for a discourse on social citizenship and for the notion that the Member States *should be* seeking to pursue



common objectives. This is not, in other words, the 'American social model' of minimalist labour rights, 'any job is a good job,' and relegation of employment policy to the cupboard in order to free up market forces (Ross, 2006, forthcoming).

Looking at it this way leads to an assessment of the Lisbon strategy as a factor in maintaining space for citizenship and regulating its boundaries as well as borders. While neither the EES nor the poverty and social inclusion commitments announced at Luxembourg, Lisbon, and after generated European social rights in the strict sense of transgressing borders (because such rights remain within national competence), Europeanization has occurred (Falkner *et al.*, 2005; Pochet, 2006 provides an inventory) and efforts to overcome structural blockages (such as to gender equality) continue (Jenson, 2006a).

It is also important to acknowledge the extent to which the social agendas since Lisbon are reconfiguring the responsibility mix in another way. The Directives of the 1970s, the equality opportunities unit and the childcare expert network in the 1980s and 1990s provided reasonably solid grounding for reworking the family corner of the welfare diamond. Recognition of the so-called new social risks has generated pressure for improved parental leaves, childcare and other social supports (Esping-Andersen *et al.*, 2002; Jenson and Saint-Martin, 2006). Multiple institutions call for public support to relieve families of some of the responsibilities assigned to them during the *trente glorieuses*. These include agreement at the 2002 Barcelona European Council that Member States should remove disincentives to female labour force participation and strive to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age, and at least 33% of children under 3 years of age. In addition, the 2004 *Report of the High Level Group on the future of social policy in an enlarged European Union* well understood the link that exists between achieving demographic goals and European families' access to a range of publicly funded services (such as early childhood education and care) and benefits (especially housing) (Jenson, 2006a).

If met, such commitments would mark a significant rearrangement of the responsibility mix from its post-1945 shape, in which decisions about child-bearing and raising were essentially a family matter, even in states in which generous family allowances provided income supplements in the form of family allowances and women's labour force participation rates were high. Just as welfare reforms in most countries now provide significant disincentives for women to substitute childcare for employment, so too do the employment strategies of the EU and its Member states. But, as the Barcelona targets and demography debates make clear, there is also recognition of the need for greater public support for services and benefits, if women are to be citizen-workers much the same as men.



Governance arrangements

Vast amounts of ink continue to be devoted to issues of governance in the EU.¹¹ Much of the discussion treats governance as a synonym for 'the ability to make decisions collectively,' as Marcus Jachtenfuchs does when he defines governance as: 'the intentional regulation of social relationships and the underlying conflicts by reliable and durable means and institutions, instead of the direct use of power and violence' (2001, 246). Taking governance to mean institutions and practices of collective choice aligns the concept with familiar notions such as governing and government, with Jachtenfuchs' definition gesturing towards Max Weber's definition of the state.¹²

Useful as such perspectives may be, this is not the meaning of governance that is invoked when the governance dimension of the citizenship regime is analysed. Rather, it is a definition that focuses on norms, processes and institutions that link citizens and states. This focus is sometimes labelled the 'new governance' approach (e.g., Eberlein and Kerwer, 2004), tracking moves away from practices associated with the forms of government and governing described by Max Weber in his presentation of the modern state. In his review of this new governance literature, Saint-Martin (2004, 7, www.cprn.org) identifies as among its basic characteristics: a move away from hierarchy and competition as alternative models for delivering services towards networks and partnerships traversing the public, private and voluntary sectors; the replacement of traditional models of command and control by 'governing at a distance;' governing practices that seek to provide leadership, build partnerships and coordinate rather than direct (summarized in the phrase 'steer not row'); the opening-up of decision-making to greater participation by the public with innovations in democratic practice as a response to the problem of complexity and fragmentation of authority; a broadening of focus by government beyond institutional concerns to encompass the involvement of civil society in the governance process (see also Newman *et al.*, 2004, cited above).

The ideas of new governance have been popularized in the institutions of the EU to address a classic challenge in any citizenship regime: providing access points to citizens. It has been, then, an institutional response to criticisms about the democratic deficit. The 2001 *White Paper on European Governance* is perhaps the most obvious location in which this perspective is codified. In addition to attention to the fundamental norm of democracy, governance changes have focused on the organizing principle of accountability, including in situations in which the principal-agent relationship does not exist (Sabel and Zeitlin, 2006, 8-9). Albeit contested, alternative governance arrangements to those of the standard model of liberal democracy are being developed by the EU, and they can be identified in a range of institutional settings and practices,



from those responsible for regulatory rule-making to the OMC (Sabel and Zeitlin, 2006, Parts II and III).

The OMC is one example. It emerged during the years in which EU governance was under the microscope, and it was intended to improve the quality of the decision-making process itself as well as improve the content of social policy. The Lisbon Council consolidated the OMC as 'an important tool to improve *transparency* and *democratic participation*.' This was to be achieved, in particular, by 'varied forms of partnership' among the EU and Member States, regional and local institutions, social partners and civil society (quoted in de la Porte and Nanz, 2004, 267). The OMC proposes, in other words, to make visible the route to representation for European citizens that has existed for decades in more or less recognized form as consultation, network participation and lobbying (e.g., Jachtenfuchs *et al.*, 1998; Warleigh, 2000). It also promised to formalize their representation and participation in new institutional spaces, involving civil society organizations and social partners as well as their national and local governments. The OMC replicates the new governance's understanding of citizens' relationship to political authority as one that is decentralized and based on networking, organized by way of partnerships with civil society, including groups from the private and third sectors, and provides an alternative to standard liberal democratic representation. The hope was that it would bolster the legitimacy of the EU just as national states hoped new governance promises would increase the legitimacy of their policy choices and new practices in neoliberal and post-neoliberal times.

Themes such as transparency, participation, circulation of ideas and learning initially generated a great wave of enthusiasm for the OMC as an expression of deliberative democracy. Optimism has been tempered by empirical analyses of its implementation. The longest experience has been with the EES, and it appears to be the area in which hopes for democratic forms have been most realized (de la Porte and Nanz, 2004). Overall, however, observers have concluded that the OMC is not a mechanism that either fully responds to the principles of deliberative democracy or can overcome the democratic deficit. If anything, it has produced more attention to coordination of policies (and the space for social citizenship) than for democracy.

The 2001 *White Paper on European Governance* [COM(2001) 428] is another location for a detailed consideration of European governance. In it participation is identified as one of the five principles of good governance, along with openness, accountability, effectiveness and coherence. Improved participation is supposed to enhance both the efficiency and legitimacy of European governance by responding 'to the expectations of the Union's citizens,' helping 'connect Europe with its citizens,' leading to a 'less top-down approach,' and making the policy process 'more inclusive and accountable.'



All this, in turn, should 'create more confidence' in European institutions and generate 'a sense of belonging to Europe' (Magnette, 2003, 147). It is, in other words, clearly a document about the design of the European citizenship regime (Jenson and Saint-Martin, 2003). This focus on participation represents an important shift in the discourse of and about the EU (Magnette, 2003, 147–148). The emphasis on participation grounds the White Paper's vision of the institutions of modern governance, clearly departing from inter-governmentalism.

As with respect to every action of the EU, contestation quickly emerged after publication of the White Paper. Critics pointed out its limits and even its dangers (e.g., Scharpf, 2001; Höreth, 2002). My goal is not to arbitrate. Rather, it is to signal that the proposals of the White Paper, many of which were pre-figured in the OMC and others revived in the Constitution, mark a shift in the EU's understanding of its own citizenship regime. While one may raise questions about whether the governance provisions of the citizenship regime envisioned are sufficiently democratic, sufficiently functional, sufficiently legitimate or whatever, there is no doubt that the White Paper did propose, and even marked a move towards, a vision of governance that matched the possibilities of the EU's multilevel institutions and its existing citizenship practices with respect to consultation with civil society.

For its part, however, the draft Constitution that emerged from the Convention tended to treat governance within the standard liberal model. The Article of the draft Constitution dealing with social policy coordination did not mention participation of organized civil society or other actors (de la Porte and Nanz, 2004, 268). The draft hewed to the long-standing EU principle of subsidiarity, and there too reflected a common idea in citizenship regimes of many countries, that is the need to devolve policy choices to the sub-national and local level, in the name of good governance.

Definition of membership

This dimension of the EU's citizenship regime continues to cause it significant problems, as it has for decades (Wiener, 1998). Part of the reason there is contestation is that, as with respect to governance, the expectations set by policy communities and including social scientists are very high. They often take as the norm for a collective identity an — imaginary — exclusivity of national identity that, if it existed, has been the norm only in a limited number of historical situations. All multinational states — such the United Kingdom, Spain and Canada, for example — understand that national identities can be and have been plural, contested and changeable; effectively widening the boundaries and altering the borders of citizenship neither requires nor automatically generates a uniform sense of belonging. As Martin Kohli



(2000) points out in his useful overview, and as theorists of citizenship such as A.D. Smith (1991) and Charles Taylor (1989) confirm, national identities exist historically in a multiplicity of combinations. Some are homogeneous, but equally frequent have been those that are fragmented, pluralistic and often limited to a commitment to civic norms. Therefore, the limited nature, fragility and even the 'negotiability' of European national identities category are not surprising to analysts whose cases of reference are multinational states (see e.g., Gagnon *et al.*, 2003). Nor are they surprised by the amount of effort that policy communities put into the fostering the feeling that one is a member in good standing and that one's community is recognized.

Efforts on the part of European institutions to foster feelings of belonging have been wide-ranging and long-standing. Everything from passport union to the symbols of Europe identified in the draft Constitution, from mobility rights to educational mobility, from democratic rights to social protections have been tried. The Structural Funds, the second largest budgetary item of the EU after the common agricultural policy, are intended to be an expression of cross-regional solidarity (Ross, 2002, 113–116). As such, they are a familiar tool for analysts of identity politics in multinational and federal situations. They constitute an expression of common purpose, support for regional equality and the achievement of what are sometimes termed in federal settings, 'national standards.' They are, in other words, key instruments of identity building.

But none of these tools affecting the membership dimension of the citizenship regime, any more than in other multinational situations, are 100% effective. Indeed, levels of enthusiasm and fear are also linked to the other dimensions of the citizenship regime. As borders of social citizenship become more porous, for example, many European citizens express a preference for maintaining closure so Member States retain competence over who accesses rights and how benefits are designed (Ferrera, 2005a, 1–2). Some European citizens remain stubbornly under-enthusiastic about the EU, and indeed suspicious of it. This is hardly surprising, of course, at a time when plural identities and competing identity claims characterize politics in many places. Small nations seek to break the bonds of 'national unity,' whether in Europe or in North America, using social citizenship as a criterion of distinction. If one accepts the well-established contention that plural identities are the norm, not simply in the circumstances of post-modernity but for decades if not centuries in multinational situations, then the assessment of the feelings of belonging in the European citizenship regime is less negative than many would suggest. As Kohli puts it (2000, 125) after examination of Eurobarometer data: '... if identity is conceived of as a multilevel set of attachments, Europe is now a part of it for the majority of its citizens. If, on the other hand, one clings to an exclusionary concept of identity, European attachment is still highly minoritarian.'



Concluding remarks

This article had a primary goal, to reopen a discussion about European citizenship, taking it beyond the confines of contestations about legitimacy. This is where and how citizenship is currently being primarily considered, both within the EU's institutions and in political theory. My goal was to relocate under the rubric of citizenship the actions of the Union that since 1957 have opened space for shared social rights and a plurality of routes to representation as well as multiple forms of identification. In doing so, the goal was to draw into the tent of a discourse on European citizenship considerations of new governance arrangements as well as social citizenship, both of which establish frontiers between public and private, family and state, and have clear effects on the belonging dimension of any European citizenship regime.

Such changes, of course, merit normative attention. But, before they can be normatively judged, it is as important to recognize them for what they are. They are much less examples of a *sui generis* 'European' experience than they are the shape of citizenship to come. It is as such that they can and should be engaged.

Notes

- 1 Albeit an indicator with limited accuracy, a search on *Google Scholar* reveals the heyday of 'European citizenship' to have been, not surprisingly, between 1997 and 2000. Two books were published in 2001, albeit based on work collected earlier (Bellamy and Warleigh, 2001; Eder and Giesen, 2001). For overviews of the discussions of European citizenship, see an early paper (Warleigh, 1998) and a more recent one (Preuss *et al.*, 2003). Discussions of social citizenship in the EU will perhaps be revived, following the publication of Ferrera (2005b).
- 2 See also Bellamy (in Bellamy and Warleigh, 2001, 43), who put it this way: 'Historically, the processes of state-making, constitutionalism and the development of citizenship have gone hand in hand, reflecting not only external pressures, notably war, but also internal political struggles amongst citizens themselves. Most normative citizenship theorists and many legal and political scientists have discounted these factors. They have either seen them as a matter for historians and political sociologists or fallen back on an implicit teleology derived from a Whiggish reading of Marshall...'
- 3 Title II of the draft Constitution affirms European citizenship, linking it to fundamental rights (Article I-9) and participation, diplomatic and mobility rights (Article I-10).
- 4 Jenson (2006b) develops this distinction between borders and boundaries in citizenship norms and practices. The intent of using the two terms is to avoid the confusion that can arise, for example, where Maurizio Ferrera (2005a) looks at the boundaries created both by insider-outsider access to social insurance and the boundary between access determined by national borders and by the EU.
- 5 To say it is 'bordered' does not mean that the community will correspond to the frontiers of sovereignty (see also Bosniak, 2000; Bellamy and Warleigh, 2001, 5–6). It is simply to say that, for the moment, the notion of 'global citizenship' remains little more than a liberal universalist ideal.
- 6 Elizabeth Meehan (2000, 5) provides a classic example of the *immigrée de l'intérieur*: 'In late 19th century America, the Supreme Court ruled that a woman was, indeed, an American citizen



but that being a citizen did not necessarily carry the right to vote. This empties the classical conception of 'citizen' of part of its core meaning'

- 7 The notion of responsibility mix is similar to the 'welfare triangle' used by Esping-Andersen *et al.* (2002). Instead of using the triplet state/market/family, I prefer to use the image of the 'welfare diamond' of state/market/family/community (Jenson, 2004, www.cprn.org).
- 8 In his article, in contrast, Paul Magnette offers a more limited view of the concept of governance. Drawing on the work of Majone and of Héritier, he focuses on regulators and the involvement of civil society, as well as the notion of legitimation via multilevel governance (Magnette, 2003, 145). As the quote from Newman *et al.* (2004) suggests, the concept has been used much more broadly by those working on national states, with partnerships in service delivery being as important as partnerships in decision-making.
- 9 These paragraphs draw on Meehan (2000).
- 10 The five Directives increased the scope of equal pay; extended the right of equality into conditions of employment; applied the principle to statutory and occupational social security schemes; and gave comparable benefits and protections to self-employed women. In addition, a 1992 Directive protected pregnant workers and guaranteed levels of maternity benefits.
- 11 For overviews see, for example, Jachtenfuchs and Kohler-Koch (2004) or Sabel and Zeitlin (2006).
- 12 Therefore, those using this definition tend to distinguish between 'government' that is assumed to have a single centre of power (i.e., a national government) and/or relies on law. Given that most of the 'new governance' literature (see Saint-Martin (2004) for an overview) was developed for the analysis of national states, neither of these criteria applies to it.

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