

The Liberal Cosmopolitan Ideal for Europe

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Published in:
Jan Masaryk Review of International Studies

Publication date:
2017

Document Version:
Accepted author manuscript

[Link to publication](#)

Citation for published version (APA):
Westerveen, L. (2017). The Liberal Cosmopolitan Ideal for Europe: Liberal Cosmopolitan (and other) Justifications for EU Freedom of Movement. *Jan Masaryk Review of International Studies*, 1(1), 40-57.

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JAN MASARYK REVIEW OF INTERNATIONAL STUDIES

University of Economics, Prague

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JAN MASARYK REVIEW OF INTERNATIONAL STUDIES REVUE MEZINÁRODNÍCH STUDÍ JANA MASARYKA ISSN 2570-7442 (Online)

Jan Masaryk Review of International Studies is a scholarly, peer-reviewed journal published by the Jan Masaryk Centre for International Studies, University of Economics, Prague. It aims to disseminate original theoretical and empirical research and stimulate debate on international phenomena and processes encompassing international and European politics, diplomacy, economic diplomacy and international law.

Revue mezinárodních studií Jana Masaryka je vydávána Střediskem mezinárodních studií Jana Masaryka, Fakulty mezinárodních vztahů, Vysoké školy ekonomické v Praze. Cílem časopisu je rozšiřovat výzkum a poznání a podněcovat diskuzi v oblasti mezinárodní a evropské politiky, diplomacie, ekonomické diplomacie a mezinárodních práva.

THE LIBERAL COSMOPOLITAN IDEAL FOR EUROPE: LIBERAL COSMOPOLITAN (AND OTHER) JUSTIFICATIONS FOR EU FREEDOM OF MOVEMENT²⁴

Laura Westerveen²⁵

Abstract: From a liberal cosmopolitan perspective, EU freedom of movement can be regarded as a great contribution to equality of opportunity and the granting of basic liberties across national borders. However, the European political and public debate on the right to free movement has become increasingly focused on the advantages and disadvantages of freedom of movement for the economy of member states, with member states arguing for a restriction of the right to avoid supposed consequences as ‘social dumping’ and ‘welfare tourism’, especially after the EU’s enlargement to Eastern Europe. In this paper it is explored whether and how liberal cosmopolitan norms are (still) present in the European Commission’s justifications for EU freedom of movement. The analysis shows that, although liberal cosmopolitan justifications for the right to free movement are still present in the European discourse on EU freedom of movement, these justifications are currently undercut by economically oriented and other utilitarian arguments.

Keywords: freedom of movement, right to free movement, liberal cosmopolitanism, EU citizenship, European integration, European Commission

Acknowledgements

I am indebted to Christoph Humrich for his comments on an earlier version of this paper.

²⁴ This paper presents part of the empirical results of my Master thesis ‘The Liberal Cosmopolitan Ideal for Europe: Liberal Cosmopolitan Norms in the EU Narrative on EU Freedom of Movement’, submitted at the University of Groningen on the 6th of July 2015.

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1 Introduction

The right to free movement can be considered as one of the greatest accomplishments of the *European Union* (EU) that is highly appreciated by EU citizens (TNS Opinion and Social 2010). EU freedom of movement does not only encompass the right to free movement for EU citizens and the Schengen area of free movement, but is also a principle that is often closely associated with European integration (TNS Opinion and Social 2013). Thereby, EU freedom of movement can be considered one of the most tangible consequences of European integration, which has become a true institution within the EU (Tomkin 2011, 1; Dølvik and Visser 2009, 492). However, European integration in general and EU freedom of movement in particular, might also pose a challenge to theories of international relations that focus on national communities' right to self-determination and a consequent right to exclude aliens (See, for example, Walzer 1983). With an explicit normative commitment to universal basic liberties and equality of opportunity, liberal cosmopolitanism²⁶ might qualify as the theory whose normative ideal fits best with the EU's commitment to freedom of movement. From a liberal cosmopolitan perspective, freedom of movement is regarded as both an important (basic) liberty in itself as well as a liberty that can help with the realization of other basic rights (Carens 1987; Bauböck 2009). Therefore, liberal cosmopolitanism views freedom of movement as a required moral duty that should not be restricted because of economic concerns (Carens 1987, 262). However, as is shown in recurrent debates about the alleged disadvantages of EU freedom of movement for the economies and welfare systems of Western European member states, the European political and public debate on the right to free movement has become increasingly focused on the economic case for EU freedom of movement.²⁷ This economic focus in the European debate on EU freedom of movement might have implications for the feasibility of norms deriving from liberal cosmopolitanism, to inform the European narrative on freedom of movement.²⁸ In this paper it is therefore explored whether and how cosmopolitan norms are (still) present in the EU's justifications for EU freedom of movement.

To this end, first the evolution of the European right to free movement throughout time will briefly be reviewed. It will be argued that even though the promotion of EU freedom of movement was originally focused on the economic benefits it could entail for the European single market, with the Citizenship Report 2010 and the 2009 Guidelines, it is now recognized as a fundamental freedom for all EU citizens that functions as one of the foundations of the European integration project. This legal evolution of EU freedom of movement has brought the

²⁶ *In this paper, liberal cosmopolitanism is referred to as a strand of normative theory in International Relations that starts from the ideas of American political philosopher John Rawls, but argues that Rawls's principles of justice for the domestic level should be equally applied to the international level. As Caney (2005, 3-5) points out: not all liberal cosmopolitans necessarily endorse the same legal or institutional order, but they do share the following moral principles: (1) moral worth is to be attached to individual persons independent of the society or community to which they belong, (2) this moral worth of individual persons applies to everyone equally and (3) the duty to respect someone's individual moral worth is universally applicable and thus binding on everyone.*

²⁷ *Reflected in recent studies on the impact of EU freedom of movement on the national economies of member states: Ernst & Young (2014); European Citizen Action Service (2014), as well as the letter of the Netherlands, Austria, Germany and the United Kingdom (2013) to the European Council in which they ask the Council to take measures against the 'abuse' of the right to free movement by certain EU migrants and the burden this places on the social welfare systems of the respective states.*

²⁸ *Next to economic concerns, it is also security concerns that are challenging EU freedom of movement. The reintroduction of border controls by several EU member states in response to the current immigration control crisis shows, for instance, that the Schengen area of free movement is increasingly under threat because of concerns for national security.*

institution closely in line with the liberal cosmopolitan ideal of EU freedom of movement. In the second part, the paper will present a qualitative content analysis of EU documents addressing EU freedom of movement, collected in the period from 2010 onwards. The analysis shows that both liberal cosmopolitan as well as economic justifications are present in the narrative on EU freedom of movement that the documents provide. Next to these two types of justifications, the documents also bring up ‘intergovernmentalist justifications’, which attempt to disprove and mitigate perceived negative consequences of EU freedom of movement at the national and local level. Yet, it is the justifications that refer to the political utility of EU freedom of movement for the unity of the EU (by bringing enormous benefits to EU citizens and functioning as a symbol of the European integration project) that are most dominantly present in the documents. The paper will then conclude that although liberal cosmopolitan norms are indeed (still) present in the justifications for EU freedom of movement as provided in the analyzed documents, it is norms derived from other normative perspectives that are dominant. Based on this analysis, the paper will argue that the liberal cosmopolitan justifications for EU freedom of movement are currently undercut by more dominant consequentialist justifications, which can help legitimizing restrictions of EU freedom of movement because of economic concerns and other non-beneficial consequences.

2 The European Right to Free Movement

One of the main objectives of European integration has been the construction of a single European market. In accordance with this objective, the establishment and promotion of EU freedom of movement was originally motivated by the economic benefits that could be reaped from the free movement of labor within the common market (Menz 2002, 723). EU freedom of movement was correspondingly adopted for working people in 1957 with the signing of the ‘Treaty establishing the European Economic Community’ (Treaty of Rome 1957, articles 48-51) when they were granted the right to ‘*move freely within the territory of Member States*’ (article 48, paragraph 3 b) and ‘*to stay in a Member State for the purpose of employment*’ (article 48, paragraph 3 c). However, as recognized by the ‘EU Citizenship Report 2010’ (European Commission 2010, 603), which is part of the so-called ‘Citizenship Package’²⁹, ‘*the principle of free movement of persons has developed constantly over the last 40 years to include all EU citizens*’. Thereby the Report explicitly recognizes the evolution of the principle of EU freedom of movement from something that was restricted to working EU citizens, to a right that now applies to every EU citizen regardless of their socio-economic status. Furthermore, the Guidelines on the application of Directive 2004/38/EC (European Commission 2009, 313, p. 3) adopted by the European Commission in July 2009, describe the right to free movement as ‘*one of the fundamental freedoms of the internal market*’ that is ‘*at the heart of the European project*’ and ‘*one of the foundations of the EU*’. This depiction of the right to free movement as a fundamental freedom that is central to European integration, further establishes EU freedom of movement as a basic liberty and a core principle of the EU. This section will provide a short historical review of this evolution, which will function as the starting point for the subsequent analysis.

²⁹ *The Citizenship Package was adopted by the European Commission in October 2010 and is composed of three reports (the ‘EU Citizenship Report 2010: Dismantling the Obstacles to EU Citizens’ Rights’, the ‘Report of Progress towards Effective EU Citizenship 2007-2010’ and the ‘Report on the Evaluation of the 2009 European Parliament Elections’)* that evaluate the progress towards enabling the exercise of rights that are conferred upon EU nationals through EU citizenship, including the right to free movement.

It was the ‘Treaty on European Union’ (Maastricht Treaty 1992) that expanded the right to free movement to all EU nationals, with the formation of the European Union and the establishment of EU citizenship in addition to a person’s national citizenship of one of the member states. All EU citizens were subsequently granted the right to ‘*move and reside freely within the territory of the Member States*’ (Maastricht Treaty 1992, article 8 a, paragraph 1). From 1993 onwards, with the entry into force of the Maastricht Treaty, the right to free movement in the EU was thus no longer restricted to working EU citizens, but applicable to all EU citizens solely on the basis of their citizenship of the Union (Tomkin 2011, 4-5). Then in 1997, the ‘Treaty of Amsterdam’ (Amsterdam Treaty, 1997, article 1, paragraph 3) further specified the Union’s aspiration to promote EU freedom movement by stating that the EU aims to ‘*facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice (...)*’ (Amsterdam Treaty 1997, article 1, paragraph 3). Hereby EU freedom of movement is connected to possible concerns for the security of EU member states. The main justification the Amsterdam Treaty provides for facilitating free movement is ‘*to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development*’, amongst others through ‘*the creation of an area without internal frontiers*’ (1997, article 1, paragraph 5). Even though the right to free movement is thus applicable to all EU citizens, the main justification provided for this right, as deduced from the Amsterdam Treaty, continued to be the economic benefit it could bring to the European economies.

However, the development of EU freedom of movement did not stop with the 1997 Amsterdam Treaty. In 2004, the Directive of the European Parliament and the European Council on ‘the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States’ (Directive 2004/58/EC) further clarified and strengthened the right to free movement of EU citizens by setting out all the rules concerning the exercise of free movement rights in one legal document and expanding the right to free movement to family members³⁰ of EU citizens. More importantly, the Directive also put into place certain safeguards for non-employed EU citizens and their family members to be able to exercise their right to free movement. Yet, the economic purpose of EU freedom of movement remained to be reflected in certain advantages of working EU citizens over non-working EU citizens, when exercising their free movement rights. Nonetheless, the justification that the Directive provides for the right to permanent residence is that this ‘*would strengthen the feeling of Union citizenship and is a key element in promoting social cohesion, which is one of the fundamental objectives of the Union*’ (Directive 2004/58/EC, paragraph 17).

Next to this, the Directive requires that EU citizens and their family members who have exercised their right to free movement ‘*should enjoy (...) equal treatment with nationals (...)*’ (Directive 2004/58/EC, paragraph 20), that beneficiaries of the right cannot be discriminated against ‘*on grounds such as sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinion, membership of an ethnic minority, property, birth, disability, age or sexual orientation*’ (Directive 2004/58/EC, paragraph 31) and sets out that restrictions of citizens’ right to free movement can only be justified ‘*on grounds of public policy, public security or public health*’ (Directive 2004/58/EC, paragraph 22). By putting forward the aim of social cohesion and principles of equal treatment and non-discrimination the Directive somewhat shifts the EU’s reasons behind EU freedom of movement towards other values than pure economic gain and paves the way for a more socially

³⁰ For a definition of ‘family member’ see article 2 of the Directive.

oriented understanding of EU freedom of movement. Lastly, the Directive allows for member states to adopt ‘*the necessary measures*’ to ‘*guard against abuse of rights or fraud*’ (Directive 2004/58/EC, paragraph 28). With this last provision, the Directive also recognized the possible challenges EU freedom of movement could pose to member states and refers them to the safeguards that are built into EU freedom of movement as to avoid potential abuse and fraud.

A successive and last important piece of EU legislation touching upon EU freedom of movement is the Treaty of Lisbon (Lisbon Treaty 2007), which entered into force in December 2009, that brought about increased powers for the EU institutions in the area of asylum and immigration policy and lists the fundamental aims of the EU, namely ‘*to promote peace, its values and the well-being of its peoples*’ (Lisbon Treaty 2007, article 2 paragraph 1). The Lisbon Treaty also strengthened the principle of non-discrimination of EU citizens and the aims of promoting social justice, cohesion and solidarity within the Union, by stating that the EU ‘*shall combat social exclusion and discrimination, and shall promote social justice and protection (...), shall promote economic, social and territorial cohesion, and solidarity among Member States*’ (Lisbon Treaty 2007, article 1 paragraph 3). Herewith the Lisbon Treaty altered the central focus of European integration to include principles of anti-discrimination, social justice and solidarity and placed the well-being of EU citizens at the center of the European project. However, concerning rights enjoyed on the basis of EU citizenship (including the right to free movement), the Lisbon Treaty also mentions that if necessary ‘*(...) the Council (...) may adopt measures concerning social security or social protection*’ (Lisbon Treaty 2007, article 2 f c, paragraph 35 b), thereby retaining the safeguards for avoiding the overburdening of national welfare systems (Tomkin 2011, 4-5).

In conclusion, as recognized by the European Commission in the Citizenship Report 2010 and the 2009 Guidelines, throughout time EU freedom of movement has become a fundamental freedom for all European citizens, which functions as one of the foundations of the European integration project. EU freedom of movement can then be perceived as being evolved from a means to increasing economic benefit through enhancing the free movement of labor within the EU, to a fundamental principle of the EU that recognizes the right to free movement as a basic liberty for all EU citizens (See also Van der Mei 2005, 107). Through this evolution, EU freedom of movement then, legally speaking, very much approaches the liberal cosmopolitan ideal of EU freedom of movement. At the same time, it must be recognized that certain safeguards for avoiding potential abuse of free movement rights and for securing public safety in the member states, have remained intact. Nonetheless, because principles of anti-discrimination, equal treatment and social justice are listed among the aims of EU freedom of movement in the legal texts, liberal cosmopolitan justifications for EU freedom of movement, which actually refer to these norms, seem to be fairly relevant for justifying EU freedom of movement to the European public. This means that the legal evolution of EU freedom of movement as discussed in this section, possibly made it more likely for liberal cosmopolitan justifications for EU freedom of movement to appear in the European discourse on EU freedom of movement. For this reason, the following analysis will focus on the European discourse on EU freedom of movement from 2010 onwards.

3 Methodology

The method used for determining the plausibility of liberal cosmopolitan normative commitments influencing the EU discourse on EU freedom of movement, is a qualitative content analysis (Hermann 2008; Schreier 2014) of recent EU documents that deal explicitly with EU freedom of movement. Especially now that it has become a politically contested issue,

the structure of the European discourse on EU freedom of movement, limits the range of possible conceptions of EU freedom of movement (Neumann 2008, 62; Willig 2014, 341). Because the analysis of all the different narratives on EU freedom of movement within the EU is beyond the range of this research, the analysis focused solely on documents produced by respectively the European Commission and the European Parliament. Being the legislating powers in the respective policy area, these two institutions are expected to have a more European perspective on EU freedom of movement than for instance the European Council, which normally reflects the perspectives of the member states. Since the European Commission is the EU's executive body that determines the Union's objectives and priorities and because of limited space, this paper will only present the findings for the European Commission.³¹ The chosen time frame for the documents is 2010 to 2014, having considered that (as discussed in the first section of this paper) after the entry into force of the Treaty of Lisbon in December 2009 and the adoption of the 2009 Guidelines on the application of the right to free movement, the most important EU legislation concerning EU freedom of movement has remained constant.

Finally, only documents that were specifically intended for communication with the European public (including speeches, memos, communications and mostly press releases) were selected. In the light of an increasing euro-skeptic European population, these documents were considered to be most likely to contain carefully thought-out justifications for EU freedom of movement. Although it can be argued that the justifications that the EU provides for EU freedom of movement in these publicly available documents do not necessarily correspond with the justifications the EU deems relevant for EU freedom of movement behind closed doors, they can tell something about how EU freedom of movement is justified vis-à-vis the European public (Hermann 2008, 156). These selection criteria yielded 70 documents (of which 34 were produced by the European Commission and 36 by the European Parliament) for content analysis. The findings of the content analysis of the 34 documents (of which 11 press releases, 13 memos, 7 speeches and 3 communications, see Figure 1) created by the European Commission will be presented in the analysis section of this paper.

³¹ *The findings for the European Parliament and a comparative analysis can be found in my Master thesis entitled 'The Liberal Cosmopolitan Ideal for Europe: Liberal Cosmopolitan Norms in the EU Narrative on EU Freedom of Movement', submitted at the University of Groningen on the 6th of July 2015.*

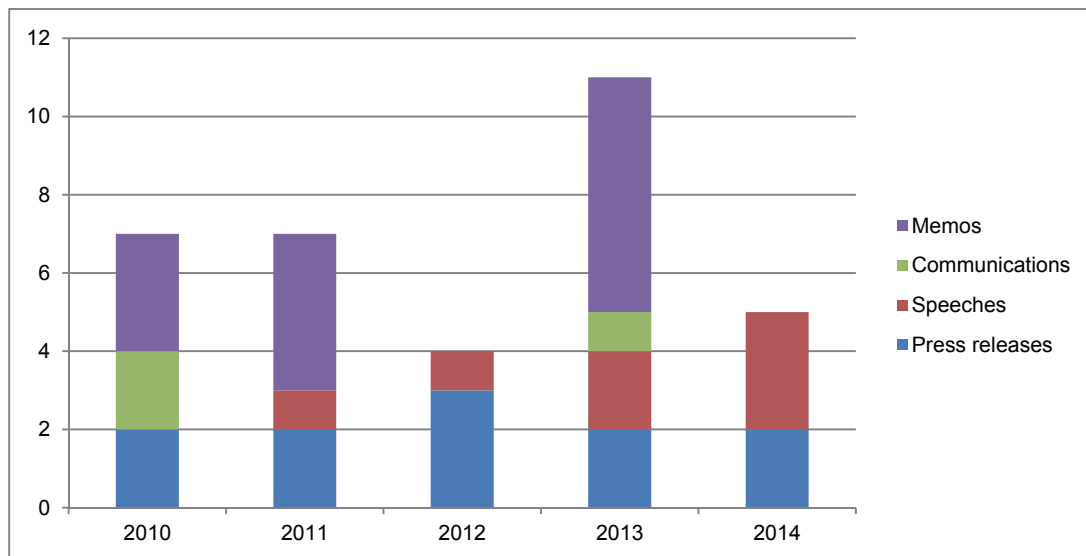


Fig. 1. Overview Documents European Commission

3.1 Coding Frame

With a view to probing the presence of liberal cosmopolitan norms in the European Commission's justifications for EU freedom of movement, a coding frame was built by means of which the content of the selected EU documents was systematically processed and interpreted. This coding frame was based on academic literature in the closely related field of EU migration policy (Roos and Laube 2015; Helbling 2014; Wood and Landry 2008; Buonfino 2004). This literature currently discerns two dominant justificatory frames for EU immigration and immigrant integration policy. The first type of justifications appeals to the economic benefit that immigration can entail in times of global economic competitiveness, by providing a diverse workforce (Wood and Landry 2008). The second type of justifications rather considers immigration as a security concern and justifies certain types of policies by presenting them as necessary for guaranteeing public safety (Buonfino 2004). It is the last type of justifications that refers to security concerns that is usually considered hegemonic in the European discourse on migration (Buonfino 2004). Whereas these two types of justifications are most commonly found, some authors (Roos and Laube 2015; Helbling 2014) also detect justifications for immigration policy that refer to liberal cosmopolitan norms such as protection, hospitality, equality, social justice, anti-discrimination and fairness.

To identify which sorts of justifications for EU freedom of movement are most prevalent in the European Commission's discourse on freedom of movement, competing types of justifications for EU freedom of movement were distinguished in the coding frame. On the one hand, justifications that referred to liberal cosmopolitan norms as diverse as equality of opportunity, freedom of movement as a basic liberty, social justice and anti-discrimination were incorporated in the coding frame. On the other hand, justifications referring to norms that can be considered oppositional to liberal cosmopolitan values such as economic or political utility were also included in the coding frame. To this purpose, first, a distinction was made between 'deontological' justifications and 'teleological' justifications. The deontological justifications include justifications that depart from certain general moral principles on basis of which EU freedom of movement can be justified, while the teleological justifications include justifications that make a claim for certain positive consequences of EU freedom of movement. Within the deontological type of justifications, justifications that were considered as appealing to a liberal cosmopolitan norm were subsequently placed under a separate heading. These liberal

cosmopolitan norms were further specified as the norms of (1) freedom of movement as a basic liberty, (2) equality of opportunity, (3) anti-discrimination and (4) social justice. Other possible liberal cosmopolitan norms such as hospitality, protection and fairness were also considered in the analysis, but not found to be present in the documents. The teleological justifications were first categorized as either ‘transnationalist’ or ‘intergovernmentalist’, depending on whether the justifications referred to consequences of EU freedom of movement for the EU as a whole (transnationalist) or for separate member states (intergovernmentalist).

The transnationalist justifications were divided into the following categories: (1) economic utility EU, (2) political utility EU, (3) appeal to EU law and (4) security interests EU. Within the justifications pointing at the political utility of EU freedom of movement for the unity of the EU a further categorization was made between justifications appealing to the benefits EU freedom of movement brings to EU citizens and justifications appealing to the symbol EU freedom of movement can denote for the European integration project. Finally, the intergovernmentalist justifications were classified as (1) referring to different safeguards that are built into EU freedom of movement as to avoid potential abuse and fraud, or as (2) referring to the economic benefits of EU freedom of movement for separate member states, or as (3) recognizing the possible challenges EU freedom of movement can provide for member states. These codes and subcodes are presented in Table 1.

1. Deontological	2. Teleological	
1.1 <i>Liberal Cosmopolitan</i>	2.1 <i>Transnationalist</i>	2.2 <i>Intergovernmentalist</i>
1.1.1 FoM basic liberty 1.1.2 Equality of opportunity 1.1.3 Anti-discrimination 1.1.4 Social justice	2.1.1 Economic utility EU 2.1.2 Political Utility EU 2.1.2.1 Benefits EU citizens 2.1.2.2 FoM symbol European integration 2.1.3 Appeal to EU law 2.1.4 Security interests EU	2.2.1 Safeguards for member states 2.2.2 Economic utility member states 2.2.3 Recognition possible challenges member states

Tab. 1. Overview Types of Justifications in Coding Frame

4 Results

Figure 2 displays the frequency of occurrence of each categorized justification, by showing how many of the documents refer to the respective type of justification. The next three paragraphs will outline the most important manifestations of the three main types of justifications for EU freedom of movement (liberal cosmopolitan, transnationalist and intergovernmentalist) as found in the documents and listed in Figure 2. Hereafter, the implications of these results for the potential of liberal cosmopolitan norms and values to influence the European discourse on EU freedom of movement will be discussed.

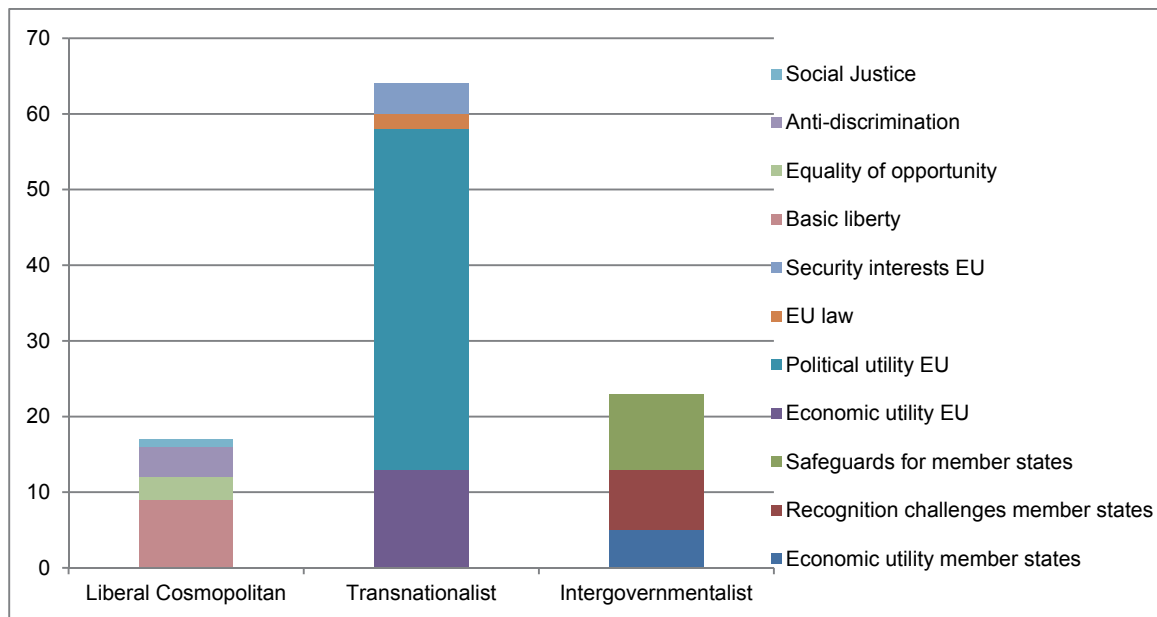


Fig. 2. Overview Frequency of Occurrence Justifications in Documents

4.1 Liberal Cosmopolitan Justifications

Within the category of liberal cosmopolitan justifications, the most prevalent type of justification in the documents, as can be seen in Figure 2, is the one that appeals to the liberal cosmopolitan norm of freedom of movement as a *basic liberty*. This justification argues that (a) the European right to free movement is equivalent to rights conferred upon EU citizens through their national citizenship of one of the member states, (b) this right should be underpinned by other (less fundamental) EU rights and rules and (c) this right must be upheld at all times. Thereby this justification considers any restriction to the right to free movement or obstacle to exercising this right, unjust. Documents, for instance, refer to the right to free movement as a ‘fundamental freedom’ (European Commission 2013, 837) that EU citizens enjoy solely on the basis of their EU citizenship and state that the rules for EU freedom of movement are specifically directed at enhancing the use of free movement rights (European Commission, 2013, 837).

‘They [EU citizens] should be able to make use of their rights as EU citizens in the same way as they use their rights as national citizens’ (European Commission 2010, 603).

‘EU rules on free movement and access to social assistance and social security facilitate the effective exercise of the right to free movement and protect those who genuinely make use of it’ (European Commission 2013, 837).

In addition, several documents contain references in which it is said that EU freedom of movement should not be ‘undermined’ (European Commission 2012, 78), that any obstacle to the exercise of free movement should be ‘prevented’, ‘removed’ (European Commission, 2013, 536) or ‘dismantled’ and that ‘administrative hurdles’ should be taken away (European Commission 2010, 603). Furthermore, EU freedom of movement is often portrayed as something that needs to be ‘guaranteed’ (European Commission 2011, 1036), defended, or

fought for: *'(...) vigilance is required to defend citizens' right to free movement'* (European Commission 2012, 481).

'The four freedoms anchored in the Treaty cannot be picked and chosen. You will always see me fighting for preserving free movement' (Viviane Reding, European Commission 2013, 789).

Finally, it emphasized that EU citizens should not lose other basic liberties when exercising their right to free movement: *'(...) to ensure that EU citizens do not lose their social security rights when moving within the EU'* (European Commission 2013, 1041) and that even in extreme cases, the right to free movement of EU citizens should still be upheld.

However, it must be emphasized that, even in the event of the reintroduction of border controls, EU citizens can in principle enter the territory of another Member State on the simple presentation of a passport or ID card' (European Commission 2011, 606).

4.2 Transnationalist Justifications

Within the category of transnationalist justifications for EU freedom of movement, both the justification that appeals to the economic utility of EU freedom of movement for the EU and the justification that points at the political utility of EU freedom of movement for the unity of the EU are frequently employed in the documents. The first of these two types of justifications, argues that EU freedom of movement is beneficial for the European internal economy. This justification namely views the absence of internal borders as a competitive asset in an increasingly globalized economy, whereby EU freedom of movement stimulates economic growth. In addition, this justification contends that EU freedom of movement can help solving high unemployment rates by enhancing labor mobility across the Union. Documents, for instance, refer to the 'strong economic case' (European Commission 2013, 500) for EU freedom of movement, argue that freedom of movement is *'(...) fundamental for the development of the internal market'* (European Commission 2010, 249) or *'(...) central to the success of the Single Market'* (European Commission 2011, 401) and that *'free movement of citizens (...) stimulates economic growth'* [emphasis in original] (European Commission 2013, 1151).

'(...) an area without internal border controls brings huge benefits to the economy' (European Commission 2011, 608; European Commission 2011, 585).

'Openness is the key word to make sure the EU remains an attractive destination. This is crucial if we want to reap the benefits travellers bring to our economy' [emphasis in original] (European Commission 2013, 172).

'Intra-EU mobility contributes to addressing skills and job mismatches. We have to ask ourselves why some 2 million vacancies remain unfilled in the EU despite the crisis. For me, it means that we need a genuine European labour market, like in the USA. And the Commission is taking concrete actions to achieve this objective' (Viviane Reding, European Commission 2013, 789).

Furthermore, documents also stress the positive economic consequences of the extension of EU freedom of movement brought about by the EU enlargements of 2004 and 2007. In this way, this justification seems to respond to the discussion about the advantages and disadvantages of EU freedom of movement for the European economy.

'The recent experience of the 2004 and 2007 enlargements has shown that intra-EU mobility has positive effects on European economies and labour markets. (...) For the EU as a whole the GDP effect of recent intra-EU mobility flows is equivalent to a collective income gain of around 24 billion EUR for EU citizens' (European Commission 2013, 500).

However, as shown in Figure 2, the second type of transnationalist justifications that refers to the political utility of EU freedom of movement for the unity of the EU is clearly most frequently present in the European Commission's documents. Two variations of this type of justification can be discerned. The first variation points at the benefits EU freedom of movement brings to EU citizens and all those living and travelling within the EU. This justification perceives EU freedom of movement as something that is owed to EU citizens and instrumental in bringing about a true 'citizens' Europe' that meets EU citizens' needs and expectations (European Commission 2010, 603; European Commission 2014, 2266; European Commission 2013, 496). Thereby this justification considers EU freedom of movement as a means for maximizing the benefits that the EU can produce for its citizens. Documents, for instance, stress the importance of EU freedom of movement for the everyday lives of EU citizens by arguing that it is '*vital for everyone living in Europe*' (European Commission 2013, 536) and state that EU freedom of movement is something that citizens take advantage of everyday (European Commission 2011, 608). In addition, some of the documents mention that the European citizens 'count on this' (European Commission 2013, 1151), that they should not be 'disappointed', and that 'concrete results' that improve EU freedom of movement should be delivered to them, as to '*revitalize the link between the citizen and the EU*' (European Commission 2010, 603).

'An area without internal borders where people can move freely is one of the greatest achievements of European cooperation, and something that really benefits the citizens. It is therefore regrettable this is not respected everywhere (...)' (European Commission 2010, 1329).

'Member States and the EU share the responsibility to make the free movement rules work to the benefit of citizens (...)' (European Commission 2013, 837).

'The question of how we can strengthen our cooperation and safeguard free movement is extremely important. We owe it to our citizens to make sure Schengen remains an area without border controls' (European Commission 2013, 496).

The second variation invokes the symbol that EU freedom of movement can denote for the European integration project. This justification argues that EU freedom of movement is the most important achievement of European integration from the perspective of EU citizens and also most closely associated with EU citizenship (European Commission 2013, 837; European Commission 2013, 1151). According to this justification, EU freedom of movement therefore has political utility for the EU in that it can function as the symbol of the European integration project. Documents, for instance, underline that EU freedom of movement is 'the biggest', 'most important', 'most cherished', 'most successful' and 'most tangible' common achievement of European integration (European Commission 2014, 2266; European Commission 2013 535; European Commission 2011, 662; European Commission 2012, 481; European Commission 2014, 206; European Commission 2011, 585). They also consider EU freedom of movement as a pillar of European integration that is central to the European project

(European Commission 2013, 500). Collectively, the two subtypes put emphasis on a possible convergence of the interests of EU citizens and the European integration aim.

'Schengen has become one of the most powerful symbols of the EU's capacity to improve the lives of its citizens' (European Commission 2010, 251).

To EU citizens, free movement is the right most closely associated with EU citizenship. Altogether 56% of European citizens see it as the most positive achievement of the EU (European commission 2013, 837).

'The right to free movement is one of the four freedoms already inscribed in the first EU Treaty – a pillar at the very foundation of the European Union' (European Commission 2013, 1094).

4.3 Intergovernmentalist Justifications

By addressing the different safeguards built into EU freedom of movement that allow member states to evade non-beneficial consequences of freedom of movement on their national territory, reassuring member states of the economic utility of EU freedom of movement for their national economy, or recognizing the possible challenges that separate member states can face as a consequence of EU freedom of movement, intergovernmentalist justifications reflect national (and thus not truly EU) perspectives on EU freedom of movement. Nevertheless, intergovernmentalist justifications were detected in the analyzed documents of the European Commission. In fact, Figure 2 shows that the European Commission utilizes intergovernmentalist justifications slightly more often than liberal cosmopolitan justifications. Figure 2 depicts a nearly equal number of occurrences of all variations of this category of justification. The first type of intergovernmentalist justifications points at the different safeguards available to member states as to avoid perceived negative consequences of EU freedom of movement, such as the abuse of free movement rights for illegitimate purposes, the committing of fraud when appealing to free movement rights, or the possible overburdening of member states' welfare schemes (European Commission 2013, 837; European Commission 2013, 789; European Commission 2013, 1151; European Commission 2013, 1041). Herewith, this justification deals with the specific EU rules that apply to EU freedom of movement and its exercise by EU citizens. Documents, for instance, refer to the rule that mobile EU citizens cannot become an 'unreasonable burden' on the welfare system of the host society (e.g. European Commission 2013, 1041). Instead of appealing to the benefits of EU freedom of movement, this justification then refers to certain (legal) guarantees in order to convince member states that the national consequences of EU freedom of movement in their state are harmless.

"I am as strong in upholding the right to free movement as I am firm in fighting fraud and abuse. Abuse weakens free movement. The Commission stands by the Member States when they make use of all the safeguards provided by EU law [emphasis in original]" (Viviane Reding, European Commission 2013, 789).

'At the same time they contain robust safeguards to ensure that the rights afforded to EU citizens are not abused, that the obligations under EU law are respected and that unreasonable burdens are not placed on the social assistance schemes of the host Member States' (European Commission 2013, 837).

'EU law includes strong safeguards to prevent abuse of the right to free movement. EU rules on free movement of citizens allow Member States to take effective and necessary measures to fight against abuse, such as marriages of convenience, and fraud, such as document forgery, or other artificial conducts or deceptions solely made to acquire the right to free movement (...)' (European Commission, 2013, 1041).

The second type of intergovernmentalist justifications refers to the economic benefits EU freedom of movement can bring to separate member states. This justification highlights the economic advantages of the openness of the member states' economies to mobile EU citizens. It argues that this openness stimulates economic growth in all individual member states (European Commission 2013, 1041) and can help the member states in decreasing their unemployment rates (European Commission 2013, 1094; European Commission 2013, 837). Thereby this justification defends EU freedom of movement along the same (economic) lines as the transnationalist justification referring to the economic utility of EU freedom of movement for the EU as a whole, only reflecting a more national perspective on the economic case for EU freedom of movement. In addition, this justification also emphasizes the positive impact of EU freedom of movement on national welfare systems (European Commission 2013, 837; European Commission 2013, 1151). By contrast to the other two transnationalist justifications (that refer to safeguards and recognize possible disadvantages), this justification thus reassures member states of the advantages of EU freedom of movement for their national economies and welfare systems. In this way, it implicitly endorses the prioritization of the economic interests of the national communities over that of individuals.

'They [mobile EU citizens] help the host country's economy to function better because they help to tackle skills shortages and labour market bottlenecks' (European Commission 2013, 837).

'There is no statistical relationship between the generosity of the welfare systems and the inflows of mobile EU citizens' (European Commission 2013, 1041).

The last type of intergovernmentalist justifications recognizes the possible challenges EU freedom of movement can provide for member states. This justification entails the recognition of the pressure that EU freedom of movement might put on national and local governments, especially in times of economic crisis and high politicization of issues related to immigration, while still upholding the principle of freedom of movement within the EU (European Commission 2013, 1041; European Commission 2013, 837; European Commission 2013, 1094; European Commission 2013, 789). The justification does not argue that the principle of EU freedom of movement should be abandoned, but rather refers national and local authorities to the available EU infrastructure, which can help them when faced with difficult local circumstances caused by EU freedom of movement (European Commission 2013, 1151; European Commission 2012, 78). Thereby it reacts to possible concerns of member states, while pointing out that in cases in which EU freedom of movement might not prove beneficial to local communities the EU institutions support the member states to make it work to their advantage.

'(...) the Commission recalled that the basic principle of free movement is not up for negotiation, but that the Commission understands that some Member States are experiencing certain fraud and abuse cases' (European Commission, 2013, 1094).

5 Discussion

As Figure 2 shows, the justifications that refer to the political utility of EU freedom of movement for the unity of the EU are clearly most dominant in the discourse on EU freedom of movement, as produced by the European Commission in the analyzed documents. Both the variation of this type of justification that points at the benefits that EU freedom of movement can bring to EU citizens, as well as the variation that invokes the symbol that EU freedom of movement can denote for the European integration project are prevalent in more than half of the documents. Furthermore, the justification that appeals to the economic utility of EU freedom of movement for the EU is also present in almost 40% of the European Commission's documents. What then becomes clear of the provided overview of employed justifications in Figure 2 is that the named teleological justifications are more influential in determining the discourse on EU freedom of movement as produced by the European Commission in the analyzed documents, than the listed deontological justifications. Of these teleological justifications it is mostly the transnationalist type that sets this discourse. Thereby it seems that it is rather utilitarian norms that influence the European Commission's justifications for EU freedom of movement, than liberal cosmopolitan norms.

Nevertheless, liberal cosmopolitan justifications for EU freedom of movement, and primarily the one that perceives EU freedom of movement as a basic liberty, are also present in the European Commission's documents. Yet, the intergovernmentalist justifications, which attempt to disprove and mitigate perceived negative consequences of EU freedom of movement at the national and local level, were brought up somewhat more commonly than these liberal cosmopolitan justifications. If we then turn towards the overall narrative that all the justifications draw of EU freedom of movement, it can be argued that on the one hand EU freedom of movement is indeed justified on the basis of liberal cosmopolitan norms and principles; while on the other hand, EU freedom of movement is also defended by making reference to the positive consequences of increased human mobility within the EU for both the Union and its member states. What can then be concluded is that liberal cosmopolitan norms are indeed (still) present in the justifications for EU freedom of movement as provided by the European Commission in the analyzed documents. However, altogether, norms derived from other normative perspectives appear more often in these justifications. Both the transnationalist and intergovernmentalist teleological justifications in principle run counter to the deontological liberal cosmopolitan justifications.

These teleological justifications namely make the justifiability of EU freedom of movement contingent on its utility for the EU, its citizens, or its member states, whereas the ideal liberal cosmopolitan justifications defend EU freedom of movement as a basic liberty for all EU citizens independent of its consequences for the economies and welfare in the EU and its member states. By adopting such a consequentialist perspective, EU freedom of movement is made conditional on its estimated results, meaning that it can only be advocated if these results are indeed considered beneficial. A case for EU freedom of movement that is solely based on economic justifications can, for instance, not preclude possible future restrictions on the right to free movement, if EU freedom of movement proves to be little economically beneficial after all (as certain member states now seem to imply). Moreover, by utilizing the teleological justifications, the European Commission can easily become involved in the current debate on the advantages and disadvantages of EU freedom of movement for the economies and welfare schemes of member states, as discussed in the introduction. However, from a liberal cosmopolitan perspective the outcome of this debate should not be decisive in arguing for or against EU freedom of movement, because of the intrinsic value of freedom of movement for people's individual autonomy. Lastly, the intergovernmentalist justifications seem to approve

a view that considers member states' interest above that of individual citizens in the EU at large. Hereby these justifications contradict the liberal cosmopolitan principle of attaching moral worth to individual persons independent of their nationality. Thereby the teleological justifications can undermine the principle-based liberal cosmopolitan justifications for EU freedom of movement. By endorsing teleological arguments the European Commission thus risks that liberal cosmopolitan justifications become overlooked.

6 Conclusion

In conclusion, this paper has discussed whether and how liberal cosmopolitan norms are still present in the European discourse on EU freedom of movement, now that the European political and public debate has become increasingly focused on the economic case for EU freedom of movement. By reviewing the legal evolution of EU freedom of movement, the paper argued that whereas EU freedom of movement was originally directed at facilitating the construction of the European common market, it is now recognized as a fundamental freedom for all EU citizens independent of their socio-economic status and considered a central pillar of the European integration project. This legal transformation that was completed in 2010 closely linked EU freedom of movement to the liberal cosmopolitan ideal of human mobility. The paper then presented the results of a qualitative content analysis of publicly available documents addressing EU freedom of movement produced by the European Commission in the period from 2010 to 2014. Thereby it showed that the Commission employs three main types of justifications for EU freedom of movement: liberal cosmopolitan justifications, transnationalist justifications and intergovernmentalist justifications.

Yet, it was found that it is not the liberal cosmopolitan justifications that prevail in the documents produced by the European Commission, but rather the teleological transnationalist justifications that are dominant. This led to the conclusion that liberal cosmopolitan norms are indeed (still) present in the EU's justifications for EU freedom of movement as provided by the European Commission in the documents, but so are teleological utility-based arguments. Since these teleological arguments make the justifiability of EU freedom of movement contingent on the positive consequences the free movement of people within the EU can produce, these justifications might undercut the liberal cosmopolitan ideal of EU freedom of movement that regards it as a basic liberty owed to all EU citizens. If the European Commission wants to make EU freedom of movement the symbol of European integration that the documents seem to emphasize and unconditionally defend the right to free movement for all EU citizens, the Commission should consider basing its narrative of EU freedom of movement more on liberal cosmopolitan justifications than on justifications that refer to the economic or political utility of EU freedom of movement.

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