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THE SCHENGEN PROJECT IN THE LIGHT OF EUROPEAN INTEGRATION THEORIES

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Abstract: *The article proposes possible ways of conceptualizing the Schengen project, one of European integration's most essential and less-defined achievements. Although Schengen Agreement is nearly forty years old and profoundly influences the fundamental features of modern states, their authority, territoriality and identity, it still needs to be better understood as a phenomenon of integration. Considering both the definitional indeterminacy of the Schengen project and a deficit of in-depth analysis of this part of European integration, described mainly as an area, system or regime, the article proposes a reference to European integration theories. Based on these theories, three primary levels of theorizing at which Schengen can be conceptualized are presented: a particular example of European integration, a model of European territoriality and a project of border management in Europe. Each approach has its theoretical framework and assumptions, uses a different conceptual apparatus and formulates additional research questions.*

Keywords: Schengen, borders, European Union, theories of European integration

Introduction

Integration based on the Schengen Agreement is nearly forty years old and remains an exceptionally vivid and dynamically developing project. This integration has its origins in an international agreement between Germany, France, and the Benelux countries signed in the mid-1980s, outside the European Economic Community. Its implementation, however, began only in 1995, when the convention implementing this agreement entered into force. It contained a number of compensatory measures needed to counterbalance the unhindered freedom of movement (e.g. a common system for information sharing, the Schengen Information System or uniform Schengen transit and short-stay visas). It guaranteed that the abolition of controls at the internal borders would not increase threats to security and public order. In the following years,

new countries joined this area and the repertoire of common legal provisions in border control, migration, asylum and cooperation between law enforcement and judicial authorities was expanded. Finally, the Amsterdam Treaty incorporated the Schengen Acquis into the main body of the European Union law. Its further development took place within European Union as part of the implementation of the Area of Freedom, Security and Justice in the EU, which has been accelerated since the entry into force of the Lisbon Treaty. In addition, the non-EU members of the European Free Trade Association – Iceland, Liechtenstein, Norway, and Switzerland joined the area as association countries, but with the complete application of the Schengen Acquis. Another important event was the zone's expansion to the east and the admission of nine new countries in 2007.

However, its history has seen numerous crises, especially in the past decade (Börzel and Risse 2018; Colombeau 2020). Their best examples are reintroduced controls on many internal borders, named temporary but stretching over time since 2015 (Pettersson 2023). This crisis caused by the massive influx of migrants to the EU in 2015 was described not only as a crisis of the management of migration but also as a crisis of values or, more precisely, a solidarity crisis (Grimmel and My Giang 2017) means that the rhetoric of 'fear' adopted by some governments prevailed while European solidarity failed (Krzyżanowski, Triandafyllidou and Wodak 2018: 1). Despite these restrictions introduced by individual states to limit the influx of irregular immigration, the conviction in need to maintain the Schengen Area is indisputable. Public support for free movement in the Schengen Area has remained strong for years (Lutz and Karstens 2021). The positive attitude towards the Schengen project is also reflected in facts that Croatia joined the Schengen zone in 2023 and Bulgaria and Romania's continuous efforts for a decade to become full Schengen members.

The issue of the Schengen project has rich literature on the subject, but it focuses predominantly on the analysis of its practical aspects: legal, economic, social, political and, more recently, ethical and biopolitical. Scholars also underline the gap between Schengen legislation and practice (Votoupalová 2020). The historical development of the Schengen Area, with all its milestones, and the regulations of the Schengen Acquis, with its enormous evolution over the last forty years, has extensive scholarly literature. It explains the procedures on which Schengen is based and the obligations it imposes on the national border control systems, mobility and

internal security policy and the judiciary of member and candidate countries. Scholars explain the institutional aspects of the Schengen project and the new solutions and systems to make border control and law enforcement as effective as possible across the area. Moreover, considerations of the economic and social effects of the Schengen project (Felbermayr, Gröschl and Steinwachs 2018), especially in internal border regions, are increasingly accompanied by questions of the political, cultural and ethical nature of its external ones (Jeandesboz 2020).

What is much less in the literature on the subject is the analysis of the theoretical dimension of the Schengen project, thanks to which it would be possible to deepen the understanding of its sense and significance. Although a lot of questions concerning the past, present and future operation of Schengen integration have already been posed, the answers they have been given, as observed by Ruben Zaiotti (2011), can rarely be considered fully satisfying. And still, even after a few recent years of vivid scholarly discussion about the Schengen project (after the refugee crisis in 2015), the explanatory aspect of these explanations is only partially successful due to their insufficient theoretical foundations.

The aim of the article is to draw attention to the still-needed theoretical reflection on this important area of integration, mostly called the Schengen area, order, regime or system. This article postulates that exhaustive answers to questions concerning the essence of the Schengen project, which have both elucidatory and forecasting value, and give further explication of this project, should be based on the European integration theories. These theoretical achievements of the European studies offer alternative levels of theoretical and conceptual considerations, constituting a valuable sphere in which Schengen integration can be analyzed (its manifestations, internal dynamics, autogenic and exogenous processes of change, or its consequences for the essence of statehood and territoriality in contemporary international relations). This means that the article aims not to show the most appropriate or only adequate theory of European integration, which can be used to understand and explain the Schengen project and predict its future. It is very likely that such an ideal theory does not exist. It is essential, however, to consider available options for theoretical analysis of the Schengen project and what each option entails. To do this, the article proposes three fundamentally different theoretical frameworks to analyse the Schengen project. These are 1) a specific process of European integration, 2) a model of territoriality, or 3) a project of border management.

The proposition in the article demonstrates various variants of defining problems and developing concepts of this issue in each of the above-indicated levels of analysis. Such considerations belong to political science and international relations science, which concentrate on the analysis of European integration and the European Union as political phenomena. The article assumes that considerations over the Schengen order imply references to key categories of political analysis, such as authority, governance, territory or sovereignty. Nevertheless, it should be emphasized that this article belongs to the area of meta-theoretical analyses, mostly based on theories used in European studies, known as European integration theories, which is to highlight their relatively autonomous nature in relation to other fields of science.

Research on the Schengen project: describing, but not fully explaining

The Schengen project is something unobvious from the perspective of a modern national state, which decides not to control its borders (or some of them) and limits its autonomy in migration and asylum policies, entrusting *de facto* its own internal security and public order to those states whose borders (or their parts) have become external borders of the whole zone. It is no use limiting it to a technocratic invention, based on the economic calculation of profits and losses for the European business (though, admittedly, such aspects are common) or implemented as a result of strong pressure from security specialists, whose “politics-free” opinions convince the Member States that it is necessary to coordinate or cooperate in the area of mobility and internal security, also by establishing specialized agencies and creating integrated database systems. The Schengen Area, however, seems to be more exactly because it is a political project affecting fundamental issues such as sovereignty (Deleixhe and Duez 2019), exercising power, and ensuring security and feeling of collective and individual identity. The integration process, whose specific expression can be seen in Schengen integration, is packed with a whole series of issues belonging to national sensitivities and supranational symbolism (Zaiotti 2010).

It must be admitted that in spite of impressive literature on integration processes in Europe, theoretical considerations of Schengen integration, allowing for systematization of this

sphere of integration, show its specificity and its inherent regularities, are still rare¹. It is surprising to see how Schengen integration is universally neglected in the theoretical European literature focused on clarifying, explaining and predicting even the most complex aspects of the European reality, especially related to the European Union.

For example, in the past decades, due to the dynamic development of European studies and attempts at granting this field of science autonomy, especially in relation to political science and international relations, a number of works have been published in Poland, presenting achievements of such studies: theoretical and methodological (e.g. (Borkowski 2007; Ruskowski and Wojnicz 2012; Czaputowicz 2014). The presentation of particular approaches and concepts, grand, medium and specialist theories, was often accompanied by examples of their application to research on integration and disintegration processes in Europe, the EU as such or selected areas (mostly policies) of its activities. Schengen was usually absent in these analyses (more on this topic: Trojanowska-Strzęboszewska 2018). It must be admitted that the Polish subject literature was by no means different from the worldwide literature, in which theoretical presentation of these issues, making use of the achievements of European integration theories, was in short supply, as Ruben Zaiotti pointed out (Zaiotti 2011).

The situation has started to change in recent years when authors more often began to look for theoretical explanations of the integration dynamics in the Schengen Area. First, the Schengen project started to be analysed in terms of the theory of differentiated integration (Klose 2022; Comte and Lavenex 2022). Other examples of attempts at a theoretical explanation of Schengen will be indicated in the next chapter of the article.

However, insufficient theoretical explanations do not mean that the Schengen project has not been discussed in the literature for 30 years. On the contrary, it has generated significant output, developed since the beginning of European studies as a research area in political science and international relations. Nevertheless, lots of analyses concerning Schengen integration were descriptive (and factual), presenting the origin, development intricacies, challenges, and consequences of the Schengen Area for the international system. These works were often a-

¹The deliberations included in this part of the article are not based on the results of fully systematized and operationalized research on the subject literature, defined precisely by source and time limitations. Instead, they constitute an attempt at indicating – based on the review of literature on European integration and the European Union, published since 1990s – dominant vectors of scientific analyses concerning Schengen integration.

theoretical, not using directly or indirectly particular theoretical approaches or concepts related to a specific theoretical approach, which usually results in a partly elucidatory effect of such studies, stopping at the diagnosing stage and never performing forecasting functions.

Moreover, we should emphasize the huge dispersion of analyses dealing with the way in which the Schengen Area operates, based on various scientific considerations, dispersed among research on: the EU policies, mainly in the Area of Freedom, Security and Justice (e.g. Stadtmüller and Bachmann 2012) but also concerning the EU enlargement (e.g. Grabbe 2000; Bachmann 2012;), the migration to the EU (migration studies, e.g. Brumat, Hadaj-Abdou, and Geddes 2020), internal security policy in Europe (security studies, e.g. Prokkola 2012; Ceccorulli 2019), trans-border cooperation (regional studies, e.g. Havlíček, Jeřábek and Dokoupil 2018), the role and importance of state borders (border studies, e.g. Schimmelfenning 2021). The dispersion of these studies comes along with the definition ambiguity of Schengen integration (for example, its scope), which appears in the above analyses not as a separate area of research but as a specific legal or territorial context or an independent variable by means of which researchers explain changes occurring in the proper subject of analysis. All of this accounts for the fragmentation of analyses concerning the Schengen Area, usually focused on selected aspects of its operation, deprived, perforce, and more complex thoughts on the nature of this integration phenomenon. This is partly related to the evolution of the Schengen project over the last 30 years, originally formulated in the Schengen Convention as a combined set of compensatory measures under which states cooperate. Currently, these cooperation sectors are developed and managed as separate policies (Huybreghts 2015).

It is worth observing that the way in which the nature of the Schengen project is understood is rarely expressed directly and often only assumed and implied in works on European integration. The usual and common perception of Schengen is “a border-free area”, namely an area without controls on internal borders, a synonym for full execution of the right to move freely. This presentation, in fact, combines two dimensions of the Schengen Area: territorial and legal. In such presentations, authors usually rely on descriptive definitions, whose designatum does not raise any doubts, emphasizing the territorial dimension: “Schengen Area”, “Schengen Member States”, or its legal dimension: “Schengen *Acquis*”, “Schengen Treaty”, “Schengen legislature attainment”, “Schengen Agreement”, “Schengen arrangement”. The equivalence of these

presentations refers thus to the spatial definition of the Schengen Area, pointing at countries which adopted the legal attainment of Schengen, but also to the legal definition of the area, whose scope was determined by including Schengen *acquis* to the EU law by virtue of Protocol attached to the Treaty of Amsterdam (Thym 2002). It should be noticed, however, that a decade after the Treaty of Amsterdam came into force, the issue of the Schengen *acquis* scope has become problematic. This is related to the adoption of legal means referring to this area of integration, whose status as “expanding the legal attainment of Schengen” is often determined in the rulings of the European Court of Justice (Cornelisse 2014).

Other terms describing this area of integration in European studies include “Schengen system” and “Schengen regime”, frequently used by political scientists. The “Schengen system” term combines the sphere of law valid in a given area with the sphere of politics and ruling, thus introducing the issues related to particular stages of the political process, including decision-making processes, into analyses on the Schengen integration (Peers 2013). Our considerations incorporate issues related to the motivations and goals of the countries participating in the Schengen order, the powers of entities involved in this sphere of integration, legitimization of actions taken in this area, types of relations between actors of this policy (for example state and European ones) or the problem of stability and changeability of this integration formula. Defining the Schengen project in system categories, we focus on the internal elements and functions performed by the Schengen system and its relations with the environment; we seek an internal, self-steering mechanism which plays a key role in maintaining stability and permanence of the system, but we also discern that it may be susceptible to various unexpected turns, tensions and disputes, resulting in taking actions which turn out to be contradictory in the practical dimension (Cornelisse 2014). Moreover, the presentation of the Schengen issue in system categories encourages its holistic perception and emphasizes the importance of this function to the system (not only its structure). It also allows us to see the dynamics of changes experienced by the system and to determine the influence of the environment on its operation and the other way around – the influence of the system on the surrounding reality. The analysis of the system-environment relations in the context of the Schengen system, therefore, may mean that we take into account its influence on the “environment” of the state in which this system operates and with support of institutions of this state, and thus, such analysis may refer to the influence of the Schengen system

on the scope of prerogatives and autonomy of the state, its attributes and institutions. Obviously, the system-environment relations are mutual, and the environment affects the system in which it operates. In these presentations, the Schengen system may also be analyzed as a phenomenon consisting of several subsystems (inter alia border-crossing, immigration policy, asylum policy, police cooperation, fighting terrorism), which are connected with each other (though not necessarily complementary) and influence each other (the best example of which can be seen in consecutive amendments to the Schengen legislature in reaction to political crises caused by the increased inflow of immigrants to member states), but the system itself may constitute a subsystem dependent of the EU system. To summarize, this interpretation of the Schengen project exhibits both the functional dimension of the Schengen Area and its symbolic dimension (identity dimension, referring to national as well as European – supranational level), concerning its role in a broadly understood phenomenon of mobility rather than its limited perception of an area of border protection and/or control (Peers 2013; Trojanowska-Strzęboszewska 2014).

On the other hand, we often encounter such terms as “Schengen border regime”, “Schengen regime” or “Schengen visa regime”. In spite of the neutral connotation of the term “regime” in political science, we can observe that such concepts are frequently used in areas of descriptive and normative analyses that are critical of the Schengen regulations that govern crossing, controlling and protecting external borders of the EU. In many papers which use the “regime” term, their authors listed contradictions between exclusive Schengen *acquis* to citizens of some third countries and the openness policy towards these countries within the process of the EU enlargement and the neighborhood Policy (for example Grabbe 2000; Lavenex 2001; Berg and Piret 2006). Also, following the liberalization of visa policy to citizens of most countries covered by the EU enlargement process and Eastern Partnership policy, the Schengen regime term appears in analyses of migration and asylum policies, adopting liberal or humanitarian positions (e.g. Carrera, Guild, Merlino and Parkin 2011), and is associated with closed external borders of the EU, hostile to strangers (Schimmelfennig 2018).

Three levels of conceptualization of the Schengen project

Over the past decade, we have seen a number of crisis situations concerning mobility control and the role of state borders in Europe caused by the inflow of mass immigration to the

EU (especially in 2015-2016), which accounts for the growing need to explain the specificity of Schengen integration. European integration theories seem to constitute an obvious area in which to seek adequate theoretical approaches enabling us to explain the essence of integration in the Schengen Area, its *ratio, modus operandi* and consequences for contemporary national states or concepts of authority, territoriality and identity in modern Europe. This area is vast and diverse, managed and utilized differently by scientists representing various fields (and areas) of science. And what is most important, this area not only undergoes permanent modifications (by introducing new variables or perspectives), but also expands, enriched by further solutions, approaches, concepts or their novel operationalizations. Leaving aside the possibility of classifying integration theories according to their goal and the function they perform², in this rich collection we will find both the so-called grand theories, which tried to capture holistically the unprecedented nature of economic and political transformations in Europe after the Second World War, thus revolutionizing the theoretical dimension of international relations³, as well as more modest (though by no means less valuable) theories explaining the specificity of the European Union as a key element of European integration, or finally, only segments or aspects of the EU integration activities.

In other words, scientists examining various manifestations of European integration (and disintegration) not only have a wide range of theoretical approaches but may also operate on various levels of theorizing, reflecting different scopes of the analyzed integration area and various degrees of generality of these analyses. Adopting the approach developed by Neil Nugent (2010), systematizing various categories of conceptual and theoretical analyses in European studies, we can propose three levels of analysis with some necessary simplification, on which we may attempt to conceptualize the Schengen project. These levels differ in the scope of the research area and, consequently, the degree of detail of the conducted analyses. These are levels

² The subject offers a number of classifications of integration theories. They are divided, inter alia, according to the time of their origin, the goals and functions such theories have, the degree of generality and the scope of the research area (Wiener, Diez 2009b:243-247).

³ Although we notice more frequently the contribution of various areas of science to the development of European studies, especially in the theoretical aspect, we must bear in mind a different vector of these relations, referring to the contribution of theoretical consideration over European integration to the development of, for example, the theory of international relations. Thanks to integration theories, which try to explain the processes taking place in post-war Europe within the EEC, the approaches analyzing the international reality include those emphasizing the role and significance of non-state (for example transnational) actors) (Eilstrup-Sangiovanni 2006).

of theorizing about 1/ integration, 2/ the EU, and 3/ ways in which the EU works and the policies it uses. Scientists have a wide range of research theories and approaches on each of these levels. What is more, some theories may be located on more than one level (for example, constructivism (Risse 2009:144)). It should be remembered that the proposed level of analysis may be empirically difficult to distinguish. The analysis of the integration phenomenon is usually referred to processes taking place within the institutional and legal framework of the European Union. On the other hand, research on specific aspects of the EU activity may lead to conclusions referring to the essence of the EU and the specificity of integration actions in general. In this sense, findings from one research level, based on a particular theory, maybe subsidiary in another area of analyses.

Using the above methodological differentiation of research areas, we can indicate three meta-theoretical levels on which we can theorize Schengen integration in its territorial and functional dimensions.

1. The Schengen project as a specific integration process

The first level comprises theories concentrating on explaining the general character of integration (the integration process as a whole), usually inscribed in a broader context of international relations. These approaches are defined as grand theories (Nugent 2010), explanatory integration theories (Elistrup-Sangiovanni 2006), or classical theories (Rosamond 2000), since they initiated the process of explaining and interpreting phenomena occurring in this area. On this level, researchers may conduct analyses to explain the essence and properties of the integration mechanism in the Schengen Area. What does it consist of, and what kind of internal dynamics can we see in the process of interactions between states, taking place in areas so sensitive to national states as protecting borders and controlling the flow of people across borders, fighting transnational and trans-border crime? How does it differ from economic integration and actions taken within the Common Foreign and Security Policy (CFSP)? What roles do states play in these processes? What encourages them to integrate in this area, and how is it connected with the issues of state sovereignty, territoriality and territorial control?

On this level of theoretical deliberations, two empirical theories are commonly acknowledged as the key ones: neo-functionalism and intergovernmentalism⁴, along with their later reinterpretations, mostly neo-neo-functionalism and liberal intergovernmental approach, but also new intergovernmentalism and post-functionalism theories developed recently (Hudson and Puetter 2019). Some scientists also classify federalism as a general theory that is not an empirical theory but has a normative nature. It is then acknowledged as a classical or traditional approach, also called a *pre-integration* theory, to emphasize that its main goal was to indicate how countries can integrate. However, federalism is also treated as an approach in research on the nature of the European Union when the EU is perceived as a separate political entity and is compared with federation states (federations) or associations of states (confederations) (McCormick 2005; Czaputowicz 2018). In this latter meaning, Schengen borders are indicated as a new type of borders of quasi-state type, which may be seen as an argument for the EU “approaching” the model of a federal super-state. The increasingly influential theory of constructivism may be considered a general theory⁵. This so-called new theory of integration appeared in European studies as late as the 1980s. Adopting different ontological and epistemological positions than neo-functionalism and intergovernmentalism, constructivism poses different research questions; therefore, a look at Schengen integration taken from the perspective of this theory offers totally new elucidatory possibilities (Walters and Haahr 2011). Nevertheless, regardless of the period in which the above theoretical positions were formed and putting aside their ontological and epistemological differences, they all share the intention to provide a holistic explanation of changes taking place in the European international environment, usually defined as integration (and more and more frequently supplemented with disintegration aspects).

Although neo-functionalism and intergovernmental approach (in its classic form connected with the works of Stanley Hoffman) appeared many decades ago, most analyses of Schengen integration use terms and concepts of these two classical theories of European

⁴In this place I pass over the discussion about the extent to which intergovernmentalism is a theory rather than a certain research approach (*intergovernmental approach*).

⁵ Constructivism, also called social constructivism, may be positioned practically on each of the three proposed levels of analysis (Wiener, Diez 2009a: 12).

integration. At the same time, however, there are hardly any papers that would try to verify particular research hypotheses on the basis of the above approaches (a few exceptions here include, for example Kostadinova 2012; Bachmann 2012). This is due to two reasons. Firstly, the subject literature – as observed by Zaiotti (2011) – is dominated by the conviction that Schengen integration is, in fact, a variation of a traditional game played by governments, typical of global politics. In this logic, the Schengen Area was established as “a result of a compromise negotiated between a group of European governments, who wanted to pursue their state interests, increase their political influence and find a solution to their common problems of border control” (2011:7), and therefore they initiated this particular form of cooperation. Similarly, scientists pointed at other “rational” motivations and actions of the states comprising the Schengen Area in the name of their particular interests (for example, an argument that France and Germany decided to establish the Schengen Area to protect their economies against the growing trade protectionism and used this integration formula to “threaten” the United Kingdom with a vision of *two-tier Europe* (Moravcsik 1998: 359-360). Regardless of the differences concerning particular arguments, this approach is universally adopted *a priori* and accounts for the fact that reflection on the essence of the Schengen integration process is futile; therefore such reflection is usually passed over. Secondly, authors of various analyses of Schengen integration use the concepts of neo-functional or neo-neo-functional origin. This is mostly connected with the fact that these theories offer a number of explanations related to the nature of supra-nationality (for example the role of supranational institutions and the role of non-state entities in integration processes), which were acknowledged as certain regularities and added to the concept network of integration theories, but also became part of the common understanding of this phenomenon. The best example here is the common conviction that the spill-over effect “worked” also with reference to Schengen integration, which is supposed to consist of an inevitable and somehow “automatic” reaction of the states, which introduced common legal regulations in the sphere of internal security (on the basis of the Executive Convention), being a logical consequence of the decision to abolish controls on internal borders (made in the Schengen Agreement).

To describe Schengen integration, authors often use a hybrid concept, combining elements of intergovernmentalism and neo-functionalism, showing this integration as a formula combining supra-nationality and the primacy of statehood. This approach became popular when

the Schengen *acquis* was incorporated into the EU legislation, and this area of integration was communitized and strengthened by the provisions of the Treaty of Lisbon (Gruszczak 2012).

On the other hand, the constructivist research perspective, increasingly influential in European studies, being part of political science and international relations science, allows us to perceive the Schengen Area as a historical (and thus changeable, characteristic of particular time and space) manifestation of a new social being – Europe. Ideas, norms and identities in this approach constitute a factor which, compared with research on interests and institutions, facilitates explanations of causes of particular processes and decisions. One should mention here an inspiring work of William Walters and Jens Henrik Haahr, who coined the term “Schengenland” to define this area of European integration as a “specific regime of (in)securities and power relations” (2011:145). Combining the constructivist approach and the achievements of critical studies on security, the authors show the specificity of distribution, creation of network and circulation of power in the Schengenland system and prove that thanks to the Schengen Area, within which security is conceptualized with reference to precisely defined geographical space and there is a direct attitude to borders: “*The EU is becoming territorial*” (2011:168). In this approach, the specificity of Schengen integration as a new field of European governance consists of providing a new relation between security and territory (Walters, Haahr, 2011:216), and thus becomes one of the determinants of the identity of contemporary Europe.

2. The Schengen project as a model of territoriality

The second level of scientific investigations comprises theories which analyze the European Union as the most mature integration system. Key analyses in this research area concern attempt to explain the nature and character of the European Union (What kind of political system is the European Union?) (Neyer and Wiener 2011). Researchers try to find a proper concept model which would help them describe and explain this “unidentified political object”. This is inevitably connected with the analysis of such concepts as models of governance, authority, the nature of dominance and subordination relations (or symmetry and asymmetry of relations between elements), as well as the model of territoriality of this specific entity – the European Union.

In this theoretical perspective, the Schengen project constitutes an area where the new model of European territoriality is analyzed. What really matters in these analyses is not the nature of the integration of the Schengen Area, its course, or the motivations of the countries participating in it but its effects. Schengen here is the “provider” of a new type of border which, from the formal and legal point of view, are borders of a specific country but which perform functions related to the area exceeding the territory of the state due to the country’s participation in the Schengen Area.

In this sense, being a specific border regime “producing” a certain type of border, the Schengen project may be theorized in two ways. The first one emphasizes a certain difference between the Schengen project (and its borders) and the European Union (and its external borders) and the scope of its activities. The second one refers to analyses of the Schengen project within the discussion on the nature of the European Union (understood as *sui generis* community).

In the first of the above approaches, it is assumed that “the Schengen system does not determine the EU external borders since it also covers countries which do not belong to the EU” (Stadtmüller, Bachmann 2012:2), and at the same time, it is not used by all Member States. This leads to a claim that EU membership is not automatically associated with formal “hard” borders. The character and functions performed by particular state borders which are the EU external borders constitute a much more complex issue. This is due to their differentiation and the fact that, in practice, the ultimate formula (determined by the scope of valid border checks, trans-border cooperation, etc.) is open to negotiation and cannot be predicted only by analyzing legal regulations valid in the Schengen Area.

In the second approach, the Schengen Area and its external borders, since they were incorporated into the institutional and legal framework of the EU, have become a certain aspect of the EU operation, vital in defining the proper model of territoriality in the EU. As observed by Anderson (2007), the type of territoriality and the character of borders of each political community is one of its key indicators; therefore analyses of the Schengen control system, determining (or co-determining, along with, for example, trans-border cooperation and economic and political relations with third countries) the nature and the way in which the EU borders function, constitute an element of considerations over the essence of the EU. Seeking an answer to this question, scientists consider the EU and its borders in various ways – in categories of:

quasi-statehood of territoriality defined in a Westphalian way and territorially exercised authority (Morgan 2005), a specific type of international organization, various versions of empires invoking borders in the version of Roman *limes*, *colonial frontiers* (borders of colonial empires) or borders of the European cosmopolitan empire, spatially variable and blurring divisions (Shaw 2002; Beck and Grande 2011; Zielonka 2013) or finally, a (neo)medieval structure, characterized by dispersed and overlapping territorially dependencies and authority, porous borders deprived of any systematized system of control and protection (Christiansen, Jørgensen 2000). Yet another variant aiming to explain changes occurring in the international environment, whose manifestation can be found in Schengen borders, is the reference to the concept of the late Westphalian order as a hybrid combining new elements of post-Westphalian order with those characteristics of the Westphalian system of international relations (Falk 2002; Pieteraś 2007). Supporters of this approach point out that this order is characterized by changeability, uncertainty, pluralism of possibilities, multitude of options, often contradicting each other, which leads to changing the essence of borders through redefinition of division between the interior and external environments of the state, replacing a perception of the borders in terms of barriers to the bridge and extending border control practices with the concept of border management” (Moraczewska 2018:46). And thus the subject of the analysis is whether the EU borders are closer to traditional, Westphalian types of borders – permanent, tight and separating a European territory (and thus clearly marked and controlled) from what is outside, or through establishing multistage controls of Schengen borders, multi-layers of their management and extra-territorializing some control tasks and liberalizing flow on selected sections of these borders (for example with countries aspiring to the EU membership) they resemble vague and liquid border spheres of old empires or they constitute a post-modernistic “mix” of various spaces and divisions (political, legal, cultural, economic, social), in which borders have symbolic rather than practical (territorial) meaning, and where controls are not physical but virtual.

The above presentations are not theoretical approaches but concepts of the political and territorial space of the EU. The first two are usually presented as opposite poles, between which there is a whole spectre of possibilities offered by a combination of supra-nationality and intergovernmentalism. It must be added here that supra-nationality is understood here in the federalist spirit, being immanently connected with “the logic of building a political federal

structure” (Ruszkowski 2010:53). This, in fact, means, in spite of differently postulated goals of integration – a federal state, a federation or a confederation community of states – maintaining the primacy of statehood, not only as a key concept resource but also as desired or imminent model of governance and authority organization. The next two concepts may constitute – as Beck and Grande wrote (2011:22) – an attempt at overcoming European studies' theoretical and conceptual concentration on various, but still certain forms of statehood. For all these concepts, the operation of the Schengen Area, if only in its final product – Schengen borders – cannot be omitted.

3. The Schengen project as a mechanism of border management

On the third theoretical level, we can locate theories on the way in which the EU functions and its “active” presence in political, economic and social life. Many authors point out that the complexity and heterogeneity of the EU stem from the fact that it operates differently in various areas. Therefore, it is pointless to seek one universal way in which it functions. Instead, we should concentrate on analyses with a narrow scope of research area, as they will enable us to explain more precisely selected aspects of what the EU is and how it works. These theories, called partial, specialist or segment ones (Ruszkowski 2014: 45) may refer both to analyses of forming and conducting policies in the EU (for example theories of policy networks, and the theory of multi-level governance) or only selected elements of these processes (for instance, the theory of delegating or the principal-agent theory), or ways in which the EU policies exert their influence in various areas (e.g. the theory of Europeanization). Regarding the Schengen system, the specialist theories are useful in explaining how the system works, who participates in determining the Schengen policy and how, what institutions take part in passing and implementing legislation in this area and how relations between them are shaped, and finally, what role a member state and its institutions (and services) play in this system.

The Schengen system is most frequently perceived in the light of the multi-level governance theory, whose authors try to reflect specific features of the system governing the European Union’s external borders (e.g. Hanke, Wieruszewski, Panizzon 2018). The way in which the Schengen system works has become an exemplification of the belief or even the proof that the decision-making process in the EU differs from the traditional, hierarchic model of

governance, typical of independent states, adopting the formula of a non-hierarchical system of political negotiations, regulations and administration, called governance (Jachtenfuchs 2001). According to this approach, authority is considered to be dispersed; shared not only by entities located at various territorial levels (supranational, national and regional or local) but – which is of particular significance for state borders – it is also shared by non-state entities (which is manifested in gradually expanded powers of the EU specialized agency – Frontex). The concept of integrated management of external borders, proposed by the European Commission, adopted by the Council in 2002 and developed in the next years, as observed by Anna Moraczewska, “seems to be fitting in with the “matrix” of the concept of multi-level governance” (2013:245). In other words, multi-dimensional management of the EU’s borders as a formula of conducting the EU policy towards its external borders constitutes an element of a general feature of the EU political system, namely European governance. It should be noted that in this concept borders, commonly acknowledged as an attribute of statehood in conditions of the EU membership become an object of management, which, by definition, is based on a high degree of institutionalization, formalization and bureaucracy and is considered to be less politicized than any state policy (Telò 2006).

Moreover, in the classic presentation of the multi-level governance theory (Marks, Hooghe, Blank 1998; Hooghe, Marks 2001), the political system of the EU was perceived as a combination of supranational and intergovernmental institutions, with a certain degree of centralization and decentralization, where the lowest level is composed of regions and cities, the next level is occupied by states, and the last level belongs to supranational institutions. However, the changes that the EU political system has seen since the 1990s verified these classical assumptions, emphasizing both that there is greater pluralism of levels on which the EU authority is dispersed than originally assumed and that the competencies of particular entities operating in specific areas are non-exclusive. Currently, the concept of multi-level governance also demonstrates fluidity between various rungs, accounting for the fact that policy-shaping entities can move between them and dispersion of authority varies in different areas (Rosamond 2007: 178). This poses questions on the cohesion of decisions and actions taken by various entities in the same areas, scopes of responsibility that entities take for particular issues, and types of interactions between entities whose scopes of activities cross or partially overlap. Due to its

connection with security issues, but also equally important symbolic meaning of borders, the question about the way in which the Schengen border governance regime operates within the multi-level governance concept seems to be gaining particular significance.

Conclusions

Analysing the origin, development, changes and transformation of the Schengen project, its ways and mechanisms of operation, as well as its influence on basic categories of contemporary politics, such as authority, sovereignty, governance, and territoriality, need to be situated within the theoretical framework of the European integration. The need for an in-depth analysis of the Schengen area has been revealed by the recent crises, both related to mass migration to the EU and the Covid pandemic, resulting in restrictions on the free movement of people at internal borders.

The impressive literature on the various aspects of Schengen produced over the 30 years of this project has been either descriptive with limited forecasting capabilities or fragmented and dispersed across research fields based on different research paradigms (such as migration studies, security studies, and borders). However, the conceptual ambiguity of Schengen, generally referring to what this type of integration is, may constitute an interesting research laboratory on the European integration process within the European Union.

The article organizes possibilities for explaining the Schengen project based on the European integration theory. It points out that depending on the adopted scope of the field of analyses, and their degree of generality-specificity, Schengen can be conceptualized in three different ways as 1) an integration process, 2) a model of territoriality, and 3) a mechanism of border management. On each level of these meta-approaches, researchers are provided with various theories and research concepts characterized by different ontological and epistemological assumptions. This offers a wide range of analytical and interpretational options for the processes in the Schengen Area, both in its functional and territorial dimensions.

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