Claiming Citizenship Rights in Europe

Emerging Challenges and Political Agents

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Contents

List of figures vii
List of tables viii
List of abbreviations ix
List of contributors x
Acknowledgments xi

In search of European citizenship 1

1 **Introduction: claiming citizenship rights in Europe** 3
ALI EMRE BENLI AND DANIELE ARCHIBUGI

2 **European citizenship in times of crisis: what is left?** 16
TERESA PULLANO

PART I
The refugees challenge to European citizenship 27

3 **Addressing the refugee crisis by European citizenship** 29
MARCO CELLINI

4 **Refugees traversing borders: disobedience as an act of European citizenship** 47
ALI EMRE BENLI

5 **European asylum policy and sexual orientation** 62
ILARIA RICCI

PART II
European citizens at the fringe 79

6 Prisoner voting rights on a European perspective: the cases of McHugh & others v. The United Kingdom and Thierry Delvigne v. Commune de Lesparre Médoc 81
VIOLA SCORDIA

7 Who votes and who can be voted in the European parliament elections? 100
ILARIA RICCI

8 Estonia's non-citizens, citizens of the European Union? 116
GIGI MIHĂIȚĂ

9 Sterilisation without informed consent: how to improve European citizens' medical agency 130
OLGA LENCZEWSKA

10 Parallel claims for the human right to water: the case of Roma in Slovenia 148
MAREK SZILVASI

PART III
Emerging issues and political subjects 169

11 The "right to be forgotten": asserting control over our digital identity or rewriting history? 171
ALICE PEASE

12 A right to protection for whistle-blowers 186
DANIELE SANTORO AND MANOHAR KUMAR

13 Can art help claiming rights? A case for aesthetic activism in the EU 204
DANIEL TKATCH

Epilogue 223

14 Claiming rights to rejuvenate European integration 225
DANIELE ARCHIBUGI AND ALI EMRE BENLI

Index 235

1 Introduction

Claiming citizenship rights in Europe

Ali Emre Benli and Daniele Archibugi

The European integration project is facing new challenges, desertions and criticism. Populist movements sceptical of the European Union (EU) are gaining considerable popularity across member states. The fundamental rights that have a central place in the European Treaties are increasingly being presented as implemented at the expense of the interests of the general public. EU citizenship, the symbol of European integration, is increasingly perceived to be curtailing the ability of societies to govern their citizens. In the background of this change in the European political landscape, there lies an escalating "refugee crisis" which caught Europe off guard when it was only beginning to recover from the "financial crisis" of 2008. The implications are far reaching. The gap between conventionally recognized rights and those that are actually enjoyed by individuals is becoming wider and wider. Referenda in the United Kingdom and Hungary have seriously put to question the prospects of an integrated Europe. The response to the so-called "refugee crisis," for example, has been mostly directed at protecting Europe, rather than providing asylum seekers with effective access to their rights.

In this book, we join a number of authors who take a fresh approach to rethinking European integration in the face of the recent challenges.[1] At the centre of our inquiry is European citizenship. Yet, rather than EU citizenship as a merely legal status of *having* rights, we investigate European citizenship as a practice of *claiming* rights. Moreover, our investigation is not confined to the citizens of the member states of the EU. Rather, it includes all those who engage with the social, political and legal mechanisms of Europe to claim their rights. In each chapter, authors investigate cases of traditionally oppressed groups and emerging political agents claiming rights as a practice of European citizenship. They draw on what Karen Zivi (2012) calls a *rights culture* in Europe and point at ways of developing rights further. In this introductory chapter, we lay out different aspects of our investigation of *claiming rights*. After that, we discuss how a variety of social, political and legal mechanisms in Europe provide fertile grounds for agents to claim rights. Finally, we describe what such a European citizenship implies in practice and how it is taken up in each chapter. To begin with, however, we make our case for a new approach to rethinking European citizenship.

The need for rethinking citizenship

EU citizenship is perhaps the most important component of European integration. EU citizenship has been granted to all citizens of the member states as a formal legal status in addition to national citizenship by a series of treaties – Maastricht (1993), Amsterdam (1999), Nice (2003) and Lisbon (2009). It comprises a specific bundle of rights including the right to non-discrimination and free movement across member states as well as a number of political rights with regards to EU institutions. Since its initial implementation, the bundle of rights specified by EU citizenship has continuously enlarged. One important site of expansion was the European Court of Justice, which took an active role in "entrenching and extending rights of EU citizenship by developing non-discrimination on grounds of nationality and mobility rights through case law" (Isin and Seward 2013:7).[2] The Court's decisions enabled EU citizens "as a matter of principle, to enjoy the same treatment in law irrespective of their nationality" (Bellamy, Castiglione and Shaw 2006:15). This resulted in EU citizens enjoying more extensive rights such as access to social benefits when residing in member states where they do not hold national citizenship. Another significant expansion came with the implementation of the EU Charter of Fundamental Rights by the Lisbon Treaty. By means of the Charter, a human rights regime was incorporated into EU citizenship (Isin and Seward 2013:10).

"Expansionist" aspects of EU citizenship brought about an extensive debate among theorists. The main point of controversy was whether integrative functions of citizenship at the nation state level can also be utilized at the transnational level. In other words, theorists have asked whether European citizenship could constitute a self-standing post-national citizenship that can facilitate integration across Europe? If so, what should such a European citizenship consist of? While European citizens do not necessarily diverge in their aspirations (Hale and Koenig-Archibugi 2016), they often diverge in their trust and belief in the legitimacy of European institutions which should in principle fulfil their aspirations.

The traditional debates on citizenship revolve around three major camps; liberals, communitarians and republicans, each advocating competing models of citizenship. Liberals propose a *citizenship-as-rights* model. The citizens are primarily individual-rights bearers. The state guarantees civil, political and social rights to all and thereby "ensures that every member of society feels like a full member of society, able to participate in and enjoy the common life of society" (Kymlicka 2002:288). Communitarians advocate a *citizenship-as-belonging* model. The citizens are foremost agents who share cultural, ethnic or other characteristics, and a notion of the common good. They "enter politics in order to promote certain *already-existing* shared ends, based on a common faith or traditional way of life" (ibid.:298). Republicans adopt a *citizenship-as-participation* model. The citizens are those who possess "certain requisite civic attitudes and capabilities to participate in

the community" (Bellamy, Castiglione and Shaw 2006:8–9). Rather than pre-political values, participation in the decision-making mechanisms itself is the common good that binds the political community.

The three models are all both descriptive and normative. They are descriptive to the extent that they highlight one among many dimensions of an already existing national citizenship. As Richard Bellamy points out, even if the models give precedence to one dimension of citizenship, each one includes aspects of all three (2004:7). The models are also normative as each prioritizes one dimension over another, based on how they value different aspects of the institutions of liberal democratic states. In turn, they advocate competing policies for promoting the kind of citizenship they value. For example, liberals argue for policies that entrench fundamental rights, communitarians for fostering shared values and republicans for more participation in the decision-making mechanisms of the state.

Like national citizenship, EU citizenship displays each of the three dimensions in different degrees. As Bellamy, Castiglione and Shaw observe,

> EU citizenship has much of the form and some of the substance of the liberal, rights-based, model. Curiously, though, it remains largely framed – some would say compromised – by a communitarian notion of belonging. For access to EU citizenship remains dependent on being a national of a member state
>
> (2006:9)

Liberals, communitarians and republicans thus advocate proposals for a self-standing post-national citizenship similar to those they advance for national citizenship. From its initiation, the deepening of fundamental rights associated with EU citizenship has faced with resistance from the communitarian camp, which argues that the liberal *citizenship-as-rights* model encourages "a self-defeating form of extreme individualism by concentrating on rights to the neglect of the claims of society and the common good" (ibid.:8). The challenges EU integration faces today, therefore, have not come as a big surprise for the communitarians. Yet, the models proposed by communitarians and republicans are also prone to serious problems. First, it is not clear how a European *demos* of shared ethnic or cultural characteristics, which communitarians argue grounds a *citizenship-as-belonging* model, can ever be constituted. An identifiable common good with shared values does not even characterise modern pluralistic societies at the national level. How can it be a model for a transnational entity? Even if a homogenous Europe were desirable, it does not seem feasible in the near future. Second, the lack of allegiance to EU institutions "limits the capacity for republican forms of participation to develop" (ibid.:16). It is doubtful that the provisions in the EU treaties for rights to participation in the decision mechanisms of the Union or instruments such as "citizens' initiatives" can sufficiently constitute the civic virtues that republicans argue grounds a

model of *citizenship-as-participation*. Finally, more ambitious policy proposals towards implementing mechanisms that enable greater participation (Archibugi and Held 1995; Archibugi 2008) have also met with resistance. As Kymlica observes, aiming to enhance democratic accountability of the EU through the elected European Parliament may "shift power away from the national level, where mass participation and vigorous democratic debate in a common language is possible, towards the transnational level, where democratic participation and deliberation is very difficult" (Kymlicka 2002:315).

The debate among liberals, communitarians and republicans significantly enhances our understanding of the prospects of a self-standing European citizenship. Yet, it remains parochial in an important sense. The problem is that the proposals for EU citizenship are based on models of national citizenship that function in a fundamentally different context from transnational Europe. National citizenship depends on the existence of a state that provides crucial functions for citizens such as ensuring security and liberty, guaranteeing contracts and market interactions through the monopoly of coercive power. At the transnational level, there is no such institution that has a monopoly over coercive power. There are, in fact, a number of pressing concerns that require a collective response by the peoples of Europe such as responding to economic globalisation, environmental problems and international security that have lead states to create international and transnational institutions. But these problems have not yet constituted an incentive strong enough to create a sovereign body in Europe resembling the state. Where there is no similar institution, the three models are not able to foster integration. Perhaps this is because national citizenship does not foster integration through promoting different normative values as the three models of citizenship presuppose, but through legitimising the monopoly of coercive power of an already existent sovereign state.[3] Does this mean that European integration through a European citizenship is not a viable policy? No, it does not, as problems that can only be dealt at the transnational contexts are ever more pressing. But it does mean that there is a need to go beyond the traditional debate and find novel ways to think about European citizenship (Nanz 2006). Such European citizenship should be useful in overcoming the pressing problems that require a collective response in Europe. It should function without the existence of a sovereign body. Instead, it should make use of the novel opportunities the transnational context offers beyond the nation state.

Claiming rights as persuasion

In exploring European citizenship in this book, we make use of an alternative dimension of citizenship theorized by Karen Zivi (2012). Zivi draws attention to a practice of persuasion when citizens make rights claims. Persuasion, in the sense Zivi uses, implies engaging with each other's reasons, values and experiences. Citizenship, then, involves claiming rights by "presenting, debating, and contesting opinions or perspectives" (ibid.:51).

Claiming rights as a practice of persuasion takes place in various forms in different contexts. When a protester takes to the streets or a civil disobedient employs direct action to advance her rights claim, she is engaged in a practice of persuasion. But when a citizen makes a rights claim at a national court or contests a decision of a national court at an international court by presenting her reasons to her interlocutors she is also engaged in a practice of persuasion. The courts then provide the venue for what legal scholar Mathias Kumm (2007) calls a *Socratic contestation* where the reasons of public authorities are critically engaged.

Rights claiming as a practice of persuasion can be contrasted with the more traditional practice of rights as trumps. Rights as trumps is put forth to override other considerations (Zivi 2012:32). Contrary to rights claiming as persuasion, they are used to bring "the debate to an end by producing clear and secure winners" (ibid.:38).[4] Different citizenship models offer different reasons for which rights trump and why. For liberals, rights are political trumps held by individuals "when a collective goal is not a sufficient justification to deny them what they wish" (Dworkin 1977:xi). They argue for a universally justified set of rights such as the human rights regime that has become part of international law. Communitarians disagree with liberals that rights can be universally justifiable. They point out that cultural factors can affect the justification of rights, which leads to different societies endorsing varying sets of rights or priorities. Republicans, on the other hand, give precedence to rights that facilitate and ensure political participation. Despite differences regarding the kind of rights as well as their scope and justification, all three camps practice rights as trumping majority decisions when such decisions go against the fundamental values they endorse.

In real-life political contexts, nevertheless, practicing rights as trumps is often problematic. Claiming rights as trumps may be "extraordinarily ineffective, rarely functioning to bring political debate to clear ends or reign in the power of democratic majorities" (Zivi 2012:29–30). When it does, it is criticized for undermining "the very essence of democracy—the self-government of the people" (ibid.:29–30). The recent discontent with the institutions of Europe and EU citizenship involves both problems. Although EU citizenship has been implemented to ensure secure outcomes in issues regarding individual rights, social integration or political participation, groups situated at very different sides of the political spectrum are disappointed with its practice. There are those who see the transnational framework of rights in contradiction with democratic decisions of member states. Others are appalled by how easily majorities can disregard and override fundamental rights (Table 1.1).

The dimension of citizenship that we emphasise for European citizenship does not aim to replace the three models. Instead, it aims to bring to the fore an already existing practice of persuasion that can be employed to claim rights associated with any of the three models. When a liberal invokes a universal right to free movement, a communitarian invokes associative welfare rights or a republican invokes a political right to participate as trumping

Table 1.1 Three models of citizens and their implications of Europe

	Liberal Model Citizenship-as-rights	*Communitarian Model* Citizenship-as-belonging	*Republican Model* Citizenship-as-participation
Practicing Rights as Trumps	Secures fundamental interests of individuals. Universal in scope.	Secures access to common goods. Derives from shared cultural, ethnic or other characteristics.	Secures political participation in public interest. Product of political decision-making.
Practicing Rights as Persuasion	Claiming rights by presenting, contesting and debating perspectives. Derives from a *rights culture* and corresponding institutions and practices.		

Source: Authors' own elaboration on Bellamy (2004:9).

other considerations, they are at the same time engaged in a practice of persuasion. In this sense, our investigating of cases in each chapter is descriptive. It is also normative, for we argue that it should be fostered across Europe as an alternative dimension to practicing rights as trumps.

The distinguishing aspect of practicing rights as persuasion with respect to practicing rights as trumps is that the former implies the recognition that "however forcefully you assert your claim or how much you believe your perspective to be right or true, it is still a perspectival claim rather than an absolute truth" (ibid.:51). It "reminds us that rights themselves are not things we have that are independent of our relationships with others, but are instead the product of contestation and practices of intersubjective meaning making" (ibid.:68). By putting social interactions between political agents at the centre of rights claiming, the practice of persuasion can operate without the guarantees of a sovereign body. On the contrary, individuals who do not have the means to impose their view on others are more likely to see their claims as perspectival claims, rather than absolute truths. They are more likely to listen to the reasons, opinions and experiences of others. It is true that in the absence of a sovereign body there is no guarantee that rights claiming will always bring about preferred outcomes. Yet, perhaps outcome guarantees are not required for a European citizenship to play its integrative role. What is important instead is to foster democracy by providing individuals with the means to claim their rights and gain political agency.

A rights culture in Europe

For rights claiming as persuasion to be an effective practice, it needs to be carried out in the context of a particular set of institutions and practices. This is what Zivi calls a *rights culture*.

Individuals should have an understanding of the special importance of rights and that rights entail duties on individuals and institutions. Moreover, institutions and practices that facilitate rights claiming should have satisfying reasons and stories (ibid.:12–13). In Europe today, we can talk about a highly developed rights culture that involves both a robust history of rights claiming and a novel contemporary institutional structure. Moreover, there exists an active public space by means of which groups and individuals can materialise the opportunities provided by the institutional structure and historical background of rights claiming.

Historically, Europe has continuously been the scene of struggles for expanding and entrenching rights. There is a political tradition and a corresponding social understanding of the importance of rights in both human flourishing and organising political communities. We can find an increasing interest on individual rights with the European thinkers of early modern liberalism such as Bodin, Hobbes, Locke and Montesquieu who looked for roots of a political organisation in the experience of the Roman Empire. The French Revolution, on the other hand, revived a robust notion of political participation in Europe that can be traced back to the Greeks.[5] Since the Declaration of Rights of Men and the Citizen, the number and scope of rights have continuously expanded by great mobilisations of political agents through parties and movements. Throughout the nineteenth century, abolitionist, suffragettes, labour rights activists and immigrants have claimed rights that changed the face of European society. The twentieth century has witnessed the most comprehensive rights conventions in the Universal Declaration of Human Rights and the Refugee Convention. When political subjects make rights claims in Europe, they can draw on an established understanding of rights as well as institutions whose stories have been deeply entrenched in the European political landscape.

With this historical background of rights, the institutional structure of contemporary Europe furnishes the most fertile grounds for an effective rights claiming as persuasion. Europe today is a combination of various rights regimes and legal orders that no single authority can claim to represent. It is neither the state nor the institutions of the EU that have the last word on all issues of rights. Isin and Saward provide a list of these regimes including the Council of Europe (CoE), the European Court of Human Rights (ECHR), the Schengen Agreement, the European Economic Area (EEA), the European Free Trade Association (EFTA), the EU customs union, the euro zone and the Organization for Security and Co-operation in Europe (OSCE), arguing that "institutional 'Europe' is a complex entity consisting of a variably overlapping assemblage of institutions, treaties, arrangements, organizations, governments, authorities, associations and geographies" (2013:6). This novel structure allows agents to multiply their memberships and affiliations, and invoke different conventions and treaties when they make rights claims.

Finally, Europe has a highly developed and dynamic public space constituted of the interaction of public institutions and civil society actors (CSOs) that enhance practices of rights claiming. Their significance has already been experienced in Europe during the Cold War, when transnational networks of European citizens and organisations were the very first to create a space of dialogue and mutual understanding in spite of the East-West rivalry, of the division across the Iron Curtain and of an insane re-armament (see Kaldor 1991). CSOs refer to a wide range of organisations that include among others non-governmental organisations (NGOs), social movements, labour unions, indigenous groups, charitable organisations, diaspora groups as well as consultancy groups and think tanks. As Raffaele Marchetti observes, in the last 30 years CSOs have been "significant international actors as advocates for policy solutions, service providers, knowledge brokers, or simply watchdogs and monitors of state and intergovernmental actions", while some have even been integrated into the EU governance mechanisms (2011:15). What is important for practices of rights claiming is that they enable European citizens to go beyond the borders of their states and find alliances across Europe to present, debate and contest dominant perspectives in front of diverse audiences (Figure 1.1).

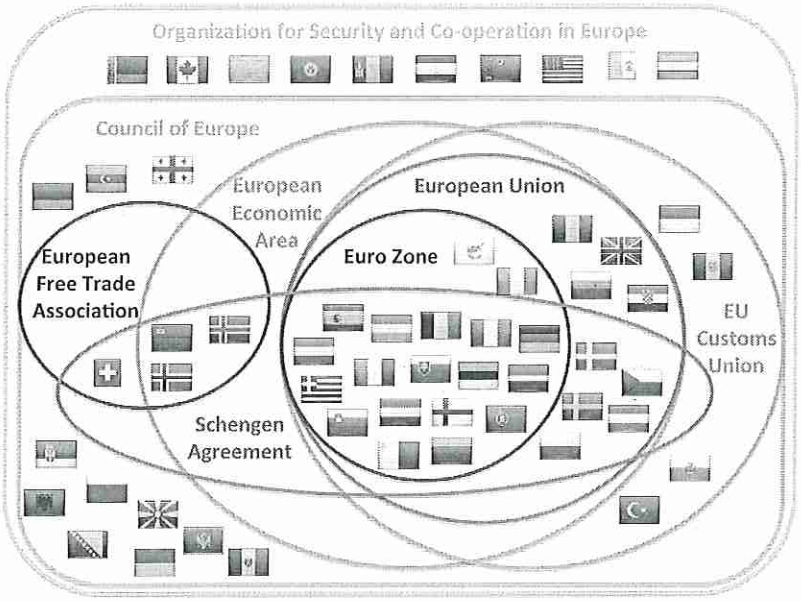

Figure 1.1 Inter-governmental organizations, institutions and agreements in Euro.

Practicing European citizenship

European citizenship, which is the object of our investigation in this edited collection, is only possible due to the particular historical and institutional characteristics of Europe. Citizenship as rights claiming can be effective only in such a context as today's Europe with its distinct public space. Before we conclude this introductory chapter, let us briefly outline what such European citizenship would look like. What would be its scope? Which rights would it involve? Which functions would it serve?

To begin with, European citizenship we envision is not a formal legal status. It does not consist in a complete list of rights or an established institutional structure that guarantees rights as trumps (Isin 2012). Following Isin, we define European citizenship as a relationship between political agents: "an institution of domination and empowerment that governs who citizens (insiders), strangers, outsiders and abject (aliens) are and how these subjects are to govern themselves and each other within and across spaces that are constituted as 'Europe'" (Isin 2013:28). The particular relation we shed light on in the book is a relationship of persuasion where agents claim rights by presenting, contesting and debating each other's opinions.

Following this introductory chapter, Teresa Pullano describes the European integration process as a dynamic reconfiguration of national spaces (Chapter 2). She brings to attention the economic, political and social tensions that this process gives rise to both at the national and the EU levels, and argues the latter does not have adequate means to overcome them. With the ongoing process of reconfiguration of political spaces in Europe in the background, the chapters in the following parts trace cases of rights claiming as a practice of European citizenship as an important means towards addressing tensions.

The aim of European integration project we endorse is not to replace the state. We recognise the existing role of states as both providing the means to establish social welfare, justice and rights as well as a source of injustice, inequality and violence. Instead, we aim to explore a European citizenship that is able to counteract the singular power of nation states by multiplying the memberships and affiliations of political agents whose interests have not been equally represented in the political arena.[6] These include traditionally oppressed groups such as LGBTQ, prisoners and Roma who come forth and bring their claims before the European public; non-citizens engaging European institutions to claim political agency; and emerging political agents who raise new issues regarding individual freedom, transparency and accountability.

One important focus of the book is the agents that claim rights: Who are these political agents? Who can practice European citizenship and claim political agency? European citizenship we explore does not distinguish between who may or may not have the formal right to claim rights. Instead, all who claim rights as persuasion by means of the rights culture

and plural structure of Europe practice European citizenship. The chapters in Part I "The Refugees' Challenge to European Citizenship" shed light on this aspect of European citizenship by addressing the tension created by the arrival of refugees in European territory since 2015. Marco Cellini discusses the limits of the Common European Asylum System (CEAS) and the European response to the recent refugee crisis. He highlights the importance of reforming the CEAS in a way that will enable asylum seekers to intervene and contribute to the processes implemented in response to the crisis (Chapter 3). Ali Emre Benli analyses a recent case where asylum seekers stranded in Budapest Keleti station by the exclusionary policies of Hungarian authorities marched to the Austrian border. He argues that by carrying out an act of European citizenship, asylum seekers made visible their predicament and claimed a political agency that they had so far been denied (Chapter 4). Part I concludes with Ilaria Ricci discussing a recent case where nationals of Sierra Leone, Uganda and Senegal appealed to the ECJ after their asylum application to the Netherlands was rejected. Throughout proceedings, different sides invoke competing interpretation of the Charter of Fundamental Rights of the European Union as well as the EU directive related to CEAS (Chapter 5).

Another focus of the book is the practice European citizenship: What constitutes a practice of persuasion? Which rights can agents claim? The chapters in Part II "European Citizens at the Fringe" focus on political and human rights. Viola Scordia takes up two cases; one brought to the ECHR and the other to the ECJ, where disenfranchised felons appeal the British and French national courts' decisions to ban them from voting in elections (Chapter 6). Ilaria Ricci compares two cases where Member State decisions regarding the right to vote and stand as a candidate in elections to the European Parliament in Gibraltar and the Dutch Caribbean island of Aruba were taken to the ECJ. Both chapters trace how a practice of European citizenship allows agents who were devoid of the means of political participation to claim political agency (Chapter 7). Gigi Mihaita discusses the implementation of the novel status "permanent EU resident" for the non-citizens of Estonia that enables their participation in European Parliament elections (Chapter 8). Olga Lenczewska discusses the case of a Slovakian citizen of Roma origin who appealed to the ECHR after various national courts in Slovakia dismissed her claims against mistreatment and discrimination at a public Slovakian hospital (Chapter 9). Finally, Marek Szilvasi analyses the case of Slovenia, the first EU country which recognised the right to water in its Constitution, while also being the first country sued at the European Court of Human Rights for failing to secure access to water to their citizens of Roma origins (Chapter 10).

Throughout the chapters, authors demonstrate that rights claiming as persuasion does not obstruct the capabilities of European societies to govern themselves. On the contrary, it enhances democratic deliberation by opening up "the possibility for political engagement" (Zivi 2012:7–8). This

process implies a continuous dynamic process: a European citizenship to come rather than one that exists as such (Isin 2013:20–21). Part III "Emerging Issues and Political Subjects" brings to the fore this aspect of European citizenship by investigating how it evolves. Alice Pease explores the claim of a Spanish citizen to a novel right to be forgotten in the face of the established rights to data protection and freedom of expression by invoking both the ECHR and European Law (Chapter 11). Daniele Santoro and Manohar Kumar discuss European legislation on whistleblowing through an investigation of a series of recent cases of whistleblowers and propose the implementation of a European directive for whistleblowing that can empower citizens when claiming rights against corruption and misuse of state power (Chapter 12). Daniel Tkatch articulates a novel form of political action, aesthetic activism and advances it in relation to traditional forms of political activism. He discusses a range of examples where agents employ aesthetic activism to claim rights especially important in the European context (Chapter 13).

Conclusion

The series of cases explored by the chapters highlights a dimension of citizenship that allows us to go beyond traditional debates and take up a novel approach in understating a transnational European citizenship. Although it is true that the European citizenry have been increasingly withdrawn from regular political participation at the EU level, there is also a persistent practice of rights claiming through European institutions. Perhaps this is where we can start to find remedies to the new challenges, desertions and criticism we face today. For a European citizenship that initiates and promotes democratic engagement can also foster European integration. Different cases throughout the book show that claiming rights as a practice of persuasion does not disrupt existing social ties. Instead, political agents engage with the *already existing* values that different communities endorse. In presenting, contesting and debating perspectives, the plurality of institutions in Europe allows political agents to reach out to others who hold similar values and ideas. In this sense, such European citizenship is able to promote affinities across the continent.

The perspective presented here might appear as peculiar at a time in which European integration faces ever greater challenges. We are well aware that the peoples in the United Kingdom have decided to abandon the EU, and that all referendums held in several European countries have shown that large portions of citizens, and very often the absolute majority, are against a closer union. We suggest an alternative interpretation: the European peoples are not wrong when they perceive that the EU and other European institutions have acted in the interest of restricted interest groups rather than in the general interest. This, however, should not necessarily be interpreted as an anti-European propensity, but rather as a propensity against the economic

and social policies chosen by the EU and the other European institutions. Prioritising financial stability and budget constrains over welfare and economic recovery has simply alienated much of the consensus that the project of European integration had gained over half a century. We have not heard from the European establishment a consistent voice defending the weakest part of the population and marginal groups, and even less have we seen the needed economic and social policies implemented. The European project will not be able to go ahead without obtaining the active support of citizens. The perspective based on claiming rights may contribute to achieving this goal.

Notes

1 Theorists from a wide range of perspectives have addressed the recent problems with European integration. See, for example, (Balibar 2017; Guerot 2017; Pullano 2014a,b; Isin and Saward 2013; Moro 2012; Habermas 2012; George 2008; Bellamy, Castiglione and Shaw 2006).
2 For an extensive discussion, see Bellamy, Castiglione and Shaw (2006:15).
3 For an extensive discussion of European integration and different grounds for justification, see Glyn Morgan (2007).
4 Under any conception, rights may be practiced as trumps. For example, naturalistic conceptions claim that rights trump due to certain facts about human nature. Political conceptions claim that rights trump because they have been entrenched by commonly accepted political conventions.
5 For a historical discussion of the development of the notion of citizenship, see Michael Walzer (1989).
6 For a discussion of the aims of *democratic cosmopolitanism*, see Held (2010) and Honig (2001:102).

References

Archibugi, D. (2008) *The Global Commonwealth of Citizens. Toward Cosmopolitan Democracy*. Princeton, NJ: Princeton University Press.

Archibugi, D. and Benli, A.E. (eds.) (2017) *Claiming Citizenship Rights in Europe: Emerging Challenges and Political Agents*. London: Routledge.

Archibugi, D. and Held, D. (eds.) (1995) *Cosmopolitan Democracy: An Agenda for a New World Order*. Cambridge: Polity Press.

Balibar, E. (2017) 'Our European Incapacity' in: D. Bullesbach, M. Cillero and L. Stolz (eds.) *Shifting Baselines of Europe: New Perspectives beyond Neoliberalism and Nationalism*. Bielefeld: Transcript: 18–26.

Bellamy, R. (2004) 'Introduction: The Making of Modern Citizenship' in: R. Bellamy, D. Castiglione and E. Santoro (eds.) *Lineages of European Citizenship: Rights, Belonging and Participation in Eleven Nation-States*. New York: Palgrave MacMillan: 1–22.

Bellamy, R. and Castiglione, D. (1998) 'Between Cosmopolis and Community: Three Models of Rights and Democracy within the European Union' in: D. Archibugi, D. Held and M. Kohler (eds.) *Re-Imagining Political Community: Studies in Cosmopolitan Democracy*. Oxford: Polity Press: 152–178.

Bellamy, R., Castiglione, D. and Shaw, J. (2006) 'Introduction: From National to Transnational Citizenship' in: R. Bellamy, D. Castiglione and J. Shaw (eds.)

Making European Citizens: Civic Inclusion in a Transnational Context. New York: Palgrave Macmillan: 1–31.

Dworkin, R. (1977) *Taking Rights Seriously*. Cambridge, MA: Harvard University Press.

George, S. (2008) *We the Peoples of Europe*. London: Pluto.

Guerot, U. (2017) 'Our European Capacity: Which Europe Do We Want? Rediscovering Hannah Arendt's Concept of Integral Federalism' in: D. Bullesbach, M. Cillero and L. Stolz (eds.) *Shifting Baselines of Europe: New Perspectives beyond Neoliberalism and Nationalism*. Bielefeld: Transcript: 26–35.

Habermas, J. (2012) *The Crises of the European Union. A Response*. Ciaran Cronin (trans.) Cambridge: Polity Press.

Hale, T. and Koenig-Archibugi, M. (2016) 'Are Europeans Ready for a More Democratic European Union? New Evidence on Preference Heterogeneity, Polarization, and Crosscuttingness', *European Journal of Political Research*, 55: 225–245.

Held, D. (2010) *Cosmopolitanism. Ideals and Realities*. Cambridge: Polity Press.

Honig, B. (2001) *Democracy and the Foreigner*. Princeton, NJ: Princeton University Press.

Isin, E. F. (2012) *Citizens Wwithout Frontiers*. New York: Bloomsbury Press.

Isin, E.F. (2013) 'Claiming European Citizenship' in: E.F. Isin and M. Saward (eds.) *Enacting European Citizenship*. New York: Cambridge University Press: 19–47.

Isin, E.F. and Saward, M. (2013) 'Questions of Citizenship' in: E.F. Isin and M. Saward (eds.) *Enacting European Citizenship*. New York: Cambridge University Press: 1–19.

Kaldor, M. (ed.) (1991) *Europe from Below*. London: Verso.

Kumm, M. (2007) 'Institutionalizing Socratic Contestation: The Rationalist Human Rights Paradigm, Legitimate Authority and the Point of Judicial Review', *European Journal of Legal Studies*, 1(2): 153–183.

Kymlicka, W. (2002) *Contemporary Political Philosophy: An Introduction*. New York: Oxford University Press.

Marchetti, R. (2011) 'The Role of Civil Society in Global Governance' in: A. Vasconcelos (ed.) *Global Governance: Building on the Civil Society Agenda*. Paris: The European Union Institute for Security Studies.

Morgan, G. (2007) *The Idea of a European Superstate: Public Justification and European*. Princeton, NJ: Princeton University Press.

Moro, G. (2012) *Citizens in Europe. Civic Activism and the Community Democratic Experiment*. Berlin: Springer.

Nanz, P. (2006) *Europolis. Constitutional Patriotism beyond the Nation State*. Manchester: Manchester University Press.

Pullano, T. (2014a) *La citoyenneté européenne. Un espace quasi étatique*. Paris: Presses de Sciences Po.

Pullano, T. (2014b) 'How European Citizenship Produces a Differential Political Space' in: E.F. Isin and R. Nyers (eds.) *Routledge Handbook of Global Citizenship Studies*. London: Routledge: 437–446.

Walzer, M. (1989) 'Citizenship' in: T. Ball, J. Farr, R.L. Hanson (eds.) *Political Innovation and Conceptual Change*. Cambridge: Cambridge University Press: 211–220.

Zivi, K. (2012) *Making Rights Claims: A Practice of Democratic Citizenship*. New York: Oxford University Press.

14 Claiming rights to rejuvenate European integration

Daniele Archibugi and Ali Emre Benli

In the few years in which this project started and ended, the European Union (EU) went into unexpected and deep crunches. This is associated to the world economic crisis started in 2008 and to the fact that European countries had greater difficulties to overcome it, at least in comparison to other regions of the world. This has proven that the policies implemented by individual countries and EU institutions have been largely unsuccessful. But the crisis has not only an economic origin, as there are several and equally deep political roots (Bullesbach et al. 2017; Pullano 2014). Political parties against European integration gained electoral consent in France, Italy, Spain, Poland, Hungary and several other nations. The most striking expression of popular discontent was, of course, Brexit, the definite referendum held in the United Kingdom (23 June 2016). One of the largest European countries decided to leave the EU for good. More importantly, this has occurred in spite of the good offices of the three largest national political parties (Conservatives, Labor and Liberals), the Confederation of British Industry and many other powerful economic, social, political and cultural lobbies, all active pro-EU supporters. The will of the people was loud and clear and, in spite of the desires of the elites as well as of younger part of the electorate, largely pro-EU, the government had no option than to comply. Brexit was a formidable demonstration that elites did not control any longer the aspirations of the population.

The United Kingdom always had a difficult relationship with European integration and we may wonder, and perhaps hope, that Brexit is a single political outcome and that populace in other countries holds stronger pro-European sentiments. In other words, that the process of European integration will progress in spite of Brexit. Still, to interpret Brexit as a sort of anti-European British peculiarity should not hide that another referendum held in the United Kingdom back in 1975 to validate the joining of the then European Economic Community, provided a very different outcome and as many as two thirds of the voters opted for integration. Over more than 40 years, the wind has clearly started to blow in opposite direction in the United Kingdom. Is this unique?

No, it is not. Two of the six founding members of the EU, France and the Netherlands, held referendums more than 10 years ago on the European Constitution associated to the Maastricht Treaty, something that progressive thinkers such as Jurgen Habermas (2001) and many others advocated for years. The referendums held in France (29 May 2005) and the Netherlands (1 June 2005), even if with less severe implications than Brexit, provided the same outcome. The ruling classes indicated a direction, and the majority of the population voted in the opposite direction. Dominant political parties and the elites somehow managed to ignore it, and quietly continued to deepen some European ties outside the scrutiny of the populace, but the discomfort for the overall project of European unification clearly emerged. In Ireland, it was needed to vote twice to approve the Treaty of Lisbon (2 June 2008 and 2 October 2009), while the Danes and the Swedes have succeeded in not joining the Euro (referendums held, respectively, on 28 September 2000 and 14 September 2003). More recently, in Greece, the citizens rejected the bail out offered to the nation by the EU on 5 July 2015.

The discomfort of European citizens with the EU has therefore not started with Brexit. It is much older and it manifested every time there was an opportunity to do so. The remarkable fact is that European leaders largely ignored all these red flags (as argued by George 2008). Incumbent governments and the state apparatus continued to operate as if European integration could continue along the lines they have decided and that the various referendums should be treated as a sign of general uneasiness, but not sufficient to radically revisit European priorities. Rather than implementing a U-turn in the policies introduced at both the national and inter-governmental levels, the ruling classes continued to act as if there was one option only: to accept the rules of global competition even when this created social unrests, to reduce public expenditure and to leave the market in charge of job creation. The best way they found to deal with the discomfort was to ignore it.

There was another significant strategy that incumbent governments started to use more frequently to counteract internal criticism: to attack the EU bureaucracy for its real and supposed sins. The reproaches of Nigel Farage and Marine Le Pen have often been repeated literally also by largely pro-EU governments. This was perhaps a trivial electoral technique used to gain, at least in the short term, some votes at the expenses of more vocal and explicit anti-European political factions. But certainly contributed to nurture in the population the impression that if something went wrong, it was because of the EU.

Historians of the future will certainly wonder how come that a well-informed, eloquent, powerful ruling class was so blind on an issue of crucial importance such as the future of Europe. They resemble the politician of José Saramago in *Seeing* (2006). When he discovers that all voters, without any consultation, cast white ballots, the only thing he is able to express is its blind resentment:

> You are to blame, yes, you are the ones who have ignominiously rejected national concord in favor of the tortuous road of subversion and indiscipline and in favor of the most perverse and diabolical challenge to the legitimate power of the state ever known in the history of nations. Do not find fault with us, find fault rather with yourselves.

One reason that might perhaps explain why the ruling classes have not been able to address and even less to understand the social discomfort is associated to the fact that over the last sixty years of European integration they got used to sort out contradictions through the gentle art of endless negotiations. Indeed, European integration has progressed substantially also thanks to the long and tedious discussions and compromises which all national political players had to accept. We got used to see intergovernmental agreements that many considered impossible to achieve were actually signed at the very last minute of the last day. Up to the point that the style and technique of European negotiation has become a model (Elgström and Jönsson 2000; Franchino 2007). Diplomats have learnt on European negotiating tables how exercise their persistence, charm and competence. At the end, the European political community has progressed slowly but steadily.

We need to clarify our understanding of European integration. The pivotal role was, of course, the European Common Market, later to become the EU. But, as discussed in the introduction to this volume, European integration has always been flexible and ductile enough to allow a variety of different institutions. There is a wealth of inter-governmental organisations with sometimes different and others overlapping competences and powers. Some of them, such as the Council of Europe, were generated several years before the Treaty of Rome as an attempt to create an East-West bridge when the Iron curtain just started to be lifted. Besides the various inter-governmental organisations and treaty, many non-governmental players shaped and often pioneered integration. For this reason, we look at the European integration process not only through the EU policies, but also through a much larger set of institutional, economic, political, social and cultural interactions.

The reason why integration has progressed is that the advantages provided have always been more than the price to be paid to compromise (Archibugi 2005). And although the benefits were collected mostly by the European elites, also the populace at large received some benefits which kept them affectionate enough to the European bandwagon. This is apparently coming to an end, and when consulted directly, citizens have become more demanding and less willing to compromise than the elites that for long have represented them.

Many European leaders lack the passion for the European cause that has inspired their ancestors. Most of them are following technocratic approaches, aimed to achieve small gains, and they lack the vision of those leaders who have come up with the idea of an integrated Europe in the first place. The later leaders focused mainly on short-term goals and followed

events instead of initiating them. They have failed or never intended to put a vision to inspire the masses (Schweiger 2016). Unfortunately, the populist Eurosceptic leaders have increasingly been able to move masses towards renationalisation and disintegration of the EU as they have put forward a vision, though a dark and faulty one, and passionately claimed to deliver what they have promised.

Will the EU dissolve as other unions of states have done in the past? Will it really risk dissolving as it has happened to the Soviet Union or will it manage to surpass also the current crisis and after the storm strengthen its ties? And, above, all, in which direction will it evolve? These are the core issues addressed by politicians and businessmen, and that all individuals living in or close to the EU are wondering. The contributors of this volume belong to those who would like the European integration to continue to progress, but on rather different tracks. More importantly, the shared understanding of the contributors, some of which were born after the fall of the Berlin Wall in 1989, is that a radical new direction is needed to foster European integration. If the EU present elites really believe that the basis of integration should be austerity policy and destruction of the welfare society achieved after decades of struggle carried out in individual nation states, they do risk to create dangerous turbulences.

We continue to believe that the EU has been a remarkable political experiment, a model of integration so important that has successfully been imitated by many other regions of the world (Telò 2001), and that it should not be abandoned to the hands of restricted and greedy interest groups. We are well aware of how many advantages where actually delivered in the last 60 years by the integration. We have not forgotten that Europe, one of the most belligerent continents in in the world, has experienced a remarkable period of peace and this was also due to integration policies. We have not forgotten the role that the EU has played in democratic consolidation after the dark period of dictatorship in Greece, Portugal and Spain. We have not forgotten the role played by European institutions in the transition and consolidation of democracy in Eastern Europe, and that when eight new members held referendums in 2003 to join the EU the favourable greatly outnumbered the opposing. We have not forgotten how shift it was the reunification of Germany inside the EU.

But such an ambitious political project such as the European integration, a unique attempt to create linkages across different political communities through consent and negotiation rather than through force and imposition, cannot progress just because it delivered good results in the remote and recent past. Such a project should be nurtured every day in order to satisfy the aspirations and difficulties of citizens. And in this context, the ruling classes of the EU have clearly failed. A fresh and different leadership is therefore needed to foster and further develop the long-term European integration.

Much has been written on the structural reasons behind the upsurge of anti-EU sentiments. We can really interpret the current anti-European

climate as a new form of revolt of the masses, in which the public takes different and widespread dimension to oppose what they perceive, and often rightly, as an economic and political project which advantage the elites and capital and disadvantage the population and labour (Ortega y Gasset 1930). The evidence of this is that the rebellion takes a rather widespread form:

i Disaffection from the traditional forms of political representation such as parties and unions.
ii Lower trust for governments and elected officials.
iii Uneven participation to the electoral competition, with unpredictable electoral turnouts ranging from the strike of voters to very high participation (compare, for example, the 35 per cent turnout in the United Kingdom to the European Parliament elections in 2014 with the 72 per cent for the Brexit Referendum).
iv Creation of new parties participating to the electoral race, often with diverging traditions (new left as well as new right), or anti-political movements, such as the UKIP in the United Kingdom and the Five Stars Movement in Italy.

The contours of the protest are blurred and it is rather straightforward to name the reasons for discomfort: lowering protection guaranteed through the welfare state provided by nation states, increased unemployment, especially among the youth, a general sense of insecurity associated to an economic system that has made of competition an idol, the difficulty to respond adequately to the challenge of accommodating immigrants and refugees. If we browse the political programs of extreme parties in the left as well as in the right, we will not be surprised to see that these are the issues that they promise to address. But the anti-systemic political forces, those that are challenging the incumbent governments and elites, are un able to provide a shared alternative political strategy, up to the point that in most countries they have failed, so far, to persuade the electorate that they could be a suitable alternative to the sitting governments.

One of the key characteristics of the new entrants into the political competition is that they claim they speak in name of the people even when they collect a minority of the electoral votes only. There is a voice of the people that, at the same time, has not been heard and that has too many advocates. Too often those claiming to represent the protesters use vicious and sectarian arguments and it is difficult to see how this can be translated into a government project. Acting governments claim that challenging new political entrants are not fit to rule and that they will not perform any better than them. And the elites have been quick to dismiss all these movements under a common and derogatory label: "populism", often with very good reasons. If in so many countries traditional political parties are still in government after free and competitive elections, this is no doubt also due to the fragmentation among the opponents and to the fact that the voters may be happy

to express their resentments in a referendum, but they are more cautions in giving to new entrants the keys to rule.

But it is simply foolish to continue to ignore the message so clearly provided. The revolt of the masses of the 1920s and 1930s, unfortunately, did not deliver the public goods that they claimed and it led to war, destruction and desolation. Liberal democratic systems managed to survive only in those nations that provided constructive answers as it has happened in the United States with the New Deal. Today, on the contrary, elites and incumbent governments have been unable to address the reasons behind the fact that a glorious project of political unification based on common interest and mutual understanding such as the EU ended up being perceived by countless citizens, and in so many different countries, as an instrument used by a few to protect their privileges at the expenses of many disadvantaged.

The real problem is that very often popular resentment is directed towards European institutions as if they would have an independent power, rather than to national governments and elites that inspire their policies. In fact, the EU has become a rather convenient scapegoat for almost all political frustration. It is quite clear to understand why this has happened: governments have presented unpopular political choices as if they were dictated by Brussels. Requests to cut pensions and social expenditure, to abandon production facilities in crisis to their own fortune, to open local markets to foreign competitors, just to mention a few, were recurrently presented by incumbent governments as an imposition coming from the EU. This is largely false since the consensus reached at the EU level is just what individual governments agreed to do: on the one hand, governments decided the rules of the game in Brussels, and on the other hand, when back at home they claimed that these rules were an EU imposition. The EU has therefore become an effective watchdog to impose unpopular actions. But the EU could have hold totally different perspectives if the governments that compose it would have asked for it.

Since national governments are competing for electoral votes, they conveniently devolved the task to impose detested measures to a very handy tool, the EU. No surprise that such an institution is perceived more and more as bureaucratic, technocratic, selfish, acting in the interest of the powerful and not of the peoples. Quite naturally, the supposedly promoter of the detested measures has itself been detested. It has thus become an ideal target for collecting the resentments of the working class, of the unemployed and of all the social groups which have been forced to be "reasonable". It is therefore no surprise that, when they were left with an option, a substantial number of European voters said as clearly as they could "No!". What a pity that their complaint has been directed against the EU rather than against the masterminds of this hypocritical comedy. Of course, there are some good reasons to complain, but the origin of the policies is the governments behind the EU rather than the EU itself.

The chapters collected in this volume show that Europe and European institutions are not just the strawman used by coward governments. If properly used, they can useful for very opposite purposes. Sometimes, European institutions do represent and defend the interests and the rights of the weak and marginal individuals. It would at least be fair to argue that the EU and the other continental institutions have more than one face, a fact that it is often ignored by those who have an explicit interest to download all frustrations on another player. If it will be explicitly recognised that European competences, powers and policies are the outcome of polyphonic interests and compromises, we will already be in the way to cure many populist anti-European feelings or, at least, to direct these resentments toward the principal (the national governments) and not the agent (the EU).

The chapters of this book belong to the growing literature that clearly shows that it is simply impossible to identify well-established interests that correspond to the borders of individual states. In the EU top official level, the European Council, each nation speaks with a single voice, that of the incumbent government, and this at the price to exclude from the political debate the interests of a large number of players – embracing parliamentary opposition groups, minorities, or simply interests that are not powerful enough to be adequately represented. The ruling classes of leading European nations, while believing in "the irresistible power of economic integration to 'homogenize'", refrained from creating effective means for the peoples of Europe to communicate, confront and recognise each other as this would have challenged their *monopoly of representation* both internally and at the supranational level (Balibar 2017:21–22). But Europe and European integration is not just the sum of 28 and soon 27 European governments and when given the opportunity, another Europe has made its voice heard.

Many other European institutions, including the European Parliament, the Council of Europe, the Luxembourg's ECJ, the Strasbourg's ECHR, are designed to overcome the limits of a purely inter-governmental approach. They are able to report and sometimes even to give satisfaction to the voice of individuals that believe they have been abused in the political, social or economic sphere. They can be used as effective protection, especially when national governments mistreat their citizens.

As already argued in the introduction to this volume, the European integration we need to foster is much wider than the simple EU. Integration in the Old Continent has, in fact, seen the active participation of a variety of different arrangements, inside and outside the EU. European integration is not just what governments decide, but it involves persons, associations and organisations scattered across social space. It is a process that has managed to progress because it has integrated local governments, civil society organisations, business societies and many other players (Della Porta 2009).

Many authors advocated the creation of a single EU on a Federalist basis, with an attempt to transform the EU into a genuine single super-state modelled on the United States experience (Morgan 2007) and this would

have made possible to cure the existing democratic deficit (see, for example Follesdal and Hix 2006). The attempt to create a Federal Europe, already pioneered by Altiero Spinelli, Ernesto Rossi and Eugenio Colorni with their glorious Ventotene Manifesto, written during the darkest moments of the Second World War (Spinelli and Rossi 1941), contemplated that unification should have started from a strong central executive power rather than through progressive economic and social incentives. It was an audacious proposal that somehow implied a top-down vision of political amalgamation.

History, for good or for bad, has followed a different path and European integration has progressed through a myriad of different institutional arrangements mostly driven by what was perceived a common interest. This process of integration has delivered many public goods and innumerable advantages to the incumbent ruling classes. We must accept, however, that this integration process has come to the end, and something different should be tried. We believe that an alternative path for European integration should aim to opposite directions than those taken in the last decade, where the principal and often obsessive focus has been put on public debts, competitiveness and downsizing of the welfare. The priority is not necessarily to generate a predominant central power, but rather to increase the linkages that will allow all components to participate and to feel Europeans. After all, there is significant evidence that suggest how the substantive aspirations of Europeans tend to converge (see Hale and Koenig-Archibugi 2016).

The idea of Europe has a very long history (Chabod 1961) and we are very sympathetic to the image of Europe as a common cultural space started long before the economic and political integration. George Steiner (2015) tried to identify a European spirit in the existence of cafés and gardens where intellectuals could discuss their ideas, of cities where it is possible to walk randomly, and where major political innovations, such as democracy and the defence human rights, were introduced, experimented and nurtured. These deeper identities of European civilisation have already allowed Europe to move a fundamental step forward in integration when, after the fall of the Berlin Wall, people in the West and in the East, were able to connect again discovering and reinventing a common identity (Enzensberger 1990; Kaldor 1991).

Why shouldn't a new and fresh process of European integration be possible? The case studies collected in this volume report information on issues that are apparently marginal compared to the self-proclaimed "big" issues of monetary integration, trade policy, security strategy and so on. None of issues studied in the various chapters, not even the attempt to sort out the current contradictions of the refugee policies, could individually be able to reverse the trend towards disintegration. But we argue that, if taken together and inserted in a more general process for a Europe of citizens, it is possible to use European institutions for the advantage of the population and, on the ground of it, generate fresh sentiments to foster a different integration.

The Europe we are advocating should be able to protect individuals and citizens against the abuses of the stronger players. It is a Europe that should be rejuvenated by an increasing number of individuals and associations claiming the dignity to be citizens because this allows defending and expanding their rights. The available institutional devices will not act alone unless there are persons and associations willing to use them. The case studies collected in this volume do show that, if properly used, these instruments can be effective and able to protect and deliver significant results in the interest of citizens. And when they prove to be ineffective, there is ample space to expand their scope towards a transnational Europe that empowers people to act to address their problems. The growing resistance against populist administrations that have recently taken power in the form of mass protests and solidarity campaigns for rights of refugees, Muslim and women is telling. Europeans have proven to have a tenacious tradition of claiming rights; a new Europe should provide them more means to take them.

How powerful could these alternative interests be? Can they provide a sufficient counter-weight to the economic sphere that has so far dominated the integration process? The interests associated to individual judicial cases, especially when they are designed to protect minorities, or vulnerable social groups, and to expand rights in emerging and still uncertain areas, are certainly much weaker than those associated to free trade, the Eurozone and the stability pact. But if taken together, these interests could lead towards a different Europe. If this Europe of practices of claiming old and new rights through existing and innovative instruments will take shape, it will become a political space where individuals could defend themselves. This will make them genuine European citizens.

References

Archibugi, D. (2005) 'Notes on Democracy in the European Union'. *European Union Review*, 10(1): 75–86.

Archibugi, D., and Benli, A.E. (eds.) (2017) *Claiming Citizenship Rights in Europe. Emerging Challenges and Political Agents*. London: Routledge.

Balibar, E. (2017) 'Our European Incapacity'. In D. Bullesbach, M. Cillero, and L. Stolz (eds.), *Shifting Baselines of Europe: New Perspectives beyond Neoliberalism and Nationalism*. Bielefeld: Transcript, 18–26.

Bullesbach, D., Cillero, M., and Stolz, L. (eds.) (2017) *Shifting Baselines of Europe: New Perspectives beyond Neoliberalism and Nationalism*. Bielefeld: Transcript.

Chabod, F. (1961) *Storia dell'idea d'Europa*. Roma-Bari: Laterza.

Della Porta, D. (ed.) (2009) *Another Europe: Conceptions and Practices of Democracy in the European Social Forums*. London: Routledge.

Elgström, O., and Jönsson, C. (2000) 'Negotiation in the European Union: Bargaining or Problem-solving?' *Journal of European Public Policy*, 7: 684–704.

Enzensberger, H.M. (1990) *Europe, Europe: Forays into a Continent*. New York: Pantheon.

Follesdal, A., and Hix, S. (2006) 'Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik'. *Journal of Common Market Studies*, 44: 533–562.

Franchino, F. (2007) *The Powers of the Union: Delegation in the EU*. Cambridge: Cambridge University Press.

George, S. (2008) *We the Peoples of Europe*. London: Pluto.

Habermas, J. (2001) 'Why Europe Needs a Constitution'. *New Left Review*, n. 11, September–October.

Hale, T., and Koenig-Archibugi, M. (2016) 'Are Europeans Ready for a More Democratic European Union? New Evidence on Preference Heterogeneity, Polarization, and Crosscuttingness'. *European Journal of Political Research*, 55: 225–245.

Kaldor, M. (ed.) (1991) *Europe from Below*. London: Verso.

Morgan, G. (2007) *The Idea of a European Superstate: Public Justification and European*. Princeton: Princeton University Press.

Ortega y Gasset, J. (1930) *The Revolt of the Masses*. New York: WW Norton and Co.

Pullano, T. (2014) *La citoyenneté européenne. Un espace quasi étatique*. Paris: Presses de Sciences Po.

Saramago, J. (2006) *Seeing*. London. Harvill Secker.

Schweiger, C. (2016) *Exploring the EU's Legitimacy Crisis: The Dark Heart of Europe*. Cheltenham: Edward Elgar.

Spinelli, A., and Rossi, E. (1941) *Ventotene Manifesto. For a Free and United Europe. A Draft Manifesto*, preface by E. Colorni, republished in 2016, Foreword by L. Boldrini, introductions by L. Levi and P.V. Dastoli. Ventotene: Editrice Ultima spiaggia.

Steiner, G. (2015) *The Idea of Europe*. London. Mayer Publishers.

Telò, M. (ed.) (2001) *European Union and New Regionalism: Regional Actors and Global Governance in a Post-hegemonic Era*. Aldershot: Ashgate.