Modern Metics.

EU Citizenship and the Boundaries of the Demos

Summary of the doctoral thesis

What comes first, the chicken or the egg? Democracy or the people?

After more than forty years of debate on the so-called boundary problem in democratic theory, the present academic world seems to be divided into two opposing, irreconcilable camps. While one group of scholars denies the democratic legitimacy of all existing borders and calls for a borderless world state, others defend the authority of the nation state and its principled right to exclude foreigners from the rights and resources it provides. The position defended here seeks to steer a middle course between universal inclusivity on the one hand and national exclusivity on the other and can best be described as transnational cosmopolitanism. National borders need not be dissolved completely but cannot remain under the absolute authority of single nation states either. They must instead be subjected to an ongoing process of revision and redefinition, which involves not only insiders but also outsiders whose political status they equally define. The appropriate response to the boundary problem is thus neither global nor national but must be a transnational one: States can no longer unilaterally determine the rights and duties of non-citizens but must transfer competencies on these matters to a transnational or intergovernmental boundary forum entitled to take binding decisions on matters of inclusion and exclusion. While such a solution is compatible with the continued existence of distinct and sovereign nation states, it gives each individual the power to co-determine – via their national representatives in the boundary forum – the rights and duties that they will, as potential or actual immigrants, acquire in other states.

A partial application of the theory developed in this study can already be found in political practice, namely in the context of the European Union. With the introduction of Union citizenship in 1993, the EU member states have lost absolute control over their territorial as well as membership boundaries. The entry and residence rights of intra-European migrants are no longer unilaterally defined by their host state but result from transnational deliberations among all EU states, which – by agreeing on a reciprocal set of migrant rights – jointly redefine the boundaries between them. However, even if EU citizenship helps to reduce the arbitrariness of national borders within the European Union, it fails to provide a genuine answer to the boundary problem: The external boundaries of the EU and its common membership regime remain exclusively determined by insiders and lack for this reason the consent of outsiders, which democratic theory requires. To fully realize the model of transnational cosmopolitanism, this study proposes to move the political framework of EU citizenship to a

higher level. The limits of EU citizenship can be overcome, and the borders of European member states be rendered more legitimate, if the rights of migrants are defined in a transnational forum that is not merely regional but global in scope. As such a proposal depends, however, on the willingness of all states to share sovereignty over their borders with all others, it is likely to face major difficulties in practice. The ideal world solution endorsed in this study must consequently be complemented with a normatively less ideal but practically more feasible proposition on how to strengthen the freedom and autonomy of non-citizens. Discussing three possible reforms of EU citizenship, the present work argues in favour of an automatic extension of EU citizenship to all non-European immigrants who live on a long-term basis within the European Union. While such a reform would undoubtedly reduce the value that EU citizenship has for non-mobile Europeans, it would reinforce the Union's commitment to the principles of individual freedom and equality and consequently help to better realize the fundamental democratic ideals that all European states promise to uphold.