

Luigi Moccia

CITIZENSHIP, THE ROAD TOWARDS THE EUROPEAN UNION (*)

1. *Introduction: the issue of the legitimisation of the European Union.* (**)

At the start of the new century (and millennium), the process of European integration has been marked by two developments. On one side, we have seen a sharp acceleration from an ideal angle, in a quest for values (the 2000 Nice Charter on the basic rights of the Union) and for a constitutional framework (the 2004 Rome Treaty adopting a constitution for Europe). On the other side, we have seen considerable resistance and mistrust towards this acceleration, which has led to an ongoing phase of (ideal and institutional) crisis, highlighted by the negative results of the referenda on the text of the constitutional Treaty held in France and the Netherlands in May-June 2005. The results of the referenda have been followed by the laborious drafting of the latest recent treaty reforming the Union. The ratification of this latter treaty, signed in Lisbon in December 2007, has recently been called into question by another rejection by the people, when the Irish said “no” in the June 2008 referendum.

This clearly means that we need to pay attention to the issue of the Union’s legitimacy. In doing so, we need to consider the true *raison d’être* of the Union, with an eye to the peoples — or (to use a more fashionable though problematic expression) *civil society* — of the Union’s member countries, instead of focusing on the institutions of united Europe, i.e. the decision-making and governmental bodies of the Community and the entities they encompass (above all, the “economic community”, now also monetary, or the “market”).

In this respect, we should consider the words contained in the Preamble to the first Community treaty, the 1951 Treaty setting up the European Coal and Steel Community. Whilst declaring their intention to set up a community of interests (i.e. economic interests), the signatory States clearly highlight the more important, or perhaps we should say supreme, objective (not just social and political but also ideal) of creating a community of peoples and therefore of citizens.

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 [italics added].

(*) Paper presented at the “International Conference on Multi-level governance and democracy in the EU”, 28-29 May 2009, Cluj-Napoca, Romania.

(*) This text presents and illustrates ideas and subjects that are the subject-matter of other works of mine: some published, should the reader wish to further examine them, in the journal of the Centro Altiero Spinelli (Rome Three University) *La Cittadinanza Europea* (Rome, Philos edizioni), which comes out every six months (from 2002 onwards) and, in particular, nos. 1-2/2002, 1-2/2003, 1-2/2005); some others published elsewhere, namely in the volume *L’Europa possibile*, Avagliano Editore, 2003, p. 114 et seq., and in the *Revue internationale de droit comparé*, 2004, p. 291 et seq.

Such a scenario can be identified in the *European citizenship*. By this we mean a space – an organised system of rules regulating economic and social activities and safeguards for the actors involved – in which the difference between “citizens” (nationals) and “foreigners” (citizens of other European Union countries) tends to disappear. Such a space develops as a result of integrating — in specific sectors and for particular purposes — the systems of each member states.

The scenario we have just depicted would however seem doomed to fall apart when faced with the obstacle of scepticism (or even uncompromising rejection) at the idea of a European citizenship seen as being synonymous with a *common identity*. This situation is the result of a tragic misunderstanding in which people confuse “citizenship” with “nationality”.

Because of this confusion, the general perception of European citizenship – which, judging by public opinion in each of the Union’s countries (as the Eurobarometer statistical surveys show), is already weak – tends to increase the sense of remoteness (or indeed hostility) that so many citizens (nationals) feel towards the Union. The result of this is a growing disaffection towards European institutions.

This makes it difficult to address (the notion of) European citizenship in unequivocally conceptual terms relating to the process of integration: as a process that can be accomplished to the extent only that it is accepted as a common objective by the populations of member countries. The notion of European citizenship is part and parcel of this objective, in that it is a factor that can enhance (or contribute towards enhancing) a sense of belongingness, referred to inter-subjective relations among individuals who operate (across internal borders) in a common space created as a result of integrating internal (national) systems: a space where all such subjects (persons of different nationality) mutually recognize themselves as members (citizens) sharing common values of civilisation as well as fundamental rights of citizenship. A space moreover capable sooner or later of giving rise to a profile of European identity (Europeaness) much stronger than it is today.

Therefore the relevance attributable to (the notion of) European citizenship stems precisely from its capacity to act as a catalyst in the process of integration within civil society, by, specifically, giving greater impetus not just to the hypothesis but to a model of European (common) political and legal system.

This relevance is both functional and substantial. Because of this, we need to examine the issue of European citizenship and, in so doing, clarify its functions, as well as its contents.

2. *On the notion of European citizenship: origins, developments and characteristics.*

The notion of European citizenship or, to be more precise, *Union citizenship*, made its first official appearance in the Treaty establishing the European Union (TEU), in the version signed at Maastricht (which was later followed by the Amsterdam and Nice versions). In the TEU, European citizenship is contemplated as one of the basic objectives of the Union. The objective consists of «to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union» as stated by the Treaty on European Union (TEU, Art. 2). But it is also mentioned in the Treaty on the European Community (TEC). Here, significantly, this notion is included (in Part II) immediately after the definition of principles (objectives) of the European Community and before policies pertaining to the internal market.

This point is particularly important if we consider the origins of the idea of European citizenship as an institution, alongside and beyond the economic community (common market). The idea was conceived way back in the 1970s as a means of rekindling the process of integration, which at that time was losing pace and stagnating. The idea then was to seek a fresh ideal impulse that could point to further goals on the road towards «an ever closer union among the peoples of Europe» (TEU, Art. 1). These goals are first included in the Single Act (1986) and then in the Maastricht Treaty (1992), after which they are repeated in the Amsterdam Treaty (1997). In a sort of crescendo, they are again quoted in the Charter of basic laws of the Union (2000) proclaimed at the Nice summit (but still today formally devoid of legal effect) and in the Treaty (not yet ratified) adopting a European constitution (October 2004), widely known as the constitutional Treaty.

It was during that time, in the mid-70s, that the idea of a “Europe of citizens” first emerged as a way of solving the problem of bringing Community institutions closer to people’s lives. At the 1974 Paris summit (which introduced the practice of periodical meetings of the European Council), an initial list of so-called “special rights” was prepared, rights geared to furthering a sense of belonging to the Community system. Belgian Prime Minister Tindemans was given a mandate to prepare a report on the European Union (in its new form of integration between member States devised at the 1972 Paris summit). The report was presented in 1976. In addition to the freedom of residence and the freedom to stand for election and vote (in municipal elections), the report also recommended broader acknowledgment of basic rights and freedoms, as well as an individual right to apply to the European Court of Justice if such rights and freedoms are violated. All of this was accompanied by measures aimed at encouraging free circulation, such as the abolishment of border controls on persons. In its turn, the newborn European Parliament, in adopting these proposals, asked that the basic rights be embodied in Community law. In early 1984, the European Parliament approved (on a large majority) a draft treaty setting up the European Union (the so-called “Spinelli project”), which for the first time heralded a concept of Union citizenship¹. The same year, the Adonnino Committee (named after its president), which was set up by the European Council at the Fontainebleau summit and given the task of preparing steps towards furthering and reinforcing European identity, presented a structured programme of measures clearly characterised by a “civic” inspiration. The programme included: abolishing customs formalities, mutually recognising qualifications and certificates, establishing the universal right of stay not subject to holding a job, the right to participate in municipal elections for persons coming from other member States, a uniform right to be elected to the European Parliament, the right to make petitions to the European Parliament and the establishment at the European Parliament of the figure of ombudsman/mediator, the right to appeal to the ombudsman, and intensified cultural exchanges.

The concept of European citizenship thus emerges in the Maastricht Treaty: anyone who has the citizenship of a member State is a European citizen.

The main rights inherent in this form of citizenship include, first and foremost, the right to enter, stay and remain in another member state or to set up there business.

¹ «Nationals of member states are together Union citizens. Union citizenship is linked to the status of national of a member state and cannot be acquired or lost separately. Union citizens take part in the Union political life according to the rules stated in the present draft treaty, hold the rights attributed to them by Union legal system and act accordingly to its rules» (Art. 3 [my own translation of the Italian text published in *L’Università raccoglie la lezione dei Padri dell’Europa*, edited by Centro interdipartimentale di ricerca e servizi sui diritti della persona e dei popoli dell’Università degli Studi di Padova, 2007).

These rights had in fact already been acknowledged in earlier Community legislation (the Treaty of Rome, in 1957, setting up the European Economic Community), but they were reserved for persons operating in the common market, i.e. entrepreneurs and workers, who were thus permitted to exercise their activity in a country other than their own State. The difference is that these rights are now extended to the population of member States as a whole, in direct accordance with a principle of citizenship formulated as a principle *per se*.

There are other rights inherent in holding European citizenship. We refer specifically to (i) the political right to stand for election and vote in both European and local (municipal) elections, a right exercisable in the country of residence insofar as it is different from the country (of origin) of which we are citizens (nationals), (ii) the right to submit a petition to the European Parliament and (iii) the right of recourse to the European mediator (ombudsman).

In the successive Amsterdam Treaty, the nature and content of European citizenship are further defined and enhanced, albeit in what would appear to be a downsized formula. Almost as an addendum to the sharply worded formula of the Maastricht Treaty, the literal effect of which was almost to divest the state of its monopoly over citizenship (by setting up the Union citizenship with a peremptory statement quite close to the one made by the above mentioned Spinelli project of Union treaty: «Anyone who has the citizenship of a member State is a citizen of the Union»), the Amsterdam Treaty makes the following adjustment: «Citizenship of the Union *shall complement* and not replace national citizenship» [italics added].

In the course of their negotiations, the governments had sought to avoid the risk of excessively divesting the concept of citizenship of its national nature, which might have been the case if a new cross-border citizenship had established itself in place of the more traditional national citizenship. This could have produced the effect of divesting the latter of its relevance, while turning the former into nothing more than a sort of European statelessness.

But the result of this operation to limit the concept from a technical and legal angle has actually been to produce the opposite effect. By making European citizenship “complementary” to national citizenship, this has implied, and implies, acknowledging — alongside the complementary nature of one vis-à-vis the other — the partial, or non-exhaustive, nature of state citizenship. This is because national citizenship alone becomes a necessary, but no longer sufficient, condition for realising the full legal status of the subject (private individual or corporate body) within the European Union. Such full status is, on the other hand, ensured as a result of being integrated with ulterior subjective situations regarding relations between individuals or between private and public subjects within the Union legal system, even though on most occasions such relations have to pass through the internal system (at the national or local level).

It should also be stressed that, while the Maastricht Treaty saw citizenship as a means to achieving the goal of further safeguarding the rights and interests of citizens of member States, the purpose of the Amsterdam Treaty was to reinforce the complementary function of European citizenship. The Amsterdam Treaty established (TEU, Art. 6) 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» and «shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms [...] and as they result from the constitutional traditions common to the Member States, as general principles of Community law». Consequently, it envisages (TEU, Art. 7) the power of member states (one third at least of them) together with

European institution to take action whenever «there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6».

To further reinforce the complementary nature and function of European citizenship, the Maastricht Treaty and, after it, the Amsterdam Treaty, have introduced the objective of giving Union citizens «a high level of safety within an area of freedom, security and justice». To achieve this, it is envisaged that member States should develop «common action... in the fields of police and judicial cooperation in criminal matters» (TEU, Art. 29).

In the Amsterdam Treaty, the notion of Union citizenship has been further bolstered by including the heading on employment as a matter of common interest to member States. In so doing, it gives the concept a distinctly social connotation.

So, from the original idea of a citizenship based on civil rights linked to market freedoms in the framework of the European Community, there has been, with the European Union, a shift towards an idea of citizenship based on participation, that is on political (and electorate) rights, and furthermore towards a “social citizenship” (linked to welfare rights too). The purpose of social citizenship is — potentially at least — to provide a guarantee against exclusion and marginalisation in such a way as to increase economic and social cohesion on solidarity basis. The model we thus see taking shape is the model of a social market economy.

Finally, with the Nice Charter, “citizenship” has been upgraded taking a further step forward to gain a place among fundamental values alongside dignity, freedom, equality, solidarity and justice as one of the basic principles of the Union.

3. *Beyond nationality: European citizenship as a “space” (as opposed to status) of belongingness.*

At this point we need to recall the semantic misunderstanding we referred to at the stArt. In some European languages the term “nationality” is used with the meaning of “citizenship”. The use of the term “nationality” — so heavily charged with reasons, passions, ideals and symbols deeply embedded in the history, culture and anthropology of a people — risks causing confusion. It risks making people more suspicious and diffident. This is partly because they are against the idea of a common belongingness (identity) which, whilst not replacing (as the treaties say) our national identity, overshadows it with what is a mere semblance of an artificially created European “nationality”. Therefore, from a linguistic and terminological angle, we need to make a clear distinction between these two words and concepts if we are to avoid creating difficulties in understanding and perceiving (accepting) European citizenship.

If it is true to say that the united Europe – “united in diversity”, as the motto coined by the constitutional Treaty of Rome reads – is a union of peoples, as well as being a union of States.

If it is true to say that, as yet, a European *demos* does not exist, and that a “European constitution” is not (and cannot be) based on a non-existent *demos*.

If it is true to say that, apart from being unusable, the classification of a sovereign European people would actually be harmful. Such a classification would indeed imply a (19th century) concept of state and law based on government control. The *raison d’être* of the European Union, on the other hand, goes beyond the traditional patterns of state sovereignty, in a plural dimension of respect for national diversities based on structuring areas of competence according to a (new and original) multi-level system of organising governmental powers. This multi-level system would appear to be based on the idea of a community of peoples — something akin to the community of peoples expressed in the

term *respublica christiana*, on which the medieval empires were based — as opposed to that of a super State, as a kind of modern empire.

If it is true to say that in the European Union, a union without “internal borders”, the legal and technical notion of “foreigner” is gradually fading. As the Convention implementing the Schengen Agreement 1990 has established, the definition of “foreigner” only applies — as far as persons circulating in the Schengen area are concerned — to a person «who is not a citizen of a member State of the European Communities». In other words, it only applies to persons who come from states outside the Community.

If it is true that on the issue of classifying and treating citizens of other member States (not as “foreigners”, but) as European citizens, we should not forget that one of the basic principles of the Union is the principle of non-discrimination based on nationality (TEC, Art. 12: «any discrimination on grounds of nationality shall be prohibited»).

If it is true to say all this, then it is also true to say that, instead of creating a “European nationality”, an unpopular idea that would be hard to achieve, the Union can create a “space” (we shall come back to this word later) of citizenship. In this space, and thanks to it, we can create a condition (for those operating in it) of belonging to a common system of law (the Union or Community system), with all that this entails especially as far as relations between private individuals from different (national) member States are concerned. As it has been observed: European citizenship does not mean belonging to a European nation. Nor does it in any way imply a nationalistic type of European identity. But, by giving citizens of member States the opportunity to carry out a range of economic, social, cultural, educational, and even political, activities, beyond the traditional territorial borders of the nation-states, European citizenship contributes towards slackening the hierarchy between different allegiances, offering individuals a *variety of associative relations*, without restricting them to a specific nationality. In this respect, European citizenship can be defined as an extension of rights within a space with a broader territorial extension and a more functional structure (than the national space), rather than as a precise legal status².

In the end, as I have attempted to explain in the previous chapter, this means that European citizenship – whilst having a meaning different to that of citizenship in terms of nationality – is actually a diversified form of citizenship which impacts, at the political and institutional level, on the plural subdivision of national state systems. State systems are no longer closed internally — in a framework in which their borders, like their citizens, belong exclusively to a specific territory — but participate in an open space, shared with all European Union member countries.

4. *The political and institutional functions of Union citizenship.*

We therefore need to consider — in a political and institutional perspective — the meanings and functions of European citizenship before we go on to examine its effective or potential technical and legal applications.

We can find these meanings — in summary form but, hopefully, such as to convey their essence — in the answers to four key questions regarding the four main objectives of the Union as a whole. These answers provide us with a series of particular, closely linked specific functions of European citizenship, each with its own relevance.

An initial function of European citizenship is to operate as a *framework legitimising the united Europe*.

² U. Preuss, *Problems of a Concept of European Citizenship*, in *European Law Journal*, 1995, p. 280.

Here, the simple, but crucial, question is: why is the issue of European citizenship (i.e. the relevance of this notion in terms of its capacity to back up the project of European construction) important?

One way of answering this question is to say that the framework legitimising European construction can and must also be based on the fundamental principle (value) of citizenship, alongside the other values and principles stated by the Nice Charter (dignity, freedom, equality, solidarity and justice). This will acquire even greater relevance as, hopefully, we move on from the treaties to the constitution as a “basic law” of the Union. In such a perspective, the Union provides a guarantee of citizenship as a prerequisite of greater freedom, security and justice (which must be) offered by the Union to “its” citizens, whilst the European citizens should in their turn guarantee the Union itself by way of participating “to its political life” (as stated in the terms of the Spinelli’s project of Union treaty mentioned above). This perspective plays a significant role with regard to the composition of the European Parliament. Indeed, in contrast with the present provision according to which the EU Parliament «shall consist of representatives of the peoples of the States» (TEC, Art. 189), the constitutional Treaty envisages that the European Parliament «shall be composed of representatives of the Union’s citizens » (Art. I-20). Such last provision is now maintained by the Lisbon Treaty (Art. 14). Furthermore, one may recall that the same constitutional Treaty in the Heading (VI, Part I) entitled «The democratic life of the Union» introduces the right of people’s initiative under which one million Union citizens having the citizenship of a significant number of member states, therefore representing various nationalities, can invite the European Commission to present a legislative proposal they consider necessary in order to implement the Constitution (Art. I-47). Again, a provision which has been kept alive in the Lisbon Treaty (Art. 11).

In these terms, the basic need for a European citizenship is thus reaffirmed as a need to clarify and deepen the construction of Europe, by involving citizens — meaning the civil society in all its structures and expressions — in matters concerning the Union. To put it another way, whilst acknowledging and safeguarding basic rights for the benefit of citizens, the Union should also envisage ways and forms of participation and the “duties” that accompany them, to use an expression dear to one of the prophets of a modern and democratic Europe based on solidarity (Giuseppe Mazzini).

A second function of European citizenship is to ensure that private individuals have *full legal status*.

If we are right to consider citizenship as a founding element legitimising the Union and as an aspiration of its citizens to be a constituent part of it, we then have to ask: what is implied by addition (to national citizenship) of European citizenship?

One way of answering this question is to say that it implies any aspects inherent in (i) taking forward the process of integration and (ii) the position of citizens as both recipients and protagonists of a European construction founded on a sum of incremental values, i.e. more freedom, more security and more justice. In this respect, a decisive role is played by the formula contained in the so-called constitutional Treaty, where, in defining the objectives of the Union, we read (Art. I-3), as we still read in the Lisbon Treaty (Art. 3) that the Union «shall offer its citizens an area of freedom, security and justice without internal frontiers». This formula, which is innovative compared to the formula quoted above (TUE, Art. 2), in which the Union is seen as a go-between entity safeguarding the rights and interests «of the nationals of its Member States»), indicates, as prime beneficiaries of this objective, not the citizens of the member countries but, directly, the citizens of the Union, bearing in mind the complementary nature of European citizenship: in other words, the one and same national citizens in their further capacity as European citizens.

A third function of European citizenship is to motivate and reinforce the *formation of a European cultural identity*.

Here, the question is: what kind of action does the need for citizenship require or suggest, and by whom?

One way of answering this question is to say that political and governmental intents have to be followed up by any institutional circles and levels that can foster and support the formation and dissemination of a *civic European conscience*. These include, for instance, intellectual circles, professional bodies, associations, and the world of education and culture, in other words any entities operating within civil society, which are entrusted with a task that is even more important and decisive than that entrusted to political authorities and institutions (at both national and Community level).

We only have to consider such initiatives as the students' mobility programmes, the cultural programmes, the freedom of circulation and settlement of operators and the cooperation schemes set in place at local (decentralised) level, to appreciate that the more people (especially young people) and institutions (especially schools, universities and local authorities) are involved, the greater will be the possibility of establishing a space of European citizenship in which these people and institutions come together, a shared, public space to which they all contribute.

Finally, a fourth function of European citizenship is to postulate and justify a *capacity to participate in decision-making processes in a European framework* on the part of (groups of) individual citizens, i.e. civil society.

Here, the question is: what is it that encapsulates the importance of European citizenship as an exponential factor legitimising and identifying the Union in terms of culture and rights?

One way of answering this question is to observe that, if we consider everything we have just mentioned all in one, this will lead to the gradual emergence throughout society of a critical awareness of the problems and destinies of the Union as a common political and institutional construction, in order that it could be believed and accepted by people as a means to completing and enhancing local and national identities. This will come in the context of a union democratically founded on the ability of its citizens to be a responsible component of the Union, on a par with its institutions.

Conclusively the four main political and institutional, although prospective and potential functions of Union citizenship may be thus summarised:

- legitimising the united Europe as an autonomous community of citizens (and not only of states);
- empowering individuals legal status, as member (citizens) of such community placed within a space without internal (national) borders and based on shared values, principles and fundamental rights;
- promoting the formation of a European cultural identity;
- structuring the idea of an active or participatory citizenry. i.e. expanding the citizens capacity to participate in the decision making process at European level.

Now that we have paid homage to the ideal vision of European citizenship, as a factor geared to increasing the level of political and institutional integration (and, with it, social and cultural integration), we can move on to the second and conclusive part of our discourse that can be referred in short to the idea of Union citizenship as a main street to European integration.

5. *From the "market" to "citizenship": some final considerations.*

Indeed, all that has been said above leads us to switch the focus from the “internal market” to “European citizenship”.

In this respect, a topic of relevance to this point is provided by the envisaged objectives of the Union. We know that the principal objective (or maybe we should say the priority objective even in relation to the internal market) is «to strengthen the protection of the rights and interests of the *nationals of its Member States* through the introduction of a *citizenship of the Union*» (TEU, Art. 2).

This objective has been further defined in a more innovative wording appearing eventually in the Lisbon Treaty, which has entrusted the Union with the task of offering «*its citizens* a space of freedom, security and justice» (Art. 3).

In this same framework, we should not forget to also mention the Preamble to the Charter of Fundamental Rights of the European Union (Nice Charter), above all where we read that the Union «places *the individual at the heart of its activities*, by establishing the *citizenship of the Union* and by creating an area of freedom, security and justice [italics added]».

It follows from this that European citizenship can and indeed should provide a reference framework for the Union political, institutional and legal system, considered in all its branches, competences and policies.

The aim of such measures will clearly be to further safeguard the rights and interests of the citizens of member States, as citizens of the Union, favouring their economic and social relations in the framework of a common space of freedom, security and justice. This is based also on the further assumption that the process of standardisation and harmonisation will be achieved in accordance with the basic rights resulting from the shared constitutional traditions of member States, which are general principles of European law and, as such, accepted and approved by the Nice Charter.

European citizenship is indeed a founding value of the Union (as a Union of peoples, as well as of States). Its value is therefore even greater than that of the market, which is also seen as an «area without internal frontiers» (TEC, Art. 14) based on the four freedoms (the free circulation of goods, people, services and capital) on which it hinges. But, if we take a closer look, these four freedoms centre on the individual (and as Karl Marx used to say, goods do not go to the market on their own; and the same can also be said of capital and services).

From a more technical angle (and not just in terms of value), the benefit of having Union citizenship as a basic reference framework legitimising the jurisdiction of Community institutions to intervene, through measures of standardisation and harmonisation above all in the field of private law, is provided by its nature – as we explained earlier – as a “complement” to national citizenship. As we have already said, this means that full legal subjectivity in a European framework can be achieved by adding Union citizenship to national citizenship.

The choice for citizenship of the Union – as a reference framework to be preferred to, or placed alongside, the internal market – is further confirmed by its relevance as a *plurality of complementary spaces*, which follows on from the idea of a *multiple* or *differentiated citizenship*. The market — synonymous of a *single* space or area — is, on the other hand, ultimately associated with a *single* (i.e. unified) law, applicable as such to all member countries, instead of acting as a law *common* to them.

In this respect, we should quote the provisions of the constitutional Treaty, where (in Art. 8, dedicated to the “symbols” of the Union) we read that: «The motto of the Union is: *United in diversity*».

Provided, however, that we turn the motto around into: “*diverse in unity*”. By doing so, we clear the motto of a sort of centralism — typical of any form of “union of

differences” as a union imposed from above, albeit of a constitutional charter (octroyée as it has been defined) — that appears to distort its true and deeper historical, political and institutional significance. By turning the motto around, it becomes a programme of and for citizenship or, perhaps we should say, *citizenships*. As such, it can form the keystone of a complex system structuring the Union politico-institutional and legal system, in a perspective favouring a bottom-up vision, as opposed to a top-down vision which risks divesting that symbol of its significance.

Clearly, it is one thing to say: “united in spite of diversities”, as the symbol — read as it is written — appears to indicate, in which the emphasis on unity exalts its rhetorical, or even ideological, value as an undisputed and indisputable target over and beyond the differences which are subordinate to it.

But it is another thing to say: “diverse but united”: here, the stress falls on the diversity, and the union acquires, pragmatically, an instrumental value as an intermediary of diversities. As such, the diversities participate in a reality which takes the form of a process rather than an entity (the universally abhorred European super-state), and the aim of this process is to harmonise and also, in this respect, standardise its components. In view of this, instead of using the word *union*, maybe we should use (or continue to use, in the spirit of the treaties setting up the European communities) the word *comm-union*, meaning a communion of institutions and policies, a space and law common to all the local and national levels in which the diverse histories, traditions and cultures of European peoples find expression.