4. Citizens and Foreigners in the Enlarged Europe

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1. INTRODUCTION: REPOSITIONING EUROPEAN BORDERS

The Eastern enlargement poses an essential challenge to the issue of European membership. The current process of repositioning European borders not only dramatically increases the population of the “new” Europe but also confronts the theory and practice of defining “European citizenship”. During the past decade the debate about citizenship has largely been dominated by contending ideas of an exclusive Westphalian model of membership, based on nationality, versus an inclusive post-Westphalian model where the entitlement to rights is based on personhood. In the case of Central and Eastern European countries this debate has been particularly polarized within normative discourses on “national values” and “national community,” which have partially framed discussions about internal constitutional reforms as well as the depiction of a European post-national and potentially all-encompassing membership.

The process which redefines citizenship in the context of European Union enlargement illustrates a more complex state of affairs. I will argue that the transformation of European borders creates a system of “differentiated” memberships which questions the normative assumption that post-national communities are potentially inclusive. My aim is not so much to investigate whether national values continue to permeate the concept of citizenship in Central and Eastern Europe but to critique the reification of the debate on EU enlargement into contrasting models

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of membership. In particular I intend to concentrate on the limited inclusiveness of European citizenship revealed by the emerging practice of border administration. In fact, in order to account for the specificity of the European membership model(s), it is necessary to focus on the norms that identify boundaries at each level of the European polity. The signing of the Schengen agreements, their incorporation in the Amsterdam Treaty through the creation of an area of “freedom, security and justice” and the enlargement process have determined structural changes in border control regimes. The common assumption that controls were subsequently relocated from national borders to the external frontiers of the European Union is only partially true. In reality, the very concept of borders has undergone deep transformation. Borders are no longer dividing lines between distinct political territorial units with clearly defined sovereignties. On the contrary, they develop into areas where sovereignty is shared among different actors and is sometimes delegated to private agents. Borders delocalise governmental policies over populations and individuals far beyond either the territory of national states or the territory of the European Union. At the same time, the legal institutions which define the status of aliens generate lines of continuity between external and internal boundaries: in other words they internalize borders in the form of diffuse mechanisms of control.

Present-day borders are products of modernity. With the birth of nation states, as Raimondo Strassoldo argues, “[w]hat was formerly a frontier area of expansion of European civilization, becomes a state, and therefore tends to harden, close and

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3 “Schengen agreements” here refer both to the first Schengen agreement signed by Germany, France and Benelux on 14th July 1985, and the agreement of 19th June 1990 which applied Schengen I. All the member states with the exception of United Kingdom and Ireland have gradually joined the Schengen Agreements.


5 The term “governmental” is used here with reference to Michel Foucault’s analysis of the “art of government” which, according to the author, differs from sovereignty: “This means that, whereas the doctrine of the prince and the juridical theory of sovereignty are constantly attempting to draw the line between the power of the prince and any other form of power, because its task is to explain and justify this essential discontinuity between them, in the art of government the task is to establish a continuity, in both an upwards and a downwards direction”, Michel Foucault, “Governmentality”, in Graham Burchell, Colin Gordon and Peter Miller (eds.), The Foucault Effect. Studies in Governmentality (London: Harvester Wheatsheaf 1991), p. 91. On borders as dispositives of governmental policies see also William Walters, “Mapping Schengenland: denaturalizing the border”, Environment and Planning D: Society and Space, 20 (2002), pp. 561–580.