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Published in the Russian Federation  
Russian Journal of Political Studies  
Has been issued since 2015.  
ISSN: 2410-910X  
E-ISSN: 2413-7537  
Vol. 3, Is. 1, pp. 9-17, 2016

DOI: 10.13187/rjps.2016.3.9  
[www.ejournal31.com](http://www.ejournal31.com)



UDC 327

## **The Limitations of Post-National Citizenship. The Case of European Union**

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### **Abstract**

This paper takes a critical look towards burgeoning studies of post-national citizenship. Contrary to the spreading optimism that post-national citizenship might complement or even supersede national citizenship, this paper argues that such hopes were premature and misleading, based on the idealist understanding of the world and ignoring the contemporary realities. Taking the EU as an example, practical and ideological problems and difficulties are identified which highlight concrete limitations of post-national citizenship.

**Keywords:** post-national citizenship, the EU, migration crisis, democratic deficit.

### **Introduction**

There is no escaping the fact that citizenship has been traditionally associated with the nation-state which was the one to define the main duties and rights of fellow citizens. However, unprecedented level of globalization which came up to existence at the end of the 20<sup>th</sup> and the beginning of the 21<sup>st</sup> centuries put the notion of the state as the sole organizer of political and economic life into question. Increasingly neo-liberal policies characterized by deregulation, structural adjustment and privatization marked the rise of power of transnational corporations which were said to challenge the authority of the state. Seeing this process coupled with unseen flows of migration, either refugees or economic migrants, there was a tendency to look more critically to the citizenship studies and to disassociate the citizenship from territorially defined entity. As a result, the notions of cosmopolitan and post-national citizenship emerged which presuppose responsibilities and moral duties not only to the fellow citizens, but also to the humanity as a whole. The integration of Europe most explicitly exemplified by the creation of European Union (EU) brought some weight and optimism to such claims. Coming up to encompass 28 nation states and expand its authority and prerogatives in the increasing number of spheres, the EU also asserts its ambitions to develop first post-national citizenship. It even started to be viewed as a potential successor of that of member states. This notion was based on the hopes to develop common European identity which would include cultural values and political symbols that would have the power to 'supersede the national identities of citizens' [1]. This article, however, argues that such hopes were premature and misleading, based on idealist understanding of the world and ignoring the contemporary realities. Despite the fact that the EU was able to formulate common

policies and approaches in certain areas, when member states have clear national interests, they prefer to opt-out from EU framework.

Current migration crisis beyond any doubt is one of the biggest tests to European unity as well as to its post-national regime. Disagreements and inability to reach a consensus indicates that nation-states have not lost the power to manage its citizenship as well as migration policies yet. At the same time, the problem of democratic deficit continues to prevent the development of the EU as the main legitimate political system which would supersede nation states. The main question of this paper is therefore, why the EU comes up short to develop a truly post-national citizenship? This question is important because it is aimed to reveal the complexities involved in creating post-national citizenship and highlight its limitations.

The research will be based on analytical and descriptive approach by critically engaging to the existing literature on citizenship in general and post-colonial citizenship in particular as well as the main challenges that the EU faces at the moment. The work of Richard Bellamy will be indispensable to this study because he provides a thorough analysis of the EU citizenship from different angles and highlights concrete limitations of it [2]. Rainer Baubock and Virginie Guiraudon challenge traditional notion of citizenship as bounded to nation state and interrogate contemporary realignments of citizenship [3]. Ulrich Preuss et al analyse how the development of EU citizenship affects citizenship at the nation state level and their mutual relation [4]. The paper will also use other scientific articles which deal with post-national and EU citizenship. Finally, media reports will be used to highlight the relevance of current migration crisis to the EU citizenship.

The paper will be divided into fourth parts. First part will engage into analysis of post-national citizenship as well as the EU integration process which is widely regarded as the development of the first post-national political system in the world. Second part will be aimed to discuss selected contemporary issues that the EU is facing related to the construction of post-national citizenship. Third part will analyse the difficulties and the reasons which prevent EU from developing a real post-national citizenship, hence the limitations of post-national approach. Final part will present the main findings of the paper and concluding remarks.

### **Post-national citizenship and European Integration**

Changing political and social circumstances fuelled by globalization and migration processes started to challenge the traditional notion of citizenship as a 'status of equal membership within a bounded polity' [5]. Meaning that in the traditional notion, citizenship makes no sense and does not have an explicit substance without clearly defined territoriality, sovereignty and shared nationality [6]. However, recent developments put the hegemony of nation-state into question, especially in the context of emerging other concepts of citizenship, such as post-national, urban, European and cosmopolitan, to name but a few. There is no escaping the fact that the debates on post-national as well as other forms of citizenship were primarily encouraged by the European integration process, especially during the last two decades of the 20<sup>th</sup> century when the EU started to move towards more coherent political entity. According to Rainer Baubock and Virginie Guiraudon, the European Union has become a laboratory for differentiated citizenship [7].

Post-national citizenship as such is characterized by the search of belonging to spheres other than nation-state. It emphasizes the shift of identity and civic rights and obligations which would not be related with territory, sovereignty and membership in particular political community. Yasmin Soysal suggests that 'in response to transformations affecting contemporary politics, economics and institutions of the nation-state system, new forms of citizenship, belonging and claims have emerged' [8]. Meaning that people can seek representation, which would not be defined by their nationality. As Michael Murphy and Siobhan Harty argues that post-nationalists and cosmopolitans support that people's main identity and allegiance should be to humanity as a whole instead of particular groupings defined by language, ethnicity and nationality [9]. There is also a strong emphasis on civic and social rights of individuals which derive from international law and have a capacity to overcome constraints imposed by the nation-state. Consistently, a post-national model of citizenship arises as migrants assume their rights based on universal personhood instead of national citizenship. In the words of Ulrich k. Preuss et al.: 'European integration, however represents a challenge for the privileged link between stateness and citizenship...' [10]. Indeed, some academics as well as policy makers do not consider nation-state to be a model for the

EU and see the EU citizenship as a possibility to move outside traditional framework of citizenship which can be found in the member states [11]. As a matter of fact, the EU is comprised of 28 member states which are quite different in terms of geographical extension, size of population, economic strength, foreign policy interests as well as religious orientations [12]. Hence, there is a tendency to associate European idea with multiculturalism and post-national activism which would be based on universal human rights. Living in an increasingly globalized and interconnected world, post-national and cosmopolitan stance based on 'more Europe' is considered as the main solution to variety of problems that Europe is facing [13]. Global pressures such as immigration are changing the nature of belonging and contesting the capabilities of states to maintain the monopoly of social goods on which citizen's rights depend. It is noted that these processes might encourage new forms of participation which would encompass not only greater social and cultural diversity but also transnational interests and concerns [14]. As a result, the EU is generally depicted as an answer to this situation and the development of Union's citizenship as having a potential to overcome the drawbacks of state-centered citizenship [15]. Therefore, European integration is considered to offer a progressive counter to the evils of nation state such as various exclusions (for instance on the basis of race and religion).

However, one has to be more critical here and do not follow the tendencies of optimism blindly. Since the establishment of formal citizenship of the Union (Maastricht Treaty) in 1992, it guarantees the freedom to move and reside in any country of the Union; the right to vote and be elected in the local elections as well as European Parliament elections in the country of residence; the right to diplomatic and consular protection of any member state; petition to European Parliament; the right to apply to the Ombudsman [16]. However, those rights come up short to encompass what is known as 'more active concept of citizenship' [17]. Even the introduction of European Citizen's initiative by Lisbon Treaty to enable citizens to lobby the Commission for new directions has not resulted into tangible breakthroughs. Therefore, citizenship of the EU suffers from the rules which determine its extension outside the legislative process of the EU [18]. Meaning that EU citizenship rights cannot be separated from a citizenship of a member state [19]. This situation reveals that instead of being the source of separate source of goods, the citizenship of the EU is completely dependent on belonging to member state. Moreover, even the technical rights such as freedom of movements are not granted without any constraints, but are based on citizens' ability to support themselves or take part in the economic life of the state where they reside. At the same time, the right to vote and be elected in local and European elections but not in national ones in the words of Maarten P. Vink 'clearly undermines the traditional prerogative of national citizens to elect representatives and legislative bodies' [20]. According Richard Bellamy, this leads to the situation that 'far from being either tied to and promotive of any sense of Europeanness and transfer of key functions and rights to the EU level, or transcending the whole language of national belonging and participation, Union citizenship re-affirms the linkage between belonging, rights and participation within the member states' [21]. As such it might facilitate closer interaction between citizens of different member states and enhance their economic opportunities, but comes up short to encourage a sense of belonging to the EU itself [22]. Even symbolic measures such as the introduction of European passport, anthem and flag did little to shift national identities and sense of belonging from nation state to Union as a whole (this will be elaborated more in the second chapter).

Finally, it is also worth to mention that even though common migration and asylum policies were part of EU integration goals, little progress have been made in these spheres. Schengen Agreement (aimed to abolish internal borders and strengthen external) and Dublin Convention (developed to manage illegal migration and asylum matters) both signed in 1990 were the main frameworks to achieve these goals. Despite the fact that cooperation in borders' management as well as migration and asylum policies were formalized at the EU level, Commission's influence remains weak compared to the member states [23]. Hence, the limited impact that EU integration has on national citizenship is an outcome of unwillingness of member states to give up significant features of the nation-state [24]. Indeed, Peo Hansen argues that because migration policy is so closely related to the essence and logic of sovereign nation-state, this field is always seen as a very sensitive issue for national governments and certainly not the one in which governments will easily shift their powers towards supranational entity [25]. Meaning that member states cooperates on migration and asylum matters as long as those issues are considered to be more effectively

addressed at the supranational level. If governments see that supranational level is not advancing their national interests, they choose to opt-out.

To sum up, the integration of EU is generally portrayed as the development of post-national regime and citizenship. However, closer examination reveals that the influence of member states have not decreased in the spheres which are essential for their sovereignty. Its citizenship at the same time is directly dependent from belonging to member states and hence is characterized by its complementary character. Challenges that the EU faces as a political entity are not contributing to the formation of post-national Europe.

### **Challenges for EU Post-National Citizenship**

The EU faces many challenges ranging from slow recovery to economic crisis, to ageing population, to security concerns related to Russia's aggressive actions in Ukraine. What is important for this paper, however, is migration crisis as well as what EU critics call democratic deficit and lack of identity. This is because these issues are the most related with the phenomenon of EU citizenship and can be dissociated from technical measures such as economic management (which are less relevant for our purposes here). Hence, the brief presentation of each of these issues is in order.

#### *Migration crisis*

There is no escaping the fact that the EU currently faces the biggest migration crisis throughout its history. Only this year alone close to 1 million people are estimated to have arrived by sea [26]. Even though influx of migrants outside the EU is not something new, such numbers complemented by images of drowning boats and people in the sea add a whole new dimension and illustrates the complexity of the problem. Most of migrants are from Syria fleeing the brutal regime and the atrocities of Islamic State. Some of them are from countries which are characterized by political violence and lack of stability, namely Afghanistan, Iraq and Eritrea, but no one can deny the fact that there are also economic migrants who try to take an advantage of current chaos. Mediterranean countries such as Greece and Italy experience a disproportionate burden due to their geopolitical location. These two countries, however, are not the main destination for migrants, majority of whom wants to settle in even higher living standard countries.

The EU so far has not shown a common responsibility in dealing with migration crisis and its response was largely uncoordinated. Germany and Sweden are taking the largest burden while other member states only agree to contribute modestly. The allocation of refugee quotas by the Commission to ensure that every country share the burden was met with resistance by the UK, Denmark, Slovakia, Hungary, Czech Republic and Poland which announce that they will not take part in quota system. Moreover, migration crisis highlighted other phenomenon—the rise of popularity of far-right nationalist parties. But far right parties are not the only ones which tend to securitize and marginalize migrants. This process has encompassed various actors, for instance, media, grass-roots, national governments and transnational police networks [27]. At the same time, the crisis was met with increasing security measures, such as strengthening the control of external borders and reintroducing internal border-checks. Despite the fact that the EU devoted many efforts to harmonize its asylum policies, it is obvious that this has not been achieved yet and is unlikely to happen in the future, bearing in mind that 28 member states have different interests, concerns and integration systems. It is estimated that migration flows to Europe are not going to decrease in the nearest future, therefore the issue of migration will continue to occupy EU political agenda but will hardly contribute in making EU migration and asylum policy unattached from member states.

#### *Democratic Deficit*

Since Ancient Greek times citizenship was closely associated with the ability to participate in public affairs. This continues to be one of the most important virtues of citizenship. Therefore, it is obvious that in order to realize the full potential of citizenship, democracy is crucial. Even in cosmopolitan or transnational approach, democracy is a key to the successful implementation of the citizenship. According to Andrew Linklater's dialogic approach, (which he suggests is the one to achieve cosmopolitan citizenship) there should be 'communication communities' in which the vulnerable can contest the ways in which they are treated [28]. Meaning that this approach is in favor of establishment of a realm of concrete transnational rights and duties which would enable to

bring aliens and citizens together as co-legislators. However, the EU is far away from this noble goal, especially when to European citizens the participation in politics is also limited.

It is not uncommon to hear the EU being criticized as facing the problem of democratic deficit. There can be no denying that the EU is elite project to achieve economic integration and in a way it is out of touch for regular Europeans. As such, it lacks democratic legitimacy because legislative rights are transferred from nation states to EU institutions excluding the constituencies affected. Consistently, the turnout of European Parliament elections is usually low and the issues discussed during the campaign tend to be national. Very few people use the right to vote or be elected in local and European elections in a member state (where they reside) other than their country of origin. As a result, the democratic legitimacy of the EU is limited and leads to the situation where most citizens are satisfied with national democracy, while at the same time having reservations on the EU [29]. Even though the issues (market building, economic regulation) where the EU has the biggest authority are not considered to be sensitive, the absence of European public sphere and opinion significantly reduces indirect democratic control and influence enjoyed at the national level [30]. The introduction of European citizenship in Maastricht Treaty barely minimizes the democratic deficit it was aimed to address. The problem of democratic deficit which affects the phenomenon of EU citizenship is probably best summarized by Richard Bellamy: 'For EU rights to be rights of citizenship, citizens need to have a say in defining their sphere, subjects, styles and scope and resolving the many difference they have about all these' [31].

#### *Lack of European identity*

Besides the ability to participate in public affairs, citizenship is also characterized by providing the sense of belonging and membership in a particular political community. Meaning that citizens should be able to identify themselves with that political community and their fellow citizens. There can be no denying that European integration has a particular ideology of European identity, however it is more determined by the political pressure rather than real identity [32]. In the EU sense of belonging tends to be low with the majority of citizens identifying themselves with their respective countries. As mentioned above, there are objective factors for it. The EU is a block of 28 member states which are diverse in terms of history, culture and language. Furthermore, the EU itself is in an identity crisis. On the one hand, it is obvious that the project has not been fully realized yet. On the other, however, there are no clear borders or limits to determine where Europe ends up with the possibility of further enlargement and hence even more diverse Europe. Copenhagen criteria for EU membership do not add to clarity by stating that 'any European country' shall apply for membership [33]. The ambiguity of this phrasing is indicated by Turkey's accession process which is seen as belonging to Europe by some member states but not the others.

Although, the symbolic measures such as European anthem, flag and passport were aimed to increase the legitimacy of the EU and promote a sense of identification and attachment which exists at nation state level, this certainly has not been achieved. So far, there was very little transfer of sense of belonging from nation state to the EU. The organization is rather useful as an instrument to preserve existing spheres of belonging and facilitating the relations in mutually beneficial manner [34]. Meaning that relations among states are conducted in an atmosphere of trust but failing to transform into what can be compared to internal politics in the member states. Once again, it is worth to mention that the EU is an elite project and even though it managed to bring prosperity, economic integration and more career opportunities, its benefits are not felt equally by all citizens. It is not a secret that it is young, skillful and mobile who are taking the biggest advantage of this project. This is pretty much in line with Francis Fukuyama, who argues that 'despite the progress that has been made in forging a strong European Union, European identity remains something that comes from the head rather than the heart. While there is thin layer of mobile, cosmopolitan Europeans, few think of themselves as generic Europeans or swell with pride at the playing of the European anthem' [35]. Indeed, if identity is achieved and constructed through participation in civic life and creation of the future together instead of static relation between the state and its inhabitants, it is clear that more should be done to encourage active citizenship of the EU [36].

At the same time, the benefits of construction of European identity can also be questioned. It is not unusual for groups, to build up an identity by creating the 'other' and contrasting themselves with it. Therefore, it is likely that Muslim immigrants might serve as the 'other' because of their supposedly different culture, religion and history which have not been touched by

enlightenment project. There can be no denying that discourses depicting migration as a cultural and identity challenge to social and political integration are now an important instrument in mobilizing security rhetoric and institutions [37]. There is a tendency to exclude particular groups of people such as Muslims, depicting them as a danger for cultural reasons and safety [38]. As a result, European identity constructed by contrasting itself to Islam would remind little the values and virtues of cosmopolitan and post-national citizenship.

### **Lack of Post-Nationalism in the EU Citizenship**

There is no escaping the fact that European integration fostered the creation of modern political body which would be better prepared and equipped to meet the challenges that contemporary world produces. Globalization and interconnectedness as well as their outcomes such as massive migrant flows revealed the limitations of nation states in the current world order. There can be no denying that Europe is the most integrated region in the world, far surpassing other regions. European integration also encouraged (as was seen in the previous chapter) the decision makers to address the issue of democratic deficit by cultivating stronger European identity [39]. On the other hand, the EU has not evolved into post-national structure and form despite many liberal hopes and promises. While cosmopolitans and advocates of post-national citizenship have strong moral arguments, there is no consensus how this could be achieved. While Europe in general and the EU in particular continue to praise itself as a soft and moral power, it is obvious that the rhetoric is not always matched by the actions. As Jef Huysmans argues: 'The explicit privileging of nationals of Member States in contrast to third-country nationals and the generally restrictive regulation of migration sustains a wider process of de-legitimizing the presence of immigrants, asylum-seekers and refugees' [40]. So far European citizenship serves and protects the rights of nationals of member states, excluding non-citizen residents in the EU member states. As a result, those supposedly post-national rights are accessible only to the particular groups, therefore proponents of post-nationalism exaggerates the benefits of this very approach and the number of people who actually enjoy them [41]. Conceptual approaches aside, the introduction of the EU citizenship put second and third generation migrants into marginalized position, without full membership into community and created 'enclaves of disaffected communities' [42]. This happened precisely because not all member states were willing to provide long term residents with their citizenship and as a result stripped those migrants from the EU citizenship.

Current migration crisis is one of those events which explicitly demonstrate the limitations of post-national citizenship. Lithuanian minister of Foreign Affairs Linas Linkevicius has stressed that the living standards in developed European countries are 40 times higher than in some countries in North Africa [43]. According to him, Europe cannot host all population of North Africa and it is imperative to manage the flows of migration [44]. It is obvious that Europe's infrastructure and public institutions would collapse if all migrants who want to enter Europe are accepted. Many national politicians stressed that first of all they have the responsibility for their own people and as a result cannot care and assist to what they call 'bogus' asylum seekers [45]. Therefore, there can be no denying that politization and later securitization of migration have undermined cosmopolitan and multicultural character of the EU. Conservative politicians in European states which receive many migrants fear that multiple identities and allegiances might hinder the integration of migrants and erode existing national identity [46]. Indeed, national identities in Europe in comparison, for instance, with those in the US continue to be defined by soil and blood and mainly accessible only to ethnic groups who initially populated the country [47]. Therefore, the integration of the EU and development of this organization into entity which reminds political system has not lead to disappearance of national identities. On the contrary, national identities remain to be understood in a manner that makes it inaccessible to migrants with different ethnicity and religious beliefs [48]. This reminds the processes of exclusion that helped the creation and strengthening of nation state. The same logic is now applied to post-national bodies with the EU being the most obvious example.

Hence, it would be premature to celebrate the EU citizenship as truly post-national form of citizen since the nationality of member state continues to be the requirement for it [49]. Moreover, current trends in the EU shows that member states are not satisfied with the situation when technocrats in Brussels are influencing their migration, social and welfare policies. The UK threatens to leave the EU if the Union does not consent to its requirements for more autonomy in

the above mentioned matters. Radical far right parties are attracting more support and are able to make their voice heard and influence political process. In the same vein, multicultural societies continue to face many challenges which are well indicated by urban riots caused by marginalized and unsatisfied youth migrants. Therefore, majority of member states want to hold significant powers in sensitive and pragmatic matters, related to migration, border welfare and social security and are reluctant to rely on Brussels control and imposed policies. These pragmatic matters are likely to define the future of citizenship in the EU and its separate member states instead of abstract and ideal values and promises of post-national approach.

Finally, bearing in mind that no other region in the world came up close to the level of integration that Europe has been able to reach, it is obvious that the implementation and effective functioning of post-national citizenship is not something that can be achieved and realized easily. Post-national citizenship as such might be useful as a conceptual tool to analyse and grasp some trends and contemporary events but does not represent the concrete policies yet.

### **Conclusion**

Post-national approach to citizenship studies emerged as a powerful tool to grasp contemporary challenges, processes and events that globalized and interconnected world produces. European integration and the development of the EU into political system provided hopes that post-national approach might not be useful only as a conceptual tool, but also implemented as a concrete policy. However, closer examination of European citizenship highlights concrete limitations of post-national citizenship as a feasible policy.

The EU has not become a federal system and continues to be a platform which fits to represent the interests of 28 member states. When national interests are best addressed at the supranational level, member states actively support working through the EU framework. However, when their interests and concerns cannot be successfully and efficiently addressed through the EU, member states prefer to opt out. The institution of European citizenship so far serves to protect the rights of EU member states nationals. It does not encompass third country residents or immigrants and therefore excludes them from political, economic and social participation on equal footing with European citizens.

Current migration crisis which was met by fortifying their borders by European states, shows that international solidarity to fellow human beings from other parts of the globe is not a priority for EU member states, hence undermining the main premise of post-national citizenship. Member states show little signs of consensus, a situation that indicates limited influence the EU has to sensitive issues related to countries' sovereignty.

On the more deeper level, European citizenship is not something that is fully enjoyed even by the nationals of EU member states. Democratic deficit and European identity crisis prevents the majority of Europeans from identifying themselves with Europe and actively participating in politics on European level. Therefore, European citizenship can only be characterized by its complementary character but coming short to supersede the citizenship of different member states. Therefore, it would be premature to celebrate European integration and its citizenship as the first truly post-national citizenship. Bearing in mind that no other region in the world has managed to achieve the level of integration similar to that of Europe so far, it is obvious that post-national citizenship remains an attractive conceptual tool, however without little relevance in the practice.

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