

Analyzing the European Union citizenship through feminist perspectives

Pawan Mathur¹

Abstract: The European Union has aspired to create an “ever closer union” among its people since the articulation of the European Union citizenship has been an important instrument towards it. However, attempts at creating this “ever closer union” have focused on homogenizing European citizens as a single entity without taking into account the heterogeneous differentials among such citizens. Gender differential is one such important aspect. The present paper analyzes the citizenship under EU from a feminist perspective. It attempts to conceptualize the term of citizenship and delineates the basic features of the European citizenship. Thereafter, the major feminist criticisms of the notion of citizenship are examined with specific regards to the gendered discrimination against EU citizens.

Keywords: citizenship, European Union, feminism, gender discrimination.

1. Doctoral Research Scholar, Centre for European Studies, School of International Studies, Jawaharlal Nehru University, New Delhi, India. Email: pawan.mathur1980@gmail.com

Introduction: conceptualizing citizenship

Citizenship is a dynamic concept which defies a simple static definition that can be applied to all societies at times. Instead, the idea of citizenship is inherently contested and contingent, always reflecting the particular set of relationships and types of governance found within any given society (Faulks, 2000, p. 6). Etienne Balibar (1998) succinctly remarks that history shows that the concept has no definition that is final and each political regime tends to center on its unique distribution of power introducing specific definitions of the term, thereby delimiting a certain type of human being and assigning it a certain model of rights and duties. Turner broadly defines the term citizenship as " that set of practices (juridical, political, economic, and cultural) which define a person as a competent member of society, and which as a consequence, shapes the flow of resources to persons and social groups" (Turner, 1993, p. 2)¹. In a similar vein, Olsen (2008, p. 42) offers a minimalistic definition of citizenship "as a status of individual tied to a political unit". Defining the citizenship in terms of rights and status embraces both the objective citizenship, implying the bureaucratic classification and treatment of persons as members of a particular polity, and the subjective citizenship, implying an individual's awareness of his polity membership (Condor, 2011, p. 3). In this context, Janoski and Gran (2002, p. 14) define citizenship as "passive and active membership of individuals in a nation-state with universalistic rights and obligations at a specified level of equality".

The term Citizenship has historically lacked a paradigmatic consistency and has been subjected to a multitude of discourse. The seminal work in theorizing citizenship was that of T.S. Marshall: an essay entitled *Citizenship and Social Class*, written in 1949 and now considered as a classic text on the subject, in which Marshall defined citizenship as a status bestowed on those who were full members of a community. Thus, according to Marshall, citizenship provides the membership of a community through the establishment of equal rights. In other words, the basic assumption of

1. According to Turner, the use of the term practice overcomes the pitfalls of a juridical definition of Citizenship and helps in understanding the concept as a dynamic social construct. Moreover, this definition of Citizenship is inextricably linked with inequality, power structures, social class and unequal distribution of resources in society.

Marshallian conception of citizenship is the status of equality. It goes to the credit of Marshall to introduce the distinction of civil, political, and social rights of citizenship. It may be mentioned here that the Marshallian notion of citizenship premises a unified nature of citizenship, and it views the civil, political, and social rights as related to each other, rather than exclusive (Cole, 1951).

An analysis of the above stated definitions inevitably entails the postulation of the concept of citizenship being an intrinsically relational idea, alleviating the individuals in the running of their lives as,

The status of a citizen implies a sense of inclusion into the wider community. It recognizes the contribution a particular individual makes to that community while at the same time granting him of her individual autonomy...Citizenship is therefore an excellent basis of human governance (Faulks, 2000, pp. 4-5).

Gerard Delanty (1997, p. 285) focuses upon the reciprocal relationship between the citizen and the polity in his conceptualization of Citizenship and he remarks,

citizenship has been held to imply membership of a polity and is defined by the rights bestowed by the polity on the individual. In the most general terms, citizenship involves a constitutionally based relationship between the individual and the state.

The articulation of European Union citizenship

Traditional conceptualization of citizenship focuses on the relationship of the individuals and the nation states. However, a new and more universal concept of citizenship has emerged in the post-War era, whose organizing principles are based on universal personhood rather than the national belonging, thereby contradicting predominant conceptions of citizenship. Yasmein Soysal (1995), one of the major theoretical adherents of transnational model of citizenship, is of the opinion that the most comprehensive enactment of a transnational status is articulated in the formation of a European Union citizenship by the Treaty of Maastricht in 1992. According to Soysal, the Treaty of Maastricht thus foresees a

multilevel citizenship structure that guarantees rights independently of membership in a particular state. The community, thus, as a supranational organization, establishes a direct relationship with the individuals in the member states. As such, the European citizenship embodies the post-national citizenship in its most elaborate form which legal and normative bases are located in the wider community laws.

The idea of EU Citizenship was first discussed in the Maastricht Treaty (1992). EU Citizenship grants the following rights: (1) Article 8a of the Treaty of Maastricht (Article 21 Treaty on the Functioning of the European Union¹) explicitly states that "Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States". (2) Article 21 (1) of TFEU states that "Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that States". (3) Article 227 TFEU states that "Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her or it directly". (4) Article 23 TFEU states that every Citizen of the Union "shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State." The rights conferred by EU Citizenship entitle the Union Citizens to enjoy rights from the free movement to the diplomatic protection. EU Citizenship consists of a set of rights that can be classified into two categories – (1) Encompassing rights that foster the free movement of labor and are basically economic in nature; and (2) Rights having political content along with a symbolic scope reinforcing the participation of European citizens in the EU political structures.

Citizenship as an exclusionary concept

Rogers Smith (2002, p. 110) remarks that "the notion that genuine

1. Here after TEFU.

citizenship involved rights of political participation remained a resonant rhetorical tool of legislative and constitutional reformer". As earlier mentioned, membership of a political community is the edifice upon which the structure of citizenship rests; but, there have been instances of exclusion from inside, as well as outside, the political community. In an influential article, Iris Marion Young (1989) has outlined 'five faces of oppression'. Basing her postulates on the ontological premise that the individual exists prior to the society and "the authentic self is autonomous, unified, free, and self-made" (Young, 1989, p. 45), Young identifies exploitation, marginalization, powerlessness, cultural imperialism, and violence as the predominant modes of subjugation. The merit of Young's analysis lies in its all-encompassing nature of the study of forms of exclusion. From the perspective of Citizenship Studies, Richard Bellamy's distinction between internal and external exclusions also looks apposite. According to Bellamy, "Internal exclusions have included those designated as natural inferiors on racial, gender, or other grounds", while external inclusion is often experienced by asylum seekers and immigrants (Bellamy, 2008, pp. 12-13). Rogers (1992, p. 21) emphasizes that citizenship is internally inclusive, but externally exclusive. It is not just a formal and official political mechanism, but rather a powerful instrument of what Max Weber termed as 'social closure'. Rogers remarks that formal 'territorial closure' of citizenship rights is not the only form of denial of citizenship rights. A form of exclusion that is prevalent among the residents of a political state is ethno- cultural closure,

Ethno cultural closure may be structured either way: it may be exercised against ethnic or religious outsiders defined residually (non-European, non-white, non-Christian, non-Anglophone), or directly (Asian, Black, Jew, and Spanish-speaking) (Rogers, 1992, p. 29).

This section will attempt an examination of one such group that has been historically or in present denied citizenship rights- namely women. This requires a study of a feminist conception of citizenship.

Feminist conceptualization of citizenship

Feminists have been highly critical of the traditional notions of citizenship on

two grounds. Firstly, the feminist criticism contends that the practice of citizenship is built around the assertion of private supremacy over women. Their second point of contention is that citizenship is essentially "profoundly gendered" (Lister, 2003, p. 71).

The first criticism rests upon both instances of historical exclusion, as well as the contemporary plight of women. In ancient Greece, Aristotle looked upon the indulging of women in any particular liberty as detrimental to political life. In the early modern period in England, marriage of a woman was resulting in subjugating her position to the male as *The Feme Covert* (Dolan, 2003, p. 255)¹. It was not until the enforcement of Married Women's Property Acts, in the mid-nineteenth century in the US and the late nineteenth in the UK, that a married woman could, without her husband's accord, possess property or enter into such contractual relations (Lister, 2003, p. 69). Even after the French Revolution that brought with itself ideals of political universalism, the plight of women remained the alike as that in the pre-revolutionary regime. In an influential study, Joan Landes (1988, p. 201) has challenged the "French Revolution's claim to universality at its political core" and shown that the "body politics" produced in the aftermath of the revolution was gendered to the core.

Feminist writers dismiss the view that the exclusion of women from such rights was historically a mere manifestation of the then existing social norms, and with the passage of time, the ushering in of egalitarian societies rectified this historical artifact. Pateman (1989, p. 4) remarks: "Women are brought into the new social order as inhabitants of a private sphere that is part of the civil society and yet is separated from the public world of freedom, equality, rights, contracts, interests, and citizenship."

A look at the political representation of women in national parliaments does substantiate the feminist critique that despite the equivocal grants of citizenship rights, women continue to be politically marginalized. In 2015 there were only three countries² where women were represented more than 50% in the national parliaments. Figures do reveal a significant underrepresentation of women in national politics. As of February 2015, the

1. According to the then English law, marriage resulted in the transformation of two legal entities into one with husband (male) enjoying a position of dominance. The wife (women) had the legal status of no more than half a person (Dolan, 2003: 254-255).

2. Rwanda, Bolivia and Angola

percentage of women in lower houses of parliaments in India, UK, and USA were 12%, 22.8%, and 19.4% respectively, while the corresponding figures for the Upper House of Parliament/ Senate were approximately 12.4%, 24.1%, and 20% (IPU ORG, 2014).

In the wake of the above mentioned criticisms, new feminist conceptions of citizenship have emerged. One prominent view is provided by Jean Berthe Elshtain. The ontological premises of her theory centers on the gender differentiation. She contends that the domain of the private and the public spheres are exclusively compartmentalized and the assimilation of women into the public sphere is unlikely to ameliorate her plight.

For Feminist to discover in the state new 'Mr. Right' and to wed themselves thereby, for better or for worse, to a public identity, inseparable from the exigencies of the state power and policy would be a mistake (Elshtain, 1998, p. 363).

While denying categorically that materialism is the primary identity of women, Elshtain remarks that "Maternal thinking ... is a rejection of amoral statecraft and an affirmation of the dignity of the human person" (Elshtain, 1998, pp. 375-376).

However, Elshtain has been criticized for categorically putting women into the same brackets which she tries to free them from. Mary Dietz has expressed reservations on the materialistic conceptions of citizenship and argues that such views tend to classify women as "ahistorical, universalized entities" (Dietz, 1998, p. 389).¹ She argues that Elshtain just attempts to reverse the 'statist' public sphere with the 'intimate private sphere', and "its conception of politics is informed by a flawed conception of politics as impersonal representative government" (Dietz, 1998, p. 389).

Dietz, in her formulation of a feminist conception of citizenship, does not share the pessimistic vision of the functioning of public affairs. She shares some elements with the republicans, when she extols the virtues of increasing participation of woman as,

1. It may be mentioned that Elshtain's article first appeared in 1982 in Democracy; and later appeared in an edited book in 1998. Since the research has access to the 1998 version of the text, hence the disparity in the years of publications of two articles is explained.

The key idea here is that citizenship must be conceived of as a continuous activity and a good in itself, not as a momentary engagement (or a socialist revolution) with an eye to a final goal or a societal arrangement... Perhaps it is best to say that this is a vision fixed not on an end but rather inspired by a principle-freedom-and by a political activity-positive liberty. That activity is a demanding process that never ends, *for it means engaging in public debate and sharing responsibility for self-government. What I am pressing for, in both theory and practice, is a feminist revitalization of this activity* (Dietz, 1998, pp. 391-392: emphasis added).

The assumptions of Dietz are too simplistic (Lister & Pia, 2008, p. 42). She does not take into account the problems faced by women in asserting themselves politically such as convergence of a general will and the pressure on women's time (Phillips, 1993, pp. 110-11). Despite the variance among feminist theorists of citizenship, they all seek an answer to the question as how to strengthen the position of women in the political community. The means may differ, but the end goals are the same. Phillips (1993, pp. 119-120) aptly sums up the feminist position as,

Feminists are rightly extending the analysis of sexual difference into a wider consideration of the wider consideration of the systematic differences between unequal social groups ... Feminism will continue to inspire a more substantial democracy now on offer.

Evaluating European citizenship from a feminist perspective

The critics of the European Citizenship from a gender perspective argue that such a citizenship is framed on the premise of women having unequal citizenship rights. Such analysts contend that market citizenship is discriminatory from the outset. They point out that the economic rights granted to European Citizens are constructed around the notion of a socio-political model that emphasizes paid work as the rationale for social benefits and neglect unpaid work normally undertaken by women (Finch & Mason, 1990). The unequal recognition granted by EU to predominantly feminized

non-economic caring function over the masculine paid work results in gendered inequality in exercising the social citizenship rights (Lombardo & Verloo, 2009, p. 121). Theodora Kostakopoulou (2001, p. 92) interprets the feminist criticism of the traditional citizenship concept not to be "gender-agnostic".

Therefore, EU Citizenship has been criticized for taking citizens unequal and differentiating from a feminist perspective. Applying the core tenets of feminist citizenship conceptions to EU acts of citizenship highlights the fact that "the conceptual framework that privileges EU Citizens as political actors ... carries specific assumptions about political participation and citizenship limits" (Maas, 2007, p. 57). Meier and Lombardo (2008), examining the EU gender equality policy documents¹ over the period from 1995 to 2005, highlight its gender-discriminatory nature and remark that,

EU formal definitions of citizenship based on the concept of equality, while promoting legal gender equality and acknowledging the existence of gender obstacles to the enjoyment of an equal citizenship for women, *are not by definition translated into policy initiatives transformative of traditional gender role* (p. 489, emphasis added).

Conclusion

From the above analysis, it can be inferred that European Union Citizenship can be subjected to the same set of criticisms from a feminist perspective that have been applied to traditional citizenship theories. However, it can be postulated that incorporating feminist perspectives within the ambit of European Union citizenship can be positively functional in addressing the issue of gender exclusion. Feminist debates can be incorporated in the European Union policy discourse and used for eliminating gendered inequality.

1. Some prominent policy initiatives are The MAGEEQ project on 'Policy frames and implementation problems: the case of gender mainstreaming', 2003-2006, funded by the Fifth Framework Program of the European Commission.

References

- Balibar, E. (1998). Propositions on Citizenship. *Ethics*, 98(4): 723-730.
- Bellamy, R. (2008). *Citizenship: A Very Short Introduction*. Oxford: Oxford University Press.
- Rogers, B. (1992). Citizenship and nationhood in France and Germany. *Cambridge, Mass.*
- Cole, G.D.H. (1951). Citizenship and Social Class, and Other Essays by T.H. Marshall. *The Economic Journal*, 61(242): 420-422.
- Condor, S. (2011). Towards a Social Psychology of Citizenship: Introduction to the Special Issue. *Journal of Community and Applied Social Psychology*, 21(3): 193-201.
- Delanty, G. (1997). Models of Citizenship: Defining European Identity and Citizenship. *Citizenship Studies*, 1(3): 285-303.
- Dietz, M. (1998). Context Is All: Feminism and Theories of Citizenship. in A. Phillips (ed.), *Feminism and Politics*, Oxford: Oxford University Press.
- Dolan, F.E. (2003). Battered Women, Petty Traitors, and the Legacy of Coverture. *Feminist Studies*, 29 (2): 249-77.
- Elshtain, M.B. (1998). Antigone's Daughters', in A. Phillips (ed.), *Feminism and Politics*, Oxford: Oxford University Press.
- Faulks, K. (2000). *Citizenship*. New York: Routledge.
- Finch, J. & Mason, J. (1990). Gender, Employment and Responsibilities to Kin. *Work, Employment & Society*, 4(3), 349-36.
- ipu.org (2014). Women in National Parliaments, [Online Web], Accessed 20 March 2015, URL: <http://www.ipu.org/wmn-e/classif.htm>.
- Janoski, Th. and Gran, B. (2002). Political Citizenship: Foundation of Rights. in Engin. F. Isin and Bryan S. Turner (eds.) *Handbook of Citizenship Studies*, London: Sage.
- Kostakopoulou, Th. (2001). *Citizenship, Identity, and Immigration in the European Union: Between Past and Future* .
- Landes, Joan. B. (1988). *Women and the Public Sphere in the Age of French Revolution*, New York: Cornell University Press.
- Lister, M. & Pia, E. (2008). *Citizenship in Contemporary Europe*. Edinburgh, Edinburgh University Press.
- Lister, R. (2003). *Citizenship: Feminist Perspective*. Basingstoke: Palgrave.
- Lombardo, E. & Verloo, M. (2009). Contentious citizenship: Feminist Debates and Practices and European Challenges", *Feminist Review*, (92): 108-128.
- Maas, W. (2007). *Creating European Citizens*. Plymouth: Rowman and Littlefield Publishers Inc.
- Meier, P. & Lombardo, E. (2008). Concepts of Citizenship Underlying EU Gender Equality Policies. *Citizenship Studies*, 12(5): 481-493.

- Olsen, Espen D.H. (2008). The Origins of European Citizenship in the First Two Decades of European Integration. *Journal of European Public Policy*, 15(1): 40-57.
- Pateman, C. (1989). *The Disorder of Women*. Stanford: Stanford University Press.
- Phillips, A. (1993). *Democracy and Difference*. Cambridge: Polity.
- Smith, R.M (2002). *Modern Citizenship*. in Engin. F. Isin and Bryan. S. Turner (eds.), *Handbook of Citizenship Studies*, London: Sage.
- Soysal, Y.N. (1995). *Limits of Citizenship: Migrants and Post National Membership in Europe*. Chicago: University of Chicago Press.
- Turner, B. S. (1993). Contemporary problems in the theory of citizenship. *Citizenship and social theory*, 1-18.
- Young, I.M. (1989). Polity and Group Difference: A Critique of the Ideal of Universal Citizenship. *Ethics*, 99(2): 250-274.