The Concept of ‘European Citizenship’: National Experiences and Post-National Expectations?

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Different models of citizenship provide the paper with a theoretical framework, through which the empirical data has been examined. The theoretical approaches dealt with in this paper are the liberal, the republican/communitarian and the ‘post-national’ models of citizenship respectively. Fundamental ‘key concepts’ have been derived from these different models of citizenship, which have facilitated the analysis by providing the interpretation of the EU citizenship with an analytical framework.

To find answers to the initial research questions and fulfil the aim of the paper, a qualitative and hermeneutic study has been carried out, aiming at interpreting and understanding the European citizenship placed within its socio-political context. Text and language constitute the units of analysis and, hence, a textual analysis has been conducted of official EU documents. Following a conceptual history approach, concepts are not just reflections of historical processes, but can themselves contribute to historical change by making new things imaginable. As emphasised throughout the paper, concepts embrace at the same time a ‘space of experience’ and a ‘horizon of expectation’.
The main conclusions drawn from the research can be summarised in a number of points. First, while the concept of European citizenship was originally connected to a formal and economic view upon citizenship, close to a liberal/neo-liberal notion of citizenship, the texts express an aim of a more active citizenship, emphasised in the republican/communitarian tradition. Secondly, despite a multicultural and post-national rhetoric concerning the status of long-term resident TCN’s, the gaining of ‘full’ EU citizenship can still only be attained through nationality in a Member State. Thirdly, the importance of interpreting a concept placed within its socio-political context has been clear from the study. The semantic analysis has showed a close link between the European citizenship and the goal to create an ‘area of freedom, security and justice’ throughout the Union. This goal is interpreted as a response to recent occurrences in the world, but at the same time it expresses expectations about the EU citizenship, and it can thus itself affect future developments in this field.

To sum up, while the concept of European citizenship is post-national to the extent that it applies to all EU citizens irrespective of where in the Union they live, it is still not completely based on the principle of residence. Only nationals of an EU Member State can obtain citizenship of the Union. Thus, the concept of European citizenship, while establishing a citizenship across national borders, is still based on nationality.

Nyckelord
Keyword
EU, European citizenship, citizenship, third-country nationals, justice and home affairs, immigration policy, area of freedom security and justice, conceptual history, liberalism, communitarianism, multiculturalism, post-nationalism
Abstract

The aim of this thesis is to interpret and understand the concept of citizenship in general, and the European citizenship in particular, placed within a broad theoretical framework. Furthermore, the purpose is to examine whether the development of a European citizenship indicates an emergence of a new ‘post-national’ model of citizenship, based on residence rather than nationality or place of birth. In order to address this, the status of third-country nationals (TCN’s), who are legally long-term residents within the Union, in relation to EU citizens has been analysed from the theoretical perspectives.

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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
</tr>
<tr>
<td>DG</td>
<td>Directorate General</td>
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<td>EC</td>
<td>European Community</td>
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<td>EMPL</td>
<td>Employment and Social Affairs</td>
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<td>ENAR</td>
<td>European Network Against Racism</td>
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<td>EP</td>
<td>European Parliament</td>
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<td>EU</td>
<td>European Union</td>
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<td>JHA</td>
<td>Justice and Home Affairs</td>
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<tr>
<td>OJ</td>
<td>Official Journal</td>
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<tr>
<td>PJCC</td>
<td>Police and Judicial Cooperation in Criminal Matters</td>
</tr>
<tr>
<td>SEA</td>
<td>Single European Act</td>
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<tr>
<td>TCN(‘s)</td>
<td>Third-Country National(s)</td>
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<tr>
<td>TEC</td>
<td>Treaty establishing the European Community</td>
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<tr>
<td>TEU</td>
<td>Treaty on European Union</td>
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<td>ToA</td>
<td>Treaty of Amsterdam</td>
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1. Introduction

“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.”

In the Maastricht Treaty, signed in 1992, the concept of ‘citizenship of the Union’ was
introduced. As expressed in the Treaty: “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”. Thus, it is the Member States of
the European Union (EU) that decide, following their respective system of how to
gain national citizenship in the states, who is to become an EU citizen.

Attached to European citizenship are mainly four categories of rights: freedom of
movement and residence on the territory of the Union; the right to vote and to stand as
a candidate in elections to the European Parliament (EP) and in municipal elections in
the Member State in which the person resides; the right to protection by the
diplomatic and consular authorities of any Member State where the state of which the
person is a national is not represented in a third country; and, finally, the right to
petition the European Parliament and apply to the Ombudsman. The last one of these
rights further applies to all natural or legal persons residing in any of the Member
States.

Even if the formal rights attached to the EU citizenship, as formulated in the Treaty,
indicate a rather ‘thin’ notion of citizenship, the concept of European citizenship
brings with it an important symbolic meaning. After all, “the aim of European
citizenship is to strengthen and consolidate European identity…”

Every person having a national citizenship in any of the Member States holds the
European citizenship, and, following that, have certain rights and obligation within
the whole Union. However, at the moment more than 20 million people are legally
living within the EU area without citizenship in any of the member states, and,
following that, without European citizenship. These persons are so called ‘third-
country nationals’ (TCN’s), that is they are long-term residents in one of the Member
States, but they hold the nationality of a non-EU state. The issue of TCN’s is an
important one on the EU agenda today, as part of the emerging common immigration
policy within the Union. TCN’s permanently residing in the Union, of course, claim
to be granted certain rights, and the influence of universal human rights in this policy
area is evident. For instance, principles regarding respect for human rights and

1 Consolidated Version of the Treaty Establishing the European Community (TEC), Official Journal
2 See TEC, Art. 17-22 (ex Art. 8-8e).
3 TEC, Art. 17.1.
4 TEC, Art. 18-21.
http://europa.eu.int/scadplus/leg/en/lvb/a12000.htm
6 European Parliament Resolution on the third Commission report on citizenship of the Union
fundamental freedoms were emphasised in the Amsterdam Treaty (ToA), which entered into force in 1999.\(^7\) Furthermore, the joint proclamation of the Charter of Fundamental Rights of the European Union, signed in Nice in 2000, formulates the civil, political, economic and social rights of all persons resident in the Union, EU citizens as well as others.\(^8\)

When trying to develop a common immigration policy, the Member States face many sensitive issues regarding their sovereignty and exercise of border controls. According to the European Commission, the EU laws on Justice and Home Affairs (JHA) “…deal with complex issues of security, rights and freedom and, in many ways, they lie at the heart of the concept of European citizenship”.\(^9\) In addition, they stress that cooperation in this field never has been easy, since these issues “…lie at the heart of the concept of national sovereignty”.\(^10\) Hence, the issue areas of citizenship of the Union and the emerging common immigration policy of the EU are closely interlinked. What, then, is the status of TCN’s within the Union, in relation to EU citizens? The issue is of high priority among the Member States, and one that will be addressed extensively in this paper.

As indicated by the emergence of a European citizenship, the concept of citizenship is currently under transformation. Does the development of a European citizenship indicate a change in the concept of citizenship, in the sense that it is no longer necessarily linked to nationality? According to Soysal, “a new and more universal concept of citizenship has unfolded in the post-war era, one whose organising principles are based on universal personhood rather than national belonging”.\(^11\) Moreover, a ‘postnational’ model of citizenship has replaced the national one, and this new model finds its legitimacy in “transnational discourse and structures celebrating human rights as a world-level organizing principle”.\(^12\) Hence, there seem to be some paradoxical developments taking place in contemporary international relations. On the one hand, globalisation leads to the reconfiguration of the nation-state, but, on the other hand, the importance of the concept of citizenship is still crucial.

However, according to Koselleck, new concepts do not merely reflect political and social change, but they can also contribute to historical change by making alternative development conceivable.\(^13\) With the words of Koselleck: “Political and social concepts become *instruments for the direction* of historical movement”.\(^14\)

\(^12\) Soysal (1994) p. 3.

This view on language is used in ‘conceptual history’; the approach that will guide this paper. The method will be addressed more extensively in the methodology part.
What, then, is the relationship between political and social change and the language used? This issue constitutes one of the fundamental problems to be addressed in this paper, and will thus be highlighted more comprehensively further on. Hence, it is with the concept of citizenship in general, and the European citizenship in particular, that this paper is concerned. Text and language constitute the units of analysis, and the purpose is to interpret and understand the concept of European citizenship, following a qualitative approach.

1.1. Aim and Research Questions

The aim of this thesis is to interpret and understand the concept of citizenship in general, and the European citizenship in particular, placed within a broad theoretical framework. Furthermore, the purpose is to examine whether the development of a European citizenship indicates an emergence of a new ‘post-national’ model of citizenship, based on residence rather than nationality or place of birth. In order to address this, the status of third-country nationals (TCN’s), who are legally long-term residents within the Union, in relation to EU citizens will be analysed from the theoretical perspectives.

To fulfil the aim, a textual analysis will be made of relevant official EU documents. The documents will be analysed with the help of a theoretical framework consisting of different models of citizenship, as well as by trying to find undiscovered patterns in the data. The method used is a qualitative one, influenced by conceptual history. Following a conceptual history approach, concepts must be interpreted according to the interplay between the changing political and social context, on the one hand, and the semantic change of the concept itself, on the other.

Within this framework, four sub-questions arise:

- How is the concept of citizenship understood according to different theoretical models of citizenship?
- How can the concept of European citizenship be understood in relation to these theoretical models?
- How can the status of third-country nationals resident within the Union, in relation to EU citizens, be understood in relation to the theoretical models?
- What patterns can be discovered in the EU documents concerning the linguistic use of the concept of European citizenship?
1.2. Delimitations

This paper addresses the concept of European citizenship from its introduction into the Treaties with the Maastricht Treaty, which was signed in 1992 and entered into force in 1993. The concept was then paid further attention to in the Amsterdam Treaty entering into force in 1997. Hence, it is mainly with the period from 1992/93 and up to now that this study is concerned.

The concept of European citizenship is interpreted in its semantic context, which in this particular study consists of official EU documents. The documents cover, naturally, the period mentioned above, i.e. from 1992/93 and onwards, with a particular emphasis on the period following the ToA in 1997. Since the aim is to grasp the semantic use of the concept at a general EU level, mainly documents from the European Commission have been considered. Documents from the Commission were perceived as appropriate, since the institution draws up the general guidelines for the EU policies. Thus, this paper does not highlight debates over the issue of European citizenship and TCN’s, neither between the EU institutions nor between the Member States.

Moreover, the purpose is not to examine the concept at a detailed judicial level, but rather to discuss and analyse the concept, and its relation to the theoretical and analytical framework, in a politico-philosophical manner.

1.3. Methodology

1.3.1. A Qualitative, Constructivist and Hermeneutic Approach

“The term hermeneutics derives from the Greek word hermeneuein, meaning to understand or interpret.”  

The methodological framework within which to place this thesis is mainly a qualitative one. According to Punch, a somewhat simplified definition holds that the two main types of data are “quantitative data, in the form of numbers, and qualitative data, not in the form of numbers”. The distinction between qualitative and quantitative methods concerns different views about ontology and epistemology; i.e. different views about the nature of reality and about what knowledge is and how it is created. Briefly, quantitative methods are traditionally associated with positivism, which holds that the ‘truth’ can be determined through experiments and observations. Generalizations are important, and analysis of the data is not sensitive to the specific context.

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17 Patton, Michael Quinn, p. 571.
In contrast, this thesis uses qualitative methods, which aim at interpreting and understanding a phenomenon in its context from a holistic perspective.\(^\text{20}\) ‘Reality’ is conceived to be ‘constructed’, which means that what is ‘real’ differs depending on specific cultural and linguistic contexts. Hence, the ontological view is based on ‘constructivism’ rather than positivism. The constructivist perspective can be described as being “…ontologically relativist, epistemologically subjectivist, and methodologically hermeneutic and dialectic”.\(^\text{21}\) Following a hermeneutic approach, the objective of the study is to interpret and understand the concept of European citizenship, by analysing relevant official EU documents. Hermeneutics places the text in focus, and the historical and cultural context is of importance in the analysis. Attention is often directed towards the writer of the text, and towards the intentional meanings, but also towards the researcher him-/herself.\(^\text{22}\) However, in this study, it is the text, and its wordings and meanings, which are of importance, and not the writers and their intentions. Further, hermeneutics doesn’t hold that an interpretation is necessarily “true”, “…[i]t must remain only and always an interpretation”.\(^\text{23}\)

Qualitative methods, however, have been subjected to various criticisms. For instance, qualitative research has been accused of being unrepresentative, unreliable, incomparable, and not able to make generalisations out of the findings. The data produced is considered to be ‘soft’, compared to the ‘hard’ scientific data provided by quantitative research.\(^\text{24}\) However, the purpose of qualitative research is not always the same as for quantitative approaches. For example, the aim might be to seek diversity, not representativeness. Concerning generalisability, qualitative researchers often prefer the term ‘transferability’ to generalisability.\(^\text{25}\) Although researchers following a qualitative approach must be cautious about making generalisations from a small number of cases, the research can often ease an understanding of other similar circumstances.\(^\text{26}\) Moreover, generalisability is not always the objective of a study, for example when a case deserves to be investigated in its own right, because it is very significant, fascinating or so unique so there is only one of its kind.\(^\text{27}\) Thus, qualitative researchers, for instance with a constructivist approach, are “…more interested in deeply understanding specific cases within a particular context than in hypothesizing about generalizations and causes across time and space”.\(^\text{28}\)

Further, some fundamental terms in social research needs to be briefly discussed. The term ‘validity’ traditionally refers to that the data is valid if the instruments used measure what they are supposed to measure. This form of validity is mainly applicable in quantitative studies, where the methods used are based on positivism and often include different forms of measurement and statistics. However, in a broader sense the question of validity is relevant also in qualitative research, where validity concerns, with the words of Punch, “…how well do the data represent the phenomena for which they stand?”.\(^\text{29}\) ‘Reliability’ is another common term in social

research, and has to do with whether the research is consistent or not. Reliability too has its roots in a positivist worldview, and aims at cautiousness and precision in measurements and calculations.\textsuperscript{30} Reliability in qualitative research implies that the researcher has been careful in every step of the process, and that the analysis is transparent and well founded.\textsuperscript{31} Research with a constructivist perspective prefers the terms ‘credibility’, ‘transferability’, ‘dependability’ and ‘confirmability’ to ‘internal validity’, ‘external validity’, ‘reliability’ and ‘objectivity’.\textsuperscript{32} Moreover, the contrasts between qualitative and quantitative methods should not be exaggerated; in many cases it is most useful to combine the two approaches. As expressed by Patton: “The point, however, is not to be anti-numbers. The point is to be pro-meaningfulness”\textsuperscript{33}

Fundamental in social research is, furthermore, the distinction between ‘inductive’ and ‘deductive’ methods. “\textit{Inductive analysis} involves discovering patterns, themes, and categories in one’s data… in contrast to \textit{deductive analysis} where the data are analysed according to an existing framework”.\textsuperscript{34} Qualitative methods are mainly inductive, since hypothesis testing is rare. However, both forms of analyses are often combined in different parts of the research.\textsuperscript{35} This particular study is deductive initially, since the data is analysed with the help of a theoretical framework and concepts derived from theory. However, at the same time the researcher also tries to find undiscovered patterns and themes in the empirical data inductively. Thus, first relevant literature is studied in order to discover main concepts associated with ‘citizenship’. These concepts provide the study with a framework for analysing the empirical data; i.e. the official EU documents. When interpreting the empirical data, new research problems and questions appear. Hence, the research process consists of both deductive and inductive elements.\textsuperscript{36}

\textbf{1.3.2. Conceptual History as a Method}

“Each concept is associated with a word, but not every word is a social and political concept…”\textsuperscript{37}

In this paper, the concept of citizenship is in focus. The basis for the analysis is the \textit{language} and the use of the concept within the context of the European Union. When trying to grasp the concept of European citizenship, it is the \textit{text} that forms the unit of analysis. The method used is influenced by ‘conceptual history’, or \textit{Begriffs-geschichte}, and its view on concepts and language, although it doesn’t strictly follow a classical conceptual history analysis.\textsuperscript{38} It should be noted, however, that: “\textit{Begriffs-}

\textsuperscript{32} Patton (2002) pp. 544-546. It should be noted, however, that qualitative research based on traditional scientific criteria lay stress on validity and reliability in the same sense as quantitative researchers.
\textsuperscript{33} Patton (2002) p. 573.
\textsuperscript{34} Patton (2002) p. 453.
\textsuperscript{36} The research model is influenced by the one used by Golubeva, Olga (2001) Foreign Investment Decision-Making in Transition Economies, (Doctoral dissertation), Stockholm: School of Business, Stockholm University.
\textsuperscript{37} Koselleck (1985) p. 83.
\textsuperscript{38} This study is influenced by the conceptual history approach developed in Germany by R. Koselleck et al. For Anglophone approaches, see for example Skinner (1978) and Pocock, (1975).
geschichte is more a procedure than a definite method. It is intended not as an end in itself but rather as a means of emphasizing the importance of linguistic and semantic analysis for the practice of social and economic history”.

Below follows a brief summary of the main parts of conceptual history, which are of relevance for this paper.

Modern Begriffsgeschichte is closely linked to the immense work of R. Koselleck, O. Brunner and W. Conze, published between 1972 and 1992. The hypothesis of the book is that political and social concepts changed significantly during the period 1750 to 1850. The hypothesis can be summarised by four processes, which characterized the new time of modernity: (1) ‘democratization’ (Demokratisierung), i.e. fundamental concepts reached other social classes than the educated; (2) ‘ideologizability’ (Ideologisierbarkeit), i.e. concepts became ambiguous and part of a philosophical system of concepts; (3) ‘ politicization’ (Politisierung), i.e. concepts embraced more and more political meaning; and (4) ‘temporalization’ (Verzeitlichung), i.e. concepts were applied to express processes rather than static conditions; they comprised a ‘past’ as well as a ‘future’.

In conceptual history, ‘concepts’, and the use of ‘concepts’, form the unit of analysis. Koselleck, one of the founders of modern Begriffsgeschichte, provides us with a definition of a ‘concept’: “[A] word becomes a concept when the plenitude of a politicosocial context of meaning and experience in and for which a word is used can be condensed into one word”. Hence, a concept embraces meaning, and political and social concepts always have many meanings; “a concept must remain ambiguous in order to be a concept”. Thus, a political and social struggle is constantly going on concerning the meaning of concepts. Whereas a word can be defined more precisely, concepts need to be interpreted, since they possess ‘multiple meanings’.

In the approach of conceptual history, ‘synchronic’ and ‘diachronic’ analyses are combined. The synchronic analysis highlights concepts within a semantic field at one specific time in history, while the diachronic analysis focuses on changes over time in the meaning of concepts. By combining them, the connection between ‘synchronic events’ and ‘diachronic structures’ can be examined. Together, the two perspectives provide us with the history of the concept. Further, a distinct concept can only be understood through reference to other concepts; “…Begriffsgeschichte analyses concepts as elements in a semantic or linguistic field”.

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43 Koselleck (1985) p. 84.
Following a conceptual history approach, language is not perceived as only reflecting historical processes, but it can also itself contribute to changes in society. New words and concepts, and the changing meaning of already existing concepts, are not merely reflections of changes already taken place, but can also contribute to these changes. This doesn’t mean that the concepts themselves cause changes in society, but that they make change possible. A new concept can make new things imaginable, and thereby also open the way for change.48 According to Koselleck, “[p]olitical and social concepts become instruments for the direction of historical movement.”49 Thus, conceptual history provides us with a twofold interpretation of language as both indicator of, as well as factor, or promoter, of historical change.50 By studying concepts and their changing meanings, it is thus possible to analyse socio-political change.51 Concerning the issue of structure and agency in historical development, agents do not play a major role in conceptual history. Changes in the meaning of concepts are part of a process, rather than the result of actors. According to Hampsher-Monk, conceptual history has “…the tendency to see history as a field of impersonal processes, in which humans are almost passive vehicles”.52

Hence, a concept is not simply ‘descriptive’, but also ‘prescriptive’. As expressed by Bödeker, “…words serve as the vehicles or abbreviations of thoughts, not only in respect to what is, but also to what should be”.53 A fundamental idea from conceptual history, which is emphasised throughout this paper, is that concepts embrace at the same time a ‘space of experience’ and a ‘horizon of expectation’.54 This metaphor implies that while concepts are expressions of historical experience, they also have the ability of expressing expectations, i.e. possible future experiences. With the words of Koselleck, “experience is present past, whose events have been incorporated and can be remembered… expectation also takes place in the today: it is the future made present…”55 In this very relation between ‘space of experience’ and ‘horizon of expectation’, history is made.

The conceptual history approach summarised here, provides us thus with a special perspective on language and the use of concepts. One problematic issue, however, which needs to be discussed further, is the relationship between ‘word’ and ‘object’, or, in other words, between ‘language’ and ‘reality’. Koselleck has mentioned three different views on this relationship. First, language can be viewed as being nothing more than a ‘by-product’ of so-called ‘real’ history. Secondly, language and reality can be seen as being in a reciprocal relationship. It is here that we find the perspective of conceptual history, “…in which concept formations are both a factor in historical movements and an indicator of those very movements. Reality is always conveyed through language, which does not rule out its also having non-linguistic constitutional

According to Koselleck, ‘word’ and ‘object’ are linked in concepts, which have dual dimensions. Concepts refer to an ‘extra-linguistic’ historical reality, while at the same time this context is perceived through the language. Thirdly, texts can be seen as reality, i.e. texts do not refer to something non-linguistic. The view is the opposite of the first option, and this view on language can be found in the work of the discourse theorist Michel Foucault.

Before describing in more detail how the method of conceptual history will be used in the analysis of the empirical data in this paper, some words about the data collection process will be presented.

1.3.3. Data Collection

As stated earlier, the data to be analysed in this paper consists of a number of documents. Since the object of research is the concept of European citizenship and the status of TCN’s, official EU documents addressing these issues are of primarily interest. Documents were considered to be proper data for the study, since the research problem is directed towards the use of concepts in language and within a semantic field. The purpose is to grasp the concept of European citizenship, as expressed within the EU context. A textual analysis, influenced by conceptual history, was found to be the most appropriate method in order to fulfil the aim of the thesis. Of course, other kinds of data could have been chosen, as for instance interviews, and a more holistic picture might have been discovered if multiple sources of data had been combined. When considering conducting interviews, however, the disadvantages outweighed the advantages. The subject is complex, and deciding who to interview in order to get a holistic picture turned out to be very difficult. Comprehensive interviews with representatives from important EU institutions would have been necessary, and there was a lack of resources to do this, both financially and with respect to time limits. Further, since the aim was to investigate the use of the concept in language, expressed in the form of texts, a textual analysis seemed preferable.

Concerning the sampling process, ‘purposive sampling’ has been used, i.e. the sampling has been conducted with some purpose in mind, as opposed to ‘probability sampling’, aimed at representativeness, often used in quantitative research. Most of the EU documents analysed in the paper can be found at the ‘Documentation Centre’ at the official web page of the European Union. When deciding which documents to analyse, the selection has mainly followed the recommendations made at the EU web site, concerning documents of special importance in this policy area. Additionally, major events in the history of JHA, which are of relevance for the issues of citizenship and the development of a common EU immigration policy in general, and the issue of TCN’s in particular, have guided the selection. Moreover, the author has contacted ‘Europe Direct’, as well as an EU-coordinator at the European Commission’s

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60 See ‘Europe Direct’, http://europa.eu.int/europedirect/
Representation in Sweden, specialised in ‘citizens’ Europe’ for advice regarding relevant documents.

Documents as data in social research can be used in a variety of ways. For instance, it can be used in combination with other types of data, as interviews and observation, in different forms of triangulation. However, as pointed out by Punch: “Some studies might depend entirely on documentary data, with such data the focus in their own right”.  
Hence, this very paper provides us with an example of such a study, at least regarding the analysis of primary documents, even though it also, of course, addresses secondary literature.

1.3.4. Methods of Analysis and Interpretation

“This variety and diversity in approaches underlines the point that there is no single right way to do qualitative data analysis – no single methodological framework.”

As mentioned above, the empirical data to be analysed in this thesis consist of official EU documents and, thus, of text. The aim is to understand and interpret the concept of European citizenship, by doing a textual analysis of the documents. Important here is that “…documents and texts studied in isolation from their social context are deprived of their real meaning. Thus an understanding of the social production and context of the document affect its interpretation.” Therefore, the texts will be analysed placed within its social and political context. Further, since the paper is influenced by the hermeneutic approach, the relation between the whole and the parts are of importance. That is, in order to understand the whole, one must have some sense of the parts and vice versa.

How, then, will the empirical data in this paper be analysed more specifically? Guided by the approach of conceptual history, as pointed out above, concepts are the units of analysis. Before the analysis of the empirical data, i.e. the documents, was conducted, the theoretical framework surrounding the concept of ‘citizenship’ was considered. Thus, in the theory part of this paper (chapter 2), an overview of the major theoretical schools addressing the issue of citizenship is presented. The theoretical approaches dealt with in this paper are the liberal, the republican/communitarian and the ‘postnational’ model respectively. Furthermore, under each head model, closely related disciplines have also been considered. The emphasis in the theory part has, naturally, been on how the concept of citizenship is perceived according to different theoretical approaches. Moreover, important ‘key concepts’ have been identified with the different models of citizenship, which serve as ‘analytical tools’ in the analysis. Hence, when trying to understand and interpret the European citizenship, the analytical key concepts have facilitated the analysis by providing the discussion with an analytical framework.

Thus, when going through the empirical data, the analytical concepts help to organise and sort the text, by providing a context for interpretation. However, as stated above,

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the aim is, in addition, to find undiscovered patterns and themes in the data, which the theoretical framework cannot ‘explain’. Following a conceptual history approach, concepts are carriers of both a ‘space of experience’ and a ‘horizon of expectations’. Hence, the aim is both to understand the politico-social historical context that has affected the concept, but also the expectations expressed by the concept itself. As discussed above, concepts can make new things imaginable, and thereby contribute to historical change. In the analysis of the empirical data, thus, the semantic field surrounding the concept of European citizenship is surveyed, both by referring to theory and by discovering patterns inductively.

1.4. Review of Relevant Literature

1.4.1. Theoretical Literature

The theoretical literature which is of importance for this paper consists of different views upon, or models of, citizenship. In order to place the concept of European citizenship into a theoretical framework, thus, an overview of the main theoretical approaches towards citizenship is presented in chapter 2. The two main, and opposing, citizenship traditions are the liberal and the republican/communitarian model respectively. Moreover, the ‘post-national’ model is also highlighted.

A fundamental book for this paper, by providing a good overview of the different citizenship models, is What is Citizenship? by Heater. The book has been particularly useful for understanding the liberal and republican traditions, and has supplied the paper with the historical background and the general ideas of these models of citizenship. Another essential book, which gives an overview of the citizenship traditions in a contemporary perspective, is written by Delanty.

As regards the liberal model of citizenship, which mainly emphasises the rights connected to citizenship, one of the most influential writers in this tradition is T.H. Marshall. Thus, his Citizenship and Social Class has been used to highlight the social liberal model of citizenship, together with Rawls’ A Theory of Justice. In the communitarian tradition, which puts emphasis upon duties, one influential writer, among others, is Etzioni.

The ‘post-national’ model of citizenship, represented here by Soysal et al, draws attention to the possible detachment of citizenship and nationality in an era of globalisation and influential human rights. A post-national citizenship, thus, would be based on residence, not nationality. Closely related to this model is the multicultural approach, which highlights the problems facing the multi-ethnic

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70 Soysal (1994).
communities of today. Hence, following this approach, the recognition of differences may be more important today than the principle of equality, which is fundamental in the two dominant models of citizenship.

1.4.2. Empirical Literature

Lately, naturally, an academic debate over the issue of European citizenship has taken place, and the opinions about its nature and importance differ considerably. In this paper, however, only a small selection from the last years’ debate can be briefly presented. The confusion over the citizenship of the Union relates to the fact that the EU is not a state, nor an ordinary international organisation. Instead, it is a mixture of supranational and intergovernmental organisation, with its own form of ‘governance’. Traditionally, citizenship has been connected to the sovereign nation-state. But what, then, is the ‘European citizenship’?

According to Eder and Giesen, three different conceptions of European citizenship can be identified in the current debate. First, there is a ‘minimalist conception’ of EU citizenship, based on the formal rights set out in the TEU, which equalise EU citizens with the citizens of the Member States. Secondly, the ‘constitutionalist’ conception disconnects the EU citizenship from the national one, and proclaims a ‘multilayered’ citizenship that is to be based on residence within the territory of the Union. This approach opens up for an inclusion of TCN’s resident in the Member States. Eder and Giesen, thirdly, argue that a European citizenship requires a ‘post-national collective identity’, based on the idea of a common European cultural legacy. However, the citizenship would not be exclusive only to nationals of the Member States, but would include all ‘good citizens’ of Europe. This view is based on the symbolic features of a European citizenship. This paper also considers the European citizenship in a wider and more symbolic sense, than the ‘minimalist conception’ of EU citizenship as the mere rights formulated in the Treaty. However, it does not address the issue of a collective European identity to a greater extent.

According to Bellamy and Warleigh, the European citizenship has mainly been ‘market-based’, i.e. issues such as economic cooperation have been of utmost importance when creating the citizenship. However, this formal citizenship has not succeeded to create loyalty from the EU citizens to the EU. In order to become meaningful, thus, the European citizenship must come to terms with the ‘democratic deficit’ of the EU, and transform the citizenship into a true tool of political commitment. The problem of how to get the EU citizens more ‘active’ is addressed further on in the paper. Another comprehensive work on the area under discussion, worth mentioning, is European Citizenship: An Institutional Challenge, in which a

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number of scholars discuss a wide-range of issues connected to the European citizenship.\textsuperscript{75}

When it comes to the status of TCN’s who are long-term residents in the EU, in relation to EU citizens, an extensive debate is taking place also regarding this issue. According to some researchers, as Newman, since TCN’s don’t have the same rights as EU-citizens, it gives rise to ‘second-class citizens’ and ‘non-citizens’.\textsuperscript{76} Also Melis is critical, and she means that TCN’s living within the Union faces restrictive and repressive measures, as the EU is shaping a common immigration policy.\textsuperscript{77} According to Kostakopoulou, “[d]espite the official rhetoric on citizenship and aspirations to move towards a civic inclusive mode of identity, the EC/EU adheres to a civic but exclusionary mode of identity”.\textsuperscript{78} However, there are also more positive views in the current debate. Delgado-Moreira, for example, is optimistic about the EU citizenship and thinks that it has the potential of being a successful alternative to the citizenship based on nationality. A ‘multicultural’ EU citizenship could increase the rights of long-term residents, encourage their participation in the Union, and, after some time of residence, grant TCN’s the status of EU citizens.\textsuperscript{79}

Perhaps the most comprehensive work done on the subject of TCN’s, however, is \textit{The Legal Status of Third Country Nationals Resident in the European Union}, by Helen Staples.\textsuperscript{80} However, the study considers the legal status of TCN’s, in relation to EU citizens, prior to the entry into force of the Treaty of Amsterdam (ToA) in 1999. Consequently, it misses some important developments that have been taken place since then. Another important study on the subject was conducted in 2000 by a group of scholars at the Centre for Migration Law, on behalf of the European Commission (the DG for JHA).\textsuperscript{81} The study contains information about the status of legally resident TCN’s in all the Member States of the Union. Hence, it provides an overall comparison of similarities and differences in the national legislation of the EU states, regarding, among other things, the gaining of long resident status, the rights connected to that status, and the possibility to attain national citizenship in the countries. It also considers the legal framework of international law, as well as EC law, in connection to TCN’s.

\textsuperscript{81} Groenendijk, Kees, Guild, Elspeth, Barzilay, Robin (2000) \textit{The Legal Status of Third Country Nationals who are Long-Term Residents in a Member State of the European Union}, Centre for Migration Law, University of Nijmegen, Netherlands, \url{http://europa.eu.int/comm/justice_home/unit/doc_asile_immigrat/groenendijk_report_en.pdf}
Hence, this thesis aims at following up those previous studies and, consequently, it also addresses the developments in this area since the ToA up to now. Further, the aim is not to provide a comparison between the legislation of different Member States, but to focus on the status of TCN’s, in relation to EU citizens, at a general EU level. Moreover, the discussion is more of politico-philosophical, rather than judicial, character.

1.5. Definitions of Concepts

‘European citizenship’ refers to the concept introduced to the EC/EU Treaties with the Maastricht Treaty, entering into force in 1993.\(^{82}\) It applies to every person holding the nationality of any of the EU Member States. Thus, European citizenship shall complement, not replace, national citizenship. It defines the rights and duties which are to apply to all EU citizens throughout the Union. In this paper the terms ‘European citizenship’, ‘citizenship of the Union’, ‘EU citizenship’ etc. are used as synonyms for the sake of variety.

‘Third-Country Nationals’ (TCN’s) are persons residing within the EU, but who don’t hold the nationality of any of the Member States. Hence, these persons are not EU citizens, but are nationals of a third country or stateless. More specifically, this thesis is highlighting the status of TCN’s who are ‘long-term residents’ in the Union. This refers to TCN’s who have been granted long-term residence permit in a Member State some time ago.\(^{83}\) Hence, so-called ‘illegal immigrants’, as well as persons who are not intending to actually settle within the Union, will not be considered in this paper.

1.6. Structure of the Paper

Chapter 1. ‘Introduction’: In this chapter the objective of the thesis is introduced, and the aim and research questions are formulated. Moreover, the methodological framework in general, and the method of conceptual history in particular, are described. The chapter also includes a review of relevant theoretical and empirical literature, as well as definitions of central concepts used in the paper.

Chapter 2. ‘Theoretical Framework’: The chapter introduces the theoretical framework, which puts the concept of European citizenship into a historical and analytical context. Initially, a brief historical overview of the concept of citizenship is presented. Thereafter, the main features of three different theoretical models of citizenship follow. First, there is the ‘liberal model’, and in connection to that ‘classical liberalism’, ‘social liberalism’ and ‘neo-liberalism’ are discussed. Secondly, the ‘republican/communitarian model’ of citizenship is considered, by going through ‘civic republicanism’ and ‘communitarianism’ respectively. And, thirdly, the ideas of the ‘post-national model’ of citizenship are highlighted. In relation to the last approach, ‘national’, contra ‘multicultural’, conceptions of citizenship are discussed. Finally, ‘key concepts’ derived from the different theoretical models are summarised, and thus provides the paper with a framework for analysis.

\(^{82}\) TEC, Art. 17-22 (ex Art. 8-8e).
\(^{83}\) The definition has been taken from Staples (1999), pp. 10-11.
Chapter 3: ‘Citizenship of the European Union: An Overview’: This chapter provides the reader with an overview of the main empirical issues that are addressed in the paper. First, the development, as well as the main features of the European citizenship, are highlighted. Then, the objective to create an ‘area of freedom, security and justice’ throughout the Union is considered. Lastly, the focus is upon the development of a common EU immigration policy in general, and the issue of TCN’s resident in the Union in particular.

Chapter 4. ‘What is the European Citizenship? Analysis of the Concept in its Semantic Context’: In the chapter the empirical data, in the form of official EU documents, is presented and analysed. Hence, three ‘dimensions’ of European citizenship are addressed: the ‘political dimension’ (the right to vote and stand in European and local elections and the issue of ‘active citizenship’); the ‘judicial dimension’ (the protection of fundamental rights and the creation of an ‘area of freedom, security and justice’); and, finally, the ‘socio-economic dimension’ (freedom of movement, the status of TCN’s, and the possible ‘multicultural’ or ‘post-national’ features of the European citizenship).

Chapter 5. ‘Conclusions’: Finally, in the last chapter, the research findings and final conclusions are presented. Hence, in this concluding chapter the initial research questions are answered. Additionally, some recommendations for further research are suggested.
2. Theoretical Framework

The theoretical models of citizenship, presented in this chapter, will provide the study with an analytical framework, through which the empirical data will be examined. Furthermore, it will provide the concept of citizenship with some ‘space of experience’. There are many different approaches to the concept of citizenship. For our purposes, a somewhat simplified picture will be presented, in order to get an overview of the main traditions. The point is to highlight different interpretations of the nature of citizenship, with focus on modern times.

To begin with, the focus will be upon the two dominant theoretical models of citizenship, i.e. the liberal and the republican, or communitarian, model respectively. These models constitute the two main conflicting views in the debate over citizenship. However, since one purpose of the thesis is to see whether the European citizenship is an instance of a new ‘post-national’ model of citizenship, some of the more current theories, emerging in the era of globalisation, will also be considered.

2.1. The Concept of Citizenship: A Brief Historical Overview

“Citizens are full and equal members of a democratic political community; their identity is shaped by the rights and obligations that define that community”.

Before looking at the major theoretical models, however, some words about the origins and history of the notion of citizenship may be useful. The concept of citizenship has its origins in the ancient Greek polis, or city-state, where citizenship “…implied equality in rights and obligations before the law and active political participation”. However, only free and native-born men were granted the right to citizenship. The notion of citizenship was widened during the Roman Empire, to include people from the poorer classes as well as some foreigners. When Rome fell, however, the concept of citizenship was forgotten, and a feudal order was established. It was not until the Italian Renaissance that citizenship was revitalized again, and during the 15th and 16th century ‘civic republicanism’, or ‘civic humanism’, flourished in the self-governing city-states. The republican tradition emphasised active citizens and participation in the community, and this period influenced later the modern communitarian theories of citizenship, as we will return to further on.

With the rise of the modern centralised state, citizenship turned into a definition of the relationship between monarch and subject. The peak of citizenship, however, was reached with the French Revolution, and the Declaration of the Rights of Man and the Citizen, in 1789. Jean-Jacques Rousseau influenced the new view of citizenship, which included a combination of the classical, republican tradition and the modern contract theories based on individualism. With the development of capitalism and liberalism during the 19th century, citizenship became even more focused on individuals and rights, rather than active participation. As we will see in the following

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part about liberal citizenship, freedom and equality were celebrated principles. Then we will also discuss the essential work of T.H. Marshall, *Citizenship and Social Class*, first published in 1950, whose social liberal model of citizenship and rights has been of great importance. Another influential work, which we will return to, is John Rawls’ *A Theory of Justice*, published in 1971. In the 1970s the communitarian school emerged in opposition to the dominant liberal and individualist notion of citizenship in general, and to the theory of Rawls in particular. They emphasised the community above the individual, and celebrated the old principles of ‘the common good’ and ‘civic virtue’. 87 The communitarian tradition will be further discussed below.

At the end of the 20th century, and in the beginning of the 21st, the concept of citizenship is still widely debated among many different traditions. One example is the multicultural perspective, which highlights the difficulties present in pluralist, multi-ethnic societies. Traditionally, citizenship has emphasised the principle of equality, but today, however, it faces problems regarding the recognition of differences. Within the current ‘postmodern’ schools, we can also find spokesmen of for instance feminism, radical democracy, cosmopolitan democracy and a ‘post-national’ model of citizenship. We will return to the contemporary debate, but first, however, we will take a closer look at the two dominant interpretations of the nature of citizenship, i.e. the liberal vs. the republican, or communitarian, model.

2.2. The Liberal Model of Citizenship

“[The liberal tradition] involves a loosely committed relationship to the state, a relationship held in place in the main by a set of civic rights, honoured by the state, which otherwise interferes as little as possible in the citizen’s life.” 88

The liberal model of citizenship is the prevailing one in the world today, and has so been for two centuries, at least in the Western world. Within the liberal theory of citizenship at least three distinct approaches can be found; one based on classical liberalism, another directed more towards social liberalism, and, finally, the neoliberal school.

2.2.1. Classical Liberalism

The roots of the modern classical liberalism can be found in Great Britain, in the works of, among others, Thomas Hobbes, John Locke and Adam Smith. Locke has been considered of special importance for the development of the notion of liberal citizenship. The characteristics of the developing liberal concept of citizenship in the central years, from Locke in the late 17th century to the French Revolution, are vital for our understanding of citizenship today. According to Heater, this period “…provided a legacy which still shapes our assumptions about citizenship in our own times” 89 Further, Heater mentions three essential features of the liberal citizenship in these years. First, the citizen was perceived as an *individual*; i.e. all citizens were equal and independent individuals, without compulsion to participate in public affairs and without duties against other citizens. The private and public spheres were

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separated, and citizenship was mainly of private nature. Secondly, the state should intrude in the life of the citizen as little as possible. The task of the state was to protect the rights of the individual citizen in a discreet way, solely as a ‘nightwatchman’. And, thirdly, the liberal notion of citizenship was, in a way, a political expression of capitalism. The open access to markets, in contrast to the previous provincially fragmented economy, and the development of the nation-state, laid the basis of a national identity. Whereas capitalism is based on the action of free, equal individuals, the pre-capitalist society was strictly socially hierarchical.\(^{90}\)

Although an equal status as citizens, however, class differences are unavoidable in the capitalist system. A totally liberated capitalism would lead to huge economic inequalities, and therefore the state has often intervened and regulated the free market. Thus, the relationship between citizenship and capitalism is complicated; the two phenomena are at the same time reciprocally supportive and reciprocally antagonistic.\(^{91}\)

Hence, citizenship in the classic liberal tradition is reduced to a ‘pre-political’ status, and the government is seen as a necessary evil, needed to control the rules of the market. This model of citizenship is ‘market-based’, in contrast to the social liberal one, which is based in the administrative state. The view of rights and freedom is negative; i.e. freedom is to be spared from state interference.\(^{92}\) Thus, liberal theory emphasises individual and negative rights, although a few obligations must be followed, as doing one’s military service and pay the taxes. Liberalism is based on individualism, and the freedom of the individual is of outmost importance. Consequently, collective rights are not considered vital, since they tend to go against the liberal theory.\(^{93}\) Liberalism views citizenship as a formal membership in the state, rather than as an active participation in the civil society.

### 2.2.2. Social Liberalism: The Work of Marshall

The most famous theorist writing about citizenship in social-liberal terms is the sociologist T.H. Marshall, and his essential work *Citizenship and Social Class* was first published in 1950.\(^{94}\) This work has been very influential in the theoretical debate over citizenship in the past 50 years, and therefore a closer look at its main assumptions is of importance.

In the book, Marshall analyses the problematic relationship between citizenship and capitalism, mentioned above. Initially, Marshall mentions four vital questions, which serve as a basis for his arguments:

“[1] Is it still true that basic equality, when enriched in substance and embodied in the formal rights of citizenship, is consistent with the inequalities of social class?… [2] Is it still true that the basic equality can be created and preserved without invading the freedom of the competitive market?… [3] [W]hat is the

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Thereafter, he formulates his famous division of citizenship into three types of rights; civil, political and social. Civil rights are essential for individual freedom, and consist of rights such as freedom of speech and thought, religious freedom and the right to own property. Political rights refer to the right to take part in the exercise of political power, either as a member of a political institution, or as a voter. Social rights, finally, imply the rights to an adequate standard of living, economically as well as socially. Somewhat simplified, Marshall admits, these rights have been developing during three different periods; the civil rights mainly during the 18th century, the political rights mainly during the 19th century, and, finally, the social rights mainly during the 20th century.

Marshall pays most attention to the social rights, since he is primarily interested in the relationship between citizenship and inequality. The issue of social class is also important, while it has relevance for this main interest of his. According to Marshall, it is “…reasonable to expect that the impact of citizenship on social class should take the form of a conflict between opposing principles”. The reason for this is that while citizenship is based on the principle of equality, social class is built on inequality.

In the end of his essay, Marshall answers his four initial questions. His first question concerned whether basic equality, embodied in citizenship, is consistent with economic inequality, and his answer is that “…the preservation of economic inequalities has been made more difficult by the enrichment of the status of citizenship”. However, the aim is not absolute equality, something that Marshall discusses further in connection with his fourth question. Secondly, Marshall asked whether basic equality can be preserved without interference in the free market, something which he finds not being the case. The third question highlighted the shift from duties to rights, and here Marshall emphasises that the rights of citizens have increased and are well defined. The duties involved in citizenship are either compulsory, as paying taxes and doing ones military service, or vague, as being a ‘good citizen’, and no major feeling of loyalty or free will is involved. And, finally, the fourth question concerned whether there are limits beyond which the strive towards equality are unlikely to pass. And Marshall’s answer to this question is, as mentioned briefly above, that: “We are not aiming at absolute equality. There are limits inherent in the egalitarian movement”.

Marshall’s theoretical influence on the debate over citizenship has been considerable. However, his work has also been subject to a wide range of criticism. According to Heater, the criticism can be divided into five types: “that his study was temporally and

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97 Marshall’s analysis concerns the development of citizenship rights in Great Britain and, thus, does not claim to have universal validity.  
geographically too myopic; that his notion of citizenship was too exclusive; that his vision was too optimistic; that his triad of rights was too simplistic; and that his interpretation was too unhistorical. However, following Heater, Marshall didn’t claim that his theory had universal applicability, but he was only writing about the English situation. Secondly, Heater writes that Marshall “was of his age”, and in the 1950s marginalized groups were not yet politically visible. Thirdly, the accusation that Marshall’s theory was too optimistic is unfair according to Heater, who states that Marshall did warn about the uncertainty of the relationship between citizenship and social class. Fourthly, we have the issue of Marshall’s division of citizenship into three forms of rights being too simplistic. Heater thinks this reasoning is unfair too, since “…Marshall’s triptych has remained firmly established as a most useful mental aid to comprehending the complexities of the citizenly status and condition”. Finally, there is the opinion that Marshall’s study was too unhistorical. Here, Heater thinks that these charges indicate a selective reading of Marshall, who indeed emphasised that the different periods did overlap.

This summary of the work of Marshall aimed at finding more key concepts from the liberal notion of citizenship, complementing the more classical view presented above. As stated out before, rights are emphasised within the liberal tradition. Marshall divides citizenship into three forms of rights; civil, political and social, with a special emphasis on social rights. Furthermore, Marshall’s focus is very much on the principle of equality, and the paradoxical relationship between citizenship, based on this very principle, and social class, which is built on inequality. In connection to this, he pays attention to the relation between citizenship and capitalism, and finds that market regulations are necessary in order to create equality. Hence, Marshall’s model of citizenship is ‘state-based’, in opposition to the classical view, which is based in the free market.

The social liberal emphasis on social rights, evident in the work of Marshall, was challenged in the 1980s by the neo-liberal movement, especially in the US and the UK. However, before turning to a brief overview of the neo-liberal standpoints, we will have a closer look at another influential work within the social liberal tradition, namely Rawls’ A Theory of Justice.

2.2.3. Social Liberalism: The Work of Rawls

In 1971 John Rawls’ A Theory of Justice was published. As the title indicates, Rawls was mainly interested in the principle of justice, rather than citizenship as such. But, however, since the work has been of importance in the citizenship debate as well, especially in the debate between liberals and communitarians, it deserves some attention in this paper.

In the book Rawls wants to “…generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau and Kant”. Hence, Rawls argues that a just and fair order would be chosen by free and

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104 Rawls (1973).
105 Rawls (1973) p. viii.
rational individuals in the hypothetical ‘state of nature’. The principles chosen would be just, because a ‘veil of ignorance’ covers the individuals; i.e. no one knows about their social position or their abilities in society. With the words of Rawls: “They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations”.

Further, Rawls’ conception of justice holds that: “All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage”. Of special importance for Rawls’ conception of citizenship, which is our particular interest, are his two ‘principles of justice’

“First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all”.

Rawls emphasises in particular the importance of the ‘basic liberties of citizens’, connected to the first principle. These are the mainly the political rights attached to citizenship, such as the right to vote, freedom of speech, freedom of thought etc. Hence, as the liberal he is, it is the liberties and rights of the citizens that are stressed. However, since he also highlights social and economic equality, his theory, just as Marshall’s, is at the same time close to social democracy. Thus, Rawls represent a form of ‘egalitarian liberalism’, in which he combines individual rights with socio-economic equality.

Rawls’ theory has been leading in the academic and philosophical debate over how to form a just society, and theoreticians have ever since explained their own theories in contrast to Rawls’. His work has been subjected to criticism, mainly from other schools, as the communitarians, but also within the liberal tradition itself, as for instance from neo-liberalism; an approach that we will now turn to.

2.2.4. Neo-Liberalism

During the 1980s and 1990s, the liberal model consisted of two different understandings of citizenship; the social liberal one, presented above, and the neo-liberal one. The neo-liberals, in contrast to the social liberals, saw the welfare state as a threat to the freedom and autonomy of the individual. They were emphasising the negative rights of the individual to be protected from the state. It is clear, hence, that the neo-liberals were gazing backwards to the classical liberalism, and they celebrated the principles of a free market, decentralisations and privatisations. According to Delanty, the consumer replaced the citizen in the neo-liberal model, and
the purpose of citizenship was no longer to equalize social and economic differences among the citizens.\textsuperscript{112}

The neo-liberal agenda showed an opposition to the social citizenship advocated by Marshall, among other things because inequality is a fact that the state should not interfere in. Moreover, according to the neo-liberals, the welfare state reduces the motivation to work, and thus increase poverty and makes the poor passive and incapable of self-fulfilment. According to Heater, there is also an important moral argument, “which takes the neo-liberal reasoning to the heart of the citizenship ideal. This is the immorality of accepting rights – in this case social rights – without honouring reciprocal obligations”.\textsuperscript{113} Hence, it is considered immoral that the people that are working hard are obliged to pay high levels of taxes, so that the people who are not working can have the benefit of social rights.

The perhaps most influential theoreticians in the neo-liberal school are F.A. Hayek and Robert Nozick, and their ideas influenced the policies of the New Right politicians Margaret Thatcher in the UK and Ronald Reagan in the US.\textsuperscript{114} The neo-liberals were critical to the theory presented by Rawls, and Nozick advocated for a ‘minimalist state’, which should only protect the citizens from violence. Apart from that, the state should not interfere in the lives of the individuals, and, hence, Nozick was opposed to all forms of a welfare state.\textsuperscript{115} He meant that only negative rights, and not positive ones, were justified, i.e. the individuals had the right to be protected from the state, but not to demand social services from it.\textsuperscript{116}

To sum up, the main points of neo-liberalism are to emphasise the negative rights of the individual and the freedom against the state. Moreover, the principles of a free market and free consumers are celebrated. A ‘minimalist state’ is aimed for, and the welfare state, and the social citizenship, should be kept to a minimum. Even though the liberal school, as clear from this subchapter, consists of somewhat different theoretical traditions, we can identify similarities among them that all together form one liberal model. Hopefully, the previous section has provided the reader with an overview of the liberal model of citizenship, before now turning to the other major theoretical school: the republican/communitarian model.

### 2.3. The Republican/Communitarian Model of Citizenship

“The whole republican tradition is based upon the premise that citizens recognize and understand what their duties are and have a sense of moral obligation instilled into them to discharge these responsibilities”.\textsuperscript{117}

During the 1970s and -80s the dominant liberal political philosophy was subjected to widespread criticism, among others from the so called communitarians, who viewed citizenship as active participation, not merely a membership, and they emphasised the

\textsuperscript{112} Delanty (2002) p. 47.  
\textsuperscript{115} Kymlicka (1995b) Chapter IV.  
\textsuperscript{116} Heater (1999) p. 27.  
\textsuperscript{117} Heater (1999) p. 64.
community, above the individuals. The communitarian school was influenced by the ‘civic republicanism’, which has its basis in ancient Greece, and was developed further during the Renaissance and Enlightenment. First, therefore, a brief overview of the main points of civic republicanism is necessary, in order to grasp the communitarian alternative.

2.3.1. Civic Republicanism

According to Heater, the roots of civic republicanism can be traced back to ancient Greece, and the thoughts of Aristotle. Especially Aristotle’s ideas about the importance of ‘civic virtue’ among the citizens, and that man is a ‘political animal’, have been influential in this theoretical tradition. ‘Civic virtue’ was a moral principle, which implied that each citizen should do what was best for the common good of the polis. For instance, an active participation in public affairs was expected of the ‘good’ citizen. Hence, citizenship was oriented towards obligations rather than rights, but, however, these “[o]bligations generally did not take the form of statutory duties. They were perceived by citizens as opportunities to be virtuous and to serve the community”. In contrast to the liberal view, to perform one’s duties against the community was not perceived as interfering in the freedom of the individual, but “civic virtue was freedom, and the primary source of honour and respect”. It is important to note, however, the exclusive nature of citizenship in ancient Greece. Thus, whereas the liberal notion of citizenship is based on equality of status among the citizens, the ancient political system was based on inequality. To be a citizen indicated supremacy over non-citizens, such as women and slaves, and exclusion was a natural part of citizenship.

During the Italian Renaissance, after an era of feudalism and hierarchy, the classical conception of citizenship from the ancient times was revived. In this period, from the 15th century and onwards, civic republicanism flourished in the Italian city-states. The main idea was that only through active citizenship in a self-governing community could full human potential be reached. Among others, Machiavelli was a very influential thinker in these times, emphasising civic virtue, active citizens and citizens as soldiers in the military. In the 18th century, in the work of Rousseau, the ideas of civic republicanism were further developed. In a famous quotation, Rousseau states: “Man was born free, but is everywhere in bondage”. However, Rousseau didn’t want to end this oppression, his concern was to make it legitimate. And this could be achieved in a republican system, where the citizens possessed a ‘moral, positive form of freedom’. The thoughts of Rousseau influenced the citizenship principle celebrated in the French Revolution. After the Revolution, however, more emphasis was put on the rights of the individual, rather than on the common good of the community, and the liberal notion of citizenship evolved during the 19th century.

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we have seen in the previous part about liberal citizenship, it came to be the dominant model, even though the republican tradition continued to spirit behind the scenes.  

What, then, are the main features of a civic republican citizenship? Heater mentions five major characteristics of the school, although, he admits, this is to simplify a complex theoretical tradition. First, there is the ‘purpose of citizenship’, which is to create a republican state in which the freedom of the individual citizen can be obtained. Citizenship in a republican state is not necessarily based on democracy, but rather on a mixed constitution. The second feature concerns the ‘style of citizenship’, and here the community is emphasised; i.e. the state is more than the sum of its individual citizens. Citizenship implies to aim for the best of the community and your fellow citizens. Thirdly, the issue of ‘quality of citizenship’ is considered, and here civic virtue is the most important principle. The principle of patriotism is also of importance in the republican notion of citizenship. Fourthly, there is the ‘role of the citizen’, and in relation to this duties, both military and civil, are highlighted. The basis of republicanism is active participation, and, further, that all citizens possess a moral obligation to carry out their duties. Finally, however, we have the issue of ‘forming the citizen’ into the ideal citizen described above. Consequently, civic virtue is not something that the citizens of a republic are born with, but it must be obtained. Two ways of forming the citizens are through education and religion.  

Thus, in the civic republican tradition duties and positive rights of the individual are celebrated principles. According to Delanty, the school has its basis in the civil society, rather than, as liberalism, in the market or the state. Furthermore, it is a political notion of citizenship, in opposition to the pre-political, private nature of the liberal citizenship. Citizenship implies participation in the public sphere; it is not merely a question of rights and duties.  

We will now move on to a more recent development of some of the main thoughts of the civic republican tradition, namely the communitarian school that emerged during the 1970s, and which had its peak during the 1990s.

2.3.2. Communitarianism

As indicated by the name, the communitarians put emphasis on the community, which they found neglected by the individualistic liberal school. They gazed back at the principles celebrated by the civic republicanism, and aimed at restoring conceptions such as ‘civic virtue’ and the ‘common good’. The communitarians have focused much upon criticising Rawls, and his liberal theory of justice. However, there are many different forms of communitarianism, and there are big differences between the scholars. For our purposes, though, it is the big picture that is interesting. The communitarians found the liberal citizenship too passive and too directed towards the negative rights of the individual. In contrast, the communitarian movement wanted the citizens to actively participate in the community, and one’s obligations were more important than the rights. According to the communitarians, “[t]he good

For some more recent republican works, see Arendt (1958), Skinner (1978) and Barber (1984).


society is built through mutual support and group action, not atomistic choice and individual liberty”.131 Hence, whereas the liberals requested a ‘neutral state’, the communitarians plead for politics for the ‘common good’.132

Among the most famous communitarians are Taylor, Sandel, MacIntyre and Etzioni.133 As pointed out earlier, communitarianism was in much a reaction on Rawls’ A Theory of Justice, as clear in the words of Sandel: “Against the primacy of justice, I shall argue for the limits of justice, and, by implication, for the limits of liberalism as well”.134 According to Sandel, liberalism is built on a false perception of the ‘self’. The individual is always situated in a social context that we share with others, and through politics aiming at the ‘common good’ we can experience valuable things that are impossible alone.135 Thus, communitarianism emphasises the collective, in contrast to the liberal focus upon the individuals.

Furthermore, according to Etzioni, the relation between rights and responsibilities must be adjusted. Therefore, in a ‘four-point agenda’ on rights and responsibilities he calls for: a ‘moratorium’ on the formation of new rights; a recognition of the fact that rights presume responsibilities; a recognition that not all responsibilities entail rights; and, finally, an adjustment of some rights as the circumstances are changing.136 Moreover, morality is of most importance. As Etzioni states in the beginning of his work The Spirit of Community:

“Now we need to concern ourselves with shoring up the social foundations of morality, so that communities can again raise their moral voices, families can educate their youngsters, and schools can graduate individuals who will become upstanding members of their communities…This is the subject of the first part of the Communitarian agenda…shoring up the underpinnings of moral values”.137

Hence, the communitarians put emphasis upon traditional values, such as the importance of morality, the family and the role of the schools in educating the citizens. According to Etzioni: “We adopted the name Communitarian to emphasize that the time had come to attend to our responsibilities to the conditions and elements we all share, to the community”.138

Then, what key concepts can be derived from the communitarian notion of citizenship? First, naturally, there is the concept of community, which forms the basis of the communitarian school, in opposition to the individual in liberal thought. Furthermore, the principles of civic virtue and the common good are emphasised within this tradition, inspired by civic republicanism. In contrast to the liberal focus upon rights, communitarians stress the importance of obligations, or duties, of the citizens. Being a ‘good’ citizen implies active participation in the public affairs, it is

not just an issue of passively gaining your rights. In the communitarian thought, the citizens should support each other as a collective. Traditions are important, as is the role of the family, and of public education, in the task of forming the good citizen. Living in a communitarian society presupposes a certain attitude towards citizenship among the citizens; it is a question of morality.

We have now made acquaintance with the two major theoretical schools of citizenship; the liberal and the republican/communitarian tradition respectively. In the next part a more recent view on the concept of citizenship will be considered, namely the ‘post-national’ model. In order to grasp this model, however, it is also necessary to consider the relationship between citizenship and nationality, on the one hand, and citizenship and ‘multiculturalism’, on the other.

2.4. The Post-National Model of Citizenship

“Rights, participation, and representation in a polity, are increasingly matters beyond the vocabulary of national citizenship”.

Finally, we will have a closer look at the so-called ‘post-national’ model of citizenship. However, the term ‘post-national’ is rather vague and disputed, and sometimes difficult to identify among the many different ‘postmodern’ schools currently debating the issue of citizenship. The works that will be presented in the end of this section is, thus, just a few examples from the ‘post-national’ school, aiming at identifying its core ideas. First of all, however, in order to grasp ‘post-nationality’, the relationship between citizenship and ‘nationality’ needs to be briefly considered.

2.4.1. Citizenship and Nationality

As the concept ‘post-national’ indicates, it refers to something following the ‘national’. As we saw in the previous parts, modern citizenship is linked to the development of the nation-state in the Western world, mainly during the late 18th and 19th century. With the words of Heater: “For two hundred years citizenship and nationality have been political Siamese twins”. According to Heater, the most important benefits of the fusion of citizenship and nationality were freedom, cohesion and allegiance. First, both nationalism and citizenship is based on the principle of freedom; national self-determination respectively the freedom of the citizens. Secondly, a coherent population included the condemnation of class divisions; the celebration of equality and standardisation; the unification of the nation-state through symbols and ‘invented traditions’; and, finally, a culturally homogenous population regarding ethnicity, tradition and language. And, thirdly, allegiance was gained through a sense of ‘patriotic virtue’, which was shaped in times of war, but also in times of peace, mainly through education and the use of symbols.

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140 Among others: Radical Democracy (see Laclau & Mouffe, 1985), Feminism (see Voet, 1998), Cosmopolitanism (see Held, 1995) and Transnationalism (see Hannerz, 1996).
However, there have been different concepts of citizenship in different forms of nation-states. There are mainly two competing principles regarding citizenship and nationality. On the one hand, there is the principle of *ius sanguinis*, which means “law of the blood”, and, on the other hand, there is the principle of *ius soli*, which means “law of the soil”. The principle of *ius sanguinis* has been applied in nation-states based on a ‘folk’, or ‘ethnic’, model of citizenship, as for instance in Germany. Following this principle, citizenship is defined in accordance with *ethnicity*, i.e. common descent, culture, language, history etc. In other words, citizenship is obtained only through descent from an already existing citizen. In contrast, following the principle of *ius soli*, citizenship is granted to everyone born in the territory of the nation-state. Hence, citizenship is based on *birth* in the country, regardless of ethnic background. For example France has come close to this model. In practice, however, most countries follow a model for citizenship based on a combination of the two extremes, although one may be predominant. Moreover, Castles and Miller also mentions a third principle for citizenship that has been increasingly applied lately; the principle of *ius domicili*. Following this principle, a person can attain citizenship after *long-term residence* in a country.

According to Castles and Davidson, there have always been discussions over the notion of citizenship, but as long as the nation-state seemed relatively stable, the controversies were not so important. However, in the era of globalisation we are faced with what they call the ‘crisis of citizenship’, since globalisation has many implications for the concept of citizenship. First, globalisation challenges the autonomy of the nation-state. Moreover, globalisation questions homogenisation and national cultures, (even though these features to some extent always have been a myth according to Castles and Davidson). Most important, however, is the increasing world-wide migration taken place today, which has led to more heterogeneous populations in the nation-states. Hence, the close connection between citizenship and nationality seems to be loosening up in the contemporary era of globalisation. Today, most nation-states are multi-ethnic, and this has of course influenced the concept of citizenship. Foremost, it has raised questions concerning the principle found at the very heart of citizenship: namely equality. In a pluralist, or multicultural, society, maybe equality is not the most important principle, but instead the recognition of differences?

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144 However, Germany has recently applied the principle of *ius soli* for second generation immigrants. See Groenendijk (2000).
2.4.2. Citizenship and Multiculturalism

During the last 50 years, the world-wide migration has resulted in the formation of new ethnic communities and, thus, an increasing cultural variety, in many of today’s nation-states. Although the migration process is rather similar in most countries, there are big differences between state policies concerning immigration and citizenship.

Castles and Miller have identified three groups of countries, which traditionally have applied three different immigration policies. However, the division illustrates a rough classification. First, there are the so-called ‘classical immigration countries’, i.e. the USA, Canada and Australia, where permanent settlement and family reunion have been promoted by the states. The immigrants who are legally residing in the countries are perceived of as ‘future citizens’. According to Castles and Miller, Sweden’s immigration policies are quite similar, although the history of the country is very different from the others. Secondly, there are the countries that have prioritised immigrants from former colonies, such as France and Great Britain, where those immigrants often have had the status of citizens already when arriving in the country. And, thirdly, we have countries whose immigration policies have been based on a so-called ‘guestworker model’, as for instance Germany and Switzerland. In countries applying this model, the naturalisations rules have been very restrictive, and family reunion has been prevented. The immigrants have, thus, been perceived of as temporally ‘guestworkers’, who were to return to their country of origin once their work permits expired.

In addition, Castles and Miller classify three different models, which states have based their immigration policies upon. Again, these categories are not static. First, there is the ‘differential exclusionary model’, which has been used by countries whose immigration policies have been based on a ‘folk or ethnic model of citizenship’. Countries applying this model are characterised by exclusionary immigration policies, and while the immigrants are integrated into some parts of the society, as the labour market, they are excluded from, for example, citizenship and the welfare system. These policies have resulted in the formation of ethnic communities, which do not wholly participate in the society. Secondly, there is the ‘assimilationist model’, aiming at assimilation of the immigrants into the dominant culture of the country. For example, France has come close to this model. Total assimilation requires that the immigrants give up their own culture and language, and become impossible to differentiate from the majority. Thirdly, Castles and Miller mention the ‘multicultural model’, in which the immigrants do not have to give up their cultural characteristics in order to obtain the same rights as the majority. However, compliance to some key values is often required. There are two different forms of this pluralist policy. First, the ‘laissez-faire’ variant applied in the USA, where cultural diversity and ethnic communities are accepted, but where it is not the task of the state to secure equal rights for minorities. Secondly, there is ‘multiculturalism as a

149 However, this policy has now been abandoned, and today immigrants from former colonies do not possess a privileged status.
151 However, most states that have applied assimilationist policies in the past have now changed them into the ‘softer’ form of ‘integration policy’.
government policy’, where the state act to ensure equal rights for ethnic minorities. This model can be found in, for instance, Sweden and Canada.152

Lately, many theorists have sketched on a theory of ‘multiculturalism’. Following a multicultural approach, the principle of equality, so fundamental in citizenship, is challenged by a call for the recognition cultural differences.153 A well-known theorist writing about multiculturalism is Kymlicka, who provides us with a liberal reaction on cultural diversity in his Multicultural Citizenship.154 According to Kymlicka, most western political scholars have ignored the multi-ethnicity of most political communities all over history, and they “…have operated with an idealized model of the polis in which fellow citizens share a common descent, language, and culture”.155 Further, ethnic minorities have been maltreated in various ways by government policies, on their way towards a homogenous community. Kymlicka argues that the traditional human rights doctrines cannot solve these problematic issues, but a theory of minority rights is needed. For Kymlicka, “[a] comprehensive theory of justice in a multicultural state will include both universal rights, assigned to individuals regardless of group membership, and certain group-differentiated rights or ‘special status’ for minority cultures”.156

According to Parekh, however, Kymlicka’s interest is mainly in the situation for ‘national minorities’, such as the Quebecois in Canada, than in the rights of immigrants to cultural autonomy.157 Instead of creating a purely liberal theory of multiculturalism, Parekh himself promotes an ‘institutionalised dialogue’ between liberal and non-liberal cultures. His theory “stresses the centrality of a dialogue between cultures and the ethical norms, principles and institutional structures presupposed and generated by it”.158 According to Parekh, multicultural societies call for a truly multicultural perspective. A single political doctrine, as liberalism, itself embedded in a particular culture, is not capable of creating good solutions, but this can only be done by open-minded dialogue. The feeling of affinity in a multicultural society must be rooted in a loyalty to the political community, and cannot, naturally, be based on ethnicity or a common culture. For Parekh, citizenship is something more than a status, because “[s]ome individuals and groups might enjoy the same rights as the rest but feel that they do not quite belong to the community, nor it to them”.159 Hence, following Parekh, a multicultural society faces many challenges, such as combining unity with diversity, belonging with recognition of differences, and a shared citizenship with pluralism.

Although there are critics of multiculturalism160, its core ideas have been very influential in the recent theoretical debate over citizenship. As clear from above, states

have very different ways of responding to the ethnic diversity of today’s societies. To conclude, emphasised concepts in theories of multiculturalism are: the recognition of differences; minority rights; dialogue; a shared citizenship based in the political community, in contrast to ethnicity or culture; unity; diversity; belonging; and cultural pluralism.

A school that wants to take the concept of citizenship even further than the multicultural perspective is the ‘post-national’ model, which advocates for a citizenship based on residence, rather than nationality or place of birth.

2.4.3. Citizenship and Post-Nationality

According to Delanty, the great issue of the 21st century is how we shall relate to citizenship.\(^{161}\) Delanty, who writes about the situation in Western Europe, argues that during the 19th and 20th century, citizenship has been based in the nation-state. Hence, it has expressed the relationship between the individual citizen and a delimited territorial unity. Consequently, civil rights have only been guaranteed and protected within the territorial boundaries of the nation-state. In his work, Delanty argues that the close connection between citizenship and nationality might be strengthening, because of the threat of mass immigration to Europe. Moreover, he asserts that the liberal, constitutional conception of citizenship has been used by the European states to close their borders and exercise restrictive immigration policies. However, in an era with millions of refugees all over the world, such a policy is indefensible.\(^{162}\)

For Delanty, therefore, a vital question today is whether it is possible to create a truly ‘post-national’ citizenship, i.e. a citizenship detached from nationality. The core of the post-national citizenship is that it is based on residence, and not nationality. Moreover, the post-national citizenship is not limited to the national and cultural boundaries of a nation-state, but is international in its nature. Further, this conception of citizenship is more than just a formal judicial and political status. The post-national citizenship incorporates the social rights of the citizens, as well as gives them a right to actively participate in the society. In order to obtain this notion of citizenship, the ‘institutionalisation of pluralism’ is fundamental. Hence, according to Delanty, a post-national citizenship implies liberalisation of the immigration policies, as well as recognition of ‘cultural pluralism’.\(^{163}\) In his later work, Delanty concludes that the concept of citizenship is currently transforming, and it is evolving from being a right acquired by birth, to becoming a right attained by place of residence.\(^{164}\) Within this context we will later analyse the concept of European citizenship, which offers an example of a new model of citizenship, even though it still has connections to nationality.

Thus, there seem to be some contradictory forces in place in contemporary international relations. While globalisation leads to the alteration of the nation-state, it is clear that the concept of citizenship is still essential, although it is perhaps transforming. Soysal provides another theoretical contribution to the discussion over contemporary citizenship with her book *Limits of Citizenship*. According to Soysal, “a


new and more universal concept of citizenship has unfolded in the post-war era, one
whose organising principles are based on universal personhood rather than national
belonging”.  

Hence, this more universal model of citizenship has replaced the
national one, and “[t]he normative framework for, and legitimacy of, this model
derive from transnational discourse and structures celebrating human rights as a
world-level organizing principle”.

In her book Soysal presents a comparative study of the ‘incorporation regimes’ of
different European states, by looking at the extension of rights to ‘guestworkers’
without formal citizenship in the nation-states. The recruitment of guestworkers after
the Second World War was initially meant to be a temporary solution to the shortage
of labour (as we saw in the previous section about the ‘guestworker model’), but the
guestworkers has become a permanent part of the population, and even though they
don’t have citizenship status they “…have been incorporated into various aspects of
the social and institutional order of their host countries”. Thus, guestworkers can be
seen as ‘empirical anomalies’ in relation to the traditional perception of citizenship
and nationality.

In her study Soysal focuses on two institutionalised principles fundamental for
immigration issues in the global era: ‘national sovereignty’ respectively ‘universal
human rights’. These principles exercise somewhat clashing pressures on the nation-
states. National sovereignty, on the one hand, drives the states towards protection of
their territorial borders and citizens. Universal human rights, on the other hand, apply
to every person independent of nationality and, thus, push the states towards
extending rights to immigrants living within their borders, even though they lack the
formal citizenship status. These contradictory pressures give rise to a ‘dialectic
tension’, through which “…a more universalistic model of membership and rights
comes to contest the exclusive model of citizenship anchored in national
sovereignty”. This new emerging model is what Soysal calls the ‘post-national
model of membership’.

Similarly, Lavenex, who writes about the refugee policies of the EU, places “the
Europeanization of refugee policies between two conflicting paradigms: the
commitment to international human rights on the one hand and the preoccupation with
the safeguarding of internal security on the other”. Further, Jacobson argues in a
similar way, when stating that: “Transnational migration is steadily eroding the
traditional basis of nation-state membership, namely citizenship. As rights have come
to be predicated on residency, not citizen status, the distinction between ‘citizen’ and
‘alien’ has eroded”. According to Jacobson, the ‘universal personhood’ is of
increasingly importance, as individuals now can maintain their rights by pointing to
international human rights. Hence, ‘nationality’ is undergoing a transformation “…to
a concept of nationality as a human right; the state is becoming accountable to all its residents on the basis of international human rights law”.

To conclude, we have now overviewed the main ideas of our last theoretical model of citizenship: the post-national one. As indicated by this recent school, the national conception of citizenship is currently challenged by a number of ‘forces’ operating at the global level. With the increasing migration, and the following multi-ethnic communities, the close connection between citizenship and nationality is loosening up. If the rights of immigrants, who do not possess citizenship in the state that they are residing in, are violated, they often refer to international human rights, which apply to all individuals irrespective of nationality. Hence, the influence of international human rights over the national concept of citizenship is evident.

At last, some key concepts derived from the post-national model of citizenship will be identified. Post-national scholars emphasise the transnational migration taking place today, as well as the cultural pluralism of today’s nation-states. Consequently, they advocate a citizenship based on place of residence, rather than nationality or place of birth. This conception of citizenship embraces human rights, social rights, and active participation. Thus, what is aimed for is a citizenship untied from nationality, based on transnationality, universality, and, obviously, post-nationality.

2.5. A Framework for Analysis

Finally, the main analytical concepts from the different theoretical models of citizenship will be summarised. These concepts will later facilitate the upcoming analysis, where an attempt of interpreting the concept of the European citizenship will be presented. A closer description of the methods of analysis and interpretation is presented in chapter 1.3.4. Of course, this summary is a simplification, but it serves the purpose of providing the analysis with a broad analytical framework, as well as providing us with the key concepts associated with citizenship.

- The Liberal Model of Citizenship:

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<thead>
<tr>
<th>Classical Liberalism</th>
<th>Social Liberalism</th>
<th>Neo-Liberalism</th>
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<tr>
<td>‘Market-based’</td>
<td>‘State-based’</td>
<td>‘Free market-based’</td>
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<td>‘Pre-political’ status</td>
<td>Equality</td>
<td>Freedom against the state</td>
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<tr>
<td>Individualism</td>
<td>Social class</td>
<td>Individualism</td>
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<td>Individual rights</td>
<td>Liberty</td>
<td>Consumers</td>
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<td>Negative rights</td>
<td>Social rights</td>
<td>Negative rights</td>
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<tr>
<td>‘Formal membership’</td>
<td>‘Egalitarian liberalism’</td>
<td>‘Minimalist state’</td>
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- The Republican/Communitarian Model of Citizenship:

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<th>Civic Republicanism</th>
<th>Communitarianism</th>
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<tr>
<td>‘Civil society-based’</td>
<td>Community</td>
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<tr>
<td>Political status</td>
<td>Collectivism</td>
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<tr>
<td>Freedom of the citizen</td>
<td>The common good</td>
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<td>Positive rights</td>
<td>Positive rights</td>
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<tr>
<td>‘Civic virtue’</td>
<td>‘Civic virtue’</td>
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<td>Patriotism</td>
<td>Traditions</td>
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<td>Duties/obligations</td>
<td>Duties/obligations</td>
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<td>Active participation</td>
<td>Active participation</td>
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<td>‘Moral obligation’</td>
<td>Morality</td>
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<td>Education/Religion</td>
<td>Education</td>
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The national model of citizenship has its own column, since it is not a part of the post-national model, but its opposite.
### The Post-National Model of Citizenship:

<table>
<thead>
<tr>
<th>Multiculturalism</th>
<th>Post-Nationalism</th>
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<tr>
<td>Cultural pluralism</td>
<td>Cultural pluralism</td>
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<td>Minority rights</td>
<td>Human rights</td>
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<td>Dialogue</td>
<td>Active participation</td>
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<tr>
<td>Recognition of differences</td>
<td>Social rights</td>
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<td>Belonging</td>
<td>Transnationality</td>
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<td>Unity</td>
<td>Universality</td>
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<tr>
<td>Diversity</td>
<td>Transnational migration</td>
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<tr>
<td>Citizenship based in the political community</td>
<td>Citizenship based on residence</td>
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### The National Model

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<tr>
<th>Nationalism</th>
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<td>National self-determination</td>
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<td>Freedom of the citizen</td>
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<td>Cohesion</td>
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<td>Equality</td>
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<tr>
<td>Allegiance/loyalty</td>
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<td>‘Patriotic virtue’</td>
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<td>Cultural homogeneity</td>
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<td>Citizenship based on nationality</td>
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3. Citizenship of the European Union: An Overview

In this chapter, a brief historical overview of the development of a European citizenship, as well as the EU cooperation in the field of Justice and Home Affairs (JHA), with its aim of creating an ‘area of freedom, security and justice’, will be presented. Within the broad policy area of JHA, one of the objectives is to develop a common immigration policy throughout the Union. In relation to that policy domain, though, the focus will mainly be on the issue of TCN’s, or ‘long-term residents’, residing in the Union, and their relation to the European citizenship.

The aim of the chapter, thus, is to serve as an overview of the main issues addressed in the paper and, thereby, placing the subsequent analysis into a context.

3.1. The Development of a European Citizenship

“The aim of European citizenship is to strengthen and consolidate European identity by greater involvement of the citizens in the Community integration process.”

The concept of European citizenship, or ‘citizenship of the Union’ as it was then mainly called, was introduced with the Maastricht Treaty, which entered into force in 1993. Then, European citizenship became formally established, even though ideas about a common citizenship had been on the EU agenda for a long time, in relation to the aim of creating ‘an ever closer union’ among the peoples of Europe. The European citizenship defines the relation between the Union and its citizens. The aim is to bring the citizens closer to the EU, by encouraging a European political identity. The citizenship embodies the citizens’ rights and duties, and their participation in political life.

In the Maastricht Treaty, one of the formulated objectives of the EU was “to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union” Furthermore, with Maastricht, the conditions relating to citizenship were placed in Part Two of the EC Treaty. Then, it could be read that:

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union.

2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

Holding the status of citizenship of the Union, the EU citizens enjoy the following four categories of rights, set out in the Maastricht Treaty:

174 See TEU, Art. 1.
176 TEU, Art. 2 (ex Art. B (before its amendment by the ToA)).
177 TEC, Art. 17 (ex Art. 8 b).
• “the right to move and reside freely within the EU;
• the right to vote for and stand as a candidate at municipal and European Parliament elections in whichever Member State an EU citizen resides;
• access to the diplomatic and consular protection of another Member State outside the EU;
• the right to petition the European Parliament and to complain to the European Ombudsman”

Even though the ‘freedom of movement’ has been present ever since the European Communities was founded, in 1951, it was initially a right applied to workers. However, with the Single European Act (SEA), in 1986, the aim was set out to remove all internal frontiers of the Community. Hence, the right of residence in any of the Member States was broadened to include people who were not workers, on the condition, however, that they had a reasonable income and social insurances.

In 1997, the Treaty of Amsterdam (ToA) was signed, and then the concept of Union citizenship was in focus. The relation between the national and the European citizenship was made clear through the addition to the EC Treaty of the sentence: “Citizenship of the Union shall complement and not replace national citizenship”. Further, national citizenship of any of the EU member states implies, automatically, that one becomes an EU citizen.

That the issue of citizenship is closely connected to democracy and the protection and guaranteeing of fundamental rights is obvious in the EU Treaty, where it is formulated as follows:

“1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States”.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in…1950, and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

3. The Union shall respect the national identities of its Member States”.

With the ToA, the citizenship of the Union was widened, by the introduction of principles of non-discrimination. It was emphasised in the Treaty that “…any discrimination on grounds of nationality shall be prohibited”. Furthermore, the EU
institutions were encouraged to “…take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”.

Hence, following the entry into force of the Amsterdam Treaty, in 1999, the following rights were added to the European citizenship:

- “the right to contact and receive a response from any EU institution in any one of 12 languages;
- the right to access Parliament, European Commission, and Council documents under certain conditions;
- the right to non-discrimination on grounds of nationality within the scope of Community law;
- the guarantee of fundamental rights as upheld by the European Convention on Human Rights and the Charter of Fundamental Rights in the EU;
- protection from discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
- equal access to the Community civil service”

In addition, the importance of education was emphasised, since it was added that the Member States should “…promote the development of the highest possible level of knowledge for their peoples through a wide access to education and through its continuous updating”.

Moreover, the aim of freedom of movement and residence was finally fulfilled in the ToA, through the incorporation of the Schengen aquis into the Treaties. Also, the goal to create an ‘area of freedom, security and justice’ within the Union was established, (something that will be discussed further below).

At the Nice Summit, in December 2000, the European citizenship was further upgraded. Then, besides the rights already defined in the citizenship of the Union, the Member States recognised the rights of the citizens by agreeing upon the Charter of Fundamental Rights of the European Union. The aim was to make the peoples of Europe aware of their rights as EU citizens, and to avoid the concept of European citizenship from becoming an unclear and vague term, unfamiliar to its holders. In a single text, hence, the charter summaries the civil, political, economic and social rights of the EU citizens, as well as all persons resident in the EU. The fact that the charter refers to all persons residing within the Union, and not only to its citizens, it is noteworthy, and something we will return to in our discussion of TCN’s. Further, in

184 TEC, Art. 13.
186 TEC, Preamble.
187 The Schengen Agreement, first signed in 1985 by five Member States, concerns the gradual removing of internal border controls within the EU, while at the same time harmonising external border controls. Today all Member States are Schengen members, except the UK and Ireland. (Denmark, although a signatory, can choose whether to apply new decisions relating to the Schengen aquis.) In addition, Norway and Iceland have signed up to Schengen on the basis of a specific agreement. See the Schengen Aquis, http://www.europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_239/l_23920000922en00010473.pdf
the Nice Treaty there is a declaration emphasising the “…need to improve and to monitor the democratic legitimacy and transparency of the Union and its institutions, in order to bring them closer to the citizens of the Member States”.\textsuperscript{189}

Currently, the Charter of Fundamental Rights is not incorporated into the EU Treaty. However, one of the key issues discussed at the ‘Convention on the future of the EU’\textsuperscript{190}, was whether to make the charter legally binding when the next EU Treaty is to be signed in 2004. And, actually, in the Draft Treaty establishing a Constitution for Europe, adopted in June/July 2003, the Charter of Fundamental Rights is incorporated, and it constitutes Part II of the Constitution.\textsuperscript{191} However, it still remains to be seen whether the Member States will accept the Draft Treaty.

Hence, that the concept of European citizenship is essential in the European integration process is clear from its position and emphasis in the Treaties. Since its first introduction in the Maastricht Treaty, the citizenship of the Union has been developed and extended, to include e.g. anti-discrimination clauses. However, the Treaty provisions show a rather ‘thin’ and formal notion of the concept. Since there is much more to the concept of European citizenship than the Treaties can express, we will later look at the concept divided into three ‘dimensions’. First, however, a process closely connected to the European citizenship will be considered, namely the creation of an ‘area of freedom, security and justice’.

3.2. Creating an ‘Area of Freedom, Security and Justice’

“[The European Union] places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.”\textsuperscript{192}

The goal of establishing an ‘area of freedom, security and justice’ throughout the Union was formulated in the ToA, which came into force in May 1999.\textsuperscript{193} The goal forms part of the broader EU cooperation within the field of JHA. This policy area is closely connected to the issue of European citizenship, and, furthermore, it also addresses the sensitive issues of TCN’s. Therefore, we will now have a look at its main components, which are of relevance for our purposes.

The cooperation in the field of JHA, which covers matters such as immigration, asylum, visa policies, police and judicial cooperation and international crime, was not included in the initial EC formation in the 1950s. In the 1970s, however, due to, amongst other things, the increased cross-border crime, the Member States agreed to cooperate in the field of JHA, but outside the legal framework of the Community. During the 1980s, the goal of a single open market throughout the EC was in focus, as

\textsuperscript{189} Treaty of Nice, OJ C 80, 10.03.2001, Declaration 23.6.
\textsuperscript{190} The need for a Convention was stated in the Laeken Declaration following the European Council meeting in Dec. 2001. Issues that were to be discussed concerned mainly institutional reforms of the EU in relation to the upcoming Eastern Enlargement in 2004. For more information, see http://european-convention.eu.int/bienvenue.asp?lang=EN&Content
\textsuperscript{191} See Draft Treaty establishing a Constitution for Europe,
http://european-convention.eu.int/docs/Treaty/cv00850.en03.pdf
\textsuperscript{192} Charter of Fundamental Rights of the European Union, Preamble.
\textsuperscript{193} See TEU, Art. 2.
expressed in the SEA in 1986 (see above). An internally open market, however, implied strengthened control over the external borders, something which required an intensified cooperation among the Member States.  

However, difficulties in arranging common policies in this area, resulted in that some of the Member States started a transnational cooperation of their own, outside the EC framework. Thus, the Schengen cooperation, briefly mentioned above, had begun. The Schengen cooperation started in the mid-1980s among five of the Member States, and was later to be incorporated into the Treaties with the ToA. With the Maastricht Treaty, in 1993, the Community became a Union, with its familiar structure of three ‘pillars’. It was then that issues concerning immigration, asylum, cross-border crime etc constituted the third intergovernmental pillar of the Union, called JHA. However, concerning the issues of JHA, there was an evident overlap between the third pillar and the first one. Therefore, in the ToA, which entered into force in 1999, many of the JHA policy areas were transferred to the first supranational EC pillar, as policies concerning visas, immigration and asylum. This further shows the priority among the member states concerning these issues. Furthermore, the third pillar was thereby renamed Police and Judicial Cooperation in Criminal Matters (PJCC), and it also included the new policy area ‘prevention and combating of racism and xenophobia’.  

Accordingly, the Amsterdam Treaty formulated the goal of creating an ‘area of freedom, security and justice’ within the EU. The concept of ‘freedom’ refers to the right of every EU citizen to move freely around the Union. However, this right should not just apply to EU citizens, but via the development of a common immigration policy the aim is to extend it to all residents of the Union. This, however, also requires an extensive control of the external borders of the EU, to prevent illegal immigrants from entering the area. The principle of ‘security’ implies the common fight against organised crime throughout the EU, since “[c]rime does not respect national borders”. And, finally, the principle of ‘justice’ means that wherever in the Union a person is, he or she should be able to approach the courts and authorities. Moreover, another goal is greater convergence of the different legal systems throughout the EU.  

As mentioned, a common immigration policy among the Member States forms an important part of the JHA domain. Of special interest for the purpose of this paper is the situation for the TCN’s, who are long-term residents within the Union without being EU citizens.

195 The first ‘pillar’ is supranational and covers the legislation of the EC, whereas the second ‘pillar’, i.e. the Common Foreign and Security Policy (CFSP), as well as the third, i.e. Justice and Home Affairs (JHA) are intergovernmental.
196 See TEU, Title VI, Art. 29-42.
197 See TEC, Title IV, Art. 61-69.
3.3. The Development of a Common EU Immigration Policy: The Issue of Third-Country Nationals Resident in the Union

“The development of international human rights norms applicable to all persons irrespective of their nationality, has changed the nature of citizenship law.”

Currently, the development of a common immigration and asylum policy within the EU is a high-prioritised issue. As a large number of migrants are coming to the Member States of the Union, a harmonised policy is considered necessary. Hence, “[t]he objective is to manage migration flows better by a coordinated approach which takes into account the economic and demographic situation of the EU”. At present, more than 20 million TCN’s are legally long-term residents in the Member States of the Union, without holding the status of European citizenship. It is mainly the policies towards these persons that are in focus in this passage.

It was at the European Council in Tampere (Finland), in October 1999, that the guiding principles for a common immigration policy were laid down. The purpose of the meeting was to come up with general policy outlines, in order to make the goal set out in the ToA, i.e. the creation of an area of freedom, security and justice, into a reality. Progress made in this area was to be reported in a ‘scoreboard’ by the Commission at regular intervals. The European Council agreed upon the following four elements essential for a common asylum and migration policy:

I. Partnership with Countries of Origin:
A common EU migration policy requires the promotion of respect for human rights, as well as an interest in development issues, in the countries of origin. This calls for, amongst other things, the fighting of poverty and the improvement of living conditions in these countries.

II. A Common European Asylum System:
A common policy for asylum must fully respect the Geneva Convention, thus ensuring the right of every human being to seek asylum and gain protection from persecution. Further, common standards for the asylum procedure needs to be developed, and, in the long run, there will be a common procedure and status for the asylum-seekers all over the EU.

III. Fair Treatment of Third-Country Nationals:
Just treatment of all TCN’s, who are legally residing in any of the Member States, must be guaranteed. In the longer term, TCN’s who have been legally residing within the Union for a period of time, and who possess a long-term residence permit, should as far as possible enjoy rights and obligations similar to the ones granted by the EU

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203 Note, however, that the common immigration policy does not apply to Denmark. Additionally, the UK and Ireland decide on their participation on a ‘case-by-case’ basis.
citizenship. TCN’s should, moreover, have the chance to gain national citizenship in the country where they are staying. Furthermore, the integration policy must aim at the combat of discrimination, xenophobia and racism.

IV. Management of Migration Flows:
The management of migration flows needs to be improved, and all forms of illegal immigration and trafficking must be put a stop to. This requires an increased cooperation with the countries of origin and transit, for example via information campaigns. Moreover, following the incorporation of the Schengen acquis to the Treaties, the cooperation over the border controls needs to be intensified. A wide-ranging common control of the migration flows is needed in order to balance the right of entry between refugees and economic migrants.207

TCN’s, legally residing in the Union, fall under the same EC law as nationals of the Member States, except when it comes to some issues of free movement and European citizenship.208 As pointed out above, with the ToA the immigration policies were transferred to the first, supranational, EC pillar. Hence, it is the task of the European Commission to propose legislation in this field. However, the competence in this area is shared with the Member States for five years following the entry into force of the ToA, in 1999. Regarding the issue of TCN’s, the relevant articles under the EC Treaty are:

-“conditions of entry and residence, and standards on procedures, for the issue by Member States of long term visas and residence permits, including those for the purpose of family reunion”209

-“measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States”210

Following the signing of the European Convention on Human Rights, the Member States must live up to its first article, named “Obligation to respect human rights” which states that: “The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in…this Convention”.211 Hence, rights and obligations are to a large extent applied according to residence in the territory, rather than according to national citizenship, since human rights are to apply to every person, irrespective of nationality. For Groenendijk et al., the obvious influence of human rights on the concept citizenship can be viewed from two perspectives. On the one hand, since the rights traditionally applied only to citizens are not so any more, it might point to a ‘devaluation’ of citizenship. On the other hand, however, the development might indicate a ‘widening’ of the concept of citizenship, since its rights are also extended to ‘non-citizens’ living within the same territory as the citizens.

209 TEC, Art. 63(3)(a).
210 TEC, Art. 63(4).
Furthermore, the authors claim that many TCN’s do possess a ‘denizen’ status within the Union; that is a status similar to the citizen status, but yet with some difference.212

The integration of immigrants is an issue of priority within the Union today. It is considered important that the immigrants become integrated and active participants, not only in the labour market, but also in social and cultural life. Therefore, in 2000, the Commission proposed the concept of ‘civic citizenship’, which was to be applied gradually to TCN’s, who have been residing within the EU for a certain period of time. The thought is that ‘civic citizenship’ will grant long-term residents several rights and obligations, so that, in the long run, they are treated in the same way as the nationals of the state where they are resident, without gaining formal national citizenship.213

The idea of a ‘civic citizenship’ has been further developed and currently, in fact, a directive concerning the status of TCN’s is under negotiation in the Council of Ministers. The negotiations are due to a Commission proposal in March 2001, regarding the adoption of a directive on a special status to long-term resident TCN’s.214 Recently, on the 5th of June 2003, the Member States Ministers of JHA agreed on a draft directive concerning ‘an EU status of long-term resident’, which is to be applied to all TCN’s who have been legally residing in an EU Member State for five years.215 It was agreed that:

“This new status - which is not intended to replace the existing national long-term resident status – will

a) enable third country nationals to enjoy a legal status comparable to that of citizens of the Member States, and
b) allow the persons concerned, under certain conditions, to move from one Member State to another, maintaining the rights and benefits granted in the first Member State without being required to all the procedures that new immigrants are subject to.”216

TCN’s holding an ‘EU status’, will come very close to the legal status of the EU citizens. The status will be acquired by TCN’s after five years of legal residence, on the conditions, however, that they possess a certain level of capital and are not considered a threat to public order. Then, the long-term resident TCN’s will have the equal rights as EU citizens in the following areas:

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215 The Draft Directive is published in the Bulletin of the European Union, 2003/6, which was not yet available when writing this thesis.
• “access to employment and self-employed activity;
• education and vocational training;
• social protection and assistance;
• access to goods and services, etc.”

Moreover, all persons who are legally resident within the Union already share the right to apply to the Ombudsman or to petition the European Parliament with the EU citizens. As well, the Charter of Fundamental Rights mentioned above, apart from the chapter on “Citizens’ Rights”, apply to all persons resident in the EU Member States.

To sum up, the development of a common immigration policy is given priority to by the EU Member States today. However, at the same time policies within this area are sensitive matters, which the states are not always willing to compromise about. According to the European Commission, cooperation in the field of JHA has never been easy, since these issues “…lie at the heart of the concept of national sovereignty…” In addition, they stress that the EU laws on JHA “…deal with complex issues of security, rights and freedom and, in many ways, they lie at the heart of the concept of European citizenship”.

Hence, obviously, the issues of citizenship of the Union, on the one hand, and the development of a common immigration policy, on the other, are closely connected. In the next section these matters will be further considered, since we will now turn to the presentation and analysis of the main empirical data; i.e. the official EU documents. Thus, the issues of European citizenship, and the status of TCN’s, will be analysed within their semantic contexts, influenced by a conceptual history approach, as well as with the help of the theoretical and analytical framework guiding this paper.

So, the main question to be considered in the next chapter is: How can we understand and interpret the concept of European citizenship?

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4. What is the European Citizenship? Analysis of the Concept in its Semantic Context

In this chapter, some official EU documents, as regards the concept of European citizenship and the issue of TCN’s, will be presented and analysed. How and why the particular documents have been chosen and collected is described in the methodology part of the paper (see 1.3.3.). The complete list of the particular rights attached to the EU citizenship will not be restated here, but is presented in chapter 3.1. Initially, however, it is worth repeating that most of the documents discussed here can be found at the ‘Documentation Centre’ at the official website of the EU. The legislation and discussion concerning European citizenship, and its connected rights and duties, is of course very comprehensive. Thus, what is to be presented here is just a few recent samples from this extensive field, aiming at a discussion at a general political, not a detailed legal, level.

The concept of European citizenship will be viewed below as consisting of three ‘dimensions’: a political; a judicial; and, finally, a socio-economic dimension. Hence, it is the use of the concept within these different dimensions that is in focus in the following presentation of results. Guided by a conceptual history approach, and the theoretical and analytical framework outlined in chapter 2, an attempt will thus be made to identify some ‘space of experience’ and ‘horizon of expectations’ in the concept of European citizenship. How, then, can the concept of European citizenship be interpreted and understood within the semantic context of the EU documents?

4.1. The Political Dimension of EU Citizenship

“Citizenship of the Union is a reality…Citizens are entitled to be aware of the rights conferred on them by the EU…Otherwise, citizens will regard EU citizenship as a vague, intangible concept which means very little in reality.”

In this part, some aspects of the political dimension of EU citizenship will be considered, as the right to vote and stand as candidates in European and municipal elections, and whether the EU citizenship is ‘active’ or not.

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221 This division is influenced by the one used in the European Parliament Resolution on the third Commission report on citizenship of the Union (COM(2001) 506 – C5-0656/2001 – 2001/2279(COS)), 05.09.2002. The EP also includes a fourth dimension, the administrative one (concerning the right of petition and access to the European Ombudsman), which will not be considered here.


223 The political dimension of EU citizenship also embraces the right to diplomatic and consular protection, which will not be considered here.
4.1.1. The Right to Vote and Stand in European and Local Elections

As familiar, with the Maastricht Treaty the right to participate in elections, as voters or candidates, for the European Parliament (EP), as well as in municipal elections in the Member State of residence, was established. Following this right, ‘non-nationals’ are allowed to vote and stand under the same conditions as the citizens of the Member State where they are resident.

In its Second Report on Citizenship of the Union, which covers the years 1994-96, the Commission expresses concern about the low rate of participation in elections to the EP in EU citizens’ state of residence. At the time, citizenship of the Union, and its attached rights, was a novel concept, but this can only partly explain the low participation, due to the Commission. It identifies two shortcomings that need to be tackled, in order to increase the participation; a cornerstone in the concept of citizenship, especially in the republican/communitarian model. Hence, according to the Commission, “…there was a lack of information about the new rights. Secondly there was a dramatically low rate of successful candidates”. The Commission considers the latter weakness to be more serious, since it is a sign of low political participation by ‘non-nationals’ in the country where they live. This might be the case because:

“The present provisions of the Treaty merely grant voting rights without mentioning other political rights such as the right of association and freedom of expression. Yet the latter are intrinsically preconditions for the meaningful exercise of the former”.

Hence, in order to be able to practice the right to vote in another country actively, other political rights must be guaranteed as well. Moreover, if we recall Marshall’s triad of rights, the exercise of political rights often presupposes a holding of civil rights. Then, if persons who are ‘non-citizens’ in a state do not feel that their civil rights are guaranteed in the first place, they might hesitate to practice their political rights. In addition, as pointed out by the multicultural model of citizenship, in order to take part in the political process the person needs to feel a sense of ‘belonging’ to the society.

In its Third Report on Citizenship of the Union, covering the years 1997-2000, the Commission is still concerned about the low participation rate. It calls for permanent information campaigns in order to make the EU citizens vote in their Member State of residence, since “[e]ncouraging participation should be a continuing process…” The importance of education in forming the ‘good citizen’ is familiar from the communitarian agenda. Through information campaigns thus the EU aims at getting the citizens more aware of their rights and obligations as EU citizens.

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224 TEC Art. 19 (ex Art. 8b).
225 COM(97) 230 final.
226 COM(97) 230 final, p. 10.
227 COM(97) 230 final, p. 10.
Further, the Commission considers the voting rights for non-national EU citizens to be the most important of the Union citizenship rights. But, however, “...the benefits that may ensue from its application, in terms of a greater integration of Union citizens in their host Member State are most likely to be felt only in the long term”. From this passage the continuing EU goal of creating ‘an ever closer Union’ is evident.

By giving EU citizens the right to vote in their country of residence, a post-national element can be identified in the European citizenship. Citizens of the Union can practice their citizen rights in a country where they are not a national. However, the European citizenship is still linked to the national one, since it is to complement and not replace it. Thus, this post-national dimension does only apply to nationals of an EU Member State, and not to other residents, something that we will return to in our discussion of TCN’s.

Hence, even though the political dimension of European citizenship is considered of significant importance for the Commission, the EU citizens resident in another Member State, than the one of their nationality, don’t seem to use their political rights to a greater extent. There seem to be a great lack of information to the citizens about their rights. As we can see in the language the Commission uses, voting rights needs to be connected to other political rights, and moreover, active participation must be encouraged permanently, not only in the run-up to the elections.

4.1.2. An ‘Active’ Citizenship?

This lack of active participation for instance in elections to the EP (which is also evident among EU citizens living in their country of origin), might be due to the fact that the EU has failed to make their citizens feel a sense of ‘belonging’ to Europe. In the text above, the Commission states that the benefits of the political rights attached to EU citizenship is the ‘greater integration of Union citizens’. However, since the political citizenship rights, as stated in the Treaties, express a rather formal membership, familiar in the liberal tradition, the active and engaged citizens, emphasised in the republican/communitarian approach, seem to be missing.

The Commission expresses further concern about this issue in its White Paper on European Governance by announcing that “[t]he Union...will no longer be judged solely by its ability to remove barriers to trade or to complete an internal market; its legitimacy today depends on involvement and participation”. Hence, in the semantic field surrounding the concept of European citizenship, there seem to be a wish expressed of a move from the mere economic and formal citizenship, into a more political and active citizenship. This objective is clear in many texts, as in this passage: “It will be a Union in which the citizen will be an important and integral part, unlike in the past when the citizen was so often relegated to the background, with priority going to the economic aspects”. Thus, from being close to a neo-liberal citizenship based in the free market and directed towards consumers rather than citizens, the Union aims at a more republican/communitarian vision of citizenship with actively participating citizens.

230 COM(97) 230 final, p. 11.
That the objective of making the EU citizens more active is given priority to by the EU institutions is clear, as in the proposal from the Commission of a Community action programme to promote active citizenship including, amongst others, the following aims:

“…to bring citizens closer to the European Union and its institutions; to involve citizens closely in reflection and discussion on the construction of the European Union; to stimulate initiatives by the bodies engaged in the promotion of active and participatory citizenship”.

This well thought out policy of promoting an active European citizenship, indicates a ‘top-down’ approach from the EU institutions as regards this issue. Whether this conscious policy from the EU institutions will succeed, however, remains to be seen. As pointed out by the EP: “…a European citizenship cannot be created solely from above, but…the real engagement and the active participation of the citizens in the European Union must originate from the citizens themselves…” Hence, the goal of active and participating citizens may be difficult to obtain if the ‘top-down’ approach is not complemented with a ‘bottom-up’ approach as well, derived from the peoples of Europe themselves.

To conclude this part about the political dimension of citizenship, the key features of the concept of European citizenship is highlighted by the Commission, which declares that:

“Citizenship of the Union is both a source of legitim ation of the process of European integration, by reinforcing the participation of citizens, and a fundamental factor in the creation among citizens of a sense of belonging to the European Union and of having genuine European identity”.

Following a conceptual history approach, concepts possess a double role as indicators of, as well as factors or promoters, of historical change. Hence, on the one hand, the EU citizenship has developed as an answer to the European integration process. On the other hand, however, by its very creation and if successful, the concept itself can contribute to a ‘sense of belonging’, and to the development of a ‘European identity’. This contribution to historical change is possible since concepts can make new things imaginable; they embrace both a ‘space of experience’ and a ‘horizon of expectation’.

4.2. The Judicial Dimension of EU Citizenship

“…[T]he European Union is currently home to over 375 million people who are no longer merely consumers in a large single market but are also citizens of that Union…and who expect to be able to live in safety, without fear of persecution, violence or discrimination”.236

4.2.1. Respect for Fundamental Rights

Fundamental rights are closely related to the concept of European citizenship in a broader sense, as it gives the concept a more ‘thick’ characterisation than the mere rights set out in the second part of the TEC.237

Concerning the semantic use of the EU citizenship over the years, it is clear that the issue of fundamental rights is something that has increased in importance. In texts prior to the ToA, the citizenship of the Union is mainly connected to the formal four rights. Freedom of movement and an open internal market are issues discussed in relation to citizenship, not the issue of fundamental rights.238 As discussed above, the EU citizenship started out close to the liberal, or even neo-liberal, conception of citizenship. However, steps towards a more social liberal notion of citizenship are evident in the semantic field surrounding the concept in more recent texts. In its Third Report on Citizenship of the Union, the Commission states that:

“The rights that feature in Part Two of the Treaty…thus form the core of the rights conferred by citizenship, but are not an exhaustive list. It is therefore legitimate…to go beyond the specific rights featuring in the second part of the EC Treaty, and to examine subjects that have an obvious connection with citizenship of the Union, such as the fight against all forms of discrimination and, more generally, the protection of fundamental rights in the Union”.239

Thus, the Charter of Fundamental Rights is of outmost importance for the concept of EU citizenship, and according to the Commission: “The proclamation of the Charter of Fundamental Rights…sends a clear signal that the citizen is now at the centre of European integration”.240 In the Charter, the rights of EU citizens as well as all persons resident in the EU are set out. It is stated in the preamble that: “The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values”.241 The connection between European citizenship and fundamental rights is also expressed by the EP, which calls on the European institutions and the Member States to “…guaranteeing respect for the principles of freedom, equality and solidarity…since European citizenship must manifest itself in a feeling of genuine membership of a constitutional democracy and adherence to common values…”,242

238 See for example COM(97) 230 final.
241 Charter of Fundamental Rights, Preamble.
The rights in the Charter are divided into six categories: ‘dignity’; ‘freedoms’; ‘equality’; ‘solidarity’; ‘citizens’ rights’; and ‘justice’, of which many are familiar principles from our theoretical models of citizenship. In the Charter, much emphasis is given to the rights and freedoms of individuals, as the ‘right to liberty and security of person’\(^\text{243}\) and the ‘freedom of thought, conscience and religion’\(^\text{244}\). By the emphasis upon rights and the individual, the influence of the classical liberal model of citizenship is apparent. Duties and active participation, stressed as fundamental components of citizenship in the republican/community model, are not discussed in the Charter to a great extent. However, in the section about ‘solidarity’, collective rights are expressed, as the ’right of collective bargaining and action’\(^\text{245}\), indicating the influence of, if not communitarian, but social liberal principles.

Closely connected to the protection of fundamental rights are principles of anti-discrimination. As pointed out by advocates of a multicultural notion of citizenship, the recognition of differences must be respected in a multi-ethnic community. A number of legislative steps have been taken in order to combat any form of discrimination within the Union. In June 2000, the Council adopted a directive on equal treatment between persons, no matter their racial or ethnic origin\(^\text{246}\). The directive is to apply to all citizens in, among others, the areas of employment, social security and education, and it is stated that: “…the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin”.\(^\text{247}\) Moreover, the ‘principle of equal treatment’ was further emphasised in a following directive, whose aim was to “…lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation…”\(^\text{248}\). Further, as stated above, equality and non-discrimination are celebrated principles in the Charter of Fundamental Rights. The influence of fundamental rights in connection to EU citizenship is also clear in the Draft Treaty Establishing a Constitution for Europe, discussed in the previous chapter, where it is proposed that the Charter of Fundamental Rights shall be incorporated into the Treaty.\(^\text{249}\)

To sum up, the rights expressed in the Charter of Fundamental Rights are based, inter alia, on the European Convention on Human Rights and the constitutional traditions of the Member States. Hence, it is evident that human rights are influential in the development of citizenship of the Union. Moreover, the rights expressed in the Charter are to apply to all persons in the Union based on residence, not nationality. The EP even states that fundamental rights and equal treatment must be guaranteed to “European citizens in the broad sense, i.e. including legal residents…”\(^\text{250}\).

By the significance of the Charter, and its application due to residence, post-national elements are, again, closely connected to the European citizenship. However, many of

\(^{243}\) Charter of Fundamental Rights, Art. 6.

\(^{244}\) Charter of Fundamental Rights, Art. 10.

\(^{245}\) Charter of Fundamental Rights, Art. 28.


\(^{249}\) See Draft Treaty establishing a Constitution for Europe, Part II.

\(^{250}\) European Parliament Resolution on the third Commission report on citizenship of the Union, p. 13.
the rights still apply exclusively to EU citizens, and becoming an EU citizen still presupposes the nationality of a Member State.

4.2.2. The Union as an ‘Area of Freedom, Security and Justice’

The aim of creating an ‘area of freedom, security and justice’ is closely linked to the protection of fundamental rights, discussed above. In the words of António Vitorino: “These two tasks are indissociable and are actually two sides of the same coin…In other words, the protection of fundamental rights is the very foundation of the Area of Freedom, Security and Justice”\(^{251}\)

Moreover, obviously, the gradually establishment of an area of freedom, security and justice is also connected to the concept of European citizenship, in a wider sense. As expressed by the Commission:

“This objective, a corollary to the establishment of an integrated, frontier-free economic area, helps to give the idea of European citizenship its full meaning. This idea, today perceived as being primarily political, will need to be underpinned legally by linking it directly with a set of clearly-defined and enforceable rights and obligations”\(^{252}\)

The ongoing process of creating an area of freedom, security and justice, “…lends a new judicial dimension to European citizenship, giving practical form to citizens’ membership in a constitutional democracy and adherence to a community of values…”\(^{253}\) The objective was set out at the Tampere summit, where it was stated that one of the challenges of the ToA is to “…ensure that freedom, which includes the right to move freely throughout the Union, can be enjoyed in conditions of security and justice accessible to all”.\(^{254}\) Moreover, “[t]he goal of creating an area of freedom, security and justice, enshrined in the Treaties, has as its corollary the need to ensure better protection of citizens’ rights”.\(^{255}\) Though, “[t]his freedom should not, however, be regarded as the exclusive preserve of the Union’s own citizens”.\(^{256}\) Hence, this area should embrace all persons resident within the Union.

The theoretical models of citizenship, which put the European citizenship into a historical and analytical context, are mainly directed towards the relation between the citizen and the nation-state. Principles of freedom, security and justice are celebrated within theses traditions too, though with different kinds of emphasis. However, the EU goal of an area of freedom, security and justice implies a semantic pattern which is difficult to interpret with the help of the analytical framework. In relation to this objective, the *sui generis* of the Union is apparent; i.e. the fact that it is neither a state nor an international organisation. The Union is creating this area of freedom, security and justice for all of its citizens, in response to current occurrences in the world

around. Thus, the goal of freedom, security and justice throughout the EU is currently a top priority among the Member States, in particular due to the events of 11 September 2001.\textsuperscript{257} Since then, the fight against terrorism has required a closer coordination and cooperation within this field.

Hence, as emphasised in conceptual history, in order to understand the history of a concept, it is fundamental to place it within its socio-political context. The specific socio-political context of which the EU is a part, influences the development of the European citizenship, as well as the semantic key concepts surrounding it. Of course, major events influence the change of concepts, just as concepts, in turn, can influence historical change. As clear by now, concepts embrace both a ‘space of experience’ and a ‘horizon of expectation’, and both parts are evident in the goal of an area of freedom, security and justice for the citizens of Europe.

4.3. The Socio-Economic Dimension of EU Citizenship

“The integration of third-country nationals who are long-term residents in the Member States is a key element in promoting economic and social cohesion, a fundamental objective of the Community...”\textsuperscript{258}

4.3.1. Freedom of Movement and Third-Country Nationals

In relation to the socio-economic dimension of citizenship thus we will discuss one of the major concerns of this paper, namely the status of TCN’s legally resident in the EU. As discussed above, with the ToA a common immigration policy throughout the Union became a Community responsibility, and this policy area was moved from the third intergovernmental pillar of JHA, to the first supranational Community pillar.\textsuperscript{259} Then, the integration of TCN’s legally residing in the Union was set out as one important objective for the EU Member States.

An important part of the socio-economic dimension of EU citizenship is the free movement of people within the Union. The ‘freedom of movement’ for persons, capital, goods and services is an essential part of the EU project, in relation to the creation of a single market without internal frontiers. Initially this right was only applied to workers, but has now been extended to all EU citizens. However, even though the freedom of movement and of residence constitutes one of the fundamental rights for EU citizens, the total abolition of internal border controls has not yet been completed.\textsuperscript{260} The right to free movement can be restricted due to concerns of public order, public security or public health.

In the Charter of Fundamental Rights it is stated that: “Freedom of movement and residence may be granted...to nationals of third countries legally resident in the territory of a Member State”.\textsuperscript{261} For instance, family members of EU citizens can, on certain conditions, move freely in the territory of the Union. Moreover, the Schengen

\begin{itemize}
\item \textsuperscript{257} European Parliament Resolution on the third Commission report on citizenship of the Union, p. 13.
\item \textsuperscript{258} COM(2001) 127 final, p. 27.
\item \textsuperscript{259} See TEC, Art. 63.
\item \textsuperscript{260} European Commission, “Free movement within the EU – a fundamental right”, http://www.europa.eu.int/comm/justice_home/fsj/freetravel/fsj_freetravel_intro_en.htm
\item \textsuperscript{261} Charter of Fundamental Rights, Art. 45.
\end{itemize}
Convention allows every person to travel in the EU area, without being subject to internal border checks. Thus, TCN’s who have a residence permit in a Schengen State can enter other Schengen countries for a period up to three months, without requiring a visa.\(^{262}\)

However, TCN’s still face many obstacles when it comes to practising free movement in the Union. Therefore, in a “Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents”\(^{263}\), the Commission addresses the conditions under which TCN’s may remain in another Member State. After all, “[a] genuine area of freedom, security and justice…is unthinkable without a degree of mobility for third-country nationals residing there legally…”\(^{264}\) Today, as mentioned above, TCN’s who have a residence permit in an EU Member State are not allowed to reside in another Member State for longer than three months. Consequently, according to the Commission, “…third-country nationals wishing to settle in another Member State will have to go through all the formalities imposed on first-time immigrants…even if they are long-term residents in a Member State”\(^{265}\).

Therefore, the Commission proposes measures to grant long-term resident TCN’s the right of residence in other Member States than the one where the person is residing. However, some conditions must be fulfilled in order to reside in a second Member State, as ‘exercise of an economic activity…pursuit of studies or vocational training…or possession of adequate resources available to avoid becoming a burden on the second Member State…’\(^{266}\). In the Proposal, the Commission also calls for the granting of a ‘long-term resident status’ for TCN’s, which would apply throughout the Union.

As discussed above, as a result of the Commission’s Proposal, a Directive regarding an ‘EU status of long-term resident’ is currently under negotiation in the Council. This status will apply to all long-term residents after five years of legal residence in the Union, and “[t]he new EU status will enable third-country nationals to enjoy a legal status comparable to that of citizens of the member states.”\(^{267}\) Furthermore, the ‘EU status’ enables TCN’s to movement, settlement and maintenance of rights throughout the Union, without having to go through all the formalities that new immigrants are exposed to.

Hence, the rights of TCN’s seem to be gradually extended, and they will in the near future attain a status ‘comparable’ to that of EU citizens. Does these developments indicate ‘post-national’ elements in the European citizenship? The issue will be considered more in detail next, when a closer look will be taken at the semantic field surrounding TCN’s and the European citizenship.


\(^{266}\) COM(2001) 127 final, Art. 16.

4.3.2. A ‘Multicultural’ and ‘Post-National’ Citizenship?

In a response to the Tampere milestones on the development of a common EU immigration policy (see chapter 3.3.), the Commission presented a Communication on a Community immigration policy in November 2000. With the Communication the Commission aimed at stimulating a debate over ways of encouraging legal immigration of labour migrants to the EU, as well as over how to integrate the TCN’s already resident here. The Commission states that:

“…the “zero” immigration policies of the past 30 years are no longer appropriate. In this situation a choice must be made between maintaining the view that the Union can continue to resist migratory pressures and accepting that immigration will continue and should be properly regulated, and working together to try to maximise its positive effects on the Union, for the migrants themselves and for the countries of origin”.  

As recognised by the agitators for a multicultural citizenship, the migration flows of today has resulted in multi-ethnic nation-states in Europe and elsewhere. Hence, a citizenship based primarily on nationality and a common history, language and culture, excludes big parts of the population. Moreover, instead of only celebrating the principle of equality, the recognition of differences could contribute to a more inclusive citizenship. In its Communication, the Commission expresses a consciousness of the multicultural Member States of today by arguing that:

“A shift to a proactive immigration policy will require strong political leadership and a clear commitment to the promotion of pluralistic societies and a condemnation of racism and xenophobia. It will be necessary to emphasise the benefits of immigration and of cultural diversity…and promote the recognition and acceptance of cultural differences within a clear framework of rights and obligations”.

Moreover, the Commission emphasises that:

“The European Union is by its very nature a pluralistic society enriched by a variety of cultural and social traditions, which will in the future be even more diverse. There must, therefore be respect for social and cultural differences but also of our fundamental shared principles and values; respect for human rights and human dignity, appreciation of the value of pluralism and the recognition that membership of society is based on a series of rights but brings with it a number of responsibilities for all of its members be they nationals or migrants”.

In these passages, we can recognise synonyms to many of the analytical concepts associated with the multicultural approach. For instance, the Commission talks about

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pluralistic societies, cultural diversity, variety of cultural and social traditions, acceptance of cultural differences, and respect for social and cultural differences. There are also elements of the post-national model visible in the semantic context, such as respect for human rights, and the emphasis on rights and responsibilities for all members of society ‘be they nationals or migrants’. Thus, the principle of residence seems to be gaining importance at the expense of nationality. This interpretation finds support also in another statement by the Commission, regarding the Charter of Fundamental Rights:

“Respecting the principle of universalism, most of the rights enumerated in the Charter are conferred on all persons regardless of their nationality or place of residence; the Charter thus enshrines a number of rights conferred on the nationals of the Member States and on third-country nationals residing there. To that extent it reflects the European Union’s traditions and positive attitude to equal treatment of citizens of the Union and third-country nationals”. 272

Here, the principle of universalism, celebrated by post-national scholars, is given emphasis to. Moreover, the ‘tradition of equal treatment’ of EU citizens and TCN’s is stressed. The rights in the Charter are to apply to all persons ‘regardless of their nationality or place of residence’, intending that the Charter applies to every person resident in any of the Member States, no matter nationality or where one lives within the Union. Hence, the place of residence; i.e. that the person lives somewhere within the EU territory, forms the basis for the gaining of rights, not the nationality of the person.

Hence, the rhetoric concerning the status and integration of TCN’s seems to coincide on many points with the language used in the multicultural and post-national models of citizenship. However, as clear from this paper, the gaining of ‘full’ European citizenship presupposes the holding of a Member State nationality. The Commission clarifies this link between citizenship of a Member State and European citizenship by stating that: “there is no separate way of acquiring citizenship of the Union. Nationality of a Member State is the only way to acquire citizenship of the Union”. 273

Hence, even though the development of an ‘EU status’ for long-term residents will give TCN’s a legal status ‘comparable to that of the EU citizens’, today only nationals of an EU Member State can attain the European citizenship. And in this area the EU do not have any legislative powers, as recognised by the Commission:

“Although the importance of voting rights and access to nationality for the integration of third-country nationals who are long-term residents is now generally acknowledged, the EC Treaty provides no specific legal basis for it…Access to nationality is a matter reserved solely for national powers”. 274

As clear from the chapter on citizenship and nationality (chapter 2.4.1.), nation-states have different rules concerning access to nationality, depending on different historical, political and cultural traditions. While the naturalisation laws in some states are based mainly on the principle of ius sanguinis (‘law of the blood’), others apply

272 COM(2001) 127 final, p. 3.
the principle of *ius soli* (‘law of the soil’). Hence, a harmonised approach towards the status of TCN’s throughout the Union will most likely face some obstacles, due to the different historical backgrounds of the Member States. Hence, despite the post-national rhetoric in the EU documents, the connection between European citizenship and nationality is still strong.

The, for TCN’s, problematic link between European citizenship and nationality has been paid attention to by the European Network Against Racism (ENAR). In a publication called “For a real European citizenship”, the network is calling for a citizenship based on residence. ENAR stresses the fact that throughout history citizenship has been extended to new groups of people by social struggles. Therefore, they call for mobilisation and campaigns, with the goal of achieving a citizenship of the Union based on residence and equal political rights for TCN’s, at local, regional, national and European level. Granting TCN’s rights comparable to the EU citizens is not enough but, according to ENAR,

“…the EU must be built on the basis of its diversity and by allowing all those who live within its borders to take part fully in this project of developing society. If the EU wants something other than an economic project, if it really wants a social and political Europe, then the citizenship of the Union must be accorded to all people who live there”.

To sum up, in the semantic field it is emphasised that the EU is a pluralistic society, which will be even more diverse in the future. The benefits of immigration and pluralism are stressed, and respect of cultural differences and the combat of racism and discrimination are called for. Moreover, by the gradual establishment of an ‘EU status’ for long-term residents, which will give TCN’s a legal status ‘comparable’ to that of the EU citizens, post-national elements are visible in the EU citizenship. However, it is still only nationals of the EU Member States that can enjoy the complete rights attached to the citizenship of the Union. To conclude, the concept of European citizenship, while establishing a citizenship across national borders, is still based on nationality.

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275 ENAR is a network of European NGOs, established as a result of the 1997 European Year Against Racism. The main tasks of ENAR are to combat racism and xenophobia, work towards equal treatment of EU citizens and TCN’s, and coordinate initiatives at local, regional, national and European level. See [http://www.enar-eu.org/](http://www.enar-eu.org/)


5. Conclusions

5.1. Research Findings

As stated in the introduction, the aim of this thesis is to interpret and understand the concept of citizenship in general, and the European citizenship in particular, placed within a broad theoretical framework. Furthermore, the purpose is to examine whether the development of a European citizenship indicates an emergence of a new ‘post-national’ model of citizenship, based on residence rather than nationality or place of birth. Initially, within this framework, four sub-questions were formulated:

- How is the concept of citizenship understood according to different theoretical models of citizenship?
- How can the concept of European citizenship be understood in relation to these theoretical models?
- How can the status of third-country nationals resident within the Union, in relation to EU citizens, be understood in relation to the theoretical models?
- What patterns can be discovered in the EU documents concerning the linguistic use of the concept of European citizenship?

In order to find answers to those questions and fulfil the aim, a qualitative and hermeneutic study has been carried out, aiming at interpreting and understanding the European citizenship placed within its socio-political context. The method used is influenced by the conceptual history approach, and its view upon concepts and language. Following this approach, political and social concepts possess ‘multiple meanings’, and they therefore need to be interpreted. Concepts are not just reflections of historical processes, but can themselves contribute to historical change by making new things imaginable. As emphasised throughout the paper, concepts embrace at the same time a ‘space of experience’ and a ‘horizon of expectation’.

5.1.1. How Is the Concept of Citizenship Understood According to Different Theoretical Models of Citizenship?

As regards the first research question, an overview of the main theoretical models of citizenship is presented in chapter 2. The reading of literature in this field showed that there are many different ways of viewing the concept of citizenship.

First, there is the ‘liberal’ model of citizenship, consisting of at least three different traditions. The ‘classical liberal’ model emphasises individual and negative rights, and is market-based. Citizenship is conceived as a formal membership in the state, and the state is to interfere as little as possible in the life of the individuals. The ‘social liberal’ model puts a special emphasis upon social rights and equality, and it is based in the state, rather than the market. The ‘neo-liberal’ model, finally, wants a minimalist state, and rather than talking about citizens in a state, they talk about consumers in a free market.
Secondly, the paper considers the ‘republican/communitarian’ model of citizenship. In the ‘civic republican’ notion of citizenship *civic virtue, duties* and *active participation* are important components. The *community* is of major importance, as the state is more than the sum of individuals. Also the ‘communitarian’ model stresses the *community, active participation* and the *obligations* of the citizens. Living the life of a ‘good citizen’ is a question of *morality* and responsibility for the *common good*.

Thirdly, the more recent ‘post-national’ model of citizenship is discussed. This model is opposing the traditional ‘national’ model of citizenship, and therefore the close connection between citizenship and *nationality* is considered first. There are mainly two principles regarding the issue of citizenship and nationality: *ius sanguinis* and *ius soli*. In the ‘national’ model the *cultural homogeneity* of the state is stressed. As a critical response to that view, the ‘multicultural’ model calls attention to the *cultural pluralism* facing the nation-states today. It highlights the importance of *minority rights* and the *recognition of differences*. Finally, the ‘post-national’ model, just as the multicultural one, put emphasis on the *cultural pluralism* and the *transnational migration* in the era of globalisation. Advocators for a post-national citizenship wants a citizenship based on *residence* rather than nationality. Furthermore, they highlight the influence of *human rights* on the nation-state. Since human rights apply to every person irrespective of nationality, they push the states towards extending rights to immigrants without citizenship status living within their territory.

5.1.2. How Can the Concept of European Citizenship Be Understood in Relation to the Theoretical Models?

When trying to find an answer to the second research question, chapter 3 provides the paper with an overview of the main empirical issues that are addressed in the paper. Thereafter, in chapter 4, the concept of European citizenship is analysed with the help of the theoretical and analytical framework. The key concepts derived from the different models of citizenship (summarised in chapter 2.5), thus provide the paper with a framework for the analysis. The concept is interpreted placed within its semantic context, which in this paper consists of official EU documents. Hence, a textual analysis of the documents is carried through, influenced by a conceptual history approach.

First, the ‘political dimension’ of EU citizenship is considered. By giving EU citizens the right to vote and stand in European and local elections in their country of *residence*, a post-national element can be identified in the citizenship of the Union. However, this post-national element does only apply to persons holding the citizenship of a Member State, and not to TCN’s. Further, the semantic context surrounding the concept of EU citizenship and the political dimension expresses concern about the lack of *active participation*. Through information campaigns and an action programme promoting *active citizenship*, the Commission aims at getting the EU citizens more aware of their political rights.

Conclusions drawn from the textual and conceptual analysis in this respect are that since the political citizenship rights express a rather *formal membership*, recognised from the liberal model, the *active citizens*, stressed in the republican/communitarian model, are missing. Moreover, out of the semantic field the goal of leaving the *formal* and *economic* citizenship, and instead move towards a more *active and political*
citizenship can be interpreted. The EU citizenship embraces a ‘space of experience’ close to a neo-liberal citizenship based in the free market and directed towards consumers rather than citizens. At the same time there is a ‘horizon of expectation’ in the concept expressing the aim of a more active citizenship, familiar from the republican/communitarian tradition. Among the EU citizens a ‘sense of belonging’ to the Union needs to be developed through ‘education’ and information. Thus, the texts hint at a ‘top-down’ approach, where the EU citizenship is interpreted as a factor in the creation of a ‘European identity’ among the peoples of Europe.

Secondly, the ‘judicial dimension’ of EU citizenship is addressed. Fundamental in the semantic context in this respect, is the emphasis upon fundamental rights. Also here, the goal of moving from a merely economic and liberal notion of citizenship is evident. By an increasing emphasis of fundamental rights, a more social liberal citizenship is emerging in the texts. In addition, principles connected to a multicultural citizenship are visible, as principles of anti-discrimination and equal treatment no matter racial or ethnic origin. Moreover, since the Charter of Fundamental Rights applies to all “European citizens in the broad sense, i.e. including legal residents…”279, the influence of universal human rights and post-national elements in the European citizenship is clear. However, there are still rights exclusively for EU citizens in the ‘narrow’ sense.

In connection to the judicial dimension of EU citizenship, the goal of creating an ‘area of freedom, security and justice’ is essential. From the texts it is clear that the establishment of this area has as its aim to better protect the rights of the EU citizens, as well as other persons residing within the Union. Thus, the rhetoric is again rather inclusive. The specific goal of an ‘area of freedom, security and justice’, however, is difficult to understand in relation to our theoretical models, and therefore we will return to the issue in connection to the fourth research question below.

Thirdly, the focus is upon the ‘socio-economic dimension’ of European citizenship. In connection to this dimension, the issue of TCN’s residing in the Union is addressed. Therefore, we will discuss the semantic field surrounding the socio-economic dimension of EU citizenship in relation to the third research question, regarding the status of TCN’s.

5.1.3. How Can the Status of Third-Country Nationals Be Understood in Relation to the Theoretical Models?

The discussion around the third research question is related to the socio-economic dimension of EU citizenship. A fundamental part of this dimension is the ‘freedom of movement’. In the documents, the texts express the aim of extending this right also to long-term resident TCN’s, since “[a] genuine area of freedom, security and justice…is unthinkable without a degree of mobility for third-country nationals residing there legally…”280 Moreover, in relation to TCN’s, the establishment of an ‘EU status of long-term resident’ is apparent in the semantic field. This ‘EU status’ will give TCN’s a legal status ‘comparable’ to that of EU citizens, after five years of residence in a

Member State. What does these developments indicate, hence, as regards the relation between European citizenship, nationality and post-nationality?

Conclusions arrived at point towards a multicultural and post-national rhetoric in the texts, regarding the issue of TCN’s. Linguistic key concepts identified around TCN’s are for instance cultural diversity, pluralism and respect for cultural differences. Post-national principles are also visible, as the influence of human rights and the gaining of rights due to residence within the Union, rather than nationality. However, the gaining of ‘full’ EU citizenship and its connected rights and duties, can still only be obtained through national citizenship in a Member State.

Hence, while the European citizenship is post-national in the sense that it applies to all EU citizens irrespective of nationality or place of residence, it is still not post-national to the extent that it includes all people resident within the Union. Despite the post-national rhetoric in the texts, there is still a close link between European citizenship and nationality.

5.1.4. What Patterns Can Be Discovered in the EU Documents Concerning the Linguistic Use of the Concept of European Citizenship?

Apart from the semantic patterns discussed above, which have been discovered with the help of the theoretical framework, an additional aim of the analysis is trying to find patterns in the empirical data inductively. While much of the text is interpreted through references to the analytical framework, there are key concepts surrounding the concept of EU citizenship that are more difficult to ‘explain’ with theory.

Most striking in this respect is the close connection between the European citizenship and the creation of an ‘area of freedom, security and justice’ throughout the Union. In the documents, this goal is repeatedly mentioned in connection with the EU citizenship, as “[t]his objective…helps to give the idea of European citizenship its full meaning”. As regards this issue, the importance of placing a concept in its socio-political context, stressed in conceptual history, becomes clear. The establishment of an ‘area of freedom, security and justice’ is, according to the interpretation made here, better understood as a response to recent events, especially after September the 11th, than by referring to liberal, communitarian or post-national models of citizenship. The goal of a safe and just area where the EU citizens can move freely, expresses at the same time experiences of the past and expectations of the future.

5.2. Final Conclusions

This paper has highlighted the concept of European citizenship, with the aim of interpreting and understanding the concept placed within a broad theoretical and analytical framework. The concept has been interpreted in its semantic context, consisting of official EU documents. However, it is important to note that this is one possible interpretation done in a specific context. The results might have been different if the concept of European citizenship had been interpreted in another context, for instance at a local or national level.

The main conclusions drawn from the research can thus finally be summarised in a number of points.

First, while the concept of European citizenship was originally connected to a formal and economic view upon citizenship, which emphasised the internal free market and free consumers, the texts express a vision of a more active citizenship. Thus from being based mainly in a liberal/neo-liberal notion of citizenship, where citizens are passive receivers of individual rights, the semantic analysis point towards an aim of a more active citizenship, stressed in the republican/communitarian tradition. To achieve this aim, the concept of EU citizenship can thus be interpreted as a factor in the promotion of a ‘sense of belonging’ to Europe and in the creation of a ‘European identity’.

Secondly, concerning the status of long-term resident TCNs within the Union, the rhetoric is interpreted as including both multicultural and post-national elements. The EU citizenship seems to be gradually extended, and many rights are now guaranteed on the basis of residence in the Union rather than nationality. Hence, the influence of universal human rights is striking. Moreover, the benefits of cultural pluralism are emphasised, and long-term residents are to be granted an ‘EU status’ which gives them rights ‘comparable’ to that of the EU citizens. However, despite the post-national rhetoric, the gaining of ‘full’ EU citizenship can still only be attained through nationality in a Member State.

Thirdly, the importance of interpreting a concept placed within its socio-political context has been clear from the study. The semantic analysis has showed a close link between the European citizenship and the goal to create an ‘area of freedom, security and justice’ throughout the Union. This goal is interpreted as a response to recent occurrences in the world, but at the same time it expresses expectations about the EU citizenship, and it can thus itself influence future developments in this field.

To conclude, while the concept of European citizenship is post-national to the extent that it gives EU citizens rights across national borders, it is still not completely based on the principle of residence. Even though long-term resident TCNs are granted certain rights, they are still excluded from the gaining of ‘full’ EU citizenship. Nevertheless, there seem to be aspirations of a move in the direction towards a more inclusive citizenship. However, it should be emphasised that this paper has analysed the texts and language surrounding the concept of European citizenship. Assessing to what extent these semantic aspirations will be fulfilled in practice is thus beyond the purpose of the thesis.
What is clear from the conceptual history approach, however, is that the relationship between concepts and historical change is reciprocal. While concepts develop as a response to historical experiences, at the same time they have the ability of expressing expectations about the future and they can, thus, affect historical change. Hence, in the very relation between national experiences and post-national expectations, the history of the concept of European citizenship is made.
5.3. Recommendations for Further Research

The findings arrived at in this paper could be followed up by further research in the field. For instance, to investigate the perceived ‘inclusive’ contra ‘exclusive’ nature of European citizenship, interviews could be conducted with TCN’s who are long-term residents in the Union. Addressing the issue of EU citizenship from the perspective of TCN’s living within the EU area could further contribute to the issue of whether the citizenship of the Union is actually moving towards a truly post-national citizenship, based on residence, or not. Moreover, it could be examined whether this possible development is something wished for by the TCN’s themselves.

The significance of the concept of European citizenship could also be studied from the perspectives of the EU citizens. Through in-depth interviews it could be explored whether there is a ‘sense of belonging’ to the Union and whether there is a ‘European identity’ developing among the peoples of Europe or not. In connection to that, it could thus be clarified whether the apparently rather strong link between citizenship and nationality is loosening up in today’s era of globalisation.
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