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Introduction: The Rescaling of Territory and Citizenship in Europe

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ABSTRACT This Special Issue explores the consequences of past and ongoing processes of territorial rescaling on citizenship in a theoretical and comparative perspective. In this introduction, we unpack our core concept of territorial rescaling and discuss its implications for the citizenship status and rights of those groups and individuals who reside in the contested territory or are connected to it. We show that in the context of the European multilevel federation, territorial rescaling is rather the norm than the exception, an inherent feature of ongoing processes of integration and disintegration instead of an anomaly. The rescaling of territorial borders invariably leads to the realignment of membership boundaries. The articles focus on various related issues, such as the delineation of the franchise in constitutive referendums; the democratic foundations of multilevel secession; and citizenship in ‘aspiring’ states (e.g. Catalonia and Scotland), ‘new’ states (e.g. the Successor States of Former Yugoslavia) and ‘contested’ states (e.g. Kosovo and the Turkish Republic of Northern Cyprus).

Introduction

This Special Issue explores the consequences of past and ongoing processes of territorial rescaling on citizenship in Europe. The idea behind it was prompted by the series of seemingly unrelated yet concomitant territorial crises that have erupted across the continent over the past decade. The secession of Crimea from Ukraine and its subsequent annexation by the Russian Federation in 2014, rising secessionist tensions in Scotland and Catalonia culminating with independence referendums held in 2014 and 2017, and the decision of the British people to leave the European Union (EU) in 2016 seemed but the tip of the iceberg, the most acute manifestations of a broader trend towards EU and state disintegration. In France, the landslide victory of the Corsican nationalist coalition in the 2017 regional elections and 2018 independence referendum in New-Caledonia suggest that even the ‘One and Indivisible Republic’ is not immune from territorial unrest. The litany could go on, ranging from the Hungarian government’s distribution of passports to kin-minorities in neighbouring countries reawakening irredentist fears in Central Europe, or recent

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talks of territorial transfers between Serbia and Kosovo as a solution to the enduring presence of kin minorities on either side of the international border drawn in 2008, with potentially serious consequences for other minority inhabited areas in the Balkans.

To be sure, these events share few similarities. They stem from different causes, involve different actors who deploy different ideological repertoires for the pursuit of different aims. Yet, they have in common to challenge established jurisdictional boundaries. As such, they are instances of what we refer to in this Special Issue as ‘territorial rescaling processes’, which occur when a polity attempts to change its status or affiliation within a broader constellation of polities.

In the media, the recent resurgence of territorial tensions occurring simultaneously in various parts of the continent has often been interpreted in excessively dramatic terms, as the prelude to a major reconfiguration of the European political map, on a scale comparable with the post 1918, 1945, or 1990 periods. At least for the time being, the fear of a twin domino effect—BREXIT encouraging other Member States to leave the EU and the Catalan and Scottish independence bids emulating secessionist tensions in other Member States—has not materialised. Such grim assessment contrasts sharply with the general optimism that dominated the scholarly debate in the previous decade. In the 2000s, territorial change was mainly associated with the rapid expansion of the EU, which went from 15 Members in 2003 to 27 in 2007, through successive eastward enlargements. While new states were created—Kosovo in 2008 and Montenegro in 2006—it rather seemed like the fading echo and final denouement of ethnic wars fought in another era than a new crisis altogether. Besides, the promise of future EU membership in the Western Balkans was widely seen as defusing ethnic tensions in aspiring Member States, notably through the gradual Europeanisation of their citizenship regimes (Shaw and Štikš 2013). In this context, citizenship was no longer envisaged as a homogenous status exclusively bestowed by the state, but as a complex architecture of territorially-differentiated statuses and rights concurrently granted by supranational, national and regional tiers of government in the liberal and multi-layered European polity.

This Special Issue cannot possibly insulate itself from a zeitgeist that inevitably casts a dark shadow on the European project and its territorial prospects. Yet, it tries to minimise its impact by revamping and engaging thoroughly with ‘old’ theoretical questions and covering both historical and contemporary cases. We do not claim that territory should be ‘brought back in’ for the simple reason that it never disappeared from European politics in the first place, notwithstanding earlier popular thesis proclaiming its dawn or end (e.g. Badie, 1995). We sought to move away from traditional theories of territory, which defined it by fixed boundaries and enclosed spaces. Instead we build upon more recent relational theories, which see territory as not merely topological but sociological, as constructed and often contested (Agnew, 1994; Keating, 2013, 2019; Taylor, 1995).

Our main concern is not with territorial rescaling *per se*. After all, one does not have to dig too deep into European history to acknowledge that territorial boundaries are not immutable, but occasionally ‘migrate’. If one does not subscribe to the ideal of a ‘borderless world’, then the migration of borders is not in principle inherently wrong. Conceptually, it can unite populations as much as it can divide them. In practice, it sometimes proved an effective remedy to protracted conflicts amount neighbours willing to live side by side, but no longer under the same roof. Wherever they are drawn, borders hardly ever are perfectly hermetic, but selectively open. Their main purpose is rather to regulate the circulation of people (as well as goods and capital) by discriminating between ‘welcome guests’ and ‘undesirable intruders’ than stopping the flow altogether. Thus, whether a

new border overall contributes to mitigating or heightening conflict essentially is an empirical question which depends on a variety of contextual factors and invariably leads to nuanced answers, as the contributions to this issue show.

The problem is thus not so much that borders migrate, but that they do so over people. The expansion, fragmentation or contraction of a territory necessarily disrupt the legal status and rights of those who live in that territory or are in some ways connected to it. It produces new patterns of inclusion and exclusion, as some former citizens are turned into aliens and vice-versa. While some categories of the population may benefit from it, others are made particularly vulnerable as a result. Hence, the Special Issue does not focus on the root causes of territorial rescaling processes, but on the consequences on the citizenship status and citizenship rights of the individuals and communities affected by it. It does so in a particular context—the European multilevel federation—where polities are linked to each other through a complex web of vertical and horizontal relations.

This Special Issue includes six contributions from a range of disciplines, including political theory, political science, sociology and history. While they address distinct aspects of the territory-citizenship conundrum, they have in common to be theoretically driven and empirically informed. They also share a common belief in the scientific merits of the comparative approach, either in the form of fully-fledged case studies (Spanu, Arrighi, Krasniqi) or to illustrate and support a theoretical argument (Stjepanovic and Tierney, Bauböck, Keating). In the remainder of this introduction, we first unpack our core concept of territorial rescaling, explain how it plays out in the context of the European constellation of polities, and briefly discuss two concrete implications for citizenship that are examined in one way or another in all contributions.

Territorial Rescaling in the European Constellation

The territorial rescaling process that has received most attention in existing scholarship is that of state secession. It is somewhat unsurprising, since the break-up of an existing independent state arguably is the most disruptive challenge to an international system predominantly made of sovereign nation-states. However, the reason for it is not only empirical, but also epistemological. It reflects the pervasive prevalence of a state-centered geopolitical imagination (Agnew, 1994), which envisages the nation state as the natural container of society and therefore as the natural unit of analysis of social science inquiry (Glick-Schiller and Wimmer, 2002). Though denouncing the rampant methodological nationalism of existing scholarship has become a common wisdom and prerequisite in much of the literature today, the theoretical and empirical implications rarely are fully drawn. For our purposes, it forces us to take a broader view, one where state secession constitutes one particular move (exit) at one particular level (the state), and ultimately one particular form of territorial rescaling among others. At least conceptually, we believe it is useful to think of a territorial rescaling process as *an attempt by a polity to change its status or affiliation within a broader constellation of polities*. In line with Bauböck's definition, we understand the latter as 'an ensemble of distinct polities that are jointly involved in determining the political status of individuals or of a territory' (Bauböck, 2019). These polities enjoy some degree of self-government over a specific territory and a population, such as supranational associations of states, independent states, regions, or municipalities. They maintain both vertical relations (e.g. between supranational institutions and Member States in an international association of states, or between federal and regional tiers of government in a federation)

and horizontal relations (e.g. between sovereign states within the international system, or regional governments within a federation). Territorial rescaling processes thus take place along a two-dimensional grid (see Figure 1).

The EU perhaps is the most elaborate example of a constellation of polities. The process of EU integration initiated in the 1950s has led to a twin migration of political authority away from the state, both upwards to the supranational level, and downwards to the regional level (Keating, 2013, 2019). While conceptually distinct, these two trends are empirically related and have interacted with each other in less than tidy ways. The transnational process of European integration across Member States has gone hand in hand with and in some important respects has amplified domestic processes of national disintegration within Member States (Bartolini, 2005; Dardanelli, 2017).

The history of the EU is not only one of an ‘ever closer Union’ between vertically nested territorial polities. It is also one of an ever wider Union, marked by a formidable geographical expansion through successive waves of enlargement, from its Western European core of six Founding States in 1957 to 28 Member States, six officially candidate countries and several potential others which have not been granted candidate status to date, such as Kosovo and Bosnia Herzegovina. The European Union can thus be understood as a complex multilevel federation, where federalism neither refers to a formal constitutional structure nor to the teleological end-point of the integration process, but to a general principle of order combining unity and diversity (Keating, 2017). Horizontal and vertical relations between polities within the European constellation are characterised by profound asymmetries, reflecting historically-rooted territorial cleavages and persistent diversity regarding the desired level and scope of European integration and differentiation (Schimmelfennig, Leuffen, & Rittberger, 2015).

Thus conceptualised, territorial rescaling processes in Europe become rather the norm than the exception, an inherent feature of ongoing processes of integration and

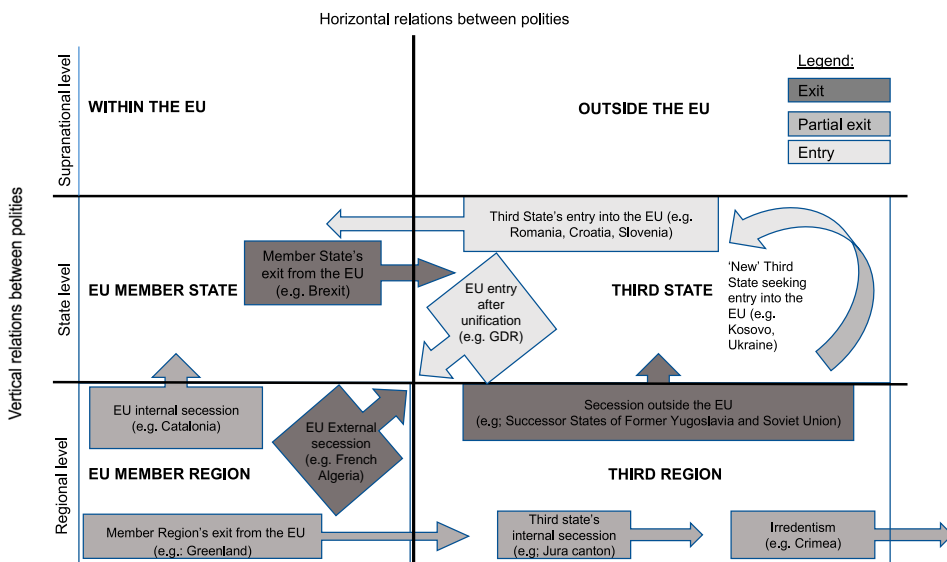


Figure 1. Territorial rescaling processes in the European constellation of polities

disintegration instead of an anomaly. Figure 1 above captures the variety of past and ongoing moves along the EU's territorial grid. The examples are meant to be illustrative and some of them have not, for the time being, effectively led to an actual migration of political borders. For instance, the proclaimed aim of successive Catalan governments since 2010 of converting the autonomous community of Catalonia into an independent Member State of the EU has not significantly altered the region's constitutional status within Spain. However, the so-called '*procés de desconnexió*' (disconnection process) has had far reaching political implications, with ramifications in the rest of Spain as well as in other Member States. For our purposes, as Arrighi puts it in his comparative examination of citizenship-related issues in the recent bids for independence in Scotland and Catalonia, 'the constitutional outcome is largely irrelevant for what matters is not the triumph, but the struggle' (Arrighi, 2019).

Horizontal moves include both cases of expansion resulting from the entry or candidacy of a new member into the association (e.g. the 2008 enlargement of the EU to Bulgaria and Romania and accession candidacy of Serbia), and cases of contraction produced by the decision of a member to exit the association (e.g. Greenland's 1985 decision to leave the European Community, or the UK's 2017 decision to leave the EU). Cases of irredentism such as Crimea also fit in this category. While the international border between Ukraine and Russia has indeed shifted, the subordinate position of Crimea as an autonomous republic within a wider state—be it Ukraine or the Russian federation—has not. Vertical moves are also quite frequent and are sometimes followed by a horizontal move. The dissolution of the Soviet and Yugoslav federations has led to the creation of a variety of new independent states, some of them subsequently joining the EU (e.g. Estonia, Lithuania, Latvia, Slovenia, Croatia). Note that the opposite scenario, of an independent state being incorporated into another independent state, is far less common. The only recent example that comes to mind is the dissolution of the Democratic Republic of Germany, following its unification with the Federal Republic. Interestingly for our purposes, it was accompanied by the regional enlargement of the EU to five newly created Eastern German Länder. The case of French Algeria provides the exact opposite scenario. Upon achieving independence in 1962, the *département* of French Algeria formally left France as well as the European Community (cf. the two diagonal moves in Figure 1).

By drawing a clear line between EU and non-EU spaces and between supranational, state and regional levels of government, Figure 1 conveys the idea of a neat separation between territorially or functionally discrete jurisdictional spheres. This impression is deeply flawed, for it contradicts the very nature of a territorial rescaling process, which essentially defies the vertical hierarchy between 'state' and 'region' and the horizontal distinction between 'in' and 'out'. In fact, the phenomenon can be aptly described as 'liminal'. The concept of liminality was brought to our attention by Krasniqi in his thoughtful characterisation of 'contested states' which find themselves in a 'position of legal indeterminacy and ambiguity that nevertheless may last indefinitely' and whose citizens are 'stranded in a state of in-betweenness, which becomes part of the everyday' (Krasniqi, 2019).

Similarly, territorial rescaling processes exhibit three liminal qualities. First, they correspond to an intermediate state, at the 'interface between of an old and a new normative order', raising fundamental questions as to where they find their legitimacy if not in the constitutional order they precisely seek to subvert (Stjepanović & Tierney, 2019). Second, they may stretch over an indeterminate length of time. While the moment they start can be asserted with some degree of certainty, they come with no expiry date and may in some

cases last indefinitely. Take for instance Turkey, which applied to join the European Economic Community in 1987 and was granted candidate status in 1999. Its long path to EU membership has had profound implications on Turkey's citizenship regime, chiefly related to its effort to comply with the so-called Copenhagen criteria, but it has not to date come to fruition (Tocci, 2005). Third, the outcome is open-ended and uncertain. Territorial rescaling is both a political project and a political process. As a project, it is carried out by political elites pursuing a clear aim or telos. But it is often arrested or transformed through a process involving a variety of domestic and external actors whose interaction inevitably produces unintended effects. The UK's decision to exit the European Union following the 2016 referendum provides a striking illustration. Notwithstanding Prime Minister Theresa May's assertion that 'Brexit means Brexit', the uncertainties that have surrounded the negotiations since the withdrawal procedure officially started in March 2017 indicate that the issue is far more complicated. The state of intermediacy, indeterminacy and uncertainty inherent to a territorial rescaling process thus sets the scene of the political field in which rival claims of self-determination are made.

Implications for Citizenship

Citizenship is sometimes understood in a narrow sense, as the legal bond between an individual and a state. Such statist view does not capture adequately the reality of political membership in the European constellation, where several polities are involved in the determination of a person's citizenship status and the provision of rights associated with that status (Bauböck, 2019). More broadly, citizenship can be defined as a status of full and equal membership, a set of rights and a democratic practice in a political community. What are then, the implications of a territorial rescaling process for citizenship? A short and rather abstract answer is that by disrupting the territorial boundaries of the political community, it also disrupts its membership boundaries. A territorial rescaling process originates in a claim of self-determination made by political elites over a specific territory and population. This claim is contested both internally by a more or less significant proportion of the domestic population, and externally by the territorial polities involved in its recognition. In various ways, all contributions to this issue deal with these two aspects.

Stjepanović and Tierney examine the question of the franchise in 'constitutive referendums', that is instances of direct democracy deployed to create either new states or new constitutions. The democratic legitimacy and electoral outcome of constitutive referendums closely depend upon who can vote in the first place, a question that is particularly complex in cases where formally enshrined regional citizenship precedes the establishment of the internationally recognised polity and/or is an essential component of a peace agreement. Their analysis of several 'unusual' cases, including the Åland Islands, Bosnia and Herzegovina, Cyprus, Montenegro and Northern Ireland, leads them to reach a nuanced conclusion, especially when citizenship is an essential part of the conflict resolution toolbox. In a similar vein, Arrighi explores the politics surrounding the constitution of the 'people' throughout the recent secessionist upheavals in Scotland and Catalonia. He shows that the delimitation of the subject of self-determination is by no means self-evident in a context where protracted migration has produced a mismatch between the claimed territory and the national community. Whether or not immigrants and emigrants are included in the franchise of the independence referendum and in the citizenry of the putative new state raises important questions as to the nature of the self-determination

claim. Maja Spanu's contribution also examines issues related to the delineation of the citizenry, focusing on two cases of state formation in twentieth century European history: the creation of the Kingdom of Yugoslavia following the break-up of the Austro-Hungarian and Ottoman Empires with World War I, and the creation of new states following the dissolution of Yugoslavia in the 1990s. She shows that in both occasions, the breakup of multinational entities has had direct consequences for domestic populations leading to ethnic and membership stratifications in new states' allocation of status and rights.

Though looking at different cases, all three contributions suggest that the constitution of the 'self' is not a domestic process among local elites, but a relational one involving both internal and external actors. Who those external actors are essentially depends upon the nature of the territorial rescaling process, as argued by Bauböck. Against existing normative theories of secession that are either level-neutral or level-specific, Bauböck elaborates a level-differentiated democratic theory, which shows that substantive and procedural requirements vary for local, sub-state regional and international secessions. With regard to the latter, the international community from which the secessionists expect recognition plays a fundamental role. In the Catalan and Scottish cases, Arrighi argues that pro-independence elites have embraced a territorial and plural conception of the people partly to stress conformity with prevailing international norms, in an effort to strengthen the external legitimacy of their claim in a normative environment that strongly discourages outright ethnic justifications. Spanu's historical comparison also highlights the preponderant role of international actors, but reaches a more ambivalent conclusion, as 'domestic discriminatory laws and practices have had, to different extents, the imprimatur of the international supervisory regimes that accompanied territorial rescaling' (Spanu, 2019).

The relational nature of self-determination is nowhere as explicit as in Krasniqi's exploration of citizenship in the two 'contested states' of Kosovo and the Turkish Republic of Northern Cyprus. Here, the lack of international recognition directly and comprehensively affects the scope of citizenship rights. While the negative impact of contested statehood on citizenship rights is inevitable, Krasniqi's comparative analysis suggests that the degree of impediment depends on the nature and level of contestation of statehood, the wider (regional) citizenship constellations, and on the ability of contested states to use different strategies to overcome sovereignty deficits.

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