

Enacting European Citizenship (ENACT)



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Introduction

The term European citizenship triggers an immediate association with the European Union, its member states, and people who are citizens of those states. This course develops another way of thinking about European citizenship, whereby European citizenship need not be granted by the state, limited to the territory within the EU borders, or acted out by people who are already citizens.

The module features interviews with Engin Isin, Mike Saward, Jef Huysmans, Claudia Aradau and Vicki Squire who were some of the researchers of the [ENACT](#) project. Rutvica Andrijasevic conducts the interview with Engin Isin, who in turn conducts the other interviews.



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Learning Outcomes

After studying this course, you should be able to:

- demonstrate a familiarity with the most recent scholarship on European citizenship and in particular with the concepts of 'acts of citizenship' and 'activist citizenship'
- explain why European citizenship is said to be 'derivative' citizenship
- discuss the limits around thinking of citizenship as a status, and of thinking of citizenship from the perspective of those who already hold it
- understand how citizenship can be seen differently by asking 'how do people do citizenship?' rather than 'who is the citizen?'
- elaborate on the ways in which those who do not hold EU citizenship can act as a European citizen.

1 Acts of citizenship

At the core of this course is the argument that European citizenship is not necessarily limited to its formal legal status. We will explore how people who are not formal citizens of the European Union (EU), and those who are citizens but on the margins of institutionalised politics, can challenge dominant understandings and practices of European citizenship.

In order to understand the idea that one can 'act out', or enact, European citizenship without formally being an EU citizen, we need to turn first to the concept of EU citizenship as commonly understood by scholars and policy-makers. In legal terms, it is often said that the EU citizenship is a derivative citizenship: one cannot be an EU citizen without first being a citizen of an EU member state. The EU cannot by itself grant citizenship rights. As citizens of the EU are first and foremost members of an EU member state, EU citizenship is aimed at achieving a common set of rights, and fostering inclusiveness and a sense of belonging across the European Union. It is a vehicle for developing a common European identity and values.

EU governing bodies such as the European Commission (EC) and the European Parliament (EP) have long promoted active citizen participation in the EU's political life and sought to strengthen communication between citizens and the EU institutions, especially since the EU is perceived to suffer from a 'democratic deficit'. This effort is evident, for example, in the Lisbon Treaty (2009), which states that: 'Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen' (Article 10). This debate over active citizenship focuses of the decline of voting rates democratic participation and efforts to increase citizens' participation. An example of such measures is European Citizens Initiative (ECI), launched by the EC in 2010 with the aim of enhancing participatory democracy in the Union. The ECI presents itself as:

'... the first transnational instrument of participatory democracy in world history. It is considered to be one of the major innovations of the Treaty of Lisbon and enables one million EU citizens to call directly on the European Commission to propose legislation of interest to them in an area of EU competence.'

(<http://www.citizens-initiative.eu/>)

Non-EU bodies such as the Council of Europe (CoE) also stress the importance of active citizenship. CoE is an international organisation in Strasbourg which comprises 47 countries of Europe. It was set up to promote democracy and protect human rights and the rule of law in Europe. CoE enforces the European Convention of Human Rights (ECHR) through the European Court of Human Rights (ECtHR). It also works with the EU bodies such as the EU Commissioner for Justice, Fundamental Rights and Citizenship and the European Court of Human Rights.

The ECI may prove, in time, to be a stimulus for active democratic participation in the EU. But there may be more to the question of participation than devices like the ECI can offer. In particular, there are multiple other ways in which groups of both citizens and non-citizens (both 'inside' and 'outside' the EU) mobilise and claim European citizenship and in the process, 'constitute' or enact themselves as citizens by claiming rights. We use the

term 'constitute' here to indicate a sociological process through which subjects become citizens in both political and legal terms.

Against this background, the concept of acts of citizenship starts from the idea that citizenship is a dynamic process and that people can constitute themselves as citizens via claims to rights, regardless of their existing citizenship status. Instead of starting from the question of 'Who is a citizen?', we ask 'What makes citizens?' Although Kurdish people, for example, may not be citizens of the European Union, by exercising their rights to appeal to the European Court of Human Rights, they actively constitute themselves as European citizens in the broader sense of that term. This is an important theoretical and political move: from viewing citizenship as a solely legal or formal membership of a state, to interpreting it as contingent and contested.

Let's look at another example to clarify these points. In 2005, representatives of sex workers and their supporters met in Brussels for a *European Conference on Sex work, Human Rights, Labour and Migration*. They also presented three documents to the EP: the *Declaration on the Rights of Sex Workers in Europe*, the *Sex Workers in Europe Manifesto* and the *Recommendations* for the policy makers. Further, they also organised a demonstration. If we focus on the people involved in these actions, we see that they are a mixture of migrants, regular and irregular, Third Country Nationals (i.e., non-citizens of member states residing in the EU), and EU member states citizens. Because of their nationality, status, or type of work they perform, these groups often find themselves in situations where their 'citizenship' is called into question. However, if we put that momentarily aside and look at what they *did* in Brussels, we can see that their actions are all forms of active political engagement and participation to articulate and claim rights.

What does this concretely mean in terms of EU citizenship? If we look at EU citizenship from the perspective of active citizenship outlined above, then the question that follows is 'What can the European Union do to facilitate the production of (active) European citizens?' The concept of acts of citizenship opens up another possibility in relation to EU citizenship as it does not focus on 'who' but on 'what', namely of what people *do*. The question then becomes 'How do subjects, through their actions, constitute themselves as European citizens?' Asking this question prompts investigators to examine existing and emerging claims and practices amongst both citizens and non-citizens (third country nationals, refugees, illegal aliens) – claims and practices through which they act as European citizens. It also prompts consideration of state practices that deprive them from doing so. Often, we see that subjects that are not citizens act as citizens: they constitute themselves as those with the right to have rights and articulate claims accordingly. We can see this, for example, in the case when irregular migrants and asylum seekers organise against being detained and deported and claim the right to stay in the country. The key issue then is not to think the 'doer' prior to the 'deed' but rather to examine the process and the acts through which new actors emerge. The focus is on 'acts' rather than actors so as not to prejudge to whom the right to have rights may be due. This approach to citizenship is what we might call 'activist' citizenship. *Activist* citizenship differs from *active* citizenship. Active citizenship addresses formal citizens and urges them to engage in a range of activities such as voting or running for office to increase political participation (a kind of 'script' for already existing citizens to act on an existing set of rights). Activist citizenship, by contrast, brings into focus groups who are not necessarily recognized in law as citizens and studies their claims that challenge the content and boundaries of European citizenship.

Consider two examples. An EU national claiming her right to pension benefits in the Netherlands, where she has recently moved for work after having worked in the UK for 15

years, is engaging in active citizenship in the sense that he/she is exercising rights that already exist. By contrast, we consider a third-country national (TCN) doing sex work in France who has joined the above mentioned manifestations for sex workers rights in Brussels and is claiming the right to move and work freely in the EU as engaged in activist citizenship, in the sense that she is making claims to rights that she does not already have. This notion of a right one does not have can come about in two ways. First, it may mean that a group of individuals may activate or mobilise an existing law that they are currently inhibited from enjoying. Second, they may claim that they should be entitled to it given that others are. If a group such as sex workers are denied making of either of these two types of claims we can say that they are denied their right to citizenship. Similarly, TCNs may have residency rights that may lead to citizenship status.

The idea that non-citizens can act as citizens and can have a say in matters of European citizenship is a puzzling one. In the video clip below, Engin Isin explains in more detail the concepts of acts of citizenship and activist citizenship and their importance in understanding citizenship in contemporary Europe.

Video content is not available in this format.

[Engin Isin](#)

Let us examine in more detail at acts of citizenship. In the next section, we look into four examples both inside and outside of the EU.

2 Claims to citizenship

In the previous section we have discussed the difference between active and activist citizenship. Engin Isin introduced the idea that European citizenship can be enacted by citizens and non-citizens alike. We also heard that European citizenship is negotiated both inside and outside the EU. How does this work? How is EU citizenship negotiated by non-citizens inside and outside the EU? Let us look at four different examples.

- Sex workers
- Courts
- Claims from outside the EU's borders – Turkey
- Claims by women's NGOs

2.1 Sex workers

First, let us take you to Brussels. On 15 and 16 October 2005, 200 delegates from 28 countries around Europe gathered in Brussels to take part in an event to advocate sex workers rights. Over the two days, delegates took part in the *European Conference on Sex Work, Human Rights, Labour and Migration* during which they discussed and worked on two documents, a *Declaration on the Rights of Sex Workers in Europe* and the *Sex Workers in Europe Manifesto*. On the 17 October, they presented the Declaration and a set of Recommendations on sex work for policy makers in the European Parliament (EP), where they were invited by Monica Frassoni, an Italian MEP. The declaration was

endorsed by the Italian MEP, Vittorio Agnoletto. The session at the EP was followed of by a manifestation in the streets of Brussels, where the delegates displayed red umbrellas which since then have become the symbol used at various marches to make visible sex workers' presence and demands.

The declaration, the manifesto and the recommendations are the result of a six-month long consultation process among sex workers and allies across Europe. The process was set in place in order to gather information on what issues and concerns are the most pressing for sex workers. The declaration contains thirdly articles, it is structured in twelve different sections covering issues such as life, liberty and security, privacy and family life, freedom of movement, and work and working conditions, just to give a few examples. It is a unique document of this sort that works with existing formal rights in order to bring attention to the violations of sex workers rights. At the same time, it also functions as a legal tool that enables sex workers to claim rights to which they are entitled under existing United Nations, International Labour Organisation and EU treaties and conventions.

The manifesto is a slightly different type of document from the declaration. It formulates a series of demands for rights that exist in a restricted form or do not exist as yet in international law. In that sense, it represents a 'utopian' moment as it makes claims to the rights of freedom of movement, residency, and labour that are not ratified by EU states such as the UN Convention on the Protection of the Rights of All Migrant Workers and their Families. For example, under the heading 'the right to travel, to migrate, and seek asylum' the document states the following demand:

'We demand that all people have the right to move within and between countries for personal and financial reason, including seeking gainful employment and residence in the area of their choice'.

Finally, the recommendations target the EU policy makers and suggest ways in which to promote major inclusion of sex workers in the society, reduce the stigma surrounding sex work, and make sex workers less vulnerable to labour exploitation or other forms of violence. Taken together, the declaration, the manifesto and the recommendations are interventions that make an important intellectual and political contribution to current debates on sex work, labour rights, and migration in Europe.

Please read the following excerpts from 'Unexpected Citizens: Sex Work, Mobility, Europe' by Rutvica Andrijasevic, Claudia Aradau, Jef Huysmans, and Vicki Squire.

The full text of the report is available [here](#).

Unexpected Citizens: Sex Work, Mobility, Europe

Activity 1

Reflect on the following points and make notes.

- 1 A collective subject is not already there. Individuals and groups have various interests and rights and are positioned differently in the society depending on their gender, race, class and nationality. These categories separate various groups and allocate them different rights. When individuals belonging to those groups practice those rights, they engage in active citizenship.
- 2 As the excerpt above shows, there is another way of 'doing' citizenship. This is by challenging the existing social categories and the regimes of rights attached to those. To do so is an arduous political process of working on acknowledging and

levelling differences between those groups in order to facilitate coming together on a new collective subject.

- 3 This new collective subject does not fit into the existing categories of our dominant way of understanding citizenship as membership. It is comprised of people with different rights claiming the rights that they are entitled to but also the rights they are not entitled to because of being stigmatised as sex workers or discriminated as non-EU nationals. It is by giving life to this new collective subject and by claiming rights that exceed the institutionally allocated rights that they challenge the European citizenship regime and engage in activist citizenship.

Let us discuss some of these issues with Claudia Aradau.

Video content is not available in this format.

[Interview with Claudia Aradau](#)

2.2 Courts

Inside the EU, European citizenship is not contested and negotiated solely on the street and via mobilisations. It is also negotiated in the courts. In this section we will examine one court in particular – this is the European Court of Justice (ECJ). ECJ was set up in 1952 and it is based in Luxembourg. Its role is to make sure that member states apply EU legislation consistently in all EU countries. The ECJ has the power to settle legal disputes between EU member states, EU institutions, businesses and individuals.

What interests us here is the role ECJ plays in shaping EU citizenship as a legal status and the relationship between ECJ and EU member states with respect to citizenship. Do the EU member states and the ECJ interpret EU citizenship the same way? Or are there situations in which there is a tension between ECJ and individual member states in deciding who is entitled to EU citizenship?

We will look into these issues in the excerpt below. The excerpt focuses on the Council Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The right to move freely refers to the right of the EU nationals to move from one Member State to the other and while doing so to enjoy equal treatment and non-discrimination. Freedom of movement is indeed one of the pivots of EU citizenship. The right of EU citizens with a non-EU partner to move and to permanent residency has been put into question by a number of member states who were not willing to allow entry or residency rights to non-EU partners and family members of EU nationals. The reasons member states provided for this were immigration concerns. Directive 2004/38 makes an intervention into this field. Please read the text and note down the key points of the Metock ruling, in particular what the national legislator position was and what the ECJ position was in the matter. What did the ECJ rule?

The complete text from Carrera, S. and Atgen, A. (2009) 'Implementing of Directive 2004/38. A Proliferation of Different Forms of Citizenship?' can be found [here](#).

Implementing of Directive 2004/38. A Proliferation of Different Forms of Citizenship?

Activity 2

Reflect on the following points and make notes.

- 1 The scope and content of EU citizenship is negotiated in different sites: on the streets as well as in the courts. ECJ is a site of such negotiations hence the scope of European citizenship is not always already established but it emerges out of lengthy disputations between various actors, in case of the Metock ruling, between the ECJ and EU member states.
- 2 In the context where EU law has primacy over national law, ECJ's ruling is an act that affirms ECJ's refusal for members states' narrow interpretation of the Directive 2004/38 and member states' interests to preserve national discretion regarding citizenship rights for non-nationals.
- 3 It is in this light that we can consider the Metock ruling as an act of citizenship on the part of the ECJ as it stands for ECJ's resistance against the member states nationality legislation and affirmation of a more inclusive model of citizenship than traditional national-based model.

Let us discuss some of these issues with Jef Huysmans.

Video content is not available in this format.

[Interview with Jef Huysmans](#)

2.3 Claims from outside the EU's borders – Turkey

As we have mentioned earlier, acts of European citizenship need not take place inside the EU but can also take place outside its borders. Turkey is a good example here. To illustrate how acting out takes place in the courts in this case, let us take you to Turkey and let us examine this in case via Kurdish citizens.

In the following excerpt, we are looking at how Kurdish citizens of Turkey enact themselves as European by making claims to rights via the European Court of Human Rights (ECtHR). While reading the text, please note down the ways in which Kurdish citizens engage with the idea of both being European and of European citizenship.

The excerpt is from B. Isyar, Keyman, F. and B. Rumelili (2008), 'Kurdish Acts of European Citizenship', pp. 17-22, which can be found in its entirety [here](#).

Kurdish Acts of European Citizenship

Activity 3

Reflect on the following points and make notes.

- 1 Acts of European citizenship need not be oriented towards the attainment of European Union citizenship or membership. For one to enact oneself as European, one need not be expressing a demand to be part of the European Union. On the contrary, one can enact oneself as a European citizen even by criticising, or expressing the wish to transform the Union. We have seen various examples of this throughout the report, such as when Kurdish citizens who are

not satisfied with EU policies demand a different EU; this demand constitutes their act of European citizenship.

- 2 Belonging to Europe or being a European citizen has to be understood as a process of becoming. Although none of the members of the groups we mentioned are formal citizens of Europe, they all make demands as Europeans. At the moment they make these demands (irrespective of whether their demands are realised or not) they enact themselves as Europeans.
- 3 This implies that the various political subjectivities whose stability, universality, and givenness we often take for granted need to be rigorously questioned from two angles. First, we need to examine what kind of power relations construct these as given, a-temporal, and hence unchanging. Second, we need to interrogate the manner in which such subjectivities are enacted. This way, we can point to the challenges, constitution, modifications, and incessant transformations these subjectivities go through as they are enacted anew.
- 4 'In the field of citizenship studies we need to begin interrogating not the granting of rights by institutions to already existing citizens, but the demanding of rights by subjects who enact themselves as citizens. It is such work that will help us reconceptualise citizenship, and understand its historical, temporal, and contestable nature' (Isyar, Keyman, Rumelili 2008: 32).

Let us discuss some of these issues with Vicki Squire.

Video content is not available in this format.

[Interview with Vicki Squire](#)

2.4 Claims by women's NGOs

After having looked at claims to European citizenship by Kurdish nationals in Turkey via the ECtHRs, let us now look at claims to European citizenship via other means. We will be discussing here the case of four women's NGOs in Turkey and their claims of citizenship. These are the following. The Association for Supporting and Training Women Candidates, KADER. KADER is the only association in Turkey which works to encourage women to participate in the decision making bodies, such as parliament, local administration or syndicates. The second group is Women Entrepreneurs Association, KAGİDER. It was founded in 2002, as a sister association of Turkish Industrialists' and Businessmen's Association with the mission of developing women's entrepreneurship and status in economic and social life. Third associations is a feminist association called Women's Center, KAMER. It was founded as a support centre for women experiencing violence in Diyarbakır, a city in south-eastern Anatolia, in 1997. Over the years it expanded its activities to 23 provinces of Eastern and South-eastern Anatolia, both to districts and villages. Finally, the Capital City Women's Platform. It is an independent Islamist woman's organisation in Turkey founded in 1995. The Platform focuses on gender issues. The members' work is concerned with issues such gender-based discrimination, gender equality, social and economic problems of women are all within the scope of the Platform.

The following excerpt is from Kanci, T., Bayraktar, D., Rumelili, B., and F. Keyman (2010) 'Women in Turkey and their Acts of European Citizenship' pp 26-33, which can be found [here](#).

While reading, please note the modes in which Turkish women act out European citizenship and the type of demands they advance.

Women in Turkey and their Acts of European Citizenship

Activity 4

Reflect on the following points and make notes.

- 1 Turkish women do not formally hold the EU citizenship status. Nonetheless, they act out European citizenship by claiming the rights to women's political participation, equality, freedom from violence and discrimination among others granted by the EU.
- 2 These claims have a double effect. First, they use the EU framework as a leverage to broaden the scope of women's rights in Turkey. Second, the claims do not take the EU framework for granted but engage in enlarging EU gender based frameworks as well.
- 3 In doing so they challenge politically EU citizenship's scope and content and, at the same time, participate in the making of European citizenship as citizens.

3 Conclusions: reshaping European citizenship

In the previous section, we have discussed the ways in which European citizenship is enacted by non-citizens, on the streets and in the courts, and both inside and outside the EU territory. We have been able to observe how people 'do' citizenship by looking at how citizenship is enacted 'on the ground' rather than solely by EU institution or states. By having done so, we have been able to see that citizenship is dynamic and it is contested. Instead of being simply a status, different groups organise and mobilise in order to demand citizenship rights or to challenge the existing instituted regimes of rights. It is precisely through these contestations and negotiations that EU citizenship is made and remade. Moreover, it is in this process and through claiming rights that new citizens emerge and partake in making of European citizenship.

When we look at the citizenship from the perspective of acts of citizenship as we have done in this module, we are left with a number of questions as our old convictions about citizenship no longer hold. If, non-citizens as for example Kurdish citizens in Turkey are key to the making of European citizenship, where do the borders of the EU begin and end? Why still talk of citizenship if non-citizens 'do' citizenship too? What are the policy implications of acts of citizenship perspective on citizenship? How can mobilisation and contestation be part of democratic politics? Aren't they the exact opposite of democracy? Let us discuss some of these issues with Mike Saward.

Video content is not available in this format.

[Interview with Mike Saward](#)

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Further reading

[Enacting European Citizenship website \(ENACT\)](#): here you will find all of the information about ENACT research project and links to full papers from which we have used excerpts for this unit

A series of podcasts called [Open Politics](#) produced by POLIS on topics such as human trafficking, security, performance of politics, politics of asylum, citizenship and other.

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