

The Citizenship of European Union – “Diversity in Unity” or “Unity in Diversity”?

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Abstract:

Without having a universally accepted definition, the concept of citizenship has acquired through time a multitude of definitions putting, in general, the question of belonging to a particular community, which requires with priority political rights but also obligations, the citizen being the one that has rights and duties in a democratic society. The notion of European citizenship is based on rights and corresponding obligations, implying the fact that the citizens of the European Union benefit, in this quality, of the same rights that are traditionally awarded to own citizens in the internal legal order. By applying the “unity in diversity” principle which the united Europe is built upon, the European citizenship represents equality before the adopted laws and the problems and dissatisfactions of citizens can be the same regardless of nationality or ethnicity and common solutions need to be built for these. By the inclusion of rights, obligations, as well as by participating in the political life, the European citizenship has the purpose of consolidating the image and identity of the European Union and the more profound involvement of the citizen in the European integration process.

Keywords: *Citizenship of European Union, political life, legal order, obligations of citizenship.*

The citizenship – conceptual elements

The term *citizen* derives from the Latin: *civis romanus*, where the Roman citizens were considered only those persons who were entitled to take part in popular assemblies of the forum and participated in this way, directly to the conduct of public affairs, having full political rights, which the Romans called *jus honorum, jus sufragii*.

The concept of *citizenship* was proposed by Aristotle [1] and recognized by the State to its inhabitants who, as members of the Citadel, were participating in its government, his belief being that all communities exist because of the human impulse to cohabit and live together with others.

The citizenship – the short historical references

Throughout history, the French Revolution of 1789 brings to the fore the *Declaration of the Rights of Man and of the Citizen* which establishes the modern

citizenship in the sense that ties the concept of citizenship to the participation in the political life, equality of citizens being conceived as a mere legal equality, and freedom is inextricably linked to private property, defined by a sacred and inviolable report and where the couple fellow-citizen is inseparable: the citizen has rights, but their exercise depends on the law and therefore the sovereign nation.[2] Reporting citizenship to the State, to various governance practices, to the challenges of globalization and Europeanization, have shown that citizenship can not be seen as an end result, but as a dynamic concept, redefined and in a constant state of transformation that results in another possibility of redefinition. In the classical sense of the term, citizenship expresses a person belonging to the State, through the mutual rights and obligations provided for by the legislation of that State.

The legal nature of *citizenship* is found in the link connecting an individual, a group of individuals or certain goods with a particular State, either by the political and legal domination and subjection report of which flow rights and obligations, both as it concerns the individual against the State, or the State against the individual and differentiates the latter from the foreigner, as long as he is subject to the legislation of his own State, enjoying the rights the State has determined to confer him and meeting the obligations which it imposed on him. The quality of *citizen* can be acquired in several ways: by place of birth, relying on the principle of *jus soli* or through connection of blood after parents, according to the principle of *jus sanguinis*, but can also be acquired through special procedures for obtaining the nationality or for outstanding service to the country and nation, thus gaining the *honorary citizenship*. [3]

Under these perspectives, *citizenship* appears as a positive *status* [4], which serves to justify the individuals belonging to a particular political community with the consequence of granting a series of rights recognized and guaranteed by the community. The content of this concept is expanding and growing with the diversification of modes of presence at global level and of building ties with other participants in the economic and social life where

relationships and connections are becoming multiple and mobile given that, increasingly, the concept of State and in particular the concept of nation-State is no longer taken as the ultimate and legitimate holder of power. Thus, the State is *absolute*, in the sense of providing the model for co-existence in a world divided into territories quite clearly determined, and *legitimate*, in that it represents the public good as the sum of the individual good.

Without having a universally accepted definition, the concept of *citizenship* has acquired through time a multitude of definitions putting, in general, the question of belonging to a particular community, which requires with priority political rights but also obligations, the citizen being the one that has rights and duties in a democratic society. [5] The essential right of the citizen is to be able to create laws, the basic task being to follow the law that he created, exercising his freedom, organizing his relations with others within the defined legal framework. In a democratic society, citizenship implies individual's autonomy, moderated by responsibilities and by the knowledge to the legal and moral obligations implied by living the life together and respecting each other, in this sense, the citizen acquiring that delicate quality, but responsible of *co-citizen*, i.e. an individual who lives with and alongside others [6].

Marshall opined [7] that citizenship can be effective and efficient only when providing the citizen access to three main types of rights, thus selecting three main components of citizenship: the *civil component*, which includes rights relating to individual freedom and the institution directly associated with it is the rule of law and a judicial system; the *political component*, an example could be participating in the exercise of political power and to vote and to be elected in parliamentary institutions; the *social component* of citizenship, which covers rights to a decent standard of living and equal access to education [8], health, housing and minimum income.

From the viewpoints of the social nature, citizenship is one of the individual's identities and involves developing certain competences or a civic culture that enable the effective exercise of the status of citizen.

The citizenship of European Union – “diversity in unity” or “unity in diversity”?

The multitude of social, economic and political changes that have taken place in the last century led to a series of transformations undergone by the concept of *citizenship* from its inception to date when it was necessary to create a new concept [9] namely the *European citizenship*, concept that must, however, be clearly defined from that of *citizenship in Europe*, because even though the two concepts relate, the concept of *European citizenship* oscillates between constitutional tradition [10] and innovation, representing one of the foundations of a united political Europe in the making, while the *citizenship in Europe* only refers to modes of acquisition of the citizenship of each Member State, of each legal order of Member States.

Regarding the concept of *European citizenship*, aroused as a need for a new legal community reality, it was declared only in 1984 when the European Council in Fontainebleau formed a Committee of reflection, which is known as the Adonino Committee and made a first step in defining the European citizen, drawing up a plan aimed at facilitating the free movement of persons, a better information of them, boosting language learning, harmonization of European symbols: the anthem, the flag, the passport etc. Among the rights recognized also figured the rights resulting from the idea of economic integration such as the right to work in the chosen country [11]. Europe's economic evolution [12] through the development of the *Single Market* has created the possibility of giving European citizens a series of general rights in areas of the most diverse, such as: free movement of goods and services, consumer protection and public health, equal opportunities and equal treatment, access to employment and social protection etc. [13]

Later, in 1992, at Maastricht, it was foreseen but not clearly defined a new kind of citizenship, the *European citizenship*, which would give new legal status of citizens in each Member State of the European Union, assigning them specific rights which derived from their own State membership to the European Union,

setting their nationality: Every citizen holding the citizenship of a Member State is a citizen of the Union. *Citizenship of the Union complements the national citizenship and does not replace it - European Citizenship*, art. 8 in 1992, subsequently converted in 17 of CET, with the last phrase added after the Amsterdam treaty – and is based on principles common to the Member States, included in the Amsterdam Treaty: the principle of freedom, the principle of democracy, the principle of respect for human rights and fundamental freedoms – rights and freedoms already established in 1789 by the *Declaration of the Rights of Man and of the Citizen* this being the fundamental charter that made in France and worldwide, the foundation of modern democracy – the principle of rule of law and results from the fundamental human rights and the specific rights granted to European citizens: free movement rights and civic rights, as described in the Treaty.

Provisions inserted in the second part of the Treaty of Maastricht under the heading *Citizenship of the Union* have the mission to serve as a potential guide to study the status of the European citizen but it should be noted that they do not present a perfect coherence being without anything spectacular to the rights European citizens already had. First, although it proclaims logically that citizens of the Union have not only rights, but are subject to the same extent to some obligations, the treaty is limited, in terms of obligations, to sending to *the duties of this Treaty*, without specifying their content, taking into account the legal standard for reference, not for enforceability.

The concept of *European Union citizenship* has two meanings of approach, one *vertical*, which captures the issue of immigration, asylum and citizenship in the European Union Treaties, and one *horizontal*, which covers human rights in the system of international relations[14] and European system. In this regard, on May 5th, 1949, in London were signed the Statutes of the Council of Europe, two of the main aims being to protect *human rights* and to strengthen democratic stability in Europe.

In this regard, Catherine Withol of Wenden pointed out that, *once the European Union built, citizens must be invented* [15], claim that she underpinned taking into account that the *European citizen* is only created as a project that is taking shape around some fundamental lines: dissociation between nationality and citizenship, institutional innovation, with priority the constitutional one, development of a common culture [16] beyond State borders, acceptance of new civic values represented by non-discrimination, cultural pluralism, multiplicity of references and elections, etc., the current European citizenship trying to obey these imperatives, but the level of success being relative. It would first be a *reciprocal citizenship* based on reciprocity of rights between European nationals, according to the principles of non-discrimination and equality, then one of *responsibility* because it comes from the nationality of a Member State [17]. The Maastricht Treaty specifies that a European citizen has the right to free movement and residence in any Member State of the European Union, the right to vote and to be represented in the European Parliament, the right to diplomatic protection in a third State, if the State from which he comes has no consular representation, the right to petition to the European Parliament and the right to address the *Ombudsman*.

In recent years, given the status of the global crisis, it is increasingly circulated the idea that the *multiple citizen* status or the quality of *European citizen* led to a strain on the activities of officials and is seen even as a danger to the security of a State and, in this context States also began to see European citizenship more quickly as a threat. One of rights stipulated in the treaty, the free movement of persons within the European Union, is becoming increasingly limited because more and more States seek a reintroduction of border control.

Thus, the slogan of an united Europe, *unity in diversity* tends to slide ridiculous and remain only declarative, European Union leaders focusing primarily on economic issues, relegating to the background the social problems affecting pretty seriously the European identity, forgetting that, in fact, the economic and the social are interdependent and intertwined issues, but which

also largely depend on each other. Thus, at European Union level it is demonstrated that there are different visions and modes of action, which may lead to lack of solutions to solve this kind of problems.

Conclusions

In conclusion, the elements that build the *European identity* are not as well defined anymore, especially in a period in which political discourse has priority and the level of confidence of citizens of the Member States of the European Union in the values proposed by it drops as they are aware more of problems they face. Eventually, the system proposed by the Union is not infallible and delay in finding solutions affects the Union's image internationally. Declaratively, the *European citizenship* is ideal but if no action is taken, it shall remain at this level. The emergence and support of extremist parties in the European structures can lead to empowering some protest policies and maintaining a permanent revolutionary spirit, running the risk of creating a threatening abyss between mechanisms in Brussels and the European citizen and in this way no faith and no common value not will unite them, regardless of the diversity of cultures, and interested or not in politics, everyone will realize that the European Parliament has no power to defend their rights, being more a matter purely declarative, therefore great difficulties may occur while the Union's States have great diversity in legislation and differing practices for granting and withdrawing citizenship and practices as diverse as regards naturalization of foreign workers. Union States that restrict the acquisition of citizenship are likely to reluctantly accept opening their territory, their labour market, and their political rights to citizens coming from other more liberal Member States. The concept of *European citizenship* calls logically to a certain harmonization of laws on granting citizenship, harmonization currently feasible because of the great political sensitivity of the issue. The issue of European citizenship raises a number of problems crucial to the future of the European Union and its importance is well reflected in a number of other projects that could develop the concept of

European citizenship, adding other specific rights thereof such as: the right to good administration the right of access to documents. For the united Europe to remain a viable political project, citizens must have respect and trust both in institutions and in those who hold the authority, but also reciprocally, i.e., European authorities to rely on citizens, to capitalize them by really observing their rights, becoming aware that first of all Europe of the citizens and then citizens are of Europe's, which today is increasingly absent. A sense of common destiny and of belonging to the same community can not be created artificially but only a common cultural consciousness can engender this feeling, which is why Europe needs to focus not just on economic matters, but also on citizens' rights. It is therefore necessary to strengthen the means of social communication and increase their accessibility as a way to absorb the interest of citizens of the Union's States to participate with more passion in European public life and thereby to do all felt the democratic nature and implicitly the legitimacy of a politically united Europe. The most important *European "actor"* remains the State, citizens' interests being increasingly less taken seriously, and interests of the States are above the interests of the Union in this situation and the concept of *European citizen* may lose its significance, and European values are overshadowed by this crisis demonstrating that after years of reforms of the Treaties, yet united Europe is a Europe without European citizens.

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