

Governance and Citizenship in the European Union: What is the *White Paper on Governance* Suggesting about Citizenship?

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The *White Paper on European Governance* [COM(2001) 428] has provoked a good deal of discussion, although perhaps not all that it might have or should have. It is a complex document, which exists in a situation itself undergoing great change. Considerations of governance are linked to matters of enlargement, and to the now on-going Future of Europe discussions. Release of the White Paper itself was followed by a process of consultation, through March 2002, that involved individuals and groups reacting to its principles and proposals.

Given all to this, there is no single way to understand either the importance of the White Paper or even its goals. For some observers, the document represents a misunderstanding by the European Commission of the difference between “government”, which exists only at the national level and “governance” which is all that the Commission can provide, because it “works without the benefit of an elected government” (Sbragia, 2002: 13). For others, the report marks a move away from past practices, both with respect to the “Community method” and to academically identified “network governance”. It proposes a new form of governance:

‘Participatory governance’ is a key term describing the outcome of one of the Prodi Commission's four strategic priorities – to develop a new mode of governance. Aimed at laying out recommendations on how to increase the legitimacy of the institutions and enhance democracy in Europe, the White Book raised the ‘public dialogue’ to a leading idea. With “public dialogue” as a new method of work the Commission not only introduced a theoretical but also a practical discourse aimed at citizens in the EU (Liebert, 2001: 9).

And of course, for the authors of the White Paper, their notion is that the White Paper provides arguments for a renewal of something that already exists, the Community method. Improvements to the method would be made, “by following a less top-down approach and complementing its policy tools more effectively with non-legislative instruments.” (Commission, 2001: 4).

This, issues of goals of action, sources of legitimacy, and policy processes are, for the authors, embedded in the *Community method*, defined (Commission, 2001: 8) as a decision-making process that:

... provides a means to arbitrate between interests by passing them through two successive filters: the general interest at the level of the Commission; and democratic representation, European and national, at the level of the Council and European Parliament, together the Union’s legislature.

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Thus, in the White Paper, the Community method provides a way to address “one of the major problems confronting our societies”, that is increasing distrust of institutions and politics, as well as democratic institutions (“at both national and European levels”) to connect Europe with its citizens. It must, in other words and according to the White Paper, become a democratic method and respond the democratic deficit of European citizenship.

To achieve these goals, the Community method involves the following institutions:

- the Commission, which makes legislative and policy proposals, executes policy, is the guardian of the Treaty and represents the Community in international negotiations;
- the Council of Ministers, representing Member states, and the European Parliament, representing citizens, that adopt legislation and decide budgets, execution of which is entrusted to the Commission and national authorities
- the European Court of Justice, that guarantees respect for the rule of law.

This description of the Community method is not, of course, the only one available.¹ Indeed, one of the explicit goals of the authors of the White Paper was to give a more democratic and governmental cast to the process of interest representation and decision-making at the European level of government, and to name it the “Community method”.² In the description quoted here, we find all the classic governmental and policy functions – rule making, applying and adjudicating; policy initiation, decision, execution and adjudication; and so on. Indeed, the paper concludes with a self-description (Commission, 2001: 34-35): “The White Paper has highlighted ... a Union based on multilevel governance” in which “the real challenge is establishing clear rules for how a competence is shared – not separated...”, a vision which certainly resonates with those of us who live in the multilevel governance world of a federal state.

While always careful to acknowledge the importance, role and rights of “national governments” and “national administrations”, the White Paper also declares that “it is time to recognise that the Union has moved from a diplomatic to a democratic process, with policies that reach deep into national societies and daily life” (Commission, 2001: 30). From this perspective, it claims the right to enter into a democratic dialogue and foster a more open policy process with a wide range of actors. Focus is particularly on “a stronger interaction with regional and local governments and civil society”, via “a more systematic dialogue with representatives of regional and local governments”; flexibility in implementation of Community legislation; minimum standards for consultation; “partnership arrangements” for consultation beyond the minimum standards, in return for guarantees of representativity (Commission, 2001: 4).

With this vision of governance expressed in the White Paper, what interpretation of citizenship and citizenship regimes might be applied? In the rest of this paper I do not wish to settle important debates about whether these recommendations should, can, or ever will be implemented in the EU of the 15 or an enlarged Union. Those debates are for another day. Rather, I want to defend the claim that with these proposals for improved governance, the authors of the White Paper have put forward a vision of a new citizenship regime which is very close to those being promoted in a number of countries, both European and non-European. This vision of a citizenship regime is one in which practices of governance stress a variety of types of actors, in which the formal institutions of government of the modern state play a less decisive role as well as a

new role, in which partnerships across sectors and levels are key governance structures, and in which forms of democratic participation are changing.

In other words, I am going to use a *comparative perspective* to examine these proposals, and will demonstrate their similarities to changes occurring in the citizenship regimes of a number of countries. The European Union, its institutions and especially its Commission may be *sui generis*³ but the *responses* of actors and institutions within it, such as the group that generated the White Paper are not. Countries have been worried about civic disengagement for at least a decade.⁴ The authors of the *White Paper* too have been marked by the epochal debates about “governance,” “new public management,” new types of and roles for the state, and so on that have shaped thinking about citizenship, democracy and governance throughout the world in the last two decades.

The hypothesis of this paper is that the proposals to alter governance practices constitute an example, among several, of a redesigned citizenship regime, and that in many ways the White Paper is positioning the EU to deploy a citizenship regime that is quite similar to those emerging at the country level, both in Europe and elsewhere. It is possible to do so precisely because the notions of “governance” play on the strengths of the EU institutions and especially the Commission and reduce the disadvantages of being neither fish nor fowl, neither a state nor an international organisation.

In order to make my case I will present the concept of citizenship regime, and then show how the White Paper proposes to follow a trajectory similar to that to many national states, in its proposal about to re-make relations between the state and citizen and among citizens. Again, this is, in the case of the EU, a *textual analysis*, comparing one text to the historical experience of a number of national governments.

The concept of citizenship regime⁵

At its most general, citizenship establishes a system of inclusion and exclusion. Much analysis of citizenship, of course, proceeds from a narrow definition, that equates citizenship with civic and political rights, as well as nationality. This can be termed political citizenship. Important as it is, it leaves aside other aspects of citizenship which have proven to be particularly important over more than a century.⁶

It is useful to have a concept that allows us to capture differences and to move beyond these assumptions. By the concept of *citizenship regime* we mean the institutional arrangements, rules and understandings that guide and shape concurrent policy decisions and expenditures of states, problem definitions by states and citizens, and claims-making by citizens.⁷ A citizenship regime encodes within it a paradigmatic representation of identities, of the “national” as well as the “model citizen”, the “second-class citizen”, and the non-citizen. It also encodes representations of the proper and legitimate social relations among and within these categories, as well as the borders of “public” and “private”. It makes, in other words, a major contribution to the definition of politics which organises the boundaries of political debate and problem recognition in each jurisdiction.

There are four elements of a citizenship regime, and each contributes to setting its boundaries and giving content to the institutions that sustain it:

- Citizenship involves the expression of basic values about the *responsibility mix*, defining the boundaries of state responsibilities and differentiating them from those of markets, of families and of communities. The result is definition of “how we wish to produce welfare”, whether via purchased welfare, via the reciprocity of kin, via collective support in communities, or via collective and public solidarity, that is state provision.⁸
- Through formal recognition of particular *rights and responsibilities* (civic, political, social, and cultural; individual and collective) a citizenship regime establishes the boundaries of inclusion and exclusion of a political community. In doing so, it identifies those entitled to full citizenship status and those who only, in effect, hold second-class status. Identities of “bearers of rights” and the “excluded” take on meaning according to these patterns, for example.
- A citizenship regime also prescribes the democratic rules of the game for a polity. Among these democratic rules, we include the institutional mechanisms giving *access* to the state, the modes of participation in civic life and public debates and the legitimacy of specific types of claims-making. The identity of full citizen and participant exists, and claims-making may turn to demands for better access and inclusion.
- A citizenship regime also contributes to the definition of nation, in both the narrow passport-holding sense of nationality and the more complicated notion of national identity and its geography. It thereby establishes the boundaries of *belonging* and the national identities associated with it, including those of national minorities.

The approach adopted is one gaining favour among analysts of public policy that point to the effects of messages transmitted via *policy design* to citizens about not only their rights and responsibilities but also their capacity to participate and be full citizens. Thus, it is a neo-institutionalist analysis that puts a good deal of emphasis on social construction of identities (ideas about belonging) as well as about the institutions that promote such ideas and create interests. For example, Ingram and Schneider (1993: 89) put it this way: “Persistent construction of certain classes of people as distinct types of targets imparts messages that relate to citizenship and participation. The unvarying experience people have with policy informs them of their status as citizens and how they and people like themselves are likely to be treated by government.”

Governance, the New Public Management and Changing Citizenship Regimes

There are strong connections between governance debates and the visions of the new public management (NPM), as Guy Peters and John Pierre (1998) make clear. Governance models emphasize that networks, and not formal policy-making institutions in government, control policy, and therefore, as one of the main students of this approach puts it, there has been a “hollowing out of the state” (Rhodes, 1994). The private sector, both for-profit and not-for-profit, takes on more responsibility for policy making and delivery, because of the loss of state legitimacy and in order to meet local needs. Of course, the state is hollowed-out but not eliminated, and it has some new resources. Rather than the power to decide, its strength is in its capacity to influence (Peters and Pierre, 1998: 226). Therefore, capacity to puzzle through (to use Hugh Heclo’s term) a policy agenda, to negotiate with a multitude of partners, and to

exercise leadership are the most valuable commodities. Actual institutional authority is less important. And finally, the governance models stress the need for a wide repertoire of policy instruments, indeed multiple instruments are appropriate, and may be more effective (Peters and Pierre, 1998: 227).

The NPM adds to the governance model, among other things, an emphasis on output-control rather than input-control, and competition that makes the use of benchmarks essential. The NPM tends to be somewhat more aggressively anti-statist than the governance model, but both share an emphasis on leadership over formal authority, provide theories of democracy in which legitimacy takes precedence over formal rights, and in which horizontal and interconnecting relations are valued over hierarchical ones.

The public administrations and governmental institutions of Western Europe have had to adapt to the challenges of the increasingly popular NPM and notions of governance. Peters and Pierre (1998: 234ff.) review the various responses to these challenges for public administrations, especially the introduction of competition into service provision, which is a key element of the NPM, and they concluded in 1998 that the changes were widespread but somewhat limited (Peters and Pierre, 1998: 237).

However, the same is not as true of the principles of governance. Citizenship regimes in a variety of different countries have been redesigned in significant ways according to the principles of the governance model. For example, in a comparison of France, Italy, Belgium, and Sweden as well as the EU, we observed that the four national governments had all made significant changes to their citizenship regime. Using the example of child care we found that responsibility mix was altered as markets were assigned more importance, as mechanism for setting service levels (for example, Sweden, France and Belgium), for creating choice (Belgium, France), for providing services (all four cases). In all cases, although to varying degrees, citizens' right to child care services became less universal and more marketized, as access to services was provided via the tax system rather than as a universal public service, and then via non-profit as well as for-profit providers in a range of partnerships. Thus the presence of public funding for child care did not translate into a citizenship right; it often brought only some increased market capacity. Access to service was also differentiated by class, with class-divided programmes emerging in all cases. And finally, in all four national cases, the "national dimension" or standard of service gave way as regional authorities became more important in opening a right to service, providing access and so on; national territories were losing their organising imagery (Jenson and Sineau, 2001: Chapter 9 and passim).

Other studies identify similar alterations in citizenship regimes, as governments develop new framework agreements with the voluntary sector. The part of the private sector composed of non-profits or NGOs in Canada, the UK, France, Germany and elsewhere have all been courted by governments seeking to establish new – and often contractual relations – with them (Phillips, 2002). Moreover, patterns of access and routes to representation have been profoundly changed as new governance structures incorporate the voluntary sector and its expertise directly into the policy process (Laforest, 2002), thereby granting them legitimacy more because they are "experts" able to engage in policy design and delivery than because they represent a particular constituency lobbying the state. In other words, their role in consultation and processes of engagement is highly valued.

Movement towards reliance on benchmarking and output indicators in countries from New Zealand to the UK all mark a change in the way that social citizenship is conceptualized. Rather than measuring social citizenship by what is offered or available to citizens, citizenship regimes under the influence of governance models emphasize the *results*, that is whether the target has been met. As part of the process there is a move towards *result-based management* while the language of rights has been altered to insist that citizens “of course have rights, but they also have responsibilities”, and the role of public authorities is to enable them to fulfill those responsibilities.

In national situations this move towards a “governance model” and redesign of citizens’ rights and access, as well as the responsibility mix among the four sectors (states, markets, families and the voluntary sector), has been much debated by promoters – who see it as a positive response to the loss of legitimacy of politicians and governments – and opponents, who see it as undermining basic relationships of social citizenship and creating new patterns of marginalization, and therefore real reasons for citizens to be disaffected from their particular governments, if not government in general.

Therefore, installing the new principles of a LEGO citizenship regime in various national settings has not been easy.⁹ In the EU, however, the hegemony of governance models (with tinges of NPM) is a real intellectual resource. It allows those engaged in “institutional self-reflection” (Sbragia, 2002: 2) to avoid some of the pitfalls of existing institutional arrangements, while making claims and promises to improve governance in terms which are increasingly familiar from cross-European, national and international discourses.

The White Paper’s proposals for a new citizenship regime

The White Paper proposes that the institutions of the European union innovate and engage in the Community method, which as was described above, as a decision-making process which contains all the usual elements of any policy process, even if the institutions do not directly correspond to the usual categories of government. In order to discuss the future, the White Paper sets out five principles of good governance: openness, participation, accountability, effectiveness and coherence.

If the EU and especially the Commission were to follow the proposals of the White Paper, it would be moving toward consolidating a “governance” style citizenship regime, with new forms of access, new rights of social citizenship and particularly with a new responsibility mix.

The responsibility mix

The White Paper on Governance’s proposals for a responsibility mix based on multilevel governance, closer ties with sub-national levels of government and civil society organisations reproduce the mainstream practices of many governments engaged in redesigning their citizenship regimes. Governance models, as Peters and Pierre (1998) stress, include a structured mix based on networks and shared competences rather than on clear divisions of competences or powers, as mentioned above. The five principles of good governance, then - according to the White Paper – can be achieved only with a break from traditional governmental practice. “... the linear model

of dispensing policies from above must be replaced by a virtuous circle, based on feedback, networks and involvement from policy creation to implementation at all levels.” (Commission, 2001: 11).

In this shift, the White Paper assigns to the EU institutions (if not explicitly certainly between the lines) the status of “equal”. As Peters and Pierre (1998: 226) point out, governance arguments describe a situation in which “government actors now bargain as relative equals” with a range of other actors. EU institutions, as a non-government, can take advantage by enhancing their position *vis-à-vis* the national governments, then, when the governance model is adopted.

In all this, the voluntary sector as well as sub-national governments and market-based actors have a major role, building on partnerships (Commission, 2001: 32). Delivering better information – which is described as the foundation for openness and a “pre-condition for generating a sense of belonging to Europe” (Commission, 2001: 11) – will involve “networks, grassroots organisations and national, regional and local authorities.” In particular, and beyond the outreach to local and regional governments, the White Paper emphasises the importance of the voluntary sector, that which it labels “civil society”, and which includes everything from the social partners to NGOs and professional associations. Singled out are “churches and religious communities [that] have a particular contribution to make.” (Commission, 2001: 14).

This new responsibility mix is quite explicitly detailed in a subsection entitled *With better involvement comes greater responsibility*, in which the statement is made that “participation is not about institutionalising protest. It is about more effective policy shaping on early consultation and past experience.” (Commission, 2001: 15). The White Paper goes into detail about the need to establish a code of conduct setting minimum standards (Commission, 2001: 17). It also calls on civil society to follow the same principles of good governance, especially accountability and openness (Commission, 2001: 15), because it is no longer simply a “private sector” but one engaged in public decisions.

This call for increased consultation and involvement in policy design replicates the language of many jurisdictions that are structuring a new role for the state and voluntary sector in ways which alter usual notions of accountability as well as hierarchy as they restructure the responsibility mix of their citizenship regimes (Ullman, 1998; Peters and Pierre, 1998; Jenson, 2002; Phillips, 2002).

Access

The second important change in thinking about citizenship that the White Paper proposes touches on routes to representation. Given its origins as a Common Market and so on, the European Community gave a privileged status to the social partners, represented by union and employer organisations. Indeed, their Treaty status as alternative sources of legislation is strong. The White Paper, however, downplays this special status, folding the social partners (as mentioned above) into the broad category of civil society. This potential loss of standing did not go unnoticed by the social partners, in their contributions to the White Paper process. In the Governance Luncheon of March 18th, 2001, for example, both the representatives of employers and of unions pointed out the need to maintain their status.

The White Paper does not reject the Social Dialogue process, of course. But it does stress the key contributions that networks linking businesses, communities, research centers and regional and local authorities can make to policy-making, particularly as “multipliers spreading awareness of the EU” (Commission, 2001: 18).

An additional dimension of access that is important involves the issue of “for what”. Access of these networks, civil society organisations, local authorities, and so on are all intended to provide the institutions of the EU, and especially the Commission, with the capacity to live up to the principles of good governance. Thus, with the information fed to it by the structured consultation processes giving access to these civil society actors, the institutions of the EU will be able to generate the coherence which is one of the five principles, and thereby provide “political leadership” (Commission, 2001: 10). If the notion of the Commission and other institutions as policy innovators is not new (Ross, 1995), it is nonetheless the case that embedded in a governance model this leadership role gains a logic and legitimacy which it may not have had previously where it was a matter of “striving”.

Thus, as national governments have moved from “rowing” to “steering” in their visions of the responsibility mix,¹⁰ they have become more similar to the self-styled role of the Commission, and thereby provide a shared language for talking of the role of levels of government.

Rights and responsibilities

The White Paper is not a document about social citizenship, and therefore it does not have much to say on the *content* of citizenship rights. It does, however, embrace the “output focus” of contemporary governance models much more than the notion of basic and standard citizenship rights that informed post-1945 citizenship regimes. Thus, the White Paper calls for greater flexibility in implementation, legislation limited as much as possible to “essential elements”, “leaving the executive to fill in the technical detail via implementing ‘secondary’ rules” (Commission, 2001: 20). Again this implementation would involve the range of actors – not termed stakeholders in the White Paper but usually called that in the governance literature – mentioned above. These notions are underpinned by the call for greater flexibility, in which target-based, tripartite contracts would be employed, for achieving particular objectives under the umbrella of the “primary legislation” (Commission, 2001: 13).

This idea of differential programme adhering to common general standards or norms is a familiar component of governance models, and directly challenges the model of strong, centralised government (Peters and Pierre, 1998: 224). Partnerships will vary according to who is involved, regional specificity meeting local needs is a positive value, and so on. Thus, governance thinking gives the principle of subsidiarity another leg for legitimacy (Commission, 2001: 10).

Most relevant in this section is the commitment, in the White Paper, to the extension (as appropriate) of the Open Method of Coordination. The OMC is the EU’s version of output-based thinking par excellence. As it is extended and improved, the governance practices of the EU mimic as well as lead the national governments that are moving to the use of outcome indicators and measures as basic tools of public administration.¹¹

As governments move to the use of these instruments, they are shifting the content of their citizenship regime, altering notions of equality as well as purpose, notions of responsibility of time, and so on.¹² Therefore, again we note that with respect to the fashioning of citizenship rights the White Paper is close to documents produced and practices undertaken by national governments as well as international agencies.

Belonging

The White Paper begins from a concern about the belonging dimension of European citizenship. Dissatisfaction, disengagement, and distance plague European institutions, as they do national states. Therefore, the motive for reforming European governance, the reason for undertaking the exercise, is to reduce the fact that “many Europeans feel alienated from the Union’s work” (Commission, 2001: 7). Here the prescriptions for addressing citizen alienation is what we find in many other cases as well – greater public involvement, new forms of civic engagement and better social inclusion. In particular, policy must be more “inclusive and accountable” (Commission, 2001: 8). This turn to improving public involvement is a constant theme, especially in those countries where participation rates in elections have been steadily and dramatically declining.¹³

Concerns about the belonging dimension underpin the White Paper, and therefore is provided as a justification for the proposals about the responsibility mix, access and so on. As the Concluding Section of the White Paper puts it:

Alienation from politics is not just a European problem; it is global, national and local. But for the Union it presents a particular challenge. Given the deep level of integration already achieved, people have similar expectations for the Union as they have for domestic politics and political institutions. But the Union cannot develop and deliver policy in the same way as a national government; it must build on partnerships and rely on a wide range of actors. Expectations must be met in different ways (Commission, 2001: 32).

However, as this paper has begun to document, the governance proposals – and the impact they would have on a European citizenship regime if ever implemented – are not very different from those being pursued by national governments also engaged in redesigning their citizenship regimes.

¹ For example, Ulrike Liebert, who holds a Jean Monnet Chair at the University of Bremen, defines the Community method as an alternative governance model to that proposed in the White Paper, which she characterises as “participatory”. She labels the Community Method as “the ‘Monnet mode of governance.’ The mode of governance called after Jean Monnet was based on consensual decision-making by elites, and strategic economic instruments for political integration...” (Liebert, 2001: 7). It is secretive, rather than transparent, and so on.

² The White Paper goes out of its way to treat the EU as *just another* level of government. Thus, after identifying the five principles of good governance, the authors go on to say: “Each principle is important for establishing more democratic governance. They underpin democracy and the rule of law in the Member States, but they apply to all levels of government – global, European, national, regional and local.” (Commission, 2001: 10).

³ As John Peterson (2002: 72) writes, “The European Commission may be the strangest executive bureaucracy ever created. Despite claims that it can be understood using the accepted tools for analysing traditional bureaucracies... the Commission is in many respects a *sui generis* institution; there is nothing like it in any nation state or other international organisation.” For a detailed consideration of the Commission as a key source of innovation within the Community, unlike any other, see Ross (1995).

⁴ Robert Putnam’s musings about *Bowling Alone* are only one example among many.

⁵ This concept was developed in Jenson and Phillips (1996).

⁶ The silence around such questions arose, no doubt, because of three tendencies: to see citizenship as part of nation-building, and therefore to assume that a "national" identity results from the extension of rights; to take the "universalist" claims of citizenship discourse for reality, without realising that "second-class" citizens may exist; and to have a "society-centric" theory of the state, which does not attribute an "interest of state" to particular representations of citizens' identities.

⁷ To this point, some alert readers may well notice the similarity between these elements of the definition and the “welfare regime” (Esping-Andersen, 1990). However, deploying the concept of “citizenship” is intended to allow consideration of more than using encompassed in analyses of welfare regimes, such as the identity dimensions and distributional patterns and so on described in the next sentences.

⁸ This terminology is similar to that used by Esping-Andersen *et al.* (2001) in their report to the Belgian Presidency of the EU. However, instead of using the “welfare triangle” of state/market/family, we prefer to use the image of the “welfare diamond” of state/market/family/community proposed by, *inter alia.*, Evers *et al.* (1994).

⁹ See Jenson (2002) and Jenson and Saint-Martin (2002) for the reasons to name the new regime a LEGO citizenship regime.

¹⁰ As Peters and Pierre (1998: 231) put it: “Steering, in this perspective, is largely about setting priorities and defining goals.”

¹¹ The Social Union Framework Agreement (SUFA) signed by the federal, provincial and territorial governments of Canada (except Quebec) in 1998 is another example of a governmental shift to this form of governance.

¹² For a discussion see Jenson and Saint-Martin (2002) and Jenson (2002).

¹³ For an overview of this response in national cases see Phillips with Orsini (2002).

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