Introduction

Francis Cheneval and Mónica Ferrín

The content of European Union (EU) citizenship is at the centre of academic and political debates, increasingly so after Brexit and the refugee crisis. Yet the problems faced by EU citizenship are neither new nor unique to the EU. They have been experienced by a large number of political entities for decades, sometimes centuries. Varying linguistic, ethnic, religious and civic identities have led to competing understandings and claims to citizenship. Accordingly, questions as to who has citizenship status (and how it is acquired) or what type of rights citizens from different 'categories' are entitled to have been, and still are, part of the discussion almost everywhere. To date, and apart from a legal perspective, few studies have taken advantage of this rich set of experiences and practices to shed light on potential futures for EU citizenship. In this volume, we travel together to Canada, Croatia, the Czech Republic, Estonia, Spain, Switzerland and Turkey and provide an assessment of the ways different societies have dealt with multiple identities in their citizenship regimes. We study this broad range of cases from historical, political and sociological perspectives, by attempting to understand how different communities have in practice combined together to form a single citizenship. This approach allows us to understand how problems similar to those challenging the EU today have been faced and addressed by other political entities, and to consider potential developments for EU citizenship.

COMPARING CITIZENS ACROSS BORDERS

In a famous article published in 1991, Giovanni Sartori warns against the inappropriate use of comparative methodology (Sartori, 1991). This warning cannot be ignored, considering the variation we find in our case studies. Can we compare our cases with the EU case? And if so, how? Even today, the EU is defined as a *sui generis* system (e.g., Phelan, 2012), which makes it difficult to compare it to any other political system. Despite being aware of this particularity, in this volume we propose using a comparative

Francis Cheneval and Mónica Ferrín - 9781788112697
Downloaded from Elgar Online at 07/09/2020 02:54:01AM
via free access

strategy primarily aimed at learning from other countries' experiences in dealing with multi-layered citizenship. Indeed, Sartori himself agrees that 'comparing is "learning" from the experience of others, and conversely, that he who knows only one country knows none' (Sartori, 1991, p. 245).

Thus, the comparative method is applied with the aim of learning from the case studies in this volume, and not so much to find regularities between the different case studies. In particular, this book emerges from a joint effort to organise our research project into three separate stages. In the first stage, we examined similarities and differences between the EU and the other cases. This initial analysis provided a net picture of the extent to which the cases differ among themselves and regarding the EU. This stage was fundamental to determine what could possibly be compared between the different cases and the EU. In the second stage, each case study was internally analysed by the country experts, providing extensive knowledge of the problems these countries have encountered and the set of solutions which have been implemented in dealing with citizenship. In the last stage, each case was compared to the EU to find out which experiences could be applied in the EU. This volume is intended as an analytical summary of the main findings produced by our research project. Thus, in the first six chapters in-depth studies of each country reveal similarities to and differences from the EU which were not known a priori. The last three chapters of this volume (Chapters 7 to 9) offer the opportunity for comparing and learning about particular solutions which could be tried in the EU. Since most comparative work on the EU has been related to institutional building, there is a vast area which remains unexplored even today.

COMPARISON AND THE *SUI GENERIS* NATURE OF EU CITIZENSHIP

Many have insisted on the *sui generis* nature of the EU (see, for example, Majone, 1996; Marks, Hooghe and Blank, 1996), which has instigated important criticism against comparison of this special *animal* with other political systems. Whether the EU truly represents an 'N=1' case has been largely discussed since then.[1] Except for a few exceptions, most scholars now agree that it is possible to compare the EU to other political systems (among others, see Hix, 1994, 1998; Zweifel, 2002, 2003; Wolinetz, 2011). Yet, comparison of the EU with other political systems is mostly

---

[1] An interesting discussion about the 'N=1' problem can be found in vv.aa. (1997).

confined to other (con)federal states, such as the United States or Canada (McKay, 2001; Ansell and Di Palma, 2004; Fabbrini, 2004; Menon and Schain, 2006; Bolleyer, 2009; Burgess and Gagnon, 2010; Laursen, 2011).[2] Moreover, comparative studies were initially more focused on institutional arrangements, and only recently has there been an increasing interest in policy comparison. Among these studies, those on immigration or citizenship policies constitute one of the newest developments from a comparative perspective, expanding the number of countries to which the EU is compared (van der Mei, 2002; Cain, 2004; Prügl and Thiel, 2009; Brubaker, 2010; Schall, 2012; Requejo Coll and Caminal Badia, 2012; Maas, 2013a, 2013c). In Maas's edited book, for example, EU citizenship is compared to citizenship in Mexico, the United States, Egypt, China, Canada, Switzerland and Bosnia-Herzegovina (Maas, 2013b). This volume connects with this comparative literature but is highly unique in scope and approach.

Before entering the in-depth analysis of the seven case studies, some remarks on the specificities of the EU are, however, necessary. A major issue to keep in mind throughout this volume is that all the cases that are studied are nation-states, whereas the EU is not. There are indeed important differences in how citizenship is configured within the EU and at the national level. In order to properly understand the differences, the following points are important. In the literature, to date we find the following narrative. To start with, EU citizenship is limited to a small range of rights, related mainly – although not exclusively – to freedom of movement.[3] To the contrary, national citizenship involves a large number of rights and obligations ranging from civil to social rights. The EU catalogue of citizenship rights is therefore remarkably limited, and therefore not fully comparable with national conceptions of citizenship (Shaw, 1998). In addition, EU citizenship is conditional upon being in possession of national citizenship. Member states have absolute control of who becomes an EU citizen within

---

[2] Initially, the study of the European communities was mostly an area of research on international relations. Such studies therefore compared these communities to other intergovernmental organisations such as MERCOSUR, NAFTA and so on. With the signing of the Treaty of Maastricht and the creation of the EU, the focus of comparison has moved to other (con)federations (see Wolinetz, 2011).

[3] EU citizenship rights are 1) not to be discriminated against on the grounds of nationality; 2) to move and reside freely within the EU; 3) to vote and stand as candidates in municipal and European Parliament elections wherever they live in the EU, under the same conditions as nationals; 4) to be assisted by another EU country's embassy or consulate outside the EU under the same conditions as a citizen of that country, if their own country is not represented; 5) to petition the European Parliament, apply to the European Ombudsman and address the EU institutions (in any official EU language); and 6) to organise and support, together with other EU citizens, a citizens' initiative to call for new EU legislation.

their territory and who does not (Painter, 2002). Also from this point of view, EU citizenship differs strongly from the citizenship in the countries in our case studies. But this is not yet the full story. Due to principles of freedom of movement and non-discrimination that in the EU come with European citizenship, there are important interaction effects that affect considerably the bundle of rights of a national and EU citizen. These additional interaction effects make European citizenship quite unique and hard to pin down. For instance, while it is true that relatively few rights are in the bundle of rights of European citizenship per se, the principle of non-discrimination of a citizen moving across state borders within the EU might add considerably to the bundle of rights that a person holds, and this without special control or approval of the member state. A second example is the following: while it is true that the member state can control access to European citizenship in its turn, it cannot control the access to citizenship in other member states. Consequently, a single member state has little control over European citizenship and hence over the group of people it will potentially or actually have to recognise as having this status. Ultimately, the interaction effects of this process determine the outcome of who has which rights and where. Neither the EU nor a single member state controls the process. This makes EU citizenship quite *sui generis* in nature.

We also need to be aware of a further differentiation between the EU case and the other cases. This is related to the fact that EU citizens are divided into *stayers* – Europeans who live in the country where they were born (the big majority) – and *movers* – Europeans who have moved to another EU member state (about 10% of Europeans; see, for example, Recchi and Favell, 2009; Favell, 2011). This distinction is crucial in order to identify who exercises EU citizenship rights and when. Indeed, even if all EU nationals are entitled to EU citizenship rights, it is mostly the *movers* who profit from the set of rights related to freedom of movement. For the same reason, *movers* might be those who experience the most problems when trying to exercise their EU citizenship rights. Considering this distinction, the range of problems or types of discrimination we find in the EU might differ from those encountered in our case studies. In the EU, it is less than probable that a whole community – let us say, for example, the Italian community – has been systematically discriminated against by the other communities, or member states, within the territory of the EU. This is however a plausible situation in the countries in our case studies. Still, comparison is possible if we select situations that are similar both in the EU and in a particular case-study country. Just to name a few possible examples, comparison would be possible between UK *stayers'* claims against the EU and Catalans' claims against Spanish interference in national matters. Comparison would also be possible between EU

movers to another member state and immigrants to any of our case-study countries. In other words, although the EU is *sui generis*, learning from other contexts might help us to deal with situations that take place in the EU context.

LEARNING FROM OTHER CONTEXTS: PLAN OF THE BOOK

This book studies rival claims to identity and citizenship in different societies and offers a comparative analysis of their successful and failed constitutional and policy-based solutions for conflicts with the case of the EU. Through each of our case studies, the following questions are addressed:

- What are the factors that lead to segmentation and affect the resulting communities?
- What have been the problems, tensions, contradictions and practical barriers in substantiating competing citizenship claims?
- What solutions to these problems have been tried?
- Have the countries managed to solve the problems, or to reach stable coexistence?
- If solutions were less successful or unsuccessful, what were the stumbling blocks?
- What persistent problems or barriers are still being experienced?
- What, if anything, could the EU learn from these experiences that have taken place elsewhere and at different times?

Chapter 1 provides an in-depth study of the Swiss case. This chapter compares the institutional setting and integration processes in Switzerland and the EU. Although it is true that EU integration is trying to achieve more political integration and accommodate a much higher degree of diversity in much less time than has ever been the case in Switzerland, the Swiss case provides interesting insights in relation to the construction of citizenship. Indeed, the institutional design of the EU seems to echo quite well the federal state formation process in Switzerland, yet with several differences that precisely define the Swiss case as a successful multicultural society. Among these, special focus is placed on the institutional system (and more specifically, direct democracy) and Swiss federalism, a reality that implicitly discourages mobility of residence in Switzerland – the one foundation on which the EU has based the construction of EU citizenship and identity.

The Canadian case is introduced in Chapter 2. This chapter analyses

how Canada deals with diversity, internal minorities and immigration at both the legal and the political level. This exercise is intended to be a source of inspiration for EU policies in the field of diversity. Actually, features such as diversity in immigration policies, internal minorities and majorities, multiple historical interpretations and constitutional debates on how to accommodate this diversity are common both in Canada and the EU. Through a systematic analysis of recent literature and data on this topic, the chapter evaluates several aspects that can act as a mirror for European institutions – for example, the capacity of the Canadian federal model to accommodate multiple citizenship regimes, the development of a decentralised immigration policy and, most importantly, its multicultural approach while maintaining its internal diversity concerning the francophone minorities, the First Nations and immigration. These policies and constitutional arrangements are not free of political tensions, but we claim that the Canadian mirror could be a source of inspiration for the EU.

Chapter 3 introduces a key component of citizenship rights – language – through the Spanish case. The objective of this chapter is to assess whether and how the current Spanish political regime has managed to accommodate the various linguistic communities, which in some cases overlap with the formal limits of the sub-national units, that is, the autonomous communities (regional governments), whereas in others they do not coincide at all. More specifically, this chapter aims to disentangle the political dilemmas and multifaceted claims regarding linguistic policies in Spain, being a rather complex and subtle policy area in which multiple layers of national identity, social conflict and value formation converge. This chapter serves as a point of reflection on linguistic issues in the EU, where 24 official languages coexist.

Whereas Chapters 1, 2 and 3 deal with decentralised states (although to different degrees), Chapter 4 analyses a highly homogeneous and unitary state: the Czech Republic. At first sight, this country, with a significantly low level of religious alignment and low-profile ethnic-based political parties following the peaceful departure of most ethnic groups from the Czechoslovak federation, does not seem to be an appropriate object of scholarly research aimed at minority claims and their political treatment. Historical paths towards the present situation, however, show a colourful picture of a country struggling with a multi-ethnic, multilinguistic and multi-religious population. As the author of the chapter shows, and to simplify slightly, an observer can read Czech history in the second half of the twentieth century as a story of de-complexification of the Czech population. This short history is far from being one of a triumph of Czech politics in solving ethnic and national disputes. It can rather serve as an example of how drastic measures were adopted in Europe only slightly

more than half a century ago to achieve one of the ideals painted by the enlightened concept of a modern homogeneous nation that rules over a comprehensive territory called a nation-state. The experience with these 'silent' but visible minorities with a huge and risky potential of arousing political conflicts can provide some lessons for the larger EU of today.

Estonia, the subject of the case study presented in Chapter 5, is similar to the Czech Republic insofar as it is formally a unitary state. But the Estonian case is also very particular due to the presence of a Russian minority in the country and Estonia's conflictive past with Russia. This chapter gives a comprehensive overview of the different economic and cultural aspects of official Estonian policies to accommodate minority claims and to integrate its population. It considers the economic, social and cultural dimensions of citizens' rights and aims at a differentiated and critical evaluation of the outcomes of policies in relation to access to justice, the labour market, housing, education and so on. These policies are evaluated in light of the European principles of democratic citizenship. Chapter 6, which offers an account of the recent developments and the present situation in the areas of minorities and minority rights in Turkey, plays a similar role in this volume.

These in-depth studies are accompanied by two integrative chapters that study the solutions in centralistic and federalist state systems. By reviewing the findings from previous chapters, Chapter 7 offers a comparative perspective on citizenship and identity in the federalist state systems of Switzerland, Canada and Spain in relationship to the EU. The comparison of the EU to the three cases allows the observation of institutional and public policy characteristics which are related to diversity accommodation and territorial models. Chapter 8, on the other hand, provides a comparative perspective on citizenship in unitary states. Based on the examples of the Czech Republic, Estonia and Turkey, it refers to dealing with minority issues in societies that are not ethnically homogeneous, and which have or have had substantial and politically relevant ethnic or national minorities but did not opt for a multilevel political system of multi-layered federalised polity with institutions of territorial or non-territorial minority representation. These comparative chapters serve as a preface for the conclusion, in Chapter 9, where we take stock of the lessons learned in relation to further construction of the EU citizenship regime by highlighting the stakes in the ongoing processes of conflict resolution within the selected countries and the EU.

REFERENCES

Ansell, C. K. and Di Palma, G. (2004) *Restructuring Territoriality: Europe and the United States Compared*. Cambridge: Cambridge University Press.

Bolleyer, N. (2009) *Intergovernmental Cooperation. Rational Choices in Federal Systems and Beyond*. Oxford: Oxford University Press.

Brubaker, R. (2010) Introduction to immigration and the politics of citizenship in Europe and North America. In: Martiniello, M. and Rath, J. (eds) *Selected Studies in International Migration and Immigrant Incorporation*. Amsterdam: Amsterdam University Press, pp. 215–236.

Burgess, M. and Gagnon, A.-G. (2010) *Federal Democracies*. London: Routledge.

Cain, B. E. (2004) Is the democratic deficit a deficiency? The case of immigration policy in the United States and the European Union. In: Ansell, C. K. and Di Palma, G. (eds) *Restructuring Territoriality*. Cambridge: Cambridge University Press, pp. 188–204.

Fabbrini, S. (2004) Transatlantic constitutionalism: Comparing the United States and the European Union. *European Journal of Political Research*, 43 (4), 547–569. doi:10.1111/j.1475-6765.2004.00165.x.

Favell, A. (2011) *Eurostars and Eurocities: Free Movement and Mobility in an Integrating Europe*. Oxford: John Wiley & Sons.

Hix, S. (1994) The study of the European community: The challenge to comparative politics. *West European Politics*, 17 (1), 1–30. doi:10.1080/01402389408424999.

Hix, S. (1998) The study of the European Union II: The 'new governance' agenda and its rival. *Journal of European Public Policy*, 5 (1), 38–65. doi:10.1080/1350176888 0000031.

Laursen, F. (2011) *The EU and Federalism: Polities and Policies Compared*. Farnham: Ashgate Publishing.

Maas, W. (ed.) (2013a) *Multilevel Citizenship*. Philadelphia: University of Pennsylvania Press.

Maas, W. (2013b) Varieties of multilevel citizenship. In: Maas, W. (ed.) *Multilevel Citizenship*. Philadelphia: University of Pennsylvania Press, pp. 1–23.

Maas, W. (2013c) Free movement and discrimination: Evidence from Europe, the United States, and Canada. *European Journal of Migration and Law*, 15 (1), 91–110. doi:10.1163/15718166-12342025.

Majone, G. (1996) *Regulating Europe*. London: Routledge.

Marks, G., Hooghe, L. and Blank, K. (1996) European integration from the 1980s: State-centric v. multi-level governance. *JCMS: Journal of Common Market Studies*, 34 (3), 341–378. doi:10.1111/j.1468-5965.1996.tb00577.x.

McKay, D. (2001) *Designing Europe: Comparative Lessons from the Federal Experience.* Oxford: Oxford University Press.

Menon, A. and Schain, M. (2006) *Comparative Federalism: The European Union and the United States in Comparative Perspective*. Oxford: Oxford University Press.

Painter, J. (2002) Multi-level citizenship, identity and regions in contemporary Europe. In: Anderson, J. (ed.) *Transnational Democracy*. London: Routledge, pp. 93–110.

Phelan, W. (2012) What is *sui generis* about the European Union? Costly international cooperation in a self-contained regime. *International Studies Review*, 14 (3), 367–385. doi:10.1111/j.1468-2486.2012.01136.x.

Prügl, E. and Thiel, M. (2009) *Diversity in the European Union*. New York: Palgrave Macmillan.

Recchi, E. and Favell, A. (2009) *Pioneers of European Integration: Citizenship and Mobility in the EU*. Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Requejo Coll, F. and Caminal Badia, M. (2012) *Federalism, Plurinationality and Democratic Constitutionalism: Theory and Cases*. London: Routledge.

Sartori, G. (1991) Comparing and miscomparing. *Journal of Theoretical Politics*, 3 (3), 243–257. doi:10.1177/0951692891003003001.

Schall, C. E. (2012) Is the problem of European citizenship a problem of social citizenship? Social policy, federalism, and democracy in the EU and United States. *Sociological Inquiry*, 82 (1), 123–144. doi:10.1111/j.1475-682X.2011.00401.x.

Shaw, J. (1998) The interpretation of European Union citizenship. *Modern Law Review*, 61 (3), 293–317. doi:10.1111/1468-2230.00145.

van der Mei, A. P. (2002) Freedom of movement for Indigents: A comparative analysis of American constitutional law and European community law. *Arizona Journal of International and Comparative Law*, 19 (3), 803–861.

vv.aa. (1997) Does the European Union represent an *n* of 1? *ECSA Review*, X (3), 1–5.

Wolinetz, S. B. (2011) Comparing the incomparable: Treating the EU in comparative context. In: Laursen, F. (ed.) *The EU and Federalism: Polities and Policies Compared*. Farnham: Ashgate Publishing, pp. 27–40.

Zweifel, T. D. (2002) . . .Who is without sin cast the first stone: The EU's democratic deficit in comparison. *Journal of European Public Policy*, 9 (5), 812–840. doi:10.1080/13501760210162375.

Zweifel, T. D. (2003) Democratic deficits in comparison: Best (and worst) practices in European, US and Swiss merger regulation. *JCMS: Journal of Common Market Studies*, 41 (3), 541–566. doi:10.1111/1468-5965.00434.