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## **Normative Standards for Citizenship in Multilevel Systems and the Empirical Outcomes in the European Union**

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# Normative Standards for Citizenship in Multilevel Systems and the Empirical Outcomes in the European Union<sup>1</sup>

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## Abstract

The outcome and democratic legitimacy of Union Citizenship has been extensively debated in the existing academic literature. Yet, the debates take place in various (sub-)fields and are only loosely connected, if connected at all. Further, the arguments in the existing literature are often based on standards of democracy that are not appropriate to the European Union's (EU) current construction. Drawing on the theoretical approach of multilateral democracy, I develop normative standards for political membership and political rights specifically for multilevel systems. At the empirical level, I examine the effect of supranational institutional structures on citizens' perceptions in the domestic political systems; and the effect of domestic institutional structures on citizens' perceptions of having voices in the multilevel system as well as their evaluation of EU democracy. The theoretical and empirical research findings relate to the policy debate on how to (re)design citizenship in the EU. I focus on the EU as the most developed form of democratic governance structures beyond the nation-state, but the normative arguments are transferable to other multinational polities.

Key words: Citizenship, democracy, European Union, legitimacy, multilevel system, perceptions.

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<sup>1</sup> This paper discusses core arguments and empirical results of the doctoral thesis 'Democratic Citizenship in Multilevel Systems: Normative Standards and the Outcome of Political Membership and Rights in the European Union'.

# 1 Democratic Citizenship in Europe

How should citizenship in multilevel systems, access to it and political rights attached to it, be designed to be democratically legitimate? How can we evaluate the existing institutions in the EU in terms of democratic quality? To what extent does the current construction of EU citizenship meet criteria for democratic legitimacy in the multilevel system? What is the impact of political citizenship on citizens' political efficacy and their evaluation of democracy in the current EU? What kind of reform options, at the supranational or domestic level, could increase democratic legitimacy in the EU? These questions illustrate pertinent research topics on democratic citizenship in Europe and provided guidance for the research presented in this paper and in my dissertation. Dealing with these questions in an innovatively way, my dissertation seeks to innovatively contribute to the ongoing scientific debate by combining normative and theoretical discourse with new empirical evidence.

An assessment of different options for democratic citizenship in the EU's multilevel system is highly relevant for developing an inclusive democracy in Europe as the design of citizenship is a crucial element of democratic systems. In academic and public debates, the EU is often accused to lack democratic quality and of being too distant from citizens by the broader public and students of EU democracy. In this context, EU citizenship is frequently accused of being a merely symbolic institution of only minor political relevance and only beneficial for the small share of EU citizens, for those who are exercising their free movement rights and who live in an EU member state of which they are not a national. Most importantly, citizenship gives citizens<sup>2</sup>, as members of the political community, a democratic voice and the opportunity to shape political processes and policies. Citizenship defines the political community that legitimatises the state's exercise of authority in democratic systems.

Building on research on European Citizenship and European democracy, I aim at exploring the outputs and the outcomes of Union Citizenship<sup>3</sup> theoretically and empirically. The research is presented more extensively in a cumulative dissertation that seek both to present normative standards for democratic citizenship in Europe and to provide empirical evidence on the state of democracy in Europe based on the function of democratic citizenship. In doing so, the research contributes in particular to two debates in the academic literature: (1) the research on democracy in the context of internationalised governance structures; and (2) the research on citizenship and the debates about inclusive and participatory democracy in Europe. The research is highly

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<sup>2</sup> The term 'citizen' has taken different meanings in different historical periods and languages (Pocock 1992; Ignatieff 1995; Bellamy 2004). Weber (1968, p. 239) distinguishes three different meanings (a) 'a member of a 'city', or socio-geographical entity; (b) a member of a political community, a geo-political entity; (c) a member of a particular social strata or class'. In this thesis, the term citizen is used to mean members of a political community.

<sup>3</sup> Union Citizenship was formally introduced twenty years ago as a legal status that each national in the European member states holds.

interdisciplinary, at the intersection of law, political philosophy, and political science, and combines normative and empirical approaches to social science research. It aims to be comprehensive in its theoretical linkages and in making novel connections among different areas of knowledge. Thereby it engages in the theoretical development of appropriate standards for citizenship in the EU and in testing these using a quantitative large-N approach.

At the core of the dissertation lie three academic papers that address the issue of citizenship in Europe from different angles. The first paper establishes normative standards based on the theory of multilateral democracy that are specific to multilevel citizenship, and assesses the current construction of Union Citizenship against these standards.<sup>4</sup> The two empirical papers explore the effect of institutional structures on citizens' perceptions of having a voice and their evaluation of the political system. Each of the papers takes the multilevel character of the system explicitly into account and studies cross-level effects. Drawing on the normative standards developed in the first paper, the second paper tests if gradual political membership fosters political efficacy and satisfaction with democracy in the national political systems (top-down influence). The third paper examines if political rights at the member state level indirectly influence citizens' satisfaction with democracy in the EU (bottom-up influence). It tests (1) the effect of domestic institutional opportunities on citizens' perceptions of influence in the multilevel system, and (2) the effect of such citizens' perceptions on their evaluation of democracy. In this sense, the empirical papers study two different aspects of Europeanisation of citizenship (see Vink 2001; Checkel 2001; Cowles et al. 2001; Graziano and Vink 2008): bottom-up and top-down influences in the EU's multilevel system. Based on the empirical findings, the dissertation suggests reform options that could increase the democratic quality of European citizenship and, in the long run, European democracy. In particular, the study's findings seek to contribute to the on-going, and by no means purely academic, debate about how to (re)design the EU institutions and how to create a democratic governance system beyond the nation-state.

## **2 Theory: Democracy and Citizenship beyond the State**

My theoretical arguments and empirical analyses build on research on democracy and citizenship in the context of internationalised governance structures and the debates about inclusive and participatory democracy in Europe. Studies on the transformation of traditionally state-based concepts—democracy and citizenship—in the context of globalisation and internationalisation are related to each other, but the discussions are mostly independent of each other in the existing literature (Meehan 1993; Bauböck 1994; Archibugi and Held 1995; Lehning and Weale 1997;

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<sup>4</sup> The respective paper is co-written with Antoinette Scherz.

Benhabib 2004; Magnette 2005). Regarding research on democracy and citizenship in the EU, the dissertation builds on and adds to the literature that deals explicitly with the concept of Union Citizenship as formally implemented in the Treaty of Maastricht (e.g., Closa 1992; Kostakopoulou 1996; Shaw 1997; Weiler 1997; La Torre 1998; Weiler 1998) and draws on and extends the research on the democratisation of the European Union and the related democratic deficit debate (e.g., Weiler 1997; Scharpf 1999; Lord and Beetham 2001; Majone 1998; Moravcsik 2002; Follesdal and Hix 2006; Schimmelfennig 2010). More precisely, the research undertaken in my dissertation can be linked to four different, and to a large extent, completely unrelated scientific debates. I briefly outline these debates in the subsequent paragraphs before moving to the arguments provided in my own contribution to the scientific debate.

### ***Democracy beyond the Nation-State***

First, the existing debate about democracy beyond the state can be structured very broadly in two contrasting views: scholars who argue for some kind of cosmopolitan democracy (e.g., Held 1995; Archibugi 2008), and those that argue that democracy is linked to national political communities or that democracy does not function equally well at a larger scale (e.g., Dahl 1998, 1999; Dahrendorf 1999). Scholars sceptical of post-national or transnational democracy conceptions argue that participation and accountability cannot be realised in a large-scale democracy in a meaningful way (e.g., Dahl 1998; Beetham 1999; Magnette 2003). According to proponents of multilateral democracy, however, multiple national demoi can enter a demo(i)cracy in which citizens' rights are not limited to one state but extended transnationally to other communities and supranationally to the multinational polity (Cheneval 2008, 2011; Bohman 2007; Besson 2007; Nicolaidis 2004, 2013; Cheneval and Schimmelfennig 2013). The existing literature on multilateral democracy, however, remains underdeveloped when it comes to the application of normative principles for institutional design.<sup>5</sup> This thesis engages in the study of institutional designs appropriate for a multilateral democracy in the area of citizenship. Further, it seeks to analytically and empirically evaluate the workings of Union Citizenship as a 'demoicratic' institution.

### ***Citizenship beyond the Nation-State***

The normative debate about citizenship beyond the state is the second strand of research that is of major importance for this thesis. The existing arguments range widely. On the one hand, scholars argue that citizenship beyond the nation-state is unthinkable and, as Miller puts it, "those that aspire to create transnational or global forms of citizenship have failed to understand the conditions under which genuine citizenship is possible" (Miller 2000: 81). On the other hand, others have started to

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<sup>5</sup> But see also the PhD project of Antoinette Scherz in the NCCR democracy project "Designing 'demoicracy' in Europe".

address what citizenship might mean in such a context and propose models of 'post-national belonging' (e.g., Soysal 1994; see also Linklater 1998). In fact, many scholars have studied the possibility of citizenship in circumstances that challenge the nation-state in a context that is, depending on the view of the commentator, inter-, trans-, supra-, or post-national (e.g., Meehan 1993; Soysal 1994; Bauböck 1994; O'Leary 1996; Kostakopoulou 1996, 2001; Shaw 1997, 1998; Wiener 1997, 1998; Delanty 1997; Lehning and Weale 1997; Bellamy and Warleigh 2001). Existing approaches to the theorising of national citizenship and post-national (or supranational) citizenship in a multilevel system tend to favour one level over the other: either national (e.g., Bauböck 1994; Weiler 1997) or supranational citizenship (e.g., Kostakopoulou 1996, 2001; Wiener 1997, 1998a, 1998b).

### ***Readings of Union Citizenship***

The debate about the significance of European citizenship started long before the formal institutionalisation of Union Citizenship. As one of the first, Aron (1974) has asked if multinational citizenship is possible. He has clearly denied it, and pointed out that EU citizenship is pointing towards the establishment of a European people. Many scholars have interpreted Union Citizenship as a merely symbolic act or as a status offering a set of predominantly labour-oriented entitlements (e.g., Everson 1995; d'Oliviera 1995; Lehning 1997; Downes 2001). Others have interpreted Union Citizenship as a 'fundamental status', though its meaning has remained contested: according to Habermas (1992, 1996) Union Citizenship is based on justice rather than nationality or even statehood, others argue that Union Citizenship could undermine collective and political aspects, and replace them with a set of legal entitlements (e.g., Bellamy 2001; Eder and Giesen 2001; Bellamy and Castiglione 2002; Weiler 1998, 1999). The transformative potential of Union citizenship has been emphasised by Kostakopoulou (e.g., 1996, 2001) but also by others such as Preuss (1995, but see also Evans 1991; O'Leary 1992; Wiener 1998a, 1998b) who argued that "citizenship does not presuppose the community of which the citizen is a member, but creates this very community".<sup>6</sup> Believing in the power of institutional-based change in systems, I tend to favour these transformative interpretations over others, but the outcome of Union Citizenship is eventually an empirical question, and the existing literature mostly studies these questions from a normative perspective.

### ***The Democratic Deficit of the EU***

It is a weakness of the traditional notion of the democratic deficit that it does not take up the writings on citizenship and, thus, basically 'neglects any notion of citizenship' as Richard Kuper noted already in 1998 (p. 147). In fact, the debate about the democratisation of the EU system is strongly

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<sup>6</sup> See Kostakopoulou (2005) for a review on ideas, norms, and interpretations of Union Citizenship.

focused on institution building, mostly at the supranational level of the multilevel system and tends to apply nation-state models of democracy to the EU (for a discussion see, e.g., Schimmelfennig 2010). Many accusers of the EU's democratic deficit argue for a parliamentary democracy with a strong European parliament and a politicised public sphere in Europe (e.g., Lord and Beetham 2001; Maignette 2003; Follesdal 2006; Follesdal and Hix 2006; Hix 2008). In such a system, citizens should have a direct voice in the system, vote on European issues, and elect direct representatives in European elections for the European Parliament. Others argue to de-politicise the supranational level and promote a model based on sovereign member states that have clear mandates for intergovernmental decision-making processes (Majone 1998; Moravcsik 2002, 2008). While some scholars have pointed out explicitly that neither a supranational nor an intergovernmental approach 'can offer an unproblematic set of solutions' (Lord 1998: 125) and that the EU's multilevel system needs to be taken into account, the existing literature tends to favour one level over the other. The dominant voices in the democratic deficit debate have a strong focus on the supranational level; the democratisation of the national level on EU democracy remains under-researched, and existing empirical studies in this context points to inconclusive findings. Against the background of its relevance for democratic legitimacy, it is surprising that these issues have not been extensively researched empirically.

In my research, I follow an understanding of citizenship as a legal status that defines the relation between an individual and a political system and entails specific rights and duties.<sup>7</sup> I restrict the analysis to political rights (thus excluding social rights) because political rights are foundational and underlie other rights that are granted to citizens in a democratic political system as they can be used by citizens to advocate or claim other rights such as educational rights, health care, or re-distributive rights more generally (e.g., Janoski and Gran 2002).<sup>8</sup> Such a focus on political rights comprises two important dimensions of (political) citizenship: membership and empowerment. Citizenship as membership defines the individuals who belong to the political community and those who are 'outsiders' (e.g., Brubaker 1992). This relates to naturalisation rights and access to political rights for non-nationals as institutionalised, for instance, in denizen rights.<sup>9</sup> Empowerment, in turn, relates to

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<sup>7</sup> This means that, except where specifically stated, I do not use the term citizenship to describe the broader non-legal interpretations which refer to practices and virtues of individuals and organisations oriented towards the common good or activities in civil society associations. See also EUDO-citizenship for such a demarcation between legal and non-legal interpretations of citizenship. The understanding of citizenship that underlies this thesis is influenced by Liberal Theory (e.g., Marshall 1950; Dahl 1996; Rawls 1971, 1999) and Participatory Republicanism (e.g., Habermas 1992, 1996; Bohmann 2007) and includes some elements of Moderate Postmodern Pluralism (e.g., Kymlicka 1999, 2001).

<sup>8</sup> According to Marshall's (1950) division of citizenship rights, citizenship covers legal, political, and social rights. Legal rights secure personal security, justice access, and conscience; social rights guarantee education, health care, and re-distributive rights.

<sup>9</sup> Denizenship describes an alien admitted to residence and to certain rights of citizenship in a county.

political rights attached to the membership status. It comprises rights that allow citizens to participate in the public arena via personal and organisational political rights such as the right to vote and to stand as a candidate, to assemble or form political parties, or other rights linked to public participation.

As a normative starting point for democratic principles, I use the approach of 'multilateral democracy' or 'demoicracy' (Cheneval 2008, 2011; Bohman 2007; Nicolaidis 2003, 2004, 2013).<sup>10</sup> This approach provides criteria that allow the assessment of the legitimacy of governmental functions exercised by several democratic states through jointly governed institutions. Multilateral democracy differs from traditional nation-state-based conceptions as well as cosmopolitan conceptions of democracy. Multilateral democracy presupposes democratic governance structures beyond the nation-state, an assumption that demoicracy shares with post-national approaches (see, e.g. Archibugi and Held 1995). In contrast to post-national or cosmopolitan conceptions, multilateral democracy is still a bounded system that puts emphasis on the boundedness of demoi (Cheneval 2008, 2011, Cheneval et al. 2014). In a multilateral democracy, multiple demoi are embedded in one political system, but the demoi—in today's EU, they are the existing statespeople—remain an important part of the system. Demoicratic approaches share the assumption that the EU can be characterised as a multinational polity constituted by both multiple demoi and individual citizens. In the context of different views on EU democracy, multilateral democracy can be understood as a democratic theory specific to multilevel systems as it retains the multilevel character of the system.

Many scholars believe a European people is a prerequisite for democracy, while others neglect the importance of a unified European people for democracy in Europe and conceive a European demos as a potential consequence of democratic governance structures (e.g., Weiler 1998, 1999; Habermas 1992, 1996; Bellamy and Catiglione 1998; Kostakopoulou 1996). Using the approach of multilateral democracy for developing normative standards neither exaggerates nor downplays the importance of 'the people' for European democracy. Instead, it balances the interests of individuals and peoples in Europe. This approach avoids the fallacy of comparing European citizenship with national citizenship or equating European citizenship with cosmopolitan citizenship, but grasps the specific characteristics of citizenship in the EU's multilevel system. In addition and in contrast to most of the existing literature, the dissertation also evaluates today's Union citizenship empirically by providing empirical evidence on the outputs and outcomes of Union citizenship in practice. These empirical

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<sup>10</sup> Discussing philosophical justifications for legitimate democratic rule in multinational polities, Kalypso Nicolaidis (2003; 2004) used the term 'demoicracy', James Bohman used 'transnational democracy' (2007), and Francis Cheneval 'multilateral democracy' (2008). I use demoicracy and transnational democracy interchangeably.

insights are relevant for researchers of democracy and citizenship in Europe, as well as practitioners involved in developing institutional structures for democratic multilevel governance.

The dissertation looks at the European Union as the most developed form of democratic governance structures beyond the nation-state. In such a multilevel system, national and supranational citizenships co-exist—i.e., institutional structures for citizenship and political rights exist at more than one level of the system. The normative arguments made, however, are not specific to the EU but transferable to the democratic legitimacy of other multinational polities.

### 3 Core Concepts and the current Citizenship Framework in the EU

As described in the introduction, citizenship legally defines the political community, the sovereign of democratic governance. It gives citizens the option to have a say in the political system by granting political rights for participation and accountability. It defines the enabling (or disabling) institutional structure for citizens. There is an inherent link between citizenship and democracy as one is a core element of the other (Benhabib 2004; Bellamy 2001; Magnette 2005). As previously stated, political rights are particularly important in this context because they provide the means to exercise a democratic voice and to ‘act and uphold - both directly and indirectly - all their other rights’ (e.g., Bellamy 2012, 93).

Today’s citizenship rules are closely tied to the current construction of the EU system. Figure 1 illustrates the EU’s build up and shows the importance of the national level in the multilevel system. The main point of reference for individuals in such a system is the member state of the EU in which they reside (e.g. Schimmelfennig and Cheneval 2013). Individuals, hence, are part of a national people (having full, partial, or restricted access to the system, depending on their legal status).

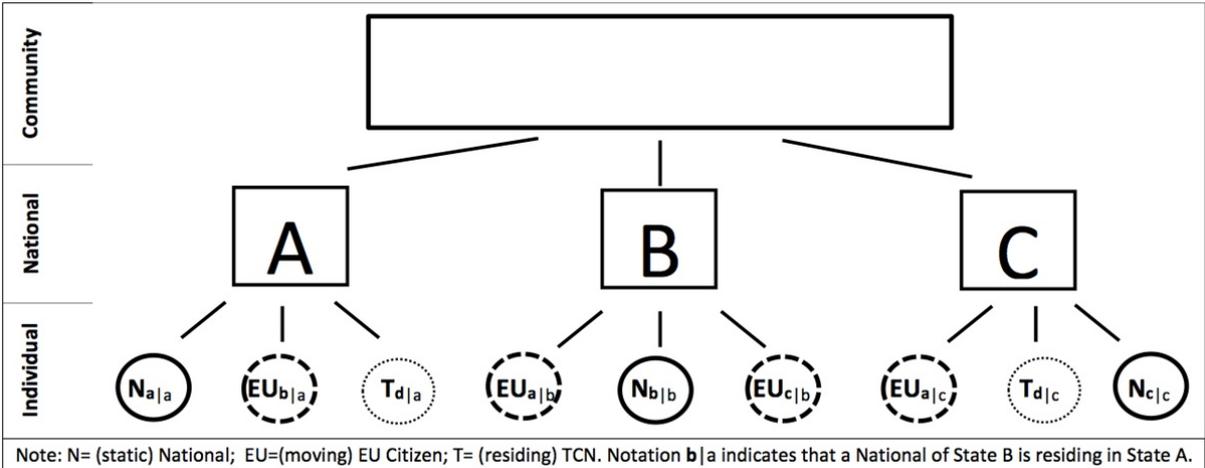


Figure1: Political Membership in the EU’s democratic system

The Schuman Declaration, which was one of the founding moments of the EU, states that the ECSC shall be 'a first step in the federation of Europe'. It mentions the goal of an 'equalization [...] of the living conditions of workers' (ibid.), but it neither asks for political rights nor entails visions of a European citizenship. Only in 1968, the EC's Vice-President Sandri referred to the developing body of free movement rules as 'incipient form - still embryonic and imperfect - of European Citizenship' (e.g. Evans 1984; Shaw 2007; Olsen 2008). The very first use of the term 'citizenship' in the EU can be found in institutional documents, particularly those from the European Commission back in the 1960s (O'Leary 1996: 17, in Shaw 2007:96). The Paris summit of 1974, then instructed a working group to analyse the options for realizing 'special' political rights for the citizens of the nine member states (e.g. Castles and Davidson 2000: 174 f.).

The general right to free movement, which was strictly bound to working movements and laid down later as a social right, strongly enhanced other rights (e.g. Chalmers et al. 2006; Olsen 2008) such as voting rights in the country of residence. It was the discursive link between these voting rights and the developing free movement rights without obstacles that extended special rights for citizens to persons who exercised their movement rights (see Wiener 1998a, 1998b; Shaw 2007; Kostakopoulou 2009). The Single European Act, effective in 1987, guaranteed the free movement of citizens and introduced symbols of European integration such as the European flag and anthem, 'to strengthen the image of the Community in the minds' of citizens' (Castles and Davidson 2000: 175; see also Wiener 1998). Pushing for a common citizenship, it was one of the explicit aims of the European Community to bring Europe closer to its citizens and boost support for European institutions (see also Closa 1992; Wiener 1998; Follesdal 2001).

The Treaty of Maastricht formalized Union Citizenship and introduced that every citizen who was a national of a Member State was also considered a citizen of the Union. The relation of Union Citizenship to national citizenship has been hotly debated, a fact that is also visible in the changes to the respective wording in the Treaties. It was the Danish scepticism towards Union citizenship that led to the clause, 'Citizenship of the Union shall complement and not replace national citizenship' (Art. 17–22 EC, ex. Articles 8a-e EC, see also Shaw 2007), which was amended to the provisions of the Treaty of Amsterdam (ibid.: 121). In the Treaty of Lisbon, the formulation was changed in 'shall be additional to national Citizenship', and the list of rights was extended (Articles 20–25 TFEU and Article 9 TEU, see also Schrauwen 2008). Union Citizenship has been described as 'destined to be the fundamental status for Member State nationals' mostly by the ECJ (C-184/99 *Grzelczyk*). But Union Citizenship is neither the only legal citizenship status, nor is it granted to all nationals of EU member states.

The fact that multiple citizenship statuses exist adds complexity to the previously presented history of Union citizenship. The main citizenship statuses in Union law are nationals (for the purpose of community law), moving EU citizens, long-term resident third-country nationals, and short-term resident third-country nationals. Although the overwhelming majority of citizens are static member-state nationals, literature on Union citizenship focuses mostly on the 2.3 percent of moving EU citizens. EU citizens who exercised their right to free movement are treated differently than those that spent their lives in their country of nationality. The framework of primary and secondary law specifies rights that are granted to static and moving EU citizens, as well as to third-country nationals residing legally in the EU.<sup>11</sup> Appendix A lists the political rights institutionalized in the EU's primary and secondary law and includes information on the legal basis of each right.

In a nutshell, different legal statuses imply a different set of rights, and some rights prerequisite the exercise of free movement. Third-country nationals have only a limited set of political rights compared to static and moving EU citizens.<sup>12</sup> The set of political rights for static and moving citizens also differs: static citizens not only have access to the political rights institutionalized in Union law but also access to all rights that are granted by domestic law of the member state of which the citizen is a national. Depending on the member state, these rights include more far-reaching opportunities of direct democratic voice, such as referenda and initiatives. Domestic law is also important for the set of rights that is granted to long-term residing third-country nationals: some countries are more inclusive than others and grant certain rights not only to their nationals but also to third-country nationals (e.g. Bauböck 2006; Bauböck et al. 2006).

#### **4 Research Design: Normative Standards and the Individual Level**

I take citizens' perceptions and evaluations as an important point of reference by testing the effects of institutional citizenship structures on citizens' perception of having a voice and their evaluation of

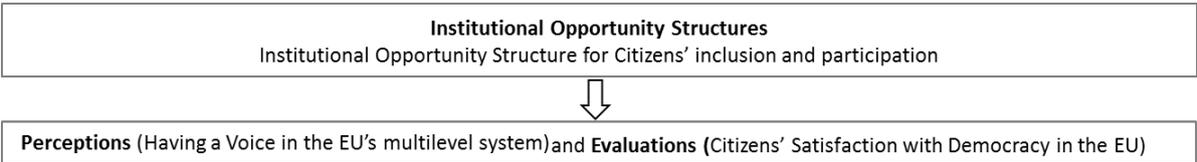
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<sup>11</sup> The scope of direct effect varies across different legal instruments used at the EU level. Most treaty provisions give member states a margin of discretion in implementation. Regulations have a full direct applicability on member states and individuals addressed by it, while directives generally have to be transposed into national law. Provisions of the Regulations can have direct effect if the criteria for direct effect set out by the CJEU have been met. The direct effect of directives is recognized by the ECJ (see particularly, C-09/70), which allows individuals to invoke them in the courts (see e.g., C-271/91) from the expiry of the transitional periods. Contractual law derived from international commitments, such as EU agreements with third countries also have direct effect and grant certain citizenship-related rights to those TCNs from nations with which the EU conducted an agreement. Exempted from direct effect are EC decisions and soft-policy instruments.

<sup>12</sup> Note that Kochenov (2009: 174) argues that the legal system is, in fact, so differentiated that 'possessing the status is not enough to know for sure what kind of rights one has'. Certain citizenship-related rights depend on additional factors such as the place of residence, which leads to different treatment of equals by law.

democracy in the multilevel system.<sup>13</sup> Thereby, the thesis links an analysis of normative standards for democratic governance with citizens' perceptions and evaluations in and of the multilevel system. The argument that citizens' perceptions are an important point of reference rests on the assumption that democratic systems are based on appropriate normative standards and citizens' support and evaluation of a system (e.g., Lane 1959; Almond and Verba 1963; Easton 1965, 1975; Parsons 1951; van Deth and Scarbrough 1998; Fuchs 2011). The existing research on European citizenship provides little evidence of how the institutional opportunity structure of individuals evolving from citizenship regimes influence citizens, and how individuals' perceptions echo this variation in their opportunities. In the existing studies on European citizenship and European democracy, the link between the institutional opportunities for citizens' participation and their individual perceptions of democratic voice in the multilevel system has rarely been analysed empirically. The chosen design in this thesis makes it possible to estimate the impact of institutions on their addressees and to gain a better understanding of how institutions at one level of the system influence citizens' perceptions of democratic voice and democracy in the multilevel system.

Taking Union Citizenship as an empirical case in which democratic principles are at least partly realised allows the evaluation of how well the existing institutions function according to specific standards of multilateral democracy. Related to the EU citizenship discourse, the results of the empirical study of the EU's citizenship regime (that grants access to different types of citizens to a different degree) allow the estimation of the effect of structural openings for migrants on their political efficacy and evaluation of the political system. The findings provide arguments for a long-lasting normative controversy in citizenship discourses: Should access to the political community be a reward for successful integration of migrants or an institutional opening for migrants that enables a structure for integration? The results speak to important questions in the debate about European citizenship and European democracy: Does the EU's citizenship regime foster an inclusive demo(i)cracy in the EU? Is democratic voice an important dimension of EU demo(i)cracy in the eyes of citizens?



**Figure 2:** Linking Institutions and Citizens' Perceptions

<sup>13</sup> The study does not look at identity building; identification with the EU could be a result of inclusive structures in the system (see also transformative citizenship approaches in Kostakopoulou 1996), but a common European identity is, according to the approach of democracy, not a precondition for EU democracy or a means to measure the quality of EU democracy.

The empirical part of the study examines the influence of political membership and political rights to participate in the public arena on citizens' perception of having a voice and their satisfaction with democracy (see Figure 2). The empirical analyses draw on survey data on citizens' perceptions and data on political membership in the EU and political rights in the EU's member states. At the individual level, the study draws on data from the Eurobarometer and the European Social Survey to measure individual orientations and citizens' perceptions. European Social Survey data is used to explore the effect of the EU's citizenship statuses on citizens' perceptions and evaluation, because only the European Social Survey includes the necessary information to distinguish between individuals with different legal statuses. The empirical study of empowerment draws on Eurobarometer data because the European Social Survey does not measure citizens' perception of having a voice in the country and in the EU separately. Such a differentiated measurement, however, is an important criterion for taking the specific characteristics of the EU's multilevel system into account.

At the contextual level, the study draws on different data sources. All these sources share two important criteria: First, all of them allow measuring differences between the EU's member states (that are all established democracies) and are specifically designed to measure citizens' institutional opportunities for participation. This dismisses many existing indicators that are primarily constructed for measuring differences between democratic and non-democratic states (e.g., Przeworski et al. 2000; Vanhanen 2000; Freedom House 1972-2013; Marshall and Jaggers 2002). For measuring political rights at the domestic level, the study uses three complementary indicators. First, I use the 'voice and accountability' indicator from Kaufmann et al. (2010); second, an indicator for direct democratic opportunities from the democracy barometer project (Bühlmann et al. 2013); and, third, a measure for the existence of EU-related referenda based on data from the European Election Database. The study on political membership includes a measurement of domestic policies for migrant's inclusion from the Migrant Integration Policy Index produced by a consortium of organisations led by the British Council and the Migration Policy Group.<sup>14</sup>

The empirical studies apply multilevel models that calculate coefficients and standard errors based on the hierarchical data structure and account for cluster effects at the national level (Steenbergen and Jones 2002; Gelman and Hill 2006). The hierarchical regression models account for two levels of analysis: the individual (level 1) and the member state (level 2) of which a respondent is a national or resident.

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<sup>14</sup> See <http://www.integrationindex.eu> for more details about the construction of the MIPEX.

## 5 Results and Readings of Multilevel Citizenship in the EU

The objective of the first core paper is to establish normative standards for multilevel citizenship and to assess EU Citizenship and its democratic quality against the theoretical background of multilateral democracy. As outlined above, multilateral democracy is specifically suited for this task as it does not rely on a nation-state paradigm or the presumption of a further transformation into a federation or union. In the paper, three criteria are applied to assess the democratic quality of multilevel citizenship: equal individual rights, equal sovereignty of peoples, and the balancing of individuals' and peoples' interests. Thus, different than most contributions in the existing literature, these standards seek to take the equality of peoples (communitarian element) and equality of individuals (cosmopolitan element) equally into account. To grasp the multi-layered conception appropriately, rights granted by a certain status and the access to it are analytically separated. The developed standards include equal implementation of political rights that relate directly to institutions at the supranational level (such as the European Parliament), the right to entry and (re-)establish full membership in all EU member states for moving EU citizens, and the definition of minimal common standards for political rights in the national systems.

In the thesis, the argument is outlined more thoroughly that a European community can co-exist with national communities without replacing them. The proposed standards seek not to give prevalence to national citizenship, but argue for the equal standing of both national and supranational citizenship. To realize these standards in practice, it is argued that the theoretical framework of multilateral democracy favours either national and Union Citizenship as two independent statuses or a mixed model with an automatic bottom-up link for Nationals and institutional opening for third-country nationals at the supranational level with minimal common standards for national citizenship. Disconnecting EU Citizenship from national citizenship can increase national sovereignty while consolidating EU Citizenship as a fundamental status for individuals. Both options would realize the equal importance of national and supranational citizenship, either with or without a connection between the two levels.

The empirical analysis of political membership, presented in the second paper of the dissertation, tests the effect of the EU's citizenship regime on citizens' political efficacy and their evaluation of democracy: citizens, who have more access to the political system, are expected to be politically more efficacious and more satisfied with democracy. The empirical results provide supporting evidence in the case of political efficacy and suggest that Union Citizenship matters for citizens' perception of having a voice, particularly in countries that limit third-country nationals' access to the political system. Unexpectedly, Nationals or EU Movers seem to be on average less satisfied with

democracy than short-term third-country nationals (stTCNs, who have strongly restricted political rights), a fact that could be explained with systematically different expectations towards democracy across the citizenship statuses against which citizens evaluate the functioning of democracy.

The empirical analysis of political empowerment, presented in the third paper of the dissertation, tests the effect of political rights at the domestic level of citizens' perception of having a voice in the multilevel system as well as their evaluation of EU democracy. The analysis is restricted to the vast majority of EU citizens that are (static) member-state nationals. According to the two rivalling approaches in the literature, far-reaching institutional opportunities at the domestic level could have positive 'spillover' or negative 'yardstick' effects on citizens' evaluation of EU democracy (e.g., Norris 1999, 2011; Rohrschneider 2002, Aarts and Thomassen 2008; Ehin 2008; Fuchs 2011; Hobolt 2012; Desmet et al 2012). The empirical findings suggest that there is an indirect spillover effect with domestic institutions for voice and accountability concerning citizens' evaluation of EU democracy. Domestic institutional voice opportunities, accordingly, have positive spillover effects on citizens' perceptions of having a voice in the EU's multilevel system. Citizens who have the perception of having a voice in the EU, in turn, are more likely to be satisfied with the way democracy works in the country. These results suggest that citizens' perception of having a voice influences their evaluation of EU democracy and that strong institutional-voice opportunities at the domestic level have positive spillover effects in citizens' evaluation of EU democracy.

The research presented in the thesis follows an interdisciplinary approach and links scientific debates that have mostly been debated separately from each other by scholars in the respective subfields of law, political philosophy, and different subfields of political science. The study advances beyond plural and national models and derives specific normative standards for political membership and political rights in a multilevel system. Further, it integrates theoretical and empirical approaches in a novel manner. The proposed standards go beyond the existing approaches of 'complementing' citizenship (e.g. Weiler 1997, 1998; Bellamy and Castiglione 1998; Bellamy 2008; Bauböck 1994, 2007b) and 'transformative' citizenship (e.g. Kostakopoulou 1996, 2001, 2003), as they aim to realize the equal importance of national and supranational citizenship in the EU's system. The study of multilevel citizenship in the EU leads to new insights on the importance of linking the national, supranational, and transnational dimensions of citizenship. The EU is particularly suitable to empirically examine in the overall arguments, as it provides a case of deeply-integrated internationalized governance structure. At the empirical level, I apply large-N research methods in an area in which research has mostly been done normatively or based on qualitative studies, thereby, testing the effects of institutional structures of citizenship in the context of internationalization as a 'most likely' case (e.g. Ragin and Amoroso 2011).

The analysis of structures institutionalized in domestic law accounts for the 'European dimension of national citizenship' (Cheneval 2007; Besson and Utzinger 2008). Empirically, the thesis tests rival theoretical explanations for explaining how democratization at the domestic level relates to EU democracy, and provides new empirical evidence to this controversial debate (e.g. Sánchez-Cuenca 2000; Rohrschneider 2002; Desmet et al. 2012). It particularly considers voice and accountability structures at the domestic level and provides empirical evidence for a positive relationship between democratization at the domestic level and citizens' evaluation of EU democracy. Doing so, the empirical analysis takes the complexity of the multilevel system explicitly into account: the analysis of institutional structures in Union Law incorporates domestic regulations on access for third-country nationals to the political community.

In my view, social science is not an objective, abstract way of dealing with the world, but an honest attempt to understand and explain socially-significant phenomena based on a systematic analysis. Each of us has a decision in what kind of society and political system we would like to live and, in my view, all research is – at least implicitly – giving voice by picking objects and research questions. Thus, paying attention to democratic citizenship in Europe is an explicit research objective in and of itself. Studying democratic voice in the EU (as well as access to the political system and to political rights), I aim to contribute to the visibility of democratic voice as a desirable feature of governance structures beyond the state.

Based on the conducted research, I would argue that the main shortcoming of the existing design of citizenship in the EU is the fact that it does not sufficiently balance communitarian and cosmopolitan aspects of multilevel citizenship. Instead, it seems to privilege communitarian aspects by linking supranational citizenship to national citizenship, while, in fact, it eludes control over access to the political system due to the lack of common standards for national citizenship. In my thesis, I propose concrete reform options for the implementation of supranational and national citizenship to increase democratic legitimacy in the EU. At the level of institutional design, equal importance of national and supranational citizenship can either be implemented by disconnecting both statuses completely or by providing institutional openings for third country nationals for supranational citizenship as well as automatic access for all member states' nationals that comply with common minimum standards for defining citizens for the purpose of community law.

According to the results of the empirical analysis, citizens are more likely to perceive having a voice in the EU if they have access to the political system. Those with full access are more likely to believe they have a voice if they are nationals of a country with far-reaching institutional opportunities. Further, access to the national systems seems to increase satisfaction with democracy for third-country nationals, while more far-reaching institutional opportunities seem to indirectly increase the

satisfaction with EU democracy of member state nationals. The empirical insights shed light on new arguments in these existing streams of research as the remainder of this section shows.

First, applying theoretical concepts and developing specific standards that seek to realize the theoretical idea of multilateral democracy (equality among individuals, equality among peoples, and equal importance of both) is an important step forward for the elaboration upon and specification of the theory of democracy in multinational polities. Doing so, the thesis aims to test an innovative, normative concept and to prove its empirical relevance. The approach of multilateral theory offers a new perspective on the various dimensions of democracy in the EU. It calls researchers' attention particularly to the various vertical linkages between national and the supranational levels and horizontal linkages between the different national communities. Research based on such a perspective can, as a result, offer a more 'reflective approach' for the discussion of democracy in the EU (Kostakopoulou 2003). Studying political membership and political rights through the lens of a democratic perspective brings complexity forward and prevents researchers from using oversimplified approaches to the EU's system.

Second, regarding Union Citizenship research and citizenship studies, my dissertation research provides a quantitative study of the outputs and outcomes of Union Citizenship that examines effects on citizens' perceptions and takes institutional context settings into account. This is a major contribution to the existing literature because Union Citizenship, despite the fact that is an important part of the EU's integration process and represents one of the most debated topics in the academic field two decades after its formal institutionalization, is still mostly been examined from a normative perspective. The results of this thesis can further be linked to the broader body of research on democratic citizenship in the context of migration. The empirical evidence suggests a 'positive' effect of institutional openings for non-nationals; 'positive' with an evaluating notion in the sense of increasing crucial aspects for the democratic legitimacy of political systems, citizens' political efficacy, and satisfaction with democracy.

As regards policy debates, the concrete reform options provided in the dissertation concerning access and political rights clearly contribute to the policy debate on how to (re)design citizenship in the European Union to render it more important for citizens. It critically discusses and gauges different options regarding how to design access to multilevel citizenship. Regarding political rights for citizens in the EU, it is argued that rights that relate directly to the supranational level (such as EP voting rights) should be implemented in line with the 'equality of individuals principle' in order to prevent unequal implementation in the EU member states. Furthermore, standards need to be established in order to guarantee a commonly-agreed minimum level of political rights within the member states. A third argument refers to political rights that are granted to EU citizens who reside

in a Member State of which they are not nationals and underlines the rights to gradually re-establish full membership. Particularly the third core paper of the dissertation provides empirical evidence on how EU democracy could be further democratized on the domestic level and links to the public debate about the improvement of direct democratic rights in the European Union.

The findings suggest that institutional democratization of the EU's member states would be an important aspect of the input side of legitimacy of EU democracy. Thus, democratisation must also be pursued on national levels, not only in Brussels. Generally, more 'direct democratic opportunities' may be a tool to create a functional demos (see e.g. Kriesi 1999, 2005 on the development in Switzerland; e.g. Preuss 1996 about the EU). Beyond the discussion of creating a community of Europeans, more participatory rights on the national level, according to the empirical finding of this thesis, could have indirect positive effects on citizens' evaluation of EU democracy. The gathered knowledge about the general pattern, according to which more access to the EU's political system and more far-reaching institutional opportunity structures for those that have full political membership make it more likely that citizens' will perceive that they have a democratic voice in the EU, allows making predictions and extrapolation: the empirical findings suggest that access to the political system makes it more likely that citizens believe that they have a say, to a similar extent as nationals. If current trends towards more exclusive national systems continue (e.g. Kostakopoulou 2010; Vink and de Groot 2010), it seems reasonable to anticipate that non-national residents feel (even more) voiceless and that the status of EU citizenship becoming Union Citizenship can increase democratic legitimacy in the member states by guaranteeing the inclusion of a group of individuals that would otherwise be excluded from political membership.

Summing up, the research undertaken for my dissertation provides new empirical evidence for the effect of institutional citizenship structures on citizens' perceptions. This paper highlighted different aspects of the most important contribution of this research to the existing literature, namely, comprehensive normative standards for citizenship in multinational polities and an innovative empirical study on the effects of political membership and political rights in the EU on citizens' perceptions of voice and evaluation of democracy. The empirical findings indicate positive relationships between political membership, as institutionalized in EU citizenship statuses and domestic policies for including third country nationals as well as citizens' perception of having a voice in the country and satisfaction with democracy in the country. Moreover, the findings reveal the influences of institutional-voice opportunities as institutionalized in domestic law in citizens' evaluations of EU democracy, mediated through their perception of having a voice in the EU's multilevel system.

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## Appendix A: Rights attached to EU Citizenship and the legal framework

Citizenship-related right	Treaty Basis	Other legal Provisions/ Seminal ECJ Decisions	Territorial Scope of right
<i>Participation</i>			
right to petition the European Parliament (EP)	Art. 20.2(d) TFEU, Art. 24 TFEU in accordance with Art. 227 TEU	Charter of fundamental Rights (CFREU) Art. 44	in any member state (MS)
right to vote in EP elections	Art. 20.2(b) TFEU	Directive 93/109/EC; CFREU Art. 39.1	in MS of nationality / in host state
right to vote in municipal elections	Art. 20.2(b) TFEU	Directive 94/80/EC; CFREU 39.1	in host state
right to stand as a candidate in EP elections	Art. 20.2(b) TFEU	Directive 93/109/EC; CFREU Art. 39.1	in MS of nationality / in host state
right to stand as a candidate in municipal elections	Art. 20.2(b) TFEU	Directive 94/80/EC; CFREU 39.1	in host state
right to initiate citizens' initiative	Art. 11.4 TEU		in any MS
right to fund or join a political party	Art.12 and 19 EC*		in MS of nationality / in host state
the right to form and to join trade unions		ECHR Art 11.1	in MS of nationality / in host state
right of collective bargaining and action		CFREU 28	in MS of nationality / in host state
<i>Accountability</i>			
right to apply the European Ombudsman	Art. 228 TEU; Art. 20.2(d) TFEU	CFREU Art. 43	in any MS
right to submit a complaint to the Commission about breaches of EU law by a MS	Art. 258 TFEU	C-6/90	in any MS
right to institute proceedings against an act	Art. 3(a) TEU; Art. 263 TEU		in any MS
right to be heard, before any individual measure		CFREU Art. 41.2	in any MS
right to apply to the European Union Civil Service Tribunal	ANNEX I (TFEU) Art.3.2; Art. 257 TFEU		in any MS
<i>Transparency</i>			
right to address the EU institutions in any Treaty language and get answer in the same language	Art. 20.2(d) TFEU	CFREU Art. 41.4	in any MS
right to access documents of the Union institutions	Art. 15.3 TEU	CFREU Art. 42	in any MS
right to access his or her file		CFREU Art. 41.2	in any MS
<i>Other</i>			
right to reside freely within the MS territory	Art. 20.2(a); 21.1 TFEU	Directives 2004/38/EC, 2003/109/EC**; CFREU Art. 45.1, 45.2; C-413/99	in any MS
right to move freely within the MS territory	Art. 20.2(a); 21.1 TFEU	Directive 2004/38/EC; CFREU Art. 45.1, 45.2; C-169/90	in any MS
Right to protection of personal data	Art. 16.1 TEU***	Regulation No 45/2001, No 1049/2001	in any MS
enjoy protection of the diplomatic/ consular authorities	Art. 20.2(c) TFEU	CFREU Art. 46	in third state
right to take up employment		Directives 2004/38/EC, 2003/109/EC**; CFREU Art. 15.1, 15.2, 15.3; C-2/74	in host MS
Non-discrimination on grounds of nationality	Art. 9 TEU	Directives 2004/38/EC; CFREU Art. 2; C-117/76, C-136/78; C-214/94, C-85/96, C-230/97, C-456/02	in MS of nationality / in host state

\* Read together with the fundamental principles of law referred to in Art6(1) EU (see Kochenov 2009).

\*\*In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, the United Kingdom and Ireland these Member States are not participating in the adoption of this Directive and are not bound by or subject to its application (D2003/109/EC).

\*\*\* Art 6a Protocol No 21 states that United Kingdom and Ireland shall not be bound by the rules laid down on the basis of Article 16 TEU when carrying out activities which fall within the scope governing the forms of judicial cooperation in criminal matters or police cooperation (Chapter 4 or Chapter 5 of Title V of Part Three) which require compliance with the provisions laid down on the basis of Article 16.