

Schengen in Crisis?

Why Subjective Critique Matters

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Recently, predictions about the potential end of Schengen cooperation have multiplied. The extraordinary number of refugees coming into the EU is generally understood as the root of the problems within Schengen because the external borders were not prepared to manage such a strain. At the same time, reimpositions of internal border controls seem to be blamed for the crisis of the Schengen project. However, the reasons why the controls were reimposed and their impact on Schengen have not been explored thoroughly. Hence, drawing on the theoretical concepts of crisis and employing the discourse-historical approach, this article investigates how the states which reimposed internal controls argue about their decision, how the EU leaders react and what the future of the Schengen cooperation looks like from their perspective. It follows from the analysis that although states admit that Schengen faces difficulties, they argue, referring to the Schengen acquis, that reimpositions are to be seen rather as a remedy for the Schengen crisis, not a threat to it as scholars may imply. Overall, the article shows how important it is to establish how the concept of crisis is discursively constructed.

Keywords: Schengen, reimpositions, internal controls, crisis, discourse-historical approach

Since Autumn 2015, when Germany and Austria reimposed their internal border controls, media, politicians and experts began to doubt



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whether the Schengen cooperation is sustainable.¹ Whereas some media see the reimpositions as the beginning of the end of Schengen,² scholars are usually more nuanced in criticising the reimpositions as an unfortunate way how to handle the problems since they are based on a national rather than an EU-led solution. Still, the lack of solidarity and selfish behaviour of states reintroducing internal controls is often emphasised as the main problem of the Schengen project.³

Markéta
Votoupalová

Drawing on Koselleck and his introduction of the notion of crisis,⁴ the first question that needs to be raised is what is actually meant by the Schengen crisis. As Koselleck claims, there are two sides to all crises: an objective side based on observable facts and its subjective critique. In the case of Schengen, there is an agreement on the manifestation of the problems, lying in external migration pressures, (alleged) terrorist threats and successive internal reimpositions, but specific actors perceive the crisis from different angles. Employing the discourse-historical approach (DHA), this article focuses on how the internal border controls are understood by the states that have reimposed them since 2015. These states are assumed to be quite skeptical to the overall functioning of Schengen cooperation as they decided to use this emergency mechanism. The discourse analysis aims to lay out whether the states perceive reimpositions as the main driver of the Schengen crisis as media and scholars insinuate. The findings will help understand how the crisis is constructed since it is often assumed and not explored thoroughly. However, without knowing how various actors perceive the current problems it is not possible to find an appropriate solution to them.⁵

Methodologically, the DHA was selected as it allows to study various genres within a broad socio-political context and focuses on argumentation. According to Reisigl,⁶ the DHA employs formal, functional and content-based aspects of argumentation and enables us to examine how specific actors argue about the reimpositions and their relation to the Schengen crisis. The DHA is based on two levels of analysis. Whereas the entry-level analysis consists of examining discourse topics and is quite straightforward, the in-depth analysis investigates how actors are represented (framed) and which argumentation strategies⁷ and schemes (*topoi*) they use. The role of the *topoi* is to justify what is true and right by presenting or manipulating specific arguments. The analysis follows the main topics discussed in the discourse on reimpositions, such as solidarity, the right to seek asylum and the relation

between the member states and the EU. The identified topics are discussed in the article itself (successively in legal, scholarly and political discourse) and summed up in Figure 1 which also presents the main argumentation strategies and *topoi*.

As the argumentation strategies are often implicit, the analysis may be quite demanding.⁸ In this regard, it is important to try to avoid potential misinterpretations. Hence, the analysis is based primarily on direct quotations in the respective original languages which were retrieved from official government websites and, complementarily, from public media. All translations into English are mine and the original versions are available in the endnotes. The time frame covered by the analysis begins in September 2015, when Germany and Austria first reimposed their internal controls and ends in June 2017, when the data collection was finished.

The article opens with a brief introduction of the concept of crisis. Defining the term allows to study the impact of reimpositions on the Schengen resilience in a systematic way. Since it is important to study discourse in context,⁹ a section on how reimpositions of internal border controls are perceived in the Schengen *acquis* and scholarly literature and how they relate to the crisis of Schengen follows. Finally, the discourse analysis of the political context proceeds. Concerning actors examined in the analysis, the study operates at the state level. The states are represented by their governments and their members as the initiators of official national policies and main decision-makers which are considered as individuals, not as a unified actor. Specifically, in each state included in the analysis, statements of the prime minister and ministers responsible for migration are examined; depending on the government configuration, these might be ministers of migration, interior or justice. Where relevant, the positions of respective opposition parties and reactions from EU leaders are presented to complete the picture.

By combining these layers, the article offers a multi-faceted perspective on how the discourse on reimpositions is constructed and interpreted in a broad context and thus contributes to the current research on Schengen, which only rarely uses an elaborated discourse approach.¹⁰

The Concept of Crisis

Whereas psychology or economics offer quite detailed definitions of the concept of crisis, its development and possible solutions, interna-

tional relations (IR) scholars are much more vague in this regard and often take the concept as a given and generally understood.¹¹ However, if the concept is explained, IR scholars proceed from the Greek (medical) origin of crisis which presents crisis as a sudden change leading either to recovery or death¹² and adapt it to the nature of international politics. In this vein, Morse¹³ understands crises as circumstances affecting the survival of a political system or an interaction influencing its stability. Typically, mutually incompatible but highly valued interests are the roots of international crises. Similarly, Parker¹⁴ explains crisis as an intense conflict or the beginning of war or, alternatively, as a threshold between verbal and physical behaviour. Even though, as Hewit¹⁵ argues, violence does not necessarily need to be used in international crises, crises are frequently understood as (open) conflicts. Overall, the most typical characteristics of an international crisis encapsulate the moment of surprise and unexpectedness and the necessity to make a decision, often without adequate coping mechanisms and under considerable time pressure and stress.¹⁶

Although some IR scholars such as McCormick¹⁷ or Tanter¹⁸ acknowledge the importance of studying the (inter)subjective perceptions of crises, IR scholars usually draw on a quantitative point of view and examine the objective aspects of crises.¹⁹ In order to fill this gap, this study analyses thoroughly how the notion of crisis *per se* is understood by employing a qualitative discourse approach which focuses on the subjective critique that is often neglected in IR but emphasised in other disciplines which this study draws on.

A useful introduction into the notion of crisis is given by Koselleck.²⁰ Proceeding from conceptual history, he shows how the meaning of crisis has changed since Ancient Greece. From the beginning, the meaning has been twofold: an objective one based on observable facts and its subjective judgement. Later on, the notion spread out from medicine into politics, history, economics, and psychology. It could designate both specific and recurrent events, both brief and long-lasting ones. Also, it could be used metaphorically. As Koselleck argues, this diversity and vagueness in how the term has been applied caused it to lose its theoretical rigor. However, to systematise the research, Koselleck introduces four options how the concept of crisis may be interpreted: firstly, as a chain of events culminating in a serious point in time when a clear decision must be made, secondly, as a turning point leading to an irreversible change in history, thirdly, as a process

that may endanger the current situation or certain actors, or, finally, as a period of transition caused by specific processes.²¹

The distinction between objective and subjective is developed upon by many scholars in various disciplines: for instance Cordero, drawing on a sociological perspective, explicitly distinguishes between 'crisis' (objective experience) and 'critique' (subjective perception). He aptly remarks that the reality of crisis is inseparable from the concept itself and that crisis provokes critique and *vice versa*.²² Proceeding from political economy, Samman draws directly on Koselleck by claiming that both the objective and subjective dimensions of crisis should be explored and stresses the importance of past events that can partake in the construction of current crises.²³ By the same token, De Rycker and Mohd Don argue that crises have both material and semiotic properties and are constructed through narratives and discourse.²⁴ This brief overview demonstrates the importance of exploring the subjective dimension of crisis. Otherwise, the analysis would be incomplete. In light of this, this article enriches the current state of knowledge both about the Schengen project and about the concept of crisis from an IR perspective.

Reimpositions as a Threat to Schengen? Legal and Scholarly Perception

Reimpositions of internal border controls have been perceived as a controversial mechanism since the beginning of the Schengen cooperation. Abolishing national border controls in the traditional territorial sense is a major step which is difficult to take for the Schengen member states, particularly with regard to their ability to control movements into their territory. Apart from this practical perspective, border controls are loaded with symbolism since they have historically been linked to state sovereignty. Hence, there is no wonder that states are not eager to abandon the idea of internal border controls completely.

Whereas the first Schengen agreement, which was agreed in 1985, avoids mentioning internal reimpositions at all,²⁵ the Schengen implementation agreement which came into force ten years later suggests a possibility of reintroducing internal controls for a restricted period in cases that 'public policy or national security so require'.²⁶ This emergency mechanism is described in the Schengen borders code (SBC) in more detail. The SBC, adopted in 2006, states that the internal borders can be 'exceptionally reintroduce<d>' in the case of 'a serious threat

to public policy or internal security' and only as a last resort.²⁷ Specifically, internal borders can be reintroduced in the case of 'foreseeable events', i. e. in situations which can be predicted, e.g. sport or political events which are planned in advance.²⁸ How to proceed during unforeseen events requiring immediate reaction is regulated by article 25.²⁹

Markéta
Votoupalová

The conditions of internal reimpositions were further elaborated in the Schengen governance package (SGP).³⁰ The SGP was adopted in 2013 as a reaction to the Franco-Italian dispute (see below) and its aim was to enhance the role of the EU as an observer of the rules and to specify the conditions of internal reimpositions to prevent misusing this mechanism, which was supposed to be applied only in exceptional situations. On the other hand, a new possibility of reimposing internal controls was added to the *acquis*: if a state does not follow the rules and hereby puts the overall functioning of the Schengen Area at risk, internal borders may be reimposed, as well.³¹ It is relevant to stress, particularly with regard to the current events in Schengen, that the SGP states that 'Migration and the crossing of external borders by a large number of third-country nationals should not, *per se*, be considered to be a threat to public policy or internal security'.³² These conditions of internal reimpositions are adopted also in the recent **Regulation 2016/399**³³ which replaces the SBC including its amendments in order to simplify the system of the Schengen *acquis*.

It follows from the legislative overview, that the reimpositions are regulated quite in detail. However, states have still significant room for discretion, which is often criticised by scholars. Apap and Carreira,³⁴ Nascimbene and Di Pascale³⁵ and Carrera et al.³⁶ claim that reimpositions should be avoided even if they are legally justified since they contradict the spirit of Schengen cooperation. Apap and Carreira even argue that reimpositions have been overused constantly.³⁷ Contrarily, Groenendijk³⁸ and van der Woude and van Berlo³⁹ claim that re-introductions have occurred only rarely in the past. While the first group of researchers argue explicitly that a more detailed legislation and following not only the *acquis* but also the spirit of solidarity and burden sharing are a necessary precondition of the resilience of Schengen, the latter scholars do not elaborate why and when internal re-impositions are justified and how they relate to the sustainability of Schengen. They merely state that they are an inherent part of it.

Hence, if reimpositions are linked to the resilience of Schengen, a rather skeptical perspective prevails in that reintroductions express

mistrust and a lack of solidarity and inevitably lead to a 'race to the bottom'.⁴⁰ In the past, the problem of internal reintroductions was discussed particularly in 2011, when France reimposed internal border controls after Italy had given a temporary residence permit including the right of free movement to Tunisian migrants and Denmark reintroduced its border controls with Germany as a result of a government deal with the right-winged populist Danish People's Party. Whereas France was accused of acting in compliance with law but against the spirit of solidarity,⁴¹ Denmark was condemned even harsher, either for twisting the legislation⁴² or for directly violating it.⁴³ According to scholars,⁴⁴ both affairs showed a lack of solidarity and the determination of the states to control entries of third country nationals onto their territory in the case of a (supposed) threat.

These events bear many similarities with the current crisis when states justify internal reimpositions as a means to better manage unexpected migration flows. Also, nowadays many scholars⁴⁵ criticise reimpositions for embodying a lack of mutual trust and solidarity both across member states and between the states and the EU and promote an EU-led approach rather than disintegrated national solutions. Börzel and Risse,⁴⁶ Börzel⁴⁷ and Nivet⁴⁸ even claim that Schengen is experiencing a severe crisis which might endanger not only Schengen itself but also the whole EU. Although not all scholars use the term crisis explicitly⁴⁹ and some directly refuse it,⁵⁰ they always perceive reintroductions of internal controls as very problematic.⁵¹ According to Cornelisse, Schengen is riddled with national sensitivities and states use internal reimpositions as a symbolic expression of their sovereignty.⁵² By the same token, Dinggott Alkopher and Blanc claim that states prefer national solutions, i.e. reimpositions, to being forced to share security risks on their territory.⁵³

Drawing on the definitions of crisis, scholars acknowledge that the crisis represented by the external refugee flows was sudden and not predicted but consider the reimpositions to be an inadequate response to it. They also emphasise that the solution must be found shortly and preferably on the EU, not national, level while stressing how incompatible the state interests are with the overall functioning of Schengen. Despite the nuances in the scholarly perceptions, the researchers present observable facts when introducing and evaluating the current situation in Schengen rather than how the reimpositions are subjectively perceived by the main actors.

Reimpositions as a Remedy? Political Discourse

In summer 2017, five countries kept their internal border controls due to migratory pressures.⁵⁴ Germany and Austria reintroduced their controls in September 2015, Norway and Sweden followed in November and Denmark in January 2016. At first, all countries justified their decision on the basis of article 25 of the SBC which regulates unforeseen events and allows to reimpose internal controls immediately for 10 days and prolong them repeatedly, each time for 20 days with the total period not exceeding two months. That is why the states 'switched' to article 24 which regulates foreseeable events afterwards. According to this article, the reimpositions have to be justified in advance (compared to article 25, which allows for an *ex post* explanation) and can last up to 30 days with possible extensions up to six months in total. When this period was exhausted, as well, the states, in coordination with the European Commission (EC) and the Council of the EU (Council), decided to prolong the reimpositions based on article 26, which allows internal controls in the event the overall functioning of the Schengen Area is put at risk. This step enables reimpositions for another six months with three possible prolongations, i.e. for a maximum of two years.⁵⁵ Following the legislation, all five countries extended the reimpositions in May and November 2016 and in February and May 2017.⁵⁶ The deadline for abolishing the controls completely was 11 November 2017.⁵⁷

Based on the *acquis*, each internal reimposition has to be justified in an official letter sent to the EC. It follows from the letters that the main reason for reimpositions was unexpected migratory pressures and their impact on internal security. Only Slovenia stressed its solidarity with other member states and said it would cooperate actively in addressing the problems.⁵⁸ All the other states link solidarity only to securing external borders which is insufficient and therefore, internal reimpositions are necessary. In particular, Germany refers to an 'enormous influx of third-country nationals' which, if allowed to continue, 'would endanger the public order and internal security'.⁵⁹ Since the 'massive influx' continued, the external borders were not sufficiently secured and the transit countries did not fulfil their responsibilities, Germany decided to keep its internal controls despite its commitment to free movement and Schengen as key pillars of the EU.⁶⁰ Similarly, Austria justified the internal controls by a serious 'security situation caused by the huge migration flows to and via Austria and the reintroduction

of border controls by Germany' which might lead to its 'continuous overburdening'. Austria stresses that it is 'not responsible for the vast majority of the persons concerned' and deems the reimpositions to be 'inevitable'.⁶¹ By the same token, Sweden, Norway and Denmark justify their decisions by pointing out the 'threat to public policy a security' caused by 'unpredictable migratory flows'.⁶² Drawing on the *DHA*, the *topoi* of security and danger prevail clearly when it comes to justifying the reimpositions.

Although all states stress that they act in compliance with the Schengen legislation (*topos* of rules),⁶³ it is a rather controversial statement, since, as mentioned above, migration *per se* should not (notice the conditional) be the only reason to reimpose internal controls. However, it follows from the EC evaluation reports that all reimpositions are considered to be justified and in compliance with the legislation, since the high numbers of incoming migrants may threaten internal security and public order (again, an intensive *topos* of danger). Moreover, the EC stresses that it has not 'received any complaints from citizens about the way border controls are carried out in practice'.⁶⁴ In the last decision on prolonging internal controls, the Council states that despite progress, conditions required for 'returning to a normally functioning Schengen area are still not entirely fulfilled' and the overall functioning of Schengen is still at risk⁶⁵ which corresponds with how the states argue (see below). Interestingly enough, the *topos* of rules is used both by member states and the EC to defend the reimpositions.

The official justifications bear many similarities and, as it follows from Figure 1, all countries reimposed national controls in order to control migration flows into their territories since the common checks at the external borders were insufficient. Specifically, the moment of surprise, which is typical of many definitions of crisis, is emphasised by the German Chancellor Angela Merkel: 'When the pressure at the external borders suddenly occurred, we realised we were not prepared at all'.⁶⁶ On the other hand, as the German Minister of Interior Thomas de Maizière stated, states had some possibilities to approach the crisis as 'the Schengen Border Code includes crisis mechanisms already now in case the external border control functions insufficiently'.⁶⁷ Again, an emphasis on following the rules is expressed and the crisis of Schengen seems to be possible to overcome since appropriate mechanisms to tackle the problems are already at disposal.

In a similar vein, all countries agree that reimpositions are temporary but necessary as long as external borders are not secured. In order to enhance the latter, all five states agree on shifting more powers to the EU. Specifically, the European Border and Coast Guard (EBCG) is fully supported⁶⁸ with only Sweden insisting that the actions of the new agency must be conditioned by an agreement from the affected states.⁶⁹ As de Maizière stated: 'An efficient border control consists of two components: protection of internal borders and protection of external borders. As long as the external border controls do not work effectively, we need to protect borders on a national level to ensure law and justice.'⁷⁰ However, the countries do not try to hide that the time to agree on a common European solution may be up soon, so the pressure is considerable.⁷¹

Understandably, Norway's position is specific since it is a member of Schengen but not the EU. However, its leaders frequently stress that 'Norway is dependent on close cooperation with the EU and EU member states' and should contribute to common solutions.⁷² Indeed, although politicians admit that finding an EU solution will be difficult, there is an overall agreement that there is no other option. As the Austrian Minister of Defence Hans Peter Doskozil says: 'I'm rather skeptical. But of course I know that there is no other way'.⁷³ Overall, despite the internal reimpositions being very state-centered, all countries emphasise the need to act together and strive for an EU solution and the European framing of the issue prevails.⁷⁴ A combination of stressing time pressure and potential danger but simultaneously of a relative ease that there is a way how to handle the problems occurs.

Although the *topoi* of danger and rules prevail in the argumentation of all countries, the strategies of each government are nuanced and depend on the national context. Specifically, Austria stresses the need to register and reduce the numbers of incoming migrants since it is not responsible for all of them and other states must also participate in sharing the burden of incoming refugees.⁷⁵ The *topos* of burden sharing is explicitly used but not in the way of showing solidarity but rather requiring it from the others. Denmark's reimpositions followed the Swedish decision and their aim was to prevent rather than stop migration.⁷⁶ As the Minister responsible for migration Inger Støjberg argued: 'we cannot end up in a situation in which there are 3 000 asylum seekers at the main train station'.⁷⁷ In 2017, potential terrorist threats were also added to the reasons why internal controls should be prolonged.⁷⁸

Similar preventive reasons are stated by Norway, which moreover stresses the need to gather information about incoming (particularly illegal) migrants and criminals in order to ensure public security. The Minister of Justice Anders Anundsen acknowledged that ‘controls have a good preventive effect and we believe that many (migrants) will not try to travel to Norway because of the controls at internal borders.’⁷⁹ Also, Prime Minister Erna Solberg said: ‘The main challenge is that migrants don’t register in the first country of entry but continue into their preferred state in Europe. This is a reason why specific countries temporarily reintroduced their border controls in compliance with the Schengen legislation.’⁸⁰ Similarly, Sweden wanted to use internal controls to restrict and register migrants.⁸¹ In all three Scandinavian countries, the *topos* of potential danger is employed. In Denmark and Norway, reimpositions are perceived as a preventive measure to avoid further escalation of the crisis while in Sweden rather as a means of restricting already existing migration flows.

Whereas the representatives of the above-mentioned countries framed the reimpositions prevalently within a national discourse while stressing the *topos* of danger, German leaders stressed how crucial an EU-led approach is and how dangerous national solutions might be, even though it was the first country to carry out the reimpositions in 2015. The reimpositions themselves are perceived as a signal towards Europe that Germany alone cannot accept all refugees.⁸² According to Merkel, ‘the EU must secure the external borders together and ensure the Schengen cooperation regarding visa-free movements across borders, otherwise, nationalism might come back’⁸³ The other countries also see a coordinated EU solution as necessary but, in contrast to Germany, also mention that they have to proceed on a national level *just* because the EU has failed to control external borders.⁸⁴

Regarding solidarity and burden sharing, i.e. two aspects of Schengen which are frequently criticised by scholars, all countries acknowledge their necessity but require that also other member states share the burden. Particularly Austria and Denmark state that their solidarity with receiving refugees has clear limits.⁸⁵ Also Merkel argues ‘Germany, Austria and Sweden, as I want to stress again, cannot solve the problems alone’.⁸⁶ On the other hand, Sweden explicitly states that solidarity must also be expressed towards refugees themselves.⁸⁷ Hence, the *topos* of solidarity and burden sharing is also used differently in each country.

Drawing on refugee treatment, all countries claim that the right to seek asylum will be ensured and not restricted by the reimpositions, which only aim at those who want to abuse the system.⁸⁸ As the Austrian Minister of Interior Wolfgang Sobotka said, the reimpositions are a clear signal towards illegal migrants and smugglers who should know that not everybody will be received.⁸⁹ This being said, in Austria, Denmark, Norway and Sweden, the conditions for getting asylum were made significantly stricter during 2016⁹⁰ and also Germany had to make concessions to its liberal 'Wilkommenskultur'.⁹¹ The interconnection of Schengen with asylum policies is very explicit in all countries. As Merkel says: 'Only if there is a reform of Dublin will we be able to preserve Schengen permanently'.⁹² Swedish Minister for Home Affairs Anders Ygeman claimed that if the EU fails to address the refugee question collectively, 'the whole Schengen system is in danger'⁹³ and Swedish Prime Minister Stefan Löfven even warned that 'the whole Union can swing if the refugee crisis is not solved and the Schengen cooperation collapses completely'.⁹⁴ Obviously, both policies go hand in hand and the Schengen crisis must be seen in a broader context of refugee politics.

The decision to reimpose internal controls has not always been straightforward, which documents the controversy of this emergency mechanism. Germany's decision to reimpose its internal controls in September 2015 certainly contributed to Austria following⁹⁵ but the first reaction of Austrian Chancellor Werner Faymann was that his country will not strengthen its border controls.⁹⁶ However, he quickly gave in to his coalition party ÖVP and particularly the outspoken Minister of Interior Johanna Mikl-Leitner, who was in favour of reimpositions.⁹⁷ Similarly, Denmark and Norway reacted to Sweden's decision since they did not want to replace it as the preferred refugee destination in Scandinavia.⁹⁸ Whereas Norway admitted that 'it must follow closely what other countries do and act swiftly'⁹⁹ but welcomed the Swedish decision,¹⁰⁰ Danish Prime Minister Lars Løkke Rasmussen hesitated but it took him only one day to change his mind from not wanting to reintroduce the internal borders to doing exactly that. However, he admitted that internal controls are 'a big step backward for the idea to connect Copenhagen with Skåne and create a powerful international region'.¹⁰¹ Moreover, the Danish government feared that reimpositions would increase asylum applications.¹⁰² Contrarily, Sweden welcomed the Danish reimpositions by saying that 'finally, Den-

mark takes responsibility for the Nordic region.¹⁰³ Although this paragraph shows how difficult the decision to reintroduce internal controls might be, unanimity within all government coalitions was achieved in the end.¹⁰⁴ Austria has probably experienced the most tangible differences. Whereas Chancellor Faymann and his successor Christian Kern (both SPÖ) were hesitant about reimpositions, Mikl-Leitner (ÖVP) was in favour of them and even supported fences on borders inside Schengen, which is unprecedented. (Regarding government or government-supporting parties, only the Danish People's Party officially supports fences within Schengen and is in favour of building one between Denmark and Germany.¹⁰⁵ Fences on the external borders are more common: Austria built a fence in Spielfeld (Slovenia), prepared one in Burgenland (Hungary) and planned one in Brenner (Italy)¹⁰⁶ and Norway built a fence on the border to Russia, allegedly not because of refugees but as an upgrade of the border.¹⁰⁷)

Overall, regardless whether the government is rather centre-left (Sweden), centre-right (Denmark, Norway) or forms a big coalition (Germany, Austria) and whether the strongest party is conservative (Norway) or liberal (Denmark), the official position towards Schengen is it must be preserved despite the external refugee flows (*topoi* of security and danger).¹⁰⁸ All countries emphasise how positive Schengen is, most explicitly Germany. Merkel says 'everything must be done to keep Schengen alive'¹⁰⁹ since 'the Schengen area is an area cherished by everybody'.¹¹⁰ She adds that 'the current border controls do not mean the end of Schengen. I want to return to an open Europe and to a borderless Schengen'.¹¹¹ No government representatives claim that Schengen should be abolished despite its problems. Even the skeptical Mikl-Leitner, who warns that 'Schengen is on the brink of collapse',¹¹² claims that 'our priority is to save Schengen'.¹¹³ It seems that the open borders are perceived as a significant achievement that nobody is willing to give up (*topos* of usefulness).¹¹⁴ In compliance with the wish to preserve Schengen, politicians seem to emphasise on every occasion that they act fully in line with the Schengen *acquis* (*topos* of rules) and that reimpositions are a last resort mechanism which is inherent to Schengen but only taken for a limited period of time in order to prevent further escalation of the crisis.¹¹⁵ All in all, as presented by the member states, the reimpositions are employed to calm the Schengen crisis down rather than to be the cause of it.

Conclusion: Crisis vs Critique

As it follows from the analysis, there is a broad agreement that the Schengen crisis was surprising and unexpected, and that it was brought about by extraordinary refugee flows into Europe, which the external border controls were not able to manage. However, while scholars criticise reimpositions for being an unfortunate, state-centered approach to the problem, all five states and the EU deem them to be an adequate coping mechanism that is embedded in the Schengen *acquis* exactly to tackle such a situation. At the same time, the states are aware that reimpositions are just a temporary solution and there is a time pressure to find a long-lasting one. Moreover, although the crisis is only rarely seen explicitly as an opportunity to strengthen the cooperation,¹¹⁶ states are positive that Schengen will be preserved. Interestingly enough, the analysis shows that politicians use predominantly pragmatic arguments when explaining why reimpositions are necessary and, more generally, why Schengen is an asset, particularly from an economic point of view. The symbolic value of the free movement or, on the other hand, of national border controls is not employed (as the scholarly literature might insinuate).

Furthermore, despite the reimpositions being a state-centered decision, all states want to strive for an EU solution, particularly at the external borders since only if external controls are efficient can reimpositions be abolished again. Although the *topos* of (potential) danger of too many incoming refugees prevail, the *topos* of rules is also dominant as politicians stress they act in compliance with the Schengen legislation and ensure the right to seek asylum. Reimpositions aim particularly to identify and select those who enter illegally. Despite the overall consensus on the main argumentation strategies, there are certain national specifics (cf. Figure 1) which document the importance of studying also the subjective critique of a crisis. For example, whereas Denmark puts the reimpositions into a rather Scandinavian context, Germany's argumentation is targeted at the whole EU. Alternatively, while Norway and Denmark focus predominantly on prevention, Sweden, Austria and Germany on registration and restriction. Also, Denmark does not use the *topos* of solidarity, but the other countries do so frequently.

To conclude, all states intend to maintain Schengen despite the difficulties they decided to address by employing one of its emergency mechanisms. Drawing on Koselleck's typology, reimpositions do not

Markéta
Votoupalová

need to be the beginning of an end of Schengen since the actors involved, be it the selected states or the EU, consider the reimpositions to be a way to return to a normal functioning of Schengen. Hence, they do not expect an irreversible change in history but rather a transition period after which the original state will be restored. No violent conflict is to be expected as the IR theory of crisis would suggest. In Antonio Gramsci's words, the 'crisis consists precisely in the fact that the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear'.¹¹⁷ Reimpositions might represent these symptoms.

Of course, this study offers a specific case study and it would be interesting to see how other actors argue about the current Schengen crisis and whether they perceive reimpositions as an inherent part of Schengen or rather a threat to it. However, as it follows from this analysis, it is worth studying how the Schengen crisis is socially constructed since without understanding what specific actors mean when discussing the Schengen crisis, it is not possible to find appropriate solutions.



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Figure 1 Argumentation strategies

<i>Perception of crisis</i>	<i>Austria</i>	<i>Denmark</i>	<i>Germany</i>	<i>Norway</i>	<i>Sweden</i>
<i>Purpose of reimpositions</i>	Control, registration and restriction of incoming migrants, <i>for many of which Austria is not responsible</i>	Last resort, only random checks, to prevent (rather than stop) illegal migration, <i>later on against terrorism</i>	<i>Control, registration and restriction of incoming migrants, internal security</i>	To prevent illegal migrants and criminals from entering, to gather information and to ensure public security, <i>preventive effect</i>	Control, registration and restriction of incoming migrants
<i>EU vs national approach</i>	<i>EU approach key but as long as it is not feasible, national approach needed</i>	<i>EU has failed to control external borders => national solution</i>	EU approach key, national solutions potentially dangerous	Norway dependent on the EU, wants to contribute, national solutions inadequate, <i>more, not less cooperation needed</i>	<i>EU approach key, but each state responsible for its borders</i>
<i>External controls</i>	Insufficient, stricter EU management needed, <i>more power to Frontex welcomed</i>	Insufficient, stricter EU management needed, need to control also EU citizens	Insufficient, stricter EU management needed, <i>more power to Frontex welcomed</i>	Insufficient, stricter EU management needed, <i>more power to Frontex welcomed</i>	Insufficient, stricter EU management needed, <i>more power to Frontex welcomed but only if states agree with its presence, need to control also EU citizens</i>
<i>Solidarity, burden sharing</i>	<i>Needed, all countries must share the burden, not only a few incl. Austria</i>	<i>Denmark doesn't want to accept those who can't continue to Sweden</i>	Necessary, Germany receives more asylum seekers than it is supposed to according to EU law	<i>Relocations necessary to help countries controlling external borders</i>	Solidarity with refugees precondition to Schengen membership
<i>Domino effect</i>	<i>Potentially dangerous</i>	Danish reimpositions reaction to Sweden	<i>In reaction to Germany, Austria reimposed internal controls and Czechia, Slovakia and Poland considered them</i>	<i>Sweden and Denmark reimposed => Norway too</i>	<i>If Sweden reimposes controls, more asylum seekers who would otherwise continue to Norway and Finland may apply here</i>

<i>Right to seek asylum</i>	<i>Remains ensured, conditions made stricter</i>	<i>Yes, as long as Denmark can manage applications, conditions made stricter</i>	<i>Remains ensured, conditions made stricter</i>	<i>Remains ensured and thanks to reimpositions even enhanced, conditions made stricter</i>	<i>Remains ensured, refugees can apply in other countries, conditions made stricter</i>
<i>Political agreement</i>	<i>ÖVP stricter than SPÖ</i>	<i>Unanimity within coalition</i>	<i>Unanimity within coalition</i>	<i>Unanimity within coalition</i>	<i>Unanimity within coalition</i>
<i>Topoi</i>	<i>Topos of security, burden sharing, solidarity, rules</i>	<i>Topos of security, burden sharing</i>	<i>Topos of security, burden sharing, solidarity, rules</i>	<i>Topos of security, burden sharing, rules</i>	<i>Topos of security, burden sharing, solidarity, rules</i>
<i>Schengen crisis</i>	<i>Austria follows the rules, back to normal functioning as soon as external controls sufficient, open borders cherished</i>	<i>Back to normal functioning as soon as external controls sufficient, mostly Scandinavian context</i>	<i>Back to normal functioning as soon as external controls sufficient, open borders cherished, both Dublin and Schengen reform key to preserve Schengen, everything must be done to keep Schengen</i>	<i>Schengen threatened by enormous refugee pressures, crucial to reduce them and control external borders properly in order to preserve Schengen, simultaneously, Dublin and Schengen help manage the refugee crisis</i>	<i>Schengen threatened by enormous refugee pressures, external controls must be enhanced, Dublin must be replaced, asylum cooperation precondition to Schengen cooperation</i>

Source: Author's own. Main argumentation strategies in bold.

Notes

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Markéta
Votoupalová

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*Markéta
Votoupalová*

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*Schengen
in Crisis?*

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