The political practice of the European citizenship: empirical insights on the electoral rights of non-national EU citizens

Cristina Daniela Vintila
Institute for Public Goods and Policies, Spanish National Research Council (CSIC)
Email: cristinadaniela.vintila@cchs.csic.es

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I. Introduction

Following its formal institutionalization in the Maastricht Treaty, the citizenship of the Union has become one of the most debated subjects in the academic field. Often presented as a powerful indicator for the reconfiguration of the traditional paradigm of citizenship in the new era of increasing diversity, this element of the European integration process has been analyzed mostly from a conceptual perspective. On the one hand, several authors highlighted its limitations, trying to expose the derivative status of the EU citizenship or its lack of an *ethnos* and a *demos*, as prerequisites of its definition at the European level (Closa 1995; Weiler 1995). On the other hand, theorists like Follesdal (1997), Tambini (2001) or Magnette (2007) emphasized its potential to legitimate the European political project, hence encouraging the creation of a *Citizens’ Europe*.

One of the key elements of this constructive potential of the EU citizenship rests in the electoral rights granted to its beneficiaries in the Maastricht Treaty. This recognition, involving non-national EU citizens´ right to vote and stand in European and municipal election in the Member States of residence, represents, *strictu sensu*, a remarkable progress towards a European political Union, particularly since it shifted the electoral activism at a supranational level (Vink 2005; Shaw 2010). Hence, the granting of such rights revealed as a defining act of the EU citizenship’s practice in terms of an active citizenship (Pocock 1995; Benhabib 2004; Bellamy and Palumbo 2010), also entailing the possibility of promoting, through participatory practices, a new sense of belonging towards the European *res publica* (Muller 2007; Janoschka 2010).

However, despite the great relevance of the practice of these legal entitlements for defining the behavioural dimension of the EU citizenship, there are very few studies taking into consideration the participatory aspect that highlights the implications of this concept from a bottom-up perspective. This paper is part of an ongoing doctoral research that addresses these unexplored issues, by
closely looking at the empirical evidence regarding the political practice of the current model of European citizenship, thus drawing on a comparative analysis of the patterns of electoral engagement of EU foreigners in local and European elections held subsequently to 1999 in several Member States.

Within this broader research context, the present paper argues for the necessity of a new analytical approach that includes in the puzzle of the EU citizenship its substantive reflection in the electoral field of the Member States. In doing so, we first explore the conceptual background of citizenship, outlining the interdependence mechanism bounding its three constitutive dimensions: a) the legal dimension (rights); b) the behavioural dimension (political participation) and; c) the affective dimension (identity). Secondly, we set out how these dimensions were applied and analyzed in the specific case of the EU citizenship, thus contrasting the arguments regarding the limitations and constructive potential of this new legal status. Drawing on this comparison, we assess that previous studies tried to evaluate the virtues and limits of the EU citizenship by reducing it to a rights-based citizenship or an identity-based citizenship, thus falling in the attempt of emphasizing its dynamic nature as an element combining the legal empowerment with citizens’ political engagement and affective belonging to the polity. This argument is used in the last section for justifying the necessity of a new theoretical proposal in the study of the EU citizenship, seeking to argue that a comprehensive evaluation of this concept has to consider the intersection between its constitutive elements, thus adding to the normative narrative on the EU citizenship the empirical evidence regarding its political practice at the electoral level.

II. The puzzle of citizenship: towards a definition of this concept on the basis of its constitutive elements

Citizenship represents one of the most controversial theoretical and analytical concepts in political science. With a spectacular revival in the last decades, this concept emerged as a cornerstone of the contemporary political parlance, being conceived as one of the most comprehensive, although essential, key elements of our democracies. Given its complexity, the notion of citizenship gained a broad range of interpretations, most of them approaching this concept by means of the direct relation that individuals establish with the state and the rest of the society as a whole. Hence, from a legal understanding, citizenship entails a set of norms regulating the full membership to a political community, this membership being instrumentally operationalized by virtue of the rights and duties recognized to those holding the status of citizens (van Steenberg 1994; Lardy 1999; Dobson 2006; Kivisto and Faist 2007). As a result, citizenship as a relational model between individuals and the polis was traditionally conceived as a key element ensuring the access to a privileged status that draws the distinction between nationals and foreigners, that is, between those who are authorized to have certain rights and those who are not (Barbalet 1988).

This idea of citizenship as membership generated a wide academic consensus, despite the ongoing controversies related to the most appropriate locus for the political belonging (Wiener 1998; Castles and Davidson 2000; Bauböck 2006,
Shaw 2007). In fact, more than half decade ago, the British sociologist T.H. Marshall discussed the nature of citizenship in the post-war British context, highlighting the centrality of membership as a core component of citizenship, by pointing out the following:

´´Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and toward which aspiration can be directed´ (Marshall 1963, 92).

But which are the specific elements defining this full membership of individuals, and to what extent these elements influence each other in the political practice? Analyzing the transformation of citizenship in the last decades, Bauböck (1994; 1999) highlights a possible answer to this enquiry, by referring to rights, political participation and identity as key elements of citizenship. In fact, this idea became a consented argument in the academic literature, thus reflecting the three different, although interconnected, dimensions that converge in the understanding of citizenship: a) the legal dimension (rights); b) the behavioral dimension (political participation) and; c) the affective dimension (identity).

First, from a legal perspective, the membership to a political community is primarily conceived as an integrated bundle of rights granted to individuals by virtue of their conventional status (Barbalet 1988; Bosniak 2006). This possession of rights implies, therefore, a qualitative determination of being a citizen, as opposed to having only a status of mere subjects, who only comply with the duties and obligations towards the polity (Pocock 1995; Oldfield 1990, Habermas 1996). Empowering individuals with the capacity of acting as effective agents of the political sphere, these legal entitlements become, as Bauböck stressed (1999), not only a minor or an ´´accidental´´ effect of citizenship, but rather one of its constitutive elements, as the standards for full membership can only be activated through legal provisions equally distributed among the members of the polis. In fact, this paradigm of a rights-based-citizenship derives from a liberal model of citizenship-as-empowerment, a paradigm defining rights as a remarkable tool that citizens can use in order to influence the decision-making process, thus becoming the primary basis for their political claims (Lardy 1999; Castles and Davidson 2000). Additionally, this empowering character of citizenship entails an important egalitarian dimension, as all those who share a certain status are treated as equal members of the polity on the basis of their entitlements (Giesen and Eder 2001).

However, one of the most salient issues raised in the theoretical debates on citizenship stresses that individuals´ empowerment not necessarily represents an objective per se, but rather a requirement ensuring their ability to act in the public sphere and dialogue with their representatives. Hence, being a citizen is much more that being a passive bearer of rights, as the membership to a polity also entails the dynamic condition of ´´acting´´ within that political community (Oldfield 1990; Lardy 1999). In fact, this argument highlights the political practice as the second element of citizenship, thus emphasizing a form of membership expressed though the active engagement of individuals who share ´´an equal voice´´ in public debates, their electoral involvement and their ability to make binding decisions and choose their representatives (Follesdal 1999;
Bellamy, Castiglione and Shaw (2006). And Bauböck (1999) highlights very well this argument of the political participation as a substantive element of democratic citizenship, by outlining the following:

``While the institutions of the liberal states do not necessarily depend on citizenship practices, the polity as a democratic community disintegrates when few citizens care to vote, when only tiny minorities engage in debates, associations or movements about issues of common interest... Obviously, in a liberal democracy practicing good citizenship is not an individual precondition for being a member and enjoying rights. However, a certain level of habitual citizenship practices will be necessary in order to support the imagination of a shared political community and to empower individuals through the system of legal rights`` (Bauböck 1999, 40).

Hence, this second approach centralizes the debate on citizenship around individuals’ status activae civitatis, thus drawing on a republican logic of recognizing as full members of the polity only those individuals who take part of the constitutive practice of the decisional process (Castles and Davidson 2000). Without any doubt, citizens political mobilization cover a broad range of participatory acts, although the electoral participation was traditionally considered the most common form of conventional political engagement by which citizens express their demands and preferences to their political representatives (Verba and Nye 1972; Barnes and Kaase 1979). Counting with significantly lower costs in terms of time, involvement and financial resources than other less conventional political activities, the electoral participation has greater impact on political decisions, thus becoming a direct tool for (re)producing the legitimacy, democratic control and transparency of the decision-making process (Almond y Verba 1963; Dahl 1982). Additionally, its relevance rests not only in its ability of compensating social inequalities between the members of the polity (Baubock 1994; Anduiza and Bosch 2004), but also in its inherent capacity of stimulating citizens’ awareness of their civic responsibilities, thus constantly redefining their shared sense of political attachment towards the polis (Oldfield 1990; Dalton 2008).

And finally, along with rights and political participation, the third constitutive element of citizenship refers to an affective dimension that goes beyond the vocabulary of the formal membership/status regulating who are those entitled to the right to have rights. More exactly, this third dimension is defined in terms of identity, this affective aspect reaching a particular revival in the communitarian understanding of citizenship. Stressing on the definition of the demos and the ethnos as pillars of membership, this third approach shows greater concern for identifying the best criteria for ensuring the inclusion into the polity from a more ‘informal’ point of view (Heater 2004; Conti, Cotta and Pavares 2010). Therefore, citizenship is analyzed by virtue of its intersection with concepts such as identification, affiliation and belonging, as well as on the basis of common experiences and routine practices of solidarity and commitment that ensure the unity of the demos despite its intrinsic heterogeneity (Wiener 1998; Olsen 2008). As a result, under this identity nexus, the dialectical process of inclusion and exclusion acquires new connotations, especially when applied to multicultural societies, where the boundaries between us and them tend to become even more flexible and open-ended, but also constantly contested. As the key to membership rests in a shared belonging, this paradigm explores the possibility of externalizing the demos, by transcending the limits imposed by nationality and include, under the criteria of an affective attachment, even those who are excluded from the legal membership (Castles and Davidson 2000).
In sum, considering the above-mentioned arguments, individuals membership to a polity can be defined, independently of the formal status, in terms of rights, political participation and identity, and despite that political theorists often tended towards a certain categorization among these elements based on their utmost importance for the condition of citizen, these concepts should never be analyzed as mutually exclusive, but rather as congruent elements. As Barbalet (1988), Bosniak (2006) or Olsen (2008) pointed out, these elements are always influencing each other in citizenship’s practice, and only taken together can provide a comprehensive definition of what it means to be a citizen. And an empirical proof for this interconnectivity rests in the evidence that the political participation derives from the recognition of certain legal provisions, rights can only develop their potential through citizens’ political involvement and, finally, the identity seems always mediated and often expressed through individual engagement in the political sphere. In Wiener’s (1999) words:

“The three aspects bear a process-oriented or dynamic notion of citizenship. They add contextualized meaning to the concept of ideal citizenship, defining citizenship as stipulating rights, providing access, and creating a feeling of belonging and identity” (Wiener 1999, 201).

III. The citizenship of the Union: towards a new model of a supranational citizenship?

It has long been considered that the implications of citizenship in terms of rights, identity and political participation can only be reflected within the framework of a nation-state, the exclusive definition of membership in terms of nationality being designed on the assumption of a dominant political authority with supreme jurisdiction within a certain territory (Closa 1995; Benhabib 2004; Balibar 2004; Dobson 2006). Given this narrow definition of citizenship within national borders, rights were granted only to those who enjoyed the privileged status of being formally affiliated to the polis through nationality. Additionally, within this territorial architecture of citizenship, both political participation and identity were inherently connected to individuals legal status, thus being conceived, under the same logic, as binary propositions (Spiro 2008). On the one hand, the political participation revealed its exclusionary character as the possibility of electoral engagement was reserved for national citizens, the national framework being considered the only locus for their political claims and contestations. On the other hand, the notion of identity was also defined within a territorially bounded society, on the basis of common elements of collective (and formal) belonging, as the concepts of nationhood and people shared more or less the same meaning, thus becoming overlapping notions (Habermas 1996; Weiler 1999).

However, recent changes related to the economic globalization, the intensification of migration flows and the increasing saliency of transnational institutions led to the decoupling of nationality (the formal status) and each one of these constitutive elements, the result being reflected in a progressive contestation of the traditional model of citizenship. Given the prominence of a new rhetoric regarding the gradual decentralization of state’s sovereignty and the revitalization and expansion of membership, individuals’ rights no longer derive exclusively from the conventional status of citizen, as the so-called post-national citizenship finds its benchmark in the international regime of human
rights (Soysal 1994; Sassen 1999; Kivisto and Faist 2007). Hence, the model of citizenship-as-rights ceases to be configured as the monopoly of a closed group, rather becoming a more inclusive and egalitarian notion, with a paradigmatic example reflected in the case of foreign residents. Nowadays, foreigners enjoy entitlements previously granted only after the naturalization process, such as the electoral rights traditionally considered as exclusive privileges of national citizens. Additionally, this expansion of rights gained visibility not only because of the nature of the granted entitlements, but also considering the legal status of its beneficiaries, as some of these provisions were granted on the basis of a *ius domicili*, thus being recognized, in some cases, even to irregular migrants.

Secondly, the redefinition of rights beyond national boundaries lead to the reconfiguration of the paradigm of citizenship-as-participation, particularly given the emergence of new transnational spaces for political mobilization and representation. In the new model of re-territorialized membership, the appraisal of persons and their individual rights facilitates the legitimacy of political claims made at a supranational level, thus encouraging the electoral activism beyond closed national communities (Koopmans *et all* 2005; Ostergaard-Nielsen 2010). And an empirical evidence for this redefinition of citizenship-as-political participation emerges in light of the increasing number of countries granting electoral rights to foreign residents. Nowadays, individuals gain access to participatory practices both in the country of origin as well as in the host society, revealing a multiplicity of forms of political engagement in an international context in which it is clear that the framework for citizens’ political claims moved beyond single nation states.

And, finally, the recent reconfiguration of citizenship also had important implications on the criteria of affective belonging, by transforming the classic model of homogeneous identity expressed within the polity into a highly contested paradigm. In this regard, the unitary demos that defined citizenship in its traditional understanding seems to acquire the shape of a open, diverse and flexible new demos arising from the dilution of the old dichotomy between nationals and foreigners. The new era of citizenship converges into a context in which individuals cultivate overlapping identities based on dual or even multiple life experiences developed between several countries (Portes, Escobar and Radford 2007). In Kostakopoulou’s (2008) understanding, while national citizenship was built as a sedentary ideal, transnational citizenship captures the contemporary realities of human mobility in the form of de-territorialized communities, thus proving that the traditional barriers for inclusion and exclusion are not as easy to identify as before, and that the sense of belonging characterizing transnational citizens is negotiated within several polities.

In any case, these theoretical debates regarding the possibility of a post-national citizenship in which the legal entitlements, the political participation and the identity could acquire a new dimension beyond national borders gained particular relevance in the context of the EU. Even before the Maastricht Treaty, which lead to the institutionalization of the EU citizenship, several theoretical controversies emerged *vis-à-vis* the possibility of formally creating a supranational citizenship at the community level, as the first real proof of the recent reconfiguration of the classic paradigm of citizenship. Additionally, in the
specific context of the EU, this decision of formally creating a Union citizenship was considered as a political move able to support the transformation of the “Europe of materials” into a “Europe for citizens” (Wiener 1998), thus ensuring greater democratization of EU’s institutional system and more legitimacy for its decision-making process. Hence, the European citizenship was designed within EU’s institutional narrative as a tool that can encourage a sense of belonging and collective identification among the nationals of the Member States, its formalization gaining particular relevance in a context in which citizens’ passive role in the integration process, associated with a lack of a European ethnos, stood out as one of the biggest challenges for the EU (Closa 1995; Maas 2005).

Against this general background, the constitutional status of the EU citizenship was established in the Part II of the Maastricht Treaty, the Article 8 highlighting that this form of citizenship is granted on the basis of the nationality of the Member States, and that its beneficiaries shall enjoy the rights and be subject to the duties stipulated in the Treaty. However, despite this formulation, the text of the Treaty makes no references to the obligations derived from this new legal status, the article 8 only listing the associated entitlements: a) freedom of movement and residence in the EU; b) voting rights in European and local elections in the Member State of residence; c) diplomatic protection under the same conditions as the nationals of the country of residence; and d) rights to petition the European Parliament and apply to the Ombudsman (Table 1).

**Table 1. Entitlements granted to EU citizens in the Maastricht Treaty**

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<th>The formal introduction of the citizenship of the Union in the Maastricht Treaty</th>
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<tr>
<td>1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. 2. Citizens of the Union shall enjoy rights conferred by this Treaty and shall be subject to the duties imposed thereby.</td>
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<tr>
<th>Free movement and residence</th>
<th>Art. 8a</th>
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<tr>
<td>“Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect”</td>
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<th>Voting rights</th>
<th>Art. 8b</th>
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<td>“1. Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State.” “2. Without prejudice to Article 138(3) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State.”</td>
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<th>Diplomatic protection</th>
<th>Art. 8c</th>
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<td>“Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State”</td>
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<th>Petition rights</th>
<th>Art. 8d</th>
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<td>“Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 138d” “Every citizen of the Union may apply to the Ombudsman established in accordance with Article 138e”</td>
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Although the formal definition of these rights might appear, at first glance, rather simple, the interpretations derived from these entitlements highlighted the puzzle of citizenship as a complex political instrument of the EU, particularly since, shortly after its introduction, this concept became one of the core benchmarks of academic debates regarding the political future of the Union. And within this variety of normative and analytical proposals, we can distinguish, schematically, two main approaches addressing the further implications of the EU citizenship, both concerned with identifying the extent to which the European case reveals as an empirical deviation from the modern concept of citizenship. On the one hand, a first approach showed greater concerns for the limitations of this notion through the conceptual triangle national citizenship-EU citizenship-supranational citizenship, thus emphasizing the shortcomings of its official formulation and the potential difficulties arising from its effective implementation in the Member States. At the other end of the spectrum, a second approach focused more on what the EU citizenship could represent, in the future, for the European political project, thus emphasizing its transformative potential as an efficient way to “create” the European demos.

Given this initial differentiation, first, those authors who assumed a critical perspective on the EU citizenship questioned its functionality by revealing a minimalist definition of this concept that reduced it to a bundle of basic rights putting Europeans in a inferior position of “second class citizens” (Dell’Olio 2005). In this regard, the main limitation guiding strong criticisms was related to the procedure for granting the EU citizenship, that does not imply an independent status, being rather conditioned by the nationality of the Member States. As Weiler (1999) pointed out, as opposed to a federal system, the EU citizenship did not lead to a “communitarisation” (not even a harmonization) of the procedures of acquisition of nationality between the Member States. On the contrary, this new legal status was introduced on the background of well established national systems of citizenship, thus reiterating that the Member States are still the gatekeepers of citizenship, even when this status is defined at a supranational level (Vink 2005). Hence, being a EU citizen means, first, being French, German, Italian, etc., and despite the formal denomination of this new concept, it is not the EU itself who grants or withdraws the European citizenship, but rather its Member States, in the context of their widely diverse nationality laws.

This type of empirical arguments lead to the categorization of the EU citizenship as a secondary or even a “satellite” citizenship (Dell’Olio 2005; Shaw 2010), its derivative character having particular implications for the non-EU foreigners legally residing in the Member States, who remained entirely excluded from the formal membership to the European community. Given that it is mediated by the sine qua requisite of nationality, thus implying an indirect relation between the individual and the Union (Closa 1995), the EU citizenship revealed its exclusionary character by creating several “categories” of European citizens (Lippolis 1998; Kostakopoulou 2008). As Jacobs and Maier (1998) highlighted, the EU citizenship distinguishes between Euro-citizens and Euro-foreigners: by revealing itself as an exclusive privilege of the EU foreigners which were defined as the new compatriots of the static nationals of the Member States, the EU citizenship left third-country nationals in a position of mere subjects of
national laws, hence legally defining them as the representation of ´´the other´´ at the community level.

Secondly, this argument regarding the limitations of the initial formulation of the EU citizenship was emphasized not only by reference to its inseparable link with the nationality of the Member States, but also considering the set of rights it incorporates. In this regard, it was argued that the EU citizenship fails in the attempt to bring major institutional changes at the EU level, as it adds very little to the already existing Community law. Hence, the rights granted to EU citizens in Maastricht were considered as marginal entitlements, with a low substantive content compared to what the national citizenship might bring to its beneficiaries. As Bellamy, Castiglione and Shaw (2006) highlighted, regarding its associated rights, the EU citizenship still represents ´´a modest affair´´. Additionally, the limitation of these rights gained visibility not only through a quantitative analysis of their extension, but also after a qualitative analysis focused on the general framework of its implementation. In this regard, excepting the right to petition the European Parliament and apply to the Ombudsman, the provisions granted to EU citizens are guaranteed and implemented within the legal frameworks of the Member States, and not at the community level, under the regulations derived from a European authority, so that they do not necessarily establish a direct link between the citizens and the polity, as in the case of the national citizenship.

And finally, a third set of criticisms on the EU citizenship took into consideration its subjective dimension of identity and shared identification of the ordinary citizens with the European polis. In this regard, the transfer of citizenship at the community level was considered a problematic decision per se, as the lack of a ´´European people´´ was stressed as an indicator of the limitation of the EU citizenship to a form of membership imposed from the above (Kostakopoulou 2001). Following this argument, despite its pan-nationalist normative dimension, the EU citizenship seems to be reduced to a mobilizing process of unification of several fragmented national demoi (Giesen and Eder 2001; Vink 2005; Dobson 2006). And a proof for this lack of an affective dimension rests, according to these authors, in the evidence that the beneficiaries of the EU citizenship identify themselves primarily on the basis of their nationality, rather than their EU membership, the European post-national identity being conceived as a fragile or even a nonexistent concept (Weiler 1999). As a result, the great heterogeneity between EU citizens is seen as a barrier against a feasible project of a European demos, this situation being further supported by contemporary realities such as the lack of a European public space, a European media or the fragility of the European political discourse, that made even more difficult the possibility of a real affective link between the citizens of the Union (Closa 1998; Thomassen and Back 2008).

However, as previously stated, not all the academic interpretations on the EU citizenship followed the above-mentioned path of trying to evaluate this concept in light of its limited formulation in the Maastricht Treaty. On the contrary, at the other end of the spectrum, a second category of theoretical approximations tried to move beyond its initial shortcomings and define this notion by virtue of its implications as a ´´citizenship-in-the-making´´. Hence, this second approach adopted a much more optimistic perspective, trying to respond to the above-
mentioned assumptions on the limitations of the EU citizenship as a status, a set of rights or a tool for shared identity by focusing on what this concept could represent, by means of its aspirations, for the European political architecture. As a result, this second interpretation puts bigger emphasis on the idea of the EU citizenship as a learning process that encompasses a developing dimension in such a way that, in the future, it can achieve much more importance than it was initially expected on the basis of its official formulation (Delanty 2000). In fact, this argument is based on an implicit conception on the EU citizenship as an opportunity rather than an entity per se, this particular model of citizenship being considered as an unprecedented notion that continuously improves itself as a dynamic and constructive institution defined at a supranational level (Kostakopoulou 2008). In other words, this second paradigm seeks to defend the EU citizenship as an ambitious element of the integration process that complements its national counterpart and reinforces a sense of European belonging, by granting legal entitlements that exceed the framework of the Member States, as well as new representation structures regulated at the community level (Tambini 2001).

Following these assumptions, the authors who subscribed to this theoretical position tried to counter argue, first, the criticisms on the initial formulation of the EU citizenship as a legal status. In doing so, it was stated that, despite having basically a derivative character, the EU citizenship can be analyzed as a direct citizenship, as it refers to a post-national system of institutions and governance (Preuss 1996; Conti, Cotta and Pavares 2010). In fact, this argument was also supported by the empirical evidence that it is precisely the EU citizenship that transformed the Union into the only international organization having its formally defined citizens and, going even further, that allowed these citizens to directly express their political preferences to ´´supranational´´ institutions (Bellamy and Warleigh 2001). As a consequence, the derivative nature of the EU citizenship is not necessarily evaluated as a limitation, this concept being rather considered as a complementary institution vis-à-vis the national form of citizenship. And this complementarity lead to considering an analytical error the attempts to envision the EU citizenship only though its lack of an autonomous status and its definition in the shadow of the nationality, this argument also being reiterated by the EU institutions, the Commission stressing, for instance, in its Third Report on the European Citizenship that:

´´Citizenship of the Union is a source of legitimacy of the process of European integration, by reinforcing the participation of citizens, and a fundamental factor in the creation among citizens of a sense of belonging to the European Union and of having a genuine European identity. When considering the scope of citizenship of the Union, attempts to draw parallels with national citizenship should be avoided. Because of its origins and the rights and duties associated with it, citizenship of the Union is sui generis and cannot be compared to national citizenship of a Member State. In this new type of multiple citizenship on different levels, citizenship of the Union complements national citizenship but does not replace it´´ (COM (2001) 506 final).

In Kostakopoulou’s (2008) appraisal on the same argument, the EU citizenship counts with a special character in contrast to its national counterpart, for which the two models of citizenship should not be compared from the same perspective, as the substantive elements they take into consideration are different: while national citizenship gives full rights to its beneficiaries, being dependent on a strong sense of attachment based on an horizontal belonging to
the nation, the EU citizenship arises in light of a bundle of specific rights, its affective dimension not necessarily being a prerequisite, but rather one of its aims, as it is oriented towards promoting a shared identity within the EU.

Secondly, the distinctive character of the EU citizenship as a vehicle for achieving the political integration was also argued in regard to the set of rights associated to this legal status. Against those arguments characterizing the entitlements of the EU citizens as a limited input for their empowerment at the EU level, Lippolis (1998), for example, highlights that the novelty of the EU citizenship rests in the thesis of additionality, as it adds to the rights already arising from the nationality of the Member States a new set of entitlements counting with a transnational consistency. And the different character of these new provisions recognized in the Maastricht Treaty is revealed not only by the fact that they are exercised by the EU citizens living in other Member States, but also considering that the authorities to which these beneficiaries can direct to in order to exercise their rights are those of the host Member States (Dell'Olio 2005). Additionally, this idea of the constructive potential of the EU citizenship in terms of rights was also supported by the Court of Justice of the European Union, that repeatedly highlighted the legal relevance of the status of EU citizen as a “supranational citizen” (O'Neill and Sandler 2008). In this regard, it’s worth mentioning the case Martínez Sala v. Friestaat Bayern (1998) that opened the judicial activism of the ECJ on the EU citizenship, as well as the cases Grzelcyk v. Centre public d’aide sociale d’Ottignies-Louvain-la-Neuve (2001), Baumbast v. Secretary of State for the Home Department (2002) or Chen v. Secretary of State for the Home Department (2004) that continued to provide innovative interpretations on the legal implications of the entitlements derived from the EU citizenship status (Shaw 2007). As Menendez (2009) pointed out, in reference to these cases, the ECJ emphasized that the introduction of a EU citizenship entails a reconfiguration of the economic rights of Europeans, by stressing not only the importance of non-discrimination based on nationality, but also the necessity of taking into account the equal treatment in terms of rights between EU citizens, independently of their residence.

And finally, within this second paradigm highlighting the constructive potential of the EU citizenship, several arguments were raised also against the idea of the lack of an affective dimension of this concept. In this regard, the fact that the EU citizenship lead to the recognition of special rights for the EU non-nationals in the attempt to reduce their unequal position in the Member States of residence was considered as a major step forward for building a common awareness of collective belonging towards the European polity (Heldblum 1996). As a consequence, the nominal EU citizenship per se was presented as an instrument that counted with an inherent capacity of filling the identity gap of the EU, particularly under the assumption that the objective criteria related to the set of rights granted to EU citizens can have a significant impact on the subjective criteria of their European belonging (Bruter 2005). In this way, the EU citizenship was labeled as a particular form of post-national citizenship that does not require, in order to be implemented, the existence of a prior collective identity, nor a unitary demos that could act as its constitutive basis. On the contrary, this form of citizenship was rather defined as an instrument that can activate citizens’ European attachment, by extrapolating the territorial model of
ethnos to a new European horizon (Benhabib 2004; Magnette 2007; Janoschka 2010). Additionally, this newly defined civic identity created through a political education process does not imply the de-stabilization or dilution of the primary identification of citizens with their national polis (Spiro 2008). The European ethnos and its national counterpart are not related through a zero-sum game; on the contrary, the rise of a sense of belonging based on the awareness of the rights granted beyond state-level boundaries is complementary to the existing national ethnos, thus leading to the construction of multiple individual identities for different levels of ‘nested’ citizenships (Kostakopoulou 2008). As Risse (2003) pointed out, the EU polity does not require a new demos that could replace the national one, but rather a demos based on the co-existence of different belongings between the national and the European sphere, different memberships mutually complementing each other thus leading to a hierarchy of civic loyalties of the EU citizens.

IV. Moving from a normative evaluation to citizenship’s praxis: assessing the need for an empirical approach on the political practice of the EU citizenship

The foregoing discussion regarding the definition of citizenship highlighted that in order to obtain a complete overview of the implications of this concept, special attention must be paid not only to the bundle of legal entitlements granted to those who hold the status of citizens, but also to the political practice of these entitlements, as a tool that can strengthen the affective nexus between the individual and the polity. Hence, one of the main conclusions of this first part of the paper was related to the argument that citizenship entails an interactive game of mutual feedback between rights, political participation and identity, this concept being defined as a formula that combines the status of citizen with a substantive and dynamic dimension referring both to individuals’ political mobilization, as well as their affective attachment towards the polis.

However, in the second part of the discussion we saw that, when applying these arguments to the specific case of the EU citizenship, one can observe that, despite the extensive academic debates vis-à-vis this concept, there are still very few studies taking into consideration the dynamic nature of the European citizenship, as an instrument combining rights with political participation and identity. On the contrary, instead of emphasizing the interdependence between its constitutive elements, the existing body of academic interpretations treated the EU citizenship mostly in reference to some of its intrinsic dimensions analyzed from an unilateral perspective, as most of the studies carried out on this topic limited the citizenship of the Union to a rights-based citizenship or an identity-based citizenship.

Additionally, independently of the position adopted within the general debate on the limitations vs. the constructive potential of the EU citizenship, these studies seem to find a common denominator in the attempt to evaluate this concept only in regard to its possible advantages for the European political architecture, this evaluation being made, as we have seen, mostly from a normative and/or a legal perspective. Despite their relevant contribution to the understanding of the implications of the EU citizenship, these approaches mainly focusing on the “theoretical attractiveness” of this concept, often lack empirical evidence to
support their arguments, as they omit to include into the analysis one of the most important dimensions of the EU citizenship: the political practice exercised by its beneficiaries, that is, its behavioral dimension. Twenty years after its institutionalization and despite the controversies related to its legal definition and/or conceptual boundaries, the EU citizenship still remains an insufficiently explored topic, with a very limited evidence on how the nationals of the Member States assume their status of EU citizens, by making use of the rights arising from this legal condition.

And the result of this analytical imbalance between: a) how the EU citizenship is or should be defined in relation to its national counterpart and; b) the specific implications of this concept for its own beneficiaries, reveals as a major critique against the current literature on EU citizenship and, simultaneously, a relevant justification for the necessity of taking into account the political practice of this concept at the European level. In this context, the omission to include, in the puzzle of the EU citizenship, the exercise that Europeans make of their legal entitlements granted at a supranational level, leads to the lack of a complete and consistent evaluation of this concept. As a result, this paper argues for the necessity of reformulating this research field by moving beyond a purely normative analysis of the EU citizenship, and add to this conceptual narrative the empirical evidence regarding the way in which this status is actually implemented and assumed in the community practice.

In doing so, we propose, first, an analysis of the EU citizenship as an agency of mobility and transnational practices (Nyers and Rygiel 2012), as well its conceptualization in terms of a political citizenship, i.e. with exclusive reference to its political practice materialized at the electoral level. In this regard, the electoral rights granted to the EU non-nationals living in the Member States represent one of the most substantial benefits associated to the EU citizenship, given their initial goal of reducing the inequalities of formal political opportunities based on residency between the nationals of the Member States (Shaw 2007; Bellamy and Palumbo 2010). Given that despite the progressive recognition of economic, social or cultural rights to non-national residents, the EU countries granting voting rights to foreigners still represented a minority group, the derivation of these rights from the EU citizenship stood out as the first systematic evidence of the separation between voting rights and nationality, marking a first step forward towards a more inclusive European political demos. Additionally, these entitlements were considered as the legal benefits of the EU citizenship that mostly supported its constructive potential, under the assumption that, by making use of their ´´right to have rights´´, especially beyond their countries of origin, Europeans can better perceive the substantive and empirical meanings of their EU citizenship as a guarantee of rights, and, in this way, develop a shared European identity (Dobson 2006; Kadioglu 2009):

“Political rights granted to EU citizens consolidate their European identity. The right of EU citizens to vote in municipal and European elections in whichever Member State they choose to live is essential for their participation in the democratic life of the Union.” (COM (2010) 605 final).

As a consequence, the relevance of this conceptualization of a political model of the EU citizenship rests not only in its ability to bring light on the empirical reflection of this status at the electoral level, but also in the possibility of testing the capacity of this legal condition to encourage, through the practice of
electoral participation, a shared political identity among its beneficiaries. And in order to solve this academic puzzle by portraying the practical association between rights, identity and participation, the analytical model of EU citizenship we propose in this paper is based on two different, although interdependent, dimensions that highlight the dual character of this concept as status and practice: a) a formal/legal dimension and; b) a substantive dimension (Graph 1).

Graph 1. Analytical model of the citizenship of the Union

First, as already stated, any paradigm of citizenship, regardless of its locus, indicates that the rights legally recognized to individuals represent a defining attribute of their membership to a polity (Oldfield 1990; Baubock 1994; Habermas 1996). As a result, the formal dimension of citizenship taken into consideration in our model is specifically reflected in the legal structure of voting rights granted to the EU citizens in the Maastricht Treaty. Conceptualized more like a passive status, this first dimension reveals basically a minimalist conception of the citizenship of the Union, by reducing it to those entitlements (in our case, electoral rights) by which foreigners’ membership to the European polis is formally recognized. Additionally, this dimension involves, as Dell'Olio (2005) noted, an antithetical mechanism that facilitates the nominal categorization between insiders and outsiders of the political community, by reserving these electoral entitlements to those who possess the formal status as citizens of the Union, that is, those holding the nationality of a Member State.

These rights recognized in the Maastricht Treaty represent, without any doubt, one of the intrinsic elements marking the constitutional innovation of the

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1 As previously highlighted, the formal dimension of citizenship also comprises, besides rights, the status of those who are legally recognized as members of the polity. However, since our analytical model is applied exclusively to the EU citizenship that counts with a derivative nature, we exclude the status reference from the formal dimension of the EU citizenship, as it remains constant across the analysis.
European citizenship (Closa 1998; Wihtol de Wenden 2002). However, as already emphasized, studying the citizenship of the Union only by means of how these rights were initially defined and later transposed into the legal frameworks of the Member States seems to be a questionable strategy, particularly considering that these entitlements *per se* do not reveal the substantive dimension of the EU citizenship, rather limiting it to a formal definition. Hence, in line with the foregoing observations, we consider that the possession of certain rights should not necessarily represent the ‘‘ultimate’’ objective of assuming the full membership to a polity, but rather an instrument ensuring individuals’ ability to engage in the decision-making process: being a citizen is a status that cannot be reduced only to a passive ownership of rights, although this right ownership represents a key institutional requirement for the development of a substantive citizenship (Balibar 2004; Giesen and Eser 2001).

In this context, our model draws on the argument that the EU citizenship goes beyond this static framework of legal regulations, also implying a second dimension related to the way in which this legal empowerment is translated into participatory practices (Oldfield 1990; Baubock 1994; Bellamy, Castiglione and Shaw 2006). As Janoski (1998) or Isin and Nielson (2008) already stated, beyond its formal/legal paradigm that defines from a nominal perspective the rights of those who benefit from a particular status (*being*), the EU citizenship also counts with a substantive/active aspect (*doing*), which stands out as a behavioral dimension constantly facilitating the acquisition of new entitlements. As a consequence, we argue for a qualitative jump in the analysis of the EU citizenship, by exploring how, once implemented in the legislative frameworks of the Member States, the legal entitlements granted to EU citizens are actually exercised in the political practice.

By introducing the political participation in the study of the EU citizenship, our model draws attention on the tangible meanings of this concept, a strategy that allows us to emphasize the feasibility of this notion articulated through a bottom-up perspective. This aspect of the way in which the nationals of the Member States understand, activate and assume their acts of citizenship through the transnational extension of their political voice becomes a relevant instrument for evaluating the validity and reasonableness of those arguments highlighted through normative bias *vis-à-vis* the limited scope and/or constructive potential of the EU citizenship. Additionally, this second substantive dimension of political engagement is precisely an indicator that reveals the dynamic nature of citizenship as an institution that is constantly (re)built through citizen activism (Wiener 1998): following Shaw (2007) or van Deth, Westholm and Montero (2007), while citizenship in its formal dimension tends to be more egalitarian as the distribution of rights usually follows the principle of an equal applicability among its beneficiaries, in its substantive dimension, citizenship tends towards greater instability, given that once recognized the positive rights individuals possess, their effective exercise, i.e. their substantive citizenship, can be reflected with more or less intensity into different participatory patterns.

And finally, this substantive dimension of the EU citizenship doesn’t only allow to see how rights operate at an empirical level, but also enables us to make an approximate evaluation of the objectives beyond the initial institutionalization of the EU citizenship. More exactly, based on this model, one can use the case of...
the electoral rights as a formal empowerment to analyze the ability of the EU citizenship to encourage a shared identity at the community level. As previously stated, the use of the EU citizenship and the associated electoral rights as a source of identity was a key argument in the narrative of the European integration process, thus constantly reflecting the rhetorical commitment of the EU institutions as well as the enthusiasm of the European political elites regarding the need to bring the citizens closer to the European res publica (Vink 2005; Dell'Olio 2005). Hence, we believe that the study of the patterns of political mobilization among EU foreigners allows to highlight some nuances about the contribution of the EU citizenship in identity terms, by accounting for the sense of belonging that the EU citizens reached at the electoral level.

In doing so, we subscribe to the argument that this political ethnos cannot be analyzed in abstractum, as a prerequisite of the political community, especially when that community goes beyond national borders, as in the case of the EU (Delanty 2000; Wiener 1998). On the contrary, given the intrinsic heterogeneity between the nationals of the Member States and the lack of concrete symbols of a affectio societatis at the EU level, the sense of European belonging seems more likely to be understood as a tie that can be gradually (re)built under the criteria of a civic membership, its progressive revitalization depending primarily on citizenship´s praxis (Heldblum 1997; Janoschka 2010). In other words, regardless of whether the identity is or not prior to political participation, and independently of individuals´ self identification as European political actors, we consider that their electoral engagement might, per se, strengthen their political identity towards the EU. Hence, we assume that the electoral practice can stand out as a forum for reframing a civic engagement, so that the nationals of the Member States progressively redefine their identity membership to the EU by constantly exercising their rights as EU citizens: as Preston (1997), Lardy (1997) or Thomassen and Back (2008) highlighted, it is not the mere granting of rights that encourages a identity nexus between the EU citizens, but rather the institutionalized practice of participation which mediates between rights and identity through a process of political learning whereby individuals become aware of their status as political actors. Moreover, this post-national identity not necessarily has to be in opposition with the primary political identity that individuals develop towards their polities of origin (national, local, etc.), but quite the opposite: despite its different locus, these identities complement each other, thus avoiding a model of fragmented individual belongings towards the EU (Risse 2003; Olsen 2011).

V. General discussion

The main aim of this paper was to argument in favor of the necessity to develop a new approach in the study of the EU citizenship, based on the analysis of the political practice of this concept in the electoral field of the Member States. In doing so, we started from an analysis of the conceptual implications of citizenship in general, assessing that a comprehensive interpretation of this notion has to take into consideration, besides the legal status, three different elements that converge in defining the condition of citizen: rights, political participation and identity. These elements correspond to three dimensions of
citizenship in its formal, behavioral and affective understandings, and they influence each other in the political praxis: while individuals’ legal empowerment with certain rights is a formal requisite for their political engagement, this active implication in the decision-making process can constantly reinforce citizens sense of belonging, improving the awareness on their civic responsibilities and strengthening their nexus with the polity.

However, when applying this multi-dimensional understanding of membership in the case of the EU citizenship, we saw that a general overview of the exiting body of academic interpretations on this concept reveals the existence of a research gap vis-à-vis the dynamic nature of the citizenship of the Union. In this regard, despite the wide controversies related to the limitations and/or the constructive potential of the EU citizenship within the European integration narrative, the extent to which the rights recognized to the EU citizens in the Maastricht Treaty are actually exercised in the political practice still represents an unexplored topic, as most of the previous studies omitted to include the paradigm of citizenship-as-political participation when evaluating the citizenship of the Union. The relevance of this participatory aspect is justified not only because the electoral rights granted to EU foreigners constitute one of the most substantive entitlements derived from the formal institutionalization of this concept, but also when considering that it is precisely this element of the political practice that bonds rights with identity, thus highlighting a definition of the EU citizenship as a dynamic institution.

Subscribing to a political model of the EU citizenship, the paper suggested a new paradigm on the complicated interconnectedness between its constitutive elements, a different analytical approach that draws on the necessity of adding to the legal evaluation of rights and to the normative approximation of identity, a third intermediary element of the political participation of the EU citizens. Deriving from this general argument, our research proposal is based on the combination of the formal dimension of the EU citizenship with a substantive aspect referred both to political practices in the electoral field as well as the identity nexus with the European polity redefined on the basis of these participatory practices. This theoretical model will be tested, on an empirical level, though further research on the patterns of electoral engagement of EU foreigners in European and local electoral held in several Member States from 1999 onward. Drawing on this multi-level comparison between groups, countries and different elections, these further research directions will enable to assess the extent to which the current model of EU citizenship counts with a substantive dimension that can encourage, through the praxis of electoral entitlements, a shared political identity between its beneficiaries, thus ensuring a comprehensive evaluation of the different implications of the EU citizenship in its dual understanding as a status and practice.
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