

EU CITIZENSHIP AND FEDERALISM

Kochenov's definitive collection examines the under-utilised potential of EU citizenship, proposing and defending its position as a systemic element of EU law endowed with foundational importance. Leading experts in EU constitutional law scrutinise the internal dynamics in the triad of EU citizenship, citizenship rights and the resulting vertical delimitation of powers in Europe, analysing the far-reaching constitutional implications. Linking the constitutional question of federalism and citizenship, the volume establishes an innovative new framework where these rights become agents and rationales of European integration and legal change, located beyond the context of the internal market and free movement. It maps the role of citizenship in this shifting landscape, outlining key options for a Europe of the future.

Dimitry Kochenov is Professor of EU Constitutional Law in Groningen. He has held fellowships and visiting professorships worldwide, including at Princeton (Crane Fellowship in Law and Public Affairs, Woodrow Wilson School), NYU Law School (Émile Noël Fellowship), College of Europe, Europainstitut Basel, Osaka Graduate School of Law, and a Visiting Chair in Private Law at the University of Turin. He has advised international institutions and governments and has published widely in the areas of EU constitutional law and citizenship.

EU CITIZENSHIP AND
FEDERALISM

The Role of Rights

Edited by
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CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-107-07270-1 — EU Citizenship and Federalism
Edited by Dimitry Kochenov
Frontmatter
[More Information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
4843/24, 2nd Floor, Ansari Road, Daryaganj, Delhi – 110002, India
79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781107072701
DOI: 10.1017/9781139680714

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First published 2017

A catalogue record for this publication is available from the British Library.

ISBN 978-1-107-07270-1 Hardback

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PREFACE

This book is the result of finding EU citizenship and federalism in everything, from the purring of an orange cat to the folds in the dresses of dates. It is the result of speaking about citizenship and federalism with everyone I have met in a countless number of universities, restaurants, libraries and bars on both sides of the Atlantic. It is long.

This book was, in fact, meant to be a blog post of 700 words, and I am very happy that it grew. The blog post was about a very obvious idea: if the EU is to graduate into the more complex world of real constitutionalism from the occasional outgrowths of its preoccupation with the Internal Market, then it could well be citizenship status and the rights attaching thereto that would supply the pillars of this newly remodelled edifice, guiding the allocation of competences and providing the Union with a renewed rationale. Some Court of Justice case law, especially *Eman and Sevinger*, *Rottmann* and *Ruiz Zambrano*, the history of federations around the world, the lack of logic or justice behind the ‘standard’ idea of the Union, the seeming absurdity of the scope of application of the Charter of Fundamental Rights of the EU – all pointed towards this very basic idea which, shared by many, should make sense and could guide the Union of the future, informing the Union’s organisation and its activities. The blog post was supposed to start an online exchange. If EU citizenship and its rights really do come to play the crucial role in restructuring the Union away from the absurd ideas, such as having to take a bus across a non-existent frontier to save one’s family from being split up – *which* rights would be the most instrumental in articulating the renewed idea of EU law, building its (just) substance, not merely its pro forma (market) rules?

I am delighted that the blog post did not pass ‘peer-review’ as it were – oh, academia! With my blogging attempt rejected, I decided to turn to the old-fashioned medium of the printed word and compile an edited collection instead: there is still life without blogging. From the moment the first chapters reached my mailbox, it became abundantly clear that

investigating the interface between citizenship and federalism under the lens of rights offers plentiful opportunities for a truly rewarding thought experiment. The emphasis on citizenship and rights can guide EU development.

Working with the authors contributing to this collection has been the most delightful experience in my academic life so far, and I would like to thank all of them for bearing with their editor's demands, reading each other's chapters, and, often, rewriting, rewriting and rewriting again. I am also grateful to all the authors whose chapters did not make it through the review process. In addition to the authors, endless gratitude is due to all the magnificent scholars who helped with peer review, and with the author's workshop hosted in Oslo, or who otherwise supported this project. Numerous colleagues and friends can be mentioned, including, but not limited to, Carlos Closa, Stephen Coutts, Maria Fletcher, Laurence W. Gormley, Christophe Hillion, Ulli Jessurun d'Oliveira, Jurian Langer, Orla Linskey, Leandro Mancano, Jeanne Pia Mifsud Bonnici, Paul Nemitz, Síofra O'Leary, Sir Richard Plender, Eva-Maria Poptcheva, Robert Schütze, Alexander Somek, Peter Spiro, Antonello Tancredi, Brigit Toebes, Gijsbert Vonk and Anja Wiesbrock (who kindly facilitated the author's workshop). This volume would not be possible without the assistance of Elena Basheska, Ryan Chavez, Anna Gnap, Aleksandra Markowska, Harry Panagopulos, Suryapratim Roy, Jacquelyn Veraldi and, above all, Justin Lindeboom, who was my right hand while working on the manuscript, providing indispensable input from TAP Coffee 114 and numerous other Fitzrovia cafés while I was working at Black and Bloom in Groningen (thank you, Gerben, Nina), Think! Coffee in Mercer Street in New York, Notes (St. Martin's in the Fields) in London, Rojo's Roastery in Princeton (thank you, Jess, Andrew) and, above all, Il Circolo dei Lettori in Turin. My brother Grisha sketched the birds unable to fly and thus forced to take a bus for the cover. Sinéad Maloney, Finola O'Sullivan, Elizabeth Spicer and Chloe Harries at Cambridge University Press made this book possible through swift contracting, wholehearted support and infinite patience. The Woodrow Wilson School at Princeton University, where I was Martin and Kathleen Crane Fellow in Law and Public Affairs in the 2015–2016 academic year, provided an ideal environment for finishing the manuscript: correcting the proofs at the top floor of the gorgeous Minoru Yamasaki building and being part of a remarkable community of scholars, including Kim Lane Scheppele, Zaid Al-Ali, Jan-Werner Müller and Sherally Munshi, has been a true privilege. Princeton air is truly

infested with ideas, wrong ones at times, but also good ones. Putting some of them on paper, I wrote *EU Citizenship Law: Ius Tractum of Many Faces*, a monograph to be published by Hart Publishing, Oxford, which is a natural accompanying volume to this edited collection.

My special thanks are due to H.E. Bea ten Tusscher, the Dutch ambassador to Norway, who graced a select group of contributing scholars with enlightened conversation and a glass of champagne at her residence in Oslo and opened the authors' workshop in the Norwegian capital, as well as to Advocates General Eleanor Sharpston and Maciej Szpunar, Judge José Luís da Cruz Vilaça and Judge Koen Lenaerts, the President of the Court of Justice of the European Union, who, in addition to contributing chapters, supported, together with William Valasidis and *L'Amicale des référendaires*, the launch of this volume at the Court of Justice in Luxembourg, thus helping to bring the word out that a bright future for the Union and its citizenship is obviously possible, even in these turbulent times.

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