

## **Britain and the Other: Moral perceptions of the right to free movement in the European Commission and in the UK**

Saila Heinikoski\*

*University of Turku, Finland*

As a result of the enlargement of the European Union (EU), the number of migrants from Eastern and Central European countries has expanded in the “old” Member States, after which some politicians and political parties have started to question the rationale of free movement. This article tackles this topical subject by analysing the moral aspects of the right to free movement, which is a fundamental right in the European Union. A new framework for analysing moral stances will be introduced, which makes it possible to analyze moral perspectives on a broader scale instead of focusing on single juxtapositions. As an illustrative example of the use of the framework, the attitudes toward free movement of three European Commissioners and United Kingdom (UK) Prime Ministers Gordon Brown and David Cameron will be presented in the timescale of 2007 to 2014. The UK did not establish any transitional restrictions for the new EU Member States that joined in 2004, but the number of migrants was larger than expected. Recently, Prime Minister David Cameron has presented measures to decrease the number of EU migrants. It will be argued that free movement is consistently justified by the Commissioners, while the British rhetoric is based more on the “us/them-division”.

**Keywords:** European Union; Roma; free movement; moral theories; United Kingdom

Free movement is currently a hot topic in Europe, the justification of which has been strongly questioned by the UK Prime Minister David Cameron. This article will analyze moral perceptions of the right to free movement, which is a fundamental right in the EU and was already prescribed in the Treaty of Rome in 1957. As a core freedom of EU citizens, the attitude toward the right to free movement will also reveal perceptions of “otherness” and of the new European minorities resulting from free movement. The aim of this article is to examine *how the moral dimensions of contractization, communitarization, solidaritization and utilitarization are employed in political statements for and against the right to free movement in the European Commission and in the UK*. Each of these dimensions will be introduced, its manifestation in the discourse will be illustrated, and conclusions will be drawn on the observed moral perplexity.

\* Saila Heinikoski M.Soc.Sci, M.A. is a PhD Candidate in the Department of Political Science and Contemporary History at the University of Turku (Finland). Email: [saila.heinikoski@utu.fi](mailto:saila.heinikoski@utu.fi).

Contrary to the argumentation of the European Commission, the UK provides an illustrative example of a country with a Prime Minister employing versatile argumentation. Free movement has been harshly criticized by David Cameron. In the most extreme case, the UK may even withdraw from the EU if the referendum envisaged for 2017 is realized. The UK is one of the largest EU Member States and one that has created much controversy in Europe with comments against free movement, especially after the transitional provisions for Romania and Bulgaria expired in 2014. The UK also allows for a comparison between the argumentation of Labour and Conservative politicians in the period between 2007 and 2014.

Free movement in the EU presents a post-national dilemma, where open borders in the EU has resulted in increasingly nationalist stances in different parts of Europe (Tonkiss, 2013c: 500). David Cameron has been especially vocal about his willingness to limit free movement in the EU, despite migration's positive effect on the UK's economy as evidenced in recent studies; the employment rate of EU immigrants is higher, they pay more taxes and take less benefits than UK nationals (for example Dustmann and Frattini, 2014; Springford, 2013). Nevertheless, the "Europhobia" reflected in the rhetoric of politicians, particularly those of the UK Independence Party (UKIP), supports the argument that the British see Europe, and particularly new Eastern European migrants, as their "Other" (Favell, 2014: 284-287; Tonkiss, 2013c: 500). Studies on the media image of EU migrants, for instance the study conducted by the Migration Observatory, suggest that Bulgarians and Romanians are often depicted as criminals in the British press (Migration Observatory, 2014). On the other end of the political spectrum, UK for Immigrants Party representative Egaraf Legin has ironically exploited the recent economic study by Dustmann and Frattini to argue 'that the burden of the native population on this country is simply insupportable' (The Economist, November 6, 2014).

Other European countries have also employed discriminatory practices pertaining to free movement (Ram, 2014: 26-27). For example, France and Italy have questionable reputations particularly regarding Roma issues, Italy with its 2007 "security package" and Roma fingerprinting, and France with its deportations of Roma people. Both matters were addressed by the European Commission but not very effectively, as no actions were taken and expulsions continued in France even after Sarkozy's presidency (Gehring, 2013; Mäkinen, 2013: 209-210). Bulgarian and Romanian Roma have been especially mobile after the two countries entered the European Union in 2007, though at that time, only 10 out of 25 Member

States provided free access for Bulgarians and Romanians. In 2014, the UK and other countries were forced to lift the transitional restrictions.

In addition to Roma, it has been argued that there is discrimination in the application of the right free movement with regard to same-sex partners in certain countries (Roberts and Sakslin, 2009). However, these cases typically relate to the issue of social security benefits, one of the most controversial issues concerning free movement (see, for example, Giubboni, 2007). The principle of free movement can also be exploited in order to sidestep more stringent domestic family reunification rules (see, for example, Wagner, 2014), which is contrary to the very idea of free movement. While the academic dialogue revolves largely around legal and institutional provisions regarding free movement (see, for example, Maas, 2013; Tonkiss 2013b; Carrera, 2005), this article employs a moral viewpoint.

### **1. A new framework for analysing moral stances with regard to free movement**

Whereas the normative ethical discussion in philosophy is generally divided into duty-based and consequence-based theories (see, for example, Mackie, 1984), this article will also examine morality on a reason-sentiment axis, which adds meta-ethical dimensions. On the normative ethical vertical axis of the Table 1, “duty (*ex ante*)” refers to morality based on pre-existing duties, while “result (*ex post*)” requires that morals are grounded on assessing the expected consequences. On the horizontal axis, “reason” refers to morality as based on rationality, while “sentiment” represents the kinship people feel for one another. While the discussion on duty versus result is part of normative ethics, the debate on reason and sentiment is a meta-ethical approach. This approach revolves around the method of finding the right moral principles and originates from Immanuel Kant (morality as a matter of reason) and David Hume (morality as a matter of sentiment) (cf. Rorty, 1999b: 87). Simply put, sentiment refers to separating between “us” and “others”, while reason refers to impartial deliberation.

Table 1. Theoretical matrix

		<b>Duty (<i>ex ante</i>)</b>			
<b>Reason</b>		<p><b><i>Contractization</i></b> (<i>agreement-based duty</i>)          PRO: “contract-based duty to guarantee the right to free movement in Europe”          CONTRA: “contract-based duty to protect public order or democratic legitimacy”</p>	<p><b><i>Communitarization</i></b> (<i>collective duty</i>)          PRO: “duty to our community to guarantee the right to free movement”          CONTRA: “duty to protect our community from others”</p>	<b>Sentiment</b>	
		<p><b><i>Utilitarization</i></b> (<i>ideal for well-being</i>)          PRO: “most benefits result from guaranteeing the right to free movement”          CONTRA: “right to free movement creates more costs, all actors concerned”</p>	<p><b><i>Solidarization</i></b> (<i>pluralist consequence</i>)          PRO: “solidarity is enhanced with the diversity resulting from free movement”          CONTRA: “otherness is introduced with free movement, threatening our solidarity”</p>		
		<b>Result (<i>ex post</i>)</b>			

As can be observed, all four aspects of Table 1 can be used in arguments both for and against the right to free movement. Each aspect depicts a different moral stance and provides a fresh perspective on the study of the right to free movement. In the top-left cell of Table 1 describing contractization, the right to free movement can be seen either as a contractual norm guaranteeing equal possibilities for each individual in the EU, or as a threat to public order and democratic legitimacy. On the other hand, communitarization, as seen in the top-right cell, is based on the right to free movement as either a communal duty or as a duty to protect the community from others. In the bottom-right cell, solidary identification is the basis for solidarization, which aims at creating solidarity by extending the sense of “us” and identifying with others. However, solidarization can be viewed as both the solidarity of the entire European community (usually in favour of free movement), or of a smaller community (usually against free movement). In the final stance seen in the bottom-left cell of Table 1, utilitarization dictates that rights should be applied in terms of overall utility or cost. In the following sections, these four aspects will be introduced, focusing on the moral theories that inspired them. Although each view is based on a theory of a moral philosopher, some liberties have been taken in contextualizing them for the topic discussed; the views of the authors have been interpreted in the context of free movement.

**1.1 Contractization: the right to free movement in terms of contractual duties**

In contractization, the right to free movement is examined in terms of contractual duties, either in terms of a Europe-wide right to free movement (*pro* free movement) or in terms of

local public order and democratic legitimacy (*contra* free movement), views that may be controversial. Contractization is based on rational communication, in the course of which “true” moral and legal norms should ultimately be determined. The origin of this discussion can be traced back to Immanuel Kant, who defined freedom as ‘the one sole and original right belonging to every person by virtue of his humanity’ (1798/1999: 238). For Kant, this right is morally imposed on each individual, and it restricts the actions of both the legislator and any other who might violate an individual’s freedom. The right described by Kant is thus a right of individuals against other individuals and the state, and an innate right transcendently known and granted to all. The equal right to free movement can be deduced from Kant’s right, guaranteeing freedom of movement for all under the same legislation. On the other hand, the Kantian view can also be employed in opposition to free movement, as all states need to care for their own citizens in order to maintain democratic legitimacy. In practice, free movement is not an absolute right, as it can be restricted in accordance with Article 27 of the Directive 2004/38/EC on free movement:

Subject to the provisions of this Chapter, Member States may restrict the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public policy, public security or public health. These grounds shall not be invoked to serve economic ends.

In practice, restrictions have only been made in the form of transitional restrictions concerning recently accessed Member States, and may last a maximum of seven years.

Kant’s duty-based theory has been further developed, for example by John Rawls and Jürgen Habermas, by applying the idea of Kantian “transcendental reason” in a more intersubjective context. This article will focus on Habermasian ideas, which are utilized as examples of contractization. While Rawls (1995) considers his theory to be explicitly a political theory and not a moral theory, Habermas (1990) has further developed reason-based theory with his discourse on the theory of morality, where each person concerned has the right to participate in the moral discussion, reflecting “communicative rationality” and democratic legitimacy. For Habermas, moral and legal norms are the result of rational communication, by which a consensus on “true norms” is reached and a duty to obey those norms is created (Habermas, 1990: 68).

For Habermas, the sense of unity (also in the EU) should be mainly based on rational “constitutional patriotism”, that is, identity founded on constitutional principles (Habermas, 1994: 135). It has also been argued that the principle of constitutional patriotism requires guaranteeing the right to free movement, as the main idea is that all people are free and equal

(Tonkiss, 2013a: 74-102). However, the situation can be reversed; constitutional and democratic states have a duty to guarantee their citizens the right to demand inclusiveness, and thus the right to exclude people who threaten that inclusiveness (Tonkiss, 2013c: 499). In the EU, this may be manifested in terms of appealing to public order, as the duty of political decision-makers is to guarantee stability and maintain the democratic legitimacy of the state.

With regard to diversity, Habermas states that '[a] correctly understood theory of rights requires a politics of recognition that protects the integrity of the individual in the life contexts in which his or her identity is formed' (Habermas, 1994: 113). Although this would demand considering the background of individuals, the rights of the majority may override those of minority groups. With regard to the right to free movement, it would appear that minorities are not always able to fully exercise that right in Europe (see, for example, Ram, 2014; Gehring, 2013). France serves as an example, where all individuals are granted the same fundamental rights and citizenship is easy to obtain, but minorities and immigrants receive little special attention (see, for example, Brubaker, 1992: 149; Walzer, 1997; Galbreath and McEvoy, 2012: 77). Therefore, contractization in terms of appealing to legal agreements may result in widely different situations in terms of free movement.

### ***1.2 Communitarization: the right to free movement in terms of "our duty"***

Communitarization, as intended here, is inspired by communitarianism, where the emphasis is on the duty of preserving the community and on the collective sense of "us". Communitarization can be employed in an argument either against free movement, by claiming that free movement threatens "our community" (for example, a single state), or in a duty-based argument in favour of free movement inside "our community" (for example, the EU). The question is, therefore, who is included in the community? Whereas contractization is based on duties related to agreements and democratic legitimacy, communitarization deals with kinship-based duties of inclusion and exclusion.

Communitarianism is originally grounded on Aristotelian virtue ethics and focuses on norms being constructed by each *polis* and respecting the idea of a good life (*eudaimonia*) for each community (MacIntyre, 1981). The common feature of communitarians is the insistence on the significance of community. Since the academic discussion on communitarianism is vast, a simplified version is employed here with a central focus on the duty to one's own community.

The idea of communitarization in this article is largely inspired by the multicultural communitarian theory of Charles Taylor (1994), which is less strict than Aristotelian communitarianism. While Taylor also promotes some common norms between different communities, he deems that different cultures are incommensurable. At times, communitarization is referred to in the sense that communities may decide on their own issues (Brusis, 2003), which is one aspect of communitarization discussed here. The focus, however, is on communitarianist morality based on kinship and self-preservation.

In a similar vein, communitarian author Michael Walzer has argued that the best way to reach a new union 'is to abandon coercion and allow the tribes first to separate and then to negotiate their own voluntary and gradual, even if only partial, incorporation in a community of interest' (Walzer, 1994: 78), which is not too far-fetched in the context of the European integration process after the Second World War. Walzer has also argued that immigration can threaten the distinctiveness of cultures and communities (Walzer, 1983: 39). Similar anti-immigrant rhetoric emphasizing duties to one's own community has also been presented in Europe recently.

Taylor argues that 'a convergence on certain norms from out of very different [...] backgrounds' (1999: 137) can be achieved in a cross-cultural dialogue. This resembles the British attitude toward the EU, where cooperation is accepted in the case of necessary common provisions, but without a need for deeper unity (cf. Tonkiss, 2013b). The concept of communitarization as different communities cooperating with each other also seems to describe the UK, a multinational state, 'created before the appearance of nationalist ideology' (Walzer, 1994: 66; see also Tonkiss, 2013a), though this ideal was shaken by the Scottish independence referendum in 2014. Further reflection of its attitude toward the EU is the UK's insistence on controlling the borders of its state, for instance, in its decision to not participate in the Schengen agreement and to maintain its decision-making power in border issues (Ette and Gerdes, 2007).

On a larger scale, the EU has been considered too vast and too diversified to constitute a single community (for example, Risse, 2010; Beus, 2006). However, it could be considered a Walzerian community of interest, where different communities (states) cooperate with one another. In purely communitarian terms, it would be more essential to maintain existing communities than to create larger ones, which, effectively, is the aim of the following moral viewpoint.

### ***1.3 Solidaritization: the right to free movement in terms of pluralist consequences***

A third moral stance, that of solidaritization, relies on the idea that the right to free movement can contribute to the creation of larger and more variegated communities through solidary identification. Conversely, solidaritization can be used in opposition of free movement on the basis that free movement threatens solidarity by introducing otherness. The main question is whether pluralism is thought to create positive or negative consequences.

Unlike contractization and communitarization, solidaritization focuses on consequences and not on duties, and it is primarily inspired by philosopher Richard Rorty. Rorty's view is broader than contractization and communitarization, as it focuses on the pragmatic consequences created by mutual relationships between individuals and enforced by society. His theory relies on the concept of "us", 'which is dedicated to enlarging itself, to creating an ever larger and more variegated *ethnos*' (Rorty, 1989: 198). While contractization is based on agreement and communitarization is based on existing communities, Rorty deems that the most important reference point for morality is the ever-widening solidarity of the community. Rorty calls himself a pragmatist, focusing on measures that have the best practical consequences. For him, pluralism is 'pragmatically justified tolerance' (Rorty, 1999b: 276). The main difference between solidaritization and communitarization is that while communitarization is based on a duty to uphold existing communities, solidaritization relies on creating a wider sense of solidarity, resulting in better practical consequences.

While Habermas focuses on morality based on reason and communication, it could be argued that reason or reason-based agreements alone do not result in all people being granted similar rights. Rorty does not share the Kantian sense of a moral obligation based on knowledge and communication, and argues instead that human rights are based more on a sentiment of widening solidarity (1999a: 77). Of course, this does not mean that smaller cultures and communities should be demolished, but that solidarity should be felt toward people who are not considered "us" (Rorty, 1999b: 262-277). In other words, the purpose of solidaritization is to redefine the 'familiar in unfamiliar terms', which 'is being attempted by those passionate advocates of European unity who hope that their grandchildren will think of themselves European first and French or German second' (Rorty, 1999b: 87-88).

Although the right to free movement can be justified in these terms, it could also be argued that free movement and pluralism threaten the shared national solidarity and identity, which, according to Rorty is, 'an absolutely essential component of citizenship, of any attempt to take our country and its problems seriously' (Rorty, 1999b: 253). Solidaritization



could result in the disappearance of national identities, if general identification and wider solidarity are emphasized instead of particular identities (cf. Young, 2000). These negative consequences with respect to national identity appear in arguments employed against free movement and immigration in several different countries.

With solidaritization, the sense of “us” would be extended toward “them”, and a *de facto* realization of rights would require that people under the same rights feel solidarity toward one another. This does not appear to be perfectly realized in the EU. In the context of the EU, reflections on solidarity can still be observed in the enlargement policy. For example, the previous enlargements can be seen as widening the solidary community of the EU by introducing new Member States, which are intended to become part of “us” (see, for example, Zaborowski, 2006; Spohn, 2005; Jileva, 2004). In such cases, diversity is thought to create positive consequences, though single Member States may disagree.

#### ***1.4 Utilitarization: the right to free movement in terms of overall utility***

The final view, utilitarization, focuses on moral principles based on overall utility or cost, whereby imperatives concerning different rights can be found through rational reflection. In terms of free movement, the question is whether the consequences of free movement are expected to be more beneficial or more costly.

The idea of utilitarization presented here is inspired by the utilitarian theory of R.M. Hare, which considers rights as imperatives to be followed on the basis of overall utility. Although his theory bears semblance to the rationale of contractization, it differs in that consequences for the general well-being of the society should be considered, which may undermine compliance with agreements and duties.

As opposed to Rortyan solidary pragmatism, with its emphasis on the most convenient solution, utilitarization is based on rationality. That is, morality is found with reason and based on the consideration of preferences of all actors involved in the situation. Still, the feature connecting Hare’s and Rorty’s theories is the focus on results, or the consequence of actions. Contractization and communitarization, on the other hand, focus on predetermined rules based on duty, where the principle is more important than the consequence. Although utilitarization can be used to argue in favour of the right to free movement, it is equally possible to claim that free movement poses a burden on welfare systems or causes other negative effects.

In Hare's theory, overriding principles of morality can be found with the help of critical thinking. This entails the consideration of a situation's properties and consequences and forming a universal principle according to which the individual is willing to act, whatever role he might have in the situation (Hare 1981: 44). In the case of free movement, Hare's theory would entail considering the consequences for all actors, including those in the sending and receiving states. This version of utilitarianism is sometimes called two-level utilitarianism, as it differentiates moral principles at the critical level and at the intuitive level (Hare, 1981: 60). According to Hare, rights, in general, belong to the class of intuitive moral principles, which should be known automatically by everyone. However, in a situation where there are different rights operating at the same time, critical thinking is necessary to determine which rights override others. The only universal and overriding right, according to Hare, is the 'right to equal concern and respect' (1981: 154), referring to the idea that all people should be treated similarly. In the case of conflicting rights, Hare argues that the decision between them should be made:

on the score on their acceptance-utility, i.e. on the ground that they are the set of principles whose general acceptance in the society in question will do the best, all told, for the interests of the people in the society considered impartially. (Hare, 1981: 156)

This means that rights should be applied in a manner that promotes the interests of all relevant actors. Ideally, free movement should thus be observed from the level of the entire EU, though in practice, domestic politicians tend to focus on their own societies.

As an example of such thinking, rationalist author Andrew Moravcsik (2000) argues that human rights are merely a manner to promote state interests, for example, by preventing threats. The European Commission, responsible for EU enlargement, has often been cited as a utilitarian actor. For example, it has been argued that the "protection" of minorities in EU enlargement actually has to do with the "securitization" of minorities in the interests of the EU (Galbreath & McEvoy, 2012, Kymlicka, 2008: 26; Schweltnus, 2006). It has also been claimed that the EU pays more attention to its own interests, as opposed to employing the critical thinking that takes into account all actors. For example, in its relation to the Balkan countries, the EU has been accused of putting its economic interests ahead of the realization of equal rights (Gordon, 2008; Sjursen, 2002). Nevertheless, the European Commission undoubtedly employs a more universal-type utilitarianism than individual states, which are more concerned with their own interests.

## **2. Analysis of the moral perceptions of free movement**

In this section, the four views will be presented as they appear in the discourse on the right to free movement. The statements from the Prime Ministers of the UK from 2007 to present are examined in contrast to those made by three European Commissioners during the same period. In total, 115 speeches and statements related to EU politics by the UK Prime Ministers and 96 statements concerning free movement made by the Commissioners were examined. The majority of the material consists of speeches and official statements, which provide a convenient context to examine moral justification. However, it should be noted that little of the material included clear reference to free movement and when discussing free movement, diverse arguments were often intertwined.

In the sections below, direct references to free movement will be presented as examples of the employed argumentation, and the conclusions of the analysis are based on strongest arguments rather than quantitative results. The theoretical perspectives presented above were simplified into ideal forms, and statements were classified on the basis of whether they referred to agreement-based duties (contractization), collective duties (communitarization), pluralist consequences (solidarity), or cost-benefit-assessment (utilitarization). The aim was to show the application of the theoretical matrix through examples. The results are therefore suggestions and interpretations rather than factual.

Three Commissioners have been particularly vocal about free movement in their statements: the European Commissioner for Employment, Social Affairs and Equal Opportunities (Vladimír Špidla) from 2007 to 2010, the European Commissioner for Employment, Social Affairs and Inclusion (László Andor) from 2010 to 2014, and the European Commissioner for Justice (Viviane Reding) from 2010 to 2014. In the analysis, no ideological divergences were observed between the Commissioners, though both Špidla and Andor have backgrounds in left-wing parties, while Reding previously represented a conservative Christian party. Political party differences are not very visible in the work of the Commission and there is no opposition-government structure.

In the UK, the political party differences are far more apparent. Gordon Brown served as the Labour Prime Minister from 2007 to 2010 and was replaced by the Conservative Prime Minister David Cameron, leading a coalition government with the Liberal Democrats. The British have a reputation for being Eurosceptical and uninterested in the issues of the EU, and the most evident feature of the British discourse concerning the right to free movement is its absence from the argumentation of the Prime Ministers. The EU is rarely discussed, which is

unsurprising given the negative image the British public has toward the EU. Only recently has EU free movement gained more attention in the UK, as David Cameron has expressed his willingness to limit the number of EU migrants. This includes granting benefits only to those who have been in the country for four years. If he is re-elected, Cameron has also promised to renegotiate British membership in the EU and organize a referendum on EU membership in 2017 if the negotiations do not yield satisfactory results (Cameron, 2014b). Recently, the UK has already tightened its welfare policy with regard to EU migrants, which may be in violation of EU law (Glennie and Pennington, 2014: 20).

It can be observed in the analyzed material that, in general, statements on the EU and on migration become more common before elections, such as currently leading up to the 2015 general election. In the UK, the Prime Ministers do not discuss freedom of movement as such, but in terms of EU migration, which is discussed in relation to migration in general. An evident feature in the British discourse is the insistence on control; both Prime Ministers make significant effort to convince people that the UK is able to control migration.

On the other hand, the most apparent feature of the Commissioners' statements on free movement is the similar and unequivocal support for the right to free movement. In the Commission, the discourse is almost unanimously utilitarian, which is understandable given the position of the Commission as the "motor" of European integration, justifying its decisions to all of Europe. Since the Commission aims at legitimizing its policy decisions, utilitarian justifications appear convenient.

### ***2.1 Contractization arguments emphasising compliance with agreements***

Contractization refers to contractual duties, and the following analysis will focus on whether such duties exist at the EU or domestic level, and whether they are used in favour or against free movement. Although the Labour Government did not impose any transitional restrictions for the accessing countries in 2004, transitional restrictions were launched in 2007 by the same government for Bulgaria and Romania. This implies apprehension about the migration of people from these countries. In 2008, the following argument to limit free movement, in the framework of common rules, was made by Gordon Brown:

Where the rules allow us to limit migration within the EU, we will also use them where appropriate --- as we have imposed restrictions on migrants from Romania and Bulgaria, in particular their access to our labour market. And we will make sure that where EU citizens do come to Britain they are exercising not an open-ended right but their treaty right which is a right to work --- we are able to remove EU citizens if they come here but are not employed after three months or are not studying or self-sufficient. (Brown, 2008)

Brown appeals to EU-level legislation to assure Britons that EU migrants will not come to the UK to claim benefits, a principle that is provided in Article 7 of the Free Movement Directive, stating that people should ‘have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence’. However, it should be noted that Brown’s comment is simultaneously an argument in favour of obeying free movement rules, and in favour of restricting free movement. In other words, the statement asserts that the UK does not welcome all Romanians and Bulgarians or people who are not self-sufficient, but it also stresses the importance of rules. Brown’s statement brings to mind the notion of contractization, that what has been agreed in common shall be obeyed, and that the right to free movement is not an uncontrollable right.

In 2010, David Cameron also emphasized the importance of contractual duties when asked about Roma repatriations in France. Cameron insisted on both legal rules and state sovereignty, noting that expulsions should only be made on the basis of illegal action:

Well, our view is very clear that it’s important that countries – that everybody – obeys the law. That is vitally important. It’s important that countries are able to take action – if there is a problem of people behaving illegally or being illegally present in your country, you are able to remove them. But it’s important that no one should ever do that on the basis of people’s ethnic group. (Cameron, 2010).

While Cameron’s statement implies an EU-level contractization-type argument that relies on the fact that illegal migrants can be removed, Cameron has more recently found his duties toward UK citizens (democratic legitimacy) greater than his duties toward the European Union:

Across the European Union we are seeing the frustrations of our citizens, demonstrated in the results of the European Elections. Leadership means dealing with those frustrations, not turning a deaf ear to them. And we have a duty to act on them, to restore the democratic legitimacy of the EU. [...] And freedom of movement itself is not absolute. There are rules for when new Member States join the EU precisely to cope with excessive numbers. So why can’t there be steps to allow Member States a greater degree of control, in order to uphold a general and important principle, but one which is already qualified? (Cameron, 2014b)

Though Cameron seems willing to negotiate at the EU level about rules, he has recently stated that he will organize a referendum on EU membership if the UK does not receive satisfactory results from pending negotiations. The contractization features in Cameron’s discourse do not rely on the duty to obey common rules of the EU, but mainly on the duty of a domestic

politician to the citizens of a Member State. Although the above statement has some communitarization-type features (“we” as the European Union), the focus is on democratic legitimacy and changes in legal rules, which puts Cameron’s discourse in the contractization category.

Conversely, free movement has been a fundamental right since the Treaty of Rome in 1957 and it appears as a self-evident and basic right in the Commissioners’ statements. Contractization has been mainly present in the Roma expulsions, when compliance with EU rules was emphasized. For example, in 2010, Justice Commissioner Viviane Reding was firm in judging any actions based on ethnic origin:

This preliminary analysis stressed, *inter alia*, that France would be in violation of EU law if the measures taken by the French authorities in applying the Free Movement Directive had targeted a certain group on the basis of nationality, race or ethnic origin. (Reding, 2010)

When compared to statements from the UK Prime Ministers, Commissioner Reding’s discourse differs in that she does not consider European citizens living in other countries as ‘immigrants’, but simply EU citizens exercising their Treaty right:

I want to make it absolutely clear: Free movement is a fundamental right, and it is not up for negotiation. Let language not betray us: European citizens exercising their right to free movement are not ‘immigrants’. European citizens have all the same rights. Let me also be clear that Roma people are EU citizens and as such have the right to free movement. (Reding, 2013a)

For Reding, free movement is a “true” right in the EU that has been agreed upon and is non-negotiable. This reflects a contractization approach to agreed norms. In 2014, Reding also emphasized the consensus on free movement, which is also a contractization-type reference:

Even though realities on the ground may differ, today's discussions have confirmed that the main political answer does not: there is a strong consensus that the free movement of people is one of Europe's strongest assets. (Reding, 2014)

As can be observed above, contractization is mainly used to refer to EU-wide agreements as a justification for free movement, but Cameron also refers to the democratic duty as a Prime Minister to restrict free movement, thus undermining his duty to other EU Member States. This may partly be explained by the upcoming general election in 2015. In the next section, however, kinship-based duties to one’s own community also appear in the speeches of the UK Prime Ministers.

## *2.2 Communitarization-type argumentation in terms of collective duties*

Communitarization involves appealing to communal duties in favour of or against free movement, and it is based more on the us-them division than contractization. Although the UK may resemble a well-functioning multinational communitarian state, arguments concerning the British or European “us” with regard to free movement are not common in the analyzed material. However, speeches by Gordon Brown reveal a more pro-European and duty-based tone. Even when discussing restrictions on benefits, Brown wishes to deal with the issue with ‘our EU partners’: ‘The British Government will review access to benefits for EU migrants, and what more can be done to disincentivise and punish criminality - developing proposals to put to our EU partners later this year’ (Brown, 2008). In his statement, Brown does not consider EU migrants as part of the community that should receive benefits, but considers political leaders in the EU as partners, sitting somewhere between “us” and “them”. In 2009, Brown used a similar line of argumentation appealing to ‘obligations to our neighbours in the European Union’, which implies that the UK has duties to fellow Member States, though they are still not part of the same community:

So we reject the views of those who argue for an inflexible, arbitrary quota or cap on immigration. It would deny British business flexibility; it would prevent them from getting the skills that they need; it would prevent employers from filling vacancies; it would overturn our obligations to our neighbours in the European Union; it would damage our economy; it would hurt our public services. [...] (Brown, 2009)

Brown’s argumentation cannot be considered wholly communitarian in terms of free movement, as it is not directly supported by communal duties. For Brown, duties toward fellow Europeans were still a relevant matter, while David Cameron’s discourse has gone the opposite direction: ‘Britain, I know you want this sorted so I will go to Brussels, I will not take no for an answer and when it comes to free movement – I will get what Britain needs’ (Cameron, 2014). Here we can observe some communitarian obligation; Cameron’s statement emphasizes the collective good of Britain’s own community.

An interesting issue relating to communitarization is the idea of control over one’s own community. In 2011, Cameron assured that he will protect the British community from excessive immigration, stating that ‘[t]he large net migration flow into the UK has predominantly been caused by migration from outside of the EU and that is something we are able to control (Cameron, 2011)’. In 2014, migration from inside the EU became a concern: ‘But we know the bigger issue today is migration from within the EU’ (Cameron, 2014). It

would seem that “control” is the key term in the British rhetoric, as both Prime Ministers have insisted that the UK be in control of its own borders.

From Brown’s term to Cameron’s term as Prime Minister, the community of partners/neighbours appears to have changed to “us against the rest of Europe”. Cameron has increased the “us-them” divide between the UK and the EU. Recently, he refused to pay Britain’s budget bill in the EU budget, even at the risk of hefty fines. This move can be interpreted as a way to assure the British public that the UK is able to control its EU-policies.

Alternatively, the Commissioners do not often refer to free movement directly as a communal duty, though Viviane Reding emphasizes free movement as an integral part of ‘our Union’ and opposes questioning the right due to local concerns:

It is not only a fundamental freedom, a legal right, but also a common European value on which our Union is based. In short: it would be the wrong response to question the right to free movement in order to address local challenges. (Reding, 2014)

In sum, communitarization is more common in the arguments of both Prime Ministers, and it appeals to the emotions of British voters, in a plea for control over EU affairs.

### ***2.3. Solidaritization as ‘rich diversity’ enhanced or threatened by free movement***

Solidaritization relates to arguments for and against free movement in terms of pluralist consequences, which may be seen as either positive or negative. In the analysis, few solidarity-based arguments were directly observed with regard to free movement, but they were observed elsewhere. For example, Brown refers to the UK as a solidary country: “This is a country of diversity and yet solidarity; of different cultures and yet universal values” (Brown, 2009). In a similar vein, leading up to the 2010 general election, Brown argued that free movement is an opportunity for Britons and benefits British society through its social and cultural contribution:

I believe we are, as a country, proud of our values, our history of liberty, tolerance and fairness. We are proud that as a nation we have offered shelter to those who are fleeing torture and persecution. And we are proud too of the immense contribution – economic, social and cultural – that newcomers to Britain have offered down the years in making Britain the place that it is. [...] Perhaps we should also acknowledge, as a matter of fact, that migration within the European Union is a two way street. Around 1 million citizens of other EU countries are now living and working in Britain – but there are also around 1 million Britons living and working in the rest of the EU, making the most of the opportunities and new horizons that EU membership brings. No major party has a different position on migration inside the EU going forwards. (Brown, 2010)



Brown implies that Britons are equally part of the mobile European people and acknowledges the importance of new prospects gained by mobility. This argument emphasizes the benefits of pluralism. He depicts Britain as a country created by newcomers and their contribution, strengthening a sense of solidarity toward them. Since solidarity, as discussed here, is about pluralism, diversity created by free movement can be considered a good, but rare, example of solidaritization.

In general, Brown has been more vocal with sentiment-based arguments than Cameron. However, in his November 2014 speech, Cameron first describes Britain as a pluralist and open country, and subsequently argues that free movement threatens European solidarity:

I am extremely proud that together we have built a successful, multi-racial democracy. A country where in one or two generations people can come with nothing and rise as high as their talent allows. A country whose success has been founded not on building separate futures, but rather coming together to build a common home. [...] Across the European Union, issues of migration are causing real concern and raising real questions. Can movements on the scale we have seen in recent years always be in the best interests of the EU and wider European solidarity? (Cameron, 2014b)

In Cameron's speech, pluralism is first treated as an important ingredient in Britain's success, but then free movement is treated as a threat to European solidarity, manifested in the rise of populist parties in Europe. For Cameron, European solidarity appears strongest when there is less contact with other European countries, but in terms of solidaritization, it is this contact with "them" that enlarges the sense of "us".

In the European Commission, solidaritization is rarely mentioned on its own, but 'rich diversity' was included in Commissioner Špidla's list of beneficial consequences of free movement in 2009. In listing different nationalities, he strengthens the sense of European solidarity, where everyone is free to move around:

Free movement of workers, people and services are core values of the European Union. It is what allows British, Czech or Swedish citizens to travel, live and work where they wish in the Union. This openness has contributed to economic growth and to the rich diversity of our communities. Experience has clearly shown us that it is not by creating barriers now and trying to restrict the internal market that we will protect ourselves from the crisis. Erecting barriers will not create jobs. (Špidla, 2009)

The Commissioners rarely rely on sentiment-based discourse (communitarization or solidaritization) and employ more reason-based argumentation, perhaps because they do not address an electorate. While both British Prime Ministers acknowledge the value of pluralism for Britain, Cameron argues that its scale now threatens solidarity across the EU.

#### ***6.4 Arguing benefits and costs with utilitarianization***

Utilitarianization focuses on the overall costs and benefits created by free movement, and it is by far the most common and most emphasized argumentation. Almost all arguments are based on economic consequences, which are easiest to measure. Although it was previously observed that Brown more often appeals to sentiment-based arguments for free movement, he also employs reason-based utilitarian arguments involving European-wide benefits: ‘I believe that European Member States should work together to ensure EU migration works to the benefit of all and that EU migrants contribute fully to our society’ (Brown, 2008). As the 2010 elections approached, Brown further emphasized migration’s economic contribution, and in the case of EU migrants, the economic benefits were obvious:

There have been disagreements in the past – for example over whether to impose temporary restrictions on eastern European migrants in 2004. But recent research published by the institute of fiscal studies has the first detailed analysis of the contribution to our economy of the eastern Europeans who came to Britain in the last few years – showing that in every year their net contribution was positive – and that even after 5 years here they are over 50 per cent less likely than British people to receive benefits or tax credits and over 40 per cent less likely to live in social housing. They pay 5 per cent more than their share of tax, and account for a third less than their share of the costs of public services. (Brown, 2010)

Alternatively, Cameron’s argumentation against free movement has become more utilitarian leading up to the 2015 general election, and the costs are discussed more directly:

Immediate access to our welfare system. Paying benefits to families back home. Employment agencies signing people up from overseas and not recruiting here. Numbers that have increased faster than we in this country wanted...at a level that was too much for our communities, for our labour markets. All of this has to change – and it will be at the very heart of my renegotiation strategy for Europe. (Cameron, 2014a).

Cameron refers to EU migration as a strain on Britain, while studies cited by Brown show the opposite. Furthermore, while Brown considers free movement to be beneficial for both Britain and Europe’s entirety, Cameron makes a cost-benefit assessment only from Britain’s perspective. Of course, this approach is understandable before the election.

The European Commission, on the other hand, is very consistent in employing (identical) utilitarian arguments in favour of free movement, though specific benefits are rarely listed. The Commission emphasizes economic benefits for all actors, which is consistent with the idea of utilitarianization discussed in here. Although referred to as a fundamental right, the Commission’s justification of free movement relies almost uniquely on economic consequences: ‘Mobile workers move to where there are jobs available and this

benefits the economy’ (Špidla in European Commission, 2008). Commissioner Reding cites recovery from the financial crisis as one argument for the enforcement of free movement:

Limiting free movement would hurt our economy – and that at a time, when Europe needs more growth to get the 26 million people who are currently unemployed back into work. Because we know that labour mobility benefits both the individuals who find jobs in this way and the countries they go to. For instance, after the EU enlargement round of 2004, labour mobility from the new Member States is estimated to have increased the GDP of the “old” EU15 countries by around 1% in the period from 2004 to 2009.’ (Reding, 2013b).

Similar to Brown’s 2008 argument, Commissioner László Andor demands for maximum benefits: ‘Member States and the EU must work together to ensure that free movement rules continue to maximise benefits for our citizens and for our economies’ (Andor in European Commission, 2013). Commissioner Reding, on the other hand, admits that though there may be challenges related to free movement, the right should not be questioned: ‘Free movement is a benefit for Europe, its citizens and its economies. There can indeed be challenges in some cities which need to be addressed. It would, however, be the wrong response to question the right to free movement.’ (Reding in European Commission, 2014). Her argument may be aimed at Cameron’s criticisms of free movement.

## **Conclusion**

I should be noted that when comparing the arguments employed by the European Commission and by the British Prime Ministers, the Commissioners are not elected by constituents but by national governments. Thus, Commissioners, as representatives of all of Europe, are not concerned with voters and do not face as difficult criticism. On the other hand, British Prime Ministers, in the hope to be re-elected, need to be more careful in their discourse. Their speeches are evidently addressed to an electorate. While Gordon Brown strengthened his pro-European stance before the 2010 general election, David Cameron expressed more criticism leading up to the 2015 election.

Brown employs a variety of arguments acknowledging the right to free movement, while David Cameron uses a set of arguments against free movement. Brown emphasizes that restrictions to free movement should be made in compliance with EU agreements, which reflects the idea of in the contractization. He also relies on communitarization to increase European kinship by discussing European neighbours and partners, by emphasizing the solidary, social and cultural contribution of EU migrants, and by reiterating the fact that free movement allows Britons to travel. The idea of utilitarian benefits appears to be the strongest

argument in favour of free movement. Nevertheless, Brown's rhetoric is closer to the sentiment-axis than Cameron's. At the start of his term as Prime Minister, Cameron was unapprehensive about European migration and demanded compliance to common European rules regarding free movement. His rhetoric then became more UK-centred, voicing concern over the rise of UKIP toward the end of his term. In addition to discussing his duty to his constituents, he began to appeal to sentiment-based argumentation; Cameron has relied on communitarization in "othering" Europe and insisting on British control, and has relied on solidaritization in his arguments that free movement threatens European solidarity. But ultimately, Cameron sees utilitarian costs as the biggest problem.

The European Commissioners have employed consistent argumentation, relying on utilitarian benefits for all actors and, to a lesser extent, on common rules to support free movement. Although references were also made to 'our Union' and 'rich diversity', the Commission has relied primarily on reason-based arguments. Conversely, the UK Prime Ministers employ a more sentiment-based dialogue to appeal to voters. On the whole, the theoretical matrix employed in the article creates a wide scope of stances and can be a useful tool in the analysis and comparison of different moral perceptions.

### **References**

- Beus de, J. 'The European Union as Community: An Argument about the Public Sphere in International Society and Politics'. In *Communitarianism in Law and Society*, ed. P. van Seters, 71-107. Lanham: Rowman & Littlefield, 2006.
- Brown, G. 'Speech on controlling immigration for a fairer Britain'. London, March 31, 2010.
- \_\_\_\_\_. 'Speech on immigration'. Ealing, West London, November 12, 2009.
- \_\_\_\_\_. 'Speech on managed migration and earned citizenship'. London, February 20, 2008.
- Brubaker, R. *Citizenship and Nationhood in France and Germany*. Cambridge and London: Harvard University Press, 1992.
- Brusis, M. 'The European Union and the Interethnic Power-sharing Arrangements in Accession Countries'. *Journal of Ethnopolitics and Minority Issues in Europe* 4(1) (2003): 1-19.
- Cameron, D. 'David Cameron's Speech to the Conservative Conference'. London, October 1, 2014a.
- \_\_\_\_\_. 'David Cameron: Speech on Immigration'. London, November 28, 2014b.
- \_\_\_\_\_. 'Prime Minister's Speech on Immigration'. London, October 10, 2011.
- \_\_\_\_\_. 'A transcript of Prime Minister David Cameron's press conference at the close of the European Council in Brussels on 16 September'. September 16, 2010.
- Carrera, S. 'What Does Free Movement Mean in Theory and Practice in an Enlarged EU?' *European Law Journal* 11(6) (2005): 699-721.
- Dustmann, C., and T. Frattini. 'The Fiscal Effects of Immigration to the UK'. *The Economic Journal* 124 (580) (2014): F593-F643.
- Ette, A., and J. Gerdes. 'Against Exceptionalism: British Interests for Selectively Europeanizing its Immigration Policy'. In *The Europeanization of National Policies and Politics of Immigration; between Autonomy and the European Union. Migration, Minorities & Citizenship*, eds. T. Faist and A. Ette, 93-115. Basingstoke: Palgrave Macmillan, 2007.
- European Commission. 'Free movement: European Commission publishes study on integration of mobile EU citizens in six cities'. Brussels, February 11, 2014.

- \_\_\_\_\_. 'Free movement of people: five actions to benefit citizens, growth and employment in the EU'. Brussels, November 25, 2013.
- \_\_\_\_\_. 'Free movement of workers is goof for Europe's economy'. IP/08/1729, Brussels, November 18, 2008.
- Favell, A. 'The fourth freedom: Theories of migration and mobilities in 'neo-liberal' Europe'. *European Journal of Social Theory* 17(3) (2014): 275-289.
- Galbreath, D, and J. McEvoy. 'European organizations and minority rights in Europe: On transforming the securitization dynamic'. *Security Dialogue* 43(3) (2012): 267-284.
- Gehring, J.S. 'Free Movement for Some: The Treatment of the Roma after the European Union's Eastern Expansion'. *European Journal of Migration and Law* 15(1) (2013): 7-28.
- Giubboni, S. 'Free Movement of Persons and European Solidarity'. *European Law Journal* 13(3) (2007): 360-379.
- Glennie, A. and J. Pennington. 'Europe, Free Movement and the UK: Charting a New Course'. Institute for Public Policy Research, April 2014.
- Gordon, C. 'The EU and the Western Balkans: SAP as an instrument of regional stabilisation'. In *EU and the Balkans: policies of integration and disintegration*, ed. L. S. Talani, 85-126. Newcastle upon Tyne: Cambridge Scholars Publishing, 2008.
- Habermas, J. 'Struggles for Recognition in the Democratic Constitutional State'. In *Multiculturalism: Examining the Politics of Recognition*, ed. A. Gutmann, 107-148. Princeton: Princeton University Press, 1994.
- \_\_\_\_\_. *Moral Consciousness and Communicative Action*. Cambridge: Polity Press, 1990.
- Hare, R.M. *Moral Thinking. Its Levels, Methods and Point*. Oxford: Oxford University Press, 1981.
- Jileva, E. 'Do norms matter? The principle of solidarity and the EU's eastern enlargement'. *Journal of International Relations and Development* 7(1) (2004): 3-23.
- Kant, I. *Metaphysical Elements of Justice* (2<sup>nd</sup> ed.). Translated, with an introduction and notes by J. Ladd. Indianapolis: Hackett Publishing Company, 1999 (1798).
- Kymlicka, W. 'The Evolving Basis of European Norms of Minority Rights: Rights to Culture, Participation and Autonomy'. In *The Protection of Minorities in the Wider Europe*, eds. M. Weller, D. Blacklock and K. Nobbs, 11-41. Basingstoke: Palgrave Macmillan, 2008.
- Legin, E. Speech in 'The Real Taboo'. *The Economist*, November 6, 2014.
- Maas, W. 'Free Movement and Discrimination: Evidence from Europe, the United States, and Canada'. *European Journal of Migration and Law* 15(1) (2013): 91-110.
- MacIntyre, A. *After Virtue: a study in moral theory*. London: Duckworth, 1981.
- Mackie, J.L. 'Rights, Utility and Universalization'. In *Utility and Rights*, ed. R. G. Frey, 86-105. Minneapolis: University of Minnesota Press, 1984.
- Migration Observatory. 'Report: Bulgarians and Romanians in the British National Press: 1 December 2012 – 1 December 2013'. The Migration Observatory at the University of Oxford, August 8, 2014.
- Moravcsik, A. 'The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe'. *International Organization* 54(1) (2000): 217-252.
- Mäkinen, V. 'Are there fundamental rights for Roma beggars in Europe?' *Political Theology* 14(2) (2013): 201-218.
- Ram, M.H. 'Europeanized Hypocrisy: Roma Inclusion and Exclusion in Central and Eastern Europe'. *Journal of Ethnopolitics and Minority Issues in Europe* 13(3) (2014): 15-44.
- Rawls, J. "Political Liberalism: Reply to Habermas". *The Journal of Philosophy* 92(3) (1995): 132-180
- Reding, V. 'Free Movement of EU citizens: turning challenges into opportunities at local level'. SPEECH/14/123, Brussels, February 11, 2014.
- \_\_\_\_\_. 'Main Messages: Citizen's Dialogue in Sofia'. SPEECH/13/655, Sofia, July 23, 2013a.
- \_\_\_\_\_. 'Main Messages: Trieste Citizen's Dialogue'. SPEECH/13/706, Trieste, September 16, 2013b.
- \_\_\_\_\_. 'Statement on the latest developments on the Roma situation'. SPEECH/10/428, Brussels, September 14, 2010.
- Risse, T. *A Community of Europeans? Transnational Identities and Public Spheres*. Ithaca: Cornell University Press, 2010.

- Roberts, S., and M. Sakslin. 'Some are more equal than others: the impact of discrimination in social security on the right of same-sex partners to free movement in the European Union'. *Benefits* 17(3) (2009): 249-261.
- Rorty, R. "Human Rights, Rationality and Sentimentality". In *The Politics of Human Rights*, ed. O. Savić, 67-83. London and New York: Verso, 1999a.
- \_\_\_\_\_. *Philosophy and Social Hope*. London: Penguin Books, 1999b.
- \_\_\_\_\_. *R. Objectivity, Relativism and Truth – Philosophical Papers Volume 1*. Cambridge: Cambridge University Press, 1991.
- \_\_\_\_\_. *Contingency, irony, and solidarity*. Cambridge: Cambridge University Press, 1989.
- Schwellnus, G. 'Double standards? Minority protection as a condition for membership'. In *Questioning EU enlargement: Europe in search of identity*, ed. H. Sjursen, 186-200. New York: Routledge, 2006.
- Sjursen, H. 'Why Expand? The Question of Legitimacy and Justification in the EU's Enlargement Policy'. *Journal of Common Market Studies* 40(3) (2002): 491-513.
- Smith, D.J. 'Minority Rights, Multiculturalism and EU Enlargement: the Case of Estonia'. *Journal of Ethnopolitics and Minority Issues in Europe* 4(1) (2003): 1-37.
- Špidla, V. 'Statement in response to the strikes in the UK'. SPEECH/09/36, Brussels, February 4, 2009.
- Spohn, W. 'National Identities and Collective Memory in an Enlarged Europe'. In *Collective Memory and European Identity: The Effects of Integration and Enlargement*, eds. K. Eder and W. Spohn, 1-16. Aldershot & Burlington: Ashgate, 2005.
- Springford, J. 'Is immigration a reason for Britain to leave the EU?' Centre for European Reform, October 2013.
- Taylor, C. 'Conditions of an Unforced Consensus on Human Rights'. In *The East Asian Challenge for Human Rights*, eds. J.R. Bauer and D. Bell, 124-144. New York: Cambridge University Press, 1999.
- \_\_\_\_\_. 'The Politics of Recognition'. In *Multiculturalism: Examining the Politics of Recognition*, ed. A. Gutmann, 25-74. Princeton: Princeton University Press, 1994.
- Tonkiss, K. *Migration and Identity in a Post-National World*. Basingstoke: Palgrave Macmillan, 2013a.
- \_\_\_\_\_. 'Post-national citizenship without post-national identity? A case study of UK immigration policy and intra-EU migration'. *Journal of Global Ethics* 9(1) (2013b): 35-48.
- \_\_\_\_\_. 'Constitutional patriotism, migration and the post-national dilemma'. *Citizenship studies* 17(3-4) (2013c): 491-504.
- Wagner, R. "'Transnational civil dis/obedience' in the Danish family unification dispute". *European Political Science Review*, Available on CJO 2014.
- Walzer, M. *On Toleration*. New Haven: Yale University Press, 1997.
- \_\_\_\_\_. *Thick and Thin: Moral Argument at Home and Abroad*. Notre Dame: University of Notre Dame Press, 1994.
- \_\_\_\_\_. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books, 1983.
- Young, I.M. *Inclusion and Democracy*. Oxford University Press, 2000.
- Zaborowski, M. 'More than simply expanding markets: Germany and EU enlargement'. In *Questioning EU Enlargement. Europe in search of identity*, ed. H. Sjursen, 104-120. Abingdon: Routledge, 2006.