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ABSTRACT

This introduction provides a descriptive typology and normative analysis of the ways boundaries are being questioned in Europe. We distinguish between boundary-making (defining or redefining the territorial borders of a polity), boundary-crossing (determining the rules of access to territorial borders) and boundary-unbundling (allowing boundary-making and boundary-crossing to vary between policies and polities), noting each of these categories possesses internal and external dimensions. Cosmopolitans and statists offer contrasting normative evaluations of these processes, favouring weakening and maintaining or strengthening state boundaries respectively. We endorse a demoicratic approach lying between these two as better reflecting how individuals relate to each other and to the EU, a view shared by some but not all contributors to this volume. We conclude by situating the contributions within our topological framework, highlighting how they illustrate the contemporary questioning of European boundaries.

Introduction

Europeans have had a millennial love affair with boundaries. A tiny and crowded continent criss-crossed by rivers, mountains, seas and valleys all commandeered as 'natural borders', Europe has been a playground for endless political games involving lines in the sand, dynastic land swaps and territorial grabs, all in the name of delineating space for sovereigns of all kinds. Europeans fought countless wars for the privilege of remaking boundaries, reifying them through the invention of the nation-state, a political form that they proceeded to export to the rest of the globe. Even so, hard frontiers, involving passport controls, currency restrictions and barriers to trade only fully developed with the First World War. Little wonder that in the wake of the Second World War, so many Europeans came to identify peace with the creation of a continent-wide space 'without borders'.

The most potent image of this borderless-ness is the ability of European citizens to freely cross national borders. Yet the Schengen Agreement of 1985, abolishing internal borders among its signatories, reveals all too tangibly how the removal of some borders invariably involves the creation of others. Originating from a failure to reach agreement on the abolition of border controls among all the members of the then European Economic Community

(EEC), it was initially agreed between 5 of the 10 member states of the time and eventually came to encompass the four non-EEC states accommodated by the creation of the European Free Trade Area (EFTA). The borderless Schengen Area thereby created a new border by excluding some EU states while including other states from outside it. However, when it was finally incorporated into the EU with the Amsterdam Treaty in 1997, the UK and Ireland retained opt-outs, while the non-EU or EFTA states were disqualified from participating in the processes governing its structures and rules. As a result, the rights of citizens of the EU and those of the Schengen area became differentiated both between and among each group.

Originating before the fall of the Berlin wall and the end of the Cold War, the EU never formulated an equivalent ideal of freedom to cross external boundaries. With the prospect of enlargement post-1989, though, the open-endedness of membership in the EU conjured up an entity that could not be defined once and for all by the kind of hard boundaries that we associate with sovereign states, its external boundary management mostly provided by its member states. Despite new member states being required to join the Schengen Area, Romania and Bulgaria are still excluded. Meanwhile, the 2015 migrant crisis and the terrorist attacks in Paris led to a hardening of both external and internal borders, with a number of Schengen states temporarily restoring border checks (Monar 2016, 129, 130).

To be sure, the picture has always been complicated. First, the opening up of some borders has involved the closing of others, with a lack of symmetry of openness and closure even within the EU. Second, borders redirect rather than simply stop patterns of circulation, can be bridges as well as barriers, or can be viewed as geographical 'spines' (as Schama refers to Hadrian's wall) structuring, rather than separating, a local world (Nicolaïdis 2014; Nail 2016). Third, when we speak of borders between countries, we are actually referring to an array of different kinds of boundaries between different kinds of realms, spatial but also economic, functional, religious, ethnic, regulatory. The lack of congruence between national, regulatory, jurisdictional and political boundaries within the EU has always created a tension between free movement, on the one hand, and the very real nature of these functional boundaries, on the other. Fourth, since mental boundaries play as important a role as legal ones, we need to apprehend changes in European boundaries as a form of social change subject to inter-subjective interferences and imaginings.

Against this backdrop, it is an understatement to claim that European boundaries are today in question, as the title of this special issue indicates. The ideal of a Europe without borders has become deeply contested as concerns for national sovereignty have come to the fore. Increasing resistance to deeper integration has rapidly and recently morphed into open contestation of Europe by citizens and elites of various stripes. Euro-scepticism can be seen as the great come back of European boundaries, epitomised by British citizens' decision to 'reclaim national sovereignty' in the most dramatic possible fashion: by giving their government a mandate to withdraw from the EU. But the sentiments expressed by Brexit are by no means confined to the British Isles.

European boundaries are also put in question through contestation within its existing units and the boundaries that define them. Secession of a state from the EU calls into question the sustainability and legitimacy of all other European boundaries, many of which are under stress from the fallout of the Euro crisis, increasing terrorism and the migration crisis. The contestation of the ideal of boundary-less Europe does not need to be as dramatic as wholesale territorial 'exits' to change the political order that has defined European integration

for more than half a century. Internally, free movement of people is becoming synonymous in many a citizen's mental maps with 'welfare tourism' and face-to-face social dumping. Externally, enlargement no longer figures so prominently on the EU's political horizon, but the physical and moral pressure created by migrants and refugees increasingly contributes to the production of narratives that test the resilience of Europe's liberal values (Boswell and Geddes 2011).

At the same time, the drawing of boundaries has been a distinctive part of what Walzer (1984) referred to as 'the liberal art of separation'. The paradigmatic liberal separation consists of that between church and state – a border between the religious and the political designed to allow the free exercise of religion within civil society by preventing its entry into politics. Walzer (1983) insisted that the 'complex equality' of pluralist societies required some separation between different spheres of life if the values appropriate to one domain were not to dominate those of others. In this respect, one can regard the sovereign borders of states as having facilitated the varieties of capitalism, cultures and languages characteristic of the EU. States also offer a mechanism for separating certain goods (e.g. health or education) from penetration by markets, so as to ensure they are accessible to the general public rather than specific private consumers. Indeed, rights typically involve a separation between what is mine and what is yours, as in the paradigmatic rights to property and bodily integrity, thereby creating a private space that depends on a public authority with the capacity to exclude. None of this is to deny that many separations are distinctly illiberal. Those that exclude women or ethnic minorities from access to positions of power or membership of various organisations are designed to discriminate in ways that entrench inequalities. Likewise, borders can further entrench the injustice suffered by the poor and oppressed fleeing failing, burdened or repressive regimes. Any appraisal of the EU will turn on how far it does or can retain those separations required for diversity while removing those that involve unfair discrimination. For example, many criticisms of the EU derive from the view that the single market and the mechanisms for upholding the euro have had the paradoxical effect of removing the former while introducing the latter.

This special issue explores the analytical and normative questions which stem from this diagnosis. What is the nature of European boundaries and have they been getting thicker or thinner over time? What are the consequences of 'Brexit' for EU boundaries? Can secession from the EU be more or less legitimate? What is a sustainable and legitimate accession strategy for the EU? Are more radical forms of differentiated integration becoming a necessity for Europe? Can free movement in its current form be sustained? Is improved coordination on border control and security a necessary response to terrorism and the refugee crisis? The rest of this introduction provides an analytical framework for the general study of European boundaries, reflects upon the centrality of political boundaries to normative theorising, making explicit the demoicratic bias of several papers in this volume, and outlines the content of the different contributions.

Defining European boundaries

This volume focuses on political boundaries, understood as *those lines of demarcation enforced by a political authority that affect agents' range of options in producing and accessing goods widely understood to be desirable for them in the pursuit of their respective goals*. So conceived, political boundaries simultaneously serve as mechanisms of inclusion and

exclusion, providing criteria for determining who is and who is not entitled to participate within a particular scheme for producing such fundamental social goods as liberty, security, justice and economic prosperity, and to reap the resulting benefits. Agent' covers both individuals and corporate agents, like states, regions, civil society organisations and firms.

Paradigmatically, we think of political boundaries as defining a set of individuals within a given territory as citizens, limiting the ability of non-citizens to enter the political community, or restricting their right to access certain goods (like social welfare) if they are allowed to enter. Nevertheless, in the context of increasing international cooperation, states find themselves faced with a vast array of political boundaries, sometimes being on the inside and at other times on the outside of a given cooperative scheme. But while classic international clubs are limited to enhancing the production of some good or other (e.g. trade), the EU's reconfiguration of boundaries goes much further. The EU not only integrates its member states across a wide range of policy fields, going some way towards securing the kind of fundamental goods mentioned above, but also expects that all such member states will continue to engage one another in new collective projects where possible, as opposed to seeking out international partners from beyond the EU. Unlike most international organisations, therefore, the EU's political boundaries make possible the production and distribution of a wide range of important goods for the benefit of member states, their citizens and other actors.

Like all multi-level and decentralised polities, the EU has both internal and external boundaries. While external boundaries refer to the ultimate territorial reach of the polity, internal boundaries designate particular territories within the wider political community that are serviced by their own more or less autonomous political authority. Both internal and external boundaries can change in two ways. First, the territory can either expand or contract for one reason or another. Second, jurisdictions within the political territory can merge into a larger entity or else disaggregate into two or more smaller jurisdictions. While boundaries always imply some kind of exclusion, there are degrees to which any given boundary will be closed to others. Internal boundaries are typically quite porous as political authorities (like city councils) who possess some degree of jurisdiction within a given territory tend to individuals who are recognised as members of the wider polity ease of access to the local scheme of cooperation. External boundaries are usually much less porous, providing temporary admission to certain approved foreigners for business or pleasure, but placing substantial hurdles for those seeking to become long term residents.

For the purpose of this special issue we identify three categories of phenomena pertaining to European boundaries: boundary-making; boundary-crossing and boundary unbundling, each of which possesses an internal and external dimension and each of which is subject to change.

We define *boundary-making* as changes affecting the real and imagined composition and territorial reach of the political community. These borders are real in having an institutional expression, thereby creating a scheme of inclusion and exclusion. But they are imagined in being social facts that require the collective recognition of those involved in the cooperative scheme for their existence. The importance of this point becomes evident when we consider the possibility of imagined boundaries becoming decoupled from recognised political boundaries. Very often we find this to be the source of boundary contestation – the imagined community of some no longer sufficiently corresponding to the imagined community of others.

By contrast, *boundary-crossing* refers to incentives for and constraints on the movement of people, goods and services as determined by the rules governing rights of access for their moving across internal and external boundaries. The rules governing access to residency (including the right to work and welfare entitlements) are paramount for individuals, whereas customs duties and regulations (e.g. environmental, health and safety, etc.) determine how businesses interact with territorial borders.

While boundary-making and boundary-crossing are familiar categories, *boundary-unbundling* is less recognised. This term captures those occasions when instances of boundary-making and the rules governing boundary-crossing become either (a) related to specific policy areas, rather than part of a complete bundle or package of policies typically belonging to state sovereignty; (b) non-uniform, applying to some states but not others; or (c) flexible in response to events or demands, operating only when certain conditions hold. The creation of Native American reservations as semi-autonomous territories, exempt from numerous aspects of federal law, is a good example of boundary-unbundling. These territories depart from the standard internal boundary-making process adopted for the fifty sub-federal states of the United States, and so are non-uniform and flexible, while only applying to a specific bundle of policies. Another example of such unbundling is the asymmetric devolution of various self-governing powers to different authorities within a state, such as occurs in the UK where the regional legislatures of Scotland, Wales, Northern Ireland, and London possess different competences, though all are greater than those of other regions and municipalities within even more populous areas of England. A somewhat different example of boundary-unbundling is the establishment of special visa relations between countries or types of workers, in the former case giving expression to enduring relations of reciprocity and in the latter case attempting to respond to changeable domestic labour market demands.[1]

Any serious attempt to understand the boundaries of a polity must be able to determine the nature of boundary-making, boundary-crossing and boundary-unbundling within that political community. All three boundary phenomena enumerated here take on an idiosyncratic form in the EU context. Concerning external boundary-making, the EU has constitutionalised both accession and secession clauses, suggesting that both the real and imagined European political community is unusually pliable. While states have occasionally changed their territorial composition over the centuries on a voluntary basis, it is rare that voluntary territorial accession or withdrawal has been codified by a polity. When it comes to internal boundary-making, the significant number of multi-national states (e.g. Belgium, Spain and the UK) within the EU render it uniquely susceptible to the creation of new sovereign states within its borders. In the national context, when one jurisdiction within the state separates from another to create a different territorial body (such as the secession of Jura from the canton of Bern in 1979 to create its own cantonal authority within Switzerland), there is no question that the newly constituted political units will remain members of the national polity. In the EU context, however, the secession of e.g. Scotland from the UK is not a mere jurisdictional reordering but the creation of a new sovereign state that would change the membership structure of the EU. This raises unique normative questions concerning the right of a newly created state to automatic EU membership.

The case of boundary-crossing in the EU is also relatively different from the national context. Although internal free movement may be just as accessible in principle within the EU as it is within the nation-state, the right of each EU member state to decide upon its official language(s) of administration produces high practical barriers to internal migration.

It is true that many nation-states are themselves linguistically divided. However, the sheer extent of linguistic diversity within the EU ensures that an individual's level of multi-linguistic competence will have a major impact in determining the extent to which she can access the goods provided by free movement (Lacey 2015). The rules governing external boundary-crossing take on an idiosyncratic form in the EU context because the competences for foreign and security policy or migration and refugee policy and administration primarily lie in the member states' hands. This contrasts with the model of the nation-state, where such decisions are entrusted to the central government. Because of the need to secure high-levels of consensual intergovernmental cooperation, the EU has been peculiarly hampered in its capacity to coherently address issues from within these policy domains as a unified actor (Guild et al. 2015).

Boundary-unbundling in the EU comes about in numerous respects. The two main types are associated with multiple speeds and variable geometry. In the first case, despite the common acquis on joining the EU, not all member states are immediately involved in the same bundle of policies (Piris 2012). In the case of the euro and the Schengen Area, for example, not all states may meet the criteria to join with immediate effect. By contrast, variable geometry reflects the more permanent desire of certain member-states to opt-out of certain collective policies (Adler-Nissen 2009). As a result, the EU admits of some internal functional boundaries whereby some states work more closely than others in the production of certain goods and thereby subject themselves to absorbing the advantages and disadvantages of this deeper integration.

Differentiated association is the primary way in which the rules governing boundary-crossing are made more flexible in the EU. On the one hand, the EU has various classes of agreements with states beyond its borders, establishing particularly close relations with certain 'association states', like Norway and Switzerland, where a whole range of reciprocal rights are introduced (including free movement) (Eriksen and Fossum 2015). On the other hand, the global trend of increased cooperation and coordination between cities and regions has also affected the EU. Sub-national actors, like city mayors and NGOs, and non-state actors like financial institutions have become important players in establishing transnational networks and projects, leading to a highly flexible set of associations promoting regional trading and cultural links (Evgeniy 2016).

The normativity of boundaries

It would be wrong to suggest everything the EU does involves challenging existing boundaries. After all, the day-to-day operations of European institutions are primarily concerned with passing secondary law that must functionally assume a set of relatively fixed political boundaries. However, significant intermittent boundary changing events, like the Eastern Enlargement or the introduction of the euro, have encouraged scholars to regularly think about the nature of Europe's unusually fluid boundaries. Such situations not only demand descriptive and explanatory research, but also raise more fundamental normative questions. The questions of where political boundaries should be drawn, the extent to which they ought to be fluid, and the appropriate rules for governing the management of these boundaries have become more open for the EU in recent years, intensifying the need for a more developed political theory of the EU (Bellamy and Lacey 2017).

Cosmopolitanism and statism, both of which have been understood according to different traditions, such as republicanism and liberalism, and methodologies, such as analytical and post modern, provide the two normative traditions standardly applied to the EU. Cosmopolitans seek to constrain the ways political institutions, however configured, operate so as to ensure they treat 'every human being' as having 'global stature as an ultimate unit of moral concern' (Pogge 1992). Therefore, cosmopolitans view boundaries as leading to unjustifiable forms of discrimination by creating arbitrary distinctions between how individuals within and outside any given boundary are treated. Hence, they have argued variously for the re-making of borders in ever more inclusive ways through the creation of supra-national political communities and ultimately a world state (Cabrera 2004); for the permissibility of boundary crossing and a generalised policy of open borders (Carens 2013); and for a general unbundling of all boundaries within a network of transnational political communities (Pogge 1992).

Three broad possible views of the EU follow from the cosmopolitan perspective. One version holds that the forces of globalisation have undermined the nation-state, but that a centralised federal Europe, that is itself not unlike a nation-state writ large, can fill the gap (Duff 2011). Another, more truly cosmopolitan, version is not so much supra-national as post-national in orientation (Habermas 1999, 105–127), viewing moves towards federalism as an alternative to, rather than a new form of, the unitary sovereign state. Finally, a third holds that the EU can be restructured as a series of multiple transnational networks among civil society actors (Bohman 2004).

Although not uncritical of the EU, cosmopolitans regard it as the closest real approximation of their ideal. The EU is thought particularly strong on at least four dimensions: codification of human rights and international citizenship; increasing interdependence; the strengthening of authoritative international institutions; and the rise of post-national identity and discourse. The explanatory theory of neo-functionalism and the normative demands of cosmopolitanism make for natural bedfellows as the former hypothesises deeper European integration along these dimensions.

Statists do not deny the global injustices that arise from disparities in wealth between rich and poor countries and that these should be diminished. However, they claim that law and democracy cannot boot-strap and provide the source of their own polity conditions. Such institutions imply a people who are entitled to make and enforce decisions within a given domain in a way that make sense to this people in accord with its public culture (Pettit 2006). Accordingly, they contend that any attempt to right the world's wrongs should be done through the coordination of nation-states rather than their replacement by international authorities of a regional or global nature (Miller 2007). Consequently, statists have tended to view national boundaries as legitimate and boundary unbundling within them a way of ensuring different social and political spheres get treated with equal concern and respect. Moreover, on this view, the demographic change likely to accompany an open or highly flexible boundary crossing regime is seen as a potential risk to the scheme of liberty and justice constituted at the national level (Walzer 1983, 1984).

Statists conceive the EU as a cooperative bloc with the goal and effect of preserving rather than diminishing state autonomy (Milward 1992). By extension, the EU emerges as a reaction against the negative externalities of globalisation, that serves to protect states and their citizens from an otherwise unregulated space of market forces and technological developments. Just as cosmopolitanism finds a natural partner in neo-functionalist theory, so statism

welcomes a liberal intergovernmental understanding of the EU, which involves opening up the black box of the state (Moravcsik 1993). On this view, Europe's integration results from bargaining between national leaders, who are responsive to the demands of their national constituency and aware of the need to secure mutually credible commitments through the establishment of shared institutions. Although statists have concerns about the strengthening of supranational institutions and the continued ceding of national sovereignty in line with the Union's goal of 'ever closer Union', they contend the EU is and should remain primarily intergovernmental.

Recently, a demoicratic perspective has emerged, to which all three editors are aligned (Nicolaïdis 2004, 2013; Bellamy 2013; Lacey 2017), that situates itself as a third way transcending the dichotomous tendencies of the statist-cosmopolitan debate. It does so by recognising the importance of developed political cultures for the process of political justification and self-determination, while acknowledging the demands of citizens as independent actors who are not just members of a nation-state but also have transnational rights claims. As such, demoicracy identifies the EU as a union with two normative subjects: states and citizens. Pursuing the common good of Europe, therefore, means protecting and promoting the values and interests of both states as self-governing collectives and individuals as autonomous citizens.

Two core values underpin this demoicratic argument: the republican value of non-domination and the liberal value of mutual recognition (Nicolaïdis 2013). Accordingly, demoicrats insist that neither citizens nor states should be arbitrarily interfered with, either by supranational institutions or one another, but are required to act in systematically other-regarding ways. While demoicrats differ over the precise institutional implications of these values (Cheneval, Lavenex, and Schimmelfennig 2015), they broadly agree that a demoicratically configured EU should uphold the principles of democratic integrity, non-discrimination and equal legislative rights. Democratic integrity means that neither EU actions, nor those of member states, should undermine the ability of states to govern themselves or of citizens to be fully participating members of the EU polity. Non-discrimination insists that all laws must be applied consistently to member states and citizens respectively. Finally, equal legislative rights require that both Union citizens and states must be equally represented in decision-making in the domain of secondary law.

The EU falls short of demoicratic values in many respects. Nevertheless, demoicrats are in some ways less critical of the EU's basic architecture than either cosmopolitans or statists. They view the EU Treaties and institutions as having given at least partial expression to a dual subjectivity of states and citizens. Consequently, the EU appears to neither approximate an intergovernmental organisation of states nor a proto-cosmopolitan community of citizens. In some respects, a multi-level governance account best captures the demoicratic understanding of the EU. On this account, the making and unbundling of boundaries both at the state level and above, below or across it, protect the different demoi to which individuals belong, with the EU best seen as facilitating their joint and equal governing.

A strong bias in favour of demoicracy runs through this special issue, with five papers developing a political theory of the EU along these lines. In particular, our own co-authored papers attempt to tackle what are perhaps some of the most fundamental normative issues within each category of boundary-making (Lacey and Bauböck on territorial integrity), boundary-crossing (Nicolaïdis and Viehoff on external free movement) and boundary-unbundling (Bellamy and Kröger on differentiated integration). Brexit throws up unique

challenges of boundary-making and boundary crossing for the EU that are analysed from a demoicratic perspective by Lord and Shaw respectively.

The more empirically-minded contributions to this special issue have not explicitly taken up a general normative position, but there are clear senses in which they throw up important normative questions that any political theory of the EU must answer. Should the EU develop more robust redistributive programmes, especially if it may be necessary to sustain free movement (Maas)? To what extent should the more powerful states be constrained from dictating the EU's integration trajectory (Zielonka)? Should the EU engage in a more concrete and rounded myth-building process to mitigate its ontological insecurity (Della Sala)? What are the legitimate procedures for EU institutions in adopting emergency legislation to deal with imminent issues, like the threat of terrorism (Cross)? What does the EU owe to territories seceding from a member state (Closa)?

European boundaries in question?

The very ideas of deepening and widening European integration imply the re-making, crossing and unbundling of boundaries below and beyond the nation-state. Unsurprisingly, the resulting processes of boundary-making and boundary-crossing have been both challenging and challenged throughout the EU's history, often producing in their turn boundary-unbundling, as with differentiated integration for the euro. However, as we shall now explain with reference to the papers in this volume, the legitimacy and sustainability of the European boundary regime is currently being called into question like never before by an unusual confluence of internal and external pressures. While we describe each paper under one category below, several papers inevitably touch on some of others as well (see Table 1).

Boundary-making

The making and remaking of Europe's external boundaries is perhaps the most dramatically contested phenomenon today. For the first time, a member state has elected to leave the Union, shrinking rather than expanding its external borders and turning internal into external boundaries. Although the EU was in principle based on the voluntary participation of its members, the permanence of membership has until now been taken for granted in practice. By establishing a precedent for withdrawal from the Union, Brexit has put into question the stability of its existing membership, especially as the voices that called for secession from the EU in the UK have formidable counterparts in other European countries.

The volume opens with Chris Lord's paper addressing the novel issues raised by Brexit. It explores not the rights or wrongs of leaving the EU, but rather the respective duties the EU

Table 1. European boundaries: a typology of issues and authors in this volume.

	Internal	External
Boundary-making	*Secession from a member state*	*Accession of new state, withdrawal of member state, imagined borders*
	Closa	Lord, Closa, Bauböck and Lacey, Della Salla, Shaw
Boundary-crossing	*Trade, free movement, terrorism*	*Trade, refugees, third country migrants, terrorism*
	Shaw, Maas, Nicolaïdis and Viehoff	Shaw, Nicolaïdis and Viehoff, Davis Cross
Boundary-unbundling	*Differentiated integration*	*Differentiated association*
	Bellamy and Kröger, Zielonka	Lacey and Bauböck, Davis Cross, Zielonka

and the seceding state have to each other in negotiating an exit. Lord identifies member states as constituting a collective action group who have shaped laws together, limited one another's range or choices and managed the externalities of international engagement. He concedes that in practice each member state will be the final judge of what it owes to any other, yet argues that all parties have a duty to ensure that withdrawal from the Union is governed by fair terms of cooperation.

Meanwhile, the last decade has seen a new kind of 'enlargement' enter the EU lexicon: namely, internal enlargement through secession from existing member states, with Scotland and Catalonia serving as the most pressing examples. With specific reference to these cases, Carlos Closa asks whether or not territories that secede from existing member states to form new sovereign entities are entitled to automatic accession to the EU. On the one hand, there are instances where secession from a member state may be done by legal consent or else unilaterally. On the other hand, it is possible that prospective secession may be in part motivated by the desire of the seceding territory to remain in the EU as the existing member state withdraws from the Union. Closa argues that any new EU member state must undergo a process of negotiation given that increasing the number of member states will have an impact on the composition of European institutions. Although he insists that member states should retain a right to veto internal enlargement, he maintains that there are circumstances in which the EU has special duties to provide an easy route to accession, or at least some form of remedial arrangement for the citizens of the seceding territory.

The UK's withdrawal and the prospect of a Scottish secession from the UK have in turn provided challenges to the external enlargement agenda of the EU. The accession of Eastern European countries was not uncontroversial and helped to motivate the British case for leaving. There is now little appetite to conclude existing accession negotiations with Serbia or Montenegro, or to commence them with those, Albanian and Macedonia, preparing for such negotiations. In the future, it is likely that the EU will rely more heavily on associated agreements and other bilateral treaties in lieu of granting states membership or accession status.

Joseph Lacy and Rainer Bauböck ask three normative questions pertaining to the process of enlargement and the development of bilateral relations, two substantive and one procedural. The first substantive question concerns boundary-making and the legitimate limits of the EU's borders (i.e. its final frontier). The second substantive question addresses boundary-unbundling and the nature of legitimate relations between the EU and non-member states. Contrary to the Treaties, the authors find that there are no normatively valid grounds for restricting EU membership to 'European states', although there are good reasons why the EU should not seek to approximate anything like a world state. Meanwhile, they argue that three established normative principles of inclusion (stakeholder, subject to coercion and affected interests) must guide the EU's relations with non-member states in the creation of flexible bilateral agreements. The procedural question concerns the appropriate decision-making rules for enlarging the Union and creating agreements between the EU and non-member states. Here, the authors endorse current EU practices of requiring unanimity for external enlargement and supermajorities for certain kind of international agreements.

Vincent Della Sala explores the consequences of the EU's pliable borders for the imaginary dimension of external boundary-making. According to Della Sala, the EU has attempted to formulate a territorial myth that draws on the kind of resources typically associated with

nation-states. He contends that such myth-making forges a collective memory that legitimates the historical links between members of the polity and projects a sense of future purpose for the community. Ontological security is the feeling of being-at-home in one's political community and requires above all else the relative stability of borders and the capacity to control them. Therefore, myth-making is best placed to contribute to ontological security in a context of fixed territorial borders. However, precisely because of the EU's uncertainty with regard to its final composition, given the possibility of enlargement and withdrawal, it's territorial myth cannot be completed. The ontological security of Europeans is thereby undermined in important respects and influences in turn how citizens and their representatives react to the EU's boundary-making and boundary-crossing regime.

Boundary-crossing

Directly related to the British challenge to Europe's external boundaries is the questioning of unrestricted free movement and EU citizenship rights. Before voting on EU membership, the British government had negotiated certain qualifications to the rights of European citizens when moving to the UK (including limited access to social and health services in their first years). Simultaneously, the Swiss vote to cap migration from the EU in violation of bilateral Treaties has indicated further popular dissatisfaction with unrestricted free movement across the EU and certain associated countries. The indirect concessions on free movement (through rights of access to benefits provision) that were granted to the UK in its pre-referendum deal with the EU is a sign that unrestricted free movement within the EU can no longer be considered non-negotiable. This point is underscored by recent judicial developments, with the European Court leaning towards allowing greater leeway to member states in determining access by non-citizens to their welfare systems.[2]

Jo Shaw compares the UK and the EU as multilevel polities, focusing on the rules governing the 2014 Scottish independence referendum and the 2016 Brexit referendum. On her view, referendum design is a key to the conception of citizenship and political community advanced by the polity in question. While the Scottish referendum extended the franchise to EU nationals resident in Scotland, it excluded all other British citizens and made a simple majority the required threshold to determine the result. The Brexit referendum was more problematic in (a) failing to enfranchise those border-crossers who would be keenly affected by the referendum result (i.e. EU nationals resident in the UK) and (b) allowing for a simple polity-wide majority, thereby failing to take into account the distinctive preferences of the different national demoi of England, Northern Ireland, Scotland and Wales when setting the decision-making threshold. Shaw claims these choices in the referendum design imply an exclusive and overly homogenous understanding of citizenship and political community that are now having a large impact, with uncertainty hanging over the future of both EU nationals resident in the UK and the territories of Northern Ireland and Scotland.

By contrast, Willem Maas explores the nature and challenges of internal border crossing in the EU by comparison with federal states such as the United States and Canada. Taking the case studies of students and workers, and how they operate within the free movement regimes of Canada, the EU and the US, Maas shows that all multilevel political communities must balance the desire for equal citizenship with local demands for diversity. He demonstrates that migration between US states or Canadian provinces raise worries about social dumping that are analogous to those emphasised by Eurosceptics opposed to EU free

movement. Yet, despite significant internal variation in the US and Canada, common welfare programmes assuage these worries about the ability of governments to control the boundaries of political community. He advises similar remedial welfare measures should be considered in the EU to ensure the sustainability of its free movement regime.

External boundary-crossing in the EU is being challenged by two major developments, the recent surge in migrants claiming refugees status, most notably from Syria, and the increase in successful terrorist attacks (cf. Léonard and Kaunert 2016). The first development has made manifest the inadequacy of Europe's rules and institutions for managing external border-crossing. Failure to equitably share the burden of accommodating refugees across Europe or adequately to assist states at the EU's Southern border in processing incoming refugees, has led to unilateral action. Most significant was Germany's decision to absorb a large share of the migrants. The concern that some refugees may themselves pose terror threats, or otherwise present a challenge to law and order, has further intensified the demand for a more secure external border. This concern has added to the pressure on internal free movement, as some do not want their states to become destinations for 'potentially dangerous' foreigners admitted by other states.

Kalypso Nicolaïdis and Juri Viehoff regard the current refugee regime in Europe as deficient and attempt to determine the normative principles underlying a more acceptable arrangement. They explore the normative status of internal free movement within the EU against the benchmark of what they refer to as the demoicratic deal: the preservation of national or group autonomy predicated on a commitment to others outside that circle of autonomy. They adopt the point of view of a particular type of, admittedly idealised, citizen to think about political borders and their consequences in Europe referred to as the 'virtuous demoicrat'. This virtuous demoicrat considers the issue of border crossing in turn from ideal theory and non-ideal theory, considering issues of procedures and substance. A virtuous demoicrat must sustain the consistency between internal and external commitments to mutual recognition to the greatest extent possible. They argue that a refugee regime must evolve in Europe to better balance member states' shared commitment to free border crossing with the unequal distribution of integration spare-capacity within each of them.

The second development challenging the nature of Europe's external border crossing is the growing threat of terrorism, made manifest by the effectiveness of suicide attackers. Recent attacks in Paris, Brussels and elsewhere have led to redoubled calls among some actors for a hardening of Europe's external borders through greater security cooperation between member states. This trend lies in stark contrast to the more vocal calls over the last several years for the reassertion of political boundaries at the national level. Indeed, despite starting the process of exiting from the EU so that the UK may do more on its own, the desirability of strong and potentially deeper cooperation in security matters is hardly questioned.

In her paper, Maia Cross shows how European political boundaries vis-à-vis the outside world are becoming stronger in important respects, and that the area of security cooperation offers an example of this trend. She explains how counter-terrorism efforts have led to extensive forms of boundary-unbundling in the establishment of differentiated forms of association with third countries. She breaks down her analysis into three categories of further cooperation – intelligence sharing, formal and informal diplomacy, and the internal-external nexus of security. Although she admits many of these measures have been taken in emergency conditions, she defends their legitimacy.

Boundary-unbundling

Although there is already a degree of differentiated integration in the EU, the standard approach to deeper integration has been to strive for uniform participation. Yet, as the EU becomes more socioeconomically diverse because of enlargement, while simultaneously integrating on a greater number of policy issues, a 'one size fits all' approach appears increasingly inappropriate. The euro-crisis has indicated particularly forcefully the difficulties of deeper integration among EU states with a broad level of socioeconomic disparity. New models of differentiated integration are therefore gaining currency in the EU, challenging the existing presumption towards uniform integration and suggesting that internal functional boundaries may proliferate in the future. Not only is this evident in the five scenarios for the future of Europe presented by the European Commission (2017), an openness to more flexible boundaries has been telegraphed by the leaders of the Eurozone's four biggest economies (Germany, France, Italy and Spain) in the wake of the EU's 60th anniversary.

Richard Bellamy and Sandra Kröger explore differentiated integration as a way in which certain aspects of the acquis have been unbundled to allow not only a multi-speed EU, but also a degree of variable geometry. Such measures have generally been regarded as regrettable if necessary pragmatic concessions. By contrast, the authors contend that many instances of differentiated integration can be normatively justified on democratic grounds as suitable ways to accommodate economic, social and cultural heterogeneity. They distinguish instrumental, constitutional and legislative differentiation and relate them respectively to problems of proportionality, partiality and difference. In areas where economic and social heterogeneity means member states lack an equal stake in a collective measure, thereby risking free-riding or its underfunding, then overcoming the proportionality problem may suggest the relevant club should be smaller than the entire membership of the EU – at least temporarily. Likewise, where cultural heterogeneity generates differences in constitutional values, collective agreements on the basis of majority rule may fail to treat all impartially, so that some opt outs may be justified. Finally, even when there are collective agreements, legislation may need to be differentiated rather than uniform to allow for relevant differences.

Just when differentiated integration is becoming a more respectable position in mainstream political discourse, the policy of pursuing differentiated association is being challenged as popular resistance to trade deals (like the Trans-Atlantic Trade and Investment Partnership) and association agreements (as with Ukraine) has called into question the flexibility of external boundary-crossing in the EU. Despite this backlash against globalisation, however, functional pressures continue to push the EU in the opposite direction. To the extent that global trade and communication technologies are forging stronger relationships between sub-state actors (such as city mayors) and non-state actors (such as large enterprises and civil society organisations) and individuals, the EU is faced with incentives to soften its boundary-crossing regime and expand on its forms of differentiated association that are increasingly difficult to ignore.

In the final paper, Jan Zielonka recognises variable geometry as the form of unbundling most consistent with the EU's current architecture. Yet he believes that three radical alternatives for the future of European integration should be further investigated – models that differ markedly from those envisaged by the Commission (2017). These models are an ordo-liberal Empire dominated by Germany as the EU hegemon, functional networks, and

cascading pluralism. These latter two models represent a radical and cross-cutting unbundling of national borders in a transnational rather than a supranational direction, that offers a return to what some have seen as a pre-Westphalian pre-sovereign political order, and a model of the EU akin to the Hanseatic league. Utilising recent studies in the field of geography, economics, and communication, Zielonka argues that functional pressures to unbound traditional forms of boundary-making and boundary-crossing are increasingly reconfiguring the relationship between territory, authority, and rights in Europe.

Conclusion

This special issue aims to open up a research agenda about the ways changes in the making, crossing and unbundling of boundaries relate to one another, and how these dynamics have been affected by the dramatic endogenous and exogenous pressures besetting the EU as it passes its 60th anniversary. In particular, we hope to illustrate the broader relevance of the questions arising from Brexit, the migration crisis and the management of the euro. What happens if secession *from* an existing member state arises at the same time as secession *of* a member state? Should internal enlargement be considered similar to external enlargement, given the special circumstances of a state acceding from within? Must the easing of internal border crossing necessarily be balanced by the hardening of external EU borders (and *vice versa*)? How can differentiation be approached consistently internally and externally? Can clever unbundling render integration more effective and equitable and circumvent calls for EU exits? These are questions Europeans will be living with for years to come.

Notes

1. Our typology is influenced by, but differs from, other boundary typologies found in the migration literature (e.g. Bauböck 1998; Zolberg and Woon 1999). These authors are primarily concerned with how internal boundaries of membership and identity change *within* a receiving society due to 'patterns of negotiation between newcomers and hosts' (Zolberg and Woon 1999, 9). By contrast, our account does not privilege the perspective of boundary-crossing over other types of boundary, while our distinction between external and internal boundaries allows us to include boundary negotiation involving multiple states, rather than being simply limited to negotiations within a particular state.
2. The latest in a series of CJEU judgments on this issue rules that member states may exclude Union citizens who go to that state to find work from certain non-contributory social security benefits. Judgment in Case C-67/14 Jobcenter Berlin Neukölln v Nazifa, Sonita, Valentina and Valentino Alimanovic, 15 September.

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Disclosure statement

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