

Regaining the trust of the stay-at-homes: three strategies

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A comment on Maurizio Ferrara, “Should EU citizenship be duty-free”, Citizenship Forum (<http://eudo-citizenship.eu>), 6 November 2017.
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I greatly appreciate and warmly welcome contributions that go far beyond criticism and lamentation and make concrete proposals for improving Europe’s state of affairs. We have a plethora of jeremiad rehearsers. We need far more people like Maurizio Ferrera with both the courage to stick their neck out and the readiness to learn from their critics — without losing courage.

Two distinctions

I found the framing of the central issue in terms of Paul Magnette’s distinction illuminating. Very roughly, the actual and potential exercise of the isopolitical rights granted by the EU (essentially the four freedoms plus non-discrimination) are gradually undermining the member states’ capacity to keep effectively guaranteeing to its citizens some of the sympolitical rights they were used to (not least various aspects of physical, socio-economic and cultural security).

This stylised formulation of the central issues fits in with a second distinction adopted by Ferrera: a distinction between two categories of European citizens which I first heard used in this context by Koen Lenaerts, the president of the Court of Justice of the European Union (CJEU). For “movers”, the creation and expansion of their EU-wide isopolitical rights can easily compensate the reduced effectiveness of the sympolitical rights granted by their own state. But for the “stay-at-homes”, this is far from obvious and they cannot easily be fooled into taking it for granted. No wonder that some political entrepreneurs identified the juicy slot, with a thriving anti-European populism and a widely felt legitimacy crisis as a result.

All movers

If this is a fair stylised characterisation of the core of the EU’s current legitimacy crisis, there are three straightforward strategies one can think of. A first one, arguably the dominant one from the side of the European institutions, consists in trying to convert as many stay-at-homes as possible into movers. Those attracted by this strategy presumably feel encouraged by the economic creed that market-driven mobility is good for efficiency, as it enables factors of production to move to those locations where they are most productive.

However, the mobility of workers and of economic activities also produces effect too easily ignored by economists: the dislocation of communities in both the

countries of origin and the countries of arrival. Linguistic diversity makes these externalities far more serious on European scale than on national scale. A Europe with a majority of movers would not be a solution. It would be a catastrophe. Ferrera's modest proposal to further extend Erasmus-type mobility beyond a privileged fraction of university students can make sense for several reasons, but this cannot be seen as a first little block of what might provide a structural solution.

Retreat

The second strategy consists in curtailing the isopolitical rights that are the cause of the problem. In an ambitious interpretation, these rights currently include the right for any EU citizen to settle anywhere in the EU and enjoy, whichever member state she settles in, the same sympolitical rights as the citizens of that state. The de facto and largely de jure restriction of these rights to workers, active job seekers and their dependents is arguably required to discourage "welfare tourism" and thereby to protect the effectiveness of the sympolitical rights conferred by national welfare states. In the pre-Brexit-vote negotiation, the UK asked for the possibility of discriminating further, by denying immigrant workers from EU countries access to some in-work benefits. And one of the options many British soft-Brexiters would be delighted to see accepted is full access to the EU market combined with full control over who is entitled to enter the UK — an option firmly rejected so far by the EU side. I understand the EU's negotiating stance, if only as a requirement for blocking the UK's appetite for further expanding, through cherry-picking, the massive *net* brain drain of half a million highly educated EU 27 citizens currently living in the UK.

However, as a general measure within the EU, would a shrinking of isopolitical rights not be an acceptable option if that is required to regain the allegiance of the stay-at-homes? Ferrera shows little inclination in this direction. No doubt such infringements on the principles of free movement and non-discrimination would require treaty changes. But with a crisis as deep as the one diagnosed at the start, is there any hope of resolving it with unchanged treaties? More decisively, these infringements would amount to giving up fragments of an extraordinary achievement from which the EU can derive legitimate pride. Free movement and non-discrimination are not only good, up to a point, for economic efficiency. They are also good, *ceteris paribus*, for the sake of social justice, though not if *ceteris* are so far from *paribus* that they end up undermining valuable national sympolitical rights. We should therefore stop pondering more or less radical versions of this second strategy only if there is enough hope from the side of the third one — which, I believe, enjoys Ferrera's preference, as it does mine.

Caring Europe

The third strategy consists in creating or expanding sympolitical rights at EU level or at least in making some existing EU policies that currently operate via member states governments be perceived more like sympolitical rights directly bestowed by the EU. This is how I interpret his proposal of a social card, or his idea that, in the distribution of its structural and regional funds the EU should be

clearly identified “in the last mile”. I am not sure this last idea will do much to assuage the resentment of the stay-at-homes of the richer member states. Surely, they are likely to realise that, if their country is a net contributor to the EU budget, more could and arguably would be done for them, not less, in the absence of EU policies. In at least one of Ferrera’s proposals, the EU labelling of the “last mile” might even be counterproductive: if it is the EU that is seen by locals to pay for the benefits of asylum seekers and refugees, for example, some may indeed think: “At least we are not paying for them”, but others perhaps also: “It is again for these foreigners that the EU is opening its purse. Nothing for us.”

Whatever problems specific proposals may raise, however, I do agree fundamentally with Maurizio Ferrera that the key to the solution we are seeking is the resolute creation and expansion of EU-level sympolitical social rights. The EU must become a caring Europe and be seen to be one. Proposals such as funds for the retraining of workers hit by “globalisation”, an EU-wide complementary insurance scheme for short term unemployment, Michael Bauer and Philippe Schmitter’s proposal of a means-tested Euro-stipend and the proposal of a universal Euro-dividend each have their own advantages and disadvantages, but they all fit in this category.¹ For the sake of addressing our problem, they are far superior, it seems to me, to inter-state reinsurance systems, as likely to appeal to the technocrats as they are unlikely to enthuse the stay-at-homes.

As a further variant of this strategy, Ferrera’s idea of a voucher for life-long learning also seems to me well worth exploring further, especially if it goes along with making available to all EU citizens some educational resources developed at EU level, starting with the translation softwares developed within EU institutions. Blended lifelong learning — combining the mobilisation of the cognitive wealth of the internet with local critical and creative appropriation — are key to both justice and efficiency in this century. Playing a major role in it is one of the ways in which the EU can become — and be perceived to have become — a caring Europe.

Duties

There was not that much in Maurizio Ferrera’s paper about the duties which the title of this debate suggested we would see defended. Certainly a single army and compulsory military service for all European men and women would be a magic bullet for the strengthening of the European identity and thereby for the sustainability of a caring Europe. Largely for good reasons, this is not an option. But a European army should be one, and also conscription into an appropriately designed European civil service. I am in the scientific committee of the initiative that supports the creation of a voluntary civil service open to all Belgians. I am in favour of making it compulsory, and indeed of Europeanising it. But many details

¹ See Dullien, Sebastian, „Why a European unemployment insurance would help make EMU more sustainable“, *Social Europe*, 3 October 2014; Schmitter, Philippe & Bauer, Michael W. "A (modest) proposal for expanding social citizenship in the European Union", *Journal of European Social Policy* 11 (1), 55-65, 2001; Van Parijs, Philippe, “The Euro-Dividend”, *Social Europe*, 3 July 2013, and Van Parijs, Philippe & Vanderborgh, Yannick, *Basic Income*, Cambridge (Mass.): Harvard University Press, 2017, chapter 8.

in the implementation matter greatly to prevent it from proving counterproductive.

At EU level, just as at the local or the national level, however, the most important civic duties are not legal ones. At all levels, political leaders must become able (again?) to tell their respective peoples: "Don't ask what your municipality, your state, the Union can do for you, but what you can do for them." For this not to sound ridiculous, leaders must deserve the trust they are expecting. And institutions must be shaped so as to enable them to deserve this trust. From this perspective, institutions that turn the EU into a caring Europe are a must.