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FEDERALISM, BORDERS, AND CITIZENSHIP

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Most people studying Europe in 1970, when the CES was founded, would be amazed at the progress of European integration since then. Of course, the Schuman Declaration was 20 years old in 1970, and the ECSC had been supplemented by the European Atomic Energy Community (Euratom) and the much broader EEC. But these Communities included only the original six member states (France, West Germany, Italy, and the Benelux), with the first enlargement still three years in the future, and Community institutions were generally quite hesitant to take any actions not supported by the member states. True, the European Court of Justice had promulgated the principles of the supremacy of Community law, and of its direct effect. Even so, the number and importance of instances where member states were obliged to change their policies remained quite restricted.

Federal aspirations

Perhaps the quality of the change at work was more important than the quantity. Former Commission president Walter Hallstein observed in 1969 that individual Europeans were being affected by the Community's legal system "more strongly and more directly with every day that passes". He went on to point out that Europeans were "subject in varying degrees to two legal systems – as a citizen of one of the Community's member-states to [the] national legal system, and as a member of the Community to the Community's legal system". This was a new experience for many Europeans, but it was "not a new experience for citizens of countries with federal constitutions" (Maas 2007: 21).

Raising the idea of federalism suggests that some people might be less surprised at the progress of European integration. Federalists like Altiero Spinelli and Ursula Hirschmann had proposed as early as 1943 a European "continental" citizenship alongside national citizenship. In the aftermath of World War

II most European political leaders supported creating a common European legal status for individual citizens. Thus Winston Churchill in 1948 called for “a European group which could give a sense of enlarged patriotism and common citizenship” and hoped “to see a Europe where men of every country will think as much of being a European as of belonging to their native land” (Maas 2017). Hendrik Brugmans, co-founder and first president of the Union of European Federalists, later rector of the College of Europe, saw the need to “organize a European political consciousness, in which alone federal democracy can work. This European public opinion will not be the sum of individual national public opinions, it will be something *sui generis*, an occurrence quite new in history, the discovery of common citizenship of Europeans as such” (Maas 2017: 88).

From free movement to European citizenship

The ECSC’s free movement provisions had been expanded by the Treaty of Rome, which also strengthened the principle of non-discrimination on the basis of nationality; within the scope of Community law, citizens of the member states should be treated equally. In 1961 Commissioner Lionello Levi Sandri characterized the free movement of workers as “the first aspect of a European citizenship”, and Hallstein called it one of “the most spectacular points in the programme which is to lead to the integration of Europe”, suggesting it would “point to the beginning of a common European ‘citizenship’”. In this way, Hallstein echoed Levi Sandri’s assertion that free movement of workers “represents something more important and more exacting than the free movement of a factor of production. It represents rather an incipient form – still embryonic and imperfect – of European citizenship” (Maas 2007: 21).

The European citizenship seen as incipient in the 1960s has developed significantly since then. At the 1972 Council meeting, Belgian Prime Minister Gaston Eyskens called for “practical steps to encourage the movement of youngsters within the Community and allow them to make full use ... of the diplomas they have gained, regardless of where they have studied in the Community”. Italian Prime Minister Giulio Andreotti advocated establishing “a European citizenship, which would be in addition to the citizenship which the inhabitants of our countries now possess. It should permit the citizens of the Community countries, after a stay of a certain length in one of our countries, to exercise some political rights, such as that of participating in communal elections” (Maas 2007: 31).

Commission President Sicco Mansholt urged going even further. He suggested adding “obvious content to the fact of belonging to the EC. This Community, which has achieved the opening of frontiers for trade in industrial and

agricultural goods, must now open the frontiers which still keep its citizens apart from one another.” Mansholt also argued that “checks at the Community’s internal frontiers should be done away with, and nationals of member states progressively integrated into the social, administrative and political fabric of their host countries, with the aim of gradually conferring upon them ‘European civic rights’” (Maas 2007: 31). The Community’s first enlargement, to the UK, Ireland, and Denmark in 1973, postponed agreement on a common European citizenship, but the process gained new strength in the 1980s, particularly with enlargement to Spain and Portugal.

The 1985 White Paper on Completing the Internal Market devoted a section to free movement under the subtitle “a new initiative in favour of Community citizens”, arguing that it was “crucial that the obstacles which still exist within the Community to free movement for the self-employed and employees be removed by 1992”. Citing the preliminary findings of the People’s Europe report, it continued that “measures to ensure the free movement of individuals must not be restricted to the workforce only”.

On the same day that the White Paper appeared, representatives of France, West Germany, Belgium, Luxembourg, and the Netherlands signed an agreement in the Luxembourg town of Schengen to eliminate border controls. The Belgian secretary of state for European affairs said that the agreement’s ultimate goal was “to abolish completely the physical borders between our countries”, while Luxembourg’s minister of foreign affairs called it “a major step forward on the road toward European unity”, directly benefiting signatory state citizens and “moving them a step closer to what is sometimes referred to as ‘European citizenship’” (Maas 2007: 37). Eliminating checks at internal borders was thus tied to the development of a European citizenship.

Then and now

Europe in 2020 continues along the same path sketched out in the 1950s and developed incrementally since then: creating European citizens through free movement, education, and changing the meaning of borders. This continuing development of a common European citizenship is remarkable given the substantial enlargements from six to now 28 member states – with a possible Brexit counterbalanced by probable new enlargements in the western Balkans and possibly beyond. Robert Schuman long ago wrote that European integration should not seek to eliminate ethnic and political borders, to correct history, or to invent a rationalized and managed geography: “what we want is to take away from borders their rigidity and what I call their intransigent hostility” (Maas 2007: 61).

The search for closer coordination and common guidelines concerning citizenship flows from functional needs inevitably generated by superimposing a new supranational political community over existing national ones, resulting in shared governance within the framework of member state autonomy. Though welfare states and social systems in Europe remain national and jurisprudence safeguards the ability of member states to exclude individuals despite shared EU citizenship, legal judgements emphasize that member state competence concerning citizenship must be exercised in accordance with the treaties and that member state decisions about naturalization and denaturalization are amenable to judicial review carried out in the light of EU law (Maas 2016).

A truly federal United States of Europe remains elusive; it may indeed be undesirable given the differences and particularities present on the European continent. But the rise of EU citizenship over decades of European integration means that the EU now increasingly resembles a federal state in terms of internal free movement. Social scientists have generally accepted as an unexplored assumption that national identities are relatively fixed. As Max Weber long ago pointed out, however, differences in national sentiment are both significant and fluid: the “idea of the nation” is empirically “entirely ambiguous” and the intensity of feelings of solidarity is variable. Successive EU-wide opinion surveys show increasing numbers of Europeans identifying with Europe, while the freedom to travel, study, work, and live anywhere in Europe tops surveys asking what the EU means to individual Europeans. The continuing growth of a common European citizenship, coupled with the progressive elimination of border controls within the common European territory, are perhaps the most significant achievements of European integration to date.