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**THE EUROPEAN CITIZENS' INITIATIVE**

An Assessment of European Citizenship as a Solution to the Democratic Deficit in the  
European Union

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**ABSTRACT**

The European Union (EU) introduced the European Citizens' Initiative (ECI) in the Lisbon Treaty as a means of strengthening citizen involvement in the European decision-making process. The ECI allows a minimum of one million EU citizens to request that the European Commission submit a legislative proposal on the issue of the initiative. The ECI is, however, not only a means of strengthening participatory democracy in the EU. It also bears the potential to democratise the EU by facilitating the emergence of a general European public sphere since it essentially encourages European citizens to debate issues of European relevance across national borders. This is relevant because it is often claimed that the EU suffers from a democratic deficit.

The aim of this paper is to assess the potential of the ECI as a solution to the democratic deficit in the EU. For this purpose, both the normative concepts of the democratic public sphere and citizenship based on secondary literature and the empirical concept of European citizenship based on an analysis of the "sites" of European citizenship, i.e., EU Treaties, the *Acquis communautaire* and European citizenship practices, will be examined. According to normative theories, citizenship is both a constitutive element and a prerequisite for a democratic public sphere. Citizenship is composed of rights and duties, participation and identity. The paper proposes a normative theoretical model of democracy as a point of reference for the assessment of European citizenship as well as for the discussion of the ECI as a solution to the democratic deficit.

Previous research evaluates the ECI based on its practical implications or its contribution to participatory democracy. Instead, this paper contextualises the ECI as part of the empirical concept of European citizenship. This is based on the assumption that the democratic deficit is actually a citizenship deficit.

The assessment of European citizenship conducted in this paper finds that the ECI only has limited potential as a catalyst for the emergence of a European public sphere since European citizenship deviates significantly from normative standards. Furthermore, a democratisation of the EU will inevitably bring about the end of European nation-states. As a result, European citizens face a democratic dilemma.

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**KEYWORDS:** European citizenship, European Citizens' Initiative, public sphere, democratic deficit



## 1. INTRODUCTION

During the last fifty years, the European nation-states have transferred much of their powers to the institutions of the European Union (EU) and to mechanisms of intergovernmental decision-making (Brüggemann 2005: 58). What started as a functional project of economic cooperation between nation-states has also become an exercise in polity-building as the EU has engaged increasingly in more policy fields (Smismans 2009: 59). European integration is no doubt an effort to remedy the particular contemporary challenges associated with globalisation (Eriksen & Fossum 2000: 1). However, as the EU has grown, the concern with democracy has been a question posed not only about the Member States but also about the workings of the EU itself (Brüggemann 2005: 58); it is now widely held that the EU suffers from a democratic deficit (Eriksen & Fossum 2000: 2). By the beginning of the twenty-first century, the EU, therefore, represents *“both the greatest hope and the greatest danger to democracy in Europe”* (Katz 2001: 54).

On the one hand, the EU has acted as an important consolidator of democracy in post-authoritarian and post-communist states in Central and Eastern Europe that have acceded to the Union (Fossum & Schlesinger 2007: 2). On the other hand, it lacks democratic legitimacy (Brüggemann 2005: 58), which is often attributed to its weak popular legitimacy (Eriksen & Fossum 2000: 2). An increasing number of measures decided at the European level affect more and more citizens over a greater number of areas of life. Given that the role of the citizen has mainly been institutionalised at the national level, European citizens have hitherto had no effective means of debating European issues and influencing the decision-making processes in the EU (Habermas 1994: 30). The continuous transfer of power to European institutions, therefore, produces a new and worrying form of democratic deficit in Europe, and, as a result, both the justification of the European project and its viability are at stake (Giorgi, Crowley & Ney 2001: 73).

It cannot be taken for granted that the EU is a ‘good thing’ independently of its institutional dynamics (Giorgi et al. 2001: 73) and there is now a strong onus on the EU

to comply with democratic norms. It has, therefore, become increasingly relevant to discuss whether there could be a European public sphere in which European citizens could address common issues across state borders simultaneously and see themselves as the authors of the EU laws they abide by. (Fossum and Schlesinger 2007: 2.) Only with a European-wide public sphere in place can the requirements of democracy beyond the nation-state be met (Giorgi et al. 2001: 74). This is so because the public sphere has profound implications for the conception of democratic legitimacy. It compels decision makers to enter the public arena in order to justify their decisions and to gain support. (Eriksen 2007: 25.) Publicity is, therefore, supposed to discredit views that cannot withstand critical scrutiny and to assure the legitimacy of those that do. As a result, the public sphere is supposed to ensure that the actions of the governing bodies express the will of the citizenry. (Fraser 2007: 7.)

In order to address persistent concerns about a democratic deficit in the EU, the European Citizens' Initiative (ECI) was introduced in the Lisbon Treaty in 2009 as a means of strengthening citizen participation in the EU's legislative process (Conrad 2011: 5). Since 1 April 2012, citizens of the European Union have been able to submit a proposal for European legislation to the European Commission within the framework of the legislative powers attributed to the EU (Glogowski & Maurer 2013: 7). Through its implicit appeal to a broader political space beyond national borders, the ECI essentially encourages European citizens to act on commonalities that transcend their national identities and to initiate legislative change from below (Kostakopoulou 2013: 13). The ECI is, therefore, not just an intriguing innovation in relation to increased citizen participation (Conrad 2011: 5). It also has the potential to facilitate the emergence of a common political space in Europe (Kostakopoulou 2013: 13).

Previous research on the ECI has focused on practical chances, constraints and limitations when evaluating its impact on democracy in the EU (Stratulat & Emmanouilidis 2010; Glogowski & Maurer 2013). Furthermore, research that examines the ECI from the perspective of democratic theory often limits the focus to participatory democracy (Conrad 2011). However, these studies are limited by their polity-activating conception of European democracy. According to Saward (2013: 225–226), polity-



activating conceptions are built upon the assumption that the core structures and procedures of the EU, with its borders and major political rules and institutions are in place and functional. The purpose of the ECI under such a conception is to activate the polity – make it work better, enliven it, reform specific features in order to help it to be what it can or ought to be (ibid.). Instead, this paper is suggesting that it is necessary to contextualise the ECI as part of European citizenship. By examining the empirical concept of European citizenship, this research avoids a polity-activating approach since it does not assume that a single instrument is sufficient to democratise the EU.

Citizenship implies membership of a political community and it is defined by rights and duties, participation and identity (Delanty 1997). It has been argued that European citizenship has been based mainly on the liberal conception of citizenship, i.e., conceiving it as a formal, legal right-bearing status (Smismans 2009: 60) Following the reasoning by Kiernan (1997), this paper, therefore, suggests that the democratic deficit in the European Union is a citizenship deficit. Since the public sphere, as a collective concept, not only involves participation in a sphere of communication but also a collective idea of belonging to a public discussing common themes and problems (Peters 1999: 185) as well as rights that secure the public sphere as a common space for communication (Fossum & Schelsinger 2007: 5), it is plausible to assume that a functioning public sphere presupposes citizenship. The emergence of a European public sphere, therefore, presupposes European citizens equipped with EU rights, opportunities to participate in European decision-making processes and a European collective identity. In this sense, it is necessary to examine the ECI in terms of its contribution to European citizenship. The question is, thus, whether the ECI has the potential to be a solution to the democratic deficit in the EU by contributing to a more adequate model of European citizenship, thereby, facilitating the emergence of a European public sphere?

### 1.1. Methodological nationalism

In order to address the problem of the democratic deficit in the European Union, it is necessary to question the widely held conception of democracy and democratic

legitimacy as intimately linked with and as dependent on the nation-state (Eriksen & Fossum 2000: 7). Ulrich Beck (2003: 544ff.) notes that assessments of the democratic deficit in the EU are easily distorted by what he calls the hegemonic role of methodological nationalism (Fossum & Schlesinger 2007: 11). Methodological nationalism equates societies with national societies and conceives them as territorially delimited units (Beck & Grande 2007: 18) that has a right to self-determination within the frame of their own cultural distinctiveness (Fossum & Schlesinger 2007: 11):

*“Methodological nationalism assumes this normative claim as a socio-ontological given and simultaneously links it to the most important conflict and organisation orientation of society and politics. These basic tenets have become the main perceptual grid of social science. Indeed, the social-scientific stance is rooted in the concept of nation state. A nation state outlook on society and politics, law and justice and history governs the sociological imagination. To some extent, much of social science is a prisoner of the nation state.”* (Beck 2003: 454.)

This also manifests itself in a certain propensity to associate polity-formation with state-formation. Although the nation-state has become the dominant organisational form at present, there is, however, no a priori assurance that this trend will continue and, in recent years, some analysts have made efforts to think through which alternative standards can be applied. (Eriksen & Fossum 2000: 8.) The EU, therefore, seems to face a democratic dilemma: if it is to be a more standard democracy, it must become more recognisable like the modern state or federation; or, if it is to be a novel form of democracy (Bohman 2004: 318), then it must also give up the concepts and normative principles associated with the nation-state (Linklater 1996: 78).

According to Follesdal (2001: 324), the conclusion is not automatically that the normative political ideals and standards of democratic governance associated with the nation-state should be scrapped as Beck (2003) seems to suggest; this *“would run counter to the traditional critical function of normative political theory in the Western tradition”* (Follesdal 2001: 324). Furthermore, traditional theorising about citizenship, which proceeded from liberal, republican and communitarian perspectives (Bellucci, Sanders, Tóka & Torcal 2012: 5–6) has established normative standards for citizenship that ought not to be carelessly abandoned in the building of transnational institutions (Greven 2000: 36). The discrepancies between EU institutions and normative political

theory are, therefore, not necessarily a weakness of theory; they may equally well be weaknesses of the institutions. As a result, an equally sound conclusion is that the concept of European citizenship bolsters demands for institutional redesign. (Follesdal 2001: 324.)

When assessing the democratic deficit in the EU, it is at the same time necessary to keep in mind that nation-states often actually fail to adhere properly to the democratic standards associated with the nation-state model itself (Eriksen & Fossum 2000: 8). Portrayals of the nation-state are, in fact, “*often bedevilled by the image of an ideal-typical ‘state’ whose authority is unquestioned and whose institutions work smoothly*” (Keohane & Hoffmann 1990: 279) although no such state has ever existed. Instead, when viewed close-up, all modern states appear “*riddled with inefficiencies and contradictions*” (ibid.). Nonetheless, this has not led to the abandonment of normative theories of legitimacy when assessing the democratic credentials of nation-states. It, therefore, seems equally reasonable to apply democratic normative ideals of political theory to the European Union when assessing European citizenship as a solution to its democratic deficit.

## 1.2. Methodology and structure of the study

The aim of this paper is to evaluate the European Citizens’ Initiative as a solution to the democratic deficit. In order for the ECI to be a catalyst for a democratisation of the EU, it is necessary that the ECI facilitates the emergence of a European public sphere. From the perspective of normative theories of the democratic public sphere, citizenship is both a constitutive element and a prerequisite. In this paper, citizenship is composed of rights and duties, participation and identity. Since the ECI is expected to mainly contribute to the participatory dimension of citizenship, the ECI does not have the potential to create a common European public space if the other components of citizenship are not in place. As a result, this paper proposes that the ECI must be contextualised as part of the concept of European citizenship. The purpose of this

research is, therefore, to assess the ECI in terms of its contribution to European citizenship. The primary research problem is based on the following hypothesis:

**An adequate model of European citizenship ought to be composed of the formal dimension of rights and duties, on the one side, and, on the other side, the substantive dimensions of participation and identity if the European Citizens' Initiative is to be a solution to the democratic deficit in the European Union by contributing to the emergence of a European public sphere.**

Research on the European public sphere frequently aims to identify and analyse a possible emerging European public space with regard to its democratic functions in relation to powerful institutions at the European level (Haug 2008: 2). In the realisation of this goal, studies on the European public sphere have often adopted a top-down perspective focusing on institutional change (Brüggeman 2005). However, this paper argues that since an emerging public sphere is dependent on the construction of a European citizenship, research on the European public sphere cannot be treated as an entirely elite-driven, top-down process (Bellamy et al. 2006: 1). Political struggles over citizenship rights have often contributed to the formation of new political communities (Wiener 2003: 402) and, given the absence of clear institutional channels and the difficulty in creating them (Bohman 2007: 2), bottom-up mobilisation is another important factor in the emergence of a European public sphere (Wiener 2003: 402).

When studying citizenship, top-down and bottom-up approaches are usually kept separate and studies independently of one another. According to Moro (2012: 9), it is, however, critical to overcome such a distinction. In this, paper, they will therefore be considered as inextricably connected by invoking a methodological perspective suggested by Bellamy et al. (2006) that sees:

*“[...] citizenship as a dynamic and contested process emanating as much from below as from above [...] European citizens are not only being ‘made’ and ‘transformed’ by European institutions and contemporary social and economic conditions but also (and more importantly) ‘making’ and ‘transforming’ both themselves and the European political space.”* (Bellamy et al. 2006: 1)

In order to analyse and evaluate the ECI in a meaningful way, both the normative concepts of the democratic public sphere and citizenship based on secondary literature and the empirical concept of European citizenship based on an analysis of the “sites” of European citizenship will be introduced as points of reference for the discussion of European citizenship as a solution to the democratic deficit. The theoretical framework is based on an extensive theoretical examination and review of normative theories, which creates the basic ground for the empirical research. Theories of citizenship fall into two categories: normative theories and empirical theories (Bellamy 2008a: 27). Since normative theories attempt to set out what citizenship ideally ought to be, it is more suitable for this particular research to focus on normative theories. The analysis of European citizenship carried out in this paper avoids reducing the “sites” of European citizenship to the EU Treaties, namely its primary law (Moro 2012: 39). This is necessary because European citizenship also resides in the *Acquis communautaire* as well as in the practices of citizenship (Warleigh 2001: 21–22). The empirical data, therefore, consists of EU Treaties; secondary legislation, namely the case law of the European Court of Justice; declarations and resolutions adopted by the Commission; Eurobarometer Surveys; and secondary literature. Since the European Union is a unique political entity in that it is at least not yet a nation-state (Maynor 2008: 188), European citizenship is expected to be different from the normative theoretical concept of citizenship presented in this paper.

At the outset of this study, the normative theoretical concepts of the democratic public sphere and citizenship are outlined in order to develop a normative point of reference that will guide the further analysis. The paper starts with theorising the democratic public sphere in order to illustrate the importance of citizenship for the proper functioning of a democratic public sphere. The paper then presents a definition of citizenship and sets out the core values that underpin liberal, republican and communitarian notions of citizenship. Citizenship can be seen in terms of three contrasting models which emphasise different dimensions of what membership of a political community entails, namely rights and duties, participation and identity (Smismans 2009: 60). Each of these models corresponds closely to the respective theoretical and ideological traditions of liberalism, republicanism and

communitarianism (Delanty 1997: 288). While these models are considered as contenders by the usual normative philosophy underlying discussions on citizenship (Moro 2012: 38), a different approach is presented in this paper. Following a suggestion given by Bellamy (2004), citizenship will be considered in terms of a triadic model in which citizenship is constituted of the three components of right, participation and identity. Based on the normative theories elaborated on in this paper, this research proposes a normative theoretical model of democracy that captures the relationship between citizenship, the public sphere and political institutions.

With the normative definition of citizenship in mind, the analysis of European citizenship, which will be carried out in this paper will be based on these three components: rights, participation and identity. Before studying the empirical concept of European citizenship, the paper will first examine the idea of the democratic deficit – arguments for and against the democratic deficit will be presented – in order to highlight the reasons for the introduction of the European Citizens’ Initiative and to stress the necessity for a democratisation of the EU. The paper then introduces the ECI as a solution to the democratic deficit; it explains what it is, the most basic formal requirements and why it is expected to contribute to European democracy. Finally, the paper examines European citizenship in terms of European citizen rights, opportunities for participation in European decision-making processes and a European collective identity. The normative theoretical framework and the analysis of the empirical concept of European citizenship forms the basis for the final discussion about whether the introduction of the ECI means that it can plausibly be assumed that European citizenship could provide a normative solution to the democratic deficit.

The scope of this research has posed certain delimitations to the assessment of European citizenship as a solution to the democratic deficit in the European Union. Firstly, there are theoretical limitations since the paper addresses liberal, republican and communitarian theories of citizenship from a general perspective. In fact, there exists a variety of strands within liberalism, republicanism and communitarianism. Secondly, the paper assesses European citizenship in terms of its potential to facilitate the emergence of a general European public sphere. Although citizenship is the cornerstone

in a democratic polity and a prerequisite of the public sphere, decision-making in the politico-administrative complex is also a constitutive element of the public sphere (Fossum & Schlesinger 2007: 6). A viable public sphere, therefore, places demands on political institutions in terms of publicity, transparency and accountability. Although some issues related to the workings of European institutions will be briefly presented in the section about the democratic deficit, it is outside the scope of this paper to discuss their implications for the democratisation of the EU. In other words, the paper does not address the institutional conditions necessary for the development of a European public sphere. Since the paper only focuses on citizenship as an important prerequisite for the development of a general European public sphere, the assessment of European citizenship as a solution to the democratic deficit is clearly limited since a polity cannot be deemed democratic if its institutions are undemocratic from a normative perspective.

## 2. THEORIES OF CITIZENSHIP

Theories of citizenship fall into two categories: normative theories that attempt to set out the rights and duties a citizen ideally ought to have, and empirical theories that seek to describe and explain how citizens came to possess those rights and duties that they actually have. Normative theories look to history to explore the ideal of the good citizen and past accounts of citizenship have inevitably shaped how we think about what it is to be a citizen. By contrast, empirical theories of citizenship explore the social, economic, and political processes that have fashioned the emergence of citizenship in different times and places as well as the ways this status has been granted to different groups of people; these theories seek to understand how and why citizenship arose in given circumstances and took the forms it did. (Bellamy 2008a: 27–28.) The focus in this paper is on normative theories of citizenship in order to bring out the relevant analytical dimensions necessary for the examination of European citizenship.

### 2.1. The democratic public sphere

Democracy can be defined as *“that set of institutions by which individuals are empowered as free and equal citizens to form and change the terms of their common life together, including democracy itself”* (Bohman 2007: 1–2). A basic principle of democratic citizenship is, thus, that those affected by decisions on equal terms should be able to influence common affairs (Olsen 2003: 93) through participation and contestations in the public sphere. Through their collective associational, relational activities (formal or informal) in the public sphere, individual citizens mobilise and advance claims. In that sense, a shared public space, within which citizens interact and mobilise, is essential for the exercise of citizenship. (Soysal 2003: 160.)

In order to be able to conceptualise the democratic public sphere, it is important to deal with three core issues. First, it is necessary to establish the ideal characteristics of the public sphere, so as to bring out the relevant analytical dimensions. Second, it is necessary to spell out its contribution to democracy as well as its normative value.



Third, it is necessary to identify some key problems that the public sphere is currently facing in the age of globalisation (Fossum & Schlesinger 2007: 3.), and, in particular, the challenges posed by the emergence of transnational and supranational organisations such as the European Union (Peters 1999).

### 2.1.1. Conceptualising the public sphere

The public sphere can broadly be defined as an arena of communication in which those who govern and those who are subject to governance in a given legally constituted polity gather, and express their interests, concerns and expectations that interfere with political decision-making (Eder & Trenz 2007: 167). In the public sphere, individuals relate to one another not in terms of market transactions, nor in terms of power relations, but as politically equal citizens (Giorgi et al. 2001: 74). On the most general level, everything is public that is part of the common (as opposed to private) life of people in a community (Bärenreuter, Brüll, Mokre & Wahl-Jorgensen 2009: 3). The prime feature of the communicative forms constituting the public sphere, therefore, concerns matters of collective interest. Traditionally, this is thought to involve political matters, or affairs of the state. However, general public discussion is not limited to those practical questions needing solutions, but also, debates on general orientation, normative principles and values, relationships to a collective past, and collective aspirations for the future. (Peters 1994: 37.)

Habermas is the founding father of the most influential concept of the public sphere (Eriksen 2007: 24) and according to him, the public sphere:

*“[...] can best be described as a network for communicating information and points of view (i.e., opinions expressing affirmative or negative attitudes); the streams of communication are, in the process, filtered and synthesized in such a way that they coalesce into bundles of topically specified public opinions. Like the lifeworld as a whole, so too, the public sphere is reproduced through communicative action, for which mastery of a natural language suffices; it is tailored to the general comprehensibility of everyday communicative practice.”* (Habermas 1996: 360.)

The public sphere has a triadic character, with a speaker, an addressee and a listener (Fossum & Schlesinger 2007: 3) and provides a discursive as well as an institutional arena in which citizens can discuss, deliberate, and evaluate issues of public relevance (Giorgi et al. 2001: 4). Historically speaking, the citizens immediately lay claim to this public sphere through confrontations with public authorities over the general rules of coexistence in the fundamentally privatised, but publicly relevant sphere for exchange of goods and societal work (Eriksen 2007: 24). The medium for this political confrontation was peculiar and without historical precedent: public reasoning (Habermas 1989: 27). The public sphere is not closed in principle or practice either to groups, to issues, or to modes of discourse: if it did acquire closure in any of these respects, it would cease, ultimately, to be public in the full sense of the word (Giorgi et al. 2001: 74).

In conceptual terms, the public sphere is non-coercive, secular and rational (Eriksen 2007: 25). Disagreements over the definition of problems, or proposed solutions, are conducted in terms of arguments that can lay claim to collective acceptance, resting upon shared, freely arrived at convictions. Objections or criticism are possible at any time, but so is the invalidation of criticism. An elementary precondition is that a common understanding of any one given contribution can be achieved based on mutual respect. Forms of communication, such as manipulation or threats, which seem to overpower rather than convince, are not admissible (Peters 1994: 38–39.), and the public sphere is, therefore, antithetical to coercion and dogmatic modes of conflict settlement (Eriksen 2007: 25). The public arrive at well-founded, critically examined, reasonable common insights, solutions to problems or collective aims through public discourse, and only by engaging in such discourse – or at least, to considered and tolerant disagreement on such insights, solutions and aims (Peters 1994: 39).

### 2.1.2. The public sphere and democracy

The public sphere is intimately linked with democracy. Since it is based on the tenet that everybody can speak without limitation, it can be considered a precondition for realising popular sovereignty. (Fossum & Schlesinger 2007: 4–5.) Legal rights to

freedom of expression and assembly secure the public sphere as a common space for communication (Eriksen 2007: 27), where enlightened and critical citizens reach agreement through public discussion on the rules of communal life, on their common self-understanding and aims, and on current problems and possible solutions (Peters 1993: 17). At the heart of its normative principles is the belief that the exchange of opinions among free and politically equal citizens is the only legitimate basis for the generation of laws and the exercise of political power (Greven 2000: 45).

The development of a modern public sphere has profound implications for how democratic legitimacy may be conceived. When citizens become equipped with rights they can exercise against the state, decision makers also face the need to justify their decisions and to gain support in public. (Fossum & Schlesinger 2007: 5.) This forms the background to speaking of a modern public sphere that is critical of power (Eriksen 2007: 25). In such a setting, it does not suffice to show people the power of the power holder but this power has to be derived from the will of the people and, depending on the respective theoretical understanding, the public sphere is either understood as the place where this will shows itself or where it is developed (Bärenreuter et al. 2009: 3). This makes legitimacy precarious but it also becomes an important democratic resource (Fossum & Schlesinger 2007: 5). It is neither a given set of institutions nor concrete persons that guarantee the legitimacy of the law. Only public debate in itself has norm-giving power. (Eriksen 2007: 25.)

From the perspective of democratic theory, the public sphere must not only detect and identify problems in society, but also convincingly and influentially thematise them, furnish them with possible solutions, and dramatise them in such a way that they are taken up and dealt with by parliamentary complexes (Habermas 1996: 259). The public sphere, thus, embodies the idea of a democratic circulation of power, that is, political power originates in the people through the public formation of political intentions that are summarised and condensed in parliamentary discussion and decisions. The parliamentary nexus consists of formal political institutions, such as the parliament together with those organs involved in parliamentary business, such as committees and expert commissions; plus political parties and any organisation, which seek to influence

elections and parliamentary decisions. (Peters 1993: 21–23.) It is connected to the periphery of civil society through a set of channels of political influence such as elections, neo-corporatist lobbying, interest aggregation, and, of course, public debate (Eriksen 2007: 27).

For collective decisions to be regarded as legitimate, it must be demonstrated that they started with a communication process originating in the periphery (Habermas 1996: 356) and were channelled into the formal power apparatus in a procedurally correct manner (Eriksen 2007: 27):

*“[...] the legitimacy of decisions depends on processes of opinion- and will-formation at the periphery. The centre is a system of sluices through which many processes in the sphere of the political-legal system must pass, but the centre control the direction and the dynamics of these processes only to a limited degree. Changes can start just as much at the periphery as at the centre, and it cannot be assumed in every case that the institutional centre will mainly determine the course taken by any one change [...] After all, the democratic idea is ultimately based upon the principle that the processes through which political opinions and intents are shaped [...] having a peripheral or intermediate status, should decide the course of political development.”* (Peters 1993: 25–26.)

This ‘official circulation of power’ can be represented in a model that serves as heuristic device that enables a clearer delineation of both the constitutive elements of the public sphere and its presuppositions (Fossum & Schlesinger 2007: 5–6). The model is outlined in the figure below:

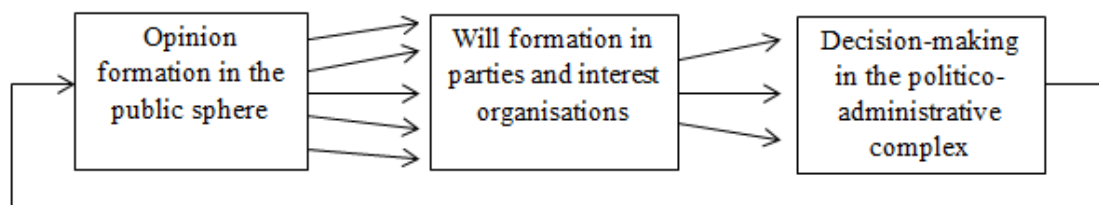


Figure 1. The circulation of political power (Fossum & Schlesinger 2007: 6).

The model clearly depicts that the centre controls instruments of power and decision-making competence (Eriksen 2007: 27), while opinion formation takes place outside the political system and is inserted into the system through channels and sluices (Fossum & Schlesinger 2007: 6). The public sphere is thus the only possible channel of influence for the periphery, which lacks formal instruments of power, does not make decisions, and does not address all aspects of a problem (Eriksen 2007: 27). However, when looking at the public sphere in a longer time perspective, it functions as a warning system with sensors that are sensitive throughout society (Habermas 1996; 359) vis-à-vis new questions and problems visualised and verbalised by civil society organisations and social movements. Neither détente politics nor minority rights or third-world problems were taken up by the established system. Instead, they were advocated by social movements and their demands for change. (Eriksen 2007: 28.)

Nancy Fraser's (2007) key distinction between 'weak' and 'strong' publics captures this added complexity and helps to explain the ability of the public sphere to influence politics. Weak publics are spaces "*whose deliberative practice consists exclusively in opinion formation and does not also encompass decision-making*" (Fraser 1992: 134), and strong publics are spaces of institutionalised deliberation "*whose discourses encompass both opinion formation and decision making*" (ibid.). In institutional terms, strong publics encompass parliamentary assemblies and other deliberative entities that have obtained decision-making power, whereas weak publics operate in the wide sphere of deliberation outside the formal political system (Fossum & Schlesinger 2007: 4). For the latter, Eriksen (2007: 28) suggests the term 'general public sphere':

*"[...] because it entails free and open access to opinion-formation processes, and has in many instances proven to be both 'strong' and powerful, as in revolutionary situations, constitutional moments and when bare public opinion has forced corrupt leaders out of office."* (ibid.)

A general public sphere is, therefore, not only a space for the communicative generation of public opinion; it is also a vehicle for marshalling public opinion as a political force. By mobilising the citizenry, publicity holds officials accountable and assures that the actions of the state express the will of the people. Insofar as the process is inclusive and

fair, publicity discredits views that cannot withstand critical scrutiny and assure the legitimacy of those that do. (Fraser 2007: 7.)

### 2.1.3. Contemporary challenges

The classical conception of the public sphere involves two distinct ideas: it is a social sphere or space; and, the public sphere consists of a collective – the public. Consequently, the public sphere is thought to be part of a society organised as a national state, and, the public is made up of the members of this society: the citizenry. However, there is today widespread criticism of this view. (Peters 1999: 185.) Historically, a single authoritative public sphere, representing one collective identity has never existed in this strict sense (Eriksen 2007: 25). In any case, even if had existed, the idea of a unified national public sphere has been undermined by the processes of internal segmentation, as dispersed publics emerge; and external fluidity, as communication flows ever more freely across national boundaries (Peters 1999: 185). Thus, the contemporary public sphere is a common space in society that is divided into different types and categories (Eriksen 2007: 26).

According to Habermas's (1996: 373ff.) revised theory, the public sphere now consists of different assemblies, forums, arenas, scenes and meeting places where citizens can gather. It is a highly complex network of public sphere segments, which stretches across different levels, spaces and scales (Eriksen 2007: 26), and, there is a multitude of overlapping international, national, regional, local, and subcultural arenas. Functional specifications, thematic foci, policy fields, and so forth, provide the points of reference for a substantive differentiation of public spheres, where isolated listeners, readers and viewers are scattered across large geographic areas. (Habermas 1996: 374.) There are, furthermore, situational public spheres, where participants meet face to face; there are written public spheres, and there are anonymous, faceless, public spheres made possible by new electronic technologies. New discourses emerge and are in constant flux and contestation. Hence; the public sphere has become polymorphous, polyphonic and even anarchistic. (Eriksen 2007: 26.)

Today, there are, therefore, many public spheres in modern states and they are not confined to national borders. According to Eriksen (2007: 32), it is possible to distinguish between three types of publics: overarching general publics, which are communicative spaces of civil society in which all may participate on a free and equal basis and, due to proper rights entrenchment, can deliberate subject only to the constraints of reason; transnational segmented publics, which evolve around policy networks constituted by a selection of actors with a common interest in certain issues, problems and solutions; and strong publics, which are legally institutionalised and regulated discourses specialised in collective will formation at the polity centre. This typology of public spheres can be outlined as in the table below:

Table 1. Typology of public spheres (Eriksen 2007: 32).

Type of public	Participation	Legitimacy basis	Function
General	Open	A sovereign demos	Opinion formation
Segmented	Restricted	Common interests	Problem-solving
Strong	Specialised	Delegated Authority	Will formation

Many, who argue that the EU suffers from a democratic deficit, point to the underdevelopment of a general public sphere specific to the EU as being the key obstacle to the genuine democratisation of the EU. The internationalisation of many social processes, mainly in the area of economic co-operation and exchange and their associated externalities, has prompted a need for political regulation that transcends national boundaries. This in turn creates a need for legitimation for which the transnational formation of political opinion and political will is important. This is especially true for advanced transnational institutions with broad competences such as the European Union. (Peters 1999: 188–189.) For this reason, the development of a general public sphere as a link between the EU and its citizens has become a touchstone

for the legitimacy of the institutions of the EU (Sifft, Brüggemann, Kleinen-V. Königslöw, Peters & Wimmel 2007: 127–128).

Whether a general public sphere exists or can exist at the European level is divided around different normative conceptions concerning the role of the public sphere and its contributions to democracy (Eder & Trenz 2007: 167). It has frequently been suggested that a European public sphere should not be modelled upon the national public spheres; instead, one should look for a Europeanisation of national public spheres (see Sifft et al. 2007). In much of the literature, Europeanisation means that national publics transform themselves into a differentiated European public sphere by debating the same issues, above all issues concerning the EU itself, at the same time and in fairly comparable terms. However, parallel universes of discourses do not make a general public sphere (Peters 2005: 244.) capable of democratising the EU. It is, therefore, relevant to consider whether the European Citizens' Initiative contribute to a more adequate model of European citizenship that in turn can facilitate the emergence of a general European public sphere.

## 2.2. Views on citizenship

Citizenship is the cornerstone of a democratic polity. It confers rights and duties, opens a door for political participation and provides a sense of belonging in a political community. (Lobeira 2012: 505.) Citizenship is, thus, built on three elements; a set of rights and duties, participation and identity (Smismans 2009: 60). These components constitute the basic building blocks of the concept of citizenship (Bellamy 2004: 7) and citizenship can, therefore, be defined as following:

*“Citizenship is a condition of civic equality. It consists of membership of a political community where all citizens can determine the terms of social cooperation on an equal basis. This status not only secures equal rights to the enjoyment of the collective goods provided by the political association but also involves equal duties to promote and sustain them – including the good of democratic citizenship itself.”* (Bellamy 2008a: 17.)



Contemporary debates about citizenship have divided between liberal, republican and communitarian conceptions of citizenship (Bellamy et al. 2006: 8). Each of them emphasises one of the three components of citizenship as offering distinct models of citizenship: namely, citizenship as rights, as participation and as belonging (Beiner 1995: 13–14). Bellamy (2004: 7) argues that the rights dimension is mainly identified with a liberal account of citizenship, participation with a republican account, and belonging with a communitarian one. While this is not a complete characterisation of citizenship, these ideal-typical models sum up much of how citizenship has been conceived (Delanty 1997: 288).

For liberals, democracy is but one, and not necessarily the best means for individuals to exercise and secure their rights of citizenship (Bellamy & Castiglione 2008: 163). They focus on legal guarantees for the rational pursuit of individual interests. For them, citizenship is a matter of entitlement. (Giesen & Eder 2003: 4.) For republicans, on the other hand, citizenship is a practice that involves the active involvement of the citizen (Bellamy et al. 2006: 9) in common affairs and in public debate about political issues; only those who participate strongly in the public sphere activate their citizenship (Giesen & Eder 2003: 5). For communitarians, citizenship is more than rights and duties but also involves issues of identification (Delanty 1997: 291) and only arises when a people or *demos* share a common good and values through belonging to a relatively homogenous and circumscribed political community (Bellamy & Castiglione 2008: 163).

The three models of citizenship outlined above differ considerably in their requirements imposed on or expected of potential citizens. The liberal model of citizenship sets free citizenship practices (negative freedom), while the republican model puts obligations on citizenship practices, which is the result of the positive freedom to constitute oneself as a citizen. The communitarian model, on the other hand, does not require the citizens' critical involvement in public affairs, but demands conformity to collective norms of behaviour and to commonly shared values and convictions. (Giesen & Eder 2003: 6.) Faulks (2000: 11) suggests a useful typology that contrasts thin or formal notions of citizenship with thick or substantive conceptions of citizenship. Citizenship can be thin

where it entails few transactions, rights and obligations; and, thick, where it occupies a significant share of all transactions, rights and obligations sustained by state agents and people living under their jurisdiction (ibid.). This is outlined in the following table:

Table 2. Typology of citizenship (Faulks 2000: 11).

Thin Citizenship	Thick citizenship
Rights privileged	Rights and responsibilities as mutually supportive
Passive	Active
State as a necessary evil	Political community (not necessarily the state) as the foundation of the good life
Purely public status	Pervades public and private
Independence	Interdependence
Freedom through choice	Freedom through civic virtue
Legal	Moral

The three models of citizenship can therefore be seen as variations on the theme of thin or formal versus thick or substantive dimensions of citizenship (Delanty 1997: 291), with the liberal tradition representing the formal dimension of citizenship with its focus on rights and entitlements and the republican and communitarian traditions representing the substantive dimension with their concern with the responsibility of the citizen for the community (Steenbergen 1994: 2). As a result, these models also differ in their conception of the legitimacy of the polity. The legitimacy of the polity compatible with these conceptions of citizenship is first that of a polity, which provides legal conditions that guarantee the functioning of the liberal model of citizenship; it is distinct from the polity, which provides opportunities for participation, whereas the communitarian

model requires a steady state of symbolic mobilisation of its members through the ritual staging of the political community (Giesen & Eder 2003: 6).

The three models of citizenship are considered as contenders by the usual normative philosophy underlying this debate (Moro 2012: 38). However, such accounts of citizenship are doubly misleading. Even if these models give precedence to rights, participation or belonging, each of the ideal-typical models include aspects of all three. (Bellamy 2004: 7.) Furthermore, these three models are not mutually exclusive since *“all three are needed if we are to end up with a theory of citizenship rather than mere subjecthood”* (Bellamy 2004: 7). Instead of seeing them as distinct models of citizenship, they may therefore be considered as components of a more holistic model of citizenship (Moro 2012: 38). As a result, this paper proposes a model of citizenship based on the three components of rights, participation and belonging.

### 2.2.1. Liberal citizenship

Citizenship as rights is a dimension to citizenship which is mostly stressed by liberals (Delanty 1997: 289). Liberal citizenship is defined primarily as a set of rights that are said to serve several functions. Most importantly, the possession of rights denotes individual autonomy. Rights give space to the individual to develop their interests and fulfil their potential free from interference from other individuals or from the community as a whole. (Faulks 2000: 56.) A citizen is, thus, a person who is the bearer of rights which are held against the state and the state is obliged to protect those rights which are the properties of individuals (Delanty 1997: 289).

One of the earliest political theorists to consider the relationship between the individual and the political community was Thomas Hobbes. Writing in the mid-seventeenth century, Hobbes's concern was primarily with issues of security and order, his focus being the rights of the sovereign, not the individual. (Faulks 2000: 22.) For Hobbes, human beings were apt to pursue their self-interest aggressively and distrust others and life outside the state was therefore nasty brutish and short (Bellamy 2008a: 42). Consequently, he believed that individuals ought willingly to surrender their rights of

self-government to a powerful single authority in order to ensure effective political rule as well as security and peace in the long term (Held 1996: 77). Hobbes's defence of the sovereign's right to absolutist power left little conceptual space of any sense of citizenship, and, the obligation to the common interest of the community, associated with citizenship, was replaced by total obedience to the state (Faulks 2000: 22).

Hobbes was, nevertheless, an important evolutionary figure in the history of citizenship, with many of his ideas leading directly to the more developed sense of citizenship found in the writings of classical liberals such as John Locke (Faulks 2000: 22). Hobbes argued that while the subjects had an obligation and duty to obey the sovereign, the power of the sovereign was established by authority conferred by the people (Held 1996: 77). This argument does not necessarily rest on an actual consent by the people; it is sufficient that the political and legal system is so organised that it is possible to imagine all citizens ought to hypothetically consent to it (Bellamy 2008a: 41). Unlike earlier periods, the individual is believed to enjoy a direct relationship with the state (Faulks 2000: 23) and it is, therefore, necessary to establish both the liberty of the individual and sufficient power for the state to guarantee social and political order (Held 1996: 77).

The liberal tradition was developed by John Locke who built upon Hobbes's idea of the egalitarian individual's direct relations with the state to construct a rights-based theory of citizenship (Faulks 2000: 23–24). Locke thought, as Hobbes had done, that the establishment of a political realm followed from the prior existence of individuals endowed with natural rights. Like Hobbes, he was concerned about what form legitimate government should take and about the conditions for security, peace and freedom. However, the way he conceived of these things was fundamentally different. (Held 1996: 79.) Unlike Hobbes, Locke viewed individuals as rational and self-determining before the formation of the state (Schuck 2002: 133) and he was inclined to believe that Hobbes underestimated the degree to which state power might be an even greater danger to individual liberty than other individuals (Bellamy 2008a: 42).

To Locke and to the liberal theorists who followed him, private property is an essential condition for individual freedom (Schuck 2002: 133) and his theory aimed to balance a Hobbesian concern with security with the protection of private property, which he defined broadly as 'Lives, Liberties, and Estates' (Faulks 2000: 56–57). Three elements are central to Locke's theory of property. First is the notion that individuals create property and gain dominion over it by investing it with their labour; second, the protection of property against public and private invasion is the most important function of law and government; and, third the lawful exercise of property rights naturally produces inequalities. (Schuck 2002: 133.) Since property rights are not always safeguarded in the state of nature, authority is bestowed upon government by individuals in society for the purpose of pursuing the ends of the governed. The formation of government secures the framework for freedom so that private ends of individuals might be met in the private realm. The creation of government is, thus, the burden individuals have to bear to secure their ends. (Held 1996: 81.)

John Stuart Mill, writing in the mid-nineteenth century, advanced Locke's liberal philosophical project with a more systematic theory of liberty (Schuck 2002: 133). He was a clear advocate of democracy, preoccupied with the extent of individual liberty in all spheres of human endeavour (Held 1996: 100). Mill's theory regarded individuality and self-interest, properly understood, as the source of social, not just personal, progress and well-being (Schuck 2002: 133). He insisted that liberty of thought, feeling, discussion, and publication (Held 1996: 102) is the surest path to truth and social improvement. While Mill readily conceded that individuals' freedom of action can be limited more than their freedom of thought, he proposed a rule that would create and defend a very broad domain of individual autonomy and self-promotion, while minimising the scope of government intervention. (Schuck 2002: 133–134.)

Mill's theory of the relationship between individual liberty and the state can be summarised in two propositions, albeit with considerable oversimplification. First, individual liberty and state action tend to be opposed; increasing the latter reduces the former. (Schuck 2002: 134.) Mill does recognise that some regulation and interference with individual liberty may be justified to prevent harm to others (Held 1996: 101) but

the conflict is in his view endemic. Mill's second, and closely related, proposition is based on a fundamental distinction between activities, which are merely self-regarding, i.e. only of concern to the individual, and those that also affect the interests of others. In a liberal society, the pursuit of one's own interests that do not harm others is entirely the province of the individual, within which one must be free to do as one please without the law's interference. Where other's interests are affected, however, the state may be justified in regulating the activity, although even there it should often stay its hand, out of prudence and a concern for individual liberty. (Schuck 2002: 134.)

In the liberal tradition, the acquisition of citizenly status does, therefore, not necessitate abandonment of the pursuit of self-interest (Heater 1999: 6–7) and nothing is enjoined upon the individual beyond a respect for the autonomy of others and the minimal civic duties of keeping the state in being such as voting, paying taxes and, when the state is under threat, a readiness to come to its aid (Oldfield 1998: 77). Nor have citizens any defined responsibilities vis-à-vis their fellow citizens. All are equal, autonomous beings, so that there is no sense that the state has any organic existence, bonding the citizens to it and each other (Heater 1999: 6–7). The fear is the community will seek to impose obligations upon the individual that constrain or contradict his or her self-interest (Faulks 2000: 57–58), and citizenship, therefore, largely means the pursuit of one's private life more comfortably because that private life is insured by state-protected rights (Heater 1999: 6–7). This stand in direct contrast to the holistic approach of the ancient Athenian polis in which in the idea of the individual having a meaningful existence outside the community was unthinkable and the needs of the community and the interests of the citizen were seen as indivisible (Faulks 2000: 57–58).

In liberal theory, public and private spheres are kept distinct and citizens are under no obligation to participate in the public arena if they have no inclination to do so (Heater 1999: 6). Market interactions and the pursuit of personal interest characterise the private realm. The market is seen as the true guarantor of individual freedom and civil rights protect this sphere from interference from the public realm. Liberals are, therefore, keen to justify such rights as liberty and property in the strongest term. (Faulks 2000: 59.) The function of the public realm is to serve the interest of individuals and to protect

citizens in the exercise of their rights as well as to leave them unhindered in the pursuit of personal interests (Oldfield 1998: 76). Accordingly, there is no necessary connection between liberalism and democracy because as long as the sovereign, whether it be a monarchy or democracy, does not seek to undermine civil rights, then its rule can be seen as legitimate (Faulks 2000: 59).

Political arrangements are seen in utilitarian terms: as long as they afford the required protection for citizens to exercise their rights and pursue their purposes, then citizens have little to do politically beyond choosing who their leaders are to be. Instead, the duty of citizens is to abide by the authoritative decisions made by political leaders and when otherwise satisfactory political arrangements come under threat, the duty of citizens will extend to defending them. (Oldfield 1998: 76–77.) Should any government fail, for whatever reason, to provide freedom and security or overstep its limited powers and interfere in its citizens' activities, then the citizenry has the right to rouse itself from the quiet pursuit of private affairs and rebel (Heater 1999: 7). One of the rights within this framework is the right to active political participation beyond merely voting in elections. However, because it is a right, citizens choose when and whether to be active in this way; it is no derogation from their status of citizens if they choose not to be so active. (Oldfield 1998: 77.)

Liberal citizens are, thus, left to their own devices without much guidance from the state. They must decide for themselves how to use their constitutionally secured freedoms and, along with their fellow citizens, they must decide what kind of citizen to be, including the possibility that they will decide to forswear any political activity at all, preferring to retreat into an entirely private world of family, friends and market transactions (Schuck 2000: 137.), where citizenship and other political institutions are expedients that are only accepted conditionally, that is as long as they form conditions in the individual's calculation for maximal benefit. While democracy is in danger of perishing from self-seeking in a liberal society (Gunsteren 1994: 39.), liberals are, however, correct to identify the importance of rights to citizenship since rights denote political agency and recognise the individual as worthy of respect and consideration (Faulks 2000: 74).

One of the classical texts on liberal citizenship is T.H. Marshall's essay published in 1949 under the title of *Citizenship and Social Class* (Steenbergen 1994: 2). In this work citizenship is essentially a matter of ensuring that everyone is treated as a full and equal member of society by granting people an increasing number of citizenship rights (Kymlicka & Norman 1995: 285). Marshall distinguished between three types of citizenship rights (Steenbergen 1994: 2), which he believed emerged in England during three successive centuries (Kymlicka & Norman 1995: 285) in such a way that each new type was standing on the shoulder of its predecessor (Steenbergen 1994: 2):

*“The civil element is composed of the rights necessary for individual freedom – liberty of person; freedom of speech, thought, and faith; the right to own property and to conclude valid contracts; and the rights to justice. [...] By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body. [...] By the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in society.”* (Marshall 1998, 1963: 94)

For Marshall, the fullest expression of citizenship requires a liberal democratic welfare state that ensures that every member of society feel like a full member of society by guaranteeing civil, political and social rights to all (Kymlicka & Norman 1995: 286). He argued that the right of protection under the law was incomplete without the additional capacity to participate in the law-making process and the right of political participation was inadequate unless citizens had access to the material and social resources, which would make it possible for them to exercise their rights (Linklater 1996: 89). It should, however, be stressed that there is a fundamental difference between the principles of a liberal and democratic society, based on civil and political rights, on the one hand, and the social rights as expressed in the welfare state, on the other. Liberal principles are generally formulated in a negative way, in terms of freedom ‘from’ something, typically state-intervention, whereas social rights are formulated in a positive way since they imply an active interventionist state. In this sense, social rights are meant to give the formal status of citizenship a material foundation. (Steenbergen 1994: 3.)



Marshall's work has been criticised on various grounds (Newman 1996: 143). It has been argued that even in Britain the three sets of rights neither arose in quite the order or periods that he mentioned, nor proved quite as complementary as he assumed. Social rights, for example, have emerged in most countries before rather than after political rights and have, in fact, often been offered by the politically dominant class of the time as a way of damping down demands for political rights. Social rights can, furthermore, clash with certain civil rights, such as the right to property. (Bellamy 2008a: 49.) As a result, his work has been seen as temporally and geographically too myopic; his notion of citizenship as too exclusive (Heater 1999: 19) by being gender-biased, ethnocentric and paternalistic (Newman 1996: 143); his vision as too optimistic; his triad of rights as too simplistic; and his interpretation as too unhistorical (Heater 1999: 19).

There is, no doubt, some validity in all these points. However, Marshall's general approach has two features which are of great importance and which are acknowledged by most of his critics (Newman 1996: 143). First, it suggests that citizenship contains three elements or bundles of rights, i.e. civil, political and social rights; and second, that social citizenship is a vital underpinning for the other two (Heater 1999: 18). It is almost impossible to campaign effectively for social and economic rights if one is denied political rights. It is, however, equally difficult for the socially excluded to exercise their political rights. (Newman 1996: 144.) Today, the Marshallian concept of citizenship is, therefore, still a valuable tool when analysing citizenship (Steenbergen 1994: 3) and much of the substantial subsequent literature on liberal citizenship has taken Marshall's work as its starting-point (Heater 2004: 270).

### 2.2.2. Republican citizenship

The participatory model of citizenship is closely associated with civic republican thought which emphasises the involvement of citizens in the building of society (Delanty 1997: 290) and has provided one of the most enduring traditions of citizenship (Delanty 2007: 64). 'Republic' derives from the Latin *res publica*, the public thing, matter or business (Dagger 2002: 146) and refers to a constitutional system with some form of sharing out of power to prevent an arbitrary and autocratic government. 'Civic'

means the involvement of the citizenry in public affairs to the mutual benefit of the individual and the community. (Heater 1999: 44.) Thus, in a republic, the government of the state or society is a public matter (Dagger 2002: 146).

The republican tradition has its roots in the Athenian polis and in the Roman republic, where it was strongly associated with a civic conception of the political community (Delanty 2007: 64). It is largely inspired by the ethical and political thought of Aristotle (Oldfield 1998: 79), particularly his account of citizenship in *The Politics*, written approximately between 335 and 323 BC (Held 1996: 19). Citizenship practices of ancient Athens as commented upon by Aristotle, therefore, seem like a natural starting point for any discussions on participatory citizenship (Heater 1999: 44). Aristotle regarded human beings as political animals because it is in our nature to live in political communities (Bellamy 2008a: 31); only by participating directly in the affairs of the *polis* (city-state) can man reach the full potential of his life and personality (Heater 2004: 4). A citizen is one who both rules and is ruled, that is, citizens join each other in making decisions where each decider respects the authority of the others and all join in obeying the decisions that they have made, now known as laws (Pocock 1995: 31).

Aristotle's conception of citizenship depends upon a rigorous separation of public from private, of *polis* from *oikos*, of persons and actions from things. To qualify as a citizen, the individual must be the patriarch of a household or *oikos*, in which the labour of slaves and women satisfies his material needs and leaves him free to engage in political relationships with his equals. The citizen, thus, leaves his household behind, maintained by the labour of slaves and women, but playing no further part in his concerns. What they discuss in the assembly is the affairs of the *polis* and not the *oikos*. (Pocock 1995: 32.) Citizenship, therefore, entailed an escape from the *oikos*, the instrumental sphere of necessity, into the *polis*, the sphere of freedom where the practice of freedom, in collective rational and moral deliberation over a common destiny, is its own reward (Shafir 1998: 3). This definition of freedom as an aim sought after for its own sake shows that "*citizenship is not just a means to being free; it is the way of being free itself*" (Pocock 1995: 32) and has remained an enduring view of freedom (Shafir 1998: 4).

The status of citizenship in the *polis* was highly exclusive (Faulks 2000: 18) since slaves would never escape from the material because they were destined to remain instruments, things managed by others, and women would never escape from the *oikos* because they were destined to remain managers of the slaves and other things (Pocock 1995: 32). To be a citizen in the Athenian *polis*, it was necessary to be a male aged twenty or over, of known genealogy as being born into an Athenian citizen family, to be a patriarch of a household, a warrior and a master of the labour of others, especially slaves (Bellamy 2008a: 31–32). As a result, large numbers were excluded from citizenship: women; children; immigrants, including those whose families had been settled in Athens for several generations although they were legally free, liable to taxation, and had military duties; and above all, slaves (Held 1996: 23). As a result, citizenship in the Athenian *polis* was enjoyed only by a minority. However, this was inevitably given the high expectations of citizens. In order to perform their extensive duties, it was necessary that the majority of the population were looking after their everyday needs. (Bellamy 2008a: 31–32.)

The citizen in the *polis* was not only entitled to engage in civic affairs, he was expected to do so (Dagger 2002: 149) since Athenian democracy was marked by a general commitment to the principle of civic virtue: dedication to the republican city-state and the subordination of private life to public affairs and the common good (Held 1996: 17). A citizen would, therefore, have to devote the better part of his time and energy to public concerns. However, such devotion was necessary if he was to achieve the ideal of citizenship, that is, to be a self-governing member of a self-governing community. (Dagger 2002: 149.) The citizenry held sovereign power, i.e. supreme authority to engage in legislative and judicial functions. Citizenship, therefore, entailed taking a share in these functions, participating directly in the affairs of the state. (Held 1996: 17.) As Pericles, a prominent Athenian citizen, general and politician, said: “*We do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all*” (cited in Held 1996: 17). Consequently, the institutions of government provided many opportunities for the exercise of civic virtue

and were modelled on the maxim that all citizens should be both ruler and ruled (Faulks 2000: 17).

Important political and judicial offices were rotated through a system of lot and all citizens had the right to speak and vote in the political Assembly (Faulks 2000: 17). The Assembly (*Ecclesia*) met over forty times a year and required a minimum of 6,000 citizens for plenary sessions. It is reckoned that the number of citizens in Athens fluctuated between 30,000 and 50,000; hence, citizens would therefore regularly have the opportunity to perform their civic duties. Given that juries numbered 201 or more, and on some occasions over 501, doing jury service was also a frequent responsibility for citizens. (Bellamy 2008a: 32.) All major issues such as the legal framework for the maintenance of public order, finance and direct taxation, declarations of war and the concluding of peace came before the assembled citizens for deliberation and decision. While unanimity was always sought in the belief that problems could only be resolved correctly in the common interest, obstinate issues was allowed to go to a formal vote with majority rule. However, the ideal remained consensus. (Held 1996: 21.)

In recent years, interest in the republican citizenship has revived, partly because of perceived weaknesses in or objections to the liberal conception of citizenship (Heater 1999: 69) and the tendency to reduce politics to the market place (Dagger 2002: 152), and, partly, because of the putative intrinsic values of civic republicanism. Republicans argue that the liberal form of citizenship tends to focus on individual freedom and rights. (Heater 1999: 69–72.) If citizens are merely seen as consumers and the political order is merely a mechanism for coordinating and aggregating the citizens' preferences (Dagger 2002: 153), civic virtue is submerged by selfishness (Heater 1999: 72) and individual freedom is in danger of being lost. One cannot be a free person, unless one is a citizen of a free, self-governing political community, and such a community cannot be sustained unless a substantial number of citizens undertake the active life of the public-spirited citizen (Dagger 2002: 154). For republicans, "*a society of selfish individuals is, at its extreme, no society at all, nor does it have citizens*" (Heater 1999: 72).

There is a sense in which all revivals are, however, backward-looking, and one may wonder whether the attempt to revive the republican ideal of citizenship looks so far back as to be unrealistic as well as pose a threat to an open, egalitarian, and pluralistic society (Dagger 2002: 154). Even Aristotle acknowledged that the republican conception of citizenship was likely to be possible only in fairly small city-states. Furthermore, critics of this model of citizenship argue that it was not so much an ideal as hopelessly idealised. In reality, it was doubly oppressive. On the one hand, it rested on the oppression of slaves, women, and other non-citizens. And on the other hand, it was oppressive of citizens in demanding they sacrifice their private interests to the service of the state. (Bellamy 2008a: 33–35.) Even the proponents of civic republicanism accept that their expectations are very demanding since republican citizenship requires conscientious application (Heater 1999: 73).

Citizenship in these terms is difficult to achieve in the modern world (Oldfield 1998: 86) as most people lead a very full life with their family commitments, leisure, pursuits and employment (Heater 1999: 73). According to Oldfield (1998: 86), citizens lack the resources for engaging in the practice of citizenship; they lack the opportunities; and they lack the motivation. Yet, the republican citizen must allocate time, summon up the energy and generate commitment to an involvement in public affairs. Citizenship properly speaking, thus, becomes an elite activity, the rest of the populace relegated to a merely nominal citizenly status. The reason for this is that normally only the well-educated and the adequately wealthy have the inclination and time to participate in politics. (Heater 1999: 73.) As a result, republican citizenship has a holistic nature that is perhaps hard to appreciate in our own time, where politics is viewed with suspicion, and obligation is seen as at best a necessary evil, at worst an infringement of personal freedom (Faulks 2000: 18).

### 2.2.3. Communitarian citizenship

The communitarian conceptualisation of citizenship strongly emphasises that being a citizen means belonging to a historically developed community. Individuality is derived from the community and determined in terms of it. (Gunsteren 1994: 41.) While

communitarianism is a diffuse category and can mean many different things, it is in general associated with a particular North American obsession with community as an antidote to the liberal emphasis on the individual (Delanty 1998: 38). A number of very distinguished scholars have associated themselves with and worked on the concept of communitarianism, albeit with slightly different personal nuances of interpretation: they include Amitai Etzioni, Alasdair MacIntyre, Michael Sandel and Charles Taylor (Heater 1999: 77). In rejecting both individualist ideas as well as authoritarian practices, communitarians point to the need for a new agenda for politics and citizenship. They set out the ways in which a much more inclusive form of community should be developed, socially and politically, to overcome the corrosive effects of individualism and protect all citizens from authoritarian threats. (Tam 1998: 2.)

The idea of community is central to a theory of citizenship since citizenship implies in the most general sense membership of a political community (Delanty 1998: 33). The classic work on community is Ferdinand Tönnies's (1963) *Gemeinschaft und Gesellschaft* published in 1887. In this work, community and society are pitted against each other to the detriment of the latter: 'community' refers to the organic and cohesive traditional world, while 'society' signifies the fragmented world of modernity with its rationalised, intellectualised and individualised structures (Delanty 20002: 160). For Tönnies, community is a personal form of social relationship based on deeper cultural values (Biegon 2010: 3). It captures a social relationship that is characterised by an "*intimate, private and exclusive living together [...]*" (Tönnies 1963: 33) in which tradition plays a central role and which is threatened by processes of modernisation (Biegon 2010: 3). A society, on the other hand, is conceived of as a "*mere coexistence of people independent of each other*" (Tönnies 1963: 34), representing a more impersonal interest-based form of social relationship (Biegon 2010: 3).

Tönnies regarded communities as culturally integrated totalities while society is defined by its parts. He regretted the passing of community – the world of the village and the rural community – and the arrival of society – the world of the city, believing that community could supply the individual with greater moral resources. (Delanty 2002: 160.) Tönnies contended that in the small scale communities that predated

industrialisation, social life was simple; values were stable, norms freely shared, standards respected and deviance rare. In contrast, society comprises a condition where chaos prevails because norms and values are uncertain and unremittingly subject to drastic change. As conflicts disrupt daily life, civic bonds are dissolved (Newman & Zoysa 1997: 624.) and everyone looks after his or her personal interests (Biegon 2010: 3). For Tönnies community, thus, suggests a strong sense of place, proximity and totality, while society suggests fragmentation, alienation and distance (Delanty 1998: 35).

The communitarian conception of citizenship entails a strong association between community and tradition and presupposes a view of community as a culturally cohesive totality (Delanty 1998: 38–39). Communities are marked by historicity and identity, that is, by shared experience and a sense of shared fate; but they are also rooted in the experience of mutuality that creates the moral infrastructure of cooperation (Selznick 1998: 19). Communitarianism, therefore, closely resembles Tönnies's conceptualisation of community, although communitarians have been mainly inspired by Aristotle's conception of the polis (Newman & Zoysa 1997: 624). Since the political community is defined by its cultural ties and historical traditions, which exist prior to the state, the state merely becomes the expression of a cultural community (Delanty 1997: 291). Even when the emphasis is not on an underlying cultural community, there is the assumption that citizenship must rest on an underlying moral order that is prior to the political community (Delanty 2002: 160).

Communitarians are reacting against both the credo of liberal individualism and the interpretation of citizenship as the enjoyment of rights (Heater 1999: 77). When communitarianism emerged during the nineteen-eighties, communitarians questioned the claim of the priority of the right over the good and the picture of the freely-choosing individual it embodied. They argued that it is not possible to justify political arrangements without reference to common purposes and ends and that one cannot understand personhood without reference to our role as citizens and as participants in a common life. (Christodoulidis 1998: 1.) For communitarians, liberal premises are overly individualistic and ahistorical, insufficiently insensitive to the social sources of selfhood

and obligations; too much concerned with rights, too little concerned with duty, virtue and responsibility; and too ready to accept a thin and anaemic conception of the common good (Selznick 1998: 16).

Communitarians believe that persons are embedded in communities, their identity constituted by their membership of a community (Caney 1992: 274). According to Sandel (1982: 274), people “*conceive their identity – the subject and not just the object of their feelings and aspirations as defined to some extent by the community of which they are part. For them, community describes not just what they have as fellow citizens but also what they are [...].*” The emphasis of liberalism on individual liberty and rights are seen by communitarians to ignore the social nature of the person and the value of community (Caney 1992: 273). For communitarians, the self is always culturally specific (Delanty 2002: 163) and they reject the existentialist idea that persons can attain complete distance from their culture (Caney 1992: 275). The communitarian conception of citizenship is, therefore, closely linked to culture and in particular national identity (Delanty 1997: 291).

The difference between communitarians and liberals should, however, not be exaggerated since what has “*often been at issue is less substantive differences than differences in metatheoretical justification and methodology*” (Delanty 2002: 163). According to Caney (1992: 289), much of the debate was, in fact, misplaced because neither side realised how much they had in common. Communitarians are not opposed to rights; they acknowledge that no society can function without them and that claims of rights have often been effective engines of moral and institutional improvement. What communitarians reject is an excess of rights-centeredness marked by a detachment of rights from responsibilities and context. (Selznick 1998: 17.) The theoretical debate has therefore moved on from the ‘thick’ communitarian critique of ‘thin’ liberalism to positions that combine elements of both (Christodoulidis 1998: 2); for this reason the communitarian position is perhaps best termed ‘liberal communitarianism’ since these are no longer exclusive positions (Delanty 2002: 163).



Liberal communitarianism is, today, especially associated with the work of one of the best known communitarian thinkers, Charles Taylor, whose *Sources of the Self* (1989) has become a major statement of the political philosophy of communitarianism. In rejecting moral individualism for a group conception of citizenship, liberal communitarians frequently define their conception of the self in terms of minority or majority status within the polity. (Delanty 2002: 163.) For Taylor (1994: 32), the crucial feature of social life is its dialogical character, for the encounter between the self and 'significant others' is embedded in a shared language. In this encounter what is of central importance is a discourse of recognition since identity crucially depends on dialogical relations with others (ibid. 34). With respect to the politics of recognition this can take the form of an emphasis on equality, or an emphasis on difference, the need of the majority culture to make concessions to particular groups, generally minorities but also, and more importantly for communitarians, for the state to give official recognition to cultural community, be it that of the majority or minority (Delanty 2002: 164), i.e., while the politics of universal dignity fights for forms of non-discrimination that are *"quite 'blind' to the ways in which citizens differ, the politics of difference often redefines discrimination as requiring that we make these distinctions the basis for differential treatment"* (Taylor 1994: 39).

Taylor, however, is cautious about polarising the principles of liberal equality and communitarian difference; he stands for a liberal communitarianism that seeks to modify liberalism by compelling it to accommodate the reality of cultural difference and the need for the preservation of cultural community (Delanty 2002: 164) While liberals get around the problem of protecting minority groups by a commitment to group rights (Kymlicka 1998: 172–174), liberal communitarians are on the whole more concerned with protecting the majority culture, which is not an issue for liberals, since this is largely taken for granted. In communitarian discourse, the concept of community is that of the dominant culture which is officially recognised by the state. Since political community, in which citizenship exists, rests on a prior cultural community, minorities must adapt to this community in order to participate in its political community. Liberal communitarianism is, therefore, simply forcing liberalism to make explicit the existence of the cultural community that underlies political community. (Delanty 2002: 164–165.)

While liberal communitarianism is largely a modification of liberalism in its advocacy of a politics of recognition for particular and culturally defined groups (Delanty 2002: 167), Amitai Etzioni (1993) argues for the need to recover a sense of community in *The Spirit of Community*. His idea of community is expressed in terms of personal proximity (Delanty 1998: 40); it is a moral voice rooted in a set of social virtues and some basic settled values that the community endorses and actively affirms (Etzioni 1993: 25). His call for a recovery of community is intended to create a sense of responsibility, identity and participation in order to make citizenship meaningful in a society that has become highly depoliticized and to which the state has become irrelevant (Delanty 2002: 167). Etzioni sees the family and the school as typical institutions which can cultivate the kind of citizenship required by a responsive community (Delanty 1998: 41).

Etzioni (1993) is not arguing for a romantic return to the traditional community of the past (Delanty 2002: 167). He believes that modern economic prerequisites preclude such a shift, but even if it were possible, such backpedalling would be undesirable since traditional communities have been too constraining and authoritarian. Furthermore, such traditional communities were usually very homogenous. (Etzioni 1993: 122.) Instead, Etzioni's version of community is intended to be compatible with diversity and social differentiation (Delanty 1998: 41):

*"[...] communities are best viewed as if they were Chinese nesting boxes, in which less encompassing communities (families, neighbourhoods) are nestled within more encompassing ones (local villages and towns), which in turn are situated within still more encompassing communities, the national and cross-national ones (such as the budding European Community). Moreover, there is room for nongeographic communities that criss-cross the others, such as professionals or work-based communities. When they are intact, they are all relevant, and all lay moral claims on us by appealing to and reinforcing our values."* (Etzioni 1993: 32.)

Although Etzioni (1993) explicitly states that he is not advocating a nostalgic return to the past, it is significant that he constantly uses the term a 'return' to community or a 'recovery' of community, thus, making the assumption that community was a thing of the past and the present is all the poorer for letting it pass. He recognises that complex

societies with many different cultural traditions cannot easily form the basis of community, and, although the city, not the village is his concern, his model is ultimately based on the idea of the traditional community. His definition of community as a moral voice rooted in social virtues and personal responsibility are, therefore, not compatible with his view of community as being also highly differentiated. It is ultimately a re-appropriation of the traditional idea of community as a cohesive unity. (Delanty 2002: 167–168.)

Critics of communitarianism have worried on academic grounds that communitarians have failed to provide a clear definition of what they mean by community (Heater 1999: 78). Furthermore, awareness of the usefulness or the necessity of a community does not provide a sufficiently strong basis for the maintenance of such a community, nor for belonging to it. In modern societies, communities cannot be taken for granted since there is a plurality of communities and of individual combinations of memberships. (Gunsteren 1994: 42.) Yet, the whole reality of multiple identities would seem to be underplayed in the communitarian conceptualisation of community. For communitarians, the integration of a community involves an implied rejection of the ‘strangers’ who are not members and implies that all who are members share the same interests, although that it not necessarily the case. (Heater 1999: 78.) Communitarians, thus, reduce citizenship too much to an organic notion of cultural community (Delanty 1998: 33).

Another objection to the communitarian perspective is less concerned with how realistic it is than how desirable it is (Gunsteren 1994: 42). Communitarianism has the smack of an authoritarian firming up of the status quo, even a retrogression to some supposed more attractive age (Heater 1999: 78). It places notorious restrictions on freedom (Gunsteren 1994: 42) since many of the solutions offered by communitarians risk negating some of the positive steps towards emancipation made by women for example (Faulks 2000: 72). Emancipation has often meant deliverance from the compelling and unjust bondage of community (Gunsteren 1994: 42) and a return to traditional family structures risks recreating the division between women as carers and men as active citizens (Faulks 2000: 72).

Community is, however, an important basis for citizenship since citizenship as membership of political community must draw on something more basic than politics (Delanty 2002: 171). In this sense, the communitarian critique of liberalism is relevant. The liberal conception of citizenship does not exhaust all that can be said of the relationship between individuals and society since individuals do not only conceive of themselves as bearing rights, nor is their posture toward forms of collective life purely instrumental. In particular, individuals recognise that they have duties that extend further than the minimally civic ones and respect for others, and which are associated with the fact that they identify themselves socially – as parents and children; as neighbours and friends; as acknowledging a common nationality. (Oldfield 1998: 78.) Communitarians also argue that communitarian remedies for the fragmentation of communities have nothing to do with imposing past traditions; instead, they are concerned with realising the full potential of community life (Tam 1998: 25).

### 2.3. Summary

From the normative perspective of democratic theory, a general public sphere providing an interface between state and society is a crucial feature of a democratic polity. This is so because the public sphere is a common space in society in which individuals gather as politically equal citizens to express their common concerns, interests and expectations. In a democratic polity, legitimate political power stems from the will of the citizenry. Citizenship is, therefore, both a constitutive element of the public sphere and a prerequisite. According to normative political theories, citizenship is composed of rights and duties, participation and identity. Indeed, all three components are necessary for an adequate model of citizenship. As a result, a functioning democratic public sphere is dependent on citizens equipped with civil, political and social rights, opportunities for citizens to participate directly in the decision-making processes and citizens sharing a collective identity. Based on this reasoning, the paper proposes the following normative model of democracy:

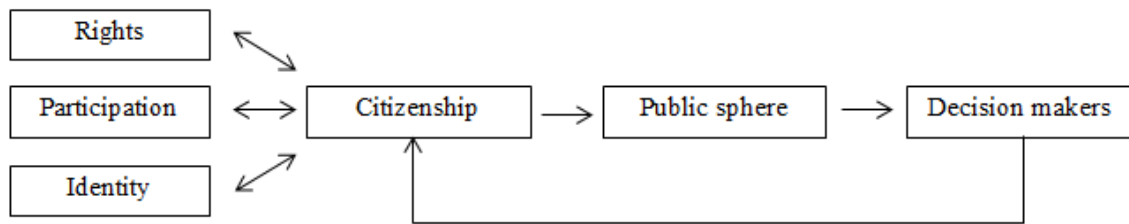


Figure 2. Normative model of democracy

The normative model developed in this paper serves as a normative point of reference that will guide the analysis of European citizenship, which is the empirical point of reference in this paper. In the remainder of this paper, it will be questioned whether it can at least be plausible assumed that the ECI provides a normative solution to the democratic deficit by contributing to a more adequate model of European citizenship.

### 3. AN ASSESSMENT OF EUROPEAN CITIZENSHIP

In the light of permanent accusations concerning the EU's democratic deficit, one cannot underestimate the potential of European citizenship as a facilitator of democracy in the EU. The European Citizens' Initiative (ECI) was introduced in the Lisbon Treaty (Glogowski & Maurer 2013: 7) as a means of strengthening citizen involvement in the decision-making (Conrad 2011: 5). The ECI is regarded as a novel instrument since republican notions of participation has thus far been the Achilles heel of European citizenship (Bellamy 2006: 9). In the previous section, citizenship has been conceptualised in terms of rights and duties, participation and identity. As a result, the ECI seems to be a step in the direction of a more holistic approach to European citizenship. If this is the case, then the ECI has the potential to revolutionise European citizenship, thereby, contributing to the facilitation of a general European public sphere.

#### 3.1. Views on the democratic deficit

The dominant frame for current debates about democracy in the European Union is that of the democratic deficit (Isin & Saward 2013: 11). Research on the democratic deficit has been informed by a variety of analytical and normative perspectives (Greven 2000: 37). There is, therefore, still very little agreement on what constitutes the democratic deficit despite years of academic debate, and much less on what can be done to overcome it or even if there is any real interest in overcoming it to begin with (Conrad 2011: 15). The discourse on the democratic deficit largely emerged in the early 1990s, but already the famous Tindemans Report from 1975 pointed out the lack of public support for European integration as well as the need to raise citizens' awareness of, and identification with, the European community (European Commission 1975).

##### 3.1.1. There is a democratic deficit

According to Follesdal & Hix (2006), the view that the EU suffers from a democratic deficit is built around five key concerns. First, and foremost, European integration has

meant an increase in executive power and a decrease in national parliamentary control (ibid. 534). In general terms, Europeanisation entails extending further the powers and prerogatives of the executive, that is, the national officials who are the main actors in European cooperation (Eriksen & Fossum 2000: 5). The actions of these executive agents at the European level are beyond the control of national parliaments, and, as a result, governments can effectively ignore their parliaments when making decisions in Brussels (Follesdal & Hix 2006: 535). As a result, European integration has meant that executive power dominates the EU institutions with little parliamentary control or accountability (Isin & Saward 2013: 12).

Second, and related to the first concern, most analysts of the democratic deficit argue that the European Parliament is too weak (Follesdal & Hix 535) compared to other core EU institutions (Isin & Saward 2013: 12) since it lacks certain rights and effective control over the Commission and the governments in the Council of the European Union (the Council) (Greven 2000: 37). Successive reforms of the EU treaties since the mid-1980s have dramatically increased the powers of the EP as many of the democratic deficit scholars had advocated (Follesdal & Hix 2006: 535). However, the EP does not have exclusively legislative powers and it just one more actor in the decision-making process within the EU (Moro 2012: 2). Furthermore, it is not able to hold the executives properly accountable (Eriksen & Fossum 2000: 6).

Third, despite the growing power of the European Parliament, there are no ‘European’ elections (Follesdal & Hix 2006: 535). Voters tend to perceive elections for the EP as of less importance than national elections, a perception encouraged by the fact that electoral campaigns in the various Member States almost invariably focus on national issues and a national agenda (Greven 2000: 37). European elections are more precisely ‘second order national elections’ rather than a contest in which alternative visions of ‘Europe’ are debated about and decided upon by voters. Furthermore, EP elections have witnessed a steady decrease in voter turnout since the 1990s. (Scully 2003: 175–176.) The absence of a ‘European’ element in national and European elections means that the preferences of European citizens on issues on the EU policy agenda, at best, have only an indirect influence on EU policy outcomes (Follesdal & Hix 2006: 536).

Fourth, even if the powers of the EP were increased and genuine European elections were able to be held, another problem is that the EU is simply ‘too distant’ from voters (Follesdal & Hix 2006: 536). There is an institutional and a psychological version of this claim (Chrysochoou 2003). Institutionally, electoral control over the Council and the Commission is too removed, as discussed above. Psychologically, there is no European ‘people’, a *demos* that may legitimise the European institutional system as in the case of national states (Moro 2012: 2) but a multitude of peoples, each with a respective national identity and sense of belonging (Greven 2000: 37). This lack of unity and homogeneity undermines the possibility of the EU developing into a common democratic system (Moro 2012: 2). European integration has, thus, proceeded further than the currently existing sense of community among Europeans would allow (Conrad 2011: 15).

Fifth, European integration produces a ‘policy drift’ from voters’ ideal policy preferences. Partly as a result of the four previous factors (Follesdal & Hix 2006: 537), the EU adopts policies that lack popular support in most Member States (Isin & Saward 2013: 12). Governments are able to undertake policies at the European level that they cannot pursue at the domestic level, where they are constrained by parliaments, courts and corporatist interest group structures (Follesdal & Hix 2006: 537). Furthermore, there are several non-public actors with no electoral legitimacy nor precise constituency with a considerable influence in the EU such as European civil servants, experts and private lobbyists (Moro 2012: 2) such as multinational companies. As a result, EU policy outcomes are skewed more towards the interests of the owners of capital than is the case for policy compromises at the domestic level (Follesdal & Hix 2006: 537).

### 3.1.2. There is no democratic deficit

According to the democratic deficit thesis, the main effect of such a situation is the citizens’ withdrawal and detachment from the democratic life at European level (Moro 2012: 2). However, although the concern over the EU’s democratic deficit and the lack of citizen participation has grown in recent years (Bellamy 2008b: 607), some



prominent writers dispute the need to think in terms of substantive democracy at the level of the EU (Isin & Saward 2013: 12). Magnette (2005: 167–168), for example, describes the so-called democratic deficit in the EU as a ‘powerful myth’ and argues that the discredit that the EU is suffering is due to an ignorance of its institutions and functioning. Furthermore, Giandomenica Majone (1996) and Andrew Moravcsik (2002), two of the most prominent scholars of European integration, have criticised the standard version of the democratic deficit and have argued that the EU is in fact as democratic as it could, or should, be (Follesdal & Hix 2006: 537).

Majone’s (1996: 55) starting point is his theoretical and normative claim that the EU is a regulatory state. The main purpose of regulation is essentially to address market failures and so, by definition, is about producing policy outcomes that are Pareto-efficient (where some benefit and no one is made worse off), rather than redistributive or value-allocative. Governments of the Member States have delegated regulatory policy competences to the European level, such as the creation of the single market, deliberately to isolate these policies from domestic majoritarian governments. (Follesdal & Hix 2006: 537–538.) From this perspective, the EU is a functional type of organisation whose purpose is to promote the material interests of the Member States by means of transnational rather than supranational institutions (Fossum & Schlesinger 2007: 12).

Following from this interpretation, Majone asserts that EU policy-making should not be ‘democratic’ in the usual meaning of the term (Follesdal & Hix 2006: 537). If European policies were made by majoritarian institutions (Majone 1996: 284–287), they would cease to be Pareto-efficient, insofar as the political majority would select EU policy outcomes close to its ideal short-term policy preferences and counter to the preferences of the political minority and against the majority’s own long-term interests (Follesdal & Hix 2006: 537–538). In this view, an EU dominated by the European Parliament or a directly elected Commission would lead to a politicization of regulatory policy-making (Majone 2000: 287–288). Politicization would result in redistributive rather than Pareto-efficient outcomes, and so in fact undermine rather than increase the legitimacy of the

EU (Follesdal & Hix 2006: 537–538). Instead, the regulatory EU derives its democratic aspect from the practices of the Member States (Fossum & Schlesinger 2007: 13).

Moravcsik (2002) argues that the EU does not suffer from a democratic deficit because of its intergovernmental nature and presents an extensive critique of all the main democratic deficit claims. He argues that because of constitutional checks and balances (ibid. 600), which ensures that it is the governments that run the EU, it is unlikely that the EU adopts anything, which negatively affects an important national interest. Furthermore, since the Commission is simply an agent of the governments, there are no significant unintended consequences of the intergovernmental bargains. As a result, there is little gap between the preferences of the elected governments and final EU policy outcomes; thus, the EU is not undemocratic. Just as Majone's views of the democratic deficit are logical extensions of his regulatory theory, Moravcsik's views of the democratic deficit are extensions of his liberal-intergovernmental theory. (Follesdal & Hix 2006: 541.)

Moravcsik (2002), furthermore, agrees with Majone that it is a good thing that regulatory policy-makers are isolated from democratic majorities. Firstly, "*universal involvement in government policy would impose costs beyond the willingness of any modern citizens to bear*" (ibid. 614). Secondly isolating particular quasi-judicial decisions is essential to protect minority interests and avoid the 'tyranny of the majority' (Follesdal & Hix 2006: 541). Thirdly, and above all, isolated policy-makers can provide majorities with unbiased representation. Here, Moravcsik (2002: 614) argues that powerful particularist (concentrated) minorities with powerful immediate interests can more easily capture electoral processes than isolated regulators or courts. From this perspective, the EU may be more 'representative' precisely because it is, in a narrow sense, less 'democratic' (ibid.).

From the discussion above, it becomes clear that the notion of the democratic deficit as well as the legitimate role of European citizens in the governance of Europe depends on how the EU's future political order is envisioned (Olsen 2003: 91). The EU as a regulatory entity or an international organisation can dispense with the question of a

European public sphere and a more holistic approach to citizenship. Both remain exclusively at the level of the national state. If, however, as the European Court of Justice (ECJ) successfully claims, the EU represents the sovereign centre of governance, then the issue of European citizenship comes to the fore and a debate about the democratic deficit can hardly be avoided. (Giesen & Eder 2003: 1.) Thus, the more the EU is moving away from a special purpose organisation with limited tasks, responsibilities and powers, and transforming itself into a full-blown polity (Olsen 2003: 91), the more important it becomes to assess the potential of European citizenship as a solution to the democratic deficit, and, whether the European Citizens' Initiative contributes to this concept.

### 3.2. The ECI as a solution to the democratic deficit

A key vehicle to overcome the democratic deficit, in the Commission's eyes, is the European Citizens' Initiative (ECI), which first emerged in discussions about the Constitutional Treaty (Saward 2013: 221) as a surprising deviation from "*the dominant tendency to define participation in terms of representation through associations*" in the European Union (Smismans 2004: 136). The ECI carries the dual ambition to increase awareness of the status of European citizenship (Saward 2013: 221–222) and to establish an opportunity structure for participatory democracy (European Commission 2010: 2).

Formally, the European Commission has the exclusive right of legislative initiative in the EU<sup>1</sup>, although both the European Parliament and the Council of the European Union also have the right to request legislative proposals from the Commission. However, the ECI now gives European citizens a similar right to ask the Commission to submit a legislative proposal. (Conrad 2011: 5.) According to Article 11(4) TEU:

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<sup>1</sup> ) There are two narrow exceptions to this rule: 1) foreign and security policy, where the right of initiative belongs to the Member States and the High Representative (Article 30 TEU); and 2) justice and home affairs, for which the Commission shares the right of legislative initiative with one-quarter of the Member States (Article 76 TFEU) (Glogowski & Maurer 2013: 8).

*“Not less than one million citizens who are national of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.”* (European Union 2012)

The ECI is based on two legal documents: the ECI was introduced in the Lisbon Treaty, which has been in force since December 2009 (Conrad 2011: 5); at the same time, the Lisbon Treaty left the specifics of the ECI to be determined in a Regulation published in March 2010 (Saward 2013: 222). The most basic of these formal requirements in the Lisbon Treaty and the Regulation include that any given citizens’ initiative must be signed by at least one million European citizens from at least one-third of the Member states. Furthermore, the signatures must be collected within a twelve-month period. The citizens’ initiative also needs to be drawn up by a citizens’ committee made up of at least seven individuals residing in at least seven Member States. Finally, the proposed legislation has to be within the scope of the EU’s competences and cannot amount to any treaty changes. (Conrad 2011: 5.) However, some of these provisions remain controversial (Saward 2013: 222).

A point that needs to be stressed concerns the relationship between the ECI and the formal right of legislative initiative in the EU (Conrad 2011: 10). The ECI does not affect the exclusive right of legislative initiative that is exercised by the Commission. In this sense, the ECI should by no means be confused with a Swiss-style popular initiative, which would grant the right to a number of citizens to submit a draft legislative provision to voters with no possibility of it being blocked by the parliament or the Commission as in the case of the ECI. Instead, the ECI is a tool for a popular appeal to the Commission to initiate legislation. (Auer 2005: 80.) As a consequence, the Commission cannot be forced to adopt an ECI in the form in which it is submitted, or to adopt it at all. However, the Regulation on the ECI does force the Commission to give serious consideration to each initiative that fulfils the formal requirements. If the Commission decides not to act on a given ECI, it will have to explain its reasons for not doing so. (Conrad 2011: 10.)

As mentioned above, the citizens' initiatives have to be within the competences of the European Union, i.e., legislative acts have to be required for the purpose of implementing the Treaties, as well as within the areas where the Commission actually enjoys the right of initiative. Consequently, no ECI would be able to change e.g., the number of votes that must be collected for a citizens' initiative, or the very fact that there is a European Citizens' Initiative. As the ECI is legislative and not constitutional (Auer 2005: 82), an ECI cannot change the existing treaties, i.e., it cannot make fundamental changes to the EU political system, including the treaty provisions on the ECI. On the other hand, the ECI could be used to change the Regulation itself, for instance to lower the significant number of Member States in which signatures have to be collected. Since the ECI can, furthermore, only be requested in areas in which the Commission has the right to propose legislation, the citizens' initiatives cannot propose legislation in areas that are Member States competences, e.g., the EU cannot set European-wide minimum wages, unless Member States decide to change the treaties accordingly. (Conrad 2011: 11.)

The Commission is vesting many hopes in the ECI, viewing it as a significant symbolic and practical advance for European citizenship (Saward 2013: 222) by giving European citizens an agenda setting role in the legislative process and by creating a common political space. For, in addition to creating a culture of dialogue and giving citizens a voice, it initiates a new political reality of EU citizens being in mutual recognition vis-à-vis one another and engaging in reciprocal co-determination of the European Union legislative process. (Kostakopoulou 2013: 12–13.) According to the Commission, it *“introduces a whole new dimension of participatory democracy alongside that of representative democracy on which the Union is founded”* (Commission 2010: 2). Through its implicit appeal to a broader political space beyond national communities, the ECI essentially encourages citizens from several Member States to act on commonalities that transcend their national identities and to initiate legislative change from below (Kostakopoulou 2013: 13). According to the Green Paper on European Citizens' Initiative (European Commission: 3):

*“The European Commission welcomes the introduction of the citizens' initiative, which will give a stronger voice to European citizens by giving them the right to*

*call directly on the Commission to bring forward new policy initiatives. It will add a new dimension to European democracy, complement the set of rights related to the citizenship of the Union and increase public debate around European politics, helping to build a genuine European public space.” (ibid.)*

Clearly, the ECI has a number of distinct and weighty aspirations and expectations to carry (Saward 2013: 223). The Commission evidently sees the ECI as a mean to foster active citizenship and democratic participation (Commission 2010: 2). The weaknesses in EU citizenship that it is designed to address are widely acknowledged by commentators (Saward 2013: 223). Warleigh (2006: 119) argues that in the context of European integration, Member State nationals remain primarily consumers, workers or travellers rather than politically active and empowered citizens. The ECI addresses citizens directly, rather than, as previously, seeking to foster active citizenship primarily through organised civil society organisations (Smismans 2009), a strategy that, it has been argued, has had limited success (Warleigh 2006: 128). In the context of the democratic deficit, the ECI can, therefore, be understood as establishing a formal and direct link between the Commission and EU citizens, perhaps bolstering the EU’s democratic credentials by bypassing problems with representative institutions and processes, e.g., perceptions of a weak European Parliament (Saward 2013: 224).

It is, however, important to pinpoint that the ECI does not introduce an element of ‘direct’ democracy because ordinary citizens do not get to vote on particular policies; they only get to put ideas forward to the Commission. The ECI is, thus, a device which may enhance participatory democracy, not direct democracy. (Saward 2013: 226.) Direct democracy has long been part of the dichotomy between representative and direct democracy, referring to both the classical city-state democracy of Athens and the referendum model (Smismans 2004: 128); it is best understood as a political procedure in which collective decisions are made directly by citizens, either in a face to face setting or in referendums (Saward 2013: 227). Direct and participatory democracy both refer to a democratic system in which individuals participate personally in the deliberations which concern them, in which there is no intermediary between those who make the decisions and those affected by them. However, the concept of participatory democracy is often extended from the political world to other sectors of social life, such as the workplace and education. (Smismans 2004: 128.) Participatory democracy,

therefore, includes any form of democracy which emphasises participation in decision-making without necessarily involving a formal element of power of decision by those whose participation is fostered in some way (Saward 2013: 227).

Nonetheless, from an institutional perspective, the ECI is important since it may be able to stimulate a form of collective action, which neither the Council of the European Union nor the European Parliament are able to provide. Such endorsements could possibly induce EU institutions and European citizens to start pan-European campaigns and debates, thus leading public opinion at the national level into a more meaningful form of collective action in the EU. (Glogowski & Maurer 2013: 21–22.) However, according to the normative model of democracy proposed in this paper, the ECI alone cannot facilitate the emergence of a European public sphere since it only addresses one aspect of citizenship, namely participation. In order to examine its potential as a facilitator of democracy, it is necessary to examine its contribution to European citizenship. The paper therefore goes on to examine European citizenship from the perspective of normative theories of citizenship.

### 3.3. European Citizenship

The doubts about where to look for the relevant signs of European citizenship attest to the difficulties in grasping its essence. The difficulty is compounded by the fact that European citizenship is essentially a process and is for now an unfinished project, open to different developments. It is, therefore, crucial to avoid reducing the “sites” of citizenship to only the EU Treaties. (Moro 2012: 38–39.) Warleigh (2001: 20–21) alerts: *“Union citizenship is about more than the Treaty. It resides in secondary legislation as much as summit-agreed documents, in a ‘practice’ of citizenship as much as formal entitlements and duties.”* According to Antje Wiener (1998), European citizenship cannot be studied without taking into account its fundamental practical dimension. The concept of citizen practice, defined as the dynamic citizen-polity relation, refers to two aspects: the political link between the citizen and the political community (i.e., political rights of representation and participation) and the identity-

based link between the citizen and the political community that is built on a sense of membership resulting from everyday experiences of participation, i.e., the emotional belonging (ibid. 7).

According to Moro (2012: 39), it is possible to identify three observation “sites” of European citizenship based on these two elements. The first observation “site” is the Treaties of the European Union (ibid.). Interpreting the Treaties, either maximally or minimally, can, however, only reveal part of the picture since European citizens have rights and legal protections, which stem not only from the Treaties but also from secondary legislation (Warleigh 2001: 26–27). The second observation “site” of European citizenship is, therefore, the so-called *Acquis communautaire* (Moro 2012: 39), which can be defined as following:

*“The Community acquis is the body of common rights and obligations which bind all the Member States together within the European Union. It is constantly evolving and comprises: the content, principles and political objectives of the Treaties; the legislation adopted in application of the Treaties and the case law of the Court of Justice; the declarations and resolutions adopted by the Union; measures relating to the common foreign and security policy; measures relating to justice and home affairs; and international agreements concluded by the Community and those concluded by the Member States between themselves in the field of the Union’s activities.”<sup>2</sup>*

EU citizenship is, thus, scattered throughout the *acquis* rather than encapsulated in Articles 17–22 (Warleigh 2001: 27) and every measure with a legal value or that of a general direction, whether normative or political, is both a source and a repository of information about European citizenship (Moro 2012: 40). Finally, European citizenship is now perforce part of Member State nationals’ lived experience (Warleigh 2001: 27), and, it is, therefore, possible to identify in the everyday practices of dynamic relationship between the citizen and the political community (Wiener 1998: 7) a privileged observation “site” of European citizenship (Moro 2013: 40).

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<sup>2</sup> ) [http://europa.eu/legislation\\_summaries/glossary/community\\_acquis\\_en.htm](http://europa.eu/legislation_summaries/glossary/community_acquis_en.htm) (last access: 1st April 2014)



### 3.3.1. The individualist dimension

The Maastricht Treaty awarded all nationals of the Member States of the European Union the complementary status of EU citizenship (Jenson 2007: 59). According to Article 17 (1) EC, “*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.*” The reference to the nationalities of the Member States was introduced in the Treaty of Amsterdam (Moro 2012: 39) and has two implications. First, EU citizenship has a derivative nature since the holding of nationality of a Member States is a prerequisite for acquiring it. Second, EU citizenship has a complementary nature as it is not meant to replace national citizenship. (Besson & Utzinger 2008: 190.) The provision, therefore, aims at emphasising the dependence of EU citizenship on national citizenship (Moro 2012: 39), which remains a matter for the Member States themselves to determine (Bellamy et al. 2006: 11). However, in the Treaty on the Functioning of the European Union (TFEU), EU citizenship is now defined as additional to national citizenship (Article 20).

Since the ratification of the Maastricht Treaty, EU citizens have enjoyed a number of rights that are directly conveyed by and enforceable throughout the EU (Wiener 2003: 399). According to Article 17(2) EC, the rights of EU citizens are all those which are guaranteed by the EC Treaty and secondary legislation. Thus, the benefits of EU citizenship are not limited to the rights conferred by Articles 18–21 EC, which are not exhaustive. EU citizenship is evolutionary and can expand to new rights together with the expansion of the scope of the EC Treaty. (Besson & Utzinger 2008: 191.) In fact, an enhancement mechanism or evolutionary clause is introduced in Article 22 EC stating that the Council may adopt provisions to strengthen or to add to the list of rights (Moro 2012: 39–40). The concept of EU citizenship has, thus, been explicitly designed to be developed further (Besson & Utzinger 2008: 191). Furthermore, according to Article 17 (2) EC, EU citizens not only enjoy the rights but are also subject to the duties established in the Treaties. It is however noticeable that the Treaties lack a list of duties corresponding to rights such as the constitutional treaties of the Member States have, for example, stating the duty to pay taxes or to serve in the army (Moro 2012: 41).

The formal citizenship rights established in the EC Treaty cover the following areas (Bellamy et al. 2006: 11): rights to residence and free movement enjoyed by all citizens of the Union (Article 18 EC); rights on the part of citizens of the Member States to vote and stand in local and European parliamentary elections when resident in another member state (Article 19 EC); right to diplomatic and consular protection when on the territory of a third country on the part of any Member State which has an embassy or consulate in that state (Article 20 EC); and, rights to petition the European Parliament, to apply to the European Ombudsman, and to write to the institutions in their own language and receive a reply in that language (Article 21 EC). Further to these provisions, there are a number of other articles in the Treaties that relate either directly or indirectly to the citizens of the EU (Wiener 2003: 399) such as the right of access to documents, under conditions laid down in the legislation, and the general principle of transparency (although the latter term is not explicitly mentioned in the Treaty). However, like the rights of access and engagement with the Union institutions, these rights are not limited to EU citizens, but are granted to all natural and legal persons resident in the EU. (Bellamy et al. 2006: 11.)

Many of the articles constituted a codification of the existing Treaty position on citizen rights, rather than conferring significant decisions (Newman 1996: 154) since the general background to EU citizenship was already provided by the original EEC Treaty with its provisions on free movement of workers, and secondary legislation (Bellamy et al. 2006: 10). More generally, the European Court of Justice (ECJ) used the two legal principles of non-discrimination on grounds of nationality (Article 12 EC) and freedom of movement (Article 18 EC) (Besson & Utzinger 2008: 192) as the basis for extending protection for citizens of the Member States when either visiting or taking up residence in other Member States (Bellamy et al. 2006: 10). In particular, the ECJ constantly developed the social dimension of EU citizenship, thus, gradually turning it into a source of rights of its own already before the introduction of the formal concept of EU citizenship in the Maastricht Treaty (Besson & Utzinger 2008: 191).

Notable cases in this area include *Cowan*<sup>3</sup> and *Gravier*<sup>4</sup> (Bellamy et al. 2006: 10). In *Cowan*, the ECJ held that a British visitor to Paris, who was attacked on the Metro, was entitled on the same basis as French nationals to the French criminal injuries compensation fund. The decision by the ECJ appears to create something close to a general right of free movement for nationals of Member States, since it seems that by the mere fact of moving the citizen will inevitably satisfy the minimum threshold for the consumption of services when staying in one of the Member States so as to fall within the scope of the Treaty. (Downes 2001: 98.) In *Gravier*, the Court held that a French national studying in Belgium was entitled access to higher education on the same basis as nationals (Bellamy et al. 2006: 10). The ECJ reasoned that common vocational training was indispensable to free movement of persons and that imposing a fee on students from other Member States that was not imposed on domestic students discriminated on the grounds of nationality, contrary to the non-discrimination principle (Maas 2007: 36). Although there is a residual economic criterion for the right of free movement to exist, it has, thus, been defined in such a way as to be almost meaningless. In fact, the ECJ has deliberately and progressively elaborated a right of free movement akin to a citizenship right. (Downes 2001: 98.)

Taken together, the legal principles of the right free movement and non-discrimination led commentators to suggest that there already existed a concept of citizenship under European Community law, though these rights were mainly oriented around the free movement provisions (Bellamy et al. 2006: 10) and promanaged under another name altogether such as worker mobility, the single market, institutional reform and so on (Jenson 2007: 58). Citizens of one Member State who moved to another one to take up residence or employment were, thus, caught up in the creation of European rights because they were the beneficiaries of free movement, practiced it, and pushed for its expansion (Maas 2007: 5). Just as in national stories of citizenship, rights were often first targeted and guaranteed over time to particular categories of the population before boundaries were extended to all (Jenson 2007: 58).

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<sup>3</sup>) Case C-186/87 *Ian William Cowan v. Le Trésor public* [1989] ECR 195.

<sup>4</sup>) Case 293/83 *Françoise Gravier v. City of Liège* [1985] ECR 593.

The introduction of a legal conception of citizenship in the Maastricht Treaty also soon influenced the jurisprudence of the European Court of Justice (Smismans 2009: 61). In *Martinez Sala*<sup>5</sup>, the Court held that a Spanish national who had long-term residence in Germany could rely upon the non-discrimination principle on grounds of nationality as the basis for claiming access on the same basis as German nationals to a German child-raising benefit for her new born child (Maas 2009: 64). This was an interesting extension of previous case-law, as Martinez Sala herself was not an economic migrant (Besson & Utzinger 2008: 192) and, therefore, was not traditionally protected by the scope of EU law (Bellamy et al. 2006: 14). Thus, the decision offered a tantalising prospect of EU citizenship as the source of wide-ranging social rights which are not directly linked to economic activity (Downes 2001: 101).

There have been further incremental extensions of the protection of the access of EU citizens to various social benefits, even where they are economically inactive. In the case *Grzelczyk*<sup>6</sup> in 2001, the ECJ held that a French national studying at a Belgian University was entitled to a minimum subsistence benefit on the same basis as nationals, when he found himself unable to work part time alongside studying in the final year of his course. (Bellamy et al. 2006: 14.) He was protected by the principle of non-discrimination on ground of nationality as well as the provisions on citizenship which protected his rights to move and reside freely in another Member State (Besson & Utzinger 2008: 192). Interestingly in *Grzelczyk* the ECJ also engaged in a verbal flourish which has been repeated since that time on numerous occasions in its case law (Bellamy et al. 2006: 14):

*“Union Citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject only to exceptions as are expressly provided for.”* (ECJ 2001: I-6242)

The critical ideal that underpins EU citizenship is, thus, the principle of non-discrimination on grounds of nationality since it means that EU citizens are entitled to

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<sup>5</sup> ) Case C-85/96 *Maria Martinez Sala v. Freistaat Bayern* [1998] ECR I-2691

<sup>6</sup> ) Case C-184/99 *Rudy Grzelczyk v. Centre public d'aide sociale d'Ottignies –Louvain-la-Neuve* [2001] ECR I-6193.

equal treatment with nationals of the chosen Member State of residence (Kostakopoulou 2013: 9). The ECJ continues to play a major role in the enhancement and extension of rights related to EU citizenship by gradually extending the principle of equal treatment in the access to social benefits to economically inactive categories such as students, children, and those unable to work, based on the already mentioned principles of non-discrimination and freedom of movement. Its power is grounded in the doctrines of supremacy (primacy of European norms over national laws and practices) and direct effect (the rights conferred to individuals by European rules can be directly applied and even applied against governments in national courts). (Moro 2012: 42–43.)

Overall it is important to understand that the process of negative integration, that is, the removal of obstacles to free trade across internal borders within the Community, guided the first steps towards the construction of European citizenship. It, furthermore, set the framework for positive integration which focused on more explicit policy steps towards creating rights for European citizens (Wiener 2003: 406). In 1989, the Single European Act (SEA) came into force as the first major revision of the Treaty of Rome. Despite the Member States' commitment to a common market, the Europeanisation of social policy remained controversial and national governments seemed unwilling to give the Community a broader role in this field. However, one important exception was made with Article 118a on the minimum harmonization concerning health and safety of workers, which allowed directives to be agreed on the basis of a qualified majority in the Council as opposed to unanimity. The provisions adopted following this Article were minimum regulations only but, nevertheless, under this provision reluctant Member States could be forced to align their social legislation with the majority of Member States, even against their will. (Falkner 2003: 266.)

The Maastricht Treaty introduced new social policy provisions that constituted an extension of Community competence into a wide area of social policy issues, including working conditions, the information and consultation of workers, equality between men and women with regard to labour market opportunities and equal treatment at work (as opposed to equal pay that was already introduced in the Treaty of Rome), and the integration of persons excluded from the labour market. Some issues were, however,

explicitly excluded from the scope of harmonization under the Maastricht social policy provisions, namely pay, the right of association, the right to strike, and the right to impose lock-outs. (Falkner 2013: 171.) Additionally, qualified majority voting was extended to more issue areas than before although unanimous decisions remained for social security matters and the social protection of workers, the protection of workers whose employment contract is terminated, representation and collective defence of interests of workers and employers, conditions of employment for third-country nationals, and financial contributions for promotion of employment and job creation. (Falkner 2003 267–268.)

The Treaty of Amsterdam excluded further harmonization of domestic laws but provided for the coordination of national employment policies on the basis of annual guidelines and national follow-up reports. Furthermore, a new Article 13 on Community action against discrimination on the grounds of sex, race, ethnic origin, belief, disability, age, and sexual orientation was inserted. (Falkner 2003: 269.) The Nice Treaty of 2001 was also not particularly innovative in terms of social policy matter but it allowed that measures (not legislation) to improve transnational cooperation can now be adopted on all social issues, not only those concerning social exclusion and equal opportunities, as was the case after Amsterdam. Under the Lisbon Treaty, social security provisions for migrant workers are the only new issues to fall within qualified majority voting in the Council. Although the Nice and Lisbon Treaties only changed a few aspects of EU social policy, it is clear that formal competences have been extended over time to a very significant extent. (Falkner 2013: 272.)

A catalogue of social rights were developed for the Charter of Fundamental rights (Jenson2007: 60), which formally came under the Treaty framework in the Lisbon Treaty and hence acquired a higher legal status. It is the first single document that codifies all the rights of European citizens previously found in a variety of legislative instruments, such as national laws and the European Convention for the Protection of Human Rights and Fundamental Freedoms. It was drawn up by a convention and was formally adopted in Nice in December 2000. The Lisbon Treaty gives the Charter

binding effect, conferring on it the same legal value as the treaties<sup>7</sup>. (Falkner 2013: 272.) The preamble of the Charter states that “*the Union is founded on the indivisible, universal values of human dignity, freedom, equality, and solidarity; it is based on the principles of democracy and the rule of law*” (European Union 2012: 326). The provisions of the Charter are addressed directly to the institutions of the European Union with regard to the principle of subsidiarity and to the Member States only when they are implementing Union law (Falkner 2013: 272).

Although EU citizenship remains in principle derivative and based on being a national citizen of a Member State, it has triggered a shift from nationality to residence as a criterion for the acquisition of certain national citizenship rights (Besson & Utzinger 2008: 194–195). European citizens are now entitled to equal access to employment in the public and private sectors, equal treatment with respect to conditions of employment, including remuneration and dismissal as well as the same social and tax advantages that national citizens receive and educational opportunities (Kostakopoulou 2013: 9). Furthermore, after five years of continuous residence in the host Member State, EU citizens become permanent citizens entitled to enjoy complete equal treatment with national citizens (Article 17 of Directive 2004/38).

Free movement and equal treatment (civil rights), political rights and social protection (social rights) are all important for the development of the adequate institutional functioning of European citizenship (Kostakopoulou 2013: 9). However, to allow EU level rights to impact upon Member State rights undermines national citizenship (Bellamy 2008: 606–607). The erosion of national citizenship under the influence of EU citizenship may already be observed at two levels at least. First of all, as regards the granting and withdrawal of national citizenship, there is now more than one authority granting rights to national citizens; citizenship rights in Europe are, thus, fragmented. As a result, national governments no longer hold absolute sovereignty over the rights and duties of their citizens. Second, Member States also face challenges with respect to the enforcement of national citizenship rights as they have to grant non-nationals the rights previously exclusively granted to national citizens. Moreover, EU citizens see

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<sup>7</sup>) Poland and the UK negotiated an opt-out from the Charter of Fundamental Rights (Falkner 2013: 272)

some of their rights as protected by the EU as well, when it is vested with implementation competences. (Besson & Utzinger 2008: 194–195.)

According to Bellamy (2008b: 606–607), the erosion of national citizenship is problematic since rights do not constitute citizenship; rather, citizenship constitutes rights by allowing citizens to determine the public goods on which their rights depend on an equitable basis. The different rights regimes of the Member States reflect the ways that the various peoples of Europe have exercised their most basic right as citizens, namely as participants in the collective decision-making process that determines their rights. Since the EU lacks a general European public sphere, this “*right of rights*” is not yet operative at the European level. (ibid.) As a result, the EU is ill-suited to act as the primary agent in the establishment of European social rights. In other words, it lacks the legitimacy, which would be necessary to secure the support for extensive redistribution. (Newman 1996: 100.) For EU rights to be genuine rights of citizenship, European citizens would, thus, need to have a say in defining their rights (Bellamy 2008b: 607).

### 3.3.2. The political dimension

During the past few years, the European Commission has become increasingly active in the field of citizens participation (Fischer-Holzer 2010: 335) and the European Union’s citizenship model has progressively shifted beyond the liberal conception of citizenship (Kostakopoulou 2013: 11) as a formal, legal right-bearing status (Smismans 2009: 60). According to Moro (2012: 46–47), the participatory dimension of European citizenship is articulated at two levels: 1) participation in the establishment of EU representative institutions; and 2) the programmes and initiatives promoted by the Commission (Moro 2012: 46–47). These two levels are not distinct from one another, but can both be viewed as responses to the growing concern about a lack of citizen involvement in the project of European integration as well as concerns about the democratic deficit.

Participation in the establishment of EU representative institutions can be either direct or indirect (Moro 2012: 46). According to Nentwich (1996: 3), indirect opportunity structures for participation requires some form of mediator within the political system,



generally a group of politicians, before the input can be translated into political action. By contrast, direct opportunity structures have a non-mediated effect on the political system (ibid.). The direct type of participation mainly concerns the right to vote in and stand as a candidate in European parliamentary elections (Smismans 2009: 61) while the indirect type consists of the representation of the executives elected by citizens or by national parliaments in the European Council, the Council of the European Union and in other institutions and bodies of the EU. It is also possible to add the European citizen right to take part in the municipal elections in the Member State of residence to these forms of participation. (Moro 2012: 47.)

The establishment of direct elections to the European Parliament (EP) in 1979 was arguably the first major shift towards a more participatory politics in the EU (Monaghan 2012: 289). Furthermore, from the perspective of representative democracy, the EP has undergone a noteworthy development since the end of the 1970s, not only in its internal organisation, (Conrad 2011: 12) but most importantly, treaty amendments and institutional agreements have granted the EP considerable greater powers (Scully 2003: 168) in relation to the EU's two other legislative institutions, most of all the Council but also in relation to the European Commission. These developments have taken place as a more or less incremental process, stretching from the first direct election to the European Parliament all the way to the entry into force of the Lisbon Treaty in December 2009. (Conrad 2011: 12.)

Until 1979, members of the European Assembly, as it was called until 1986, were primarily members of their respective national parliaments (Connolly, Day & Shaw 2006: 34). The European Assembly also played a rather weak role in relation to the Commission and the Council, reflecting the strong intergovernmental imprint in decision-making at the European level at the time (Conrad 2011: 12). The so-called consultation procedure was the only legislative procedure at the time meaning that the European Assembly could only offer its opinion, but could not force the Commission or the Council to respond to this opinion. As a result, the European Assembly was merely a consultative body with no formal mechanism of influencing legislation. (Scully 2003: 170.) However, the role of the EP and, thereby, European-level representative

democracy was strengthened in a series of treaty changes in the mid-1980s (Conrad 2011: 12). The Single European Act introduced the so-called cooperation procedure for legislation related to the Single Market. This permitted the EP to propose amendments or issue a veto that could only be overturned by a unanimous Council, although the consultation procedure was retained for most laws. (Scully 2003: 170.) While this was a disappointment to those who wanted to see a more decisive strengthening of the EP, the cooperation procedure, nonetheless, prepared the ground for the introduction of the co-decision procedure in the Maastricht Treaty (Conrad 2011: 12).

In the Maastricht Treaty, the co-decision procedure was then introduced. In areas where the co-decision procedure applied, the Council and the European Parliament both had to give their consent to proposals made by the European Commission. (Conrad 2011: 12–13.) However, in the Maastricht Treaty, the number of areas in which co-decision applied was still rather limited since only around one-quarter of laws were processed under this procedure. The co-decision procedure was revised in the Amsterdam Treaty and extended to further areas of EU law (Scully 2003: 170). The number of areas in which co-decision applies was also extended in the Treaty of Nice entering into force in 2003 as well as in the Treaty of Lisbon in 2009 (Conrad 2011: 12), where it was also renamed as the ordinary legislative procedure (Burns 2013: 163).

Where the ordinary legislative procedure (OLP) applies, the Council cannot under any circumstances go against the position of the European Parliament as it could under the consultation procedure and even under the cooperation procedure. In order for legislation to be adopted, the Council and the EP have to agree or find a mutually acceptable compromise; otherwise, the Commission's proposal is rejected. (Conrad 2011: 12–13.) Initially, the OLP applied to only fifteen treaty Articles, but its scope has been extended to cover eighty-five policy areas making the EP a genuine co-legislator with the Council (Burns 2013: 163). From the perspective of representative democracy, it is therefore important to note that co-decision gives equal weight to the representatives of the European citizens and to the representatives of the European governments (Conrad 2011: 12–13).

The dominant approach to democratic legitimacy in the EU is that a parliamentarization of decision-making at the European level is an important part of the solution to the democratic deficit. The reason why it is considered such an important remedy is that parliaments provide a crucial linkage between citizens and government or, at the European level, between citizens and the Commission as well as the Council. (Andeweg 2007: 102.) However, while the EP may be increasingly important as a policy-shaping tool, it falls short in many respects as a representative one (Scully 2003: 176–177). In particular, it lacks a common public sphere in which competition among political elites and elections for government could take place and where agenda-setting could take place and be recognised (Greven 2000: 54–55). Furthermore, elections for the EP have witnessed levels of turnout generally lower than those obtained in the national parliamentary elections and, despite its growing powers, voter turnout has fallen to below 50 per cent of the eligible voters (Scully 2003: 176–177). Expanding the model of representative democracy is, therefore, not likely to be adequate to legitimise European decision-making (Greven 2000: 55).

Voting at the national level might also be considered as an act of participation in the European Union since national elections influence the composition of two central EU institutions, namely the Council of the European Union and the European Council (Nentwich 1996: 4). Indeed, according to Young (1995: 4), the most important channel by which public opinion impacts on EU policy-making is via national governments. Andeweg (2007: 102) also emphasises the role of the national parliaments as the most important mechanisms linking the citizens to the EU. Furthermore, national voting is a control mechanism in the sense that a strong political mandate at the national level may induce a government to hold a particular view on a European issue with the consequence of vetoing decisions in the Council or of filling complaints to the European Court of Justice. Voting at the national level can, therefore, be considered as an indirect opportunity structure for participation in European decision-making. (Nentwich 1998: 4.)

The right to petition the European Parliament can also be included among the forms of participation that concerns representation (Smismans 2009: 61). European citizens can

turn to their elected representatives to suggest improvements or changes that might address existing problems. Such problems could include perceived violations of citizens' individual rights in their respective member states. Petitions frequently also aim at showing that new laws are necessary. (Conrad 2011: 13.) An important difference from the European Citizens' Initiative is that a petition can be submitted by one citizen acting alone and is restricted to matters which affect him or her directly (Nentwich 1996: 5). The European Parliament is, however, not obliged to act on any given petition (Conrad 2011: 13). Petitions are an indirect opportunity structure for participation, particularly in the European context, and, as long as the role of the EP is not that of primary legislative chamber, any citizen's influence via this body remains limited. Nonetheless, the EP frequently forwards petitions to the Commission sometimes leading to changes in national legislation. (Nentwich 1996: 5.)

European citizens also have the possibility of directing a complaint to the European ombudsman (Nentwich 1996: 6). To some extent, this right opens up the participatory dimension towards interaction with the administration, yet being an *ex-post* control on maladministration of EU institutions and bodies, this can hardly be called a particularly strong conceptualisation of participation in European decision-making (Smismans 2009: 61). Even if the ombudsman's investigation determines that maladministration has taken place or is taking place, the office's ultimate instrument is to submit a report to the European Parliament (Conrad 2011: 13–14). The role of the Ombudsman as an opportunity structure for political participation is, thus, rather limited (Nentwich 1996: 5).

In addition to the above mentioned opportunity structures for participation, the EU has developed a range of participatory features related to representative democracy (Monaghan 2012: 290). These include hearings and conferences organised by the European Parliament and direct contacts with the members of the EP (Nentwich 1996: 5). In quantitative terms, therefore, participation has become more prominent in the EU. However, the nature, quality and effectiveness of these participation opportunities are questionable. (Monaghan 2012: 290.) What is lacking is, therefore, a far broader conceptualisation in which participation in a multi-level polity, through different levels

of government and modes of governance, would aim at the citizenship ideal of self-governance (Smismans 2009: 61).

In recent years, genuine efforts have been made by the European Commission to institutionalise more direct forms of political participation and a complex constellation of political links among the citizens, civil society organisations, and the European Union institutions (Kostakopoulou 2013: 11–12). In the 2001 *White Paper on Governance*, the Commission identifies participation as a principle of good governance and it is stated that “*the quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation*” (Commission 2001: 10). However, the Commission connects its democratising aspirations solely and explicitly with associational involvement and direct citizen participation in European affairs is not proposed as a solution to the democratic deficit (Hüller 2010: 79–80). Instead, citizen participation was merely discussed under the headline “*Reaching out to citizens through regional and local democracy*” (Commission 2001: 12); citizens were only to be given a voice via civil society (Fischer-Hotzel 2010: 340).

In light of public rejection of the Constitutional Treaty in the French and Dutch referenda in 2005 (Monaghan 2012: 289), the Commission did not just have to acknowledge vital resistance to certain aspects of European integration. A core aspect of the Commission’s legitimisation strategy for the EU, highlighted in the *White Paper*, also proved to be unsuccessful, namely, the idea to improve the democratic quality of political processes, and, thus, their acceptance, via civil society involvement. (Hüller 2010: 81.) The Convention method<sup>8</sup> used to draft the Constitutional Treaty was heavily influenced by ideas of associational involvement, but the Treaty clearly still failed to capture the hearts of European citizens (Smismans 2009: 62). As a result, the

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<sup>8</sup> ) The Convention method was used for the first time to draft the Charter of Fundamental Rights of the EU. Instead of the traditional diplomatic bargaining that normally characterizes the EU, the text was drafted in a Convention composed of representatives of the Heads of Government, of the national parliaments, and of the EP, in addition to two representatives from the Commission. The process was broadened by including civil society representatives from the European Economic and Social Committee and the social partners as well as by organising online an extensive consultation process with civil society. This method was subsequently applied to the drafting process of the Constitutional Treaty. (Smismans 2009: 62.)

Commission brought about a more participatory strategy of “*bringing in the citizens directly*” (Hüller 2010: 81). This shift from civil society organisations to ordinary citizens is visible in the Commission’s *Plan D for Democracy, Dialogue and Debate and in the Europe for Citizens Programme 2007–2013* (Fischer-Hotzel 2010: 341).

*The Europe for Citizens Programme 2007-2013* put forward a new approach to citizen involvement (Hüller 2010: 81). Its general objectives comprised “*giving citizens the opportunity to interact and participate in constructing an ever closer Europe*”, “*developing a sense of European identity*”, “*fostering a sense of ownership of the European Union among its citizens*” and “*enhancing tolerance and mutual understanding between European citizens*” (Commission 2007: 6). A similar approach can be found in the Commissions’ *Plan-D*, which was supposed to be “*a long-term plan to re-invigorate European democracy and help the emergence of a European public sphere, where citizens are given the information and the tools to actively participate in the decision-making process and gain ownership of the European project*” (Commission 2005: 2–3).

Although the Commission claimed that *Plan-D* was not a rescue operation for the Constitutional Treaty, the programme was adopted explicitly in response to the Council’s request to introduce a period of reflection (Smismans 2009: 63). *Plan-D* was seen as “*an exercise for listening and dialogue. The ultimate objective of the Commission is to be able to draw lessons from the concerns expressed by the citizens*” (Commission 2005: 10). Thus, it appears that the purpose of the Commission’s programmes is to foster democratisation of the EU and legitimacy (Hüller 2010: 82) by creating a citizens’ debate on European issues (Smismans 2009: 63).

As a result, various new forms and instruments of direct citizen participation have been established at the European level. Hüller (2010: 82) identifies five instruments that are expected to have democratising functions as well as allows for direct citizen participation: the deliberative opinion polls “*Tomorrow’s Europe*” and Europolis, the European Citizens’ Consultations, the Commission’s online consultations, the European Citizens’ Initiative, as well as national referenda with regard to major political

developments. These instruments differ sharply since some of them are integral parts of the EU's political system, such as the Commission's Online Consultations, while others are rather external participatory projects organised by civil society actors, such as the deliberative polls and the Citizens' Consultations. Furthermore, it is noticeable that most of these instruments are policy-oriented measures; besides EP elections, it is only referenda and the Europolis, which aims to authorise the European political elite. Given the democratic deficit, the dominant orientation towards policy-related instruments is, at least, questionable. (ibid. 82–83.)

In addition to the above-mentioned instruments, there are some opportunity structures for citizen participation that exist independently of any specific programme (Fischer-Hotzel 2010: 342). These include informal exchanges, such as blogs of Commission officials, chats and various forms of letter writing. However, despite their obvious purpose of providing for personal contacts between the citizens and the Commission (Nentwich 1998: 129), these opportunities do not involve an element of direct citizen participation since their main purpose is simply to increase transparency in the European Union rather than granting citizens the opportunity to influence European decision-makers (Fischer-Hotzel 2010: 342).

The EU has become increasingly participatory by developing multiple opportunities for participation (Monaghan 2012: 286). However, Nentwich (1998) has noted that many of the opportunities for citizen participation in the EU are indirect, non-binding and informal. Apart from European elections every five years, and, on occasions, referenda, there are no possibilities for direct citizen participation. (ibid. 12.) Instead, the commitment to participation is more apparent in discursive terms than practical terms where participation is often used in the context of consultation with organised interests while opportunities for ordinary citizens to participate in European decision-making tend to be rather limited. In this light, the European Citizens' Initiative is an important innovation in providing citizens with the opportunity to influence the initiation of the EU legislative process despite its obvious limitations. (Conrad 2011: 14.)

### 3.3.3. The collective dimension

Peters (2005: 226) distinguishes between ‘deep’ and ‘shallow’ identities. Deep identities are characterised by intense commitment or solidarities and by a long time-horizon, rich collective memories and felt collective aspirations for the future. Shallow identities, on the other hand, are based on a narrow range of common interests or concerns, low solidarity and short time horizons. (ibid.) In a similar vein, Kantner (2006: 509ff.) distinguishes between particularistic communities, whose members share a weak sense of identity – a *commercium* – and other communities, whose members share a strong sense of identity, the so-called *communio*. It is conceivable that the deep collective identities shared by members of a *communio* might be a preferable basis for a political order (Peters 2005: 226) since it is considered to provide a communitarian fundament for bridging deep conflict; shared values provide a common evaluative ground so that some conflicts do not occur (Kantner 2006: 506). In this paper, the distinction between *commercium* and *communio* will be applied in order to analyse whether European citizens share ‘weak’ or ‘strong’ feelings of collective identity.

Members of a *commercium* are merely aware of being involved in a cooperative enterprise (Biegon 2010: 5). The affiliation within a community in this minimalistic sense consists of an awareness by the individual participants of being, willingly or not, part of the ‘game’. The members of such a community only share a collective identity in the weak sense of a shared interpretation of their situation, however, that does not include common ethical convictions: everybody still follow their own desires and interests. A *commercium* is, therefore, not a common, ethically motivated project that the members participate in. The members see the community rather as a club or neighbourhood. (Kantner 2006: 511.) Such a particularistic European community emerges when European citizens experience in numerous spheres of life that the relevant economic, legal and political space is no longer exclusively the nation-state, and decide that certain purposes can better be achieved by cooperating with each other (Biegon 2010: 5).



The members of a *communio*, on the other hand, share values regarding a distinct common enterprise and certain conceptions of what counts for them as a ‘good life’. In the light of their conception of a ‘good life’, they interpret their past and continue their traditions. Only collective identities in the ‘strong’ sense consist of the widely shared ethical self-understanding of the individual members of a *communio*. (Kantner 2006: 513.) This shared ethical self-understanding does, however, not necessarily refer to a common cultural heritage, traditions and memories. The crucial point is that members of a community discursively agree upon what counts for them as ‘good life’; a collective self-understanding can, therefore, also be based on commonly shared perceptions of the future (Biegon 2010: 5.): people might come together and create new *communio* groups in order to pursue a common ethical project (Kantner 2006: 513). Nonetheless, the *communio* resembles the communitarian conceptualisation of community. A European identity in this ‘strong’ sense emerges when citizens begin to share collective preferences and do no longer solely act according to their interests and preferences (Biegon 2010: 5).

In recent years, an impressive body of literature has emerged in which the theoretical debate on European identity is substantiated by empirical studies. The empirical research is roughly divided between two groups: empirical studies focus on people’s attitudes towards and their identification with Europe by relying on data generated in mass surveys; and discourse analysis focus on the discursively construction of European identity. Both approaches have generated valuable empirical data, however, the two methodological approaches rely on different understandings of the concept of identity. (Biegon 2010: 6.) Public opinion surveys conducted by Eurobarometer are part of a wider range of survey items that have at various times included different dimensions of support for European unification and approval of the EU (Kohli 2000: 122). They offer a richness of data about collective identity as experienced and expressed by the individual citizens, which can be used for secondary analysis of European identity. However, studies relying on opinion data take identities as something given, as something comparatively static that people simply have, neglecting the struggles and tensions that accompany collective identity formation processes. (Biegon 2010: 6–7.)

An entirely different methodological approach for studying European identities is constituted by discourse analysis, which does not take collective identities as given but considers them to be discursively constructed. When discourse analysts engage in examining European identities, they attempt to investigate the systems of meaning that form the identity of political entities such as the EU. Discourse analysis is context-sensitive as it follows the premise that there is no such thing as one European identity. However, most empirical studies investigating European identity constructions focus on political elites' discourses following the assumption that political elites play a pivotal role in the discursive construction of political identities. (Biegon 2010: 7–8) Since this paper is interested in examining the 'thickness' of European identity from the perspective of European citizenship, it is necessary to rely on public opinion research in which citizens' attitudes are the main focus of interest. If the European Citizens' Initiative is to be an instrument for the democratisation of the EU, it is less important how the European elite construct European identity since the ECI is intended to be used by 'ordinary' European citizens.

In order to find out whether European citizens are a *commercium*, it is necessary to try to access Europeans' views about themselves as Europeans. It appears that 'weak' European identities in the sense of a *commercium* have already developed. This can be demonstrated on the basis of the opinions of European citizens on European politics. (Kantner 2006: 511.) Eurobarometer findings indicate that 41 percent of Europeans believe that they benefit from membership of the European Union with the reduction of border controls being the EU achievement from which Europeans are most likely to say that they have benefitted (European Commission 2013a: 17). European citizens are, furthermore, aware of the fact that they are members of the national political community as well as the European (Kantner 2006: 511): 49 percent of European citizens see themselves as members of both (European Commission 2013a: 26). The European institutions are quite well known even if their relative importance is not always properly understood (Kantner 2006: 511). The European Parliament is the most well-known European institution with a majority of 90 percent of European citizens stating that they have heard of it. The European Commission (84 percent) and the European Court of Justice (83 percent) are also relatively well-known, while the Council of the European

Union (69 percent) is the least known European institution. (European Commission 2013b: 91.) Only about 51 percent of European citizens, however, agree that they understand how the EU works (ibid. 114).

Nonetheless, “*if the EU was scrapped*” (European Commission 2004: 86), indifference and regrets would be mixed. European citizens do not necessarily love the EU. An overwhelming majority, however, considers the EU a reasonable thing (Kantner 2006: 512) and would even be ready to grant it more decision authority in a number of areas such as ‘the fight against terrorism’ (81 percent) and ‘promotion of democracy and peace in the world’ (81 percent), but also in areas traditionally associated with the nation-state such as ‘protecting social rights’ (64 percent) and ‘fighting unemployment’ (60 percent) (European Commission 2009: 148). Furthermore, a majority of Europeans support a common defence and security policy (74 percent) as well as a common foreign policy (64 percent) (European Commission 2013b: 119). The experience of living in a common legal space and having a common market, thus, seems to lead in the long run to the shared belief of being a member of a particularistic group. This phenomenon is well-known and documented also from the study of elites, such as EU officials, who work very much exposed to European institutions. (Kantner 2006: 512.)

Europeans seem to be quite convinced that, with regard to a growing number of issues, they will cooperate with each other in order to achieve those purposes (Kantner 2006: 512). The EU has been seen as the actor best able to take effective actions against the effects of the financial and economic crisis since 2009, although closely followed by the national government (European Commission 2013c: 15). In fact, nine in ten Europeans would like to see more cooperation between the European Union Member States in order to tackle the economic and financial crisis (ibid. 21). It, thus appears, that Europeans share the view that if one is unavoidably in the same boat as others, one had better decide democratically about the rules of coexistence, at least for the duration of the journey (Kantner 2006: 512).

In everyday life, political communities generally resemble a *commercium*: ‘egoistic’ interests are negotiated against each other, mutual obligations are established, and

contracts are signed and later fulfilled, but the participants primarily follow their own purposes without orientations towards any common interest (Kantner 2006: 512–513). The affiliation within a community in this minimalistic sense consists of an awareness by the individual participants of being part of the ‘game’ and perhaps also equipped with certain rights within an institutionalised setting (Biegon 2010: 5). However, for the establishment of a far-reaching collective project such as the EU, a weak collective identity in the sense of a *commercium* might not be sufficient. By no means, though, is every public debate an identity discourse that contributes to the clarity of ethical self-understanding of the citizenry, as the communitarian position would suggest. Only in the face of extraordinary problems or conflicts is there a challenge to the shared self-understanding. In such situations the political community has to prove itself as a value-integrated *communio*. (Kantner 2006: 512–513.)

Do European citizens share some sort of ethical self-understanding reflecting a collective identity in the strong sense of a *communio*? According to the Eurobarometer, a quite stable minority of 10 percent of European citizens rate their European identity higher than their national identity or claim to see themselves as Europeans only (European Commission 2013a: 26). However, this might be properly interpreted as a political statement of deliberate political identification with Europe (Kantner 2006: 513–514). The aforementioned fact notwithstanding, almost half of all European respondents (49 percent) currently see themselves first as members of their nation and then as Europeans and 38 percent define themselves solely by their nationality (European Commission 2013a: 26), which may rather indicate a *commercium*-like European identity. Nevertheless, a majority of 68 percent are proud to be European (European Commission 2004: 99), and 46 percent feel attached to the EU. Attachment to the EU has, however, deteriorated since 2010 where 53 percent of Europeans stated that they felt very or fairly attached. In comparison, a very large majority of Europeans are attached to their country (91 percent). (European Commission 2012: 7.)

Asking for identity in such a general way turns interpretation into a rather problematic undertaking since it does not take into account whether European citizens share basic convictions of what they think is the right way to live together. More detailed

information on the ethical self-understanding of Europeans would have to be obtained from issue-related data. (Kantner 2006: 513–514.) Nonetheless, Eurobarometer surveys demonstrate that the sense of belonging to the EU lags far behind that of belonging to one's nation-state (Kohli 2000: 126). The EU is valued primarily for its importance in reinforcing national status and the benefits it offers to the Member States. While a majority of European citizens support membership of the EU, such backing appears to be lukewarm and fragile with only a small minority strongly committed to efforts to unify Europe (Bellamy 2006: 248). A 'thick' sense of collective identity based on shared cultural and moral values is, thus, absent at the European level (Etzioni 2007).

Some authors (Fossum 2008; Habermas 1996) argue that a European identity could be built on constitutional patriotism instead of a communitarian sense of identity. Constitutional patriotism refers to a mode of attachment wherein citizens are bound together by a subscription to democratic values and human rights, rather than through the traditional pre-political ties that communitarians appeal to. This type of identity is conducive to respect for and accommodation of difference and plurality. (Fossum 2008: 138–140.) Constitutional patriots see rights as potentially replacing belonging as a source of social solidarity within the EU. It is the just political culture of the state that binds citizens to it, rather than nationality or some other social, religious or ethnic cultural force (Bellamy 2008b: 604). Instead, citizens identify with the polity because of a constitutional patriotism stemming from the justice of its regime (Bellamy & Castiglione 2008: 170).

What makes such a regime just is its embodiment of the rights that establish the conditions of private and public autonomy necessary for free and equal participation in democratic decision-making. As a result, citizens can identify with the legal system of rights as theirs because it enables a process of democratic deliberation on their collective policies. (Bellamy 2008b: 604.) Constitutional patriotism is a post-national identity (Fossum 2008: 140) and it decries the particularism inherent in the communitarian view of citizen practices and attachments and declares it unfit for the realities of modern politics (Habermas 1996: 505).

Constitutional patriotism points to a notion of citizenship that favours a status-based conception since it is grounded in a rights-based conceptualisation and its primary aim is to serve individual autonomy, not build and maintain rich notions of community such as advocated by communitarians. Instead, rights become the primary characteristics of citizenship in the public sphere as citizens attempt to deliberate on a common future and an individual's particularistic characteristics must be bracketed off if they are based on pre-political sources. (Maynor 2008: 195.) A consensus on rights is both the end point and the presupposition or rationale of democratic deliberation. However, the difficulty with this thesis is that there is considerable disagreement about the foundations and character of rights since European citizens have already elaborated contrasting rights-cultures within their nation-states. (Bellamy 2008b: 604–605.) By trying to extract any pre-political notions from their conception of citizenship, constitutional patriots are, therefore, in danger of leaning too far towards a strict, status-based conception of citizenship that cannot be maintained because it contains an overly 'thin' account of political identity based around rights. The result is an impoverished conception of citizenship that fails to bind people together into a community. (Maynor 2008: 194.)

#### 4. CONCLUSION AND DISCUSSIONS

The European Union increasingly shapes the lives, circumstances and aspirations of Europeans. While the EU has acquired substantial powers, its decision-making processes have, however, largely been insulated from popular influence. This means that decisions are increasingly taken at the European level without providing the necessary opportunities for citizens to participate in public deliberation and decision-making. This paper has, therefore, argued that the EU suffers from a democratic deficit and the more power that the EU gets, the more pronounced this deficit becomes. At the same time, it is possible to see the EU as a rescue of the nation-state since it affords the nation-states more control over policies than if they were attempting to operate alone in a world that is becoming increasingly globalised. Nevertheless, the democratic deficit cannot simply be traded off against the benefits that the EU brings since these very benefits have not been subjected to public debate. As a result, they may fail to respond to the relevant concerns of European citizens. It has, thus, become pressingly relevant to discuss how it is possible to facilitate the emergence of a European public sphere.

As a response to the growing concern about the democratic deficit in the European Union, the European Citizens' Initiative was introduced in the Lisbon Treaty. The ECI provides European citizens with an opportunity structure for direct political participation, although it does not introduce an element of direct democracy, i.e., collective decisions are not made directly by European citizens. Nonetheless, it establishes a direct and formally institutionalised channel between European citizens and the European Commission giving European citizens an agenda-setting role in the legislative process by allowing at least one million European citizens to invite the European Commission to submit a legislative proposal within the framework of the legislative powers attributed to the EU. Through its implicit appeal to a European political space beyond national borders, the ECI essentially encourages European citizens to discuss European issues of common concern. In this sense, the ECI has the potential to create a common political space in Europe.

According to the normative model of democracy proposed in this paper, citizenship is both the constitutive element and a prerequisite of a democratic public sphere. A functioning democratic public sphere at the European level, therefore, presupposes European citizens equipped with civil, political and social rights, opportunities to participate in European decision-making and a European collective identity. Although, it is questionable whether the proposed model can be applied to a European framework, this paper has argued that it is possible based on the assumption that the democratic deficit is the result of a citizenship deficit rather than the result of weaknesses in normative political theory. In the light of this perspective on democratic legitimacy, the paper has evaluated the ECI as part of the concept of European citizenship. The paper has argued that if the ECI is to be a catalyst for a democratisation of the EU, it is necessary that it contributes to a more adequate model of European citizenship. The ECI, thus, needs to address a citizenship deficit for it to be a solution to the democratic deficit in the EU.

The assessment of European citizenship carried out in this research found that European citizenship is mainly the derivative of national citizenship. Instead of signalling the provision of a distinct set of rights by the EU, the rights conferred by EU citizenship have almost exclusively been confined to the right to freedom of movement, which means that almost all EU citizenship rights are contingent on residence in another Member State. European citizens, therefore, mainly acquire their civil, political and social rights from their respective nation-states, e.g., the EU is not the provider of social rights but enables European citizens to gain access to social benefits in the Member State of residence. As a result, EU citizenship would appear to represent a descent down the latter compared to T. H. Marshall's triadic model of citizenship. The EU, furthermore, remains weak in terms of procedures empowering direct citizen participation since many of the opportunities for citizen participation in the EU are indirect, non-binding and informal. Finally, while the EU seems to be perceived as an independent polity in its own right by national governing elites, Eurobarometer surveys suggests that the vast majority of national citizens have a quite different perspective. Apart from a small minority of European enthusiasts, most citizens still identify



themselves as members of their various national polities. European citizens, therefore, do not share a strong ethical self-understanding in the sense of a *communio*.

Although European citizenship remains dependent on national citizenship, it has triggered a shift from nationality to residence as a criterion for the acquisition of certain national citizenship rights. The incremental expansion of the rights of EU citizens based on the recent case law of the ECJ has, therefore, partly undermined the linkage between rights, participation and belonging. As a result, European citizenship is bound to have an impact on national citizenship. It is, in particular, social rights that seem problematic in the European context. While civil and political rights can be redistributed without restriction because they are not scarce resources, this is not the case with social rights: no citizen forfeits his or her rights by granting voting rights to others although it decreases the influence of each vote, the citizen "*is, however, deprived of share of society's resources when these resources are distributed to others in the form of public benefits*" (Greven 2000: 43). This issue is exacerbated at the European level where the willingness of European citizens to support generous redistributive measures are limited because of the lack of a strong European collective self-understanding as well as the lack of opportunities to participate in deciding what those rights ought to be.

Despite the introduction of the European Citizens' Initiative, it seems reasonable to conclude that the EU still suffers from a citizenship deficit. There is no doubt that the ECI is a significant innovation, however, its contribution to the facilitation of a European public sphere remains limited as long as European citizenship deviates significantly from the normative ideal. It is even questionable whether the ECI really contributes to European citizenship since it does not introduce an element of direct democracy but only provides European citizens with the right to place an issue on the agenda for legislative consideration. In this sense, the ECI can be seen as just a mere reinforcement of the existing right of European citizens to address a petition to the European Parliament now extended towards the Commission. Nonetheless, the ECI still has the potential to contribute to a more adequate model of European citizenship. This would be the case if the ECI would be linked to the referendum model, which would provide European citizens with an opportunity structure for direct participation. In its

present form, the ECI is, however, more likely to generate a segmented public sphere rather than a general European public sphere. Furthermore, while the intention of the ECI is to decrease the democratic deficit by reducing discrepancies between the empirical concept of European citizenship and normative theories of democratic legitimacy, it might have the opposite effect if European citizens come to expect that they will be able to influence European decision-making but it turns out that there is limited political will in the EU to actually satisfy such expectations.

This paper does not argue that the nation-state is the most natural form of government or that nation-states are democratic but the EU is not. However, the paper is suggesting that due to the European citizenship deficit, European citizens currently exist only as citizens of their Member States. A demolition of the nation-state might, therefore, spell the end of European democracy. Furthermore, it is not desirable to try to democratise the EU as long as there is no evidence that European citizens want it. Thus, if Europe ought to remain democratic, its political form will need to be made with its citizens' support and contributions rather than through political engineering. According to Bellamy et al. (2006: 26), it "*is not European citizens who need to be made in the image of an already made Europe, it is a democratic Europe that needs to be constructed to reflect the (often conflicting) images of its citizens.*"

Before turning to a final discussion on the democratic deficit in the EU, it is necessary to pinpoint that there are some obvious limitations to the normative model of democracy proposed in this paper as well as the suggestion that the democratic deficit is a citizenship deficit. First of all, it is probably not necessary that it is the EU that provides European citizens with civil, political and social rights. It is possible to imagine a constellation where it is sufficient that the EU grants some political rights at the European level while it is the Member States that protects civil rights and provides social rights, although it means that European citizens do not have access to the same array of rights. Furthermore, in a large-scale, multi-level and complex polity such as the EU, it is difficult for citizens to rely solely on their own direct participation in the decision-making processes since this would require a substantial amount of resources to do so. Finally, given the sheer size of the EU and the diversity of cultures that it

encompasses, it is difficult to imagine the development of a shared ethical self-understanding. While this is a limitation to the research idea of this paper, it also highlights that it is questionable whether the EU can, in fact, become a democracy.

It has often been suggested that it is possible to address the democratic deficit in the EU in two alternative ways: the first alternative is a transfer of the ability to act back to the nation-states; the second alternative is a transfer forward of sovereignty to European institutions. In the first alternative, the nation-states remain sovereign; however, this offers little real hope in the age of globalisation where the nation-state is too small to address the negative social and environmental effects of an increasingly globalised capitalism. Globalisation, therefore, undermines the nation-state as the locus of some political decisions. According to Grande (2000: 115), democracy can no longer be realised with the realm of the nation-state. It, therefore, appears that democracy can only be fully sustained by extending democracy to institutions beyond the nation-state. However, the second alternative requires the emergence of a general European public sphere, at least if it is assumed that the EU is to be a democratic polity; this in turn, presupposes the development of a truly European citizenship.

As such, Europe is facing a unique moment of institutional innovation that attests to what Robert A. Dahl (1994) has called 'the third transformation' in the history of democracy (Eriksen & Fossum 2000: 2). The first phase concerned the transformation of the undemocratic city-states into democracies and began in the fifth century B.C. in Greece (Dahl 1994: 25); the second phase concerned the democratisation of the national state in the wake of the French and American revolutions (Eriksen & Fossum 2000: 2). There is a parallel between these two phases: as the city-state became too small to cope with its problems, the nation-state today is too small to cope with the challenges stemming from the increasing globalisation of markets (Eriksen & Fossum 2000: 2). The second transformation was made possible by a transformation of the idea of democracy from assembly democracy in the city-state to representative democracy in the nation-state (Dahl 1994: 25.) Similarly, many academics and policy-makers seek to abandon the nation-state as a model for the EU and see European citizenship as an opportunity to go beyond traditional normative theories of democracy (Bellamy 2008:

597). Nonetheless, as long as there is no general European public sphere in which European citizens can deliberate on a common future, *“the danger is that the third transformation will not lead to an extension of the democratic idea beyond the nation-state but to the victory in that domain of de facto guardianship”* (Dahl 1994: 33).

The failure to transform European citizenship into a more adequate model of citizenship with the formal dimension of rights and duties, on the one hand, and the substantive dimensions of participation and identity, on the other, may, therefore, endanger European democracy if the process of transferring powers from the nation-state to the EU continues. As a result, European citizens are caught up in a democratic dilemma: they can either choose to remain citizens of their respective nation-states, although this means that their ability to influence the EU in a democratic fashion remains limited; or, they can choose to become truly European citizens even though this will bring about the end of European nation-states. From a democratic perspective, it is only the last option that potentially offers a solution to the democratic deficit in Europe. Until European citizens have made that choice, they must continue to be merely subjects of the European Union rather than citizens in a democratic polity.

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