

**EUROPEAN UNION CITIZENSHIP: NEW RIGHTS FOR WHOM?**

R. Amy Elman  
Kalamazoo College, MI

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In 1992, the architects of European integration unfurled the banner of European citizenship. Faced with growing economic uncertainty, Europe's leaders rely increasingly on affective strategies to grant greater legitimacy to the new, liberal economic order. As Brigid Laffan explains, "Economic integration bore the burden of building a polity" (1996, 92). Historically, the definitive attributes of any polity are three-fold: territory, sovereignty, and citizenship. In the context of the EU, much attention has been focused on sovereignty (e.g., subsidiarity) and the expansion of territory (through extended membership); by comparison, EU citizenship is a relatively recent concern, its establishment dating only from Maastricht. This article explores briefly the meaning of such citizenship for those who have historically been excluded from state construction and transnational bargaining, principally the women of Europe. The central argument is that the concept of European citizenship is decidedly ambiguous and its application inspires ambivalence, particularly for progressives and feminists. This article explores the reasons why this is the case.

### **Historical Precedents**

Citizenship has always entailed both privilege and exclusion, affording benefits to those who possess it and legitimizing discrimination (and even destruction) against those who lacked it.

In The Origins Of Totalitarianism, Hannah Arendt reminds us that, as stateless persons, Europe's Jews were among the first in the twentieth century to experience unrestricted police domination.<sup>1</sup> For Arendt, "only nationals could be citizens, only people of the same national origin could enjoy the full protection of legal institutions" (1979, 275).

While Arendt attributes (Jewish) genocide to statelessness, anarchists argue that states provide a nationalistic impetus to celebrate crimes against humanity as heroic deeds. For Emma Goldman "the State is itself the greatest criminal" (1969, 59). From this vantage point, one cannot transcend the crimes of states by either creating new ones or conferring its particularized privileges. Like Arendt, Virginia Woolf witnessed some of the horrors associated with the rise of fascism. However, she seems to part company with her contemporary by sharing the state skepticism of her anarchist predecessor, Goldman. Reflecting on Britain's patriotic appeals to defeat fascism, Woolf renounces (her) national identity. She refuses to regard British patriarchy as a bastion against fascism and insists she has no country because, like so many others, she has been excluded from its construction. More importantly, she insists, "As a woman I want

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<sup>1</sup>A clear understanding of statelessness contributes to the recognition that the demand for citizenship rights is no trivial claim (Elman 1989). Common caricatures of women's suffrage movements as bourgeois and frivolous are, thus, ill-informed if not malevolent.

no country. As a woman my country is the whole world" (1966, 109, my emphasis). Ironically, the appeal of a united Europe is, in part, predicated upon partial sympathy for this rather radical sentiment. Although the male architects of Europe were loathe to abandon their states, they wished to establish a relatively larger and more inclusive identity -- theirs was regional. Woolf, by contrast, identified herself as a citizen of the world until, through suicide, she chose to leave it.

For many who survived the Second World War, a united Europe promised the transcendence of those national rivalries and parochial loyalties that helped make the horrors of that period possible. Indeed, the Preamble to the Treaty of Paris explicitly calls upon its members "to substitute for age-old rivalries the merging of their essential interests" and "create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts." It was assumed that the eventual prosperity, prompted by a cohesive economic community, would diminish dissension of all kinds. This presumption faltered for a number of reasons, not the least of which concerns the chronic unemployment within these capitalist states; the collapse of communism in Eastern Europe; and the renewed assertion of national identities throughout the continent.

With diminished influence and affluence, Europe's political actors came to appreciate that "An emphasis only on the material

benefits of integration will not guarantee continued commitment to the process" (Laffan 1996, 95). They, thus, set anchor in the sentiments of prestige and solidarity. European emblems (e.g., European flags, passports, and feasts), democratic rhetoric, and European citizenship were designed to inspire such commitment. Citizenship emerged as one of the most recent and ambiguous of these devices.

According to the European Commission, the "purpose" of European citizenship is "to deepen European citizens' sense of belonging to the European Union and make that sense more tangible by conferring on them the rights associated with it" (1995, 21). However, the most novel application of this "right" is the ability of any (Member State) citizen to vote outside of one's own Member State in local and European parliamentary elections.<sup>2</sup>

Apart from the opportunity to vote (exercised every five years), and a recent Social Action Program (1991-1995) designed to encourage women's entrance into politics, the EU has encouraged only market-oriented participation. Moreover, as Patrick R.

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<sup>2</sup>This privilege was first proposed nearly two decades before it was established throughout the EU. With an eye toward its first election by direct suffrage (in 1979), the European parliament issued a report in 1975 that called for the extension of political rights to migrants from Member States. Five years later (in 1980), the Commission insisted that local voting rights be extended to immigrants meeting certain residence requirements. Several states (e.g., Denmark, the Netherlands, and Ireland) needed little coaxing as they granted similar rights already. Thus, prior to Maastricht, several "EC migrants and their families gradually came to receive close to the same treatment as nationals throughout the Community" (Ireland 1995, 238).

Ireland points out "Geographical mobility accrued to nationals of the member states not on the basis of their citizenship status but when they traveled as workers, for economic reasons" (1995, 237).

In general, Europeans have long been engaged as consumers and workers, not as active citizens (Laffan 1996, 94).

Efforts to improve the democratic accountability of the European Union were considered, often behind closed doors, at the 1996 Intergovernmental Conference (IGC). Having restricted access to these discussions, the European Commission insists that "ordinary people must feel actively involved" (1996, 9, my emphasis). Writing for Women Of Europe, Michel de Meulenaere exposes the absurdity of this "grandiose paradox." With barely 15% of all Europeans even knowing about the IGC, he notes that the incessant chatter of "giving people a voice" is disingenuous (May 1996, 2). For Meulenaere, the Commission's claims of a democratized Europe fail to mask its insincerity. Nonetheless, the subterfuge persists. A draft agenda, composed exclusively by men, for the IGC suggests that "the Treaty should clearly proclaim such European values as equality between men and women, non-discrimination on grounds of race, religion, sexual orientation, age or disability and that it should include an express condemnation of racism and xenophobia ..." (Reflection Group's Report 1995, 4). This implies that equality (sexual and otherwise) results from authoritatively proclaiming it a European

value.

Ignoring the elitist character of the Union helps maintain the illusion that equality is a goal pursued rigorously. Until recently, women were conspicuously absent from Europe's deliberative bodies. Its Commission contained no women during the first thirty years of its operation. Member States share a similar, if not more oppressive, history of sexual exclusion. Europe was man-made, a fact often politely overlooked. Those burdened by this past are quick to list the numerous advances that women have since made. These include, but are not limited to, voting rights, participation in the wage labor market, and greater presence within various political institutions. At present, five of the twenty European commissioners are women. Women similarly increased their percentage in the European parliament, from 19% in 1989 to over 25% in 1994. While such achievements are not insignificant, assessing gender (in)equality through women's numerical presence within established political institutions, as opposed to the substance of the policies they promote, is problematic.<sup>3</sup> Furthermore, emphasizing the formal rights that

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<sup>3</sup>If political success could be assured by a high or equal presence, the fact that women constitute 50% of all heterosexual relationships would guarantee women's equality within them. Nonetheless, the very relationships that promise women intimate equality and an equal presence are often the most abusive and dangerous for women. Women are more likely to be raped, battered and even murdered by the men most known to them than by those who are strangers to them. This relatively obvious insight suggests that including women in relationships with men both intimately and within their political systems does not insure the triumph of

women are assumed to possess obscures the numerous obstacles to their effective use.

Three factors are particularly significant for a critical consideration of citizenship and the civic integration it implies.

First, the request for European citizenship resulted not from a call from Europe's masses but, instead, from the elites who governed them. Noting that "ordinary" Europeans approve of it (e.g., Meehan 1993) is not the same as being able to demonstrate that they demanded it. Secondly, its establishment was neither extreme nor innovative. Leaders have long conferred citizenship to those whom they sought to rule legitimately. Most importantly, European citizenship confers few new rights to current citizens of Member States. Thus, its extension was hardly popular. Indeed, European citizenship sparked confusion and, at times, a powerful reaction against it. For example, in 1992, those opposed to the Treaty on European Union (i.e., the "Maastricht Treaty) included French and Danes who "felt that the citizenship proposals were not far-reaching enough" (Meehan 1993, 184 n28). Still more Danes distressed over citizenship's possible usurpation of their sovereignty (Petersen 1993, 9).

Lastly, despite the Commission's assurances that European citizenship does not conflict with national citizenship, only 62% of Europeans regard their national identity as compatible with a

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feminism (Elman 1995).



more continental one. This figure has some wondering if European identity is merely a "preserve of Europe's elites" (Laffan 1996, 99), a suspicion buttressed by the relative absence of enthusiasm for unification among Europe's less privileged. Laffan reminds us that the voting patterns in three national referenda on the Treaty on European Union suggest that socio-economic status played a significant role in determining attitudes concerning integration.

She concludes, "workers and poorer sections of society see little benefit and many dangers in the 'Europeanization' of the contemporary state" (1996, 89). Indeed, the Treaty's requirement that Member States have deficits below 3% of GDP and outstanding public debts below 60% of the GDP before joining the single currency has led to significant cuts in social welfare programs.

Such austerity measures have led to large protests throughout the EU, most notably in France and Germany.<sup>4</sup>

Considering that women comprise a significant majority of Europe's least privileged (Daly 1992), it is not surprising that, as a group, women are less favorably disposed to integration than are men.<sup>5</sup> In fact, women have been prominent in campaigns to

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<sup>4</sup>On June 15, 1996, 350,000 turned out in Bonn to express their dissatisfaction. More recently, French dissatisfaction erupted in a series of winter strikes (1996-1997) which led President Chirac to reverse some of his deficit reducing measures. This situation also weakened his government in the parliamentary elections that followed.

<sup>5</sup>Recent Eurobarometer data indicate that only 39% of women support the idea of a federal Europe whereas 51% of men do (April 1996).

counter unification (Hoskyns 1996, 22).

### **Immigrant Women**

Although European citizenship implies a more integrated continent, recent efforts to limit immigration have resulted in more obdurate definitions of conventional (i.e., national) citizenship throughout the Member States. For example, children once born in France to foreign parents acquired French citizenship automatically. Since 1993, such children will have to apply for it by their eighteenth birthday. Germany also changed its course in 1993. That year it retreated from its liberal asylum policy and began closing its borders to many, including those fleeing war torn countries consumed by nationalism.

Xenophobia has increased throughout Europe as right wing politicians and press reports often present immigrants as a key destabilizing force. The alleged inextricability of escalating unemployment and immigration is made abundantly clear in a notorious National Front poster that exclaims: "Three million unemployed, that's three million too many immigrants."<sup>6</sup>

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<sup>6</sup>In Germany, in 1931, the Nazi party produced a similar poster which read: "Five hundred thousand unemployed, four hundred thousand Jews, the solution is simple."

Today, it would be foolish to underestimate the support enjoyed by the National Front. While French opinion polls indicate that most French regard the party as racist, 30% admit to having, at one time, voted for it. In 1995 LePen garnered 15% of the Presidential ballot. More recently, in 1997, his party enjoyed the same percentage of support in the first round of parliamentary elections.

Deportation is one solution; French women figure prominently in the second. Interestingly, they are encouraged to reproduce for the "fatherland" while foreign mothers are depicted as bearers of an onerous immigrant population.

Afraid to alienate a potential voter base, politicians in France and throughout Europe have been reticent to challenge the far right. Even Sweden's Social Democratic party challenged neither the racist rhetoric nor the agenda of a newly established (New Democracy) party which, among other things, called for additional restrictions in refugee policies in the 1991 election.

Bengt Westerberg of the Liberal party was the only party leader to publicly criticize the increasing xenophobia of Swedes. He demanded that other parties also address the problem; his request was met with silence.

The European Union endeavored to take action through a range of reports, resolutions, and declarations that condemned racism and xenophobia. In addition, the European Commission proclaimed 1997 the "European Year Against Racism." Rhetorical pronouncements aside, the EU concedes that it will not "take specific measures to combat racism and xenophobia" nor will it "modify the system for protecting human rights in the Community or ... make any major change to the institutional system in the Community or any of its Member States" (COM 96 615 final, 3). Indeed, the EU has yet to honor its promise (made several years ago) that it would relinquish its internal borders. While EU

citizenship may augment Europe's accessibility for Member-State nationals, it may also more firmly etch a boundary "around a culturalist and physical Europe so to ensure the exclusion of non-European foreigners" (Feldblum 1996, 11).

The price of exclusion is born increasingly among women throughout Europe. At present, a majority of the survivors of Serbia's war against Bosnia-Herzegovina and Croatia are (Muslim) women seeking refuge. This is, perhaps, the most significant case in point. The fact that this genocide happened in non-Member States within Europe makes it no less compelling to consider. In fact, a decade ago, the EC expressly declared its commitment to the protection and promotion of democracy and human rights not only within its Community but also in non-Member States (Single European Act 1986, Preamble). In its Statement on Human Rights (21 July 1986), the Community declared that, "The Twelve seek universal observance of human rights" and insisted that such rights are "an important element in relations between third countries and the Europe of Twelve." While the EU has long been interested in the affairs of "third countries," the essentially economic character of the European Union has undoubtedly dulled its interest in fundamental human rights issues. Moreover, the absence of any specific and detailed Articles concerning human rights has made it easier for the EU to evade action in this and other important areas, impressive progressive rhetoric notwithstanding.

Within seemingly peaceful Europe, male violence in the home also places women in a perilous position. One of the major issues confronting women's refuges throughout Europe is how best to meet the needs of newly arrived immigrant women married to batterers. To escape their abusers, many women are forced from their homes and, in consequence, risk statelessness. Non-European women, for whom it is difficult to return to their homelands, face a situation in which they are unable to stay in Europe unless they remain married for a specified number of years. In the Netherlands, for example, a woman must reside with her partner for at least five years and in Sweden she must remain with him for two years. In Britain, women are required to stay with their husbands for at least one year or return to their country of origin. Women are, thus, expected to endure abuse for the privilege of residence. Should a woman leave the man, she must leave "his" country. Many Member States have sought to mitigate this hardship by decreasing residence requirements for abused women. Britain's residence requirement remains one of the most lenient. Yet, as of this writing, there remains no uniform approach to this particular problem.<sup>7</sup>

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<sup>7</sup>The precarious position of immigrant and migrant women more generally has been explored, in greater detail, elsewhere (European Women's Lobby 1995; Hoskyns 1996a; Kofman and Sales 1992).

## **Member Lesbians**

Less obvious are the ways in which the advantages of citizenship are pragmatically denied to those who would appear to possess them. While Arendt perceptively notes that only persons belonging to dominant nationalities (and not necessarily economic classes) could count upon the full protection of political and legal institutions, few dare to consider that basic rights have long been denied to those who either refuse or are unable to participate in the dominant institutions of heterosexuality (e.g., marriage).<sup>8</sup>

Those ignorant of the historic and specific struggles associated with being lesbian (and/or gay) remain unaware that EU institutions still do not hold, as fundamental, the "free market of labour, social security for migrants and sex equality" (e.g., Meehan 1993, 180-181). There are no explicit legal provisions to counter discrimination against lesbians or gay men. Indeed, within the EU heterosexism is codified (see Tatchell 1992). Throughout Europe lesbians (and gay men) are typically precluded from enjoying basic entitlements other citizens take for granted.

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<sup>8</sup>While Arendt understandably focused her greatest attention on the persecution of European Jews, researchers estimate that between 5,000 to 15,000 gay men died in Nazi concentration camps (Oosterhuis 1991, 248). Nearly ten times this number were convicted of homosexuality under penal code 175 which was first adopted in 1871 and broadened by the Nazis in 1935. This code persisted after the defeat of the Reich and was belatedly abolished only in 1968. While the law was gay specific, the Nazis also persecuted lesbians whom they interned and annihilated as "a-socials" (Elman 1996a).

For example, legal residence and health-care benefits are among those privileges customarily available only to the foreign partners/spouses of Europe's heterosexuals.

As recently as 1993, Germany's Constitutional Court ruled that the right to marry (and the ensuing socio-economic benefits) be an exclusively heterosexual prerogative. To date, Denmark and Sweden are the only Member States to provide legal affirmation of intimate lesbian (and gay) relationships. The divergent positions among Member States are of great concern to Europe's lesbian and gay community and were featured in an annual report issued by the International Lesbian and Gay Association (ILGA). To cite but one example, ILGA notes "The French government, which allows Swedish heterosexuals to register their partnership in their embassy in Paris, banned same sex partners from doing so despite the legality of the move on Swedish soil" (1996, 2). This particular example underscores two interesting points. First, it demonstrates France's weak commitment to the maintenance of its own regulations taken to mitigate discrimination against lesbians and gay men. Second, and perhaps more importantly for the EU, conflicts concerning sovereignty are apt to become more prominent given the "controversial" character of lesbian and gay rights and the different approaches taken by Member States.

Although Sweden and Denmark's affirmative position on lesbian and gay relationships has served to distinguish them as egalitarian countries, both states continue to prohibit same sex

couples from adopting children. In taking this position, these Nordic countries are indistinguishable from all other Member States. Sweden has, however, sought to distinguish itself in another regard. It specifically denies lesbians access to insemination programs, a position now being considered by Italy, France, and Britain. At present, there is no EU provision that expressly prohibits this and other forms of discrimination against lesbians.

Andrew Clapham and J. H. H. Weiler note that "The pointed exclusion of any explicit Community commitment towards lesbian and gay rights contributes itself to a legitimation of discrimination and harassment." They conclude, "Not to act, is to act" (1993, 33). Lesbian theorists, by contrast, are more reluctant to embrace Union action. They fear appealing to the very political systems that have historically operated against them (Robson 1992). Such suspicion seems warranted as Eurocrats sometimes adopt enlightened positions only to abandon them when political convenience dictates. Such was the case when an IGC draft contained a provisional statement condemning heterosexism, a position since withdrawn from the formal literature. Ironically, that literature contains an otherwise endless series of platitudes concerning the conscientious commitments of the EU.



## **Conclusion**

If unification were to continue its course, its most zealous designers would have to inspire the confidence of a skeptical community for whom the fabric of Europe was vague, if not ominous.

This realization prompted the promotion of affective institutions that could compliment emblematic Europe --- passports preceded citizenship. To the bewilderment of Maastricht's signatories, the masses seemed thankless.

The Commission was forced to assure the European public that the offer of citizenship would not contravene their (state) sovereignty (Petersen 1993). Jacques Delors, former President of the European Commission, believed that the rancor against European citizenship was "unjustified." He insists he "always felt that nations will survive; they are a natural reference point and will remain so ... European citizenship will emerge through a process and will be subordinated to national citizenship" (in Feldblum 1996, 18). This position was echoed at the Florence European Council in June 1996 by the current Commission President. European citizenship is to be strengthened "without replacing national citizenship and while respecting the national identity and traditions of member-states" (in Feldblum 1996, 18). In light of these and similar statements, there is little reason to expect the slow fading of state forms and "every reason to expect [that states] will be increasingly revitalized." According to Aristide Zolberg, states "will share normative and institutional space with

other formations" (1996, 5). Elizabeth Meehan similarly concludes that, within Europe "a new kind of citizenship is emerging that is neither national nor cosmopolitan but which is multiple in enabling the various identities that we all possess to be expressed... " (1993, 185). She expects Europe's "new social movements" to become increasingly active at the EU level and warns that, if they fail in this regard, European rights will be weak as compared to those offered by Member-States (1993, 186).

For new social movements, the successful assertion of claims at the European level can obviate the need for local campaigns within all fifteen Member States just as losing may obliterate any local victories movements may have already accrued. The difficulty for women in particular is that they often lack financial and other resources with which to effectively organize at any level (e.g., within states and across their borders). This places the women of Europe at a particular disadvantage with regard to the politics of integration (Elman 1996, 12).

While some, like Meehan, stress the need for a vigilant citizenry, it would seem that the Commission values and can even encourage greater passivity. It insists that "the Union must act democratically, transparently and in a way people can understand" (1995, 5). That the citizens of Europe could understand the Commission's proposals and chose to object to them is a possibility that the powers of Europe appear ill equipped to

entertain.<sup>9</sup> Such is the patronizing arrogance of its leadership.

Rather than providing constituents the opportunity to inform European institutions, the Commission contrived to apprise constituents of the democratic nature of the institutions they had privately constructed. As Ailbhe Smyth has written, "The European Union could not be described as a 'popular' institution, not least because it has made no attempt to appeal to the imagination of its citizens" (1996, 128). Democratization thus approached is unauthentic. Similarly, the fact that women were conspicuously excluded from the first decades of Europe's construction, and now have limited access to its most powerful institutions, should serve to invalidate its claim to be democratic. Yet, the fact that so few dare to deny the EU this claim suggests that democracy, like citizenship, is both an ambiguous concept and relative claim.

Having established the elliptical privilege of European citizenship, the architects of Europe may obscure their elitist past and avoid the skepticism now directed against them. Citizens will, over time, and through their suffrage, be held responsible for a future that was largely constructed in the past. In other words, Europe's "citizens" will inherit an integrated Europe, the design of which was determined without them and will continue to

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<sup>9</sup>Indeed, recent Eurobarometer data reveal that the Danish were often the most informed (e.g., of the 1996 IGC conference) and yet least favorable to federal Europe (April 1996, 38, 90).

preclude them, particularly those women who have long been most marginalized.

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