STATE AND CITIZENSHIP UNDER TRANSFORMATION IN WESTERN EUROPE

Lars Bo Kaspsersen

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Department of Political Science
Aarhus University
Universitetsparken
DK-8000 Aarhus C
Denmark
Phone: 89 42 11 33
Fax: 86 13 98 39

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This paper discusses a classic topic in social and political theory: The emergence and development of the modern concept of citizenship.

The paper aims to analyse the development and transformation of the citizenship in Western Europe (primarily the North West European EU-members) from the emergence of the modern nation-state until today. It concentrates on the period from the end of World War II until the ratification of the Maastricht Treaty *i.e.* the European Union (EU) - a period in which the traditional nation-state and the associated concept of citizenship have undergone some fundamental changes. Most often the discussions of the development and change of citizenship in Western Europe focus on economic, social, and/or (domestic) political aspects (Marshall 1950; Turner 1986, 1993; Hindess 1993; Meehan 1993; Barbalet 1993). This paper attaches, however, importance to the military and security dimension of the state in order to understand the modern concept of citizenship. The problem of defence is one of the most fundamental functions of the state and the importance of this aspect for the development of citizenship is too often ignored in the theoretical literature on citizenship.

One of the basic theses of the paper is that the development of the modern citizenship, the liberal-representative democracy and the nation-state must be seen in close connection with the changes in the defence structure of the states in Europe in the period from the mid-eighteenth century to the mid-nineteenth century. On the Continent the introduction of conscription is the most important condition involving the development of the citizenship in the modern egalitarian version with equal rights and obligations for all citizens. A concept of citizenship which at the same time defines affiliation of the citizen to a specific state.

By claiming the state and the problem of defence as the strucural condition of the rise of the nation-state and citizenship it is obvious to discuss the importance of the new defence structure in Europe, introduced after World War Two concentrated on NATO in order to examine the current process of transformation of the nation-state and the citizenship.

The second main thesis of the paper is the claim that there is a close connection between the foundation of NATO and the development of the European Community (EC)/the European Union (EU). I want to stress that the foundation of the European Community from the outset was seen as a security policy project and not an economical one. Consequently, the paper will analyse the implications of

NATO and subsequently the European Community - now the European Union - for the traditional citizenship affiliated with the nation-state.

The structure of the paper is the following: After some theoretical considerations and an exposition of the main concepts, I will expound the development of citizenship with emphasis on the importance of conscription. Subsequently, specific aspects of the development which have implications of the transformation of state and citizenship in postwar Western Europe will be pointed out. The importance of a changed defence structure with NATO as the pivot and the emergence of EC/EU will be discussed. Finally, the paper will show the impact of these changes on citizenship and in this context discuss the development of rights in an EU-context.

Some Theoretical Reflections

Different theoretical perspectives throw different lights on the problems of state and citizenship. For example, the development of citizenship can be seen as a result of the mutual struggle between classes or individuals for more rights and privileges. Another perspective conceives the state as autonomous and thus the struggle of rights and obligations can be seen as a power struggle between the state and the people. A third perspective can incorporate the importance of the external relations of state and civil society. A fourth way of approaching the problem could be to focus on identity and nationality drawing upon social psychology and cultural studies. To incorporate different theories can be fruitful but it is not my aim in this paper.

In this context a theoretical perspective has been chosen which precludes a whole range of important issues regarding citizenship. The purpose is to focus on the importance of the state and its defence structure in order to explain the rise and development of citizenship. Focusing on one facet of a problem can be very useful as certain types of often disregarded relations and dimensions are brought to light. In the same way as a binocular enables you to see a very sharp but narrow and limited aspect of the horizon, specific theoretical concepts enable you to focus on one single aspect of the problem.

To take a point of departure in the concept of state with emphasis on defence is very different from most theories of citizenship which are often embedded in social theories stressing economic relations - in other words a civil society perspective. Thus citizenship becomes a question of the struggle of individuals, groups, and/or classes for rights and consequently more freedom

(Marshall 1950; Giddens 1982; Held 1989a; Turner 1986). In these theories, citizenship and social class are seen as two mutually conditioned concepts, just as the unequal distribution of goods and the development of rights are seen as two sides of the same story. Class struggle or the struggle of individuals for rights is seen as the most important dynamic in the explanation of the development of citizenship.

This theoretical perspective throws light on important aspects of the concept of citizenship and raises central questions concerning status, inequality, and social integration. A class angle, however, is also problematic because it ignores the fundamental importance of the state as a sovereign entity issuing and guaranteeing citizen rights and obligations. The state has its own interests independent of class interests and the state attempts to manoeuvre internal and external demands in an attempt to achieve its own goal: maintenance of its status as a free and independent state in the state system. A theoretical perspective stressing the state and its own interests as a point of departure in order to understand citizenship points to dimensions of the concept of citizenship which are omitted in theories based upon a civil society perspective.

State and Sovereignty

Most analyses of the development of citizenship take their point of departure in Marxist or liberal theories. These theories see the state as a means for either the class, a social movement, or the single individual to pursue its own ends. The state is seen as a means to obtain rights and privileges. As said in this paper the theoretical perspective will be reversed. Citizenship is regarded from the point of view of the state. Citizenship is here seen as a part of the praxis of the state (praxis is defined as a subject organising its means towards an end) where the estate, class or citizen become a means for the state to obtain its ultimate goal: maintening sovereignty and with that a continuous recognition as a state subject in the state system.

To the extent the state appears as an element in the traditional analyses of citizenship the state is often seen as a continuation of the class struggle (Marxism) or a reflection of the interest of the people (liberal theories). In liberalism society and state is seen as a fusion of individuals and in Marxism as a social formation consisting of classes. In both traditions the state conceived as a political centre of power and an administrative apparatus is directly deduced from society. The state

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functions as a necessary super structure to maintain social order. Mann summarizes the critique of these state theories in the following way:

> Nowadays there is no need to belabour the point that most general theories of the state have been false because they have been reductionist. They have reduced the state to the pre-existing structures of civil society. This is obviously true of the Marxist, the liberal and the functionalist traditions of state theory, each of which has seen the state predominantly as a place, an arena, in which the struggles of classes, interest group and individuals are expressed and institutionalized, and - in functionalist versions - in which a General Will (or, to use modern terms, core values or normative consensus) is expressed and implemented. Though such theories disagree about many things, they are united in denying significant autonomous power to the state.

(Mann 1988, p.1-2).

Society and state are conceived as a *fusion* of the internal composite parts of society. The state only appears as a necessary means for the individuals or the ruling class to ensure and protect their conditions of existence, *e.g.*, property rights and freedom of trade. Consequently these theories put little emphasis on the praxis of the state in which the state interacting with other states and subsidiary with its civil society is struggling to maintain and develop its own conditions of existence. It is the very agency of the state internally and externally which creates the state. The state is not generated "from within" of individuals but it produces and reproduces itself in its own praxis. In other words the state is here seen as an entity constituted in a double relation of recognition. It is partly constituted in its relation to other state and partly in relation to the civil society. Most important in this context is the relation of recognition to other states.

My state definition is inspired by the works of Michael Mann (1984; 1986; 1993), Anthony Giddens (1985), Anders Boserup (1986), Carl von Clausewitz (1986) and Carl Schmitt (1976; 1985). Where Giddens (1985) and especielly Boserup (1986), with inspiration from Clausewitz, contribute to the understanding of the state as praxis Mann provides the basis for an understanding of the state as an arena with institutional and functional dimensions. In this context I disregard the institutional aspects and turn to the functional aspects of the state. A state has several functions, *inter alia*, the maintenance of internal order, the maintenance of infrastructure, economic redistribution and defending the domain against external enemies. As mentioned above, I here focus on one of the functions - defence.

Clausewitz and Boserup argue that the problem of defence must be seen as a mutual struggle of recognition - a life and death struggle. It is a matter of the existence of the state as an independent, sovereign state subject recognized by the other states in the state system. In the last instance, the struggle of recognition is political but the means can be military, economical or ideological.

Conceptualising the state in this way has consequences for the concept of sovereignty. In Marxism and Liberalism sovereignty is regarded as a relationship between the state and the individuals/classes within the borders of the state. The individuals are born with sovereignty which subsequently is handed over to the state.

The perspective in this paper argues that when the state is constituted in a relation of recognition with other states, sovereignty from the outset becomes a relationship between the state and other states. "To maintain sovereignty is not a matter of rule of the domain of sovereignty and intervention but a question of preventing others from doing it." (Boserup 1986, p.929). The next step is to examine the relationship of sovereignty and legitimation between the state and civil society, in other words the "internal aspects of sovereignty." (Held 1989b, p.215). So far political theory has primarily concentrated on this relationship in an attempt to develop the most just and democratic form of government. But the internal problem of sovereignty must be seen in connection with the defence of sovereignty externally. The most fundamental changes in the form of government and constitution can rarely be seen as a result of an internal struggle of sovereignty. The extent of such changes are widely determined by external conditions. The internal struggle of sovereignty plays, however, an important role in shaping citizenship and to analyse this relationship gives a deeper knowledge of the actual content of citizenship. When this paper primarily aims to point to aspects contributing to a change of the very structural condition of the state and thus citizenship, it emphasizes the changes in the external relation of the state. The internal problem of sovereignty, therefore, only plays a secondary role in my analysis.

The struggle of recognition forces the states into a competition which can be fatal if not participating. If a state decides to use military means it is crucial that the neighbouring states posses sufficient defence capability to sustain the sovereignty and thereby the existence as an independent state. Consequently, the struggle has several implications for the state and the civil society as well. The state has to create sufficient resources which can be mobilized, if necessary. These resources are made in the civil society. Consequently, the struggle of recognition of the state is reflected in the structure of the civil society. In order to create an ability to

defend the state has to participate in the development of a strong and well-working civil society. Citizenship is a means of the state to strengthen its resources concerning the external struggle.

The Political, the War, and the State of Exception

My theoretical framework for the exogenously constituted configuration of the state implies that the extent and character of the struggle of recognition between the states becomes more important compared to other theories. The German legal and political theorist Carl Schmitt takes the point further because he specifies that the struggle of recognition is a political relation which partly exists between states and partly between persons, groups or movements in civil society within the state territory. Schmitt argues that the *differentia specifica* of the political is a friend-foe relation. In a discussion of Schmitt's work, P. Hirst has pointed out that

> ... the political exists when differences reach the point where groups are placed in a relation of enmity, where each comes to perceive the other as an irreconcilable enemy to be struggled against and if possible defeated. Such relations are political and possess an existential logic that overrides the motives which may have brought groups to this pass.

(Hirst 1990, p.109).

Schmitt approves the Hegelian idea that the very struggle between two entities constitutes this relationship and their two identities respectively.

According to Schmitt the concept of state presupposes the concept of the political. The state is constituted in a political struggle including military struggle which in a Clausewitzean sense is the means of politics. The political struggle gives rise to the political order within the states. Politics becomes, in this context, a struggle between states in which a social and political order is imposed and developed within the state borders. After imposing a social order, the state can use the civil society to pursue its own ends in the struggle of recognition. This has implications for the citizenship. From the point of view of the nation-state, the principle of conscription and later rights are primarily the most fundamental and necessary part of the social and political order because the development of citizenship can ensure support and legitimation from specific groups, classes and organizations. This gives the possibility to pursue political ends outside the state -

in other words the civil society contains the means of the state to achieve recognition in the state system.

Contrary to the predominating conception in the liberal democratic theory, it is not the law which constitutes the political order. Schmitt sees very clearly that in the last instance the legal order and the constitution of a specific state rests on something 'outside' the legal order itself. This 'outside' is exactly the political. Politics and the struggle of recognition of states are prior to law and the law is constituted in "the state of exception." (Schmitt 1985).

A specific constitution and legal order can only survive if there exists a permanent pressure on the specific state from the other states in the state system. If this pressure changes (*i.e.*, if the struggle of recognition changes character), it can lead to an alteration of the social order and consequently, constitutional reforms. Examples can be the constitutional reforms in Prussia after the defeat to Napoleon at the battle of Jena in 1806 or Jeltsin's reforms and new constitution after the collapse of the USSR.

In other words, this analysis of the development of citizenship in Western Europe will stress the importance of politics and the state. Before the actual analysis, the relationship between state and citizenship will be specified.

Citizenship

Citizenship can be seen as the result of two types of praxis. The first type of praxis concerns the state. The appearance of rights and obligations can be seen as the result of the praxis of the state which mediates between on the one hand the relations to other states and on the other hand the relations to citizens, institutions, parties and social movements in civil society. The state uses citizenship as means to create a domestic social order, thus it is in a strong position in the external struggle. The state produces and reproduces itself in this praxis. Citizenship is used as a means.

Individuals, organisations and social movements contribute also to the development of citizenship. It happens when they in their praxis constantly attempt to produce and reproduce their own conditions of existence which claim rights and membership of a specific state.

In the following analysis the praxis of the state is emphasized but it is important to make it clear that both types of praxis always are present. Therefore my understanding of citizenship does not imply that the development of rights and obligations only goes top to bottom with the people as passive spectators.

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Citizenship should be divided into a formal and substantial part (Brubaker 1989, 1992). The formal part defines the membership of the state of a given legal subject. Consequently, the formal side of citizenship determines who is "inside" and who is "outside". The substantial part concerns different types of rights and obligations. The modern concept of citizenship emerging with the French Revolution and Napoleon comprises many obligations, most importantly, however, the obligations to pay taxes and to do military service. Rights can be characterized in three groups: civil, political, and social (cf Marshall 1950:8). The civil element consists of rights which are necessary for the individual freedom. Civil rights are personal liberty, freedom of speech, thought, faith, equality before the law, ownership etc. Political rights are the right to participate in the exercise of political power, eligibility and franchise. Social rights are defined as a right to a minimum of economic and social welfare with the possibility to live a life in agreement with the norms predominant in a specific society.

Marshall uses these categories of rights in his analysis of England. Here he argues that the development of civil rights became a necessary platform for the emergence of political rights. In a similar way the working class used the political rights as a means to obtain social and economic rights. This development can be seen on the Continental Europe although with some variations. Marshall ignored, however, the importance of conscription for the development of rights, but obviously because he lived in an off-shore country with a strong sea power in which conscription was of minor importance.

The Development of the State, Sovereignty and Citizenship in Western Europe

The development of the rights and obligations which we today associate with the national state citizenship runs through a long and a very heterogeneous process in the West European states orginating from the collapse of the feudal structure of society.

The Westphalian Peace indicates a dramatic change in the European state system. This conclusion of peace marks the final collapse of the medieval state system. The Medieval period has been characterized by a large number of principalities and city states in which the sovereignty cannot be located at one level. This is further strengthened by the dominant role of the church.

Feudalism with its parcellized sovereignty (Anderson 1974:19) is replaced by the territorial state, whose sovereignty is increasingly concentrated in one place:

in the hand of the sovereign, either a king or parliament (Hobbes, Locke). The territorial states become sovereign, demarcated entities which constitute the basic unit in the international state system, and become formally independent and recognize each other.

Gradually, the state becomes territorially demarcated in relation to other states and internally centralized. A civil society emerges. This state is able to universalize its jurisdiction and its fiscal legislation to cover a specific territory which is recognized by other states (Mann 1986:514ff). At the same time the state aims at achieving monopoly of violence. Total monopoly first occurs after the French Revolution - in the era of the nation state.

The development of the centralized territorial state also implies very different changes in the area of rights. In general it can be said that this period is characterized by alterations in the relationship between the sovereign and the individuals of civil society. In the feudal period there is no direct relationship between the prince/king/emperor on the one side and the majority of the people on the other. The existing rights and privileges are tied to estates and guilds and not to persons. During the 18th century these conditions change dramatically when the notion of natural law is developed and becomes important in most European countries. This happens simultaneously when the power monopoly of the nobility is removed - the mediating link between the peasant and state disappears. Not until after the breakthrough of the nation-state, a direct relationship between state/king and peasant is established based upon conscription and citizen rights.

The feudal order and the power of nobility are undermined by the demand for a new defence structure raised by the king and the state. During the 18th-century the defence structure in Western Europe changes because the mercenary troops are supplemented by an increasing number of conscripted soldiers. In the beginning the nobility controls the process of levying troops but the king gradually begins to levy troops without using the nobility. The king's increasing control of the military through the right to levy troops is supplemented by the control over taxation. Central power is further strengthened by these elements. Taxation and troop levying are used as a means to transform estate privileges. The estates are replaced by an interest in the individual who slowly emerges and becomes important for state power. State power then is increasingly dependent on the individual who now becomes a resource as a tax payer and soldier. Proper citizens rights and personal citizenship have not yet appeared. In other words, the concept of citizenship before the emergence of the nation-state has a fundamentally different character than

personal citizenship. In this period, citizenship as a concept is in a sense misleading, as rights do not follow the person but the estate.

Citizenship in the modern egalitarian version with equal rights and obligations of all citizens, which at the same time define the affiliation of the citizen to a specific state is closely associated with the rise of the modern nation-state in Western Europe. The development commenced at the end of the 18th century when France was forced to reorganize the structure of society because of a weakening in its relation to its neighbours. The domain of sovereignty was under pressure, especially from the growing British sea-power (Giddens 1985; Kennedy 1988; Mann 1993; Tilly 1992). The defeat in North America and the discontent of the rising bourgeoisie with carrying the biggest burden in terms of taxes (the nobility was widely exempted from paying tax during the absolutism) led to the French revolution. Different circumstances weakened France, but the defence structure based upon mercenaries seemed more and more inefficient. Moreover, the mercenaries caused a big tax burden on the bourgeoisie who, therefore, had all the arguments to introduce parliamentary democracy. It gave them the opportunity to decide how to distribute the fiscal burden.

After Napoleon's seizure of power the decisive restructuration transforming France into the leading great power in Europe took place. Napoleon introduced reforms creating an army of citizen soldiers with high moral and spirit due to the fact that they were no longer fighting for money and mammon but for the mother country - the nation - the Tricolour and France! The foundation for the citizen (or more precisely: the nation citizen) was laid with the combination of new political and civil rights stemming from the declaration of the Revolution and the new form of conscription. Napoleon's army challenged the power of balance in Europe and in that way forced the other states to introduce similar reforms if they wanted to be able to defend their domain of sovereignty in the future.

With the introduction of general conscription in 1793 in France the foundation of modern democracy and the modern citizen was created. This conscription reform started a whole range of processes where some of the consequences were intended and others unintended. The making of a "Folk" or a "People" with patriotism and revolutionary fanaticism made up a mass army. This caused several changes in France's relationship with the other European states but also in France's internal construction. The superiority of the mass army forced the opponents to make similar reforms which partly strengthened the national elements in the state concerned, and partly gave the state power "access to a total mobilization of the resources of the nation in the form of man power, money and

material." (Jespersen 1991, p.259). Furthermore, the conscription caused a massive claim for corresponding rights. It brought the People - which means the bourgeoisie - to power. Despite the fact that the state succeeded in suspending many of the reforms after the periods of war, it was only a short respite. The development and the consolidation of the parliamentary democracy and the modern citizen could not be prevented in the long run.

The state was not capable of binding the peasant without conferring some rights. Consequently, the peasant became a national citizen (Staatsbürger) endowed with rights as well as obligations. Because conscription was the pivot in the development in the very citizenship, it was only the men who achieved complete status as a subject or citizen. The women did not get any share of the political rights. (Højrup 1989; Tilly 1992, p.54; Jespersen 1992).

The legal theoretical basis of the development of these egalitarian citizen rights and obligations is still natural law, but now legislation becomes closely linked to the nation-state (Tamm 1991, p.291ff) based upon the principles of contractual law (i.e., right and obligation go together). Now national legislation begins to contribute to a strengthening of the nation-state and its domain of power.

In many countries in Western Europe the bourgeois democracy, capitalism, and the 'national' consciousness are developed in a mutually conditioned interaction with fundamental changes in the external relations of the state. This complexity of transformation processes merges together in a kind of 'nation-building-process,' in which the nation and the national become a dominant ideology (Herder and Fichte in Germany, Grundtvig in Denmark, Rule Britannia, Land of Hope and Glory, God save the Queen in Britain, etc., etc.). State and nation merged together and for the first time in history it created unity. Consequently, the nation-state and citizenship are developed like a tandem couple in which the pivot is the problem of defence.

The very content of the concept of citizenship is altered and extended several times right up to our time. First, the civil and political rights (franchise, the right to speak, and liberty of the press, freedom to travel, etc.) appeared because they were the logical condition for the state to break down the old systems of privileges during absolutism. Moreover, these rights were a necessity for the development of capitalism and, therefore, they established a logical connection between the individual citizens and the growing market. Hereby the citizen obtained the right to function in the economic system. When a citizen wants to produce, buy or sell to a market, he must be recognized by the state as a subject of law. (Holm Andreasen 1989). The French revolution with the subsequent bourgeois-democratic constitution symbolizes the ratification of civil and political rights.

The social and economic rights with unemployment benefits, minimum wages, pensions, and sickness benefit came later together with the European working-class movement. These rights first became a part of the citizenship in the 20th century where the years of reconstruction after the two world wars were very important for the development of these rights.

In sum, it can be said that the development of the nation-state in Western Europe is a process where the state increasingly gets control of its domain of sovereignty. The external threat to its sovereignty is from the end of the 17th century and the beginning of the 18th century not only the start signal to a new defence structure but also to a transformation of the civil society. Above all it was the reforms of the army with conscription as the most important aspect which led to a development of the well-known complexity of civil, political and social rights. By using rights and obligations, the state regulated, controlled, and intervened in civil society and the day-to-day life of the people. The citizens had become a vital resource to the state. The construction of an education system, health system, and other welfare arrangements can partly be seen as an attempt of the state to strengthen its resources.

The Nation-State and the National Citizenship under Transformation?

Changes in the defence structure with conscription as a central dimension became in the end of the 18th century a contributory aspect to the development of the modern citizenship. Consequently it seems pertinent to examine what consequences the new defence structure introduced after World War Two, and primarily based upon NATO, has had for the Western European nation-states and especially for the linked citizenship.

Obviously, there is a whole range of aspects in addition to the problem of defence which influences a potential transformation of the nation-state and citizenship. Among other things to be mentioned are the problem of globalization as a consequence of the increasing interdependence, international organizations and multinational corporations. These dimensions, however, are outside the frame and problematique of this paper.

In this context I will emphasize two important institutional and structural conditions which either directly or indirecty question the sovereignty of the classic nation-state - defined as the capability to defend its own domain. First I will concentrate on the importance of NATO, partly for the sovereignty of the nation-state, and partly for the formation of the European Community. Second, I will focus

on the European process of integration, the European Union and the consequences for citizen rights.

"Blocism" and Imaginary War

World War Two was, in Schmitt's terms, a "state of exception" which meant establishing a new social order in the state system and within the states. The war continued as a "virtual" war (Boserup 1986) or an "imaginary" war (Kaldor 1990) in a bipolar state system with two blocs confronting each other. At last Europe lost its hegemonic position and power. The privileges were taken over by the United States and the Soviet Union who had the dominant hegemonic positions in the two blocs. The United States and Western Europe organized their defence in NATO (1947). The Soviet Union and Eastern Europe created the Warsaw Pact (1955).

The period from 1947 to 1989 was an 'imaginary war' where both alliances rearmed and prepared for war, or more precisely, they prepared in order to avoid the total war. This war was impossible to wage when they both possessed nuclear weapon. But at the subnuclear level the two blocs were directly or indirectly involved in strategic wars in the Third World, the most notable being Vietnam and Afghanistan.

A consequence of the imaginary war was continuous peace (or more correct a pause) between the states within the two alliances. The strong fear of the external enemy had a "positive" effect on strong tensions which traditionally dominated the relationship between the states within the blocs. All states gathered their resources and strength towards the external enemy which now was the other bloc.

The creation of NATO in 1947 led to a strong internal pacification (Giddens 1985; Kaldor 1990) in Western Europe which at the same time gave rise to a solution of the internal defence problems. This created a completely new and unaccustomed situation in Europe.

NATO and European Integration

For more than 150 years, the most serious security problem in Europe was the German-French relationship. The tensions between the two states were immense and led to several wars. Consequently, in the postwar years, a major item on the European agenda has been to improve the relationship between Germany and France. The main problem has been how to tie these two states to each other in

order to prevent a new war. But the rise of "blocism" (Kaldor 1990) and NATO removed the internal defence problem in Western Europe. The principal enemy was now the East Bloc and no longer the other Western European states. As emphasized above, the main aspect characterizing a state is the ability to defend its domain of sovereignty. However, when there is no defence problem between the states within Western Europe, the demand for a defence against each other is reduced. NATO, dominated by USA, became the defence foundation of Western Europe. The centre of gravity of defence shifted towards the alliance. Although NATO *de jure* consists of independent sovereign states, the Treaty has had unintended consequences for the defence in each of the memberstates. (Mann 1993, p.120).

> NATO and the Warsaw Pact were quite different from the nineteenth-century alliances, or from the wartime alliances of the twentieth century, in that they were rigid and institutionalized. In practice, through strategies, integrated command systems, the supply of equipment, joint excercises, etc., if not in theory, there were no really independent European armed forces within the blocs. Individual European countries retained their sovereignty, in the sense of administrative power over their citizens and their mutual recognition of each other, without the need for national military power.

(Kaldor 1990, p.24)

The changed defence structure based upon NATO constituted a part of the necessary conditions of a closer cooperation in Western Europe which later paved the way for the formation of the EEC (1957), EFTA (1959) and the European Union (1993). When the principal enemy became an extra-European entity and the defence was transferred to NATO level, there was no need to sustain a separate national production machinery (Boserup 1989, p.10). There was no longer any compelling reason for any of the two states (France and Germany) to remain self-sufficient within heavy industry, agriculture or weapon production. When states no longer have a mutual defence problem, the process of economic integration has no natural end point (ibid).

Citizenship in Western Europe

After the end of the Second World War the foundation of the citizenship has changed. The connection between nationality (the natio/etnos aspect) and the allotment of rights and obligations (the demos aspect) is challenged as a result of

the massive immigration from the former colonies to the colonial powers, *e.g.*, England and France. This is intensified by waves of guest workers in the sixties and the refugees in the eighties. This problem concerning the formal aspect of citizenship (*i.e.*, who is included in the state and who is excluded from the state) will not be discussed in this paper (Hammer 1986; 1990; Brubaker 1989).

The focus here is on the implications of NATO and later the EEC for the substantial aspect of citizenship. The previous unchallenged connection between obligations and rights embedded in the nation-state begins to crumble. In principle most of the rights remain within the framework of the nation-state while different types of rights since 1945 are embedded both in the nation-state and in different international organizations (UN, the Council of Europe and The EC). Here I leave out UN and the Council of Europe and concentrate on the significance of NATO and the European Community for the substantial aspect of citizenship, *i.e.*, what kind of obligations and rights follow from this status.

First we take a look at the obligations.

Obligations and Citizenship in Western Europe Today

The fundamental pivot of the nation-state and citizenship is conscription. Conscription was introduced partly due to defence problems and partly because the state budget could not bear the expenses of the standing army of mercenaries. The state first had to introduce civil and political right to the peasants and later to all men in order to compensate for the introduction of conscription. Allotment of these rights provided a stronger loyality and patriotism than money did to the mercenaries. The patriotic, conscripted soldiers in principle defended themselves and their living conditions by fighting for the nation-state. Because in their capacity as citizens with rights and obligations they constituted the social contract and the state. Thus conscription implied that the citizen, by actively defending his country, at the same time demonstrated his national and democratic loyalty. Consequently, the loyal conscripted soldier formed the basic strength in the defence of the nation-state. This strength increased with the allotment of rights to the citizens, *e.g.*, private property, freedom of trade, franchise, etc.

The rise of the modern form of conscription became in most countries the precondition of the development of the egalitarian citizenship. This close connection continued after the war. In many countries the fear of a new war led to a strengthening of conscription. Even England introduced conscription for the first time in peacetime. (Morgan 1990, p.127).

Later on, off-shore countries like the United States and England abolished conscription - not at least because of their geopolitical position as "islands" - and it was replaced by a professional force. Continental Europe has kept the principle of conscription although the concept has undergone some changes. Today it is possible to do non-military forms of national service. (Shaw 1991, p.174; Bjerg 1991, p.80-90). In general conscription is still a citizen obligation (although only for men) but the importance has declined. If this obligation previously could be characterized as the inner essence of citizenship of both military and ideological importance, it has today only a symbolic and ideological importance. This holds especially true for the states in North West Europe.

The reduced importance is mainly due to two circumstances. First it has to do the with the rise of a new defence structure after World War II. The traditional patriotic national army is no longer important when the defence is embedded in a NATO-construction in which the US carries the biggest burden.

Second, the technological development has also pushed towards a replacement of manpower by technology which easier and better can be operated by a professional army. Therefore, most states have supplemented with professional forces.

These two aspects contribute to reducing the importance of conscription for citizenship in the postwar period. After the revolutions in Eastern Europe and the Soviet Union and the beginning demilitarization this tendency has continued. Several places the number of soldiers in the conscript-based army has been reduced. In France the former Prime Minister Michel Rocard ventured to propose an abolition of conscription. (Shaw 1991, p.173).

Although a reconciliation of citizenship and conscription is a possibility in a future Europe, it is hardly a likely outcome. The present world (dis-)order requires other forms of military operations than those the traditional forces, based upon conscripted soldiers, can accomplish. The enemy picture is blurred and despite the uncertainty in Russia more and more military operations seem to take place under the wings of the United Nations or NATO in conflict areas like the former Yugoslavia, Rwanda or Somalia. These missions might better be carried out by professional and international, trained forces.

It is also difficult to see how citzenship and conscription could be united within the frameworks of the European Union. Citizenship has so far been seen as a strategy of integration from the point-of-view of the European Union, and most likely it will be used as such in the future. It is hardly likely, however, that the strategy of citizenship will include a proposal for a common European conscription.

It will only increase the popular resistance against the EU-project. Moreover, a defence based upon a mass army of conscripted soldier would hardly be the most usable army in relation to the conflicts the European states might confront in next decade.

The defence of the modern Western European state is no longer based upon national mass armies only. Consequently, the citizen has lost importance as the primary defence resource of the state. When the conscription in the postwar period, especially in the last 20-30 years, primarily has had a symbolic meaning for the citizenship, tax liability seems to be the most important obligation the citizen holds towards the state.

The significance of war for the Western European countries has diminished - at least in relation to each other - and the defence is no longer the primary function of the state. Consequently, the importance of tax liability is changing too. Besides financing, *e.g.*, the public administration, infrastructure, and the education system. the tax is now primarily used as a means of distribution, or in other words, a social policy instrument.

Tax liability is a sensitive and contested political issue. Most citizens probably approve this obligation but several economical and political struggles are fought about the amount to pay and the forms of taxes. This struggle is still going on in the nation-state. Similar to conscription, tax liability is still a nation-state-issue. The increasing European integration has not (yet?) caused these obligations to be moved to the EU-level. The EU has at most had an indirect influence on the tax policy in the member-states. We adjust to other European tax systems but it has not been caused by legal claims from the EU. It is caused by the pressure from the market after creating the single market. (Clemmesen and Hoffman 1993, p.87).

Despite the current changes it must be stressed that both obligations which constituted the core of the traditional citizenship are still embedded within the framework of the nation-state. Citizenship, however, exists in a reduced version and tax liability is found in a redefined role.

Rights and Citizenship

Today a citizen in an EC-country holds rights and obligations which are conferred from and guaranteed by the individual member-states. Within several areas, however, many of the rights traditionally determined by the nation-state are now an EU matter. Besides rights codified in the European Convention of Human Rights several citizen rights have developed in an EU-context.

First, it is important to stress that EU does not possess a written constitution although several writers see a constitution developing. (Mancini, 1991). All kind of rights constituting the contours of a possible EU-citizenship are embedded in the different treaties or created by the European Court of Justice.

So far, EU has developed civil, political and social rights. The civil and political rights are primarily codified in the treaties while the social rights can be found in the Social Charter but more importantly are developed by administrative praxis and by decisions made by the European Court of Justice. The amount of rights figuring in the treaties, in the decisions from the European Court and in the Community legislation (Regulations and Directives) are enormous. Here I will only give a few examples.

The EU suffers from a 'democratic deficit' with a limited possibility for the people in Europe to control the power of the EU. In other words the scope of civil and political rights is very limited. The Maastricht Treaty has been seen as an attempt to reverse this situation by strengthening the role of the European Parliament and therefore the citizens' possibility to control the power of the Commission and the Council.

The treaty has also extended other rights. It has enabled EU-citizens living in another EU-country to vote and be elected to the European Parliament in the country he resides (Article 8B,1). Also local elections (municipality and county level) are now open for other EU-citizens. Furthermore, there is now an Ombudsman whom all citizens can go to if they find their rights denied in any member state (8D). An EU-citizen has the right to seek diplomatic protection in an embassy of another EU-country in a third country in which his/her own country has no representation (8C). An EU-citizen also has the right of free movement and residence within the territory of the member States (8A). This right is rather limited, however, because a condition must be fulfilled: You must prove that you are financial independent and independent in terms of social security. (Martiniello, 1993, p.18).

In addition, it should be mentioned that these political and civil rights are limited because it requires that the citizen holds the nationality of a memberstate. "The main condition to be recognized as a citizen of the Union is to be first a citizen of one of the member States, that is a national of one of these member states" (Martiniello, 1993, p.7).

Social and economic rights have also been extended especially after the Maastricht-Treaty. But these rights can be traced back to 1958 where the Treaty of Rome provided the basis of regulations about social security for migrant workers

insured under general schemes (Meehan 1993, p.66). In the 70s and 80s the EC dealt with worker's participation and equality among the sexes in the work place (*ibid*).

Meehan (1993) has scrutinized several Regulations and court rulings finding an extended set of rights issued at the EU-level. Thus the European Court of Justice (ECJ) has insisted that there is a fundamental right to social protection. Already in the 1960s, the Court stated that there must be "no discrimination when exercising the right of freedom of movement." (4/66 *Labots v Raad van Arveid*; here from Meehan 1993, p.87). Furthermore, concerning social security and social assistance for the self-employed and migrant workers and their families the ECJ has stressed the importance of freedom of movement and the principle of no discrimination based on nationality. The court has "repeatedly upheld the inviolability of rights in matters of social security." (149/82 *Robards v Insurance Officer* - here in Meehan 1993, p.88).

Concerning women's rights Meehan points to the problem of equal pay. Equal pay for equal work is required by Article 119 of the Treaty of Rome (Meehan 1993, p. 109). It has been further developed to encompass equal treatment in general, *e.g.*, other conditions of employment like recruitment, promotion and training.

As briefly illustrated here it should be clear that citizenship rights can be found at the EU-level. Rights are no longer determined by one authority only but both at the EC-level and the nation-state-level. It is important to stress, however, that access to EU-rights requires membership to a member-state.

Regulations and Directives are both binding, but if EU-rights codified in a Regulation or Directive are violated by the member-states, the EU has only few possibilities of sanctions. The Maastricht-Treaty opens up for sanctions. "If the Court of Justice finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty payment on it." (Article 171, 2). These means of sanction are few and despite these possibilities the member states still hold the monopoly of the means of sanctions internally.

Towards a Conclusion

After the Second World War a new social order has developed in Europe. In Western Europe this order resulted in the foundation of NATO and later the EU. The new defence structure has not reduced the sovereignty of the Western European states as such but their ability of defence is now determined by NATO. Although the monopoly of the means of violence has not disappeared from the nation-state level an unintended consequence of NATO has been a strong dependence on NATO

and the United States. Another unintended consequence of NATO and the shift in the centre of gravity of defence is a closer and increasing interdependence and integration in Western Europe.

This displacement of one of the most important functions of the state also influences conscription which in its origin was a means to the development of the nation-state. When defence becomes a NATO issue, the significance of conscription is reduced. The existence of the state in postwar Europe is no longer based upon the ability of defence. Other functions which previously were overshadowed by the problem of defence and military activities now become more important for the state. The primary purpose of the state becomes maintenace of internal social order, development of infrastructure and economic redistribution. It has consequences for the other central citizen obligation - tax liability. Tax no longer primarily functions as a resource for military defence. Basically, it now becomes a means of economic distribution.

The reorganization of the functions of the state from military to internal purposes contributes to strengthening the welfare initiative - a process which already started in the inter-war period. When USA carries the main burden of the defence budget, the Western European countries can operate with minimal defence expenditures and thereby form an economic basis of a welfare state which is unique in human history.

The absence of the threat of war has transformed domestic politics. It is no longer necessary to mobilize for common nation efforts and consequently, the importance of national politics has declined. Traditional class and party politics no longer stand alone. More and more politics has moved to other levels and has taken other forms. Social movements have become more and more dominant in the political landscape in the last 30 years, bringing morality issues like environmental problems, aninal rights and abortion on the agenda (Hirst & Thompson 1994, p.12).

NATO, the solution of the internal defence problem and the greater interdependence between the states have made possible a European process of integration which has not (yet?) taken shape of a supra-national authority. The citizens in Europe today only feel very little affiliation to the EU. One of the reasons is probably caused by the fact that they have only few right and obligations. They do not see themselves as being a part of a European project in the same way they did during the emergence and consolidation of the nation-state. After the end of the Cold War it seems to be even more difficult to get wide, popular support to a European superstate. Big parts of the European people have difficulties finding an advantage to an integrated Europe.

It was different with the Europe of the nation-states in the 19th-century where the concepts of nation, people, state and sovereignty made a unity in an independent discourse. The majority of the people could find its own advantage in supporting the state because partly they obtained protection and partly rights which provided the means to make a living (the right to property, freedom of trade etc). Today it seems difficult for a European project to go through a similar development. Today there is no centre - or in Giddens' terms a powercontainer - in Europe from which the power can be generated. Furthermore, there is no "Other" outside Europe which can be used to generate a European identity. A new state only arises from a necessity. This necessity could be an external ideological, economical, or military competitor. Europe can never by itself find its own identity or create its own borders. With reference to Schmitt and Boserup an entity can never generate itself from "within." Identity and a line of demarcation can only be made from 'outside' - by "Another." Only if the "Other" is defined as a military threat it will result in an abolition of the monopoly of the means of violence and the monopoly of finance and the monetary system of the nation-state. These monopolies will then be transferred to the European level.

If Europe will define itself in relationship to "Another," *e.g.*, Russia or the Asian industrialized countries, then war is no possible solution in such a struggle of recognition. The nuclear bomb and the industrialized war has made war as a means of politics obsolete. The struggle of recognition taking place today between states or alliances with nuclear weapons is carried on with primarily economic means but how this struggle will take form in the future is impossible to predict and it is exactly the reason why we are standing at a historical cross-road.

So far, no "Other" exists in relation to the EU and consequently the citizen has no need to identify with EU. Contrary to the nation-building processes where the endeavours of the state and the citizens simultaneous led to the development of rights and obligations, in the EU-context the citizenship is mainly implemented from "above." When the majority among the EU-citizens cannot see themselves as participants in a common project they will never create a pressure from below in a struggle for citizenship rights. Consequently, only the actors finding their own advantage in an integrated Europe will struggle for privileges and rights. So far, it is mainly the trades and industries which have gained most privileges (Schmitter 1995, p.26). Similarities can be found in the period before the emergence of the nation-state where towns, the rising bourgeoisie and other groups fought for and obtained their privileges. Rights in EU have so far appeared as particular privileges allotted to special groups. The problems of integration are, therefore, intensified

because many people cannot see their possibilities and advantages in the European project.

References

Anderson, Perry. 1974. <u>Lineages of the Absolutist State</u>. London: Verso.

Andreasen, P.H. 1989. "Ændret militærstrategi bag demokrati-reformer". Kronik i dagbladet <u>Information</u> 14. sept.

Bjerg, Hans Chr. 1991. <u>"Til fædrelandets forsvar"</u>, København: Værnepligtstyrelsen.

Boserup, Anders. 1986. "Staten, samfundet og krigen hos Clausewitz" i C. von Clausewitz, <u>Om krig</u>, bd. 3 (red. Niels Berg) pp. 911-930. København: Rhodos.

Boserup, Anders. 1989. Forord til T. Højrup, <u>Lønkapital under folkestyre</u>, København: Rosinante.

Brubaker, W.R., ed. 1989. <u>Immigration and th Politics of Citizenship in Western Europe and North America</u>. Lanham: University Press of America.

Brubaker, W.R. 1992. <u>Citizenship and Nationhood in France and Germany</u>. Cambridge, MA: Harvard University Press.

Clausewitz, Carl von. [1831] 1986. <u>Om Krig</u>. København: Rhodos.

Clemmesen, Frans og Hofman, Henrik. 1992. "Skattesystemet uden grænser", <u>GRUS</u>, nr.38.

<u>Det nye EF: Traktaten om Den Europæiske Union</u>. 1992. København: Centralorganisationen af Metalarbejdere i Danmark, Industriens Arbejdsgivere og Den Danske Europabevægelse.

Giddens, Anthony. 1982. <u>Profiles and Critiques in Social Theory</u>, London: Macmillan.

Giddens, Anthony. 1985. <u>Nation-state and Violence</u>, Cambridge: Polity Press.

Hammar, Tomas. 1986. "Citizenship: Membership of a Nation and of a State." <u>International Migration</u> 4:735-747.

Hammar, Tomas. 1990. <u>Democracy and the Nation State</u>. Aldershot: Avebury.

Held, David. 1989a. Citizenship and autonomy in D. Held & J.B. Thompson, <u>Social Theory of Modern Societies</u>, Cambridge: Cambridge University Press.

Held, David. 1989b. <u>Political Theory and The Modern State</u>, Stanford: Stanford University Press.

Hintze, Otto. 1975. <u>The Historical Essays of Otto Hintze</u>. Ed. F. Gilbert. New York: Oxford University Press.

Hirst, Paul. 1990. <u>Representative Democracy and Its Limits</u>, Cambridge: Polity Press.

Hirst, P. and Thompson, G. 1994. "Globalisation and the Future of the Nation State." London. Unpublished manuscript.

Hobbes, Thomas. [1651] 1992. <u>Leviathan</u>, Cambridge: Cambridge University Press.

Jespersen, Knud. 1991. <u>Stat og Nation</u>, Bd.4 i serien: Det europæiske hus. Red. Søren Mørch, København: Gyldendal.

Kaldor, Mary. 1990. <u>The Imaginary War</u>, Oxford: Basil Blackwell.
Kennedy, Paul. 1988. <u>The Rise and Fall and Great Powers</u>, London: Fontana.

Locke, John. 1989. <u>Two Treaties of Government</u>. London: J. M. Dent & Son Ltd.

Mann, Michael. 1986. <u>The Sources of Social Power</u>. Cambridge: Cambridge University Press.

Mann, Michael. 1988. <u>States, War and Capitalism</u>, Oxford: Blackwell.

Mann, Michael. 1993. "Nation-States in Europe and Other Continents: Diversifying, Developing, Not Dying." <u>Dædalus</u>, Summer.

Mancini, G. Federico. 1989. "The Making of a Constitution for Europe." <u>Common Market Law Review</u>, vol.26, pp.595-614.

Marshall, T.H. 1950. <u>Citizenship and Social Class</u>, Cambridge: Pluto Press.

Martinello, Marco. 1993. "European Citizenship, European Identity and Migrants: Towards the Postnational?" Paper præsenteret ved ECPR Joint Sessions of Workshops 1993, Leiden.

Meehan, Elisabeth. 1993. <u>Citizenship and the European Community</u>, London: Sage.

Morgan, Kenneth. 1990. <u>The Peoples Peace: British History 1945-1990</u>. Oxford: University of Oxford Press.

Ruggie, John G. 1993. "Territoriality and Beyond: Problematizing modernity in international relations." <u>International Organization</u> 47, 1, Winter.

Schmitt, Carl. 1976. <u>The Concept of the Political</u>, New Brunswick, NJ: Rutgers University Press.

Schmitt, Carl. 1985. <u>Political Theology</u>, Cambridge, Mass: MIT Press.

Schmitter, Phillip. 1995. "If the nation-state were to wither away in Europe, what might replace it?" Stanford. Unpublished Manuscript.

Shaw, Martin. 1991. <u>The Post-Military Society</u>. Philadelphia: Temple University Press.

Tamm, Ditlev. 1991. <u>Retshistorie</u>, Bd.2, København: Jurist- og Økonomforbundets Forlag.

Turner, Brian S. 1986. <u>Citizenship and Capitalism</u>, London: Allen & Unwin.