European Citizenship: Toward Renationalization or Cosmopolitan Europe?

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1. Introduction

Since the demise of the constitutional project in 2005, the European Union (EU) has gone from crisis to crisis. It is argued frequently by academics and politicians alike that choices made in this crisis will determine the future of European integration. Will the EU ‘revert back’ to a Member State dominated intergovernmental arrangement or will it rather strengthen cosmopolitan principles and bolster supranational institutions at the expense of domestic politics? Interestingly, these questions of ‘renationalization’ or ‘cosmopolitization’ go to the core also of the relationship between EU institutions, European policy-making, principles of integration, and European citizens. It is therefore relevant at this time to discuss the constitutive characteristics of current developments in European citizenship politics. Research on European citizenship has often focused on debates over normative desirability and theoretical feasibility (see e.g. Aron 1974; Bauböck 2007; Bellamy 2001; Kostakopoulou 2001; Preuss 1998). When empirical, research in this field has focused for the most part on the issue of Europeanization (see e.g. Checkel 2001; Vink 2001) or important, yet minute legal details (see e.g. Carrera 2005; Nic Shuibhne 2002; Wollenschläger 2011). Starting from an empirical perspective on citizenship discourse, this chapter advances research on European citizenship by probing how different conceptions are constituted simultaneously in concrete processes of policy-making and legal jurisprudence.

This chapter discusses policy decisions, legal reasoning, and political reactions to two recent ‘moments’ of EU citizenship politics. The first is the decision in May 2011 of the Danish center-right government to suspend parts of the Schengen Agreement and re-instate border controls. The second is the landmark Zambrano ruling in September 2011 of the European Court of Justice (CJEU) where European citizenship was made less dependent on the principle of free movement and thereby bolstered as a fundamental status of itself. These two ‘cases’ or examples are somewhat different in character. One is jurisprudential concerning the legal scope of EU citizenship norms; the other is political concerning the importance of Treaty obligations and international agreements. Yet, while plotting differently on the framing of citizenship, the Danish Schengen decision and the Zambrano case of the CJEU both dealt crucially with the issues of borders and
free movement in European integration. They are, therefore, suitable cases for a first exploration of the constitutive character of the different meanings that European citizenship takes in current EU discourse.

Much like the integration process itself, European citizenship developments constantly oscillate between different principles and visions of the EU polity (see e.g. Castiglione 2009; Olsen 2013). This tension can be conceptualized by focusing on two competing conceptions: nation-based or cosmopolitan Europe (for similar reasoning, see Eriksen and Fossum 2012). The nation-based conception posits that EU institutions and policies are ultimately grounded in and circumscribed by a nationality principle. This means that EU institutions are accountable to the Member State level. Moreover, the Member States can legitimately roll integration back or keep certain matters as domestic prerogatives. Citizenship is in this conception intimately tied to a pre-existing collective identity within the borders of the nation-state. The cosmopolitan conception posits the opposite idea that a government without a state is possible in European integration. This means a transnational democratic system forged on human rights, democracy, and rule of law; not on already drawn borders based on an ‘essentialistic’ notion of identity. Citizenship is, then, thoroughly rights-based rather than identity-based.

In exploring the two cases the chapter relies on official documents, media reporting, and legal reports. The aim is to provide a limited constitutive explanation of two dominant conceptions in European citizenship discourse.² It is hence, not to explain the outcome of the two processes. The chapter rather takes two decision-making outcomes as a proxy for analyzing the constitutive import of different conceptions on the discursive practice of citizenship politics in the EU. Some may argue that the Danish case is redundant as the center-left coalition that won the elections in September 2011 revoked the Schengen suspension. I argue that the case is still relevant and interesting as the aim is to highlight constitutive characteristics of different conceptions of European citizenship. The Danish case stands firm as a case steeped in the logic of renationalization.

The next section conceptualizes the nation-based and cosmopolitan conceptions of Europe. Following this a brief historical overview over European citizenship is given as a background for the choices made and reasoning in the two moments of citizenship politics. I then proceed to discuss the debates and reactions on the Schengen borders issue and the fundamental status of European citizenship in the CJEU’s ruling on the Zambrano case. The analysis finds that the processes around the two decisions exhibit clear traits of different EU ‘worldviews’; one which points in the direction of renationalization and the other which advocates more, not less, cosmopolitanism in Europe. The chapter concludes on

1 For more on constitutive theorizing and explanation, see Wendt 1999, pp. 83–88.