



**Assessing Models of Citizenship in the EU.
The Idea of Responsive Citizenship**

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Abstract

The EU is currently at a critical juncture as regards its institutional functioning. Among the many institutional challenges is that of creating avenues for broader civic involvement in Union affairs especially through strengthening the competences of Union citizenship. Nevertheless, there are divergent accounts of democratic deficits currently facing the EU and accordingly, different views about the scope for Union citizenship. The paper offers an examination of different approaches to Union citizenship. It proposes an analytical distinction between asymmetric and symmetric normative models of dual – national and Union – citizenship that correspond to the significance attached to the novel status from different perspectives of European integration. Following the examination of alternative models, I shall propose an alternative model of dual citizenship that puts emphasis on the responsiveness of citizens to practices of democratic control in the EU. One of the main ideas of responsive citizenship is that civic consent and contestation are equally important for increasing the legitimacy of decision-making in the EU. The institutionalisation of such competencies is important for preventing any dominating influences on the policy coordination agenda and moreover, matches with relevant provisions finally grafted on the Lisbon Treaty.

Introductory

It is a common view that the EU should be closer to citizens and vice-versa that citizens should be closer to decision-making in the EU. Union citizenship is seen as the primary means to achieve both these objectives. Many theorists have pointed out its normative significance as an agency competent *inter alia* to cement the Union¹, to establish a transnational *demos*², to foster trustworthiness among European citizens³, or to create an inclusive European public.⁴

However, views diverge about the kind of democratic deficits emerging in the EU and accordingly, about the scope for citizenship in the EU. The paper offers a distinctive insight in the debate about citizenship and democracy in the EU. I shall sketch alternative normative models of dual – i.e. national and Union – citizenship.

For the purposes of analysis, I shall distinguish between asymmetric and symmetric models of dual (i.e. national and Union) citizenship that correspond to different perspectives about European integration. I shall argue that for the purposes of tackling legitimacy deficits in the EU, a model of symmetric dual citizenship seems more promising.

After exploring variants of the latter model, I shall propose a distinct model of dual symmetric citizenship, which emphasizes the *responsiveness* of citizens to the democratic challenges of regional policy coordination. It emphasizes citizens' ability to use competences ascribed on each of the two civic statuses and accordingly, to select the most appropriate (local, national or Union) level for action as a means for fostering democratic governance.

The main ideas of responsive citizenship so conceived derive from neo-republican literature.

1. Models of Dual Citizenship in the EU

The dual character of citizenship in the EU consists in the concurrent statuses of national and Union citizenship, as the latter is defined in articles 17-22 of the Treaty establishing the European Community (TEC).

For analytical purposes, I shall distinguish between normative asymmetric and symmetric models of dual citizenship. Asymmetric models suggest that Union citizenship mainly concerns securing citizens' stake to the economic benefits deriving from economic integration. On the contrary, symmetric models emphasize the significance of Union citizenship in securing the rights of social citizenship, moderating any exclusionary elements implicit in the traditions of national citizenship and strengthening practices of democratic control in the EU.

a. Asymmetric Models of Dual Citizenship

Asymmetric models are characterized by the unequal weight they attach to each of the two component statuses. In particular, an asymmetric model implies that national citizenship remains the overarching status, while Union citizenship holds a rather symbolic value. Hence, an asymmetric model of dual citizenship accommodates different sorts of views about citizenship and European integration.

I shall examine the following approaches as representative of asymmetric models of dual citizenship in the EU:

- the liberal nationalist approach

- the liberal intergovernmentalist approach
- the regulatory institutions approach
- the market citizenship approach

the liberal nationalist approach

Contemporary liberal nationalists⁵ contend that the nation state is the ideal context of democracy and accordingly, the appropriate context for the exercise of genuine democratic citizenship. They give instrumental reasons in support of bounded democracy and citizenship, stressing the functional merits of national political community and national identity for the purposes of democracy. Liberal nationalists would not disagree with the idea of rights stemming from international conventions, such as the European treaties. However, as proponents of national self-determination and the values of societal culture and national identity, they will probably find the idea of Union citizenship as a kind of threatening the very properties of national citizenship which they value.

The European treaties seem to respond to this kind of concern by reaffirming nationality as the criterion for the conferral of Union citizenship and also, reassuring that the new status shall “complement and not replace national citizenship” (Art. 17.1 TEC).

Hence, liberal nationalist citizenship leaves little scope for a meaningful status of Union citizenship. The nation state provides the ideal context for the practice of democratic citizenship and also, is the optimal site for democratic deliberation conducted in the vernacular as well as for the pursuit of the purposes of social justice. Moreover, national self-determination and societal culture presupposes the maintenance of strong (if not exclusive) links among

citizens bound by feelings of fraternity and allegiance. For all these reasons, Union citizenship is peripheral for the exercise of democratic citizenship.

In many respects, European citizens hold more advanced views compared to what liberal nationalists are ready to accept, namely “a world in which different peoples can pursue their own national projects in a spirit of friendly rivalry, but in which none attempts to control, exploit or undermine any of the others”.⁶ On the contrary, the European public seems more apt to coordinate their ‘national projects’ and, have high expectations from forms of Union policy coordination to achieve solutions to common problems.⁷

In my understanding, this is not evidence that they value less their societal culture or their national identity, quite the contrary. However, in addition to self-determination, they also value effective governance through their government’s involvement in regional policy coordination networks.

In most countries, citizens put EU medium indicators in a wide range of policy fields as benchmarks for evaluating the effectiveness of their home government. They expect the latter to actively engage in policy coordination in order to achieve standards of living above the EU medium. Accordingly, they may support the European Commission when it initiates infringement procedures under article 226 TEC, as for instance for failure to comply with environmental legislation, something that is being overlooked by liberal nationalists.

An overarching liberal nationalist model of citizenship will not work in this direction, for it is firmly entrenched in domestic public institutions and promotes an inward-looking view of democratic politics.

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In sum, the liberal nationalist argument for strictly autonomous self-determination and the conduct of public affairs is rather inconsistent with the reality of policy coordination in the Union. The dual status of national and Union citizenship should not be regarded as a paradox, as liberal nationalists may think.

the liberal intergovernmentalist approach

An asymmetric model of citizenship seems to be consistent with theories of European integration stressing the strong role of national governments.

For liberal intergovernmentalists, European integration is driven first and foremost by the workings of intergovernmental bodies within which national governments normally obtain full competence to represent national interests.⁸

Indeed, the EU treaties secure a powerful role in policy coordination deliberations for national governments and Union regulatory bodies. The powers of the former are justified in order to constrain and control one another -and thus, to increase the credibility of inter-state agreements⁹ - and also, to control the functioning of EU institutions. National governments appeal to the democratic legitimacy they derive from the electorate and thus, claim to be the legitimate democratic representatives in EU policy deliberations. As a matter of fact, governments, and not citizens, have become both the agents of legitimacy in the EU¹⁰ as well as the powerful institutional actors.

As regards legitimacy issues, the 'European constitutional settlement' requires member states' compliance with negotiated agreements, while at the domestic level these are effectively dealt with in accordance with domestic

democratic structures and practices.¹¹ Therefore, there is little room for a more autonomous role of European citizenship.

I think that the liberal intergovernmentalist argument is exposed to several objections. The effectiveness of domestic democratic structures to catch up with the challenges of European governance is called into question. National governments can hardly be held accountable for failure in EU negotiations given the asymmetry of powers and the opacity of deliberations.

In general, national governments often assume discretionary powers in defining and representing accounts of national interests as well as implementing policy coordination initiatives at the domestic. In either case, it is always possible for governments and powerful groups to exert a dominating influence over the policy coordination agenda, such that may put the legitimacy of policy-making into question.

One of the things that is often being overlooked is that regional policy coordination produces legitimacy shortcomings both at the Union and domestic levels. These shortcomings cannot always be resolved through appeals to Community law because this is often *per se* the object of power and interest conflicts. In other words, the Union constitutional design cannot always resolve power and interest conflicts among competent parties in a legitimate way (e.g. conflicts over applying the initiation of the excessive deficit procedure under Art. 104 TEC).

An asymmetric model of citizenship, as that consistent with liberal intergovernmentalism, will not work for the purposes of increasing the legitimacy of policy coordination. National governments' do not exclusively represent citizens' interests and concerns. Alternatively, citizens may seek

other avenues to play a more autonomous role in Union affairs through Union bodies (e.g. EP, Economic and Social Committee, European Ombudsman) or Union-wide group interests and social movements.

the regulatory institutions approach

Asymmetric dual citizenship seems consistent with views that stress the independence of Union regulatory institutions. The latter derive their legitimacy with reference to the treaty mandate they serve and to the 'output' legitimacy they derive from their performance.¹² Theorists of these views generally support a more technocratic approach to policy deliberations as a way for defending their political independence.¹³

According to these approaches, the political independence of regulatory institutions, such as the Commission or the ECB, is a *sine qua non* for achieving the purposes of European integration. Instead of deriving their legitimacy from the democratic public, regulatory bodies rely on their essentially 'output' legitimacy, that is on their ability to fulfill the mission ascribed on them. Hence, they are essentially non-majoritarian institutions, set up to serve some common interests.

From the perspective of citizenship, two points are worth mentioning. First, regulatory bodies serve an account of first-order policy tasks seen as indispensable for the achievement of second-order tasks. For instance, price stability pursued by the ECB is conceived as an essential precondition for sustainable economic growth and subsequently, for increased rates of employment.

Although price stability may well be the current prevailing paradigm among policy-makers, it does not mean that this particular choice is not

political or majoritarian in nature for the final decision to define it as a first-order interest pursued by a regulatory body is the product of political bargaining and reflects the balance of powers and interests in a particular time.¹⁴ Once a policy task is entrusted to a regulatory institution, the latter assumes powers to act with no interference on the part of political agents and the relevant issues are removed from public debate.

There are two particular cases in EU politics (the conflict between member states and the Commission over the application of SGP rules and between the ECOFIN and ECB over monetary policy), which show that it is quite difficult to justify that first-order policy tasks have to be pursued in a way that does not take into account the broader political and social circumstances. The public expects not simply a report on policy achievements in one sector but moreover, an account of how first and second order policy tasks match together and produce the expected outcomes. In other words, the legitimacy of regulatory bodies is being tested not only in technocratic waters, but also, depends on a political judgment about their contribution to the broader set of socio-political ends.

There is a second reason to rule out this specific argument for asymmetric citizenship. Paradoxically, regulatory Union institutions themselves should have an interest in promoting Union citizenship. They need broader civic engagement with Union affairs as a means to increase civic support for the achievement of their policy tasks. Societal support for prudent fiscal policies and price stability adds weight to the tasks allocated to the Commission and the ECB respectively. In some respects, civic competences are instrumental to the purposes of independent institutions. For instance,

when citizens lodge their appeals to the Commission for governments' failure to enact Community legislation in fact, they uphold the monitoring duties of the Commission over member state compliance.

The removal of policy tasks from public debate¹⁵ may indeed be an effective strategy in some fields of economic policy management. However, there is always the risk of 'guardianship',¹⁶ if regulatory bodies are not engaged in an ongoing public dialogue in which they have to justify the ends they serve with regard to the broader socio-political interests and concerns.

My point is that neither the status granted by the treaties, nor can a record of 'output' legitimacy provide strong justification for the functioning of politically independent bodies. Instead, a degree of social legitimacy derived from an interactive relation with the democratic public as well as from initiatives that allow citizens to have access to the workings of these bodies seems indispensable for gaining social support. A model of asymmetric dual citizenship consistent with theories of regulatory Union bodies will not gain the hearts of citizens, nor does it serve the purposes of democratic governance in the EU.

the market citizenship approach

In the pre-Maastricht era, freedoms of goods, capital, services and movement was the most significant way for citizens to contribute to the making of the single market through their economic activities. The model of citizenship that corresponds to this long period of integration is that of economic/market citizenship.

Market citizenship views the European citizen mainly as an economic actor for whom the EU is simply a wider market or in other words, a source of

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3 economic benefits which could be gained either individually – by taking
4 advantage of the opportunities for improving one's personal working and life
5 prospects -, or collectively – through the growth of national economies in the
6 single-market context. On these grounds, market citizenship implies a
7 particular perception of the EU and its objectives mainly influenced by
8 instrumental/utilitarian considerations.
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11 The properties of market citizenship were implicit in the rights conferred
12 upon European citizens through primary and secondary Community before
13 the Maastricht treaty and have considerably the definition of European
14 citizenship legislation.
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17 This point is well-illustrated by Everson, who describes that effect as
18 the 'legacy of the market citizen' arguing that citizens "having been so strongly
19 instrumentalised with regard to the completion of the internal market had no
20 choice but to become instrumentalist".¹⁷
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23 The evolution of market citizenship has been facilitated by the agency
24 of the European Court of Justice (ECJ). The ECJ is credited with the
25 establishment and support of rights akin to citizenship rights vis-à-vis national
26 authorities. The case law it produced substantiated citizens' rights of free
27 movement and establishment and as it is often claimed the Court followed in
28 many cases, as in *Cowan*, an activist approach in the interpretation of the
29 scope of these rights and thereby deliberately extended the scope of
30 movement and residence providing a wider definition for the economic
31 activities connected with market integration.
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34 However, the ECJ involvement has been criticized. As Downes¹⁸ points
35 out, the rights of Union citizenship "are built upon relatively flimsy foundations,
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with links which still go back to the narrow concept of market citizen, and the ECJ at least seems powerless or reluctant to develop citizenship rights outside that framework”.

In many respects, market citizenship provides fragile grounds for conceiving a model of dual citizenship in the EU. Civic support to European integration cannot be based on one's perception of individual or national economic benefits only, for this process entails a compromise with certain economic convergence and cohesion objectives.

Moreover, an emphasis on rights linked to citizens' economic activities is not an adequate guarantee for the very aim of prosperity that this model projects. Other political and social preconditions should be met for citizens to take benefit of economic integration.

Therefore, a model of asymmetric dual citizenship strongly grounded on market citizenship cannot secure the very aim of prosperity that model is premised upon. Economic integration cannot secure the diffusion of the goods of prosperity to European citizens unless certain political issues of justice and solidarity are being dealt with. Indeed, policies relating to EMU have become matters of political debate both as regards their achievements as much as their consequences to other policy issues, such as unemployment and the viability of welfare systems. For all these reasons, citizens may reasonably be interested in a status of citizenship that strengthens their political role in the EU in order to make their voice and concerns heard.

b. Symmetric models of dual citizenship

Symmetric models of citizenship suggest a more balanced approach to the significance of properties attached to national and Union citizenship. A common feature of variants of symmetric citizenship is that they attach a political role to Union citizenship seen as a means for facing the emerging democratic deficits in the EU. I shall examine the following approaches as representative of symmetric models of dual citizenship in the EU.

- the social citizenship approach
- the transnational approach
- the liberal constitutionalist approach

the social citizenship approach

Proponents of this approach support the prospect of social citizenship and, stress that a closer match between EMU policies and social policy objectives is possible as much as expected.

Habermas points out that however significant economic integration might be against the effects of globalization, it should be joined by steps towards political integration as much as strengthening the democratic legitimacy of regulatory policies with a perceived redistributive impact.¹⁹

As Dyson puts it, “the attempt to instrumentalize the Euro-zone solely for the purposes of economic stabilization and efficiency, by in effect erecting them as a higher good, risks crisis at the level of mass attitudes from perceptions of damage to social cohesion”.²⁰ Similarly, Hodson and Maher argue that the credibility of monetary policy will gain stability only if it is linked to other principles of social justice.²¹ Hence, EMU should match with welfare priorities and the purposes of social inclusion.²²

On these views, EMU will gain popular legitimacy and support if it enhances the capacity of the states to implement their welfare programs. It is argued that achieving the objectives of EMU for prudent budgetary policies and public finances would function as a catalyst in the re-organization and sustainability of the welfare states so that EMU could be regarded as welfare-enhancing.²³

The above illustrate in my view the way that a model of symmetric dual citizenship is conceived through a welfare-policy approach. Union citizenship matters because citizens are concerned with securing their welfare. As Meehan²⁴ nicely put it, it is difficult to draw a *cordon sanitaire* between, on the one hand, nation-states and citizens' political rights and, on the other, the EU and the socio-economic benefits deriving from it.

The link between political and social rights reminds T.H. Marshall who viewed the conferral of social rights along with civic and political rights as an essential condition for full membership of the individual.²⁵ Rawls incorporated a similar concern in the formulation of the two principles of justice, as a precondition for the fair value of political liberties. He also stressed the importance of primary goods (i.e. basic liberties, powers and prerogatives of offices, income and wealth) seen as "necessary conditions for realising the moral powers and are all-purpose means for a sufficiently wide range of final ends".²⁶ Certainly, these views were expressed with an implicit appeal to the nation-state context. It is not surprising though that similar arguments are voiced in order to build-up dual citizenship in the EU.

It is worth considering how plausible are such views in a supranational context. One plausible case refers to the achievement of some standard basic

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3 social conditions of citizenship across the EU, which involves a cross-country
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5 convergence with medium figures on some basic indices concerning the socio-
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7 economic standing of Union citizens. .
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10 From a theoretical point of view, there are suggestions that could
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12 match with a model of dual symmetric welfare citizenship. In this direction,
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14 some suggest a Union-wide commitment to a basic minimum income for
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16 every Union citizen. Van Parijs²⁷ argues for a *Euro-grant* paid unconditionally
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18 to every adult permanent resident in the EU as a means to fight
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20 unemployment. Schmitter and Bauer argue for a *Euro-stipendium* conceived
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22 as “the payment each month of a stipulated amount of Euros to all citizens or
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24 legal permanent residents (denizens) living within the EU whose total
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26 earnings amount to less than a third of the average income of everyone living
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28 within its borders”²⁸ and regard this as a means to eliminate extreme poverty
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30 in the EU. Both accounts point out that granting a basic income is consistent
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32 with the principle of subsidiarity and may enhance the social aspect of
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34 economic integration.
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41 In some respects, rights of social citizenship derive both from the
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43 national and Union levels giving rise to a condition of nested social
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45 membership for individual citizens.²⁹ In addition, new opportunities are
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47 emerging for defining and representating cross-national group interests at the
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49 EU level.³⁰
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53 The welfare approach to citizenship offers a plausible justification of
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55 dual symmetric citizenship in the EU. However, the link between economic
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57 integration and social citizenship requires further elaboration especially with
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59 regard to the kind of civic competences essential for securing citizens’ stake
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3 in the achievement of welfare policy objectives. As Barry argues citizens'
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6 but also on how these institutions are set up.³¹
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10 *the transnational approach*
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13 In many respects, Union citizenship is conceived as a means to
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15 overcome any nationalistic/ exclusionary elements implicit in concepts of
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17 citizenship. As Kostakopoulou argues "the Community rights of free
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19 movement and European citizenship have subtly transformed national
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21 citizenship by eroding the link between citizenship and state membership on
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23 the one hand and national identity on the other".³² Transnational perspectives
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25 reaffirm the significance of Union citizenship and are critical to the liberal
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27 nationalist model of asymmetric dual citizenship examined above.
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31 Kostakopoulou points out that "the transcription of statements and
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33 assumptions derived from national citizenship into the discourse and practice
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35 of European citizenship constrains the maturation of the supranational model
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37 of citizenship and frustrates its potential to create an inclusive European
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39 public".³³ For instance, defining nationality as the precondition for the conferral
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41 of Union citizenship inhibits third country nationals from the benefits of
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43 European integration. Hence, a truly symmetric model of dual citizenship
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45 presupposes an autonomous standing for Union citizenship and in the mean
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47 time, changes upon the status of national citizenship, especially as regards its
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49 exclusionary elements.
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53 In this regard, Closa claims that "the autonomy of EU citizenship from
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55 essentialist elements implicit in national citizenships provides a more
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57 rationalistic ground for its development".³⁴ Similarly, Lord suggests that "the
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3 EU may be just the kind of political site that is needed to generate the
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6 reflective forms of belonging suggested by thin identity and citizenship
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8 praxis”.³⁵
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11 Indeed, Union citizenship influences changes on national citizenship to
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13 the extent that “EU citizenship rights contribute to provide alternative criteria
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15 to rationalize and (eventually) redefine national citizenship as the institutional
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17 repository of identity”.³⁶ This kind of changes are well-explained by Bellamy
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19 and Warleigh as an ethos of “cosmopolitan communitarianism”, “whereby
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21 communitarian attachments are modified by a cosmopolitan regard for
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23 equality of concern and respect”.³⁷
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28 Habermas has consistently argued that European political integration
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30 promotes the mutual respect of national cultures³⁸ while changing models of
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32 citizenship tied to nationality and giving rise to a common political culture³⁹
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34 and a sense of constitutional patriotism shared among European peoples. He
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36 puts forward the idea of a civic nation, arguing that “a civic, as opposed to
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38 ethnic, conception of ‘the nation’ reflects both the actual historical trajectory of
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40 the European nation-states and the fact that democratic citizenship
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42 establishes an abstract, legally mediated solidarity between strangers”.⁴⁰
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47 A concept of civic nation allows for identity formation beyond national
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49 boundaries and a common European political culture, what Habermas calls a
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51 “European-wide public sphere”⁴¹, which “will emerge from the mutual opening
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53 of existing national universes to one another, yielding to an interpenetration of
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55 mutually translated national communications”.⁴²
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59 To recap, transnational perspectives conceive a model of symmetric
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dual citizenship as a means for moderating any exclusionary elements implicit

in concepts of national citizenship and respectively, in national political cultures. Moreover, that model suggests the political role of citizenship in Union affairs.

the liberal constitutionalist approach

I shall discuss below views that suggest a distinct style of politics and citizenship practice in the EU context as a way of capturing the essence of developments in the constitutional field.

Føllesdal suggests the idea of liberal contractualism based on the principle of justice for the justification and evolution of Union citizenship and, claims that the new status “can be regarded as a measure to increase trust among the citizens of Europe”.⁴³ On this view, the scope for Union citizenship is precisely to “foster, flag and maintain the mutual, legitimate trust and trustworthiness required for complex interdependence among Europeans”.⁴⁴

There is an implicit link between civic trust and legitimacy. According to Føllesdal, citizens develop trust in existing legitimate institutions in so far as they satisfy the relevant principles of justice and involve rules that are publicly known and generally complied with.⁴⁵ This is an interesting point as regards the evolution of Union citizenship. Indeed, citizens and governments’ compliance with Community law is paramount for the strengthening the legitimacy of EU institutions and policies.

However, there is an inherent problem with a model of symmetric dual citizenship based on trust. While it rightly claims that civic trust is an indispensable source of legitimacy for governing institutions, it seems to overemphasize the need of civic consent. This comes perhaps at the expense of other sorts of civic action, such as contestation, which are important for

monitoring governing institutions' respect of principles of justice and publicly known rules.

To illustrate the point, the ECB is established by the legitimate acts of intergovernmental bodies and builds up its credibility in the eyes of markets and citizens through making its mandate and monetary strategy publicly known. Hence, it might be regarded as a typical case of an institution, which, by committing itself to fairly serve an account of common Union interests, secures its legitimacy through governments and citizens' trust to its workings.

However, the sense of trust that is implicit is that of civic consent to the ECB rather than an ongoing public monitoring of its workings, which may lead even to contest the ECB management. The latter possibility seems to be absent from the liberal constitutionalist account. This is politically infeasible for governments and citizens continuously check out – and often voice their concerns through the Eurogroup - the implications of monetary management on the objectives of economic and social policies.

The problem is that a regulatory institution, such as the ECB, commits itself to a very thin concept of democratic accountability (based on regular reports to the EP) claiming its vested discretion (grafted on the treaties) to avoid political influence on its mandate and workings. From the standpoint of the ECB, citizenship based on civic consent fits well with its mode of decision-making. However, the purposes of democratic governance are better served as far as effective vigilance remains a meaningful option.

In many respects, there is always a balance between civic trust and maintaining a governing institution's commitment to democratic accountability. If the latter decreases, the risk of political domination increases. Therefore,

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3 while a degree of civic trust is indispensable for the stability of public
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5 institutions, a degree of mistrust, in the sense of vigilance and contestation, is
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7 equally important for sustaining practices of democratic governance. In the
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9 case of the ECB, vigilance is being practiced through the regular reports and
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11 interviews of the ECB President to the responsible EP Committee.
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15 As a result, liberal contractualism may reinforce the constitutional
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17 elements of the Union constitutional design at the expense of the popular
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19 element. Moreover, the style of politics and citizenship it suggests seems to
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21 downplay participatory democracy. The dual symmetric model of citizenship
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23 based on trust seems to confine the scope for citizenship in the EU to
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25 consent, instead of opting for a more substantial way to increase legitimacy in
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27 the EU through a more active contribution of citizens to designating the
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29 institutions that would strengthen democratic control on policy coordination.
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36 37 38 **3. Responsive Citizenship**

39 In the following, I shall set out responsive citizenship as an alternative
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41 model of dual symmetric citizenship, which outlines a distinctive scope for
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43 citizenship in the EU.
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45 The main ideas that underpin responsive citizenship are the
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47 following:
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51 (a) Securing democratic legitimacy in the EU requires complementing
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53 procedural legitimacy with provisions for effective democratic
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55 participation and control in order to balance the ability of governing
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57 institutions to exercise their discretionary powers in an
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59 illegitimate/arbitrary way.
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(b) Citizens should play an authorial as well as an editorial role under forms of policy coordination in the EU. This entails enabling citizens having a stake at the stage of defining the common tasks and objectives of coordination at the Union level as well as at the stage of their implementation at the domestic level. Consent and contestation are equally meaningful practices for exercising responsive democratic citizenship.

Responsive citizenship is grounded upon a republican understanding of citizenship and deliberation. In recent works on republican thought,⁴⁶ it is argued that there is a distinct concept of liberty shared by neo-roman thinkers. This is the republican concept of freedom as non-domination. Domination is the condition in which someone has the capacity to interfere with another on an arbitrary basis in certain choices that the other is in a position to make.⁴⁷ Hence, what characterizes non-domination is the absence of arbitrary interference.

Citizens' capacity for undominated choice presupposes their discursive control over their own choices as well as their access to an environment in which the opportunities for the exercise of that capacity are optimal.⁴⁸ We need, therefore, some institutional guarantees that governing institutions *inter alia* take into account the common avowable interests of citizens⁴⁹, respect citizens' discursive control⁵⁰ and that the public may contest decisions at will.⁵¹ Contestability is a form of decision-making that entails reasoned deliberation on considerations from the full range of social perspectives. It constitutes what Pettit names the "contestatory form of democracy".⁵²

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3 Dryzek suggests the idea of discursive legitimacy, which involves
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5 contestation across discourses and requires collective outcomes be
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7 “responsive to the balance of competing discourses in the public sphere, to
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9 the extent that this balance is itself subject to dispersed and competent
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11 control”.⁵³
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15 As regards the connection between citizenship and deliberation, Pettit
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17 draws an interesting distinction between the authorial and editorial dimensions
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19 of democracy and citizenship.⁵⁴ First, citizens play an authoring role by which
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21 they “generate a rich supply of presumptive common-interest policies” (e.g.
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23 through elections). Second, citizens play an editorial role by which they
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25 “scrutinize and eliminate those candidate policies and those modes of policy-
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27 implementation that do not advance common avowable interests”.
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32 In sum, discursive control along with the authorial and editorial
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34 functions of democracy may be conceived as the main ideas guiding the
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36 model of responsive citizenship.
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39 One important aspect of the legitimacy deficit in the EU is that state
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41 executives, intergovernmental bodies and independent Union institutions have
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43 increased their discretion to exert a dominating influence on the policy
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45 coordination agenda and thereby, their ability to bypass effective democratic
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47 control.
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51 Responsive citizenship corresponds to the need for tackling that kind of
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53 legitimacy deficits and aims at upholding and reinforcing the commitment of
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55 competent national and Union institutions (executive, representative/elective,
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57 independent) to effective practices of transparent, accountable and
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59 deliberative modes of decision-making.
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The authorial and editorial roles of citizenship presuppose scrutinizing every step of policy-coordination in the EU from the definition of national interests, negotiations in intergovernmental bodies and their outcome up to the proper enactment of Community law and policies. It is a common place that powerful groups (e.g. industry associations) seek to exert a certain influence on Union policies or that domestic agents often seek to undermine the proper transposition of Union law (e.g. regarding environmental standards).

Citizens currently obtain some competences to react against these phenomena. Complaints to the Commission, petitions to the European Parliament and the European Ombudsman, appeals to national courts are some of these competences.

Responsive citizenship takes into account points of criticism raised against models of dual asymmetric citizenship. Governments cannot claim to represent exclusively their citizenry, as liberal nationalist and liberal intergovernmentalist views hold, for the latter may select alternative ways to voice its concerns and interests, as for instance over fiscal or environmental issues. In that regard, competences that drive from Union citizenship make sense as a means for putting pressure upon home governments for more effective governance and convergence towards some medium policy figures in the EU.

Moreover, securing the long-term social legitimacy of EMU tasks presupposes an ongoing political debate – contrary to those proclaiming the independence of regulatory Union institutions - about the outcomes and possible implications of policy mandates, such as price stability. Therefore,

civic involvement in Union affairs goes beyond the exercise of economic freedoms and includes support to the functioning of checks and balances that enhance accountability and control of regulatory and intergovernmental Union bodies.

Citizens do not restrict themselves to a permissive consensus stance, but are also eager to contest EMU tasks, if the pursuit of the latter has any side-effects on the viability of welfare policies in Europe. Moreover, the EU becomes important for acquiring new rights of social citizenship.

In sum, a plausible model of dual citizenship rests on a symmetry between rights and competencies acquired through national and EU legislation. Accordingly, citizens acquire more opportunities of action vis-à-vis the – national, intergovernmental and regulatory – executive bodies in order to respond against the emerging legitimacy deficits.

Conclusion

For those concerned with tackling democratic deficits in the EU, citizens' involvement in Union affairs, along with the exercise of economic freedoms, should extend to actively engaging in an ongoing deliberation about streamlining objectives in EMU and welfare objectives, reinforcing the functioning of checks-and-balances in the workings of competent institutions, counterbalancing the influence of powerful interests and preventing conditions of political domination or guardianship.

Certainly, some of the preconditions for the exercise of responsive citizenship already exist, such as rights to petitioning Union bodies and appeals to the courts regarding application of Community law. There are,

however, many other conditions to be met especially with regard to enhancing the contestatory power of ordinary citizens are important⁵⁵ and the functioning of ‘diffuse control mechanisms’ as a means for providing multiple access channels to decision-making and multiple control mechanisms of political authorities.⁵⁶

In general, the European public should maintain a considerable stake in policy deliberation in the EU. This is apparently considered by the governments and reflected at least from a rhetorical point of view in the new Treaty of Lisbon (TL).⁵⁷ In particular, art.8B TL mentions that “the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action”. This is also true with the right of initiative on behalf of at least one million citizens. It remains to be seen the extent to which institutional reforms will provide meaningful opportunities for civic responsiveness and thereby, the grounds for strengthening democratic governance in the EU.

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Notes

¹ Richard Bellamy ‘The ‘Right to Have Rights’: Citizenship Practice and the Political Constitution of the EU’ in Richard Bellamy and Alex Warleigh (eds)(2001) *Citizenship and Governance in the European Union*. London:Continuum. p.71.
² Dimitris Chrysoschoou (1998) *Democracy in the European Union*. London: Tauris. pp. 67-91.
³ Andreas Føllesdal “Union Citizenship: Unpacking the Beast of Burden” *Law and Philosophy*, 20:313-343.
⁴ Dora Kostakopoulou (2001) *Citizenship, Immigration and Identity in the European Union*. Manchester: Manchester University Press. p.75.
⁵ I shall include as theorists of liberal nationalism the following: Yael Tamir (1993) *Liberal Nationalism*. Princeton, Princeton Univeristy Press; David Miller (1995) *On Nationality*. Oxford: Clarendon;(2000) *Citizenship and National Identity*. Cambridge: Polity; Will Kymlicka (2001) *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Oxford: Oxford University Press; Richard Dagger (1997) *Civic Virtues: Rights, Citizenship and Republican Liberalism*. Oxford: Oxford University Press.
⁶ Miller 1995:190 n. 5

⁷ To give some evidence on this assumption, according to a recent Eurobarometer survey concerning the public opinion on the EU 27 58% of citizens support their country's membership in the EU, 58% think their country has benefited – compared to a 29% that think it has not –, 48% trust the EU, compared to 34% who trust their home government. Cf. European Commission, *Standard Eurobarometer 68*, Autumn 2007.

⁸ Andrew Moravcsik (1998) *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. London: UCL Press.

⁹ Moravcsik 1998 n.8.

¹⁰ Caitriona Carter and Andrew Scott (1998) 'Legitimacy and Governance Beyond the European Nation State: Conceptualising Governance in the European Union' *European Law Journal*, 4(4):429-445.

¹¹ Andrew Moravcsik (2002) 'In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union', *Journal of Common Market Studies*, 40(4):603-24.

¹² Giandomenico Majone (ed)(1996) *Regulating Europe*. London: Routledge.

¹³ Giandomenico Majone 'The Politics of Regulation and European Regulatory Institutions' in Jack Hayward and Anand Menon (eds) (2003) *Governing Europe*, Oxford: Oxford University Press. pp.297-313

¹⁴ Tsoukalis argues that "EMU is compatible with the strong tradition of elitism and depoliticization in European integration. The key decisions were taken at the very top behind closed doors, the texts were drafted by central bankers and diplomats making of the ECB a fortress for the *cognoscenti*". (Loukas Tsoukalis "Monetary Policy and the Euro" in Jack Hayward and Anand Menon (2003)(eds) *Governing Europe*.Oxford:Oxford University Press:p.157.)

¹⁵ As Habermas notes "economy and administration tend to cut themselves off from their environments and obey only their internal imperatives of money and power". (Jürgen Habermas: *Citizenship and National Identity: Some Reflections on the Future of Europe* in Ronald Beiner (ed)(1995) *Theorizing Citizenship*, Albany: State University of New York Press.p.269

¹⁶ Robert Dahl (2000) *On Democracy*. New Haven: Yale University Press.pp.75-78

¹⁷ Michelle Everson "The Legacy of the Market Citizen" in J. Shaw and G. More (eds)(1995) *New Legal Dynamics of European Union*, Oxford:Clarendon. pp. 73-89

¹⁸ Tony Downes "Market Citizenship: Functionalism and Fig-leaves" in Richard Bellamy and Alex Warleigh (eds) (2001) *Citizenship and Governance in the European Union*. London: Continuum.

¹⁹ Jürgen Habermas (2001) "Why Europe Needs a Constitution?" *New Left Review* 11:8-14.

²⁰ Kenneth Dyson (2000) *The Politics of the Euro-zone*. London:Blackwell.p.214.

²¹ Dermut Hodson and Imelda Maher (2002) "Economic and Monetary Union: Balancing Credibility and Legitimacy in an Asymmetric Policy-Mix" *Journal of European Public Policy*, 9(3):391-407.pp.:400-1.A similar argument is developed by Mario Telò and Paul Magnette "Justice and Solidarity" in Furio Cerutti and Enno Rudolph (2001) *A Soul for Europe*. Peeters, vol. 1, p. 51.

²² T. Atkinson (2002) "Social Inclusion and the European Union" *Journal of Common Market Studies*, 40(4):625-43.p.640.

²³ Martin Rhodes "Why EMU is-or may be-good for European Welfare States?" in Kenneth Dyson (ed)(2002) *European States and the Euro*. Oxford:Oxford University Press. pp.:321-33. The argument that economic integration contributed to the economic rescue of the nation state has already been made by A.Milward and V.Sorensen "Interdependence or Integration? A National Choice" in A. Milward et. al.(eds) (1993) *The Frontier of National Sovereignty: History and Theory 1945-1992*. London: Routledge.p.42. As Dyson argues, an alternative to the fragile technocratic conception of legitimacy is possible, if an emphasis is placed on the relevance of EMU to the aims of the welfare state, so that its legitimacy will depend on its ability "to demonstrate that it operates in a way that protects and enables the states' role in promoting social welfare and solidarity [which] involves contesting the most obviously undesirable developments in these policy areas by seeking to influence outcomes for the sake of social equity. (Dyson 2000: 228 n.20).

²⁴ Elizabeth Meehan "Political Pluralism and European Citizenship" in Percy Lehning and Albert Weale (eds)(1997) *Citizenship, Democracy and Justice in the New Europe*. London: Routledge.p.75.

- ²⁵ T.H.Marshall (1950) *Citizenship and Social Class and Other Essays*. Cambridge: Cambridge University Press.
- ²⁶ John Rawls (1993) *Political Liberalism*. New York: Columbia University Press.pp.307-8.
- ²⁷ Philippe Van Parijs "Basic Income and the political economy of the new Europe" in Lehning and Weale (1997)p.166 n.24.
- ²⁸ Philippe Schmitter and Michael Bauer (2001) "A (Modest) Proposal for Expanding Social Citizenship in the European Union" *Journal of European Social Policy*, 11(1):55-65.
- ²⁹ Thomas Faist (2001) "Social Citizenship in the European Union: Nested Membership" *Journal of Common Market Studies*, 39(1):37-58.p.46-7.
- ³⁰ Habermas suggests that "the perceived transnational overlap of parallel interests would give rise to cross-boundary networks and a properly European party system, displacing territorial by functional principles of organization" (Habermas 2001: 17 n.19).
- ³¹ Brian Barry "Social Exclusion, Social Isolation, and the Distribution of Income" in Hills J., Le Grand J. and Piachaud D. (eds) (2002) *Understanding Social Exclusion*. Oxford: Oxford University Press.
- ³² Kostakopoulou 2001: 69. n.4
- ³³ *Ibid.* p.75.
- ³⁴ Carlos Closa Montero (1998) "Supranational Citizenship and Democracy: Normative and Empirical Dimensions" in Massimo La Torre (ed) *European Citizenship: An Institutional Challenge*. The Hague: Kluwer.p.429.
- ³⁵ Chris Lord (1998) *Democracy in the European Union*. Sheffield: Sheffield Academic Press.p.123.
- ³⁶ Carlos Closa Montero (2001)"Between EU Constitution and Individuals' Self: European Citizenship" *Law and Philosophy* 20:345-371.p:367.
- ³⁷ Bellamy and Warleigh 2001: 459 n.1.
- ³⁸ Habermas suggests that "one's own national tradition will, in each case have to be appropriated in such a manner that it is related to and relativized by the vantage points of the other national cultures" (Habermas 1995:264) and also, stresses that "the historical background should ease the transition to a post-national democracy based on the mutual recognition of the differences between strong and proud national cultures" (Habermas 2001:21).
- ³⁹ He argues that "differentiation could occur in a European culture between a common *political* culture and the branching *national* traditions of art and literature, historiography, philosophy and so forth" (Habermas 1995:271 n.15).
- ⁴⁰ Habermas 2001: 15-16 n.19.
- ⁴¹ Defined as "a network that gives citizens of all member states an equal opportunity to take part in an encompassing process of focused political communication" (Habermas 2001: 17 n.19).
- ⁴² Habermas 2001:18 n.19.
- ⁴³ Føllesdal 2001: 315 n.3.
- ⁴⁴ *Ibid.* p.317.
- ⁴⁵ *Ibid.* p.329.
- ⁴⁶ Quentin Skinner 'The Republican Ideal of Political Liberty' in Gisela Bock, Quentin Skinner and Maurizio Viroli (eds)(1990) *Machiavelli and Republicanism*. Cambridge: Cambridge University Press; Quentin Skinner 'On Justice, the Common Good and the Priority of Liberty' in Chantal Mouffe (ed) (1992) *Dimensions of Radical Democracy:Pluralism, Citizenship, Community*. London:Verso; Quentin Skinner (1998) *Liberty Before Liberalism* Cambridge:Cambridge University Press; (1997) *Republicanism*. Oxford:Oxford University Press; Philippe Pettit (1993) 'Liberalism and Republicanism', *Australian Journal of Political Science*, 28:162-189. Philippe Pettit (2001) *A Theory of Freedom: From the Psychology to the Politics of Agency*. Cambridge: Polity Press..
- ⁴⁷ Pettit 1997:52 n.46.
- ⁴⁸ Pettit 2001: 143-150 n.46.
- ⁴⁹ Pettit 2001: 156 n.46.
- ⁵⁰ *Ibid.* p.139 n.46.
- ⁵¹ Pettit 1997:186 n.46.
- ⁵² Pettit argues that this is "a democracy that follows deliberative patterns of decision-making, that includes all the major voices of difference within the community, and that responds

appropriately to the contestations raised against it". *Ibid.* p.190. In that sense, contestability embodies both the provisions for non-manipulative as well as inclusive laws.

⁵³ John Dryzek (2001) "Legitimacy and Economy in Deliberative Democracy", *Political Theory*, 29:5:651-669. p.652. Dryzek stresses the communicative power of transnational civil society in terms of establishing deliberative democratic control over the terms of political discourse and the operation of governance in the international system. John Dryzek (1999) "Transnational Democracy", *Journal of Political Philosophy* 7(1):30-51.

⁵⁴ Pettit 2001:pp.160-165 n.46.

⁵⁵ Bellamy 2001:29 in Bellamy and Warleigh 2001 n.1.

⁵⁶ Olivier Costa, Nicolas Jabko, Christian Lequesne and Paul Magnette (2003) "Introduction: Diffuse Control Mechanisms in the European Union: Towards a New Democracy?" *Journal of European Public Policy*, 10(5): 666–676.pp.668-669.

⁵⁷ Conference of the Representatives of the Governments of the Member States, *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*, Brussels: 3 December 2007.