

# EUROPEAN CITIZENSHIP AS RIGHTS CLAIMING

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*Abstract:* European citizenship, which was once seen as the symbol of European integration, is increasingly perceived as an obstacle to self-government and a threat to national welfare. As European ruling classes fail to provide an adequate response to the tensions that arise from the wider trends of globalization, anti-political movements are gaining support. A significant part of European citizenry is aligning with parties that preach the restoration of national borders and the reinstatement of cultural identity as the source of sovereign power embodied in the nation state. Does the way forward reside in dissolving the European project or reducing the power held by European institutions? In this article, we suggest the opposite. We need to begin by recognizing the significance of European integration as an evolving political experience of immense magnitude. We need to emphasize that Europe today provides citizens with unique means to claim social, political and economic rights by going beyond the borders of their states, create alliances, invoke different conventions and treaties, and debate and contest dominant perspectives in front of diverse audiences. Ultimately, we need to utilize a European citizenship that reinstates political power to citizens towards fostering fresh sentiments for a new form of integration.

*Keywords:* European citizenship, European integration, rights claiming, European institutions, political power.

The political project of European integration can be viewed as a determinant and an outcome of wider trends of globalization at the same time. It is clear that the decision of European states to form an ever-closer Union stems from (at least in part) issues – such as those to do with the economy, security, and environment – that increasingly cut across boundaries of states. Yet, the outcome of European integration will play an important role in determining the shape of future trends of globalization: Europe and, in particular, the European Union has always been seen as a worldwide model of regional integration.

The role of Europe in world politics can be seen as a function of the political, economic or military power of European states,

ISSN 2283-7949  
GLOCALISM: JOURNAL OF CULTURE, POLITICS AND INNOVATION  
2018, 1, DOI: 10.12893/gjcp.2018.1.2  
*Published online by "Globus et Locus" at [www.glocalismjournal.net](http://www.glocalismjournal.net)*



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individually or as a union. But perhaps more importantly the European Union can shape the world because it offers a unique model of governance, – a model that started as a customs union and later evolved into a single market. This model has progressively evolved into something deeper however, bringing together people of a variety of nations under a disaggregated citizenship and has generated transnational institutions, including courts and parliaments. Ultimately, the European experience helps us see the ways in which trends of globalization can or cannot be accommodated in institutions incorporating cosmopolitan norms – whether citizens can practice democracy and enjoy human rights at multiple levels within and beyond the boundaries of the nation state (Archibugi 2008). This is the Europe and the European Union that we admire, offer and defend as a model to the whole world.

The political environment today nevertheless does not paint the most optimistic picture for European integration. It is not clear whether the novel institutions of Europe can face and overcome what Fred Dallmayr observes in this volume as a worldwide “backlash to globalism, manifest in an upsurge of traditional nationalism, if not chauvinism and ethnocentrism” (Dallmayr 2017). In Europe, the most recent and striking example is Brexit, where one of the largest European countries, upon popular consultation, decided to leave the EU for good.

Although the United Kingdom always had a difficult relationship with European integration, it would be a mistake to interpret Brexit as a unique case. Political parties unsympathetic to European integration have become increasingly powerful in France, Italy, Spain, Poland, Hungary and several other nations. The anti-European mood has accelerated in the last three years, but it has a much older history, as witnessed by a series of past referendums in which the peoples of Europe expressed their reservations at each stage of the integration process. Danes and Swedes refused to join the Euro in referendums held, respectively, on 28 September 2000 and 14 September 2003. Two founding members of the EU, France (29 May 2005) and the Netherlands (1 June 2005) voted to limit integration in referendums associated with the Maastricht Treaty and the European Constitution. In Ireland, the Treaty of Lisbon (2 June 2008 and 2 October 2009) had to be voted on twice to get approval. In Greece, the bailout offered by the EU was rejected on 5 July 2015 (Archibugi and Benli 2018: 225, 226).

Much of this anti-European feeling, however, was not directed against European integration, but rather against a specific form of integration led by the economic sphere rather than the social and political sphere. In France, for example, the main slogan of those who voted against the Maastricht Treaty was “J’aime l’Europe, je vote non” (“I love Europe, I vote no”, see the reflections of one of the most influential campaigners for the “No” vote, Susan George, 2008). This makes it necessary to confront a basic question that applies to all the referendums associated with European integration: How consolidated are the positions of both those in favor and against greater integration? Can a single vote account for so many different aspects and policies associated with the European Union?

Still, integration has been in progress for several decades. It may have been fostered by the élites more than by the masses, but to stop it has proved almost impossible. Even in the UK, nearly two years after the day of the unequivocal Brexit vote, it is still unclear what comes next and there is general consensus that the UK will pay a heavy price. Perhaps the reason why European integration continued was that the advantages provided always outweighed the price to be paid in required compromises (Archibugi 2005). Although it was the European élites who benefitted the most, integration contributed to the welfare of the general population sufficiently to sustain its support. But as the ruling classes continued to accept rules of global competition, reduced public expenditure and left the market in charge of job creation, period of mutual benefit has come to an end. Policies introduced at both the national and inter-governmental levels lead to dismantling of the protection guaranteed through the welfare state, increased unemployment and, “especially among the youth, a general sense of insecurity associated to an economic system that has made of competition an idol” (Archibugi and Benli 2018: 229). This trend probably peaked when European institutions responded to the economic crisis of 2008 in a way that put the burden on the populace rather than capital owners.

The current anti-European climate can be interpreted as a new form of revolt of the masses (Ortega y Gasset 1930) in which the European public opposes an economic and political project that advantages the elites and capital over the rights of the population and labor. It takes a rather widespread form in disaffection

with traditional forms of political representation such as parties and unions and lower trust in governments and elected officials (Archibugi and Benli 2018: 229). Across Europe, anti-political movements participate in electoral races, such as the UKIP in the United Kingdom and the Five Stars Movement in Italy. The support for anti-political movements, however, is associated with the fact that uncontrolled globalization has distributed advantages to restricted groups of the population, leaving the majority to pay the bill (Rodrik 2017). The élites have been fast in describing these sentiments as “populist” and have given that term a very derogatory meaning. Not without good reasons: too often populist political forces are vulgar, demagogic and openly racist. But with so many in the population having moved away from traditional forms of political and social representation, we need to explain what is behind the populist surge.

The discontent of the masses does not stem from traditional forms of politics alone. There is also widespread reaction to third-country nationals, migrants and refugees who penetrated the traditional boundaries of the nation state through the integration policies of the EU. The problem is not only that these “others” who now have rights and freedoms to move across borders, take up jobs and benefit from social welfare have brought with them their own identities, traditions and customs, but that this process seems to have been imposed on the people by the institutions of the European Union. EU citizenship, which was once seen as the symbol of European integration, is increasingly perceived as an obstacle to societies preventing them from governing themselves (Benli and Archibugi 2018: 3).

The reaction of the masses is to align with parties that preach the restoration of national borders and reinstatement of cultural identity as the source of sovereign power embodied in the nation state. A popular byword goes: “It is a masterstroke by the ruling classes to convince millions of poor people that their problems stem from those who are even worse off”. During a period of European prosperity, the arrival of refugees in European territory as in 2015 would perhaps not have been called a “crisis” that needed to be solved, but they would have been welcomed as workers and consumers, as it happened in the Americas at the turn of the 20<sup>th</sup> century. With opportunities on the rise, there is little to fear from sharing them with others. But with opportunities in decline, as

was the case in Europe from 2008 onwards, people become afraid. Today these fears feed well into the rhetoric of populist programs of parties for leaving the European Union or dismantling its institutions.

Although populist programs exploit an existing phenomenon of social, economic and political dimensions, a closer look at the circumstances in Europe today reveals deep, if not intentional, blunders in both their interpretation of problems and proposed solutions. As Teresa Pullano observes, rather than the structure of the EU institutions, current tensions and contradictions originate from wider transformations at the regional, national, European and global levels (Pullano 2018: 16). On the one hand, processes of economic, social, political, and cultural globalization have rendered traditional boundaries increasingly vague and uncertain. It is simply impossible to identify well-established interests that correspond to the borders of individual states. On the other hand, we are witnessing a significant increase in human mobility across borders. As Seyla Benhabib points out in this volume, between 2010 and 2015 “the number of migrants has grown *faster* than the world’s population.” Although it may be the case that the current EU institutions have proved insufficient to produce an adequate response to these wider transformations, the traditional structure of the nation state does not fare any better (Pullano 2018: 16).

It is also important to recognize that even if the source of the insufficiency of European institutions may be traced back to specific decisions taken during decades of integration, the remedy does not necessarily consist in reversing these steps. Free movement, one of the most important components of European Union citizenship, is a good example. As Pullano points out, mobility across Europe is uneven: “Circulation of capital and of services has been fostered, whereas circulation of people has been made subject to new borders at the continental level” (Pullano 2018: 19). In turn, “material conditions that constitute citizenship – revenue, inclusion and employment – are today redefined at the European level, but only in a passive way” (Pullano 2018: 19). Citizens of member states have limited means to actively participate in decision that deeply concern their lives. Does this mean that we need to forgo free movement? No, it does not. Instead, we need to look for ways to establish European citizens’ ability to negotiate conditions of citizenship across different levels within a frame-

work of free movement. Only then will we be able to genuinely address problems arising from wider trends of globalization.

Thus, the way forward for addressing tensions caused by globalization in Europe is neither for states to opt out from the EU or to minimize its institutions. Rather, we need to learn from the European experience and develop creative solutions to pressing problems. We can only do this by recognizing the significance of the European integration process and European citizenship as dynamic and evolving political experiences of immense magnitude. Each step gives us cues for understanding how we can (and cannot) mediate between the global and the local.

Today the EU is dominated by an intergovernmental logic. At the official top level of the European Council, each nation speaks with a single voice, that of the incumbent government. The voice and interests of parliamentary opposition groups, minorities, or those who are not powerful enough to be adequately represented are excluded (Archibugi and Benli 2018: 231). While professing “the irresistible power of economic integration to ‘homogenize’”, the ruling classes secured their *monopoly of representation* both internally and at the supranational level by refraining from creating effective means for the peoples of Europe to communicate, confront and recognize each other (Balibar 2017: 21-22).

But Europe is more than the sum of 28 – soon to be 27– European national governments and European integration is not just what the governments decide. As Isin and Saward observe, “institutional ‘Europe’ is a complex entity consisting of a variably overlapping assemblage of institutions, treaties, arrangements, organizations, governments, authorities, associations and geographies” (2013: 6). As neither the state nor the institutions of the EU have the last word on all issues of rights, no single authority can claim to represent Europe. In addition, Europe has a highly developed and dynamic public space constituted by a variety of civil society actors including non-governmental organizations, social movements, labor unions, charitable organizations, diaspora groups as well as consultancy groups and think tanks (Benli and Archibugi 2018: 3-10).

The significance of these plural actors has already been experienced at least once in European history: during the Cold War, transnational networks of European citizens and organizations were the very first to create a space of dialogue and mutual under-

standing in spite of the East-West rivalry, of the division of Europeans by the Iron Curtain and of insane re-armament (see Kaldor 1991). A European civil society, in contrast to typical inter-governmental negotiations, tried to build bridges on issues that were perceived to be of mutual advantage, such as respect for human rights and disarmament. This was a fundamental contribution to the democratic transition in Eastern Europe and several of the new leaderships in these countries emerged from within civil society.

As Raffaele Marchetti observes, in the last 30 years, civil society organizations have been “significant international actors as advocates for policy solutions, service providers, knowledge brokers, or simply watchdogs and monitors of state and intergovernmental actions” (2011: 15). Indeed, integration has been able to carry on because it has included local governments, civil society organizations, business associations and many other actors (Della Porta 2009).

It is in this context of institutional variety and rich public space that we advocate a European citizenship that enables the people of Europe to claim their rights and reinstate their power in political processes that shape their lives<sup>1</sup>. The European citizenship that we foster should therefore allow citizens to go beyond the borders of their states, create alliances, invoke different conventions and treaties, and debate and contest dominant perspectives in front of diverse audiences (Benli and Archibugi 2018: 10). These instruments can be effective in delivering significant results in the interest of citizens. And when they prove to be ineffective, there is ample space for improvement in a transnational Europe dedicated to empowering citizens (Archibugi and Benli 2018: 233).

Many authors have continuously advocated the creation of a single EU on a Federalist basis as the most direct way to close the current democratic deficit. Altiero Spinelli and Ernesto Rossi (Spinelli and Rossi 1944) launched the idea when the Second World War still raged and their project never went away (see Follesdal and Hix 2006; Levi et al. 2016). The project of political unification with a centralization of powers has, however, encountered much resistance and the progress made so far has followed an incremental path of negotiation, compromise and small steps.

The recurrent difficulties encountered by European unification do not necessarily rule out the possibility of further integra-



tion. After all, there is significant evidence that suggests how the substantive aspirations of Europeans tend to converge (see Hale and Koenig-Archibugi 2016). The European integration discussed here does not aim to replace the existing states or establish a predominant central power. We recognize the state as an institution that ensures social welfare, justice and rights but at the same time, liable to fostering injustice, inequality and violence. Instead, we emphasize the need to develop a European citizenship that is able to counteract the singular power of the state by empowering political agents whose interests have not been sufficiently represented or whose voices have not been recognized in the political arena (Benli and Archibugi 2018: 10).

Who are these agents? Who can invoke European citizenship? The European citizenship we envision is not a predefined status enjoyed by those who have the formal right to claim rights. Instead, all those who claim their rights within the European public space are European citizens (Benli and Archibugi 2018: 11). A protester who takes to the streets, someone who engages in civil disobedience, or a plaintiff who raises a claim at a national or international court is practicing European citizenship, especially traditionally oppressed groups such as LGBTQ, prisoners, Roma, non-citizens and emerging political agents who raise new issues regarding individual freedom, transparency and accountability (several case studies of these engaging European citizens are provided in Archibugi and Benli 2018). As shown in these case studies, European institutions, including courts and human rights norms, often play a significant role in empowering the vulnerable and expanding the frontier of civil, political and social liberties.

How powerful is such a European citizenship? Can it provide sufficient counter-weight to economic interests that have so far dominated the integration process? It is true that none of these agents, not even those with claims for the most basic rights, could individually reverse the trend towards disintegration we highlighted at the beginning. In the current political climate, individual claims of minorities and vulnerable social groups are certainly given less weight than those interests associated with free trade, the Eurozone and the stability pact. Nevertheless, taken together, right claims of European citizens could transform the European political space.



Europeans have a tenacious tradition of rights claiming. The currently growing resistance against populist administrations in the form of mass protests, solidarity campaigns and direct action for the rights of refugees, Muslims, women and LGBTQ has roots in past movements. A new Europe should provide these groups with more means to claim their rights (Archibugi and Benli 2018: 233). Europe as a political space for claiming rights will also generate fresh sentiments to foster a new form of integration and, above all, to combat the “masterstroke” of the ruling classes that has all too often managed to convince the masses that marginal groups jeopardize their rights. When European citizens realize that minorities and vulnerable groups do not exacerbate their problems, they will perhaps rise with novel political strategies to fight for their rights.

## NOTES

<sup>1</sup> The perspective of European citizenship we draw on is developed extensively by Engin Isin and Michael Saward (2013).

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