

Constrains and Contradictions of European Citizenship



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PROJECT DESCRIPTION

People living in Europe belong to different concentric or overlapping communities: neighborhoods, cities, nation states and the European Union. They can also belong to various other groups or categories: (extended) families, genders, age groups, ethnic groups, the employed or the unemployed, students or pensioners, the healthy, the sick or the disabled as well as language or religious communities. These communities and categories define – multiple – identities, which engender rights, duties and responsibilities. Over time some of these have come to be defined in law.

Membership of territorially defined communities is called citizenship. This term – as well as related ones in other European languages (citoyenneté, burgerschap, Bürgerschaft, ciudadanía, cittadinanza, cidadania, cetatenie, medborgarskap) – stems from the term 'city', 'burg', fortress i.e. a walled and protected territory. Inhabitants of this walled territory had freedom ("Stadtluft macht frei"), which furthered independence and individualism. This right to freedom and independence was always combined with duties and responsibilities. Walls provided protection, but had to be built, maintained, and defended. Duties such as serving in civic militias, guarding walls and dykes, providing labor, and paying taxes were required in order to guarantee the continued protection of these rights. Such rights and duties stabilized mutual expectations between people and developed into customs. Eventually they became enacted in law, in order to increase transparency and predictability and ensure equality. Citizenship has been (and often still is) portrayed as a distinctive characteristic of European nation states and one of its major legacies to human civilization.

The project that we propose in response to the FP7 SSH Call 2012 Activity 5 Challenge: Exercise EU citizenship: removing barriers, seeks to study European citizenship from a set of distinctive perspectives. As the Call stipulates, “the concept of European Union citizenship lies at the heart of the EU’s unique polity. The challenges that the EU faces in making EU citizens more aware of their rights and obligations and in seeking to overcome the persistent shortcomings related to the exercise of EU citizens’ rights and obligations call for this distinctive perspective.

In this proposal we do not understand citizenship as a merely legal or constitutional category. Instead, citizenship will be studied in its interdependence between rules and practices or between law and society. Legal rights are the outcome of societal and political processes, and, in turn, subsequently structure and influence them.

This brings us to several other distinctive features of our approach. Rather than studying citizenship as a homogeneous concept, our project acknowledges its heterogeneous character, in several respects. In Europe, concepts of local, national and EU citizenship exist side by side. It is a multi-layered phenomenon. This is neither new nor unique. Before the codification of the concept of citizenship after the French revolution, the co-existence of local, regional and national concepts of citizenship was the norm rather than the exception. Federal states display such features to some extent even today. For example, in Switzerland people are still in the first place a citizen of their canton and only secondly of the federation. They derive different rights from these identities or lack of them. Thus lawyers who have done their lawyer’s exam in one canton until recently could not practice in other cantons. Studying such historical and contemporary models of federal states will help us to identify workable solutions to some of the challenges currently faced by the EU in its attempts to further develop a European form of citizenship. We also acknowledge that citizenship is heterogeneous in terms of the domains it applies to. Characteristically, citizenship impacts a whole range of fields, starting with politics and the law, but extending to economic, social and ultimately also cultural rights. Too often, scholars have lumped all these domains together in the container concept of citizenship. Our project, however, assumes that citizenship can develop at a different pace in the various domains and that this variety is another source of the dynamic of citizenship.

Thirdly, citizenship rights and duties affect various categories of citizens differently. Females and males, youngsters and the elderly, insiders (European nationals) and outsiders (e.g. third country nationals) are affected differently by the rules and regulations pertaining to citizenship.

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Fourthly, these different categories of citizens may experience multiple barriers to the exercise of citizenship rights, whereby we again make a distinction between legal barriers, such as contradictions and rankings between different kinds of rights, and societal barriers, such as differences in political, administrative, legal and social institutions, financial constraints, administrative or bureaucratic hurdles, linguistic barriers and a lack of solidarity across countries.

To address the dynamics between legal rules and societal practices, the differentiation of citizenship rights across domains and categories of citizens, and the existence and effects of multiple barriers to the exercise of citizenship rights, we have brought together a multi-disciplinary team from all over Europe to combine their expertise. As citizenship has both normative and empirical dimensions - another expression of its multi-dimensional character - this team includes both representatives from normative disciplines such as law and philosophy, and from empirical sciences, such as sociology, political science, history, economics and policy studies.

