

The “Lab” of European Citizenship^o

Democratic deficit, governance approach and non-standard citizenship

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1. The challenge of European citizenship

Today, the most important concern of European Union leaders and public opinion is citizens' lack of trust in Union institutions. In 2001, the Irish have rejected through a referendum the Treaty of Nice. A treaty that had introduced some institutional reforms aimed at facilitating the admission of other countries to the European Union. An action that is without doubt a warning: the consensus of citizens to the European Union cannot be taken for granted.

More than one year before the Irish referendum, the President of the European Commission, Romano Prodi, clearly warned about this risk, stressing the need to start a deep reform of the EU.

“Our citizens are not happy with the way things are done at European level. It is not just the Commission’s recent performance they criticise: they feel remote from all European institutions, and are sceptical that we can deliver the kind of society they want. They are rightly calling for a much greater say in shaping the New Europe. The challenge is therefore not simply to reform the Commission ... It is not simply to make all the institutions work more effectively ... The challenge is to radically rethink the way we do Europe. To re-shape Europe. To devise a completely new form of governance for the world of tomorrow. (...) The enlarged Europe will certainly need strong institutions. But they must be democratically legitimate institutions that operate in a transparent and accountable way and enjoy the full confidence of the citizens. People want a much more participatory, “hands-on” democracy. They will not support the European project unless they are fully involved in setting goals, making policy and evaluating progress. And they are right”¹.

European citizenship, as established in the Maastricht Treaty in 1992, has therefore become of crucial importance in order to fill the gap between the European Union and its citizens and to encompass the single market inside a strong democratic constitutional framework.

Moreover, it is necessary to keep in mind that the building, *ex novo*, of a supranational citizenship is an extraordinary event in the life of contemporary democracies. Thus, European citizenship can be likened to a laboratory experiment. This experiment concerns the interaction of different phenomena and processes:

- a top down juridical definition of rules,
- a bottom up sharing of values and habits, and
- a daily system of political, cultural, institutional relations between national civil societies and the European institutions, especially in facing public problems.

Nevertheless, European citizenship is neither a clear nor an obvious matter. An attempt to clarify this matter appears important not only from a scientific point of view but also from a political one. The increase in the role of the European Union in the global context and in the implementation of its enlargement process will succeed only if a high

level of trust is assured in European civil society². It is clear that trust and citizenship are strictly linked: effective citizenship cannot exist without trust, but at the same time a strong and shared sense of citizenship can reinforce social trust.

2. *The EU “democratic deficit” and the governance approach*

The context in which European citizenship is developing is characterised by two main elements: the so-called democratic deficit of the EU institutional system and the shifting from a government to a governance approach.

As to the first element, it must be said that the expression “democratic deficit” is used to refer to a number of anomalies that characterise the current realities of the European institutions³. The main ones are:

- an executive that is not appointed by an assembly elected by universal suffrage but is the expression of national governments,
- a parliament that does not have full legislative powers,
- an administration that is by definition far from the citizens, whilst wielding considerable power over them, and
- the significant political power of actors that by definition are not politically responsible such as experts, lobbies, bureaucrats and the NGOs themselves.

This situation has led some scholars to speak about the European Union as a “post-parliamentary democracy”⁴.

In order to overcome this problem the governance approach was recently adopted by European Union institutions and especially by the European Commission as one of the main guidelines of their reform. This is the second context element that must be introduced.

For almost a decade all over the world, among scholars and policy makers, the concept of “governance” has been used to refer to the decrease in powers and intervention capacities of national state executives and to the necessity of a full involvement of all stakeholders, whether public, private or social, in the process of production, implementation and evaluation of the policies. Governance is a system of “shared government” – a “partnership government” – of public problems which the national states are not, or are no longer, able to tackle by themselves⁵. In other words, governance is an approach that sets off the co-operative role of public, private and social/collective/communitarian actors of public policies, in a logic of interdependence and an interactive modality of policy-making, which overcomes the traditional distribution of roles. It is a way to manage public affairs shared out between a number of public, private, and social actors that exercise their own powers and responsibilities in policy making and that interact with each other in forms based on co-operation or conflict.

It must be stressed that the governance approach gives a special value to the active role of citizens. They are no longer, as the traditional view would have it, simple electors or targets of state programs but actors of public policies, operating in an independent sphere of influence. This means the governance approach implies a new concept of citizenship. This shift in the meaning of the concept of citizenship is considered below.

3. Conceptual framework

The starting point has to be the traditional idea of citizenship. It can be defined as follows:

Citizenship is the belonging to a national identity, which is put in practice through a set of rights and duties that rule the relationship between the state and individuals or social groups⁶.

Two main elements qualify this definition:

- Citizenship is a set of rights and duties, for instance fiscal duties or the right to be protected.
- Citizenship is the belonging to a nation-state identity, so that thanks to citizenship it is possible to say precisely “who is in” and “who is out” of a community.

A further two other elements of this definition to highlighted are, first that, according to the traditional approach, voting is the highest expression of citizenship. And second that in the traditional idea of citizenship there is a primacy role for the state and public institutions in managing things and solving problems.

Finally, the traditional idea of citizenship is hardly questioned for example by migrations, the process of globalisation/ localisation, the lack of effectiveness of public administrations, the crisis of welfare systems and the crisis of consensus in political leaderships.

At the same time, citizens' participation on a daily basis is increasing. It justifies the idea of the emergence of a new feature of citizenship. This new kind of citizenship can be defined as follows:

Citizenship is the exercise of powers and responsibilities of citizens in the arena of public policies, in the context of governance⁷.

A comparison between the traditional and this new concept of citizenship is useful. The main differences are stressed in below.

TRADITIONAL CITIZENSHIP	NEW CITIZENSHIP
rights and duties	powers and responsibilities
in civil society-state relation	in public policies
in the government context	in the governance context
electoral participation	civic participation

The main expression of this new way to be a citizen is what can be defined as active citizenship:

Active citizenship is the capacity of citizens to self-organise in a multiplicity of forms for the mobilisation of resources and the exercise of powers for the protection of rights to achieve the end of caring for and developing common goods⁸.

In practice, the "forms of mobilisation of resources" are voluntary organisations, associations, grassroots organisations, movements of representation and advocacy, social enterprises, self-help groups and communities, professional reform movements and "second degree" structures. They work in a wide variety of public policies, from the care of neighbourhoods to globalisation issues. In these fields, they exercise powers (to inform, to use symbols, to push institutions, to change material conditions, to promote partnerships) for the actual implementation of citizens' rights. They have achieved relevant results for example in terms of norms and behaviours, resource allocation, culture, social organisation, public management, agendas, styles and language and market rules.

Taking into account these definitions, the issue of the building of European citizenship can now be addressed.

4. European citizenship and its critics

European citizenship was established for the first time in 1992, in the Maastricht Treaty⁹. In 1997, a new Treaty of the Union was signed in Amsterdam. The Amsterdam Treaty contains the following definition of European citizenship:

"Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby"¹⁰.

What are the rights and duties that, according to the text of the Treaty quoted above, give a concrete meaning to European citizenship?

The rights concern:

- free movement,
- voting and eligibility in administrative and European elections,
- diplomatic protection,
- right to petition the European Parliament and the Ombudsman, and
- access to documents and information.

The duties, instead, are not specified at all. This is an indication that must not be underestimated.

The Union Charter of Fundamental Rights, approved in Nice in December 2000, simply took this definition and added other elements to the list of rights¹¹. The following was added: the right of every citizen to fair, impartial and rapid treatment by the Union's institutions on matters concerning him/her. Specifically meaning the right to be heard, the right to access papers concerning him/her and the obligation for a statement of the motives justifying the decisions taken by the administration.

To these elements specifically devoted to citizenship, it is necessary to remember those contained in the other chapters of the Charter, concerning dignity, freedom, equality, solidarity, and justice.

It could be stated that, except for the lack of duties, with the addition of these elements, European citizenship has been well drawn and with anchorage to the Charter of Rights also well grounded. The definition of European citizenship given in the official documents of the European Union, therefore, seems consistent with the traditional definition of citizenship (rights and duties identifying who belongs to a nation-state).

It will be seen that things are not so simple. However, before doing so it must be added that this formal definition of citizenship has been criticised from opposite points of view.

On one side, it has been maintained that European citizenship has such poor content that it possibly does not have an actual meaning for EU countries citizens. This criticism has been only partially overcome by the new contents of the Charter of Rights.

On the other side, it has been asserted that the building of European citizenship is a threat to national state sovereignty and prestige. It must be mentioned that the only difference between the Maastricht and Amsterdam Treaties about the definition of citizenship is that the second added the assertion (clearly obvious) that European citizenship does not replace national citizenship.

These two critical positions regarding European citizenship reflect the conflicting general stances on the future of the Union: the federal and the “confederal”. According to the federalists, European citizenship must replace the national ones because of the nature of the “supranational State” that the Union must acquire. On the contrary, according to the confederalists, European citizenship has to be considered only as a consequence of national citizenship because the Union is no more than an agreement of national States.

5. *The double nature of European citizenship*

It can be argued that these two opposite critical positions on European citizenship are not the core issue, with a deeper observation it is possible to grasp the more complex situation, where some anomalies must be considered.

The first anomaly is that European citizenship does not refer to a national identity, a national state or even a positive common history (if anything it is negative). Furthermore, it manifests itself in a series of rights and, even if only in principle, duties that do not derive from traditional governmental authority. The same sense of identity connected with European citizenship concerns the belonging to something that is more similar to a civil society than to a nation¹².

In short, it can be argued that European citizenship cannot be included in the traditional view of citizenship, meaning a belonging to a national identity that manifests itself in a series of rights and duties that govern the relations between the state and the individuals or social groups. It can be said that, in this sense, it is *a form of non-standard citizenship*.

Citizenship is not born because someone, even if important, decides so in a meeting but rather because it becomes a process of social construction of reality. It therefore must be added at this point that there is another, completely different, reason why this “non-standard” characterisation might be pertinent. Indeed, in its everyday activity, and in spite of several contradictions, the European Union alludes to a practical and concrete dimension of citizenship, which consists of a calling of citizens to daily responsibilities with regard to the protection of their rights.

Consumer policy¹³ is paradigmatic in this sense as it is based not only on a series of rules but also on specific “political” rights and operational powers in the field of citizens’ participation:

- the right to representation, information, and education,
- the power to start up consulting procedures, find alternative dispute resolutions, take legal actions in the representation of single consumers, negotiate agreements with stakeholders and contribute to defining and verifying quality standards.

It should be said incidentally that if one is convinced that there is a contradiction between being citizens and being consumers all this has no sense but in an entity such as Europe, which is historically and above all a common market, this contradiction does not exist. Thus it is possible to assert that being consumers, in Europe, means, in practice, being citizens.

These (or similar) rights, powers and responsibilities, stated in EU policy documents, are practised daily by a relevant number of NGOs and citizens organisations in several European policies and not only in consumer issues (for example, in policies regarding environment, social exclusion, employment, equal opportunities, education, information). Despite their lower institutional and juridical status, these principles are as effective as the constitutional ones and, in the public policy sphere, maybe more important.

In conclusion, European citizenship appears to be a form of non-standard citizenship in two different senses. Firstly, it can not be superimposed over the traditional paradigm in the sense that it is not consistent with the traditional paradigm of citizenship. Secondly, it also contains an implicit paradigm of civic activism that goes beyond the traditional boundaries of the concept of citizenship.

Thanks to these considerations, it can be said that the resulting pattern of European citizenship is a non-standard one because it is at the same time both an imperfect form of traditional citizenship and a hidden, or not fully recognised, form of new citizenship.

6. Tensions & contradictions

The double nature of European citizenship as a non-standard idea is reflected by a number of tensions and contradictions that characterise developing European Union reform, especially in view of the process of enlargement to thirteen candidate countries. Below are three examples of these tensions and contradictions.

The first example concerns the Charter of fundamental rights, established in December 2000 in Nice¹⁴. Article 12 of the Charter, regarding the freedom of association, establishes that “Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters”. However, in the same article, when this principle is specified, it is only stated that everyone has the right “to form and to join trade unions for the protection of his or her interests”, and that “political parties at Union level contribute to expressing the political will of the citizens of the Union”. In other words, while the freedom of association in civic matters is established in principle, no concrete expression of it is quoted in the Charter.

Moreover, while the Treaties of the Union recognise consumers-citizens right to self-

represent for the protection of their own interests, this important “political” right has disappeared from the last and final version of the Charter. In the Charter it is only stated that “Union policies shall ensure a high level of consumer protection” (Art. 38).

The second example is related to the workings of the European Commission White Paper on the reform of governance. When the President of the EC Romano Prodi presented the purpose, in February 2000, the intention appeared very clear:

"I believe we have to stop thinking in terms of hierarchical layers of competence separated by the principle of subordination/subsidiarity and start thinking, instead, of a networking arrangement, with all levels of governance shaping, proposing, implementing and monitoring policy together". The White Paper will do two things. First, it will ask fundamental questions about what we need in a European Union of up to 30 members, and how such policies can be best delivered. Second, it will ask what institutions we need for the 21st century and propose a new division of labour between the Commission, the other institutions, the Member States and civil society. A new, more democratic form of partnership between the different levels of governance in Europe"¹⁵.

Despite the clearness of intentions, things are progressing in a notably different way. During the preparatory work of the White Paper, the concept of governance has shifted to the more traditional concept of subsidiarity. That is, from an approach to policy-making characterised by the sharing of responsibilities by public, private and social actors to an approach centred on the problem of defining the roles of the various institutional actors, at the Community, national, and regional-local level¹⁶. The reform being described is, in short, more institution- than citizen-oriented.

It is interesting to notice that political representatives, officials and experts participating in the preliminary discussions on the White Paper tended to assume that the only possible involvement of citizens in public policies is to consult them. They, moreover, appeared concerned above all with the problem of degree of representation and legitimacy of NGOs.

The White Paper was published and the text, which is now under a process of consultation until March 2002, confirms the impression that its core aim is not the definition of a division of labour between institutions and civil society but rather a redefinition of powers and competencies between institutions at European, national and local level¹⁷. The concept of active citizenship has again been denied.

The third example concerns concrete policy making. As noted above, citizens' organisations are involved in several policies. The EC has declared the intention of taking citizens' organisations as partners in the development of the Union¹⁸ but despite this purpose, citizens' organisations must deal with a number of obstacles to effect their actual participation in policy making.

These obstacles are connected with laws and regulations, linguistic matters, lack of know-how, inadequate cultural patterns, the persistence of negative prejudices, economic questions, and bureaucratic resistance.

In each step of the policy making cycle citizens' organisations meet specific problems in:

- Agenda setting: a communication gap and rules based on closure.
- Policy design: a consultation process that lacks any feedback or response.
- Decision-making: the lack of political dialogue between the EU and its interlocutors.
- The implementation phase: the indifference of the EC for the results of EC-funded projects managed by citizens NGOs.
- Evaluation: the lack of esteem for the wealth of information on the impact of EU policies that civic organisations possess that could be used to rethink and redesign programs.

There are two main issues seem to underlie these examples. The first is the definition of who are the legitimate actors of European public life. It is clear that citizens are not easily viewed as actors with equal distinction. The second issue is the relationship between policies and politics, i.e. the relation between concrete programs and actions in which citizens are involved, and their constitutional value and role in the process of transformation of the economic community in a political union.

7. Conclusions

The future of the European Union is largely linked to its ability to reinforce social trust through the building of a strong sense of belonging of citizens to European community. Moreover, the most part of the problems the EU is facing can be managed with a governance approach rather than with a traditional, institution-centred, government approach. The governance approach implies a proactive role of citizens in public problem solving.

For both these reasons, the "lab experiment" of the building, *ex novo*, of a European citizenship, is of crucial importance. This is actually an ongoing process that has to cope with the peculiar characters of the European Union as a non-standard democracy. As a consequence, European citizenship too appears to be a non-standard entity, in a double sense: as an imperfect form of the traditional citizenship, and as a hidden and questioned "active" citizenship, operating in the realm of the European public policies. This complexity can be observed both in the process of institutional reform of the EU, and in concrete policy making activity, in which citizens' organizations and NGOs are involved on a daily basis.

The solution of the tensions and contradictions that characterize the present stage of the construction of European citizenship will not come from the debate between

“federal” and “confederal” visions of the European Union, but rather from a clear agreement on constitutional identity, political role, powers and responsibilities of citizens in the European policy making.

¹ R. PRODI, “Shaping the New Europe”, speech at the European Parliament, Strasbourg, 15 February, 2000, paper.

² P. SZTOMPKA, “Mistrusting Civility: Predicament of a Post-Communist Society”, in J. ALEXANDER (ed), *Real Civil Societies. Dilemmas of institutionalisation*, Sage Publications, London, 1988, pp. 191-210; *Trust. A Sociological Theory*, Cambridge Un. Press, Cambridge 1999.

³ S. ANDERSEN, K. ELIASSEN (eds), *The European Union: How Democratic Is It?*, Sage Publications, London 1996; C. HARLOW, “Citizen Access to Political Power in the European Union”, European University Institute, Working Paper RSC No. 99/2, Florence 1999; F. W. SCHARPF, *Governare l'Europa. Legittimità democratica ed efficacia delle politiche nell'Unione Europea*, Il Mulino, Bologna, 1999.

⁴ T. BURNS, “The European Union and the Erosion of Parliamentary Democracy: a Study of Post-parliamentary governance”, in Andersen, Eliassen, *The European Union...*, cit.; “The Evolution of Parliaments and Societies in Europe: Challenges and Prospects”, to appear in the *European Journal of Social Theory*, 1999.

⁵ T. BURNS, “The Evolution of Parliaments and Societies...”, cit.; COMMISSION ON GLOBAL GOVERNANCE, “Our Global Neighbourhood”, paper, 1994; INTERNATIONAL SOCIAL SCIENCE COUNCIL, “Governance”, *International Social Science Journal*, no. 155, 1998; N. LEBESSIS, J. PATERSON, “Evolution in Governance: What lessons for the Commission? A first Assessment”, European Commission, Forward Studies Unit, working paper, 1997; R. PRODI, “Shaping the New Europe”, cit.; J. PIERRE, B. GUY PETERS, *Governance, Politics and the State*, St. Martin's Press, New York 2000.

⁶ G. MORO, *Manuale di cittadinanza attiva*, Carocci, Roma 1988; “Active Citizenship as Phenomenon and Concept”, paper presented at the IIS Congress, Tel Aviv, 15 July, 1999.

⁷ G. MORO, “Active Citizenship as Phenomenon and Concept”, cit.

⁸ Ibidem.

⁹ EUROPEAN UNION, *Maastricht Treaty*, 1992.

¹⁰ EUROPEAN UNION, *Amsterdam Treaty*, 1997.

¹¹ EUROPEAN UNION, *Charter of Fundamental Rights*, 2000.

¹² V. PEREZ DIAZ, “The Public Sphere and a European Civil Society”, in J. ALEXANDER, *Real Civil Societies*, cit., pp. 211-238.

¹³ CITTADINANZATTIVA, “Vademecum on the access to European institutions and justice system (norms, principles, bodies and procedures)”, paper, Rome 2000; EUROPEAN COMMISSION, “Plan of Action on Consumer Policy Matters, 1999-2001”, Brussels 1999; R. PRODI, “Quality of Life – A Priority for Europe”, speech at the Third Annual Assembly of Consumer Associations, Brussels, 23 November 2000.

¹⁴ EUROPEAN UNION, *Charter of Fundamental Rights*, cit.

¹⁵ R. PRODI, “Shaping the New Europe”, cit.

¹⁶ EUROPEAN COMMISSION, Secretariat-General, “White Paper on European Governance, Work Programme”, Brussels, 11 October 2000; Audition publique “Gouvernance européenne: Vers une meilleure utilisation de la subsidiarité et de la proportionnalité”, Bruxelles, 16 March 2001, Short summary.

¹⁷ ID., “White Paper on European Governance”, Brussels 25/7/01, COM (2001) 421.

¹⁸ ID., “The Commission and non-governmental organisations: building a stronger partnership”, discussion paper presented by President Prodi and Vice-President, Kinnock, paper, Brussels 1999.