Caught Between History and Imagination:
The Arguments for Post-National European Union Citizenship

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The concept of EU citizenship holds promise as a revolutionary model of citizenship where residency and political participation substitute for national identity as membership criteria. However, EU citizenship's revolutionary potential is limited by the fact that today, citizenship remains tied to traditional definitions codified by EU member states, excluding millions of permanent residents who are living in Europe as long-term Third Country Nationals (TCNs). A host of individuals, nongovernmental organizations and institutions have pressed for expansion of EU citizenship to include TCNs. Following Vico's theories of imagination and ingenium and Olson and Goodnight's approach to rhetorical criticism of oppositional arguments, this dissertation analyzes the controversy over TCNs and EU citizenship, highlighting the implications of the controversy for the EU, its institutions, its citizens, and particularly its non-citizens.

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1. FROM THE HISTORY TO THE IMAGINATION OF CITIZENSHIP

1.1. THE ADVENT OF A NEW KIND OF CITIZENSHIP

Citizenship is usually thought of as synonymous with nationality and the rights and duties associated with the people who live, work, and participate politically, socially, and economically within the borders of their nation-state. In this conception, the main criterion used to decide who is and who is not a citizen is nationality. But as the nature of nation-state governance evolves and the acceleration of citizen mobility hastens nation-state interdependence, pressures for new definitions and paradigms of citizenship build.[1] As Joseph Weiler argues, this pressure produces cognitive dissonance, because "the traditional, classical vocabulary of citizenship is the vocabulary of the State, the Nation and Peoplehood" (Weiler cited in La Torre 1998). The classical association of citizenship with nationality blocks our ability to grasp new, non-statist conceptions of citizenship, even as post-national political visions[2] take shape in institutions such as the European Union. In 1992 European Union citizenship was solemnly established in the Treaty of Maastricht.[3] European Union citizenship grants some additional rights to citizens of the Member States in the same way that single nation-states grant their inhabitants special status as nationals, a status they maintain even when they no longer reside 'at home.'[4] Namely, the notion that still permeates the understanding of EU citizenship is one that "coincides with the permanent resident population of the nation," and it is not nullified when citizens leave their

home country to live and work in other Member States.[5] Thomas Dynneson argues that this understanding of citizenship as "more than residence" transforms it into an "enduring personal relationship" that does not vanish as citizens cross borders (Dynneson 2001). The nation becomes more than "a territorial organization" to become a "membership organization, an association of citizens" (Brubaker cited in Dynneson 2001) in which a sense of belonging is entrenched in its people.

The relationship between nationality and citizenship in the EU context becomes more complicated when one considers that while Maastricht guidelines set trans-national membership criteria for EU citizens, they also limit the scope of EU citizenship. In trying to reach *beyond* the nation while anchoring its very essence *to* the nation, EU citizenship remains limited as it "schizophrenically" relies upon traditional notions of national membership to found its post-national concept of equality and inclusion.[6]

The contradictory and oppositional elements of EU citizenship are exemplified in its current definition,[7] which includes all Member State citizens and excludes millions who are living in Europe as third country nationals (TCNs), defined as "any person who is not a citizen of one of the Member States" of the EU, but permanently resides in one (*Status of third-country nationals* 2004).[8] The current debates over the status of TCNs challenge the relationship of citizenship and nationality because advocates of TCN citizenship argue for a new, post-national mode of citizenship based on residency as the key status criterion. In making this case, some advocates deploy an argument formation suggesting that the EU should be viewed as a deliberative community, in which all long-term residents are given an equal opportunity to practice citizenship. The deliberative community rationale is based on an idea of citizenship as

performance, with residents enacting citizenship by living together and deliberating with each other on common interests and concerns.

The debate over the status of TCNs and their inclusion as EU citizens can be viewed as a potential bridge leading toward new conceptions of citizenship, because the chasm between the historical conceptions rooted in nationality and new modes of discursive, participatory citizenship detached from the nation-state can be crossed only via imagination. In short, the debates over EU citizenship status for TCNs constitutes a testing ground for a new theory of citizenship detached from the "holy trinity" of sovereignty, nationality, and national loyalty (Bader 1999). The outcome of the controversy may help determine whether the experiment of the EU turns out to entail a fundamental revision of the traditional conception of citizenship, or whether the experiment is a less radical expression of political commitment.

This dissertation analyzes why EU citizenship has not been extended to TCNs who are long-term residents and why arguments in favor of their inclusion in EU citizenship, both as status and as practice, have not persuaded the decision-making bodies of the EU and their Member States. The debates about the possible inclusion of third-country nationals as EU citizens foreground arguments regarding a new kind of European Union citizenship, one unhinged from nationality, as a concept we must imagine first as focused on discursive and participatory practices. I analyze the argument formation that positions the EU as a deliberative and participatory community and TCNs as EU citizens. This argument formation coalesces around proposals to expand the idea of EU citizenship such that EU citizens are those who reside within the geographic boundaries of the EU and are positioned to deliberate about questions of governance. I explore the arguments of advocates in favor of a post-national model and investigate the persuasion strategies they use, the structures of their appeals, the rhetorical

devices they employ, the way they frame the rhetorical exigence calling them to speak, and their intended audiences.

To understand the arguments in favor of inclusion of TCNs as EU citizens, I also take into consideration the sources of resistance. The debates over TCNs include arguments that counter the concept of participation and inclusion with notions of homogeneity and exclusion, tied to traditional notions of nationality (Follesdal 1998). The idea of political performance at the center of a practice of citizenship is opposed on the grounds that shared communities need commitment from citizens who are not loyal to other nations, as TCNs could be.

The debate on the status of TCNs is a significant development towards a participatory and deliberative citizenship, but as the arguments run against the notions of citizenship attached to nationality, the status of TCNs who are long-term residents remains one of "privileged foreigners" (Handoll 2002). There are many tangible and material obstacles that block the way toward a new conception of EU citizenship. These include economic challenges associated with possible integration of a host of new people into EU markets, language barriers and political obstacles. This dissertation does not attempt an exhaustive survey of these obstacles, nor does it claim that any drive toward EU citizenship for TCNs could necessarily surmount these obstacles. Rather, the scope of the study is drawn more narrowly, to examine the rhetorical dynamics involved in arguments advanced for and against EU citizenship for TCNs.

Before pursuing a rhetorical analysis of the argument formation urging the inclusion of TCNs as EU citizens, in this chapter I consider the roots of the relationship between nationality and citizenship and some of the obstacles it presents in post-national contexts. I explore the internal and external challenges that nations themselves face as they adapt to increasingly diverse populations and adjust policy to harmonize with the shifting currents of economic, political and

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social globalization. Finally, I present my theoretical approach for the analysis of the debates over the inclusion of TCNs as EU citizens and I conclude with a brief overview of the following chapters.

1.2.   CITIZENSHIP AS STATUS AND PRACTICE

Traditionally, the relationship between nationality and citizenship is embedded within the territory of the state. As Etienne Balibar argues, "citizenship is an institution that is unconceivable except in relation to the frame of a state" and this connection is "one of inclusion" as the "quality or status" that the nation-state "confers on individuals, and which is inconceivable outside of this assignation" (Balibar 2004). The equation of nationality and citizenship guarantees that the members of the state consider their status as empowering, even if citizens hardly practice their rights and duties by voting, traveling, or demanding protection from their government. The membership criteria for citizenship status vary across nations, within Europe and across the world,[9] with even more disparities for naturalization, but a citizen is a national either by *jus soli* or *jus sanguinis*, namely by being born on the national territory or by being a descendant of nationals, in this case even if born outside the state's borders.[10]

Since T.H. Marshall (1950) defined modern citizenship as a set of civil, political, and social rights, the status of a citizen as a legal concept has developed in opposition to the concept of citizenship as practice, with the latter having less resonance. As Howard (2004) points out, most modern liberal democracies offer some civil and social rights to most legal workers and residents. But political rights, while "no longer a prerequisite for social rights," remain exclusive for citizens and establish their preferred status as nationals, even when small concessions are

granted to non-citizens, like participation in local and regional, but not national, elections. The

difference in rank between full-fledged citizenship and citizenship in practice is even more

evident when legal rights are not exercised. As Bader (Bader 1999) points out, citizenship-status

"without any actual citizenship practice can be considered as latent or dormant citizenship."

While Bader recognizes that "historically and in actual practice" the status is "not conferred" by

the state, but "always fought for," so that "it is only as strong as democratic practices are," he

believes that citizens cannot be expected to fulfill and practice their political rights constantly.

Rather, they can activate and invoke legal rights if necessary, thus combining status and practice.

Discussing EU citizenship, Bader argues for a "productive dialectic" that bridges status

and practice, highlighting one of the striking differences between the citizens who are nationals

and others who must argue for status recognition in order to reap the windfall of civic and social

rights. This distinction is important for the debates over the inclusion of TCNs as EU citizens,

because as Bader argues, citizenship should include both legal status and revocable practice. This

dual understanding of citizenship as either practice or status is at the core of the arguments for

the inclusion of TCNs as EU citizens, as advocates push for a change in their status to become

EU citizens, and further justify this change by making an appeal to practice.

Bader's concept of political citizenship resonates with the arguments for TCNs, but he

also takes into account that "states and, consequently, rights of nationals and citizens are still

extremely important" (Bader 1999) and the concept that TCNs could be legal EU citizens

"without being a citizen of one of the Member States" is still considered "a strange anomaly"

(Bader 1999; Ward 1997). The prevalence of this viewpoint yields a paradoxical outcome –

national citizens of EU Member States are recognized as EU citizens, even if they reside

elsewhere and fail to exercise their EU-wide rights, whereas long-term residents of EU Member States who are active in community life are denied citizenship status.

Bader's commentary helps explain this conundrum. On the surface, arguments for a more expansive definition of EU citizenship would seem to have appeal, since they square with the soaring rhetoric of inclusiveness outlined in the founding EU documents, from Monnet's claim to "unite people, not states" to the Constitution's motto "united in diversity." However, the arguments for TCNs have not caught on among EU institutions such as the Council, the Commission, and the EU Parliament. The arguments for inclusion of TCNs as EU citizens have failed to persuade Member States, where national governments still control issues of immigration and often refuse to cede sovereignty regarding border controls. EU citizenship, as a consequence, remains limited to only those people who are recognized as citizens of the Member States. EU institutions have addressed the issue and engaged in the debate over the status of TCNs, yet full citizenship rights remain elusive for those not already citizens of EU nation-state.

1.3.   THE END OF NATIONS? CHALLENGING THE HISTORIC PRESUMPTIONS

While the concept of citizenship and membership in an exclusive community developed in ancient Greece, the equation of nationality and citizenship and the role of the nation as the sole protector of its citizens' rights date back to the Declaration of the Rights of Man and Citizen of 1789, article 3. Namely, the Declaration states that "The principle of all sovereignty resides essentially in the nation; no body, no individual can exercise any authority that does not expressly emanate from it" (cited in Balibar 2004). Many scholars, however, believe the political and economic body of the EU challenges the very notion of the nation-state. For example,

Balibar argues that "we seem to be caught in an impossible interregnum: *after the end* of classical national sovereignty (but not of national identities as historical residue), *before the beginning* of a post-national sovereignty" (Balibar 2004).

In this period of flux, commentators struggle to launch lofty visions of political transformations that jettison the historical baggage of state-based citizenship. Stopping short of declaring an end to nations, some argue that concepts such as EU citizenship prompt us to detach nationality from citizenship and "decouple the political and legal content of citizenship from the idea of nation" (Becker 2004), so that rights "with a transnational character can be guaranteed" (Balibar 2004). The major challenges to the very essence of nationality, especially in the EU, are summarized by Bader (1999), who writes that the growing familiarity with multi-ethnicity and multi-nationality inside the various Member States (even those always considered emigrating countries, such as Italy, Greece, and Spain) and the failure to instill a sense of identification with a "European nationality" (Dell'Olio 2005), along with the growing acceptance of dual or multiple nationality (even by Member States that used to consider it illegal or invalid like Germany), slowly replace what he calls the holy trinity of "sovereignty, national citizenship and identity" with an outline for post-national practices and ideals.

While the nation state remains central for most citizens,[11] "the impressive levels of economic harmonization" (Becker 2004) within the EU demonstrate inter-dependence among Member States and connections with the rest of the world. Porous borders create opportunities for immigration, so that people travel, move, and settle as members/inhabitants, both contributing to and drawing from the community. Immigration is often more a cause of concern than celebration, as citizens perceive incoming residents as economic, social, and political threats.[12] Fears of competition and loss of privileges fuel nationalistic and xenophobic

movements, even when researchers claim that the EU needs immigration to solve the problem of a projected decrease in population by 2050 (Kubosova 2005). Indeed, democracies "accept more immigrants than public opinion would support" due to what Freeman calls "client politics" (Freeman cited in Howard 2004).[13]

Immigration in general, then, and debates over the inclusion of TCNs as EU citizens challenge more than the connection of nationality and citizenship. They also dig into the foundation of the nation state as the protector of its members' property against all others. From city-states like Athens in ancient Greece to small tax havens like Monaco in southern France, the underlying goal of the nation-state has been to protect property, individual jobs and the economy in general, as part of a social contract agreed upon by all citizens. As John Locke argues, the idea of a contract among citizens is central to a society formed in people's interest, for the common good of its members as free and equal.

Namely, in his *Two Treaties of Government*, Locke focuses on freedom, equality, and consent as the characteristics of a society men form willingly to protect themselves and their property. He delineates a form of government for the people and by the people, who come together and agree to obey a set of rules binding for all, "since everybody makes the same sacrifice for the same benefits" (Locke 2004). For Locke (2004), however, "the relation between government and governed is not contractual, for trust is not a contract" and while the consent and the trust of the people secure their sovereignty, citizens agree to the laws of a society because they need the protection of their property. This contract, even in Locke's view, is based on individual consent and thus excludes foreigners "who have not signed the contract" (Baubock 1997). As outsiders in the community, they may benefit from some protection based on their residence, but that, according to Locke, does not confer nation-state membership. Similarly, Jean

Jacques Rousseau also proposes a contract, as a treatise for citizens' political rights and duties that historically ties the relationship between nationality and citizenship, as status granted only to members of a particular community (Rousseau 1987).

In debates over the inclusion of TCNs as EU citizens specifically and on immigration in general, t

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The protection of property often surfaces to the forefront for two main reasons. The first is the "alien" status as bearers of "anti-European cultures," often fueled by xenophobic fears. The second and even more commonly feared is TCNs' role as "*homines oeconomici* who are willing to accept risky or exploitative forms of employment or housing shunned by European labor" (Baubock 1997). In fact, Baubock (1997) adds that, "euro-chauvinism and xenophobia appear as the very real side effects of the imaginary project of European nation-building." These fears exist even among 'new' and 'old' Member States, which await massive flows of newly crowned EU citizens at every step of the process of enlargement, especially when the newcomers are from less developed economies. First Greece in 1981, then Spain and Portugal in 1986, and more recently the ten new members from the east, were supposed to invade the rest of the EU in search of better opportunities (Becker 2004). Yet, no real exodus has occurred, even as the EU considers more members and reflects on its own process of integration. Recent examples of such fears found a perfect symbol in the Polish plumber, who embodied the threat of a new, cheap workforce and became a slogan for the NO campaign against the Draft Treaty for the Constitution in France in the summer of 2005 (Smith 2005).[14] The reaction of voters in France and then in the Netherlands sent a pessimistic chill down Europe's spine, one to which

Europeans responded by turning to their nations (Monti 2005) in ways reminiscent of the "long history of differences that are always ready to become antagonisms" (Balibar 2004).

Ward (1997) argues that the tangible increase in racism and xenophobia is an outcome of "tolerating nation-state primacy in the field of race discrimination legislation" and also of the EU's "legal impotence." According to Geddes, even if institutions such as the Commission recognize the threat of racism and xenophobia, they are more concerned about the "economic efficiency of the internal market" than the "moral well-being of the new European citizen" (Geddes cited in Ward 1997). In 1991 the Commission referred to "floods" of immigrants and insinuated that some procedures were exploited "by potential emigrants for purposes other than those for which they were originally designed" and by "persons seeking social rights" (Van Outrive Report cited in Ward 1997).

Immigration remains a problem for numerous EU Member States and national discourses around asylum seekers, refugees and illegal aliens seldom seek to include EU institutions in their search for solutions, as the EU "remains impotent in the face of the nation-state" (Ward 1997). *The Economist,* however, points out that while debates over the future of those trying to get in are always important, there is an urgent need to address those who already live and work legally and permanently in the EU (cited in Becker 2004). As recent findings from the Eurobarometer and the European Social Survey demonstrate (Xenophobia 2005), about half of the EU population is "resistant to immigrants" and diversity, while about 58 per cent perceive a "collective ethnic threat" posed by migrants and minorities. One in five respondents "avoids social interaction" with immigrants as they seek to create "ethnic distance," particularly in some Mediterranean countries and in places where non-nationals are more numerous. The higher the resistance to multi-cultural society, the more the results revealed opposition to "civil rights for

legal migrants" (Xenophobia 2005) and even support for "repatriation policies for legal

migrants" (Xenophobia 2005). The survey also found that little or no contact with ethnic

minority groups was positively related to "ethnic exclusionism," especially in rural areas and in

zones of high unemployment.[15]

The results of the Eurobarometer and the European Social Survey indicate that as Europe

becomes "increasingly diverse and mobile," more and more people live and work in a place

different than 'home' and those who never move tend to be exposed to other cultures in their

own "local environment" (Xenophobia 2005). The lack in harmonization of EU-wide

immigration, naturalization, and even residence policies erodes further the ideal of EU

citizenship as a unifying principle for people of different nations. These trends were pronounced

by the failure of the Constitution in May 2005, when France first and then the Netherlands

rejected the Draft Treaty and resuscitated national fears of immigration and economic patriotism

to protect their own citizens. The Constitution fiasco halted integration and enlargement talks, at

least temporarily, and accentuated the need for an innovative mode of citizenship for EU and

non-EU residents.

In this climate, more scholars call for innovative models of citizenship as a necessary

answer to the challenge of European integration, as the ideals and goals of the EU call into

question the relationship of citizenship with nationality with "potentially radical implications for

the meaning of democracy today" (Preuss 2003). Frey (2003) also argues that concepts of

citizenship as limited to the nation-state and the states themselves "have proved to be unable to

meet the challenges of a global world" and calls the "state monopoly of citizenship too narrow

and inefficient." While proposing more "flexible" forms of citizenship that extend beyond

national boundaries, Frey (2003) believes organizations other than "inadequate nation-states" can establish effective relationships in a Lockean society based on "voluntary contracts" (Frey 2003).

Despite such innovative thinking, the tie that links citizenship to nationality in the EU context remains strong: as Wiener (Wiener 1998) notes, "talking about citizenship invariably involves a notion of stateness." However, even though the link between nationality and citizenship is still what guarantees membership for EU states' citizens and Wiener argues that as "an increasing number of individuals (citizens and non-citizens) share economic, social, and cultural spaces, tensions emerge that are not rooted in conflicts over boundaries of a national state." She argues that the vexing upshot of these tensions "challenges the familiar modern geography of citizenship with its borders and policies to erect them and protect them" (Wiener 1997).

In response to this dilemma, Wiener argues that we must "address the puzzle of Union citizenship by confronting the *language* of citizenship (as in theory) with the new developing *discourse* of citizenship (as in practice)" (Wiener 1997). Citizenship, intended as the relationship "between the individual and the political community" (Wiener 1997), and not just as nationality, poses questions about the entitlement of citizens, as contributing members of the community in which they live. Especially when "not all persons who reside within the same geographical spaces enjoy the same citizenship privileges," (Wiener 1997) EU citizenship has the potential to draw new borders to ease the tensions among EU and non-EU citizens and to redefine the concept of inclusion. in the parlance of rhetorical theory, the current status of third country nationals presents rhetorical exigences, imperfections calling for a discursive response (Bitzer 1968).

1.4.   FROM MIGRANT TO CITIZEN

The EU Treaty and the EU Constitution, along with other EU treaties and discussions, address the potentially revolutionary concept of EU citizenship. They engage the debate over the status of TCNs who reside legally within the various EU Member States, occasionally granting limited concessions (Amsterdam Treaty 1997; Tampere Presidential Council 1998; European Council Directive 10501/1/03). Such incremental steps, however, stop short of institutionalizing a full-fledged system of post-national EU citizenship. Advocates of TCN citizenship thus face a challenge of imagination – they must fashion arguments sufficiently persuasive to overcome the strong historical presumptions regarding state-centric views of citizenship. My rhetorical analysis interrogates such arguments, concentrating on their orientation as carriers of imagination, contributions to public dialogue designed to cut against the grain of political history. Since my study is informed by terms and concepts drawn from rhetorical theory, certain rationales for TCN citizenship receive particular attention.

The deliberative rationale for TCN citizenship is based on an idea of citizenship as performance in a shared community. A communicative perspective foregrounds certain aspects of the traditional understandings of citizenship, such as political participation in the decision making process, but it shifts the focus on membership from nationality to residency, particularly tied to the ability to deliberate and participate in the process of living with and among others. This ability is based on citizenship as a practice that is potentially learned by all who can and want to, as Balibar (Balibar 2004) reminds us that "we are not citizens but we can become citizens; we can enter into one or several processes of creation of citizenship."

The rationale of citizenship as practice also challenges the way people express themselves in their community. As citizens participate and deliberate locally and nationally, their engagement becomes part of a context beyond their nation, as they welcome others as equals and learn to accept residency as the criterion for membership. Practicing together as EU citizens rather than compatriots is an exercise in imagination and politics, as part of an innovative mode of citizenship that places new demands on its participants.

The relationship of imagination and politics has rhetorical roots in Cicero, but finds more recent ties to citizenship in the work of Martha Nussbaum and Robert Asen. Indirectly following Cicero, Martha Nussbaum brings invention in general and imagination in particular back into the political spotlight. In *Poetic Justice* she focuses on literature and literary imagination as "essential parts of an education for public rationality" (Nussbaum 1995) and for their contributions to "moral and political life" as "ways of imagining the world" (Nussbaum 1995). Nussbaum's argument helps one come to terms with the revolutionary arguments for TCN citizenship; her rhetorical turn into literature illustrates how imagination grows and political and moral opportunities are envisioned in the process. Her emphasis on political imagination as the root of all civic life encourages citizens to imagine first, within the realm of fiction (a novel), then act and think in the context in which they live, as characters of daily 'skits' involving others. Nussbaum argues that we learn to play the roles of citizens and construct them based on what fictional figures inspire us to do. She believes the moral and political capacities we imitate from fiction are necessary to succeed "in making reality out of the normative conclusions or any moral or political theory" (Nussbaum 1995). Nussbaum reminds us that a novel does not provide the whole "story about social justice," but it provides examples that guide us toward "a vision of justice" and its social enactment (Nussbaum 1995).

Political imagination starts in the realm of possibilities and it is actualized when people

are persuaded to imagine words and deeds that reach beyond settled political and moral models.

Playing with what is not real allows citizens to envision not only concrete examples for abstract

concepts they may already agree with (e.g. equality for all), but also plans they never dream of

accomplishing (e.g. free health care for all). What Nussbaum calls "fancy" is often mistaken as

useless and idle, as when the reading of literature is labeled as mere leisure (Nussbaum 1995).

Encounters with fiction leave people wondering, guessing and maybe hoping, and Nussbaum

argues that these states of mind comprise the very essence of imagination and "the necessary

basis for good government of a country of equal and free citizens" (Nussbaum 1995). My study

considers how such appeals to imagination become manifest in debates over TCN status. In

Kant's words, such appeals allow us to think with an "enlarged mentality," "to go visiting," to

walk in someone else's shoes until we find what Nussbaum calls our "capacity for humanity"

(Nussbaum 1995). As a lesson in citizenry, Nussbaum introduces the "literary imaginer"

(Nussbaum 1995), as the one who first imagines, then assesses "judicially" another person's

condition, ultimately to participate by understanding one another and learning what is necessary

to alter the situation (Nussbaum 1995). Nussbaum, while focusing specifically on literature,

reinvigorates the ability to imagine as ultimately persuasive, as humans recognize themselves in

the characters around them in ways that surpass mere empathy. As part of a community, a city, a

nation, or the world, spectators become participants when convinced that the role of the sufferer,

the mistreated, the unjustly accused, could be them, and are thus motivated to act in new ways

that challenge settled conventions. While Nussbaum focuses on the legal system and argues for

legislators to be "judicious spectators" and judges to be "poets," her generalization of this point

implicates the current debate over TCN status: "literary imagination is an essential part of both the theory and practice of citizenship" (Nussbaum 1995).

Robert Asen's discourse theory of citizenship offers another reference point for understanding arguments for TCN citizenship status in an EU context. A performance that starts with imagination centers also on a communication perspective that follows Asen's theory of discourse, for its focus on "how people engage others" (Asen 2004). Asen believes that instead of asking what counts as citizenship, we must ask "how do people enact citizenship?" thus recognizing citizenship as a process that "may encompass a number of different activities" (Asen 2004). Describing citizenship as "a mode of public engagement," Asen argues that a discourse theory "reformulates the relationship between citizenship and citizen," and "reveals differences in enactments of citizenship" (Asen 2004). He focuses on "conceptual reconstructions," (Asen 2004) as well as on issues of identity, agency, and imagination, in which citizenship is a mode that can "broaden our view and deepen our understanding of existing practices" (Asen 2004). Asen's discourse theory of citizenship acknowledges "unforeseen possibilities" which may emerge in multiple ways through interactions with others. This element of Asen's model helps explain the arguments for TCNs citizenship, because he believes democracy does not need people's energy and knowledge at all times, yet it does ask for their "creative participation." This entails participation in daily tasks and activities, so that citizenship is not "a full-time job" but, following Dewey, an "inventive effort and creative activity" (Asen 2004). The potential of democracy, as intended by Asen, emerges in human interactions, in which communication enables citizens to engage in various activities. In these discursive spaces, we enact citizenship through encounters with others, and we are able to "engage other perspectives to discern their

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potential persuasive power" (Asen 2004). Imagination and creativity are important here because they allow us to use multiple "modes of communication" (Asen 2004).

Asen's discourse theory has kinship with other political and philosophical treatments of deliberative democracy that focus on communicative action as a key aspect of political life (Arendt 1958; Habermas 1996). Discourse theory moves beyond traditional understandings of citizenship by defining people as members of a deliberative community or as citizens who enact certain performances within it. Namely, Asen's theory helps explain arguments for the inclusion of TCNs as EU citizens because in the campaign for post-national citizenship, citizenship is refashioned as performance, a mode of engagement in a deliberative community in which all can participate as equals.

1.5.   THEORETICAL APPROACH

In this dissertation, my critical perspective combines theories of citizenship outlined in the preceding section with two additional tools: Giambattista Vico's theory of imagination and a theory of oppositional arguments developed by Kathryn Olson and Thomas Goodnight.

The arguments in favor of TCNs inclusion as EU citizens cut against the grain, and promote rhetorical underdogs who speak from the margins. Rhetorical moves motivated by imagination can challenge prevailing assumptions and elucidate unforeseen possibilities. Bursts of imagination have unique potential as oppositional arguments since they can "block enthymemes," (Horwitz 1998) reverse presumptions and switch the burden of proof to those defending the status quo. But these effects are not assured. The success of oppositional

arguments may depend on how persuasive they are, as well as how unique or shocking they appear to key audiences.

My rhetorical analysis draws upon Vico's notion of *ingenium*, built around a theory of imagination that centers on citizenship as a discursive practice, activating people's creativity and encouraging them to see themselves as part of a shared community. In *The New Science,* Vico traces the history of man to his imaginary roots to prove that even rationality originates in fantastic stories. He believes in the power of imagination and the creative abilities of man, and he argues that, "there is nothing in the intellect which is not first in a sense." Vico writes that, "before man can form universals, he forms imaginary ideas … before he reflects with a clear mind, he apprehends with confused and disturbed faculties" (Vaughan 1972).

The connection of imagination, discourse, and common sense is what Vico calls *ingenium*, as an insight into human nature in which a *lingua mentale comune* (common mental vocabulary) and a *universale fantastico* (imaginative universal) are revealed in the power of speakers to invent unifying visions and to invite others to participate in this creation process (Vico 2001). I analyze how the debates for the inclusion of TCNs as EU citizens implicate *ingenium*, as the "faculty that connects disparate and diverse things" (Vico 1988) to recognize and see not only what is apparent, but what requires vivid and acute imagination (Vaughan 1972). When arguing that TCNs should be included as EU citizens, *ingenium* can be a powerful rhetorical tool for advocates to stimulate the imagination of both institutional and lay audience to popularize notions of a post-national deliberative community, where multiple nations draw on the past to generate ideas and possibilities for alternative futures.

Vico's concept of *ingenium* has received thorough treatment in rhetorical theory (Bevilacqua 1972, 1985; Daniel 1985; Veit 1984; Mooney 1985; Crifo' 1994). Only recently,

however, has the concept been deployed as a tool of rhetorical criticism. In "The Case of the Prince William County Zoning Hearings on Disney's America," Kathryn Olson and Thomas Goodnight (2004) analyze a "local community debate among ordinary, untrained rhetors," focusing on how interlocutors deliberate successfully "by virtue of the *ingenium* of its participants" who demonstrated "reciprocal respect" for all members of the community (Olson and Goodnight 2004). Olson and Goodnight argue that while ingenuity and invention have been important parts of the rhetorical tradition, *ingenium* deserves to be reconsidered by rhetorical critics for its "unrealized promise … for examining discursive communities" (Olson and Goodnight 2004).

The notion of extending the same political rights and duties to include TCNs based on discursive abilities is indeed counter-intuitive and contradicts current understandings of citizenship as tied to nationality Olson and Goodnight's concept of "oppositional arguments" is relevant to this project because, as protagonists in a social controversy, the advocates play an important role in changing "the implied norms of participation" (Olson and Goodnight 1994) as they "criticize and invent alternatives to established social conventions" (Olson and Goodnight 1994). Oppositional arguments "function to block enthymematic associations" and "disrupt the taken-for-granted means of communication," (Olson and Goodnight 1994) thus generating discussion. Communication practices are then challenged by arguments that force a re-thinking of accepted structures and political norms. The arguments for the inclusion of TCNs as EU citizens on the basis of their participation in their deliberative community resonate with themes common to Vico's *universale fantastico* and Olson and Goodnight's oppositional arguments. The arguments I isolate for particular scrutiny focus on the deliberative community rationale, since in

this manifestation, the idea of citizenship is tied to equal rights, residency and discursive and

participatory skills that make EU citizenship an innovative mode of performance and enactment.

1.6.   CHAPTER PREVIEW

For Vico, the human world is invented and, following Aristotle's *topoi*, topics or places,

rhetoric is the art to connect those topics and "finding in anything all that is in it" (Vico's

Autobiography cited in Verene 1981, 172). Topics, Vico believes, involve "an active sense of

drawing from a place," from which arguments develop. Rhetoric is intrinsically tied to both

imagination and *ingenium*, as we find similarities among differences and "the mind brings forth

its own being" through imaginative universals. Rhetoric is the tool that gives us the opportunity

to share commonalities and describe commonplaces. Aristotelian *topoi* are key to Vico's

rhetoric, as we find figurative and literal spaces common to all and invite others to enter them

using our common mental dictionary.

This dissertation is then organized topically. The *topoi*, or commonplaces, that emerge

most prominently in the debates for the inclusion of TCNs as EU citizens center on equality and

human rights, residency, and discursive and participatory practices. Therefore, my middle

chapters focus on these *topoi*, exploring the way advocates present them and focusing on the

rhetorical elements in the argument formations that are illuminated by theoretical concepts drawn

from Olson and Goodnight, Vico and Asen.

The specific artifacts that serve as the basis of this research are the ones from advocates

who focus on third country nationals who are long-term residents. The advocates are either

directly involved with the EU institutions or are the ones who work to address the decisions and

policies of those institutions. My objective is to analyze the argument formation consulting texts issued by the EU institutions and their representatives, along with the academics and NGOs that respond to them. To trace this argument formation, the texts I analyze are from the most prominent advocates, the ones who are either the first to present the arguments in the history of the EU in official documents, like parliament reports, or the ones who continue to contribute to the debates in multiple EU contexts, like opinions written in response to the official documents or academic articles and books. I decided on the specific texts after consulting historical archives and recent coverage of the debates, eliminating the texts that focus on other third-country nationals, such as asylum seekers, illegal immigrants and non-permanent legal residents like students.

The debates over the possible inclusion of third-country nationals as EU citizens foreground arguments regarding a new kind of European Union citizenship, one that departs from the national model. In exploring this issue, my study engages the following questions:

- What fundamental assumptions underlie the case for a post-national discourse model of EU citizenship?

- How do advocates of a post-national discourse model of EU citizenship couch their arguments? What rhetorical strategies do they use? What audiences do they target?

- Why is a post-national discourse model of EU citizenship not gaining currency?

- How might arguments for this model be presented differently and how might those different renderings shape political futures?

In the **second** chapter, I discuss the grand vision, the idea of EU citizenship. I examine the history of the development of EU citizenship and trace the historical presumptions woven into the EU founding documents. In order to analyze the promise and the shortcomings in terms

of inclusion and exclusion, I start with the 1952 Treaty of Paris and the 1957 Treaty of Rome, proceed to the Treaty of the European Union signed in Maastricht in 1992, continue to the Treaty of Amsterdam, move on to the Treaty of Nice, where the Charter of Fundamental Rights of the European Union was "solemnly proclaimed," and finish with the recent Constitution, signed on October 29, 2004. I focus on the contrast between the lofty rhetoric of statements such as "united in its diversity" (Giscard d'Estaing 2004) and the tradition of citizenship as tied to nationality. I discuss why the status quo falls short of the great promise expressed in the founding EU documents and examine a key tension – while the treaties clearly state that the rights are limited to citizens of the already Member States, the nature of the proposed themes, such as fundamental human rights, signal a commitment to inclusion that seems inconsistent with the exclusion of TCNs. I highlight this contrast and consider how the tension works as a reservoir of rhetorical invention for advocates arguing that TCNs should be granted EU citizenship.

In the **third** chapter, I analyze the argument formation for the inclusion of TCNs as EU citizens based on the *topoi* of equality and universal rights. I isolate those who make arguments for TCNs' EU citizenship and elucidate how their appeals cut against the grain of traditional conceptions of citizenship attached to nationality, yet simultaneously resonate with the grand rhetoric in the EU founding documents. I analyze the responses of EU institutions and their partial concessions regarding the limited rights of some TCNs (Amsterdam Treaty, Tampere Council). I look at how these partial EU concessions take some of the steam out of the momentum of the argument formation advanced by TCN citizenship advocates.

After the Treaty of the European Union was signed in Maastricht in 1992, the debate about the exclusion of TCNs, as individuals "who did not possess legal ties with the Union but might have developed a feeling of belonging" (Wiener 1997) was joined by the European

Parliament (Imbeni Report), and interest groups such as ARNE (Antiracist Network for Equality in Europe). Scholars such as Wiener widened the debate, arguing that, instead of granting EU citizenship to those "holding nationality of a Member State" (Article 8 (1)), citizenship ought to be for "every person holding the nationality of a Member State and *every person residing within the territory of the European Union*" (cited in Wiener 1997).

In the **fourth** chapter, I discuss the evolving debates over the inclusion of TCNs as EU citizens based on the *topos* of residency, reflecting arguments advanced by other scholars (Apap 2002; Benhabib 2001; Foblets 1994; Apap 2001; Apap 2003; Hansen 1998; Kveinen 2000; Maas 1999; Oger 2003; Nascimbene 1999) who advocate for the expansion of EU citizenship to TCNs. The advocates argue that the criterion of residency should substitute nationality in granting EU citizenship. The criterion of residency is revolutionary and innovative, as it attempts to break the tie to nationality as the taken for granted means to citizenship and challenges citizens, institutions and governments to redefine what counts as membership in a community. Because residency is still an unorthodox method to grant citizenship rights, especially in a model of post-national citizenship that defines more than a citizen's relation to a state, I explore the advocates' imaginative appeals through Vico's theories of imagination. As a controversy, I discuss the arguments for the inclusion of TCNs as EU citizens for their importance as oppositional arguments. However, in this chapter I focus on what Horwitz argues is necessary to complete oppositional arguments: a new concept that replaces the old one, in this case, residency. Imagination becomes then the rhetorical tool to understand how EU institutions, NGOs, and scholars push for change in TCNs status and argue for the possibility of a post-national mode of citizenship.

In the **fifth** chapter, I discuss how a new mode of engagement based on residency is rooted in already accepted practices and norms that can be recognized as equal for both TCNs and EU citizens, only if rooted in the last *topos* advocates use, based on deliberative and participatory practices. A discourse model of citizenship (Asen 2004), is then important to understand the arguments advocates present based on participatory and deliberative skills. While also tied to the criterion of residency as the substitute for nationality, the arguments presented in this chapter are the missing link that connects the revolutionary and innovative elements of a post-national mode of citizenship to the traditional practices of citizenship. As a mode of engagement that envisions and encourages citizens to participate socially, economically, and politically, national citizenship already focuses on what people do or what they have the potential to do. Similarly, a deliberative and participatory mode of citizenship focuses on these very characteristics of citizenship as advocates argue for the inclusion of TCNs as EU citizens. Therefore, I explore how advocates of TCN citizenship draw upon imagination to advance arguments patterned after discourse theory.

In the **sixth** chapter, I reflect on the findings of my study and revisit the promise of revolutionary citizenship. The time seems right, everything is in place, so why has it not happened? After having explained why this idea may not catch on, even if there are verbal victory laps, I look towards the future. I consider if it is a problem with rhetoric, maybe a problem tied to the fact that people are trying to think about a revolutionary kind of citizenship such as the one in the EU, as a post-national model, with the language of national citizenship. The fact that TCNs are not EU citizens yet could be simply a matter of time, since after all the European Community started with only six members and has now expanded to twenty-seven. Thinking and comparing the situation to the American experience, there is an analogue in the

way the states grew from thirteen to fifty, inviting people from all over the world to naturalize

them as American citizens. The American example could mean that EU citizenship one day will

extend to TCNs, based on the principles of plurality and inclusion. So, is a post-national model

of EU citizenship simply adopting the political ideology of the United States, and imitating it

with the motto "united in diversity"? Or is an ingenious idea of post-national citizenship

different? Can the sweeping EU vision be fulfilled? How might the argument formation be

altered to make it more persuasive? As the EU is an emerging political entity, it experiences all

sorts of tensions, between tradition and innovation, past significance and present meaning, prior

commitments and subsequent realizations. A rhetorical study of these and other tensions is

important for the emergence of EU citizenship, as rhetoric deals with imagination and opposing

arguments, their possible conclusions, and even the probability of reaching only provisional

understandings. The process through which EU citizenship is transformed to include, potentially,

TCNs revolves around deliberation, negotiations, decisions that have to be persuasive enough to

convince EU institutions and EU citizens to extend memberships to long-time residents and meet

the expectations articulated in the founding EU documents. After the rhetorical analysis of those

EU documents and other texts related to the debate on TCNs, I discuss my contribution to the

understanding of EU citizenship as a post-national model that employs rhetorical tools to present

new roles for EU and non-EU citizens. Finally, I discuss how rhetorical tools like a theory of

imagination such as Vico's and a theory of oppositional arguments such as Olson and

Goodnight's contribute to a conception of citizenship that focuses on discursive abilities and

enactment in a community. As the critic, I suggest ways for advocates of the model to succeed,

looking at whether the arguments calling for change are actually ingenious, in Vico's sense, or

oppositional, in Olson and Goodnight's sense. This is important for EU citizenship because the

universal power Vico suggests humans have can inspire advocates of citizenship to create new

metaphors or, specifically, to advance their oppositional arguments in ways that urge EU

institutions to fulfill their promise of citizenship.

2.   HISTORY OF THE IDEA OF EUROPE

2.1.   THE BEGINNING OF AN IDEA

We are not building a coalition of states, we are uniting people.

Jean Monnet, 1955

As the old continent, Europe has a long history that dates back to the beginning of our idea of civilization. First a mythological figure, Europe named a geographical area much more concerned about its power than its boundaries. Unlike the current European Union, the original Europe had no Member States. Europe was Greece and the rest of the world was Asia, which meant Persia. The ideals of unity, solidarity and equality were not popular concepts at a time during which antagonism led to concord. The history of the continent traces back to Greek culture, but the idea of Europe is more difficult to outline, as it has transformed through centuries of wars, dark times, revolutionary exploits, enlightened thoughts and more wars. What we now know as the European Union sits on the solid foundations that cultivated support for democracy, human rights and freedom of thought, but it also shakes those pillars by reaching far beyond what Europe once meant. Europe no longer symbolizes a nation, nor a culture, and not even a civilization. So what do the ideas behind Europe and the new European Union have in common? In this chapter, I trace the grand vision, the ideals of the EU and particularly EU citizenship, as they have evolved through history. I analyze the historical presumptions woven into the EU founding documents as they promote the ideals of unity, equality, and freedom that are at the basis of citizenship. Finally, I connect the topoi of the arguments for third country nationals to

the words of the advocates for EU citizenship, before I address the specific arguments in the next chapters.

Europe (Greece)'s natural state was war, only few citizens could participate in the deliberative process, and the art of speaking well was only for the elites. But ancient Europe/Greece had great ideas, which paved the way for concepts like community, democracy and citizenship. Citizens, even if only a few, had to speak to one another as equals and people who spoke well were respected and listened to. One of the first teachers of rhetoric was also one of the first to mention the idea of Europe. When Hesiod was still referring to Europe as a creature, Isocrates shaped its political meaning in "obstinate opposition" (de Romilly 1992) to Persia and Asia. As he encouraged citizens to fight for Europe, he recognized the differences in culture and interpreted it as a matter of superiority for Europe, because while Persia was ruled by a King, Greece, as de Romilly argues, was for Isocrates "the country of freedom" (de Romilly 1992). What would become the pride of Western society for political freedom, democracy, and human rights, were ideals in their embryonic stage, and Isocrates believed that what gave birth to the concord that made Europe (Greece) powerful was "the real union" among the city states. Europe established its credibility in matters of union with people like Helen of Troy and Agammenon, who created concord (homonoia) and good will and sympathy (eunoia) among people otherwise divided and hostile to one another. Even war, Isocrates argued, produced the unity he believed to be a political ideal, later known as panhellenism. The term paneuropean and then european followed, used to refer to efforts "made toward creating Europe" (de Romilly 1992). [1]

The foundations of the European Union were laid in Greece, where Isocrates was "idealistic but lucid" in his hopes for unity and concord when imagining Europe (de Romilly

1992). At about the same time, other philosophers were also agonizing about the ideals of freedom and democracy and imagining a different Greece/Europe. First Plato, then Aristotle, and later others in Rome and across the continent, contributed to our modern conception of political life, participation and citizenship. Their thoughts still permeate the language of the European Union's motto, its documents and its vision, as much as they shape the contours of EU citizenship. The same themes we can imagine addressed by the first citizens of Europe still resonate in the European documents and treaties, even if in completely different contexts. Even if the European Union does not encompass all the geographical areas included in Europe, just like Greece was not the whole continent, the name Europe is still equivalent with the ideas behind the captivating story its inhabitants have been telling for centuries. Hesiod and Isocrates named the area that would expand to what Europe is today, but others gave Europe the ideals and hopes the EU currently promotes.

Ancient Greece, and particularly Athens, was the birthplace of citizenship as membership granted to those who were part of the city and, later, of a nation. Long before members of the Commission, Council, or Parliament met, men would come together in the *polis* to discuss, deliberate and decide the future of the community and participate in the legislative process, together in a public sphere where men participated as equals. As the first model of participatory and discursive citizenship, Greek civil society was elitist and many were excluded because they were not male, not rich, not wise and not free. Eventually the grandeur of the *polis* declined and its splendor moved to Rome, where the republic was represented by the letters SPQR (Senatus PopulusQue Romanus, the Senate and the People of Rome) which really stood "as an idealized relationship between the government and its people" (Dynneson 2001). The concept of citizenship took on a new meaning as it was

eventually granted to all people in the Roman Empire, including its enemies, in an effort to make Rome stronger by unifying its people.[2] The Republic, however, remained "ruled by a small group of very conservative aristocratic families" who granted special favors to exercise power (Dynneson 2001) and the plebeians were never included in the legislative and deliberative process. European citizenship practices would take millenia to include all, even with restrictions and limitations.[3] But what became European traditions in political and philosophical thinking and norms for national citizenship originated in the Greek *polis*, developed in the Roman forum, and took shape through the French Revolution and the European period of Enlightenment. From Plato to Locke, from Aristotle to Rousseau, with many more in between and after them, Europe can claim great authors who wrote its history and imagined its possibilities. While a complete history of Europe and its development is beyond the scope of this project, in the next section, I focus on key thinkers who contributed greatly to the ideals of European unity that have become the building blocks of the European Union, starting with Plato and concluding with Kant.

2.2.   A FEW GOOD MEN

Plato would seem an awkward author for political ideals, as he spent his life in pursuit of truth and wisdom and turned away from human affairs, including politics. Plato's disdain for the public realm, however, inspired him to imagine an ideal world in which he could impose his standards and modify his theory of Ideas and Forms to apply it to politics. He transformed his truth in a set of rules to live together, with a philosopher king as the expert in human affairs, the one with the authority to rule men with necessary knowledge and wisdom. This ruler must, for

Plato, unite citizens in a community that fosters "the attitude…not to leave everyone to please himself, but to make each man a link in the unity of the whole" (Plato 1987). Even Plato saw a government as "an unavoidable necessity," (Plato 1987) and described an ideal society as "difficult, but…not impossible" (Plato 1987) to achieve by combining philosophy and politics.

Plato was the first to recognize selfish motivations as detrimental and argued that private interests could only ruin the community. The political development of Europe followed a path of destruction and selfish interests that only eventually brought rulers together to imagine a Union with institutions, diplomats and politicians at its reins, allowing the European 'charioteer' to run. The same selfish interests, as Moravcsik argues (1998), actually determined the outcomes of EU integration, but Plato's ideals of unity for the common good and strong leadership by experts become reality.

The foundations of the European Union, however, are not only based on ideals. Europe also stands on practical advice that traces back to Aristotle. In the *Politics*, namely, he argued that all societies are formed for a good purpose, not just to live together, but to live well. Although people have a natural tendency to form communities and associate with each other, Aristotle believed they are imperfect and must be controlled and regulated in society. Humans are "political animals," (Aristotle 1941) social ones, who can live together as citizens, but laws and constitutions are necessary to guarantee the well-being of all people and to prevent men from becoming beholden to private benefits. Only in a political state in which "the government of free men and equals" gather free of obligations and as truly equal, can humans can think of the common good (Aristotle 1941).

The idea of participatory citizenship that informs both national and EU modes of citizenship also traces back to Aristotle, who argued that citizens must have a share in the

government so they feel they can deliberate and make decisions about what influences their life. Citizens have a "right to a share in the judicial and executive part of government," (Aristotle 1941) and since they take part in the government for the common good, it does not matter if one, few, or many govern, as long as their interest is for the whole. Only through habits, Aristotle argued, can citizens contribute to the state and develop the ability to alter it if necessary. As nations and EU institutions struggle with a perceived "democratic deficit" (Laffan, O'Donnell, and Smith 2000) and reach out to citizens to bridge the gap between institutions and the people they supposedly represent, political participation still fails to inspire citizens and follow Aristotle's advice.[4]

The idea of Europe as inclusive began in Greek times, but the ideas behind the commonplaces of democracy, freedom and human rights implied different political and cultural norms that took centuries to develop into social contracts among people, as imagined by Locke and Rousseau. A society in people's interest, for the common good of its members as free and equal, is at the center of the political, ethical, and philosophical thought of John Locke. He focused on freedom, equality, and consent as the characteristics of a society men form willingly to protect themselves and their property. Locke, in his *Two Treaties of Government*, delineated a form of government for the people and by the people, who come together and agree to obey by set of rules binding for all, "since everybody makes the same sacrifice for the same benefits" (Locke 2004). Unlike Plato and Aristotle, who argued that the best men ought to rule and govern, Locke outlined a civil society where all are free and equal, so ordinary citizens "possess natural political virtue" (Locke 2004). For Locke, if people discuss and cooperate on political matters, their efforts will "inevitably be towards the political efficacious" (Locke 2004). According to Locke, our natural political virtue becomes

an obligation for all citizens, and political authority generates from the rule of some over others, for the common good and protection of all. Consent is essential, as citizens are only locked in a social contract with governments they can trust and to which they are submitting willingly.

Locke influenced European ideals also by delineating the difference between the public and the private, marking the spaces for citizens to act for the common good and for themselves. Locke believed people leave the state of nature to form communities in which they live as free and equal, coming together to protect their property. When people consent to live together peacefully, they delegate power to the government, as "the proper remedy for the inconveniences of the state of nature" (Locke 2004). Citizens agree to the laws of a society because they need the protection of their property. According to Locke, property begins with one's own person and his labor, because what was in common in the state of nature becomes individual property when one appropriates it with his labor. Locke recognizes the risks involved with the greedy and competitive nature of people, but because citizens need to live together to protect their private interests, they submit to a civil society for their public good. His focus on property is especially poignant when considering the origins of the European Union as an economic community and the struggles among nations to protect their self-interests before and after the EU.[5]

Locke's idea of a contract among citizens is the foundation of another influential political philosopher, Jean-Jacques Rousseau. Like Aristotle, he sees the family as the "prototype" (Rousseau 1987) of a political community, as members come together and follow a leader, the father, not because they have to, but because they want the best for all involved. The division of the public and private spheres and their relationship, as suggested

in Aristotle and outlined in Locke, still pervades Rousseau' thinking, as he believes that there can be a tension between citizens' private will and their concern for the common good. However, a citizen must fulfill her duties in order to have rights, as Rousseau argues that anything different would be "an injustice whose growth would bring about the ruin of the body politic" (Rousseau 1987). He recognizes citizens as both "participants" and "subjects," as they deliberate and cooperate in the decision making process, but are subsequently bound by the laws and conventions they agree upon. Rousseau's social contract provides the solution to the problem of association, because it "defends and protects with all common forces the person and good of each associate," uniting them, yet maintaining a degree of freedom by which each citizen is equal to all and "obeys only himself" (Rousseau 1987). Rousseau reduces the principle of his contract to citizens receiving a part of the whole in exchange for their submission to the "direction of the general will," which guarantees each participant a stake in the making of the community (Rousseau 1987). The common good also guarantees equality, according to Rousseau, because all become "equal by convention and by right," (Rousseau 1987) united in a common interest to which all citizens commit. A perfect state is one where "the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals" (Rousseau 1987). This body politic, according to Rousseau, has the legislative power as heart and the executive power as brain, but like all bodies, is not eternal. Like Aristotle, Rousseau believes citizens change as states change and the best laws for one populace may not work for another place, in another time. His social contract is another influential ideal behind the history of Europe as it grew into a Union, as represented by the solemn treaties that solidify the commitment to nations to one another and bound citizens together.

The separation of the public and private spheres outlined by Locke and explored by Rousseau is for Immanuel Kant similar to the natural and the supra-natural or moral order, as humans live as part of both realms. The European Union grew up struggling with the delicate balance between private interests of Member States and what could be called the public concerns of the community. For Kant, this dilemma between selfish interests and the common good can be solved with a call for world peace and cosmopolitan citizenship. The ideals of peace and prosperity among nations were, for Kant, grounded in cooperation among nations and its people. Kant, namely, translated ethical duties into practical guidelines for citizens to act and live together. The duality of humans as citizens of both the orders of rationality and nature was a central theme in Kant's essay "Perpetual Peace," in which he introduced the concepts of world peace and cosmopolitan citizenship. Kant argued that a rational agent could be a good citizen of the world, "even if not a morally good person." He believed that even if we cannot have a "nation of angels," nature helps so even "a race of devils, if only they are intelligent" can be organized in a state. For Kant, humans need "universal laws for their preservation," but if all act selfishly and believe themselves exempt from such rules, a constitution is necessary to regulate private intentions so that "their public conduct is the same as if they had no such intentions" (Kant 1957).

Namely, humans have private interests and motivations, but since if they pursued them, there would be no community, they can and must follow laws that force them to think of the common good. Kant, echoing Aristotle, solves the dilemma by accepting that even if we cannot achieve "the moral improvement of men," we can have a mechanism that organizes "hostile intentions" and forces people to "submit to coercive forces," such as laws, institutions, and a constitution (Kant 1957). The possibility of a common future must generate in the citizens, who

need to perform their duties and form a civil society through what Kant called a collective will, as "the collective unity of the united will." Kant's words still echo in the corridors of EU institutions, as the ideals of unity and a future that ties nations together are entrenched in the EU documents, particularly calling EU citizens to recognize their common origins and work toward an "ever closer union."

As one of the forefathers of the Enlightenment, Kant heard of the French Revolution as the event that shook Europe in the last years of his life, and he rooted for 'liberte', 'egalite', and 'fraternite' from his Prussian hometown. However, as the modern nation-state emerged and closed borders encouraged citizens to develop a sense of citizenship, the French Revolution promoted a sense of nationalism that would have not been in accord with Kant's cosmopolitan citizenship. Namely, the French Revolution "dramatically enriched and transformed the legal and political meaning of citizenship and occasioned the first formal codification of state-membership by a Western territorial state" (Brubaker cited in Dynneson 2001). The 1789 Declaration of the Rights of Man and of the Citizen was the first expression of civic rights to unite people, but only within the nation. The very ideals of the Enlightenment, according to Dynneson, were rejected by the citizens of the French Revolution, as unity was now expressed as part of "the community of the nation-state, which shared a common culture, religion, and language" (Dynneson 2001). The spirit of the French Revolution and the legacy of the Declaration, however, are present in the EU documents in terms of equality, freedom and unity among 'brothers' who fight together.

While respecting the sovereignty of nation-states, the EU seems to have kept in mind the lessons of Europe's past and its authors to build new institutions, write new documents, and inspire new generations of citizens with old ideals applied to very different and innovative European contexts. The EU continues the tradition of contracts and legislation among people in

the form of constitutions, declarations, manifestos and treaties. From its early days as the European Steel and Coal Association to the current ever-expanding Union, the EU signed its name in history in 1951, 1957, 1986 and 1992. The next section tracks the evolution of EU treaties, in order to make apparent the footprints left by EU visionaries.

2.3.   WE'LL ALWAYS HAVE PARIS…

Spaak turned to us and said: "Do you think we have today been putting the first stone of a new Roman Empire, and this time without firing a shot?" We all felt like Romans that day.
                                        Aide to Belgian Foreign Minister Paul-Henri Spaak[6]

Revolutionary ideas usually start big. The European Union did not. France and Germany had to be reconciled after War World II and four other nations stepped in to form an economic relationship that would tie their future together. The beginning was modest, even if unimaginable, and the aftermath has been unique, challenging and, most importantly, still a process in the making. What is now the European Union, with its twenty-five members, originally started with six: France, Germany, Italy, Belgium, Luxemburg, and the Netherlands. The heads of state had to imagine a way to appeal to the other nations without losing sovereignty by sharing economic responsibilities and strengthening political connections to guarantee what Europe needed the most, peace and prosperity (Winand 1993). So the European Coal and Steel Community was established with the Treaty by the same name, signed in Paris on April 18, 1951. The ideals for Europe's future emerged from its past, as the words of the treaty echoed old themes to unite members and to encourage them to cooperate. The Treaty embraced the themes of unity, equality, and freedom in a time during which Europeans needed the concord Isocrates

had deemed so essential for cities and nations to come together. So the six country leaders

solemnly established the European Coal and Steel Community:

> CONSIDERING that world peace can be safeguarded only by creative efforts
> commensurate with the dangers that threaten it,
>
> CONVINCED that the contribution which an organized and vital Europe can make to
> civilization is indispensable to the maintenance of peaceful relations,
>
> RECOGNIZING that Europe can be built only through practical achievements which will
> first of all create real solidarity, and through the establishment of common bases for
> economic development,
>
> ANXIOUS to help, by expanding their basic production, to raise the standard of living
> and further the works of peace,
>
> RESOLVED to substitute for age old rivalries the merging of their essential interests; to
> create, by establishing an economic community, the basis for a broader and deeper
> community among peoples long divided by bloody conflicts; and to lay the foundations
> for institutions which will give direction to a destiny henceforward shared.

With their words, the leaders of Europe reached out to one another and to the citizens of their

nations to end all conflicts and to start rebuilding their economies, their markets, and especially

for Germany and Italy, their scarred egos and national pride. Paradoxically, the way to build

individual nations was to unite with others, stressing the idea that all the European people had

the same needs, the same feelings, and the same hopes.

One of the most basic needs all Europeans had was employment, so the Treaty stressed,

in Article 2 that, "growth of employment and a rising standard of living in the Member States"

were among the goals for increased cooperation. All consumers were to have "equal access" to

products in a common market and all citizens were to enjoy "improved working conditions and

an improved standard of living" across their nations, in an effort to "harmonize" working

standards. While freedom of movement did not take shape in the Treaty, the idea of equality

among workers was already a step toward common European citizenship, as Article 69 called for

Member States "to remove any restriction based on nationality" and to "draw up common definitions of skilled trades and qualifications." The Treaty allowed for some restrictions to be imposed "by the basic requirements of health and public policy" (Chapter 8, Article 69, paragraph 1), but also considered the need for non-nationals or non-EU citizens in times of necessity. Strictly focusing on steel and coal production, the Treaty granted Member States the right to "adjust their immigration rules to the extent needed" in case of labor shortages. The Treaty called on states to "facilitate the re-employment of workers from the coal and steel industries of other Member States" and prohibited any form of discrimination "between nationals and migrant workers" (Chapter 8, Article 69, paragraph 4).

The Treaty promoted labor mobility among Member States and, when needed, from non-Member States. While not imposing on the six members "international obligations," the common policies clearly paved the way for a common market with freedom of movement. While still restricted to some citizens, the idea of migrant workers prepared Europe to think in community terms, using a new vocabulary to erase national protectionism and immigration fears and replace them, even if slowly, with European themes of unity, equality and diversity. To guarantee and legitimize the Community, institutions were formed to explain and enforce the Treaty. The Commission could then present "appropriate recommendations" to the concerned Member States if they found practices of discrimination. But national governments could also consult the Commission for assistance and even workers, consumers, and dealers could present suggestions or comments (Title III, Chapter 5, Article 63). This first Treaty was then essential for a common vision for the European Community. Even if limited to the trading of coal and steel, the principles behind it already traced lines that connected the dots among nations, industries, and the workers-soon-to-be-citizens. From the early days of the Community, the status of workers

was one preferably limited to citizens of other Member States. But as the work force needed to rebuild Europe was more than what the six members could offer, the articles of the Treaty addressing diversity and discrimination became more salient as citizens came from multiple places and nations realized they needed more than economic ties.

After Paris, the European Coal and Steel Community leaders met in Rome, to sign the Treaty that would come to represent the birth of the European Economic Community. On March 25, 1957, the founding documents came together in the Rome Treaties,[7] signed by nations "Determined to lay the foundations of an ever closer union among the peoples of Europe," (The Treaty of Rome 1957). The heads of state and their representatives agreed that the Community had to "eliminate the barriers which divide Europe" and make more efforts toward "the constant improvements of the living and working conditions" of the people. While still stressing economic objectives such as "steady expansion, balanced trade and fair competition," the Treaty really tackled the idea of unity "to ensure the harmonious development" of the Community "by reducing the differences existing between the various regions and the backwardness of the less favored regions." Still combating restrictions and tariffs on international trade, the leaders promised to "confirm the solidarity which binds Europe," including overseas territories and following the Charter of the United Nations. With all these and many more goals in mind, the Treaty was signed "to preserve and strengthen peace and liberty" as the Member States called upon "the other peoples of Europe who share their ideal to join in their efforts."

The solemn preamble introduced and refined some of the themes of the previous Treaty and "affirmed the political objective of a progressive—integration" (*The history of the European Union: The European citizenship* 2005). Although free movement of persons remained "subject to numerous limitations" (and would remain limited until the Single European Act of 1987),

including restricting employment in public service to nationals, more emphasis was placed on "the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment" (Title III, Chapter 1, Article 48). The seeds of European citizenship were then planted in Rome, as progress toward more integration among Member States trickled down to their citizens. As Europeans, or at least as citizens of one of the six founding members, inhabitants and workers enjoyed limited rights, as they were now invited to work and take residence in countries where not even a decade before they would have been considered enemies.

The difference in status was huge for Europe, even as the six nations negotiated ways to maintain some control over their borders. The Treaty allowed the members to limit immigration when "justified on grounds of public policy, public security or public health." But it also allowed citizens "to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that state laid down by law," thus placing nationals and non-nationals on almost equal terms. The Commission retained the power to implement regulations for employment, along with the Member States, but the Treaty made official the prerogative of freedom of movement for European citizens. This might have been a simple gesture in a continent where mobility was not a common trend, but the necessities made drastic by the war pushed people to move (usually northbound) and take residence in a different nation, not as aliens, but as community citizens.

Article 49 of the Treaty addressed the problem of citizens entering a European workforce with multiple backgrounds and encouraged "close cooperation between national employment services" to ease the transition from nation to nation and to abolish "those administrative procedures and practices" and qualifying periods for eligibility. The Treaty aimed at eliminating

all obstacles "to liberalization of the movement of workers" and all restrictions under either national laws or previous agreements between Member States. The conditions of employment were then supposed to be equal across nations and the Treaty encouraged states "to facilitate the achievement of a balance between supply and demand in the employment market" in order to avoid "threats to the standard of living."

The Treaty, in Article 50, also called on Member States to "encourage the exchange of young workers," in order to improve relations among nations, learn about each other cultures and to teach new generations to think of all six nations as potential employers. Article 51 encouraged freedom of movement for migrant workers and their dependants, promoting the reunification of families. All the necessary steps seemed taken to erase "restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State." The Treaty, however, recognized that this process would take time and it would only be accomplished "by progressive stages" (Title III, Chapter 2, Article 52).

The Treaty of Rome also protected the freedom of establishment, as "the right to take up and pursue activities as self employed persons." As Article 53 stated, Member States could not "introduce any new restrictions on the right of establishment in their territories of nationals of other Member States." All the institutions were called upon to eliminate discrimination and intervene in case of unfair or unequal treatment, while allowing the Member States to retain sovereignty in matters of national interests. The Treaty of Rome was then extremely important for giving a name to the European Economic Community, but also for introducing the ideas that would solidify in later years in the concept of citizenship, as grounded in the ideas of freedom of movement.[8]

The Treaty, however, outlined a citizenship still tied to the nation and even if promoting

unity among European people, it specified in part VI, article 220, that the Member States could

secure "the benefit of their nationals." Paragraph 1 of the same article added that "the protection

of persons and the enjoyment and protection of rights" were to be granted under the same

conditions "accorded by each state to its own nationals." This was due to the economic nature of

the Treaty, which stressed equality in terms of employment in companies and firms. Citizens of

the six Member States could move as workers, but in this sense Rome was just the beginning of a

long road to citizenship. It would be an even longer way to Maastricht and the Treaty of the

European Union, but the ideas of the Treaty of Rome allowed EU visionaries to imagine the

possibilities of a different kind of citizenship. After Rome, before Maastricht, lots of lesser

known debates and documents developed under the old European themes of unity, equality, and

freedom, particularly freedom of movement.

In particular, on October 18 1961, the Council of Europe, even if not an institution of the

European Community, signed the European Social Charter in Turin, Italy. The Northern Italian

city known for its car industry (Fiat) and its almond chocolate spread (Nutella) became the site of

a fast and smooth shift to freedom of movement, even if still restricted to the six original

members. Still calling for greater unity to safeguard the ideals and principles considered

"common heritage," the signatory governments, in the Preamble of the Charter, called for

"maintenance and further realization of human rights and fundamental freedoms." Referring

back to the Convention of Rome of 1950 and the Protocol signed in Paris in 1952, the leaders of

the Member States agreed to "secure to their populations" social, political and civil rights. Once

again, as stated in Part I, the focus was on the economic freedom and right "to engage in any

gainful occupation in the territory of any one of the others on a footing of equality with the

nationals." Article 13 of part II referred also to European Convention on Social and Medical

Assistance signed in Paris in 1953 to restate the commitment of the "Contracting Parties" to treat

all their nationals equally. Article 18 echoed the previous one and promised to "simplify existing

formalities" and regulations to liberalize the employment of foreign workers. Finally, Articles 19

and 32 (part V) stressed that the treatment of workers should not be "less favorable" than that of

nationals and provisions would come into force to guarantee "more favorable treatment."

The European Social Charter was then another milestone in the unraveling of the idea

of European citizenship, as it forwarded freedom of movement into a new economic era in

which human rights, equality and respect for multiple nationalities became themes for the

common market.[9] The gradual transition from an economic project to a political one turned

Europe on its head and left leaders scratching their own heads in search of a new common

vision for the community. Even if the outcome of years of thinking is most notably known as

the Treaty of Maastricht, numerous EU visionaries spent hours agonizing over a way to unite

the continent beyond economic ties. What they thought, they wrote, leaving an endless paper-

trail to follow. The task of reading all EC/EU documents even hinting at the idea of European

citizenship is beyond the scope of this chapter. Instead, a brief glimpse into the development

of the idea of citizenship is sufficient to show the relationship between its European roots in a

city-state and the EU's growth beyond the states.

2.4.   FROM TINDEMANS TO THIRD COUNTRY NATIONALS

Isn't the fragility of Europe also the reflection of the powerlessness of our states?

Leo Tindemans, December 7, 1976

In 1973, Alfred Bertrand, reporting for the European Parliament, talked about founding the community on the principles of democracy, freedom of expression, freedom of movement and ideas, and direct participation from the people of Europe through elections.[10] The fundamental principles that had permeated the founding treaties surfaced again in his commitment to convince the European Parliament and the other institutions that Europe needed political unity tied to the ideals of democracy, human rights, and citizens' awareness. Bertrand called for a "community of destiny" (Bertrand 1973) as an ambitious project that would revolutionize the nature of relationships among European nations and their neighbors (Bertrand 1973). He referred to the EU as a project *sui generis* with no precedent, possible because "the imagination of European statesmen would be enough to think of the appropriate institutions and procedures." In a gradual way and with the right political will, Bertrand argued that political unity was necessary for Europe and attempted to reassure the Member States about a perceived loss of sovereignty. He encouraged re-framing sovereignty in terms that would allow nations to see that more European integration would not bring about a loss of sovereignty, but a shift in the way we would associate sovereignty with national models. For Bertrand, this new and stronger hold on power would stretch beyond the nation because of the new gained influence states could exercise over the other members and in terms of external relations (Bertrand 1973). He joked about the fact that nations would gain more power while still able to choose "the pictures on their own stamps" (Bertrand 1973).

In the same year, the Copenhagen Summit focused on some of the themes Bertand and others had been pondering and actually outlined the first official declaration on European Identity (PE 35.558). On December 14 and 15, 1973, European leaders extended the idea of a common heritage into a draft-document that stressed once again the commitment to stop all antagonisms and unite "to assure the survival of a civilization common to all" (1973). The now nine Members States (Denmark, Ireland and the United Kingdom had joined in 1973) were committed to guard "the fundamental elements of European identity" and had the political willingness to "build Europe" (Europeenne 1973). Referring back to the founding treaties of Paris and Rome, the declaration stated that within the next ten years the nations would have striven to become a "European Union," as cultures bred in the cradle of European civilization with "common principles and values."

The Declaration provided for community enlargement to other nations, boasting a past of international relations that placed Europe as a leader in the global context. This power, the leaders agreed, had to be maintained through unity, speaking with "a single voice" (Europeenne 1973). A common position regarding international affairs was then deemed important for a kind of "global politics" (Europeenne 1973) based on cooperation. The responsibilities to the rest of the world entailed a commitment to help people in unfavorable conditions, with the nine members solemnly declaring a fight against poverty and "under-development in the world." The document concluded with more appeals to European identity to be fostered based on the internal cohesion among members, so they could develop a uniquely "European politics" (Europeenne 1973) that would become the background for a common citizenship at the European level. {tc "73 Copenhagen Summit"}

On December 10, 1974, the Paris Summit was held "with a view to progress towards European unity" (Paragraph 4) and European leaders attempted "to define the special rights of nationals of the EEC" (Justice and Home Affairs). This summit was also important because "The Community Heads of State or Government decide to hold meetings three times a year as the European Council, they give the go-ahead for direct elections to the European Parliament, agree to set up the European Regional Development Fund and resolved to establish economic and monetary union." The participants also asked Leo Tindemans, the Belgian Prime Minister, "to produce a summary report on the European Union by the end of 1975."[11]

On April 28, 1975, Altiero Spinelli, a member of the European Parliament, wrote to the President of the Parliament to express his strong commitment to direct elections to the European Parliament as a way to address the need for democratic legitimacy. He claimed that "the moment has come" for European people and particularly European "statesmen" to give Europe the institutions and the means to be able to act. Spinelli wanted the Commission, the Parliament, and Mr. Tindemans to continue their work on the report on the European Union. Tindemans, on July 9 of the same year, accepted the invitation to draft such a report and thanked Mr. Bertrand for his own report on European identity. All these people would become instrumental in laying the foundation for EU citizenship with their calls for more unity and more action.[12]

In 1975, Tindemans declared that "much remains to be done" for the European Community to realize its ambitious projects. He wrote that, "the edifice is only half-built" and much more perseverance and imagination would be necessary. Tindemans asked the leaders to have a clear idea of what they wanted to accomplish together, what institutions they needed, and what means they would pursue (Tindemans 1975). He also focused on the common history, culture and hopes to create a common identity, calling for common goals. On January 7, 1976, in

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his report, Tindemans declared that many of his interlocutors had concluded that they could not imagine a better future for their own country if not through the building of a stronger Europe (Tindemans 1976). At the same time, however, he reported that citizens were "disoriented and skeptical" about the apparent lack of a strong political will. He described the European Union not as a final stage of European integration, but as a "new and indispensable phase" (Tindemans 1976). Regarding citizenship, Tindemans argued that the European Union would remain incomplete if it did not offer a concept for a "post-industrial" society that respected the values of all people and reconciled their rights with those of others. He suggested that a future Union should work not only with the national governments, but also with all their citizens. Tindemans stressed the need for credibility for the European "enterprise," both internally, with its members and their citizens, and externally, with the rest of the world, urging Europe to speak with a "single voice" (Tindemans 1976).

On October 4, 1976, Tindemans explained in more detail "the reasons for his choice," for unity to solve common problems. He explained that he was not outlining a "utopian" or final vision for Europe, and he referred back to Article 2 of the Treaty of Rome to point out that European integration was never meant as an end in itself, rather as an instrument to actualize "certain ideals." Tindemans called then for Europe to be more "humane" and not "to reinforce inequalities" (Tindemans 1976). He believed that while "we are not ready for a revolution for Europe," his suggestions should have been acceptable and achievable for the leaders who read the report. Tindemans concluded that, despite the critiques,[13] he would continue to work toward "the realization of the European ideal" (Tindemans 1976).

The Tindemans Report became an influential and controversial document because, among the more general proposals for more unity and cooperation, it called for civil, social and

political rights for community citizens and probed the idea of granting the same rights to "all foreigners" (cited in Wiener 1998). It also left the door open for more states to join, expanding the idea of Europe in size and scope. On December 7, 1976, Tindemans elaborated once again his new vision for "The Future of Europe" in a document in which he argued that the European enterprise was "an original idea" (Tindemans 1976) and Europeans already had the ability to think beyond the nation-state. He mentioned an inevitable sense of solidarity as an "impalpable element" with the potential to make a difference in political life (Tindemans 1976). He argued that people wanted to go forward, even if they did not know how to get there, because of a lack of coherence in their vision. He even criticized those who thought in traditional terms and called the project unrealistic, but he believed their doubts actually proved that he was "on the right path" (Tindemans 1976). He acknowledged never writing the word "supernational," not for lack of conviction but because he knew he would have not be taken seriously. Tindemans believed that his reflections provided "one of the reasons why the building of Europe is for many, and notably for me, what I called the means to political action" (Tindemans 1976) as the basis for the relationship between an individual and society. The innovative connection Tindemans outlined as a new form of engagement for citizens beyond their nations, as part of a European project, brought to light the need for an institutional effort to create a specific role for the people of Europe. Framed in the context of unity, solidarity, and equality, Tindemans argued for new opportunities for citizens to become active and concerned participants in the project of community building in Europe.

Tindemans' powerful vision for Europe and its citizens gave European diplomats and national governments a lot to think about, but serious progress for the concept of citizenship in European terms had to wait until 1984. In February, Spinelli presented to the European

Parliament a draft Treaty of the European Union that was to become the blueprint for the

Maastricht Treaty. In his proposal, Spinelli, in Part I, Article 3, wrote about a citizenship of the

union, declaring

> The citizens of the Member States shall *ipso facto* be citizens of the Union. Citizenship of the Union shall be dependent upon citizenship of a Member State; may not be independently acquired or forfeited. Citizens of the Union shall take part in the political life of the Union in the forms laid down by this Treaty, enjoy the rights granted to them by the legal system of the Union and be subject to its laws.

Spinelli added, in Article 4, paragraph 1, regarding fundamental rights, that

> The Union shall protect the dignity of the individual and grant every person coming within its jurisdiction the fundamental rights and freedoms derived in particular from the common principles of the Constitutions of the Member States and from the European Convention for the protection of Human Rights and Fundamental Freedoms.

In part Four, Title I, Article 47, Spinelli wrote about the internal market and the freedom of

movement, specifying in paragraph 1 that the Union had "exclusive competence to complete,

safeguard and develop the free movement of persons, services, goods and capital." In paragraph

3, he added that freedom of movement implied "in particular the abolition of personal checks at

internal frontiers." Title II, article 61 specified a cultural policy to make sure the Union promoted

"cultural and linguistic understandings between the citizens of the Union," made public "the

cultural life of the Union both at home and abroad" and encouraged "youth exchange

programmes." Spinelli's draft also addressed respect for human rights in Article 63, Title III.

Surprisingly neglected until its formal re-adaptation in 1992, this draft was both a reminder of

what the Community was about and an eye-opener for new possibilities for a political, economic

and social Union based on additional integration at the European level.

Spinelli's draft was not officially discussed at the Fountainbleu Summit, on June 25 and

26, 1984, but the heads of state and governments confirmed "their commitment to progress

towards an ever closer union among the people and Member States of the European Community." According to President Mitterand and others, Fountainbleu was a success, as the leaders agreed, among other items on the agenda, "to strengthen and promote its (Community's) identity and its image both for its citizens and the rest of the world" (Wiener 1998). Pietro Adonnino was nominated to chair the committee for a People's Europe, so that, as Wiener (1998) argues, "a decade after the Paris Summit, the project of constructing a European identity was revived." The idea of inviting citizens from Member States into the making of Europe often returned to the themes of unity and equality outlined in the original treaties. Members of the institutions encouraged citizens to identify with the ideals of a European community by participating in it, taking advantage of their right to travel, move, and work in any Member Country and make themselves visible as Europeans. This invitation to 'be' Europeans translated into a gentle push to 'act' European, inadvertently pointing out the condition of 'other' workers, long-term TCNs, who were already living and working in Europe as active non-citizens.

In 1985, the Adonnino Report "promoted prompt action" on issues that were supposed to be most "visible to European citizens," building on the ideals presented in earlier document and treaties. Particularly, as Wiener writes, the suggestions of the Adonnino report "drew precisely on the 1973 document on "European identity" which defined the interrelation between special rights and the principles of representative democracy, the rule of law, social justice and the respect for human rights." The European Parliament noted that with the Adonnino committee "the Citizens' Europe was given significant new impetus" (European Parliament cited in Wiener 1998). Even if it did not address the condition of other resident workers, the rising concern over the status of citizens and the possibility of their practice in the European community suggested a movement toward EU citizenship.

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This newfound commitment to citizens and their rights found a solemn place in the

Treaty that was signed in Luxembourg in 1986, the Single European Act (SEA). As the first

modification to the founding treaties of the European Communities, it represented an important

step toward more integration and unity. The SEA introduced the ratification of the European

Council as an institution and reinforced the competences of the European Parliament. It also laid

the foundation for measures toward a common market (which would be completed in 1992), and

paved the way toward economic and monetary union. The SEA also introduced "diverse

initiatives" in social rights for workers (*The history of the European Union: The European

citizenship* 2005) like TCNs, as diplomats realized that the themes of equality and freedom of

movement could not be limited to citizens of the Member States.[14]

The heads of state and governments declared they were "MOVED by the will to continue

the work undertaken on the basis of the Treaties establishing the European Communities" and

"DETERMINED to work together to promote democracy on the basis of the fundamental rights

recognized in the constitutions and laws of the Member States, in the Convention for the

Protection of Human Rights and Fundamental Freedoms and the European Social Charter,

notably freedom, equality and social justice." The focus on the people of Europe continued as the

leaders stated to be "CONVINCED that the European idea, the results achieved in the fields of

economic integration and political cooperation, and the need for new developments correspond

to the wishes of the democratic peoples of Europe." The preamble concluded echoing the

Copenhagen Summit and the Tindemans Report, proclaiming that the signatory leaders were

> AWARE of the responsibility incumbent upon Europe to aim at speaking ever
> increasingly with one voice and to act with consistency and solidarity in order
> more effectively to protect its common interests and independence, in particular to
> display the principles of democracy and compliance with the law and with human
> rights to which they are attached, so that together they may make their own
> contribution to the preservation of international peace and security.

The first Article, Title I, promised, like the other Treaties before, "more concrete progress toward European unity" but this time the language became more specific and reflected the advancement in the concept of freedom of movement and human rights. While the idea of a European people with something in common remained a promise, the SEA moved the Community swiftly and surely toward more economic and political integration, preparing the continent and its citizens for what would become known as "Europe 1992."

In between the SEA, which became effective in 1987, and the Treaty of the European Union signed in Maastricht in 1992, the idea of citizenship kept developing and found new promoters in people who always seemed to return to Europe's roots to outline a common future. On September 20, 1988, the Commission presented a proposal for a council directive on voting rights for community nationals in local elections. As a continuation of the Adonnino report, this report concluded that, "voting rights in local elections in the Member State of residence is a logical consequence of the desire to create 'a People's Europe" (Wiener 1998). While the report did not suggest "what legal action" would be necessary to make the right to vote practical for all citizens, the Commission did not want to "abandon the idea" to give "voters identical rights irrespective of their place of residence." While the question of which legal instruments to adopt remained open, Wiener argues that "the commission produced discourse about the historical, cultural, philosophical, demographic, and national aspects of voting rights in Europe" (Wiener 1998). They thus encouraged the democratic practices of the Member States as the background for more political rights at the European level. The theme of "People's Europe" called attention to new practices for citizens tied to freedom of movement, especially as the project was to be realized in the context of the internal market. The commission focused on the removal of barriers and frontiers so that

citizens could "feel that they belong to one large economic and social community," where they were encouraged to participate as the ones who had "contributed to (its) building" (Wiener 1998).

Between 1951 and 1992, innumerable meetings, documents, memos and thoughts had been devoted to the idea of Europe. Year after year, it had slowly become clear that the ideals of Europe meant nothing without people to envision and actualize a common future. Document after document, the words had slowly been chosen to include European citizens and invite them to take part in the project of a united Europe. Politician after politician, the European visionaries had slowly turned to the people of Europe to lend legitimacy the economic community that was now transforming the idea of political, social, and legal integration. Treaty after treaty, more and more people were considered members of the EU, slowly acknowledging that the ideals of unity, diversity, respect for human rights and the principles of democracy provided no space for discrimination for non-EU citizens. Those spaces were slowly opening to third country nationals who were long-term residents, and as the concept of European Union citizenship took shape, the idea of citizenship beyond the nation brought political attention to the people who were living outside of their nation.

2.5.   EUROPE 1992

History is accelerating and we should make it with her…
                                                                          Jacques Delors, 1989

Freedom of movement in an area without internal frontiers seems to assume no border checks. But the story of "how border politics in a space without internal frontiers evolved," as

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recounted by Wiener, shows the difference between "movement as an equal right for all persons legally resident" in the community and "as a special right for European citizens only." This difference, apparently tracing back to ideas of European policy makers in the 70s, became "crucial to the process of community building/polity formation" as apparently "unmanageable" (Wiener 1998). The "controversial realization" of freedom of movement had begun in 1985, when the Benelux economic union, the Federal republic of Germany and France signed "an agreement on the gradual abolition of border controls" (Wiener 1998) in Schengen, Luxembourg. In 1989, the European Parliament drafted a resolution for Schengen and by 1995 the now fifteen Member States, with the exception of Ireland and the United Kingdom, would adhere to it.

The dilemma posed by the Schengen agreement traced back to the notion of citizenship as nationality that would lead to the definition of EU citizenship in the Maastricht Treaty. In 1989, the European Parliament adopted a Declaration of Fundamental Human Rights, which defined, in Article 25, a community citizen as "any person possessing the nationality of one of the Member States." Evans and d'Oliveira write that the Declaration provided several rights and freedoms for Member States nationals, but it also granted some fundamental rights and freedoms to "those who are on the territory of Member States, whether Member States nationals or not: third country nationals and stateless persons" (Evans 1989).[15] The restriction of freedom of movement, however, as related to the developing internal market, would remain under the jurisdiction of Member States. The General Declaration on Articles 13 and 19 of the SEA had already explicitly stated that "nothing in the provisions shall affect the right of Member States to take such measure as they consider necessary for the purpose of controlling immigration from third counties." Evans and d'Oliveira write that an additional political declaration on the same

topic would not alter the sovereignty of national governments in matters of immigration and

border control, even as they prepared to open their frontiers to other Member States nationals.[16]

In June 1990, the Dublin Summit of the European Council had already stressed the

importance of action in relation "to the individual citizen" for the "project of political union" to

be successful (Wiener 1998). From Mitterrand to Kohl, from Thatcher to Gonzales, who had

written a letter in favor of EU citizenship,[17] all voiced "the political will to go ahead with union

building." The overall mood was optimistic about the concept of EU citizenship as "a necessary

component of the union" (Wiener 1998), at a time when the community was opening its doors to

innovative opportunities and ideas. The concept of EU citizenship was initially, as Wiener

(Wiener 1998) argues, merely a status of "privileged foreigner" with no political rights. But the

debates leading up to the Treaty of Maastricht questioned notions of inclusion and exclusion, of

rights and freedoms, of status and practice, in the context of the promises of 'Europe 1992.'

In many ways, what lead to the signing of the Treaty on the European Union (TEU) was

more significant than the signing itself, although the ideas behind the road to Maastricht would

inspire and invite an expanded notion of citizenship based on the ideals of unity and diversity.

On February 7, 1992, the Treaty of Maastricht was signed as an amendment to the Treaty

establishing the European Economic Community, "with a view to establishing the European

Community." The leaders once again met to celebrate the European ideals of unity, freedom,

equality and justice, stressing the need for political integration by eliminating "economic" from

its name. The new European Community erased also all internal "obstacles to the free movement

of goods, persons, services and capital" (Title II, Article 3) paving the way for the establishment

of the "Citizenship of the Union" in Article 8. Article 8a, paragraph 1, specified that every

citizen would have "the right to move and reside freely within the territory of the Member States," even if with limitations and conditions.

For the European visionaries, the advent of citizenship was the realization of a process of thinking and imagining that had started in the 50s. Many knew that this Treaty was not the first European document to address the issue of a common citizenship among Member States, but its documentation was nevertheless historic as the beginning of a new idea of membership to the community. Articles 8b, 8c, 8d, and 8e further detailed the rights of citizens of the Union, and Article 128, Title IX, paragraph 1, reinstated the Union's belief in diversity. The community was then committed to the "flowering of cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore." European roots were then unearthed to improve "dissemination of the culture and history of the European peoples," and "the conservation and safeguarding of cultural heritage of European significance" (Article 128, paragraph 2). Paragraph 3 of the same Article also encouraged cooperation "with third countries."

The Treaty was trans-European in scope, as Title XII, Article 129b, specified. The objectives were to enable "citizens of the Union, economic operators and regional and local communities to derive full benefit from the setting up of an area without internal frontiers," so the Community promised to contribute to "the establishment and development of trans-European networks" (Paragraph 1). It also mentioned aiming at "promoting the interconnection and inter-operability of national networks as well as access" to them (Paragraph 2). Article 129c, Paragraph 1, specified that priorities and guidelines should "identify projects of common interest." Paragraph 3 conceded that the community "may decide to co-operate with third

countries to promote projects of mutual interest." Title XIV, on economic and social cohesion, stated, in Article 130a, that the Community "shall aim at reducing disparities."

Citizenship of the Union was then officially written into Community documents in Maastricht, but Europeans seemed not to notice and in the case of Denmark, flatly refused to be excited.[18] While supposedly bringing citizens closer among themselves and to the EU, EU citizenship remained mostly connected to the themes of equality and freedom of movement that had permeated all the previous documents, but still insulated its accompanying rights from non-EU citizens. After decades of discussing the necessity of worker mobility and the importance of a diverse workforce, the Maastricht Treaty solemnly ignored the status of TCNs, even when promoting practices that closely resembled those of long-term residents living across the Member States.

The heads of state and government, however, recognized EU citizenship as solemn step toward more unity and took their excitement all the way to Amsterdam, where the next Treaty would be signed on October 2, 1997. Following their own steps, the leaders continued toward further political integration "DETERMINED to promote economic and social progress for their peoples," and "RESOLVED to facilitate the free movement of persons, while ensuring the security and safety of their peoples, by establishing the area of freedom, security, and justice." The amendments of the Treaty of Amsterdam to the previous Treaties included, "a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen." The removal of internal frontiers was once again stressed as necessary for a stronger "economic and social cohesion," on the way to a single currency and economic and monetary union.

For the first time, however, the Treaty of Amsterdam, addressed "external border controls" as related to immigration, asylum, and crime, as necessary measures to protect and respect the freedom of movement. The Treaty amended Article F to declare that "the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States." It also added Article 3 to specify that "the Union shall respect the national identities of its Member States," while "defining the principles of and general guidelines for the common foreign and security policy" (Article J.2) to secure joint action. Additionally, Article 5a provided for Member States to cooperate among themselves as long as they did "not discriminate between nationals of Member States." Article 6a specified that the institutions could "take appropriate action to combat discrimination" of any type. The Treaty instituted progress against discrimination based, among other factors, on nationality, but it also amended Article 8(1) on citizenship of the Union to stress that it "shall complement and not replace national citizenship."

In Title IIIa, on visas, asylum, immigration and other policies related to free movement of persons, the Treaty addressed for the first time the need "to safeguard the rights of third country nationals." It called on the Council to adopt, within five years, "measures with a view to ensuring…the absence of any controls on persons, be they citizens of the Union or nationals of third countries, when crossing internal borders." Uniform measures across the Member States were to be agreed upon for "conditions of entry and residence" in order to set standards on the procedures for the issue of long term visas, residence permits and the "conditions under which nationals of third countries who are legally resident in Member State may reside in another Member State" (Article 73k, 3 and 4). This call for uniformity across nations applied also to Title VIIa, Article 117, where the fundamental social rights agreed upon in 1961 and in 1989 were

evoked for their objectives. The Treaty reinstated the Community commitment to the "promotion of employment, improved living conditions," and "proper social protection …with a view to lasting high employment and the combating of exclusion." Article 118, paragraph 2, called on the Council to promote "innovative approaches and evaluating experiences in order to combat social exclusion." Paragraph 3, finally, addressed specifically the "conditions of employment for third-country nationals legally residing in Community territory."

The revolutionary contribution of the Treaty of Amsterdam was to expand the notions of unity, equality, and diversity that the European Community had already appropriated to include others who might have not been nationals of a Member State. While people from third countries had resided and lived on European soil long before the Treaties acknowledged their presence, the Amsterdam Treaty documented the effort to balance freedom of movement among EU and non-EU residents. The commitment to respecting fundamental and social rights already agreed upon in Turin and Paris was renewed as the Community realized they could not discriminate against some of the residents who were responding to the invitation to move freely across the EU. Limitations and restrictions remained, and still are, in place, but the language of the Treaty of Amsterdam at least began to reflect a commitment and concern for citizens without a burgundy passport.

The Treaty of Nice, signed on February 26, 2001, became an additional reminder of the "historic importance of the ending of the division of the European continent." As the leaders declared, they desired "to complete the process started by the Treaty of Amsterdam" to prepare the Community to function as "an enlarged Community."[19] As the Member States prepared to share a single currency and unite with some of their eastern neighbors, the Treaty reinforced a commitment to citizens' rights proclaiming the Charter of Fundamental Rights of the European

Union.[20] The importance of this Charter came from the themes of the opening articles, which

included "human dignity, the right to life, the integrity of the person" and solidarity. Based on

the promise of the EU, the Treaty of Nice repeated, in Article 18, paragraph 1, that citizens of the

Union had the "right to move and reside freely" in all EU territory, even if "subject to limitations

and conditions." Article 137 added that the Community would "support and complement"

activities to improve the wellbeing, safety and protection of workers, including "third country

nationals legally residing in the Member States." The Treaty also addressed "integration of

persons excluded from the labour market," "equality between men and women," and "combating

social exclusion" as some of its objectives.[21]

The Treaty solidified respect for human rights and fundamental freedoms (Title XXI,

Article 181a) and recalled the themes previously addressed by all the other Community treaties.

But the Nice Treaty also continued to hint at difficulties involved in differentiating among EU

and non-EU citizens when proposing human rights and freedoms, devoting articles to TCNs and

their conditions. Nationality remained the defining factor for Citizenship of the Union, but as the

European ideals of equality, freedom, and solidarity resonated in the pages of the Charter, the

challenge of expanding the notion of citizenship beyond the nation was slowly facing the Union,

its institutions, and its citizens.

2.6.   PERMANENT RESIDENTS, RESTRICTED PARTICIPANTS

My belief is that this constitution is essentially of French inspiration…It is the daughter of 1789
through its ambition and through its respect for human rights and democracy.

Jacques Chirac, May 4, 2005 [22]

Almost all Member States have constitutions, but the European Union needed one of its own, to collect all the previous treaties into one solemn text. Once again, European leaders looked back at their common past and their classical roots to get the attention of their people, opening with Thucydides stating, "Our Constitution…is called a democracy because power is in the hands not of a minority but of the greatest number." The struggle of the minority versus the majority would be played out in the summer of 2005, with the majority in France and the Netherlands voting against what became perceived as the minority of EU diplomats and visionaries. But when the Constitution was drafted, like other treaties before, it promised unity and solidarity for the whole community. In the preamble, the authors stated to be "Convinced that, while remaining proud of their own national identities and histories, the peoples of Europe are determined to transcend their ancient divisions and, united ever more closely, to forge a common destiny." Presenting what would become the motto of the European Union, "united in its diversity," the preamble added that "Europe offers the best chance of pursuing, with due regard for the rights of each individual and in awareness of their responsibilities towards future generations and the Earth, the great venture which makes of it a special area of human hope."

In Article 2, the Draft Treaty establishing a Constitution presented, or merely summarized, what the Union's values are, starting with "respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights." Echoing the Treaty of Nice, the authors specified that "these values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination." Meant as a consolidation of all previous Treaties, the Constitution obviously repeated the ideals outlined in the past, specifying that the Union's objectives included combating "social exclusion and discrimination," promoting "social justice and protection," equality and solidarity (Article 3, paragraph 3). European

heritage was also evoked in the same article, to be "safeguarded and enhanced" with respect for diversity. Paragraph 4 added that the Union plays an important role in the world promoting "its values and interests" including "respect among all peoples" and "protection of human rights." Finally, Article 4, paragraph 2, stated that "discrimination on the grounds of nationality shall be prohibited." Numerous other Articles reinstated the concept of respect for multiple backgrounds and individual identities, including Title II, Article 7, on fundamental rights.

Citizenship of the Union was the subject of Article 8, as "additional to national citizenship." The language was the same as the past and the rights were also re-explained. Namely, the same vocabulary found its place in many parts of the Draft Treaty establishing a Constitution, including the preamble to Part II, in which the authors assured the readers to be "conscious of its (Union's) spiritual and moral heritage." Its foundations were "the indivisible, universal values of human dignity, freedom, equality and solidarity" the Union's essential character became evident to the few citizens who took the time to read the Constitution's entire four parts.

From Paris to the Treaty of Rome, which gave a "common legal right to individual nationals, migrant or not" (Meehan 2000), the principle of freedom of movement was then conceived to outlaw discrimination based on nationality, slowly paving the way for European citizenship. The later SEA and Community Charter of the Fundamental Rights of workers, all the way to the Maastricht Treaty and the Amsterdam Treaty, focused on the need for equality among citizens and workers and respect for their social, civil, and economic rights (seldom political). Finally, the Treaty of Nice and the Constitution addressed explicitly issues of equality for Third country nationals and invited discourse on criteria for membership.

2.7.   THE END OF AN IDEA?

Europe…has no idea what this future should look like.

Andreas Noll, Deutsche Welle, November 7, 2005

Throughout time the EU's shape, size and scope have been evolving, but the ideals have remained the same. Unity and peace, solidarity and prosperity, freedom and respect for all are concepts that become building blocks for an idea of citizenship beyond nations as democratic states. Looking back before 1952, all the way back to what are considered the origin of European culture, the change that has been slowly seeping into the Treaties has been pushing new possibilities and new paradigms in the same way wars, revolutions, epidemics and heresy have throughout centuries. These new opportunities for citizenship, however, mean little if nationality laws remain perceived as "distinctive bonds and traditions," in which citizenship is neither "democratic nor Europeanized" (Meehan 2000). The concept of European Union citizenship that emerges out of all the founding Treaties must then be "more democratic," as Meehan (2000) argues, "because of being less exclusively associated with national versions of citizenship. After exploring the founding Treaties, Closa's argument, summarized by Meehan, is poignant, as he contends that supra-national citizenship ought to be more democratic than the national one, so that "EU citizenship may have a potential greater inclusiveness than its national counterparts" (Meehan 2000). Closa also believes that citizenship beyond the nation "is less susceptible… to exclusiveness and discrimination precisely because, being unable to draw on comparable non-principled bonds, its success must depend on democratic and human rights norms" (Close cited in Meehan 2000).

The arguments for the inclusion of third country nationals who are long-term resident as EU citizens have been presented ever since the very idea of EU citizens made it into the Treaties. Recently, however, they have taken on a whole new salience as they test the very ideals of the EU and its meaning for all citizens. The advocates for the inclusion of TCNs as EU citizens present arguments that borrow the vocabulary of the founding treaties, particularly adapting the themes of equality and unity based on universal rights, but they also present innovative ways to launch EU citizenship as a model of post-national citizenship based on residency and deliberative practices. Advocates seem inspired by the visions and the hopes of a Europe for all its citizens and residents and draw heavily from the numerous visionaries presented in this chapter. In the following chapters, I turn to the arguments themselves to explain them, analyze them, and connect them back to the grand vision and the idea of Europe.

3.   OPEN BORDERS AND POST-NATIONAL WALLS

3.1.   EU CITIZENSHIP AT BIRTH AND AT ITS WORST

[M]easured against the awesome challenges now facing the Community, both in Europe and the outside world, it (Maastricht Treaty) may seem as but a further modest step on a much more ambitious journey.

                                                  Max Konstamm, February 7, 1992

Before the ink from the Treaty of Maastricht was even dry, complaints about the

exclusion of millions of non-citizens who were living in EU territories for extended periods of

time threatened to spoil the festive spirit marking the birth of EU citizenship. While they were

celebrating the birth of an innovative, inclusive, and international conception of citizenship,

advocates were brewing concerns about the limited scope of supposedly new rights and benefits

for EU citizens. Member States' citizens could now live, work and travel across EU territory as

equals, but what about the people who were also living, working, traveling in the EU as non-

citizens? Some members of the European Parliament, NGOs and scholars who read the Treaty

noticed that very few drops of ink were spilled over third country nationals.

Turks in Germany, Moroccans in France, and Australians in Italy each comprise part of

the population of third country nationals (TCNs). A TCN is defined as a person who is "not a

citizen of one of the Member States of the European Community." The long-term status as

residents depends on the host country, but TCNs are considered permanent residents if they have

lived legally in one Member State for a consecutive period of time, ranging from 2 years in

Finland to 15 years in Greece.[1] The Treaty of Maastricht established EU citizenship for all the

citizens of the Member States, but conferred almost no rights to the people living within EU

boundaries as TCNs. The very notions of EU citizenship, as presented in the Treaty, however, suggest a more inclusive understanding of citizenship beyond the nation, even if still tied to nationality as the main criterion for membership. Advocates stress this dual scope of EU citizenship both for its potential revolutionary character and for its great "inadequacy" and "failure to address the situation" of millions of TCNs permanently living in the EU (Hansen 1998). The biggest criticism of EU citizenship began as and remains that "there are no such animals as 'European citizens,'" as Raymond Aron claimed years ago (cited in Hansen 1998). Advocates for TCNs argue, however, that for EU citizenship to mean anything, its status-granting power has to include those who can actually acquire new rights and fulfill more duties beyond the nation. The 'EU animal' is then a citizen who lives outside of his/her country, not as a mere national, but as a post-national resident who truly needs protections and guarantees at the EU level. As Randall Hansen argues, the "disappointment accompanying of the Maastricht Treaty's citizenship provisions reflects, in essence, a concern for those who are not, legally speaking, Europeans at all" (Hansen 1998).

In the previous chapter, I presented a brief history of the idea of Europe as it evolved from its roots in ancient Greece to its vision of a Union beyond the state. Unity, solidarity, and respect for human rights have been recurring topoi in all the founding documents that have outlined the shape, size and scope of the EU. From Paris to Amsterdam, from Rome to Maastricht, EU authors wrote numerous pages about the necessity of a community of citizens tied economically, socially, and politically at the European level, in ways that transcend bonds forged within Member States. Early on, diplomats realized that the European project had to include ordinary people as participants. It took much longer, however, for diplomats to realize that notions of unity and equality, particularly as embedded in freedom of movement, were ideas

whose limitations became apparent when confronted with the reality of millions of TCNs. Advocates for their inclusion as EU citizens have been advancing arguments that draw upon the founding documents discussed in chapter 2, pushing for an innovative model of citizenship that is both related to freedom of movement and detached from nationality.

In the next three chapters, I consider the arguments for the inclusion of TCNs as EU citizens topically. The first topos, which I address in this chapter, is also the most pervasive in the advocates' argument formation. This topos frames the call for TCN citizenship in a way that foregrounds the ideal of universal rights and equality. The second and most revolutionary topos focuses on a citizenship standard based on residence, rather than nationality. In this argument, analyzed in chapter four, the residency standard emerges as a conceptual bridge that advocates use in their attempt to transform EU citizenship into a truly post-national model. In the fifth chapter I focus on the a topos which situates citizens as participants in a deliberative community. Here, discursive practices tied to residency become the key element in the arguments for the inclusion of TCNs as EU citizens. In each of the next three chapters, I analyze how these topoi play against traditional conceptions of citizenship, as outlined in chapter one, focusing on how they are designed to overturn the received views of citizenship. I also evaluate the arguments against the backdrop of soaring rhetoric in the EU founding documents, as outlined in chapter two, in order to assess whether the topoi resonate with the grand promise of inclusion.

3.2.   WHO STARTED IT…

The Maastricht Treaty is the first official EU document to introduce the concept of EU citizenship, but definitely not the first opportunity for diplomats to outline their vision of a

Community closer to its citizens. As summarized in chapter 2, Monnet, Tindemans, Spinelli and numerous others had fantasized over the meaning of the EU and all had come to a similar conclusion, honing in on Europeans themselves. The founders of the EU had agreed that citizens had to support, understand, and know what an 'ever closer Union' meant and what its scope and purpose were. The endorsement of national citizens and their enthusiasm for the project were aggressively sought after with flags, anthems and others symbols of unity leading up 'Europe 1992.' EU citizenship was then a solemn gesture toward the people of the EU, but its reception was lukewarm at best and forsaken at worst. Even with all the fanfare leading up to and following the Maastricht Treaty in 1992, citizens barely noticed. But diplomats who had invested considerable effort in the project of Europe were not satisfied with the outcome. The first to complain was Renzo Imbeni, a European Parliamentarian. Although the EU Parliament did not have legislative power and therefore could not grant new rights or change the status of TCNs, Imbeni initiated the debate over their situation, particularly as compared to that of EU citizens.

On March 2, 1993, the Committee on Civil Liberties and Internal Affairs requested authorization to report on EU citizenship and the EP President authorized the report on May 27. The committee appointed Renzo Imbeni on June 8 and the final report was tabled on December 21, 1993 (PE 206.762/fin). The Imbeni Report was the first to call for changes to the Treaty of Maastricht in regards to EU Citizenship, and the first to call into question the status of TCNs. As a motion for a resolution on citizenship of the Union, the Report conceded that the concept of citizenship of the Union, as presented in Article 8 of the TEU, "represents an important stage in the democratic construction of the political union of the European Community in that it postulates an active role for citizens" (Imbeni 1993). Imbeni, on the Parliament's behalf, also praised the new rights and duties of EU citizens as an "expression of the nascent political will"

of the Member States to give citizenship a "multicultural, multiethnical and multidenominational" dimension. He noticed, however, that it was "paradoxical that the Union should recognize the rights of some people without being able to determine the conditions on which those rights may be acquired, enjoyed, or forfeited" (Imbeni 1993). More importantly, the Report stressed that numerous laws and regulations "stand in the way of participation" by EU citizens and third country residents at both the political and social level.

Imbeni called for the removal of those obstacles for "citizens of third counties normally resident in the Union" not to be excluded from the rights and duties available to EU citizens. He argued that such an exclusion "would conflict with the ideal of a Union willing to accept the individual as such" and reduce the protection of their fundamental rights. The Report called for the "establishment of a charter of the rights and duties of citizens of third countries" as a matter of "particular urgency" (Imbeni 1993). In the Report, Imbeni argued for freedom of movement to be available to "all legally resident citizens" and called on the Commission "to draw up, before revising the Treaty, a proposal providing for recognition–on the basis of uniform criteria–of citizens of third countries normally resident in the Union as citizens of the Union" (Imbeni 1993). The first official document to bring attention to the situation of TCNs who are long-term residents, the Report questioned the difference in rights between EU citizens and non-citizens and proposed European citizenship to be given "its own autonomy" (Imbeni 1993). Specifically calling on the Commission to act on provisions for TCNs, the Report argued that they should be granted voting and other political rights equal to those of EU citizens.

In the explanatory statement accompanying the Report, Imbeni commented on the dual "old and new" concept of European citizenship and welcomed the change in the definition of citizenship for its "political and legal significance." He referred back to the founding Treaty of

Rome and its following amendments to stress the grounding principles behind Union citizenship as freedom of movement and non-discrimination. Pioneering the challenge to the relationship between nationality and citizenship, the Report noted that "the direct link between citizenship of the Union and citizenship of a Member State totally excludes nationals of third countries from the rights and duties to be attributed to Community citizens" (Imbeni 1993).[2] Imbeni argued that an understanding of citizenship on strictly economic terms was no longer sufficient in a "world economy" in which individual mobility was constantly increasing. He called for a new relationship between state and individual, so that he/she is "no longer merely either a citizen … or a foreigner, cut off from the civic and political affairs of the community" (Imbeni 1993). The evolving and expanding concept of citizenship, for Imbeni, could "no longer be modeled on that of nationality," and the definition itself needed to be revised. While cautioning against "the leveling-out based on a dominant model,"[3] Imbeni proposed a rethinking of "the rules of coexistence" and a revision "on supranational basis," so that TCNs "are given the same legal status" to prevent differences in the level of protection across Member States.

In the conclusions of the Report, Imbeni unequivocally called for provisions for "residents who are not citizens of a Member State to have the right to be citizens of the Union on certain conditions" (Imbeni 1993). While the clause for 'conditions' was left open to interpretation, the Report truly challenged the provisions for EU citizenship as presented in the Treaty of Maastricht. Imbeni forced consideration over the status of TCNs, echoing the founding visionaries of the concept of Union citizenship and citing their original intention to unite and inspire *all* people in Europe.

As the first advocate openly bringing the status of TCNs into consideration and grounding his arguments in the founding principles of the EU, particularly the topos of equality,

Imbeni presented what Olson and Goodnight call oppositional arguments. Imbeni challenged the

current understanding of EU citizenship as attached the nationality and forced a reconsideration

of the ideal of human rights as inherently for *all*, including TCNs. What other EU diplomats had

tacitly accepted as human rights for all EU citizens, were exposed by Imbeni for their

inconsistent interpretation as applied to TCNs. Imbeni's oppositional arguments were offered in

the spirit of what Olson and Goodnight call the "pursuit of persuasion," designed "to block,

unsettle, and reshape the commonplace" so that an imaginary future can come into view, as an

alternative to the settled status quo. According to Olson and Goodnight, such oppositional

arguments "function to block enthymematic associations" and "disrupt the taken-for-granted

means of communication," (Olson and Goodnight 1994) thus generating discussion.

Adopting the topos of universal rights for all, Imbeni revolutionized the accepted, yet faulty,

view that equality encompassed only citizens of the Member States and opposed the definition of

EU citizenship drafted in the Maastricht Treaty. Appealing to the very notions that supposedly

made the EU unique and *sui generis*, Imbeni encouraged EU institutions to follow through with

their promises, by adopting the same language of the Treaties and simultaneously opposing the

accepted practices of exclusion of TCNs.

In an opinion following the Report, another Member of the Parliament, Rosy Bindi,

reinstated the Parliament's commitment to the people of Europe as the ones granting them power.

Also questioning the principles behind EU citizenship, Bindi seemed dissatisfied with the

procedure leading to the signing of the Treaty itself, as the process of citizenship and

"democratizing the Community system," according to her, had "far to go." She also challenged

the granting of citizenship itself, but specified that "there is no question of abolishing Member

States' citizenship even in the long term." Bindi, however, wondered if the problem of

"continuity between citizenship and other forms of personal status" like legal residence, was addressed properly in the Treaty, as respect for fundamental rights. What she called a "modest reference" to those rights was opposed to all other social, political and cultural rights, all still essentially linked to citizenship as nationality, leading to a situation of "pure discrimination" (Bindi cited in Imbeni 1993).

Specifically addressing the situation of TCNs, Bindi proposed a reference to them in the Treaty because of the very nature of rights being "unthinkable" if offered only to a "section of the people." While her solution, unlike Imbeni, was to entitle TCNs to receive the citizenship of a Member State, even if with restrictions, Bindi called for further developments in citizenship in order to place TCNs on equal terms with EU citizens. Finally, the Imbeni Report included comments by the committee on Women's Rights, drafted by Mary Banotti, who cited the 1984 Spinelli Report for inspiring the ongoing effort to make the concept of EU citizenship closer to the people of Europe. The entire document was then a forceful reminder that the EP would be actively requesting additional changes to the concept of citizenship, challenging the very criteria for inclusion and membership as tied to nationality. As oppositional forces, the Imbeni's Report and its addenda gently shook the EU establishment by rejecting the taken for granted division between EU and non-EU citizens, challenging the notion of equality as State-determined. Imbeni poignantly asked why long-term residents who lived and worked just like other non-nationals across the EU were treated differently by institutions that basked in the glory of equality and respect for human rights.

The Imbeni Report, however, did not have an immediate impact and it fell on the deaf ears of those who continued to define equality and human rights in EU specific terms. The understanding of EU citizenship remained unchallenged and Imbeni's oppositional arguments

failed to change the status quo, but others followed his lead and presented arguments for the inclusion of TCNs as EU citizens. After the Treaty of the European Union was signed in Maastricht in 1992, debates over the exclusion of TCNs, as individuals "who did not possess legal ties with the Union but might have developed a feeling of belonging" (Wiener 1997) were promoted by institutions like the European Parliament, interest groups and scholars. Namely, after Maastricht, as Marie-Claire Foblets points out, the challenge of the governments of EU Member States was "not to decide if they will accept ethnic and cultural pluralism, but how to determine the way they will acknowledge pluralism" (Foblets 1994). Before Maastricht, until 1986, Foblets argues that it was legitimate to make a distinction between European Community nationals and TCNs, as the former was Community competence, as free movement of persons, and the latter was left for the Member States to decide. With market integration, however, the distinction was no longer clear and, according to Foblets, "the legal position of TCNs immigrating to or residing within the EU" created tensions between the Union and its members regarding the actual power of the Union.

While Member States wanted to maintain sovereignty, EU institutions faced the issue of free movement for TCNs. For Foblets, the solution was harmonization of the control of TCNs among all Member States, to avoid the unclear status of TCNs, which in terms created a further tension among non-EU and EU citizens. Although Member States had occasionally agreed on matters of immigration, some of the measures led to what some call "Fortress Europe," (d'Oliveira cited in Foblets 1994) with border controls and other mechanisms that "imprison TCNs within a particular status that excludes them from the advantages of EU citizenship" (Foblets 1994). Many then continued to oppose the status quo and, like Imbeni, demanded equality and respect for the human rights of TCNs, challenging nationality as the criterion of

inclusion and pushing for TCNs to be invited and welcomed into 'Fortress Europe' as EU citizens.

3.3.   OPPOSITIONAL UNDERDOGS ON THE WRONG SIDE OF RIGHTS

For several advocates the most problematic aspects of EU citizenship was then the inequality it created between EU citizens and TCNs. The premise of equality outlined in all EU documents struggled on the backdrop of unequal treatment of TCNs and their status as non-EU citizens. The advocates' arguments attempt to capitalize on the premise of equality and their arguments are oppositional because they block the enthymeme that attaches nationality to citizenship, on the grounds that such an enthymematic association produces inequality. Starting from Aristotle's enthymeme, predicting certain pre-dispositions in the audience, directly stating the minor premise and implicitly filling "the missing portion from shared knowledge" and experiences, Olson and Goodnight argue that while the success of enthymemes results from common, traditional, taken-for granted associations with the argument, oppositional arguments go *against* the grain. Advocates for the inclusion of TCNs as EU citizens accept the major premise of equality for all, but attempt to disrupt the related premise that links citizenship to nationality. In Olson and Goodnight's theory (1994), "oppositional arguments work outside and against traditional practices of influence," challenging the status quo and introducing a new path to persuasion that substitutes old accepted norms with new ones.

In the case of the debates over the status of TCNs, advocates for the inclusion of TCNs as EU citizens use the topoi of equality and respect for human rights to challenge the accepted tie of

EU citizenship with nationality, but they also assume that the premise of equality in the EU context is widely accepted. Advocates anchor the argument for equality for TCNs to that of equality among EU citizens, focusing on common practices (they all live, work, and travel in the EU in the spirit of the EU promise of freedom of movement), but also assuming EU citizenship is a legitimate means to rights for non-European long-term residents. In a context where equality is barely accepted, let alone taken for granted even among EU citizens from different Member States, advocates explore new territory on mental maps that connect citizenship with nationality and present oppositional arguments to include TCNs as EU citizens.

Olson and Goodnight explain that as oppositional arguments "usher into the public realm" issues carrying potentially controversial, non-habitual, "routinely disconnected" aspects, they reposition values and question practices. The discursive aspects of the argument directly attack "the imputed grounds of reasonable argumentation," while non-discursive elements work to re-establish those grounds "by the display of radically recontextualized appearances that provoke reexamination" of the accepted norms. By challenging the traditional notions already contested discursively, non-discursive arguments operate in a "new, 'free' space of reassociation" (Olson and Goodnight 1994). In the case of the arguments for the inclusion of TCNs as EU citizens, this tendency is manifest in the call for equality to be unhinged from nationality.

Namely, Antje Wiener argued that the problem of using nationality terms to situate debates within the state "challenges the familiar modern geography of citizenship with its borders and policies to erect them and protect them" (Wiener 1997). The traditional model of citizenship, in which the individual remained defined by her nationality, was then no longer enough and, as a consequence, the dissatisfaction with the current model of EU citizenship

generated in its strong ties to national citizenship, which tend to yoke notions of citizenship to nation-state structures. Wiener, then, argued that we must "address the puzzle of Union citizenship by confronting the *language* of citizenship (as in theory) with the new developing *discourse* of citizenship (as in practice)" (Wiener 1997). Citizenship, intended as the relationship "between the individual and the political community" (Wiener 1997), poses questions about the entitlement of citizens, as contributing members of the community in which they live. Especially when "not all persons who reside within the same geographical spaces enjoy the same citizenship privileges," (Wiener 1997) Wiener presented her own oppositional argument because she believed EU citizenship has the potential to draw new borders to ease the tensions among EU and non-EU citizens and to redefine the concepts of inclusion and equality.

Exclusion and inequality, instead, lead to what Hansen called neglect of TCNs. He and other critics of the Maastricht Treaty argued the problem for TCNs is a "double limitation," as TCNs are denied both the right to work in countries other than the one in which they reside (unlike EU citizens who enjoy freedom of movement), and the right of political citizenship in the country in which they live (they cannot run for office, vote, or be employed in public services). The promise of EU citizenship is then criticized on the grounds that it excludes TCNs, so advocates call upon EU institutions to deliver a practical model that is not just a utopian vision of post-national citizenship, but an actual means to include long-term TCNs and to respect their rights by granting them status as EU citizens, so that equality is institutionally guaranteed.

Little attention, however, was devoted to the status of long-term TCNs until the Treaty of Amsterdam in 1997, even if other documents before had called for an expansion of at least the right of freedom of movement (European Parliament 1989, 1990, 1991a, 1991b cited in Kostakopoulou 2002) to all migrant workers. As discussed in chapter 2, the Treaty introduced

new measures on immigration policy and conditions for living in a Member State other than the one originally granting the residence permit, but presented no specific arguments for the inclusion of TCNs as EU citizens. In 1999, however, the Tampere European Council, as John Handoll argued, "pointed to the need to develop a common approach to ensure the integration by means of 'fair treatment' of lawfully resident third-country nationals" (Handoll 2002). The integration policy aimed at granting TCNs "rights and obligations comparable to those of EU citizens," approximating their legal status with that of Member States' nationals. The Tampere Council called for ensured integration and "a set of uniform rights as near as possible to those enjoyed by EU citizens," and endorsed the opportunity for TCNs "to obtain the nationality of the Member State" of residence, thus becoming EU citizens. While the criterion of residence was necessary for TCNs to be naturalized as a member of their host state, the Tampere Council did not discuss the possibility for TCNs to be EU citizens first. The themes of respect for universal rights and equality remained a staple of EU documents, but no specific opposition to the implied restriction of those rights to EU citizens was put forward and the possible challenge posed by the situation of TCNs was not addressed.

Specific arguments for the inclusion of TCNs would not emerge again until 2001. In March, the Commission proposed a Council Directive concerning the status of TCNs who are long-term residents (COM (2001) 127 final). One of the two main goals of the Directive was to bridge the gap between the rights of EU citizens and those of TCNs by approximating "national legislation and practice regarding the grant of long-term resident status," (Information on EU funding and legislation 2004)[4] by introducing uniform EU guidelines for long-term resident status. The other goal was to determine the conditions under which TCNs could reside in a second host-state if they were ever to take advantage of the freedom of movement granted to all

EU citizens. Based on Article 63(3) and (4) of the EC Treaty and reflecting Article 45 (2) of the Charter of Fundamental Rights of the EU (Handoll 2002), the directive was presented as a response to the 1999 Tampere Council. The European Council had acknowledged the need for "a fair treatment of third country nationals who reside legally on the territory of the Member States," and called for a "more vigorous integration policy" aimed at granting TCNs "rights and obligations comparable to those of EU citizens" (Commission 2001). These rights, the Directive stated, should be "approximated" and "as near as possible" to those enjoyed by EU citizens, including the rights of residence. While the Directive still presented the opportunity to obtain Member States/national citizenship as the objective for TCNs, rather than EU citizenship, it summarized the major concessions for TCNs and it presented arguments in favor of harmonization across Member States in order to grant equal rights based on similar criteria. The Commission noted that some Member States already exceeded the EU standards by granting TCNs more than the minimum level of EU rights. The Directive encouraged individual States to maintain their additional features, while focusing on the "numerous points of convergence" (Commission 2001) across nations. The move toward converging criteria for TCNs, similar to the rules EU citizens faced, was significant because it signaled a reshaping of citizenship in slightly new terms, different than the nationals-only mentality that Imbeni had opposed and more consistent with the topoi of equality and human rights for all.

In the Directive, the Commission emphasized once again that the "European Union is by its very nature a pluralistic society." Fair treatment and full integration for TCNs, as proposed by the Tampere Council, should then lead to "a common status of long-term resident" (Commission 2001) for all TCNs to acquire and enjoy anywhere in the EU. "Equal treatment with nationals" was a major theme of the Directive, along with its emphasis on "continuous legal residence"

(Commission 2001) as a criterion for TCNs to receive their long-term resident permits. The Commission did not argue for an EU citizenship of residency or the inclusion of TCNs as EU citizens, but it called for harmonization among Member States and partial freedom of movement for TCNs between a first and second country of residence. These proposals, even if limited, outlined the similarities between the rights of EU citizens and those of long-term TCNs and magnified the need for equality for the residents who, according to the Commission, should be eligible for security, aid, protection, and certainty "on the same terms as nationals" (Commission 2001).

These incremental policy shifts enabled arguments for more inclusion and equality for TCNs to seep slowly into EU agendas and began to challenge openly and frequently the premise of equality based on nationality. Arguments based on the accepted topoi of equality and respect for human rights were difficult to counter, yet the tie to nationality as the grantor of those rights remained the foundation of EU citizenship and the main obstacle for advocates for the inclusion of TCNs. Advocates pressed on, however, focusing on the absurdity of limitations to equality and human rights and pointing out the contradictions between the principles and the practice.

The European Economic and Social Committee (EESC) responded to the limited concession of Directive 127 with an opinion prepared by Pariza Castanos. While lauding the efforts of the Commission following the conclusions of the Tampere Council and taking into consideration the status of long-term TCNs, the Committee argued that the rights proposed for TCNs still differed from those of EU citizens in two main aspects, freedom of movement and voting rights. The latter, the Committee wrote, was especially important as "an instrument for integration" for TCNs (Castanos 2001). The opinion welcomed contributions to the debates over

TCNs, but concluded by urging Member States and EU institutions to make "freedom of movement effective" (Castanos 2001).

A different group pressed equality in the public controversy. More poignant and upfront in their criticism of the Proposal for TCNs, the members of the Immigration Law Practitioners' Association (ILPA) argued that "the political statement does not envisage complete equal treatment with EU citizens and the proposed Directive does not achieve such equality." ILPA members believed the Directive "did not go far enough in terms of securing equality" between EU citizens and TCNs (Association 2001).[5] Caritas Europa also commented on the Directive stating that, once implemented, the legal situation of foreigners would improve, thus encouraging them "to fully participate in the society they live in" (Europa 2001). But for the time being implementation was a just a promise, and the main challenge for the advocates adopting the topoi of equality, inclusion and respect for human rights remained the accepted tie of EU citizenship with nationality.

For advocates like Joanna Apap, who also couched her arguments in the topos of equality, asking how EU citizenship could be "implemented in a more inclusive way" (Apap 2002), the problem remained the very promise of EU citizenship. Supposedly, EU citizenship granted equal rights and freedom for all, but in reality those rights were only for nationals of a Member State. She recognized that one of the original tasks of the EU regarding citizenship was to build Europe as centered "on democracy and human rights." She realized that questions addressing "to what extent is citizenship going to be universalized in Europe, and to what extent are people going to be excluded?" (Garcia cited in Apap 2002) were posed, but she lamented that they were never answered. Apap argued that the boundaries of EU citizenship remained ill defined, and so did the division between EU citizens and TCNs. She referred back to the conclusions of the Tampere

Council, who pledged to approximate the legal status of TCNs to that of EU citizens, to argue that from these conclusions that one could assume that EU citizenship is the "benchmark to be used" for TCNs. However, TCNs still had to acquire nationality of a Member State in order to enjoy full EU citizenship rights, even if they could enjoy some "procedural rights" like addressing a petition to the EP or complaining to the Ombudsman. For Apap, TCNs still lacked "substantive rights," including the right to move and reside in another Member State, political rights, and diplomatic protection in a third country (Apap 2002) and she believed EU citizenship remained the best solution to the problem of inequality for TCNs.

Opposing the tie to nationality, Apap also pointed out the absurdity of equality for EU citizens only, despite the progress that some argued had been achieved after Tampere. Apap still had three main concerns regarding TCNs. The first addressed the "less privileged" TCNs, who did not enjoy free movement rights. The second, quite astonishing, observation Apap advanced was that the provisions in the Treaty of Amsterdam were "formulated carefully so as to avoid direct effect" (Apap 2002). Lastly, she criticized the principle of equal treatment by Article 12 of the EC Treaty (Article 6 in Maastricht), which did not apply to TCNs. Article 13, she argued, did not even "condemn the principle of different treatment of European citizens and third country nationals" (Apap 2002). Her arguments had great oppositional value for exposing the incongruity between the promise of equality and non-discrimination among EU citizens and the un-equal treatment of long-term TCNs.

In December 2003, Apap and Sergio Carrera continued their research on TCNs, this time focusing particularly on non-privileged groups, as those who face "a low degree of protection in the form of guaranteed rights" (Apap 2003) at both national and EU levels. Their conclusions continued to challenge the status quo, by drawing attention to limited nature of concessions EU

institutions granted TCNs in response to their previous advocacy. For Apap and Carrera, the

EU's "approximation" of the legal status and rights that are "as close as possible" to EU citizens,

as stated in the Tampere European Council, did not outline a plan toward equal status between

EU nationals and TCNs. After analyzing the latest version of initiatives regarding TCNs, agreed

within the Council of the European Union in 2003, Apap and Carrera concluded that there was

still a "lack of political will" (Apap 2003) toward policy issues related to TCNs. They

summarized their concerns in seven critical questions about the limited rights of TCNs. First,

there were still restrictions imposed on TCNs when traveling across the EU, as TCNs remain

confined to the country in which they reside. Second, Member States could restrict the apparent

equality of TCNs and EU citizens in several instances, from public security to social assistance.

Third, medical examinations were possible if TCNs are considered a public health threat. Fourth,

there was no guarantee that a homogeneous status will exist throughout the EU, as member states

may keep their "bilateral agreements with third countries." Fifth, the rights to appeal against

expulsions for TCNs were not as strong as those applicable to EU citizens. Sixth, legal

provisions remained based on international instruments already in place. Finally, the requirement

of five years residence for TCNs still remained under the scope of Member States immigration

laws and no harmonization existed at the EU level (Apap 2003). Apap and Carrera concluded

that the desired equal treatment that had been agreed upon in the Tampere Council had not been

achieved. The directives regarding TCNs left "too much room for Member States' discretion,"

(Apap 2003) thus not guaranteeing a comparable treatment between TCNs and EU citizens.[6]

3.4.   OPPOSITES DO NOT ATTRACT

Advocates like Wiener, Apap and Carrera and others argued for TCNs to be included as EU citizens, not merely as national citizens, which is an option often available to most long-term residents after certain periods of residence, even if with numerous restrictions. By advancing oppositional arguments, advocates challenged accepted commonplaces, thereby creating social controversies that, Olson and Goodnight suggest, flourish particularly "at those sites of struggle where arguers criticize and invent alternatives to established social conventions" (Olson and Goodnight 1994). Mobilizing what Aristotle called "the available means of persuasion," oppositional arguments can bring unpopular views in to the public light and "challenge the parameters of public discussion by extending argumentative engagements to the less consensually-based cultural and social regions" (Olson and Goodnight 1994).

When scholars, advocates and critics contend that the concessions have not brought significant change and TCNs still cannot benefit from the same rights and privileges of EU citizenship and thus need to be included as full members, they call for what Olson and Goodnight argue is a "revision of communicative reasoning" (Olson and Goodnight 1994), bringing hope to the "force of the better argument" for mutating concepts like citizenship in the EU. When national citizenship no longer satisfies the demands of long-term residents who are caught between traditional and innovative practices of EU citizenship, oppositional arguments present opportunities for rhetorical invention. Advocates begin to challenge the implied norms of equality and human rights for EU citizens, but not for TCNs. They oppose the implications of a restricted EU citizenship and imagine a new kind of citizenship based on the more inclusive and egalitarian criterion of residency, so that all those who already live in the EU can truly practice the ideals promoted in the EU founding treaties.

In the next chapter, I explore the arguments focusing on the topos of residence as the criterion for the inclusion of TCNs as EU citizens and examine their imaginative appeal by drawing on the insight of Giambattista Vico. In particular, I turn to Vico's concept of *ingenium*, the ability to excite the imagination and to think in terms of what is not yet, to elucidate how arguments for TCN inclusion suggest modes of imagining EU citizenship as a model for post-national citizenship.

4. IMAGING RESIDENCE AS A NEW CITIZENSHIP CRITERION

4.1. "STRANIERI SI RESTA" (ONCE A FOREIGNER, ALWAYS A FOREIGNER)

You often get treated as if you are just a back packer who is just passing through if you don't have an EU passport.

Anonymous Third Country National[1]

Freedom of movement is the grandmother of post-national citizenship, and particularly of EU citizenship. In order to allow European citizens "to move freely without being stopped" at internal borders and to promote a sense of community, in 1976 the European Parliament introduced a proposal for a uniform passport. Although the Council took five years to pick a color and the burgundy EU passport would not take shape until 1993, the project symbolized a move toward "identical treatment of citizens," even by non-Member countries (Wiener 1998). These "border politics" continued with the Schengen agreement, first signed by France, Germany and the Benelux countries in 1985 and by 1995 implemented by the other Member States. The idea of a "new space without frontiers" (Wiener 1998), however, developed parallel to a "fortress mentality," (Wiener 1998) characterized by attempts to build a European identity rooted in membership rights and privileged status for citizens of EU Member States. As Wiener argues, passport policy and discourses on citizenship introduced "a new aspect of thinking about territoriality," and formally mobilized treaty legislation, but they also exposed old debates about "shared values, ideas, and shared goals," along with security concerns (Wiener 1998) 243).

The arguments for inclusion of TCNs as EU citizens based on residency bring the condition of TCNs to light, so that TCNs are "no longer invisible" (Kostakopoulou 2002). They

force EU institutions, diplomats, national governments, and citizens to reflect on the practice and meaning of EU citizenship, especially as freedom of movement becomes an economic necessity.[2] Advocates for the inclusion of TCNs as EU citizens ultimately force audiences to deal with the consequences of EU mobility, both to guarantee protection to those who do move and to encourage those who might, as Member States push to make the EU the "world's most dynamic economy by 2010" (Sliva 2006).[3] Such appeals promote new modes of political engagement in a post-national context, so in this chapter I explore the value of their contribution to the debate by drawing on Vico's theory of imagination and his concept of *ingenium*. The aim of this analysis is to emphasize the role of imagination in the arguments for TCNs, as the advocates present residency as the revolutionary substitute for nationality as criterion for citizenship.

Presenting oppositional arguments, the advocates for the inclusion of TCNs as EU citizens challenge the tie to nationality as grantor of EU equality and rights and question the very premises of the founding EU documents. Advocates introduce residence as an innovative criterion for EU citizenship to delink the tie to nationality. Adding to the topoi of equality and respect for human rights addressed in the previous chapter, some advocates aim at replacing the taken for granted relationship of EU citizenship and nationality with long-term residence. This argument for residence based citizenship is important because, as Linda Horwitz explains, blocking the enthymeme alone "is not enough." To achieve persuasion when advancing oppositional arguments, advocates must "replace the enthymeme in order to alter the previously accepted 'shared understandings'" (Horwitz 1998). The upshot of this insight is that to block the enthymeme that leads audiences to equate citizenship with nationality, advocates must enable audiences to imagine a new form of EU citizenship.

When advocates for the inclusion of TCNs as EU citizens struggle to persuade their audiences, their arguments, in the parlance of Olson and Goodnight's theory (1994), "prompt lively experiments with human communication," as they challenge accepted norms of citizenship and promote new criteria for membership in an already established community.

4.2.   TCNS AND EU RESIDENCY

Political citizenship is tied to national citizenship, so Hansen writes that the easiest solution for TCNs would be to acquire national citizenship in the country of residence. However, he recognizes that this procedure is not readily available to all and it still varies significantly across European countries. The creation of EU citizenship could have addressed the status facing TCNs by encompassing them as full members of the Union, given its post-national nature. Instead, Hansen argued, "it did nothing to address the situation" (Hansen 1998) of TCNs, prompting scholars and advocates to propose reforms in which citizenship is tied to residence, as the "extension of the umbrella of European citizenship" (Hansen 1998).

One of the first scholars to present a proposal for EU citizenship to be based on residence was Bruno Nascimbene, quoted by Hansen:

> Citizenship will gradually lose its favour in place of residence, the latter becoming the most appropriate standard to establish the link or tie between an individual and a civil or social community…When even the national of a third country, once has been admitted into the Union, shall be allowed, for example, to travel and to stay anywhere, to vote in municipal election (sic) thanks to his residence in the Community, there is no doubt that not only the notion of citizenship of the Union, as it is understood nowadays, will have to be reviewed and redefined, but also its statute. (Nascimbene cited in Hansen 1998)

Hansen recognized this idea as a revolutionary and "quasi-theological" approach to the notion of citizenship and for that reason believed the proposal "remains practically impossible." While he supported the ideas, he suggested a citizenship model based on dual nationality, especially because of what he called "manifest hostility" in the EU "to any conception of European citizenship superseding the nation state" (Hansen 1998). Facing the rhetorical difficulty of decoupling nationality and citizenship, Hansen concluded that a reform in EU citizenship depended on an "embrace of dual citizenship," which was the "pathway" to a kind of citizenship not exclusionary for TCNs, as they could be also participate as equals in a "Europe of citizens."[4]

As early as May 1995, the European Union Migrants' Forum had argued for the inclusion of TCNs as EU citizens based on residence. The European Union Migrants' Forum, along with the Euro Citizen Action Service (ECAS), in a proposal for the Revision of the TEU at the Intergovernmental Conference of 1996, after considering multiple options, suggested EU citizenship should "embrace TCNs as residents" of the Union without having to naturalize in the host Member State. For TCNs to be granted equal rights based on the criterion of residence, the Forum called for an amendment to Article 8a in order for EU citizenship to be "extended automatically to all third country nationals who have been lawfully resident in the Union" for five years or more (Migrants' Forum 1995).[5] Following the Intergovernmental Conference at the Turin Summit in 1996, ECAS prepared a memorandum titled "European Citizenship, Giving Substance to Citizens' Europe in a Revised Treaty." They asked if the future of the EU would be able to capture the imagination of its citizens as the Union prepared to enlarge. They argued that European rights must be consistent among all those who live in the EU and that "an area without frontiers" should be the case for both "EU and legally resident third country nationals, who should be granted EU citizenship" (Service 1996).

Willem Maas (1999) also argued that traditional notions of citizenship were undergoing change because of the enlargement of ideas of stateness and of political community. He acknowledged the possibility of residency as a criterion for citizenship, although he claimed that "residency may ultimately simply supplement, not replace, pre-existing membership in a political community." He argued for the creation of a "community of fate," in which all "members possess a moral claim to citizenship," (Maas 1999) which obviously included TCNs who are long-term residents. As advocates began to recognize the challenge of decoupling nationality and citizenship, they imagined a new form of engagement that could include resident TCNs. Still basing their arguments on the premises outlined in the founding EU documents, advocates realized the possibilities of EU citizenship as it was to envision what it could be and, in many ways, already was.

Long-term TCNs already lived in EU Member States and as they fulfilled the vision of a post-national mode of citizenship that matched the ideals of EU citizenship, both for the freedom of movement and the additional rights that it guaranteed for EU citizens, scholars like Seyla Benhabib (2001) began to ask "what should be the normative principles of democratic membership in a world of increasingly deterritorialized politics?" As she articulated "her vision for transnational political membership," she argued for the inclusion of TCNs on the basis of residency, so that people who might have lived in the EU for decades could exercise their political rights. Benhabib promoted the "fundamental human right to admittance" because even if it did not lead to membership, it entailed the "right to know how and why one can or cannot be a member" (Benhabib 2001), thus allowing TCNs to participate fully in the political process.

EU institutions, as mentioned in chapter 3, also pondered questions about the status of TCNs and in 2001, presented a Commission Directive (COM (2001) 127 Final) on the subject.

The Directive, already discussed in chapter 3 for its appeals to equality and human rights, quickly became very influential in the debates over TCNs as EU citizens. It set the tone for upcoming discussions, generating public concern and curiosity over the situation of a group of people who often went unnoticed as they live, work and participate in daily activities among EU citizens. In line with the conclusions of the Tampere Council, even if not yet explicitly and completely laying out a plan for the approximation of the legal status of TCNs to that of nationals of the Member States, the Directive did not mention this possibility of residence-based citizenship of residence for TCNs, but it prepared the foundations for more specific arguments.

The Commission Directive concerning the status of third-country nationals who are long term residents (COM (2001)127 Final) drew responses from the European Parliament, the European Economic and Social Committee, and NGOs such as Caritas Europa and Immigration Law Practitioners' Association (ILPA). The comments indicated a partial satisfaction with the Directive and a call for immediate adoption, but they also voiced some concerns. One problem the European Economic and Social Committee (EESC) had with the Directive was the evidence required as a condition for long-term resident status. Namely, since TCNs must provide proof of sufficient economic resources and sickness insurance (Article 6), the Committee asked for those criteria to be reconsidered and their status to be granted "solely on the basis of the period of legal residence," established by the Directive at five years. Other remarks addressed the limited possibilities for TCNs to be politically active and to "fully participate in the society they live in" (Europa 2001). For instance, their exclusion from the exercise of public authority was criticized because the involvement of TCNs "in local police service and public education" had been found "worthwhile" and a "good practice" (Europa 2001).

The advocates for the inclusion of TCNs as EU citizens based on residence recognized the possibility of EU citizenship and, in ways similar to the arguments based on equality, grounded their premises in what EU citizenship was already representing, freedom of movement. Using their imagination to create something new while finding the similarities with what was already there, advocates focused on the shortcomings in granting TCNs rights and benefits "as close as possible" to those of EU citizens, as the Tampere Council had promised. They also focused on the promise of EU citizenship to go beyond the nation, ingeniously replacing Member State nationality with residency in the EU, and connecting what was already accepted, the rights of EU citizenship, with what TCNs needed, those very rights. The advocates called for the inclusion of TCNs as EU citizens, by imagining a new, residence based citizenship and grounding it in what audiences already knew. Performing an example of what Vico calls *ingenium*, advocates attempted to replace nationality as the grantor of those rights with residence, 'mixing' our commonplaces associated with residence in a Member State or in multiple ones, as promoted by freedom of movement. To connect it with another already accepted and familiar principle, advocates anchored their arguments to the EU documents that clearly and solemnly stated that diversity and mobility were welcome. While the EU documents and treaties draw the line between accepted-EU member-abound-nationalities and all the rest, the promise of the EU is inclusive and egalitarian. Advocates were then ingenious and found ways to connect what is already established in the founding treaties and practices of the EU, from equality to freedom of movement, from open borders to burgundy passports, and linked these principles to their arguments concerning the citizenship status of TCNs.

Namely, Baroness Sarah Ludford, reporting on the European Parliament's behalf, specifically called for EU citizenship to be granted to TCNs based on their residence status. In

the Report on the proposal for the Council Directive, she presented specific amendments and

provided justifications for each. In her speech delivered to the European Parliament on February

4, 2002, Baroness Ludford echoed the Directive in calling for the status of TCNs to be "as near

as possible" to that of EU citizens. She also recalled the provisions of the founding EU Treaties,

concluding that it would be "hypocritical" not to integrate some of the immigrant communities

that contributed to so much to the social and economic interests of the EU. Explaining her

amendments to the text of the Directive, Ludford stressed "participation in local community life"

and "local and European voting rights" as necessary, yet merely "aspirational" (sic) as of now.

She also added that some of the required assimilation procedures, such as learning the host

language, were "fundamental to social integration" but went "too far" in insisting this to be a

criterion for granting EU residence status (Ludford 2002).[6]

In her Report to the Parliament, as Rapporteur for the Committee on Citizens' Freedoms

and Rights, Justice and Home Affairs, Baroness Ludford suggested several amendments

stressing the importance of "active and passive participation in public life" and at the local level

as "a key component in facilitating integration" of TCNs in the society they live in (Ludford

2001).[7] In the explanatory statement, Ludford acknowledged that the rights TCNs had, were not

"equalized" among them and even less so as compared to EU citizens, partly due to some

bilateral agreements with countries of origin. However, she hesitated to push for a complete

redefinition in the status of TCNs as EU citizens and she cautioned her fellow parliamentarians

"to walk before we attempt to run," as she believed a uniform long-term residence permit, with

its "rights of cross-border movement" would be a necessary step on the way to more "ambitious"

projects (Ludford 2001). Slowly pushing her audience to imagine the possibilities of EU

citizenship, she first suggested the period of residence for long-term status ought to be changed

from five to three years and that all Member States ought to grant voting rights at the municipal, national, and European level. However, Ludford, in this report, did not plainly propose equal status for TCNs as EU citizens, mainly due to what she perceived as obstacles to integration and assimilation,[8] or obstacles to the ability to imagine TCNs as EU citizens.

Each of the preceding arguments for TCNs attempted to create a new vision for citizenship tying to residency and employing concepts already familiar to audiences. Instead of focusing on the differences, advocates tried to play up similarities and pushed for an image of EU citizenship that included TCNs. Some critics and opponents may call the arguments irrational, as citizenship beyond the nation does not exist, even within the EU. Namely, Horwitz believes that what Olson and Goodnight call 'discursive strategies' can offer "an alternative interpretation," thus guiding the audience toward a different conclusion by replacing the assumed assumptions of the enthymeme with new ones. These "new enthymemes," Horwitz (1998) argues, "encourage audiences to actively evaluate arguments," substituting the major premise with a new one. Discussing speakers' appearances as a form of ethos, Horwitz suggests that replacing the major premise addresses directly the audience's "preconceived ideas" as "inadequate or inaccurate in that particular rhetorical situation" (Horwitz 1998). The established association of citizenship and nationality is what constitutes the major premise in conceptions of EU citizenship. The residence-based arguments for the inclusion of TCNs as EU citizens challenge that premise, and attempt to block it completely by introducing a new mode of engagement. The definition of EU citizenship, as outlined in EU documents, perpetuates the accepted notion of citizenship as nationality, and advocates for a change in the status of TCNs disrupt that dependence. They substitute nationality with the criterion of residence as an additional aspect of EU citizenship, particularly associated with freedom of movement and based

on what residents already do, not to replace nationality altogether, but to add to the meaning and potential of EU citizenship.

The traditional understanding of national citizenship is then supposedly debunked in a post-national context. The arguments for the inclusion of TCNs as EU citizens, however, still face the limited nature of the definition of EU citizenship, as the one most people relate to and consider the norm, even as the EU expands and presents new opportunities and possibilities for its citizens. As citizens, institutions and national governments seem to cling on their old habits, their nations, and their domicile, the advocates push for change and run against an imaginary wall that reveals itself much more difficult to destroy than the borders that are now officially open.[9] While some argue openly against EU citizenship for TCNs, the arguments seem mostly contained by limited concessions that have transformed TCNs from workers to residents, even if not yet citizens. The forms of resistance include arguments that counter the ideals of equality and inclusion with notions of homogeneity and exclusion, tied to the traditional notions of nationality (Follesdal 1998). The idea of equality and political performance at the center of a practice of citizenship is opposed on the grounds that shared communities need commitment from citizens who are not loyal to other nations, as TCNs could be.[10]

The counter-arguments that explicitly refuse the inclusion of TCNs as EU citizens are, however, rare, even as individual Member States are plagued by racism and xenophobia. The paucity of counter-arguments, especially within EU institutions, could suggest a slow but sure success for the arguments in favor of the inclusion of TCNs as EU citizens, but so far this has not been the case. After all, there is still resistance even from some advocates to call for full fledged equality based on a conception of citizenship that grants rights to members of an entity that, in the mind of many Europeans, barely exists. Although the EU is visible and real, with institutions,

representatives, a flag, an anthem, and even borders, it is not a community in the way nations are, and citizens are still grappling with a concept of citizenship beyond their homeland. The advocates are hard pressed to persuade citizens, EU institutions, and Member States who cannot imagine any other way to be a citizen.

4.3.   A TEST OF IMAGINATION

The debates continued in May 2003, when the European Economic and Social Committee (EESC), an organization that declares to be a "bridge between Europe and organized civil society," (Committee 2006) and that regularly presents Opinions on EU documents, discussed "Access to European Union Citizenship."[11] In this particular Opinion, Castanos, reporting for the Committee, specifically called for European citizenship to be granted to TCNs who are long-term residents. Only through access to EU citizenship, Castanos argued, could TCNs "exercise their political rights and thereby improve integration, as European citizenship and the rights and obligations deriving from it are a very important factor" for their assimilation in the country of residence (Castanos 2003). Castanos defined EU citizenship as "civic citizenship," based both on universal rights, as outlined in Article 20 of the EU Charter of Fundamental Rights, and the responsibilities of the Council toward immigrant residing legally on a permanent basis, as outlined in Article 63 of the EC Treaty. Defining EU citizenship as "plural, inclusive, and participatory," Castanos believed the concept to be at the very "heart of the European venture" to encourage all citizens to feel part of what they referred to as a "supernational democratic political community." This new mode of citizenship, Castanos argued,

would no longer be tied solely to nationality, but also to "stable residence" (Castanos 2003) in the EU. Castanos believed that since residence was already a deciding factor in granting "various economic, social, cultural and civil rights and obligations," it ought to be related to political and voting rights. Long-term residence, for the EESC, was the necessary criterion for EU citizenship, but this mode of participatory engagement was not meant to replace nationality. It merely presented new possibilities for non-EU nationals in order to eliminate marginalization and discrimination.

With imaginative appeals to both what EU citizenship is and what it could be, the EESC argued that it could not be "built without taking account" of all the people who live "within its borders." They proposed EU citizenship go "inward," toward the people who already resided on EU territory, and "beyond the limits of nationality." As a new mode of citizenship, EU citizenship, Castanos believed, must include TCNs as "part of the political community of the 'civitas' where they live" (Castanos 2003). In the Appendix of the Opinion, Castanos referred back to previous EU documents to reiterate their argument calling for "granting EU citizenship to third-country nationals having long-term resident status" as a form of civic citizenship supporting "citizens' involvement and commitment" (Castanos 2003). Castanos concluded by quoting former European Commissioner for Justice and Home Affairs Antonio Vitorino discussing the idea of civic citizenship as a guarantee of rights and obligations for TCNs "independently of access to nationality of the host country" (Vitorino cited in Castanos 2003).

Advocates took the opportunity to connect the situation of TCNs with that of other citizens, nationals and Europeans. This strategy drew on the power of imagination to create alternative futures. This is why Vico's theory of 'imagination' becomes an important resource for understanding the dynamics of such revolutionary arguments. According to this theory, only

after audiences imagine EU citizenship as tied to residency, rather than nationality, can the arguments for TCNs as EU citizens actually resonate. In Vico's terminology, the advocates combined the conditions of TCNs with that of EU citizens, blending the two to become "interchangeable" or "convertible." Vico explained that the power of such a mélange stems from a fusion of the concept Latins called "*verum* (the true) and *factum* (what is made) (Vico 1988). In the debates for TCNs, the topos of residency as the criterion for EU citizenship highlights what is already true and made, as TCNs live and work in the EU territory. Advocates push the imaginative aspect that invites audiences to recognize the similarities when they introduce a new and different kind of residence-based citizenship that replaces the previous accepted notion of citizens as nationals only. Vico believes that "the true is precisely what is made (*Verum es ipsum factum*)" and "to know (*scire*) is to put together the elements of things." For Vico discursive thought (*cogitatio*) is typical of the human mind, an activity through which we create what is in our mind and we find what corresponds to those images in the world around us. Vico's theory is important for understanding residence-based arguments because while advocates push for change in status to imagine a new place for TCNs, they also depict TCNs as already practicing the role of EU citizens.

Vico sounds Platonic when he talks about humans remembering what they already know, using their imagination and memory to recognize what we already believe true. Just as a painter usually paints what is in the world and a poet writes about human affairs, Vico believes knowledge of the unknown stems from what we already know. Even "hyppogryphs and centaurs" are reminiscent of what we know, just "falsely mixed" (Vico 1988). Similarly, the argument formation calling for TCN citizenship based on residency asks audiences to remember what they already understand.

4.4.   WHY 'WORKERS' ARE NOT ENOUGH

Among all the efforts and contributions advanced by EU institutions and NGOs, one of the most vociferous and influential was initiated by the European Network Against Racism (ENAR), a network of European NGOs partially funded by the Commission. In May 2001, Maria Miguel Sierra and Jyostna Patel authored the report "For a real European Citizenship," in which they summarized the legislation on TCNs across Member States and revisited some of the concessions presented in the various EU Treaties. In the third chapter, the authors called for a "direct relationship between the Union and its citizens," and they argued that the legitimization of the "European political project" could only come about with a greater role for citizens, as part of a post-national citizenship no longer linked to nationality. The ENAR document stressed equal rights for TCNs as more than mere workers in the EU, and the authors asked EU institutions to exercise their power to bring about change. Specifically, they recalled the occasions in which the European Parliament "declared itself to be in favor of non-EU residents having the right to vote" in local and European elections (Sierra 2001).

In another document in December 2001, ENAR developed their argument in favor of inclusion of TCNs as EU citizens, focusing on a citizenship of residence as one of their objectives. In 2002, ENAR continued their criticism of EU citizenship for excluding TCNs and asked "for the rights and obligations of European citizenship (to) be recognized to all residents of the European Union, regardless of their nationality" (Racism 2002). Responding to the convention on the Future of Europe, ENAR argued for equality for all residents "by way of accession to citizenship" and proposed an amendment to Article 17 of the Treaty of Maastricht

"in order to open up a second door of access" to EU citizenship. The suggested changes would define an EU citizen as any person "residing legally on the territory of a Member State" (Racism 2002). The document added that equality of rights, regardless of nationality, would recognize TCNs as legitimate participants in the "cultural, social, working and political life of the EU" and uphold the democratic and universal values of "human dignity, freedom, equality and solidarity on which the EU is founded" (Racism 2002). At a conference in Madrid in 2002, the chair of ENAR, Bashy Quraishy, a native of Pakistan naturalized in Denmark, shared his own experience and opened the conference claiming that EU citizenship is "the next logical step in the process of integration and a harmonious EU." He argued, on behalf of ENAR, for "every individual who is present" on EU territory on a permanent basis to be accorded EU citizenship, so that TCNs no longer have to rely on the disparate national laws of individual Member States (Quraishy 2002).

On February 6, 2003, eleven years after the signing of the Treaty of Maastricht, ENAR issued their contribution to the Convention on the Future of Europe, in preparation for the draft treaty of the Constitution. Their document, titled "Let Europe be equal and 'inclusive," reinforced their belief that EU citizenship should not be based solely on nationality, "but also on legal residence" in order to guarantee a more inclusive and participatory model of engagement for those who reside and work permanently in the EU. ENAR argued for the legal status of TCNs to be "as close as possible to that enjoyed by European Citizens" as outlined back in Tampere (Racism 2003).

Advocates returned once again to EU original documents to show the ongoing effort and apparent logic behind their arguments. Residence based citizenship for TCNs was simply a new metaphor for the already accepted idea of membership in the EU community, adding and surpassing the criterion of nationality as the only admission ticket into EU citizenship. Exposing

what was there but not imagined yet, advocates provided an example of Vico's theory of imagination and his concept of *ingenium*, creating what he calls *universali fantastici*, 'imaginative universals.' As a mode of thinking that for Vico generates back at the beginning of time, in what he calls the ages of Gods and Heroes, imaginative universals provide practical suggestions to create new metaphors for TCNs as EU citizens, simultaneously connecting them back to old conceptions of citizenship.

Vico uses the term imaginative universals, along with '*caratteri poetici*' and '*generi fantastici*' "to designate the principle of the origin of human mentality" (Verene 1981). Verene (1981) argues that imaginative universals are a "theory of the image" particularly important to understand how concepts are formed through metaphors and thoughts. Imaginative universals make concepts intelligible, tracing back to the "origin of human mentality" (Verene 1981). As a concept related to imagination and *ingenium*, for Vico universals are formed by our ability to select from multiple particulars to find the features that are common to all. Imaginative universals are then helpful to analyze the arguments for the inclusion of TCNs as EU citizens as advocates promote the criterion of residency as an innovative substitute for nationality, yet connect it to what TCNs already do as members of national and EU communities.

The imaginative potential of citizenship based on residence as a substitute for nationality as criterion for EU citizenship was also promoted by Helen Oger, another EU scholar writing about and contributing to the debates for TCNs as EU citizens. She also called for residence to be the "new additional inclusive criterion" for EU citizenship, so that, as model for post-national citizenship, it can really be "independent of a (non-existent) European nationality" and become "an inclusive and 'pure citizenship'" (Oger 2003). She argued that the traditional dichotomy of citizens and non-citizens multiplies into a trichotomy with national citizens, European citizens,

and TCNs. Oger proposed then a way to eliminate the divisive nature of a multi-layered

citizenship with "residenceship," as a common and "necessary revision based on the objective

criterion of residence" (Oger 2003).

In 2004, the NGO European Coordination for Foreigners' Right to Family Life concluded

that, five years after Tampere, TCNs still did not enjoy rights equal to those of EU citizens. The

NGO responded to a document issued by the Commission, "taking stock" of the status of several

aspects related to the Area of Freedom, Security, and Justice, including the situation of TCNs

(COM (2004) 401 Final). In the report, Claudia Cortes Diaz, on behalf of European Coordination,

continued to call for the fair treatment of TCNs legally residing in the EU and for their status to

"approach that of citizens" of the Member States. Cortes Diaz's criticism also addressed TCNs'

access to EU citizenship, as she argued that, although there had been initiatives in that regard,

"nothing is said about the possibility of granting Union citizenship to residents from other

countries" (Cortez Diaz 2004). She proposed a "citizenship of residence-no longer linked to

nationality" in order to allow TCNs to vote, participate and be eligible in local and European

elections. Cortes Diaz argued that real integration of non-EU nationals would remain impossible

as long as "millions of people who live and work in the Union are denied" the same rights

granted to EU citizens. While still grounding the arguments in the topoi of equality, inclusion

and human rights, Cortez Diaz, following the ideas of Imbeni and other advocates, presented the

possibility of residence as the new criterion to replace nationality in order to grant equal access

to EU citizenship for TCNs. The goal of the advocates remained the inclusion of TCNs as EU

citizens, but after little success, the topos of residence emerged as an innovative wake-up call in

the almost dormant debates over the status of long-term TCNs.

Oger and other advocates focused then on the similarities between TCNs and EU citizens to create what Verene calls identity, in order to promote a common sense of identification. As humans begin understanding the world around them through metaphors, what Vico calls the poetic mind, can "formulate relationships and make assertions that are nonsense for the modern logical mind" (Verene 1981). The primordial poetic mind uses metaphors to think and when humans try to comprehend what is "beyond immediacy" (Verene 1981), imagination allows us to perceive particulars as universals. This is potentially important for TCNs who are 'particular' residents or citizens perceived as different and alien, but who can also be recognized as elements of a universe who are 'made' into citizens the moment we recognize them as people who participate, deliberate and are like other Europeans. EU or non-EU citizens, even nationals and non-nationals are the same once "the fixation of the particular is not a process in which one sensation in the flux is grasped as *like* the rest. It is a process in which the *is* itself is made." Verene (1981) argues that this "finding again" requires imagination and "requires the formation of an image or metaphor." Imaginative universals are then not only tied to imagination and *ingenium*, but also to the *verum-factum*, as the concept becomes the "inner working" of the ability to form universals through a particular image and the very "process of making" (Verene 1981). Verene argues that for Vico the process of identification begins with similarities, but *like* becomes *is* because "poetic characters are themselves the condition of reality" for the poetic mind, which makes sense of the world using the image of what it already knows to overlap the old with the new. Verene uses the example of the true war chief, but thinking of citizenship and TCNs, the same pattern of thinking could lead to the identification of TCNs as EU citizens. Namely, if every time one imagines a EU citizen, TCNs come to mind as what a EU citizen is, rather than what TCNs or EU citizens are like, the arguments for their inclusion might have more

persuasive purchase. However, as of now, the problem with EU citizenship is reversed at the *is*

and *like* level. EU documents provide a clear definition of who an EU citizen is, particularly

opposed to who is not, but there is no clear image of what a EU citizen is like. Verene argues that

"the individual is what it is because its being is the being of the type." He explains that for Vico

"the individual cannot be thought of as having a reality apart from the generic character," and

while this works at the national level (imagine a German, a Swede, an Italian), it is not as

powerful at the European Union level. It may even have some resonance at the European level,

especially as opposed to other regions of the world (European versus American), but the vision

of EU citizenship does not provide clear, well-defined and imaginable traits commonly accepted

by audiences.

According to the preceding analysis, the arguments for the inclusion of TCNs as EU

citizens appear to lack the foundation of a solid, generic, identity-forming character. Advocates

seem to struggle when trying to persuade their audiences that TCNs are *like* EU citizens (at the

practice level, tied to residency) because they fail to present an image in which TCNs *are* EU

citizens (in their status). The is/like dilemma for TCNs or even for EU citizenship is no dilemma

for Vico, who believes poetic minds have the ability to perceive similarities and differences of

the "true war chief" as "identical reality," (Verene 1981) so that all the representations *like* one

are one. The discovery of common traits is the faculty of imaginative universals that stimulates

the "formulation of immediate identities between elements" (Verene 1981) and while Verene

reminds us that even Vico realized this could sound like "nonsense" to logical minds, this is the

most vital and creative faculty humans have. As creative treasure chests, imaginative universals

can be opened with metaphors, as the keys to connect disparate particulars and re-cast them as

already accepted commonplaces. These metaphors are created rhetorically, so that Vico's theory

of imagination, his concept of *ingenium* and his imaginative universals contribute to the

understanding of the residence-based arguments for the inclusion of TCNs as EU citizens in

emphasizing their imaginative and revolutionary appeals and their potential persuasive power,

even amidst their current failure.

4.5.   POST-NATIONAL OR PRE-EXISTING SKILLS?

Ever since Rome, particularly after the Treaty of Amsterdam and the Tampere Council,

EU institutions have made concessions regarding the status of TCNs, but they still restrict their

rights and freedoms. The advocates I have studied in this chapter strive to replace nationality

with the criterion of residence for the inclusion of TCNs as EU citizens. In this argument

scheme, TCNs are presented as residents who are not Europeans but live as other Europeans do.

Some advocates focus on this common feature and re-present citizenship as a practice rooted in

what is similar among EU and non-EU citizens. Identity, either nationally established or

euphemically European, usually casts TCNs in a negative light as the ones who could never be

like nationals of their host country and are not Europeans. Advocates of EU citizenship rooted in

a residency status, focus instead on what is common to TCNs and EU citizens and on what they

all do as active members of the EU community in which they live. As discussed in chapter 1,

nationality and citizenship are hard to separate, and the arguments for the inclusion of TCNs as

EU citizens, not naturalized citizens of the country of residence, go against the commonplaces

usually associated with national citizenship. TCNs could be treated as equals, free, respected and

provided for in their home country, in any host countries, or in any other contexts in which

human rights and equality are considered values.[12] So why argue for their inclusion as EU

citizens? Advocates block the enthymeme (citizenship-nationality) and attempt to persuade their audiences with imaginative appeals that, in Vico's terminology, are ingenious in the way they substitute the notion of citizen with a creative and visionary model of 'EU citizen' based on the criterion of residence. Advocates capitalize on the potential of a set of rights, duties and practices that are uniquely associated with the European Union, rooted in its treaties, documents, and, most importantly, its promise, to present TCNs as already EU citizens.

Most advocates are not arguing for the dismantling of national citizenship and no one is trying to persuade citizens to erase their loyalties and ties to their home countries. But in an EU context, the arguments for the inclusion of TCNs as EU citizens try to surpass that relationship and re-cast themselves as an additional, innovative, post-national mode of engagement, different than a nationality based citizenship. Advocates for the inclusion of TCNs as EU citizens hint at a new kind of citizenship rooted in discursive and participatory skills that all residents already practice as members of the community in which they live. I continue to follow Vico's theories of imagination in the next chapter, as I discuss the arguments based on the topos of participatory and deliberative citizenship and explore the reasons why this particular aspect of a residence-based citizenship is essential for a successful model of post-national citizenship that can transform EU citizenship into a truly innovative dimension.

5.   THIRD COUNTRY POST-NATIONALS

5.1.   THE EUROPOLITAN CITIZEN

From the Treaty of Maastricht to the recent draft Constitution, European citizenship has

developed and changed throughout the years. The EU itself is still in the "process of becoming"

(Laffan, O'Donnell, and Smith 2000), but workers or long-term TCNs are still not on equal par

with EU citizens and their exclusion adds legitimacy and prestige to EU citizenship (Island

Trouble 2006).[1] Even when the efforts to create a sense of European-ness and to develop a

feeling of belonging among all EU citizenship fail, citizens of the Member States hold on to their

passports with a sense of entitlement that separates them from TCNs and all the other non-

Europeans wishing to become residents. But this evanescent sense of European-ness makes one

wonder what exactly a EU citizen is and how she can participate and deliberate, as she lives and

works among other post-national citizens. As Jo Shaw (1999) argues "it is difficult for any work

on Union citizenship to go beyond the level of description, contextualized description or bare

'wish-list' without a critical reading of how Union citizenship should be conceptualised." She

believes that to understand EU citizenship, we cannot simply adopt and apply the "existing

concepts developed within the forum of the nation state and nation state-building." Instead,

citizenship has to be accepted "as a contested domain in both the political and the intellectual

senses of the term," so that we can reconcile its relevance against what she calls a "paradoxical

background" of both diversity and similarities. What Shaw calls the "plasticity of citizenship"

allows a re-conceptualization of conflicting elements like "universalism ('we are all equal') and

difference ('equality')" and cannot be allowed "to mask the fact that we are divided by race, gender, ethnicity, religion…" (Shaw 1999).

For Shaw, however, work on EU citizenship has either presented a critique of the definition of "who is an EU citizen," including debates over the exclusion of lawfully resident TCNs, or "an analysis of the limited scope of citizenship rights." Both are related to the exclusion of TCNs as access to rights defines the very scope of citizenship as exclusive membership. Shaw argues that rights limit the "contestation or negotiation of identity" for EU citizens only. EU citizenship is then intended to ease the "tension between the grand history-making and constitution-building side of the rise of the European Union," as an "ever closer Union," and the actual institutional processes and policies that address its significance both for Europeans and TCNs.

In the previous chapters, I addressed the main arguments for the inclusion of TCNs as EU citizens that advocates present using the topoi of equality and respect for human rights and imagining a new kind of EU citizenship that replaces the criterion of nationality with residency. This residence-based citizenship is deeply rooted in discursive and participatory practices that focus on who TCNs already are on what they already do, in order to convince EU institutions, Member States and their citizens to grant TCNs the status of EU citizens. Olson and Goodnight's theory oppositional argumentation and Vico's work on imagination help illuminate the debates over TCNs, highlighting in particular the revolutionary and imaginative dimensions of arguments advanced by advocates of TCN citizenship. In this chapter, my rhetorical analysis focuses on the topos of citizenship as a deliberative and participatory practice. This move provides an occasion to return to Asen's discourse theory of citizenship introduced in chapter 1.

Advocates for TCN citizenship started with the indisputable connection to equality and human rights to challenge the exclusion of TCNs. Then, they introduced the innovative criterion of residency as a substitute for the taken for granted tie to nationality. The advocates have ingeniously attempted to emphasize long-term residency as the already established status for TCNs, particularly attaching it to their practices in every day life. Just like EU citizens, TCNs are members of a post-national community. But the arguments must be completed with a detailed and imaginative picture that explains why TCNs are already EU citizens and, even more than other Europeans, are already post-national citizens. As advocates struggle to convince their audiences that residency ought to legitimize TCNs as EU members, other advocates, like Kveinen, following Linklater, go one step further and argue for more "inclusionary forms of political community that engage relevant outsiders in dialogue on matters that affect their interests" (Kveinen 2000). Advocates attempt to add depth to the concept of a residence-based citizenship with innovative criteria for inclusion that describe a mode of deliberative and participatory equality in which TCNs are invested in the making of the community in which they reside.

The advocates who directly address the topos of a deliberative and participatory citizenship are a few, but their arguments finally provide the missing link that connects universal rights to residence, as they expose both the collective qualities and the unique potential of EU citizenship for TCNs and as mode of post-national citizenship. My analysis of these texts provides an opportunity to reassess Asen's discourse theory of citizenship, by analyzing how his approach plays out on the ground, in the form of situated arguments that bear a similarity to his conceptualization of citizenship as

discursive practice. I conclude this chapter by returning to Vico's theories of imagination

(ingenium, imaginative universal and common mental vocabulary) to discuss what he

would call the 'ideal eternal history' of TCNs. Long-term resident TCNs have been living

in the EU and while residence alone may not convince audiences that they *are* already

legitimate citizens, arguments based on a discursive and participatory mode of citizenship

attempt to focus on what TCNs already *do* and the reasons *why* they ought to do it.

Advocates for the inclusion of TCNs as EU citizens argue for a redefinition of citizenship

that may carry the potential to reveal the very uniqueness of EU citizenship as a post-

national model. As an advancement of a post-national model, critics of EU citizenship

advance the alternative vision of TCNs as EU citizens, as members in a deliberative

community in which a "constructive" citizenship "addresses the challenge of diversity"

(Kostakopoulou 2001).

5.2.   PRACTICING CITIZENSHIP

European Citizenship was created in an effort to demonstrate that one of the Union's

prime concerns was to "place individuals and their interests at the heart of European integration."

After the Treaty of Maastricht, Epaminondas Marias wrote about a direct relationship between

the citizens and the Union, in order to "express a political relationship…with basic political

rights, which can be exercised in the framework of the Union" (Marias 1994). While he believed

citizenship allows Europeans to be in a position to exercise their political rights throughout the

Union, few EU citizens take advantage of these rights and even fewer identify with the European

community, even as EU institutions promote topoi of identification, unification, and

togetherness. As the Union pushes the notion of solidarity among its members and the idea of

inclusiveness of all, most EU citizens do not recognize 'one' community. The recent

enlargement and the ever-controversial debate on the admission on Turkey prove that most

citizens look after their own benefits first, sensing other European citizens as a threat.[2]

Addressing the notion of belonging to a community, Marias optimistically explains that:

> European citizenship also constitutes a factor for the attainment of solidarity among
> the peoples of the Union. As the principal element of citizenship is the idea of
> belonging to a nation-state, Union Citizenship can contribute to the creation among
> the peoples of the Union of a feeling of 'belonging to' a real community
> (Gemeinschaft) in the framework of which peoples of the Union have a common
> destiny, common beliefs and common values. (Marias 1994)

Marias' hopeful vision of EU citizenship creates a space for a discursive and participatory mode

of engagement that could include TCNs, but only after Europeans recognize themselves as part

of a shared community. The criterion for membership remains nationality and the potential of

EU citizenship as a post-national model, following Marias, remains contingent upon the practice

of EU citizens *first*, then possibly TCNs.

Theodora Kostakopoulou, on the other hand, believes EU citizenship questions "some

central tenets of the theory and practice of citizenship." Even if she would agree with Hansen

and others acknowledging that it is still "premised on the old concept of nationality,"

(Kostakopoulou 2001) she argues that EU citizenship has the potential to replace "the subjective

standard of nationality" with residence or domicile. Kostakopoulou believes that the current

status of TCNs fails them as "respected and rightful participants with equal rights and

opportunities in the workplace and in society," and she advocates a participatory model in which

TCNs can have a "stake in the European polity" (Kostakopoulou 2001). Accusing the

Commission of lacking a "daring vision about community building," she argues that a

community of citizens arises "through their being in mutual relations with one another, and through their engagement in reflexive forms of cooperation" (Kostakopoulou 2001). All residents have a stake in what she calls a "post-national democracy." She believes that there have been numerous missed opportunities for a more inclusive and equal EU, and the political project will remain "unfinished" as long as TCNs are excluded as non-EU citizens.

In another article, Kostakopoulou re-articulates her argument for the inclusion of TCNs. She refers back to the Treaty of Rome and summarizes the development of the rights of TCNs until the Tampere Council, to conclude that partial concessions still "fall short of embracing a participatory model of citizenship that would give TCNs a stake in the European polity" (Kostakopoulou 2002). TCNs are still not "equal participants," rather "vulnerable dependants" not recognized and treated as EU citizens. She looks back at the attempts EU institutions have put forward to grant equal rights for TCNs, but believes they all boil down to "the construction of an artificial community" supposedly beyond the nation, but unequivocally tied to nationality (Geddes 2000, Kostakopoulou1997, LaTorre 1998 cited in Kostakopoulou 2002). She argues that EU citizenship has failed TCNs also by making Member States' nationality "more valuable" as it qualifies those who can and those who cannot access political, social, and economic rights in the EU. Nationality limits participation and engagement for TCNs, while a more inclusive mode of citizenship based on deliberative and participatory skills, tied to residency, would grant long-term residents important rights and invite them to practice them.

Kostakopoulou argues that TCNs are "no longer invisible" and she calls for "a domicile-based paradigm of European citizenship" to free the emerging European demos "from the grip of state nationality" (Kostakopoulou 2002). She believes a form of civic citizenship would entail a set of rights that bring about what EU institutions define as "satisfactory integration." While she

agrees that is the objective, she does not believe EU legislation is bringing about the necessary changes. She comments on the European Union Charter of Fundamental Rights as "another missed opportunity for the fashioning of a democratic and inclusive European public sphere and for promoting equal opportunities and an anti-discrimination culture" in the EU (Kostakopoulou 2002). Kostakopoulou is, however, more satisfied with the 2001 Commission Directive (COM (2001)127 final). As a step toward "full political inclusion," she believes that the underpinning principle of the Directive is that "domicile generates entitlements" such as equal treatment and enhanced protection. While lamenting that the community *acquis communitaire* on TCNs is "very thin," (Kostakopoulou 2002) she concludes by calling on Member States to accept and implement the Directive and to continue to work for the full accession of TCNs as EU citizens.

Kostakopoulou's arguments resonate with the topoi of equality and residence-based citizenship, as she traces the potential of a deliberative and participatory mode of citizenship to the ideals of a European public sphere where TCNs ought to be welcomed as full members. The arguments for a citizen of practice add and surpass the premises of a residence-based citizenship as even more innovative and revolutionary. Going beyond the criterion of residency as a substitute for nationality, the advocates invite TCNs not as nationals, not as Europeans, but merely as people with a vested interest in the debates and practices of the community in which they live. Still struggling to detach citizenship from nationality, the arguments for a deliberative and participatory kind of citizenship start from the premise of residency, but they equalize TCNs and EU citizens not only for what they do, but particularly for what they have the ability to do, and maybe some already practice, as interested members of a community that engages them as equals and invites them to participate in matters that affect all.

As a kind of post-national citizenship that distances itself more and more from nationality, the deliberative and participatory mode continues to struggle against the criterion of nationality as grantor of EU citizenship. This accepted and taken for granted tie makes the very idea of a discursive and participatory citizenship tied to residency difficult to grasp. As previously discussed, these arguments are counter-arguments, oppositional because they attempt to redefine the very concept of citizenship and to reestablish the criteria for membership and inclusion as detached from nationality. They also require a vivid imagination, as Rainer Baubock argues, following Habermas, that "polities are generally imagined" as "communities reaching back into the past and stretching into an indefinite future." This concept becomes difficult when defining an "identity of a European demos" by specifying "only the procedural rules which would have to be respected by all if they think of themselves as being members of such a community and as participants in an ongoing process of political deliberation" (Baubock 1997). Namely, Baubock believes that the European project is already challenging the imagination of citizens, who struggle to identify with "shared traditions" that usually create a political community. At the European level, he writes, the relationship that connects people to their political community is "problematic," and the tie of nationality to European citizenship, for Baubock, "underlines this problem," rather than pointing to possible solutions.

Citizens participate, get involved, deliberate in their nations and, following Habermas, the obstacle advocates for the inclusion of TCNs as EU citizens have to overcome is the notion of an active citizen at the EU level. The arguments for the inclusion of TCNs as EU citizens remain difficult to grasp because, even if political and social rights at the EU level are real for EU citizens, Europeans do not legitimize those rights themselves and institutions present them more to placate criticism than to bring about change. EU institutions keep reminding their

citizens that the Union is supposed to move forward together, to work, live and prosper together, welcoming new members and deepening the ties among all, but as Anna Lindh argues, "Continued integration is conditional on the confidence of the citizen. It is not enlargement that is the serious threat to efficiency and deepening." Writing before the last stage of enlargement in 2004, she believes that the threat of a decline in the trust citizens have in EU institutions is a serious problem and "proposing deepening is no solution for the future if we lack answers" (Lindh 2001).[3]

The lack of a concrete description of an EU citizen leaves us with what Shaw had called a 'wish list' for a deliberative and participatory EU citizenship. As the advocates for inclusion of TCNs as EU citizens struggle to persuade their audiences with arguments based on equality, access to rights and residence, the void left by the absence of a model 'Europolitan' citizen creates a vacuum for TCNs. The lack of a concrete concept of EU citizenship in the mind of institutions and citizens poses obstacles for the inclusion of TCNs because it forces audiences to envision and recognize non-Europeans as EU citizens who live and work in a context they seldom explore. Although EU Treaties never question who a EU citizen is, the fact that TCNs could be part of the answer is troubling for both EU institutions and national governments, as they are used to think in national terms and barely envision a 'Europolitan,' especially if non-European.

The feeling of belonging, the emotional tie to the future of the European Union, and the acknowledgement of interests that connect citizens together have not yet developed. The challenge advocates face when arguing for a deliberative and participatory EU citizenship for TCNs is that the concepts of participation and active engagement in European political and public matters are not yet perceived as a reality, even if EU documents state clearly that the

people of Europe have rights and liberties. EU institutions have not yet united Europeans, and as Jurgen Habermas explains, the "social boundaries of a political community" still "regulate one's belonging to a historical community of shared destiny and a political form of life" (Habermas 1996). This community continues to constitute the citizens' identity with the nation as the political center, with limited access and almost no participation for TCNs.

This lack of a shared sense of identification with other communities remains an obstacle to an understanding of EU citizenship as deliberative and participatory, because European citizens still recognize their nation state as the primary, and often the only, political arena where they can participate, vote, contribute and even complain, as they feel their voice in the EU does not count (Commission 2006).[4] While the advocates imagine an innovative mode of engagement and are coherent in their attempt to connect EU citizenship with residence, they argue for European residency to be accepted as a valid criterion for membership and participation. Paradoxically, EU institutions, NGOs and scholars who themselves draft treaties and opinions promoting the ideals of 'Europeanness,' seem to recognize that since the concept is not yet accepted by European citizens, it is difficult to possibly extend it to TCNs. The arguments for TCNs fail easily then against the idea that 'real' Europeans come first. In a context where racism, xenophobia and perceived threats posed by immigration allow EU institutions to place a hold on debates over the status of TCNs and at best grant limited concessions, a unifying definition of European-ness remains an elusive ideal.

EU citizens remain nationals first, and TCNs remain non-Europeans. Even when the arguments are grounded and legitimized with appeals to equality and human rights and long-term residence status, participation and deliberation at the political, but often even at the social, economic and cultural level, is for members only. Advocates for the inclusion of TCNs as EU

residents remain rhetorical underdogs, barking up the wrong institutions, the wrong Member States and the wrong citizens. Europolitan remains a term for those who paradoxically do not need or do not care about the rights and benefits, even if they live, work, act and talk like TCNs. The arguments for the inclusion of TCNs fail to persuade as audiences struggle to imagine TCNs as Europolitans. As a possible rhetorical tool to infuse new energy in the debates over the inclusion of TCNs, I return to Vico's theory of imagination to explore ways in which advocates attempt to invite audiences to stop focusing on the differences between TCNs as EU citizens and recognize the contours of a post-national citizen.

5.3.   VICO, NATIONS, IMAGINATION

Vico believes in "the creative independence of the human race" (Vico 2001). He writes his *New Science* as a "history of human ideas," (Vico 2001) in order to understand the "world of nations" that we, as humans, have created, even if he believes we often need a mirror to recognize authorship. For Vico, all institutions are based on "universal and eternal principles," connecting nations and civilizations that for him share the same basis in uniform ideas that "arise in entire nations" even among people "unknown to each other" (Vico 2001). Trying to determine "when and where human thought arose" Vico (2001) finds that the "robust ignorance" of the ancient people could create wonderful and sublime concepts only by using imagination. Following Tacitus, Vico argues that imagination creates ("imagine a thing and at once believe it"), and poetic wisdom originates in the senses and in the ability to imagine (Vico 2001).

The world of nations is then clearly a human creation for Vico and he argues that while all nations "think they were the very first to invent the comforts of human life, and they preserve

memories of their history from the beginning of the world," their time eventually passes (*corsi e ricorsi*). By "looking beyond" individual nations and recognizing the similarities and the patterns in their histories, Vico believes we can describe a common "ideal eternal history" (Vico 2001). The common elements in the past of all nations are important for Vico when tracing the history of the human mind because people tend to judge "unfamiliar things" by comparing them and associating them with what is "present and familiar" (Vico 2001). Institutions, Vico argues, create a "conceptual language" (Vico 2001) that is simultaneously common to all nations and particular to the different aspects of individual societies, as proverbs are.

Vico's description of the history and development of nations is intriguing in the context of arguments for the inclusion of TCNs as EU citizens as he would tell us to look to the past for other similar situations to see what is coming, as "the ideal eternal history" of TCNs. Slaves in Athens, plebeians in Rome, all the way to African American people in the United States and women in Saudi Arabia, history repeats itself. Yet, Vico suggests, each time humans need to become the "auctores" (Vico 2001), the human authority that exercises free will in a "conscious effort" (Vico 2001) to imagine new metaphors to describe what is always the same (Marines raiding an Iraqi village would never call themselves "Trojan Horse"). Citizenship must then be re-invented, re-imagined in deliberative and participatory terms, as Vico would tell us that we "proceed as if there were no books in the world," no precedent to recall, as people operate "based on confused and misplaced memories, and the fancies of disordered imaginations" (Vico 2001). Citizenship remains the same, residents live among others today as they did centuries ago, but nations, according to Vico, deceive us about "their primacy in the world," so that new metaphors are necessary as humans re-crate themselves as citizens. Namely, advocates imagine new ways

to create, or re-create, what others before have invented, flourishing in a primordial sense of wonder that for Vico grows "more vigorous" with the faculty of imagination.

Vico's theory of imagination presents tools that may help advocates chip away at the relationship of nationality and citizenship to fill it in with residence, focusing on the deliberative and participatory nature and the practice of citizenship in the EU for Member States citizens and TCNs alike. One criterion replaces the other so that EU citizenship is remodeled and re-presented as a completely innovative ideal, even if Vico would suggest citizens, residents, Europeans and TCNs remain the same. Vico's theoretical approach takes EU citizenship full circle, starting as attached to nationality, transforming into residency, to complete its renovation as a citizenship that is both still the same and completely new. The key aspect of Vico's theory of imagination is the ability to recognize and connect the commonplaces we already understand with the object or concept we are trying to create, so that the new seems old and the old becomes new. As advocates for the inclusion of TCNs as EU citizens struggle to block commonplaces and oppose the relationship of nationality and citizenship, they appeal to their audience's sense of imagination to "conceive abstractly the surface contours" (Vico 2001) of TCNs as EU citizens, so that audiences can use their "human genius" to create a new vision of TCNs as EU citizens, based on what they all share and have in common. Paradoxically, there is nothing new in TCNs as EU citizens, as they live, work, travel, and participate in everyday life. What advocates invite audiences to imagine is the recognition of those familiar commonplaces associated with citizenship in the practice and status of TCNs.

Advocates present TCNs as equals already, rather than attempting to be equals; as residents already, rather than aspiring citizens; as EU citizens already, rather than as non-Europeans. These dichotomies often place TCNs as different, but Vico's theory of imagination is

important for a mode of discursive and participatory citizenship that places TCNs as equals. The trope of equality advocates use as the basis of their arguments for the inclusion of TCNs as EU citizens, is employed in ways similar to what Vico calls "natural equity," stemming from individuals finding their "own particular good, which is in fact the same for all, so that people are inadvertently led to enact universal laws" (Vico 2001). Once TCNs imagine themselves and are imagined by others as EU citizens, they act as equal and full members of a community that already benefits them. But, Vico would suggest, as Habermas has also argued, those very universal principles and rights that are finally granted to them become a responsibility for TCNs. As fully recognized residents and citizens, they share the burden with others as they act to shape and contribute as deliberative and participatory members.

A deliberative and participatory citizenship is imagined through the concept Vico calls *ingenium*, as the "faculty that connects disparate and diverse things" (Vico 1988) to recognize and see not only what is apparent, but what requires vivid and acute imagination (Vaughan 1972). In the context of these debates, *ingenium* can explain how advocates focus on the practices of citizenship already associated with TCNs and how EU institutions, diplomats and scholars appeal to their audience's imagination to reinvent what they already know. As an innovative mode of citizenship based on participation and discourse, the arguments for the inclusion of TCNs as EU citizens are then an example of what Asen identifies as a discourse theory of citizenship.

5.4.   POST-NATIONAL DISCOURSES OF CITIZENSHIP

Third country nationals, the arguments suggest, have the potential to be imagined and eventually recognized as already active EU citizens. Vico's theories of imagination contribute to the apparently easy, yet often tedious, task of remembering what citizenship is. This 'remembering' is particularly difficult at the EU level, as EU citizens seldom practice their additional rights and reflect upon their meaning. Advocates for the inclusion of TCNs as EU citizens, on the other hand, seem to be pushing for a reconsideration of the very principles of citizenship, as they present an innovative mode of engagement based on discursive and participatory skills. The potentially post-national model resembles Asen's discourse theory of citizenship and their similarities are grounded in rhetorical skills and democratic practices available to many.

As discussed in chapter 1, Asen believes active citizenship is essential for democratic societies as he poignantly notices that often studies on citizenship direct "our attention to acts of citizenship and away from action" (Asen 2004). Echoing earlier public sphere scholars such Arendt and Habermas, Asen's theory is helpful to understand the discursive and participatory elements of TCNs as EU citizens because he reminds us that words and actions among equals (Arendt 1958) are the very foundations of a democratic society based on what the EU appropriates as its own principles, dating back to 'old' Europe: unity, equality, and respect for human rights. Asen argues that theorizing about citizenship and understanding "existing practices" (Asen 2004) is an exercise that widens our conception of who can act as a citizen and that in itself can "loosen…restrictions" on the very essence of citizenship. Asen, like Vico, believes in "unforeseen possibilities" for new modes of engagement and his theory focused on

citizenship as interaction with others, stressing "the role of communication in this process" (Asen 2004).

Asen also discusses people as "rhetorical agents" who have the ability to engage others privileging "norms of inclusion and fairness," (Asen 2004) while playfully expressing their positions as creative participants. Like Vico, Asen believes citizens need imagination to make this mode of engagement "fun" and to include all those who may enact citizenship differently. While his examples range from the Elks Club to driving across the U.S., Asen reinforces citizenship "as a mode of engagement rather than a set of constitutive acts" (Asen 2004) that focuses on the 'how,' rather than the 'what.' Asen takes discourse seriously to treat it "expansively" and to invite alternative modes of action that may "recast nonpolitical activities as political" (Asen 2004).

Asen's discourse theory of citizenship is a relevant rhetorical tool to reveal the constitutive nature of a deliberative and participatory mode of citizenship that, accepting TCNs as residents and therefore legitimate participants, transforms them in agents of influence, change and persuasion. This transformation, following Vico, must be imagined first. Asen rejects the trivialization of discourse and daily activities and recasts them as powerful building blocks of communities based on interactions. Advocates who promote a deliberative and participatory mode of citizenship attempt to legitimize TCNs as full-fledged EU citizens because of they already engage in what, for Asen, counts a citizenship. This new mode of citizenship for TCNs holds great potential as a model that is truly post-national, as citizens live, work, talk, and act as members of communities no longer defined by national borders. The arguments based on equality and human rights as inherently for all challenged the status quo; the advocates who pressed to substitute nationality with residency as the new criterion for EU citizenship slowly

pushed to imagine a new status for TCNs; the arguments for a more inclusive EU citizenship based on discursive and participatory skills, however, challenge traditional conceptions of citizenship tied to nationality and appeal to the imagination of their audiences to recognize that non-traditional citizens like TCNs are already active participants in a community that, advocates argue, must imagine and create a new kind of status for a new, yet familiar, kind of practice.

5.5.   INGENIOUS CITIZENS

On October 18, 1699, Vico presented his first oration to the freshman class at the University of Naples. As a Professor of Rhetoric, he spoke on the topic of "Knowledge of oneself is for everyone the greatest incentive to acquire the universe of learning in the shortest possible way." He encouraged students to use their imagination and reminded them that "wisdom, acumen, alacrity, competence, *ingenium*, quickness of thought are admirable, grand and divine skills" (Vico 1982). Specifically describing *ingenium*, he urged students to recognize their own ability and will to learn, so that when they imagined something sublime, something beyond comprehension, they would not fail to give their own *ingenium* proper credit for reaching original conclusions. This ability to create is for Vico like a wind, an inspiration that quickly blows away without us catching it and admitting authorship. As Vico inspired young students to use their skills, he beautifully exemplified the power and velocity of imagination. He could, Vico told them, describe the place Magellan explored, but they would have already visited it with their imagination. He could simply say 'New Zambia,' and they would already be there. He could remind them of the Ocean, and they would have already swum across it.[5]

Five years later, presenting his fourth oration to a different matriculating class, Vico prompted them to confide in their *ingenium* as an almost miraculous ability to learn and to become good citizens. Speaking about how to strive for the good of the State and the common good of citizens as means to obtain the biggest advantages from their studies and to build their personal prestige, Vico once again urged students to use their imagination to connect to others. Focusing on their nation, Vico used the example of a citizen who lives abroad and happens to meet a compatriot. While at home the two citizens may have never talked, once away they are reminded of the common bond to their nation and realize that is stronger than all the relationships with foreigners. Comparing it to a relationship with relatives, Vico (1982) reminded students of the benefit of pursuing the best interest for all citizens. Vico used the example of Roman citizens, particularly the wisest and most learned, who after serving all their life in office and in the service of jurisprudence, would walk around in the forum answering questions and talking to their fellow citizens. Just like the Romans made themselves available with "clarity and immediacy," Vico advised the students to devote their knowledge to the well being of all citizens.[6] As a lesson in both citizenry and imagination, Vico evoked *ingenium* as the ability to think, understand, imagine, and create based on what students already knew and already were able to accomplish.

Vico believed young minds were prone to imagination and adolescence was the time in which imagination is more powerful as "the most favorable omen of future development" (Vico 1990). In *On the Study Methods of Our Time*, Vico defines *ingenium* as the capacity "to perceive the analogies existing between matters lying far apart and, apparently, most dissimilar" (Vico 1990). Vico argues *ingenium* is a form of expression closely related to the faculty of imagination, but also developed through eloquence. A skillful orator, for Vico (Vico 1990), "cultivates his

mind with an ingenious method" that masters the ability to study various topics and learn both sides of controversial issues. Most importantly, for Vico, an orator "omits things that are well known," and when presenting his audience with "secondary truth, he tacitly reminds them of the primal points he has left out," so that they believe "they are completing it (the argument) themselves" (Vico 1990).

Echoing Aristotle's enthymeme and Olson and Goodnight's analysis of oppositional arguments, I argue Vico's *ingenium* is the rhetorical tool that advocates for the inclusion of TCNs as EU citizens already use to substitute the accepted criterion of nationality with residence and to envision active citizens who participate and deliberate in the community as equals, regardless of their place of origin. Finding similarities where apparently there are none, EU institutions, national governments, and EU citizens who still perceive citizenship as strictly related to nationality, envision TCNs as already EU citizens, based on the arguments of equality of status. The rhetorical tool of *ingenium*, following Vico, is the "original and natural faculty" all humans share as "a productive and creative form of knowledge." This ability to recognize similarities is for Vico "*poetic* in the creation of the imagination" and "*rhetorical* in the creation of language" (Palmer cited in Vico 1988). Through *ingenium*, humans create and learn to know the world around them with "the proper faculty of knowledge" (Palmer cited in Vico 1988) that for Vico comes before rationality.

The way advocates present arguments based on the topos of deliberative and participatory practices for the inclusion of TCNs as EU citizens is an example of *ingenium*, as they appeal to the already accepted norms of citizenship and stretch them to include TCNs as residents who already live and follow those norms. The arguments are ingenious because they ask to acknowledge the commonalities in the practice of long-term TCNs as EU citizens, rather than

demanding new standards for TCNs. What is new is the inclusion of TCNs as EU citizens, non-nationals residents who skip the traditional passage via Member State to access EU rights. What is and ought to be recognized as 'old' or already there is their actual role in the community, be it local, national, or European. The deliberative and practice based arguments, building on the assumptions of equality and residence, simply show the way to legitimize TCNs in the EU, regardless of where they are or whence they are from, in order to begin what Vico would call their own 'ideal eternal history.'[7]

5.6. IDEAL ETERNAL HISTORY AND THE STATUS OF THIRD COUNTRY NATIONALS

Leon Pompa writes that Vico believed the "ideal eternal history' itself to be an imaginative universal" (Pompa 1999). Pompa argues that the 'ideal eternal history' as imaginative universal is "produced by the 'recollective imagination' and, as such, (is) a master image for the understanding of human events" (Pompa 1999). He agrees with Berlin claiming that the ideal eternal history resembles a Platonic form, as "universal principles of truth always present within the human mind, even in the period of its primitive and imaginative beginnings" (Pompa 1999). This history is part of Vico's "science of narration," in which rhetoric contributes to the understanding of "the human world as the necessary sequence of the ideal eternal history" (Verene 1981). Rhetoric as traditionally tied to the art of invention is closely associated with the understanding of the origin of the mind and imaginative universals.

Specifically referring to the development of nations, Vico tells us that they all rise, pass, and fall as part of their 'ideal eternal history,' conceived through a common mental dictionary. This generates from the commonplaces of humanity "to know the common nature of nations"

and the imaginative universals associated with each nation. What Vico calls *lingua mentale*

comune captures the history of nations and reminds us of the images associated with their

origins. Verene argues that Vico's nations are most importantly places, and they reveal their

ideal eternal history through a kind of speech that allows humans to find their own place in the

world and find their identity through an origin (Verene 1981). Allowing this discovery, rhetoric

is for Vico both poetic and philosophical. It is the "science of wisdom which builds its thoughts

from the originating powers of speech in the image, which seeks the original places of the *sensus*

communis (common sense) of humanity and seeks to present them in a true narration" (Verene

1981).

Vico's rhetoric is both a 'place' to start to imagine a new kind of EU citizenship for

TCNs and the 'topic' to end a rhetorical analysis of the arguments for their inclusion. The

commonplaces and the similarities that already exist among TCNs and EU citizens are then

explored rhetorically, as advocates create new images that persuade audiences to recognize what

is already there. As they look for new places for TCNs, their arguments can also be rhetorically

poetic, as they create new metaphors both for what TCNs practice, as they participate and

deliberate among others, and their status as long-term residents. TCNs can enter officially the

status of EU citizenship only when residence becomes the commonplace associated with

citizenship replacing nationality as the key criterion. Following Vico, rhetoric is the tool to ignite

the imagination of audiences, so they can recognize TCNs as legitimate EU citizens who

participate in their own "ideal eternal history."

As Gennaro Franciosi argues, however, Vico did not write about European citizenship

and his vision was not projected toward the future. His stories are about the past, about ancient

Greece and especially Rome (Franciosi 1999). Vico does discuss citizenship and membership to

a community, for the well being of all and for the welfare of the nation. He believes weddings, burials and religion lead to a community of citizens who share responsibilities and duties. From tribes to states, Vico reflects on the difference between *civis*, citizen, and *hostis* or *peregrinus*, the stranger, the passer-by, the one who in the European Union would not have a burgundy passport. Vico, however, like Kant, traces the root of hospitality (*hospitium*) to *hostis*, first perceived as an enemy and eventually as a guest. Franciosi speculates that Vico, as other scholars argue, believes that international relations had to be grounded in *hospitium*, *amicitia*, *foedus*, as three ways to eliminate the natural state of animosity among states and form the basis of trade that would collectively benefit all nations involved.

As Vico would have predicted, history repeats itself and nations in Europe have learned to overcome a state of war and have been exchanging goods, labor, capital and services for the last five decades. As the EU peacefully prospers and sometimes struggles, the arguments for the inclusion of TCNs as EU citizens remind us of the ideal eternal history of residents who live among others as *peregrinus* but wish to be *civis*. *The Economist*, however, reports that as of now the four freedoms that "underpin" the EU are "fried" and "directly threatened" (Freedom Fried 2006). While freedom of movement is the "most practical" direct benefit for EU citizens, *The Economist* believes the EU is currently experiencing a "backlash," with politicians fearing the pursuing of "policies that cause economic insecurity."[8] While a common market and freedom of movement remain stable building blocks of the EU, governments seem to look for excuses to close their borders, especially to non-Europeans. The arguments for the inclusion of TCNs as EU citizens fail in this context, particularly when the concept of EU citizenship itself raises more questions than answers and TCNs remain *peregrini*.

After discussing the arguments for the inclusion of TCNs as EU citizens based on their equality, human rights, and their practice as deliberating and participating residents, in the next chapter I draw some conclusions on the potential of post-national citizenship. The three topoi employed for the inclusion of TCNs as EU citizens are already pregnant with imaginative potential for a new model of post-national citizenship that can deliver a new status for TCNs based on their practices. As oppositional arguments that challenge the premise of equality for EU citizens only, as imaginative time bombs scheduled to destroy the tie of EU citizenship to nationality and substitute it with residence, and as ingenious re-writings of the history of TCNs as active members of a deliberative and participatory of the community in which they already live and work, the arguments for the inclusion of TCNs as EU citizens slowly push for a new model of post-national citizenship. As advocates search for more persuasive strategies and EU institutions search for enthusiasm and support from their citizens, they have the ability to create new imaginative metaphors for EU citizenship.

6.   A RHETORICAL UNDERSTANDING OF CITIZENSHIP

6.1.   EUROPEAN COLLECTIVE IDENTITY AND THIRD COUNTRY NATIONALS

I am now going to say something that will astonish you.

Winston Churchill, September 19, 1946[1]

The only way to express ourselves in the world is being together.

Romano Prodi, February 6, 2001[2]

We must release Europe's enormous untapped potential.

Jose' Manuel Durao Barroso, January 26, 2005[3]

Third country nationals are everywhere. They live and work not only in the European Union, but also in America, Australia, Asia and the Middle East. The debates over the status of long-term TCNs who are not national citizens are attracting the attention of EU institutions, advocates, and scholars, but similar arguments are emerging around the world. In the United States, the increasingly salient issue of the porous border with Mexico and new, multi-national "faces" pushing to gain legal status, add legitimacy to the need for "a new path to citizenship" (Bernstein 2006). As different regions of the world face similar challenges, the debates over the status of TCNs in the EU intensify as advocates bid to reconfigure the connections between citizenship, nationality and residency.

Walls, canals, water, fire, electric wire and even imaginary dragons have never completely succeeded at keeping people and nations apart. As the European Union expands, the

controls at its external borders get tougher, so that many accuse the existing members of trying to build a 'fortress' impossible to enter. What's worse, European nations are resorting to imaginary 'dragons' themselves, to scare off other members. A wave of protectionism threatens to wash out the ideals of European unity, as France, Spain, Italy and Germany are unapologetically shooing away foreign investments in national companies (Culture Wars 2006; Union Blues 2006). The EU struggles to stay afloat in a sea of controversies, from national uprisings over labor laws in France to German outrage over its soccer coach's dual-residency, as the sinking confidence in both the Commission and the "short-sighted politicians whipping up nationalistic fervour" imperil the EU project (Union Blues 2006).

The European Union, however, leaves no room for failure. Diplomats never seem to consider the possibility of fundamental retreat, and there is no discussion of an exit strategy in the *acquis communitaire*. And they are not unique in this regard. Other nations and people around the world respond to multi-national and global problems with national arrogance and pride. As Palestinians grow more isolated them from the rest of the world, Israelis hunker down in a siege mentality, Iraqis turn against each other, and Americans reject investments from Dubai and China. Traditional commitments to status quo, nation-state-based politics seem solid.

Yet, even as nations in Europe and across the world resist change and erect real and imaginary walls, people and ideas find ways to cross them. The debates over the inclusion of TCNs as EU citizens are then about much more than EU citizenship. The arguments advanced in this debate have the potential to become a model for post-national citizenship that unites people based on commonly held beliefs, to create a modern meaning of membership that takes in consideration the malleability of people and places.

While such a vision beckons, the findings of this dissertation point to a difficult path for a new model of post-national citizenship, as nationality remains the sole means of access to EU citizenship. Nationality and citizenship stand together on solid grounds and their relationship grows stronger after centuries of wars, national tragedies, disasters and even World Cups that bring out a sense of patriotism expressed in stars and stripes, tricolors, crosses, and icons, none of them EU related. A post-national model of citizenship struggles for recognition in a difficult and arid terrain. The advocates for the inclusion of TCNs as EU citizens push for a revolutionary change and oppose the status quo with vivid appeals to our imagination, urging reconsideration of the practices and the status of a citizen beyond his/her nation. The advocates revisit the founding EU documents and treaties for their promises and aspirations and ground their arguments in the topoi of equality, inclusion, and respect for human rights, asking how they can possibly exclude TCNs who live, work and participate *like* EU citizens. In their formulation, EU citizenship becomes more than a way to save time at the airport.

A residence-based citizenship emerges as the participatory and deliberative mode of engagement that can be post-national in the EU and possibly elsewhere, as a model that prompts audiences to imagine, in the Vichian sense, what we already do as citizens, the ways we already practice citizenship, and the connections with non-citizens who look and act like us. In this final chapter, I return to discussion of the relationship of nationality and citizenship discussed in chapter 1, considering what the findings of the analysis in the middle chapters suggest regarding prospects for a post-national conception of citizenship to capture the imagination of key audiences. This panoramic assessment affords an opportunity to synthesize the disparate insights from my critical analysis, as well as reflect on the theoretical implications of my study for public argument scholarship.

6.2. CIVIC EUROPEUS SUM

The situation of TCNs, for Jo Shaw, taps into the "dynamism" of the concept of EU citizenship as a post-national model and as a "vehicle for considering core questions about human social organizations" (Shaw 1998). As a theory and practice that point out as many contradictions as possibilities, EU citizenship, as Yasemin Soysal writes, anchors itself to "universalistic rights" that assume "legal uniformity and abstractness…at the global level" (Soysal cited in Shaw 1998). Nationality remains the defining criterion for membership, but Shaw argues that it provides "no glue to hold together" EU citizens. EU citizenship, as Ulrich Preuss believes, on the other hand, has the potential "to abolish the hierarchy between the different loyalties," (Preuss cited in Shaw 1998) not erasing national ties, but creating new options. Shaw also cites d'Oliveira as another believer in the potential of EU citizenship to detach the traditional bond of nationality and citizenship. He argues that EU citizenship is a representation of the "loosening of the metaphysical ties between persons and a State," and a "symptom of cosmopolitization of citizenship" (d'Oliveira cited in Shaw 1998).

But as the potential of EU citizenship faces the reality of national citizens looking out for themselves, the claim of *'civis europeus sum'* seems to lose momentum amidst tougher citizenship tests in Germany, calls for less immigration in political campaigns in Italy and the omnipresent hooded 'Muslim' in French riots. The mobility of goods, capital, labor, and services, also known as the four fundamental freedoms of the EU, seem to encourage "economic patriots" (Union Blues 2006) to backlash "against inevitable change," as nations continue to protect their own citizens and their interests, how can EU citizenship mean anything? Politicians committed to the 'European project' struggle to acknowledge their citizens' national votes of protest and blame the trends of globalization, rather than their own shortcomings, for the

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weakening of 'EUphoria.' In the midst of such fears, can the debates over the inclusion of TCNs as EU citizens revive the spirit and promise of unity at the heart of the EU project, challenging its ideals and providing a concrete solution for model of citizenship beyond the nation?

The political scenario in the EU and its Member States does not look promising for advocates of TCN inclusion and nobody seems, thus far, able to claim '*civic europeus sum'* successfully. Such 'dark times' for immigration in general and TCNs in particular, however, still hold hope. The lesson of the arguments for the inclusion of TCNs as EU citizens, echoing similar arguments now resonating in the US Senate, is not to lose hope because the future is bright and eventually nationals will learn to deal with their unwanted permanent guests. The lesson is instead one for the present. The arguments in favor of equal rights, status, and practice for long-term residents are a reminder that TCNs are already here, already work here, and already live as part of an established community. They are what other Europeans have the right to be. They do what other Europeans already do. Yet the arguments for TCN inclusion still fail as advocates ask for an overhauling of citizenship as new, different and revolutionary, at the EU level. Advocates seem to scare their audiences, who remain skeptical of a new kind of citizenship that makes different people 'like' them.

The failure of the arguments could then be partly due to the very revolutionary character of EU citizenship. Paradoxically, one of the argument formation's strengths weakens the case for inclusion of TCNs as advocates fail to capitalize on the very unique nature of EU citizenship. While granting EU citizenship to TCNs may change little for some, it can be everything for others. It is the natural evolution of a citizenship at the EU level, yet it is incomprehensible as an offspring of nationality. So the arguments lose traction and nations look inwards. Citizens demand protection and vote against the ideals of the EU. And the EU, as a consequence, is "not

so irresistible, after all," as a "weakening magnet" with less and less power (A Weakening

Magnet 2006).

A rhetorical analysis of the arguments for the inclusion of TCNs as EU citizens

elucidates these dynamics by focusing attention on their potential for popularizing a new mode

of post-national citizenship that is both revolutionary and familiar. Here, the prevailing limits of

imagination invite redoubled efforts at rhetorical invention – the creation of persuasive appeals

tailored to fit particular situations. My analysis of the topoi deployed in debates over EU

citizenship reveals nascent patterns of argumentation that carry potential to spark audience

imagination, yet also suffer from limitations that undermine their persuasive cachet. As chapter 3

details, the pattern of argument starts from taken for granted premises, like equality and human

rights, challenges them for their inconsistency, replaces them with new premises, like residency

instead of nationality (chapter 4), and finally redefines the status quo by introducing new norms

for old habits, like a mode of citizenship based on discourse and practice (chapter 5). In this

process, the initial premises are reshaped to include recognition of others who have the right to

claim membership status, based on their practices. The example of the debates for the inclusion

of TCNs as EU citizens reveals then an important rhetorical pattern that follows imagination to

develop new modes of political engagement.

This analysis strengthens Olson and Goodnight's claim that the Vichian rhetorical

vocabulary, while growing out of distinct cultural and temporal milieu, has durable relevance in

the contemporary era. As chapter 1 explains, utilization of Vico's conceptual apparatus as tools

of rhetorical criticism represents a new mode of scholarship, first proposed by Olson and

Goodnight. The appeals for inclusion of TCNs as EU citizens are examples of what Olson and

Goodnight call oppositional arguments. As chapter 5 shows, advocates fill out this argument

with a maneuver that provides an illustration of Horwitz's dictum that successful enthymeme

blocking requires rhetors to supply audiences with substitute premises. My analysis of texts

advanced by TCN inclusion advocates shows how these advocates replace nationality with

residency, revolutionizing the taken for granted relationship citizens have with a nation, and as

Horwitz suggests, presenting a substitute for the missing premises. This example shows how

Olson and Goodnight's theory of oppositional argumentation can be thickened by Horwitz's

account of enthymeme blocking. Advocates for TCN inclusion go beyond simply revealing the

problematic status quo dilemma facing TCNs. They go further to imagine a new solution to a

growing challenge, as more and more EU and non-EU citizens travel and reside in countries

other than their own.

Moreover, the debates over the inclusion of TCNs as EU citizens reveal the rhetorical

power of imagination in political arenas. Vico's theories contribute to an understanding of the

role imagination has in controversial matters, especially when the mental maps we create to

grasp new conceptions of citizenship take us back where we started. The implications for the

imaginative appeals the debates have are important because they exemplify Vico's *ingenium*, as

they prompt us to imagine citizenship as a practice we already know and can envision in a post-

national context. Vico's insight suggests that the key to change rests in discursive and

participatory practices, an insight that jibes with Asen's discourse theory of citizenship.

However, my rhetorical analysis illustrates how the abstract principles of Asen's theory

encounter recalcitrance when they are introduced as topoi in situated public arguments. This

implication points, once again, to the salience of a research program that highlights the rhetorical

role of imagination in political debates such as the one explored in this dissertation, where

oppositional arguments press for a redefinition of citizenship that cuts against the grain of

prevailing conventions. In the next section, I discuss the relationship of rhetoric and imagination with politics, positioning them in the context of this rhetorical analysis.[4]

6.3.   A RHETORICAL CONSTRUCTION OF CITIZENSHIP

Rhetorical understandings of citizenship usually focus on what a citizen is and on why she becomes one, but seldom on how one can imagine new ways to be a citizen. Historically, imagination has been an essential aspect of rhetoric, in the realm of possibilities and opportunities, but never a part of citizenship, in politics and public life. Citizenship, rhetoric, and imagination, however, have a lot in common. Their relationship is evident in the arguments for the inclusion of TCNs as EU citizens, as advocates attempt to create an innovative mode of post-national citizenship, yet fail to adopt more persuasive rhetorical tools. Rhetorical theory helps explain how the arguments of the advocates are designed and how the debates over the status and practice for TCNs invite controversial and innovative conceptions of citizenship. Advocates attempt to persuade their audiences based on a discourse model that centers on the deliberative skills residents already have as participating members of the community in which they live. Further, rhetorical theory contributes to understanding of how audiences' political imagination figures as an important factor determining the degree of persuasive appeal inherent in particular oppositional arguments.

Political imagination, as Benhabib argues, means being "ready to imagine forms of political agency and subjectivity which anticipate new modalities of political citizenship" (Benhabib 2004). Specifically addressing the situation of TCNs in the EU, she defines our time as the "era of cosmopolitan norms." Benhabib believes that "new forms of political agency ...

challenge the distinctions between citizens and long-term residents, insiders and outsiders"

(Benhabib 2004) so that what emerges is a "disaggregation of citizenship" or the "unbundling of

citizenship rights" (Benhabib 2004). In this context, new practices are negotiated to define the

status, the practice and the image of 'insiders' and 'outsiders,' as the conflict between

"sovereignty and hospitality" (Benhabib 2004) weakens, but does not disappear. The advocates

for the inclusion of TCNs as EU citizens struggle to persuade audiences caught in the middle of

this dilemma, between already established and accepted norms, clearly defining a non-national,

and new, mutating descriptions of a long-term resident. As citizens slowly adjust to the changes,

they face what Benhabib argues is not a crisis for democracy, but a "crisis of the territorially

circumscribed nation-state formation" (Benhabib 2004). While the terrain has changed, Benhabib

argues that "our normative map has not," and the "new landscape" is marked by "assertions of

territorial sovereignty" (Benhabib 2004). The only novelty is the idea of situating citizenship in a

trans-national context, like the EU; but little else changes and citizens, as argued before, keep

thinking of citizenship in national terms.

To persuade citizens to imagine new practices of citizenship, detached from nationality

and tied to discursive abilities and participation in a deliberative community, Benhabib suggests

a model strictly related to rhetoric as the art of possibilities. She uses the concept of "democratic

iterations" as "linguistic, legal, cultural, and political repetitions in-transformation, invocations

that are also revocations" (Benhabib 2004). As agents of change, "democratic iterations" not

only challenge the accepted understanding of citizenship, but Benhabib believes they also

"transform what passes as the valid or established view of an authoritative precedent" (Benhabib

2004). They are more than "an act of repetition," as they transform the original. The original

referent in this case is citizenship tied to nationality. Namely, Benhabib argues that both the

identities and the rights' of those involved are "reappropriated, resignified" with new meanings, as they negotiate a vision of themselves as citizens. Democratic iterations initiate a ""reconfiguration of citizenship," dependent on residency in a "circumscribed territory" (Benhabib 2004).

Member States in the EU already accept rules governing their territory, even when generating from 'Brussels.' Matters of citizenship, however, are more difficult to alter, particularly when, as Benhabib argues, "Democracies enact laws that are supposed to bind those who legitimately authorize them" (Benhabib 2004). Paradoxically, while nations struggle to envision a post-national mode of citizenship for themselves, or for TCNs, because of the exclusionary decision-making process that would allow others to determine rules and norms, they decide the faith of those whose rights are not determined by their own rules. As nations and citizens fail to imagine a model of EU citizenship based on deliberative and participatory skills, they fail to grant those rights to TCNs, who are thereby denied avenues of influence necessary to assert political agency.

This innovative model of citizenship is tied to rhetoric, defined as the ability to see what is not yet, to imagine what is needed to persuade citizens to see the potential of their actions.[5] Rhetoric, particularly for its connection to imagination and discourse, can then encourage citizens of a nation-state to envision themselves as part of a universe of Europeans, and to create ways to bring forward the innovative ways promoted in the grand vision of the EU, as presented in chapter 2.

A mode of citizenship based on discursive abilities and on alternative ways to practice and discuss what it means to be and become a citizen is the subject of Susan Zaeske's book *Signatures of Citizenship*. Zaeske focuses on women's movements in pre-Civil War America to

analyze how their signatures in petitions changed the status of women from non-citizens to influential, legitimate, and active participants in political life (Zaeske 2003). Zaeske's approach is rhetorical because she looks at how the actions of a specific group of women persuaded themselves and others to think of citizenship in innovative terms, re-defining the role and the practice of a concerned member of a community and a nation. Her contribution to a rhetorical understanding of citizenship is twofold. First and most importantly, Zaeske argues that citizenship entails more than political rights and philosophical concepts. She probes into the life of some amazing 19th century women to re-discover the meaning and practice of citizenship in the power to challenge the political institutions and re-shape them. Secondly, Zaeske (Zaeske 2003) narrates these women's "history of transformation" and focuses on their rhetorical abilities to persuade themselves and to recognize their ability to practice citizenship as it had never been practiced before, breaking and shaking political and social rules, establishing new norms of behaviors (for themselves and others), and transforming their own identities. The innovative element of the women's acts of citizenship informs my rhetorical understanding of a citizen who imagines alternative ways to practice in her community, based on her discursive abilities and her potential to reach others.

Zaeske argues that the act of signing petitions transformed the women's political identities as "they entered public dialogue, in effect developing from private individuals into public actors" (Zaeske 2003). In a time when women were "denied the full rights of republic citizenship" (Zaeske 2003), they used their "discursive resources" to expand the understanding of participation, using the rhetorical tools available to them, even when it was "controversial to describe themselves as citizens" (Zaeske 2003). Specific groups of women gathered and fought for the liberation of slaves based on what they already knew they could do well. As part of a

society that relegated them to the private sphere of the home and the family, they used their role

as care-givers and nurturing human beings as the foundation of their arguments for the liberation

of slaves and for their right to access the public sphere. As mothers, wives, sisters, and

daughters, women had already established their ethos as members "of the great human family"

(Zaeske 2003). So the women used their skills to stir debates on slavery and, eventually, on

women's suffrage. In the process of persuading others to create spaces for a more "expanded

political participation" (Zaeske 2003) that included them as equals, they claimed a "new status"

(Zaeske 2003) for themselves as citizens. The women formed new identities based on their

discursive abilities to encourage others to sign petitions, but at the end of their struggle, even if

not victorious, they recognized their skills in generating discourse and in bringing attention to

significant, yet often neglected, political matters. Once they could perceive themselves as

citizens and recognized their "capability to participate in rational deliberation" (Zaeske 2003),

women stopped thinking of themselves as 'unfit' citizens and fully embraced the power of their

"radical appeals" (Zaeske 2003).

The women Zaeske presents teach a valuable lesson for a rhetorical understanding of

citizenship, one especially relevant for non-citizens like Third Country Nationals in the European

Union. First, non-citizens emerge as citizens through performance of discursive acts in which

one's status is not relevant, but their role in the community is. Secondly, these acts are not

enough if they fail at persuading the protagonists, non-citizens and other advocates, who

recognize their ability to stir debates and to bring attention to controversial issues. The

persuasive power of what might be perceived as a radical move is just as important for those who

do enact the impossible as for those who refuse to believe the possible. Lastly, Zaeske tells the

story of these women because they both imagined innovative ways to participate in public life as

citizens and redefined the meaning of citizenship itself in the process. So ultimately this is a demonstration of the rhetorical potential of acts and words that transform and create identities, shifting the meaning of citizenship and imagining new possibilities for citizens (or soon-to-be, non-, and quasi-citizens).

These new possibilities start from the basic assumptions that TCNs can be EU citizens in status because they already are in practice. Following Asen's discourse theory of citizenship, focusing on discursive abilities and participation in deliberative community, EU citizenship has the potential to become a new kind of post-national citizenship that replaces the criteria of nationality with deliberative and discursive abilities. Using imaginative appeals to persuade the audiences to envision a new mode of citizenship, the advocates for the inclusion of TCNs as EU citizens can build a rhetorical understanding of citizenship. This kind of citizenship builds on post-nationality as a new metaphor, so that, following Vico, audiences associate the unfamiliar with the already known. In the next section, I discuss post-nationality as a new model that redefines citizenship.

6.4.   A NEW TOPOGRAPHY OF CITIZENSHIP

A restructuring of the relationship of citizenship, rhetoric, and imagination in a post-national context is currently taking place in the European Union, where a new concept of citizenship has been developing over the past decades, to become a reality for millions of Europeans. The break from nationality that seems to be the most striking aspect of EU citizenship, however, is not a reality yet, as its definition remains contingent upon the political, social, and economic understanding of a specific Member State.

Freedom of movement remains the basic principle behind the idea of EU citizenship. As more and more citizens exercise their right to move or wish they could,[6] EU citizenship has the potential to be the first mode of post-national citizenship that truly reaches out to those who reside beyond their nations. As residents, TCNs and other post-national citizens can then become legitimate members of the community in which they already live and participate, regardless of nationality.

EU citizenship represents a form of political membership that is post-national because, as Shaw argues, it "is intended primarily to signify that whatever form 'membership' of the EU may take in the future, it is likely to evolve in ways which do not replicate the experience of state-based national citizenship" (Shaw 1998). The idea of post-nationality as beyond the nation is tied to the spirit and essence of EU citizenship, but its scope does not stray far from the Member State whence it originates. Although EU citizenship does not replicate nationality, its very existence is tied to it and only 'additional' for EU citizens. So how can the idea of post-nationality mean anything in a EU context and, potentially, in other scenarios that wish to escape the territorial boundaries of a nation? After analyzing the arguments for the inclusion of TCNs as EU citizens and presenting new rhetorical tools for potentially more powerful appeals, the advocates for TCNs must appropriate post-nationality as a new mode of engagement, in order to familiarize their audiences with a new mode of speaking about EU citizenship. This new model generates from *ingenium*, imagination, eloquence, and discourse, as Vico intends them. As a new way to enact citizenship, post-nationality has potential to delineate a new topography of citizenship, replacing territorial maps with imaginative universals that locate people as residents of new post-national spaces before they are identified as nationals. A mode of post-national citizenship adds to the already accepted norms of citizenship, creating a topography of

citizenship with maps that highlight multiple possibilities, multiple places called home. *Domus*, as our home, domicile, tied to residency and membership in a community, becomes the new topos, the new commonplace for post-national citizens, who maintain their nationality and loyalty to their country of origin, but add to it.

We live in a world where Jewish rappers, Afghan Catholics, and Japanese baseball champions, are not just an oxymoron. As deliberative and participatory members of the community in which they reside, post-national citizens can answer questions about their origins in new ways. Those questions are often asked in academic circles, professional conferences and business meetings when numerous participants actually live somewhere other than they country or region of origin. Questions about one's origin could even be replaced by 'Where have you been?' or 'Where are you now?' as more philosophically inclined to determine where one belongs, what one associates with and the multiple loyalties one may have. Instead multiple places of residence, dual, triple nationalities, and innumerable loyalties could coexist as part of a mode of engagement that embraces all that is post-national.

But this mode is just taking shape as it is imagined, and it is not a familiar one. Post-nationality is not yet accepted as a commonplace and the topography of citizenship remains one of nations bordering each other. Even as the Economist suggests we "build roads, not walls" (Sense, not Sensenbrenner 2006), little progress is made in the EU for TCNs and even for citizens from new Member States, who still carry the stigma of post-communism as if they carried a curse. But the purpose of a rhetorical analysis of the debates for the inclusion of TCNs as EU citizens is to understand what advocates are saying and how the structure of their arguments hangs together. The purpose is not to imagine post-national citizenship, but only to suggest ways in which the intended audiences may use imagination to accept TCNs as already

EU citizens, thus welcoming them as part of the EU community in status and practice. In the last section, I tell what I believe is now understood as the fable of the citizen, even if the story ought to be familiar to all of us.

6.5.   THE FABLE OF THE CITIZEN

Once upon a time, Europa was walking peacefully on the beach, when Jupiter suddenly approached her disguised as a bull. Europa hesitantly sat on the bull, only to be abducted by Jupiter, who sprinted into the sea and carried her to Crete. There, Jupiter returned to his original form and transported Europa to the top of mountain Ditte, supposedly his own birth place, where she gave birth to some of his numerous descendants (Dizionario Mitologico 1987). The myth of Europe and her abduction can represent the origin of a continent meant to be both the cradle of life and the beginning of the spirit behind freedom of movement (nobody asked Jupiter for a passport). As an iconic image, Europa became the representation of a continent that extends from beaches to mountains, as she soars with Jupiter to the very top to begin her task to build a family.

Years later, Europa's off-springs also united to start a family, after long and violent disputes, as a family whose members must be nationals to be loved (chapter 1). The lesson from the myth of Europa is not to avoid walking on lonely beaches, but to reflect on the common heritage that supposedly still transpires in the EU founding documents (chapter 2). A common European history, however, does not excuse the exclusion of non-Europeans as 'unlike' EU citizens. If nothing else the arguments for the inclusion of TCNs as EU citizens highlight the absurdity of equal rights for long-term residents, but not all; EU promises for some, but not others; freedom of movement for EU citizens, but not for those without a burgundy passport (chapter 3).

After two millenia, TCNs are, almost absurdly, in the same position Europa once was. They live and work as trustworthy residents, but their hosting nations, just like Jupiter, could abruptly abduct them, as Member States disguise themselves as their friends. The situation of TCNs, in most cases, is precarious. Even when granted long-term resident permits and visas, their status is not equal to citizens of the EU. In the end, they remain different and arguments for their inclusion as full-fledged EU citizens, based on their residence, fail (chapter 4), even when grounded on the deliberative and participatory practices of TCNs as members of a new revolutionary and imaginative kind of citizenship. So advocates push for a new story, a more powerful vision, a new myth and a new metaphor that encourages audiences, from EU institutions to national governments to citizens, to imagine TCNs as residents already (chapter 5).

6.6.   CONCLUSION

Fifth and sixth graders in New Jersey take a field trip to Ellis Island after a year-long program studying immigration in the US, their own origins, and the current patterns of mobility. They are unique, self-proclaimed "gifted," because unlike other children who do not get to have lunch overlooking New York Harbor, they ponder unpopular questions and challenge the relationship of 'us versus them' (Winerip 2006). If European children had a similar program, where would they go? What would they study? Parents may protest the expectations placed on their children to ask questions like "Where are we from?" "Who are we now?" "What makes us who we are?" "Who will we become?" While it may be unfair to ask grade school children these questions, although they offer poignant answers like "When I get on the ferry I'm going to

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pretend I'm an immigrant," (LoPinto cited in Winerip 2006) the arguments over the inclusion of TCNs as EU citizens reflect similar concerns.

This dissertation raises important questions about citizenship, nationality, residency, and implications for post-national citizenship via imagination. The same rhetorical tools could be used to explore argument formations in other post-national, national, and regional areas, where similar controversies are taking place.[7] Many tangible and material obstacles remain in the way of a new imaginative conception of EU citizenship. Citizenship remains tied to nationality and new modes of membership beyond the nation-state are perceived as potentially good ideas, but not commonly enacted practices. Moreover, the logistics of granting EU citizenship to millions of TCNs currently living in the EU legally still seem more than the EU institutions, the Member States, and their citizens are able or willing to face. With this dissertation, I have not tried to address and discuss all the numerous obstacles that an innovative mode of citizenship entails, nor do I claim that granting EU citizenship to TCNs would necessarily surmount these obstacles and end the debate over their status and practices in the EU. Rather, my scope is narrower, as I cover the rhetorical dynamics involved in the arguments advanced for and against EU citizenship for TCNs.

The debates over the inclusion of TCNs as EU citizens are important to analyze and understand as a general contribution to the field of rhetoric. Ever since the Treaty of Paris in 1952, the European Community has expanded to become the European Union of today, with twenty-seven members and a few more negotiating for future accession, predicated on European identity. The expansion of the EU, then, and the process of enlargement that is still under way, could suggest a similar path for EU citizenship to include, eventually, most or all long-term TCNs. The situation of TCNs, however, is different, as their membership status and the debates

over inclusion include all EU Member States and EU institution, presenting arguments for and against an issue that would have an impact across the EU. The themes from the history of EU development, nevertheless, yield topoi for the debates over TCNs, as inclusion, equality, freedom, and solidarity are necessary points of departure.

A rhetorical analysis of these arguments reveal, in the end, the potential of rhetorical tools such as *ingenium* to imagine the possibilities of a new kind of citizenship and persuade audiences to recognize TCNs and other long-term residents all over the world as already part of the community. As debates for the inclusion of TCNs as EU citizens fail, and other similar debates quietly lose momentum, rhetoric builds on the possibilities of EU citizenship as a model for post-national citizenship. As a new mode of engagement no longer associated with nationality, a residence-based citizenship could then be a practice enacted through one's ability to deliberate with others and participate in the community, allowing citizens of a nation to imagine becoming post-national citizens, crossing borders via discourse and recognizing others for what they already do. This may sound astonishing, but as Churchill had stated in 1946, what was about to happen in Europe was likely to amaze and shock people all over the world. No one could imagine then France and Germany getting along. But after sixty years, that and much more has transformed Europe and its citizens. Maybe, then, the EU can surprise people again and lead the way to make EU citizenship a new kind of post-national citizenship and push institutions, national governments, citizens to imagine new, astonishing possibilities.

NOTES

Chapter 1

[1] Thomas L. Dynneson, in his book *Civism: Cultivating Citizenship in European History* writes, "In the 1990s, realignment forced new understandings and relationships. These newly emerging relationships had the effect of weakening or threatening the traditional sovereignty of the nation-state….More important still, however, was the loss of the traditional notions of citizenship which had been based on a long-standing understanding of nationality and culture and the means to instill such a citizenship" (Dynneson 2001) 414.

[2] When discussing EU Citizenship, scholars define it and refer to it in several ways, among which supra-national (Dell'Olio 2005), trans-national (Baubock 1994), inter-governmental (Moravcsik 1998), cosmopolitan (Held 1995; Archibugi, Held and Kohler 1998), proto-cosmopolitan (Bader 1999, 175) and post-national (Habermas and Pensky 2001); Jacobson 1996; Jacobson and Kilic 2003, 32; Sassen 1996; Soysal 1994). I will be using the term post-national because I agree with the scholars who recognize the potential of EU Citizenship to become a concept that separates citizenship from nationality, reaches beyond the nation to shape our understandings of inclusion and exclusion, and changes traditional meanings of citizenship into modern modes of participation. From now on, I will always refer to EU citizenship as a potential model for post-national citizenship, even if I recognize other scholars would disagree, name the same concept differently or use the term 'post-national' with a negative connotation, like Etienne Balibar, who goes as far as calling the current situation 'apartheid' (Balibar 2004) 9, 121.

[3] The Maastricht Treaty, signed in Maastricht on February 7, 1992 and sub-titled "Provisions Amending the Treaty Establishing the European Economic Community with a View to Establishing the European Community" states in Article 8 (part 1), "Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union." Article 8 (part 2) continues "Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby."

[4] As EU citizens are free to move and reside in any Member States, their rights are particularly relevant when and if they leave their original Member State to live in another one. Their rights can also be of importance when outside of the EU, specifically if they need diplomatic and consular protection from a EU country other than theirs. The Freedom, security and justice website explains that, "EU citizenship is a set of rights additional to those of national citizenship." The rights that "all nationals of European Union Member States" can enjoy include: the freedom of movement; the right to vote and stand as a candidate at municipal and European Parliament elections in the state where they reside; "access to diplomatic and consular protection of any Member States when outside the EU; the right to petition the EP and complain to the Ombudsman; the right to contact any EU institution and receive a response in their language; the right to access most institutions' documents, even if with restrictions; the right to non-discrimination on grounds of nationality, the protection and guarantee of fundamental rights as declared in the European Convention on Human Rights and the Charter of Fundamental Rights of the EU; protection from discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation." Available from "European Union Citizenship, European Union Rights" http://www.europa.eu.int/comm/justice_home/fsj/citizenship/fsj_citizenship_intro_en.htm

[5] Jacobson and Kilic (2003, 32) argue that "if national citizenship grew out of expanding political and civil rights" as outlined by Marshall in 1950, "EU citizenship's "foundation is the freedom of movement" of EU citizens, essentially economic in its roots. Namely, the connection to economic reasons is exemplified by the right EU citizens have to work and live in any Member State. This freedom of movement, however, is for TCNs the "long forbidden *freedom of movement*" (Balibar 2003, 47), because as of now one of the biggest differences is that EU citizens can move and TCNs cannot. This apparently insignificant detail separates EU citizens as members from TCNs as outsiders. Balibar compares the discrepancy in equality to the era of the Berlin Wall and its significance not only for economic possibilities (find work elsewhere), but also for the sense of freedom and belonging, since liberty and equality are concepts at the core of democracies, as nations granting citizenship. De Groot argues that TCNs can now enjoy freedom of movement, following the Council of the European Union's Directive 10501/1 03, but what the directive proposes is a very complex and hardly guaranteed right for TCNs who are already long-term resident in one Member State to request a residence permit in a second Member State. This small concession does not reflect or equals EU citizens' freedom of movement (more about this on Chapter 3). Moreover, as noted on the Justice and Home Affairs website regarding "the challenge ahead" for the future, "EU citizens still encounter real

obstacles, particularly in exercising their right of free movement" because of complex and obscure rules on the rights of "entry and residence in any of the EU Member States." Available from "European Union Citizenship, European Union Rights" http://www.europa.eu.int/comm/justice_home/fsj/citizenship/fsj_citizenship_intro_en.htm While the common difficulties place TCNs and EU citizens on a similar level, the former are denied the right, while the latter are guaranteed that freedom and often encouraged to take more advantage of it (mobility for economic reasons). The right to move is tied to the debates over the significance of a EU passport and the fine line between no freedom of movement (as TCNs who need a passport or a permit to travel- see Antje Wiener, 1998) and too much freedom (as Romas and other nomad populations who have no passport, no home, as perpetual migrants).

[6] Alex Warleigh (2001, 34) calls EU citizenship "schizophrenic in character' and incomplete in legislative and participatory terms" (Cited in Jacobson and Kilic 2003, 33).

[7] Article 8 (1) of the Draft Treaty establishing a Constitution states, "Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship; it shall not replace it" (OJ C 169 of July 18 2003). The concept of citizenship was originally introduced in 1992 by the Treaty of Maastricht, Article 17(1), formerly referred to as Article 8. In 1997, the Treaty of Amsterdam continued Article 17(1), adding "Citizenship of the Union shall complement and not replace national citizenship" (OJ C 340 of November 10 1997, effective as of May 1 1999). Cited in de Groot, Gerard Rene', "Towards a European Nationality Law" *Electronic Journal of Comparative Politics*, 8.3, October 2004. The Justice and Home Affairs, Freedom, Security and Justice website specifies that "the question of whether an individual possesses the nationality of a Member State is settled solely by reference to the national law of the Member State concerned. Thus it is for each Member State to lay down the conditions for the acquisition and loss of nationality." Available from "European Citizenship, European Union Rights" http://www.europa.eu.int/comm/justice_home/fsj/citizenship/fsj_citizenship_intro_en.htm

[8] TCNs are recognized as long-term residents when they have been living in a Member State for a given period of time, after which they should be granted a set of rights "similar to those enjoyed by EU citizens." The qualifying length of time varies from two years in Finland to fifteen years in Greece, with five years being the average in eight Member States and the current goal of proposed legislation (COM(2001)127-C5-0250/2001-2001/0074(CNS)-A5-0436/2001final), that would make the criteria for permanent residence status uniform across the EU (Sierra 2001).

[9] For a very detailed description and discussion of citizenship in eleven of the EU Member States, see "Des Citoyennetes des Europeens a la Citoyennete Europeenne" completed by the organization Futur Present, with the support of the European Commission, Socrates Adult Education division, in 1993 (accessed at the Historical Archives of the European University Institute in Florence, Italy).

[10] For a discussion of how citizenship is really always based on *jus sanguinis* and how only the more progressive nations grant citizenship based on *jus soli* (France, the Netherlands, Portugal, Ireland, Belgium, the United Kingdom, and recently Germany) see Marc Morje' Howard, "Foreigners or Citizens? Citizenship Policies in the Counties of the EU" Working Paper 2004.

[11] For more on the relevance of the nation-state as an irreplaceable and necessary entity for citizens as exclusive members, see Roger Brubaker's *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press, 1992, and Howard, "Foreigners or Citizens?" 2004.

[12] See, for example, far right parties and governments like in Austria, Lega Nord in Italy and Le Pen in France.

[13] Becker (2004, 44) quotes Kofi Annan reaffirming that "immigration is an inevitable and important part of the solution" to this problem.

[14] Regarding the Constitution, Ward writes that it "encourages a culture of exclusion, which is somehow 'justified' by the presence of legal measures which seek to define ever more clearly those who are not acceptable as putative members of the new Europe" (Spencer 1995, 105 cited in Ward, Ian "Law and the other Europeans" *Journal of Common Market Studies*, 35, 1, March 1997).

[15] The results also indicate that more and closer contact "lessens attitudes of ethnic exclusionism" (EMCR 2005, 22).

Chapter 2

[1] Isocrates, according to de Romilly, used the word 'Europe' fifteen times in numerous passages, including the Paneg, the Philippus, and the Panath. In all of his uses, Isocrates says Europe when he means Greece (de Romilly 1992, 3).

[2] The struggle for citizenship was "ceaseless" and even if the plebeians "inched their way into a new recognition" (Dynneson 2001, 57) never even dreamed of, the very concessions that lead to a more inclusive citizenship were also the beginning of the end. The practice of granting citizenship to all Latin provinces and eventually even to the enemies of the empire was never "fully accepted by the noble class" (58) as it caused a clash of interests. Namely, one of the main reasons for citizenship was the protection of property. Once all people were included and all the rights were supposedly equal, social unrest and even threats of civil wars erupted, as all felt entitled to equal shares. Cicero was one of the few nobles whose answer to the problem was "the existence of a statesman or a states man of their caliber who could serve as a model of conduct for others" (Griffin 1986 cited in Dynneson 2001, 59). Heater (1990) also writes that "a kind of half-citizenship- civitas sine suffragio (citizenship without franchise)" was introduced as a kind of dual citizenship so that males could be both citizens of their own city and of Rome (cited in Dynneson 2001, 58).

[3] In Italy, for example, women finally gained the right to vote after WWII, in 1946. The first nation to grant universal suffrage in Europe was Finland in 1906.

[4] Laffan, O'Donnell, and Smith define this feature as "a result of the Union's institutional design, decision rules, the dominance of delegated expert knowledge, a weakness of accountability, hostile public opinion in some Member States, and the absence of a political community in the Union" (Laffan, O'Donnell and Smith 2000, 202).

[5] Alfred Bertrand, in 1973, in a European Parliament Report (PE 34.134/riv.) wrote that the European Union could only become a community if "European citizens will recognize that the Union is guarding their interests" (Bertrand 1973, 3). He added that this would only happen if nation states stopped their "classical diplomatic negotiations in between states" and ceased to block Community progress as a whole.

[6] Elliot, Michael, "The Decline and Fall of Rome: How fear of the future brought the dream of ever-closer union to an end" *Time International*, June 13, 2005 v165 I24 p20.

[7] The Rome Treaties include the historical signing into existence of the European Economic Community and the European Atomic Energy Community (Euratom). The signatories of the agreements were Christian Pineau of France, Joseph Luns from the Netherlands, Paul Henri Spaak from Belgium, Joseph Bech from Luxembourg, Antonio Segni from Italy, and Konrad Adenauer from the Federal Republic of Germany.

[8] George McGhee, former American ambassador to West Germany, suggests that "the Treaty of Rome which brought the European Common Market into being was nurtured at Bilderberg meetings," which supposedly are private meetings of all the politically powerful world elites. Mike Peters, a British academic, also believes that "Virtually all the European institutions we take for granted today, or treat as if they 'emerged' as a matter of course, from the European Coal and Steel Community, EEC and Euratom down to the present European Union, were conceived, designed, and brought into existence through the agency of the people involved in Bilderberg" (Baffour 2004). Apparently the secrecy of these exclusive meetings is maintained through a tacit accord among politicians, journalists, and even academics, who do not make it a subject of investigation. Mike Peters calls this "the silence of the academics" (Baffour 2004).

[9] Wiener (1998, 77) quotes Mr. L. Levi-Sandri, vice-president of the Commission, in 1968, saying that, "free movement of persons represents something more important and more exacting than the free movement of a factor of production. It represents rather an incipient form-still embryonic and imperfect-of European citizenship: on the Community plane and as regards to the pursuit of man's most practical activity-work-all the citizens of the Member States are placed on a equal footing and therefore possess the same status."

[10] The first direct elections for the European Parliament would take place in 1979.

[11] Available from http://europa.eu.int/comm/justice_home/fsj/citizenship/wai/fsj_citizenship_intro_en.htm and http://europa.eu.int/abc/history/1974/index_en.htm

[12] Wiener writes that, "Special working groups were assigned the task of producing draft reports for the development of the passport union, special rights, universal suffrage and a concept of European union. At the same time people began to speak of a "Citizens' Europe" (European Parliament 1992, 14; Van den Berghe 1982, 31). The reports that followed contributed to a new discourse on citizenship and citizens' right" (Wiener 1998, 75). A report by the Commission called "Towards European Citizenship" was sent to the Council on December 29, 1975, days before the Tindemans Report.

[13] Reginald Dale responded to the Tindemans report in *The Financial Times* on January 12, 1976. In an article titled "No political distinction for leaders and laggards," Dale declared that "Not everyone would agree with Mr. Leo Tindemans." He quoted Tindemans as saying that his proposals were "realistic and feasible," but argued that Tindemans "might have gone too far" with his proposal for "more ambitious steps." Dale believed that "this is bound to disappoint the idealists" and warned against admitting "new members with weaker economies," such as Greece, Turkey, Spain, and Portugal. Dale, Reginald, "No political distinction for leaders and laggards" *The Financial Times,* January 12, 1976.

[14] Available from http://historiasiglo20.org/europe/acta/htm

[15] Evans and d'Oliveira describe "the existing situation" of Community nationals in 1989 as, "free to move throughout the Community and enjoy equality of treatment in the host member state." They add, "it may be said that a limited form of Community Citizenship has already been established" (Evans and D'Oliveira 1989, 17). EUI

[16] Wiener argues that "in the early Maastricht period, the creation of a market without internal frontiers became increasingly embedded within a discourse of police, (in)security risks, crime, instead of one that stressed the new achievements of European (worker) citizens such as the freedom of movement and the rights of citizens to establish themselves and reside within a newly broadened territory" (Wiener 1998, 228).

[17] On May 4, 1990, Spanish Prime Minister Felipe Gonzales wrote a letter to the other members of the European Council. He outlined his vision of citizens as "the protagonists with unlimited freedom of movement, establishment and access to employment, as well as the right to vote in local elections in countries other than their own."

[18] In June 1992, 50.7% of Danish voters rejected ratification of the Maastricht Treaty, while 49.3% voted in favor. (Barnes, Hilary. "The ERM and Maastricht: Danes May Vote Yes Next Year, Polls Show." *The Financial Times*, September 29, 1992) The Danes wanted to remain associated with the EC and its future, and avoid the risks involved in "loosing political influence over its development." The Financial Times reported, on October 12, 1992, that "Some of Denmark's objections to Maastricht, such as its request for a clearer definition of how the 'subsidiary' principle would be applied-seem likely to end up as welcome additions to the treaty." ("Danish Dilemma" *The Financial Times*. October 12, 1992) Thus, "After negotiations with the other EC countries, Denmark was granted the option of making certain reservations," as declared in the Edinburgh agreement. The Danes would opt out of joint defense policy, citizenship, and the movement to a single currency. In 1993 the Danes returned to the polls one more time over the Maastricht treaty and ratified it with the opt-outs set out in the Edinburgh Agreement. Since all the twelve members had to ratify the treaty, Denmark had slowed down the process of further economic and monetary integration and laid the foundation of its special status in the Union.

[19] This resonates with Kant's language, urging to think with "an enlarged mentality" (cited in Arendt).

[20] The Charter was drawn up by a Convention composed of members of the national and European parliaments, representatives of the national governments and a member of the Commission. Under six headings - Dignity, Freedoms, Equality, Solidarity, Citizens' rights and Justice - its 54 articles spell out the European Union's fundamental values and the civil, political, economic and social rights of the EU citizen. (*A citizens' Europe*)

[21] While I will return to the text of the Treaties of Amsterdam and Nice and other documents (Imbeni Report, Tampere Council Conclusions) in Chapter 3 for their relevance for arguments in favor of TCNs, here I highlight the parts that relate to what I have already identified as European ideals. In the next chapter, I will also explore Community documents specifically addressing the situation of Third Country Nationals who are long-term residents. What I highlight here are the indirect and more general references to the ideals of unity, freedom, and equality, as part of the founding principles of democracy at the core of all EU Member States.

[22] Cited in Sage, Adam, "Chirac invokes revolutionary spirit to get a 'yes' for EU Constitution" *Times online*, timesonline.co.uk access date 5-4-2005.

Chapter 3

[1] Directive 2003/109/EC, of November 25 2003, entering into force December 2 2004 (OJ L 16of January 23 2004), establishes a uniform time requirement for all TCNs who reside "legally and continuously within the territory of the Member States" at five years. The Directive "also approximates national legislation and practices regarding the terms for conferring status and lays down the conditions of residence in Member States other than the one which conferred resident status." "Status of third-country nationals who are long term residents," available from http://europa.eu.int/scadplus/leg/en/lvb/123034.htm

[2] Imbeni listed the only rights granted to TCNs as petitioning the EP (Article 138d) and contacting the Ombudsman (Article 138e).

[3] For more on a focus on equality criticized as erasing differences and multiculturalism see *Multiculturalism*, by Will Kimlicka, 1995 (Kymlicka 1995).

[4] Available from www.refugeenet.org/eu/proposal-council-third.htm

[5] Available from http://www.ilpa.org.uk/submissions/residents.html

[6] There are numerous differences among Member States: Austria, Ireland and Luxembourg require a work permit for social security and social assistance, including access to education. TCNs have limited political rights in Denmark, Ireland, the Netherlands, Finland and Sweden, where TCNs can vote in local elections after a period of lawful residence ranging from 2 to 3 years. Portugal and Spain grant partial political rights on the basis of reciprocity, with unique relationships with some Latin American countries. The UK grants political rights to Commonwealth citizens. TCNs cannot participate politically in France, Luxembourg, Germany, Greece, and Austria. Some convergence has developed over "the nationality rights of second-generation migrant children" who can obtain citizenship at birth or when they turn 18 in all Member States but Austria, Luxembourg and Greece. The laws for naturalization, however, remain strict, with requirements ranging widely across EU nations (Kostakopoulou 2002, 444).

Chapter 4

[1] Cited in Cormac Mac Ruairi. "Non-EU expats and their rights in Europe," March 2002. Available from http://www.expatica.com/source/site_article.asp?subchannel_id=22&story_id=584&name

[2] A Report from the European Commission called for an "end to restrictions on the movement of workers" in the EU. Particularly addressing 'old' Member States' concern over large influx of workers from Eastern European countries, the Report stated that "the westward flow of workers" has been "negligible and poses no threat to the economies of the old EU Members." In some Member States, a new workforce can "relieve job shortages," contribute to the labor market and sustain economic growth. As a speaker from the Commission states, "A free movement of workers is economically rational. It is one of the values that is defined by the European treaties." The Report focuses on East Europeans as the ones who traditionally are "less mobile" as a result of years of "state planning that discouraged free movement of labor," and those with more incentives to travel in search of better jobs, but the findings are relevant for all long-term TCNs. As TCNs live, work, and travel among and with other Europeans, just like 'new' EU citizens, both groups are recognized simultaneously as a blessing and a threat, as 'old' Europe reconciles the idea of immigrants living among them. TCNs, however, are in more difficult situation, as they see other citizens being invited to the larger than ever club, while their rights as permanent residents stagnate. Jan Sliva "EU Urges Free Movement of Workers" Associated Press. February 8, 2006. Available from http://news.yahoo.com/s/ap/20060208/ap_on_bi_ge/eu_labor_market&printer=1;_ytl=Ale9

[3] Discussing the social controversy over fur, Olson and Goodnight (1994, 264) argue that the very "malleability of fashion itself offers opportunities for rhetorical invention." The metaphor of mutability and change fits with the evolving nature of the EU, as institutions try to 'dress' to impress European citizens by presenting a new model for citizenship. The EU proposes and encourages new, additional opportunities for citizenship at the EU level. Just like an exclusive boutique, the coveted item is available to members only, even when they do not quite know how to wear it. Once others ask for it, however, EU citizenship runs the risk of becoming unfashionable as it is no longer scarce. Just like the one shirt you toss once you realize the wrong crowd is also wearing it, EU citizenship maintains

its appeal by remaining exclusive, even when Europeans are simply window shopping. Recent trends in racism and xenophobia create a larger than ever chasm between 'us' and 'them' and arguments for the inclusion of TCNs as EU citizens fail miserably when using only appeals to equality and human rights.

[4] Gary Freeman and Nedim Ogelman, however, are much more optimistic about the possibility of TCNs to become EU citizens. They recognize "the growing pressure from domestic and external sources" to turn permanent residents, or denizens, into legitimate EU citizens. They argue, moreover, that granting EU citizenship, rather than simply naturalizing in the host country, is the preferred solution to the problem of TCNs because it answers three basic assumptions about being a citizen of one of the Member States. The first reason why EU citizenship is a better option for TCNs, the authors argue, is because not all permanent residents will chose naturalization. Freeman and Nedim refute the assumption that all TCNs dream of becoming Europeans and are willing to give up their heritage. Naturalization, they argue, "although it has public consequences, is deeply personal" (Freeman and Ogelman 1998, 11-772)." This assumption is closely connected to the second reason why EU citizenship for TCNs is preferable. Permanent residents often do not and should not be expected to sever ties to their country of origin. National citizenship usually demands oats and commitments to a new nation, along with the tacit renunciation of past loyalties. More and more sending countries, however, are "systematically adopting policies" intended to enhance and sustain "homeland/expatriate relationships," (Freeman and Ogelman 1998, 11) and the authors argue that TCNs should be able to maintain the ties to their countries, even when living in the EU. The influence of the country of origin is also connected to the third reason why TCNs should be granted EU citizenship. The vast divergence in naturalization laws across EU Member States already creates imbalances and obstacles for long-term residents, especially if they decide to reside in multiple nations. Additionally, sending countries also impose restrictions, guidelines and "disincentives" on naturalization in a different country, at times imposing an immediate surrender of citizenship. EU citizenship, as a non-national citizenship, could still allow TCNs to be "potential political constituents," while going beyond dual nationality. Freeman and Ogelman focus on aspects of TCNs that make them, as potential citizens, as attractive to the EU as EU citizenship may be to them. Freeman, Gary and Ogerman, Nedim. "Homeland citizenship policies and the status of third country nationals in the European Union." *Journal of Ethnic and Migration Studies*, October 1998, 24, 4, 769-89.

[5] Available from http://europa.eu.int/en/agenda/igc-home/instdoc/ngo/migrant.htm#top

[6] Available from http://www.sarahludfordmep.org.uk/speeches/41.html The requirement to learn the language of the hosting country was later rejected.

[7] Amendment 34 to Article 12(k) (new). A5-0436/2001final.

[8] Commenting on the Report, the NGO Southern Cross argues that TCNs are still "subject to a number of conditions" when exercising their rights of residence. Southern Cross, however, also praises the report for the EP's effort to achieve equal treatment for TCNs and to extend rights to include, inter alia, "participation in public life at the local level" (http://southern-cross-group.org, 2002).

[9] In addition to the examples of citizens clinging to their nationality to protect them against immigrants at the center of the 'NO' campaigns against the Draft Treaty of the Constitutions in France and the Netherlands (*International Herald Tribune*, June 2005), one more instance occurred in Germany, as Angela Merker took office as the new Chancellor in November 2005. A television advertisement reminding German citizens that "Du bist Deutschland" (You are Germany) aired as part of a campaign "aimed at cheering up the country and encouraging people to take greater responsibility for their lives" (Bernstein 2005).

[10] The opposition to the inclusion of TCNs as citizens does not originate only in EU nations and citizens. In the *Observatoire Social Europeen*, Abdellatif Maroufi writes about trends in political participation for immigrants who have access to voting in the Netherlands. He points out that at times the sending countries, in this case Morocco, oppose their citizens' active political participation in the host country. In 1989, for example, a Moroccan diplomat had expressed his frustration with fellow-citizens who exercised their voting rights in the Netherlands. Maroufi quotes him stating that "Since voting is attached to the soil where one is born, it is not attached to a country where one passes by or resides in temporary exile with the intention of returning…If a Moroccan is truly a Moroccan in his traditions and behaviors, there are things…that makes him understand that he cannot be a stranger to a community and take advantage of its privileges and sovereignty. In a certain way, it is a way to betray one's origins" (My

translation from French). Maroufi, Abdellatif. "Le Participation politique des immigres aux Pays-Bas" *Observatoire Social Europeen*.

[11] As Beatrice Rangoni Machiavelli, Former President of the EESC (1998-2000) states "Our strength lies in our role as representatives of civil society, in the breadth of our mission, in the experience and skills of our members who are an integral part of economic and social life, and in the quality of our opinions. This strength will enable us to contribute with renewed enthusiasm to a most ambitious and exciting project: building a united Europe." Available from http://www.eesc.europa.eu/organisation/how/index_en.asp

[12] Hannah Arendt writes about the "right to have rights" in *Origins of Totalitarianism*, New York: Harvest Book, 1994 (Arendt 1994).

Chapter 5

[1] The Economist discusses the example of Turkish-Cypriots being given EU passports, even if they are not officially members of the EU.

[2] Europinion 8, a survey conducted in April 1996, revealed that "In the near future," 12% of Union citizens see themselves as "European only," 36% see themselves as having their own nationality only, and one in two claims to identify with both European and national identity. Available from http://europa.eu.int/comm/dg10/epo/eo December 10, 2001. In 2002, Flash Eurobarometer 133, on "10 years of EU Citizenship" found that about 70% of respondents had heard of the term "citizen of the Union," but there were wide disparities among Member States. More than 40% of citizens in Belgium, Sweden, Greece, and the United Kingdom had never even heard of the term. Available from http://europa.eu.int/comm/public_opinion/flash/fl133_en/pdf

[3] Lindh, Anna. "A Citizens' Europe," *Affari Esteri*, May 9 2001. Available from http://www.eu2001.se/eu2001/news/news_read.asp?iInformationID=14757

[4] Available from http://ec.europa.eu/public_opinion/archives/eb/eb65/eb65_first_en.pdf

[5] Vico writes "At quantam et quam incredibili velocitate! Dixerim Megellanicam terram, iam peregrastis; protulerim Novam Zemblam, iam accessitis; commemorarim Oceanum, iam tranastis;" (Vico 1982, 82-83).

[6] Vico also discusses Roman citizenship in *On the Study Methods of Our Time*. Particularly interesting and relevant to the arguments for the inclusion of TCNs as EU citizens, Vico discusses why all freed men were made Roman citizens and how that led to the disenchantment of Romans with their own citizenship and their own commitment to the common welfare (Vico 1988, 67-69). For a discussion of Vico and citizenship, see also Giuseppe Cacciatore, *Il Concetto di Cittadinanza in Giambattista Vico*, 1998.

[7] As a great example of a group of TCNs trying to re-write their history as they live on the fringes of European society, the Romas could be and arguably have been the most post-national citizens within the EU. Freedom of movement is a concept they know well and at times painfully, as these land-less people search for a place where they could legitimately take residence and participate. EU citizenship could greatly benefit as they continue to do what they already do, but with rights and benefits. Nothing would change in practice, everything would change in status. I thank Professor Allen Louden from Wake Forest University for suggesting this great example.

[8] Freedom of movement remains restricted even for EU citizens, with 12 of the 15 'old' Members insisting on limitations for the 'new' Member States. Governments and citizens fear competition from "low-wage labour" from central Europe and other impoverished regions, even when a report from the European Commission, cited in *The Economist*, concludes that "the three countries that have opened their labour markets-Britain, Ireland and Sweden-have all benefited." But as employment and crime remain the most immediate perceived obstacles to integration, Member States respond with national barriers. *The Economist* asks then "How can you promote political unity in Europe, while simultaneously throwing up nationalist defences against other European firms and workers?" (Freedom Fried 2006). Even when the evidence is in favor of eliminating restrictions on labor immigration, particularly for the freshly minted EU citizens from the East, Member States and their citizens remain "sensitive" about the issue. The situation of long-term TCNs is even more precarious, as EU membership is not on the horizon for most of them. *The Economist* compares the draft of the Commission report with the final version and finds a lot

of "watering-down," so that the "extremely positive experience' of liberalized labour markets has become 'generally positive." This tainted language becomes ammunition for commissioners "from countries keen to keep restrictions" and the debates over mobilizing a larger work force, from the East or anywhere else stall, even if *The Economist* argues in favor of countries working toward more liberalization, as it predicts that their efforts are "vain as attempts to fend off globalization" (Freedom Fried 2006).

Chapter 6

[1] This speech was presented in Zurich, Switzerland. British Management Data Foundation, Library of Speeches "European Union" Available from http://www.euro-know.org/speeches/paperchurchill.html

[2] Cited in Baffour Ankomah, New African, April 2004 i428 p8.

[3] Cited in Mahony, Honor, "Europe is at a crossroads, says Commission," euobserver.com, access 1-26-2005

[4] In the introduction of his edited *Readings in Rhetorical Criticism*, Carl Burgchardt writes that, according to Herbert Wichelns, rhetorical criticism "focuses on discovering and appreciating how speakers adapt their ideas to particular audiences" (Burgchardt 1995) 1. In his own essay, Wichelns (cited in Burgchardt 1995, 26) argues that "rhetorical criticism lies at the boundaries of politics."

[5] A rhetorical model of citizenship can direct citizens toward a "futuristic version of themselves" (Poulakos 1983), a "better version of themselves" (Weaver 1953) beneficial for the entire deliberative community, as one that favors change over permanence, becoming over being, the possible over the actual. My definition is based on John Poulakos' "Toward a Sophistic Definition of Rhetoric" in *Philosophy and Rhetoric*, Vol16, 1, 1983, pp35-48. In this article, Poulakos defines rhetoric as "the art which seeks to capture in opportune moments that which is appropriate and attempts to suggest that which is possible."

[6] In his Newropeans Magazine (2006), Frank Biancheri, discussed a recent trip to Israel and tells stories of young Israelis and Palestine people who dream of mobility and wish they could travel, study ,and work in different nations, like EU citizens do.

[7] Because I am from Italy and have lived in the United States for almost half of my life, I believe these questions need to be asked. I am a TCN in the US and an Italian living abroad in Europe, even if I still feel a vibrant citizen of both worlds and reap the benefits of both continents.

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