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PUBLIC LECTURE

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IHS, Stumpergasse 56
1060 Vienna, Lecture Room SZ6 N601

National responses to European Court Jurisprudence: Free movement case law and the current debate on welfare migration

ABSTRACT

European Court jurisprudence has recently attracted considerable public attention in debates about “social tourism” or “welfare migration”. The substantive debate concerns the questions whether EU citizens’ right to free movement, as interpreted by ECJ case law, facilitates access to the social systems of other EU member states, and if this is the case, whether and how to respond politically. Opinions differ greatly as to the Court’s domestic impact – from promoting transnational solidarity in Europe to undermining national welfare systems – but, in fact, very little is known about the systematic effects of European Court jurisprudence. The lecture will, first, discuss on a general level research on Europeanization through case law and, secondly, present preliminary empirical findings on the political responses to the Court’s jurisprudence in two countries that are often regarded as ‘most likely’ targets of welfare migration: Austria and Germany. Domestic political responses, it is argued, depend on whether existing legal uncertainty is mainly a burden for migrants or state officials.

Michael Blauburger is Assistant Professor in European Politics and Political Theory in the Department of Political Science and Sociology at the University of Salzburg and member of the Salzburg Centre of European Union Studies (SCEUS). He studied Political Science, Public International Law and Economics at the Ludwig Maximilian University of Munich and University of Paris I (1999-2004). He wrote his doctoral thesis on European state aid control at the Max Planck Institute for the Study of Societies, Cologne and the University of Bremen (2005-2008, published in 2009, VS Verlag). From 2008 to 2011, he was a postdoctoral research fellow at the Collaborative Research Centre ‘Transformations of the State’ in Bremen and Jean Monnet Fellow at the European University Institute in Florence. He published on European competition policy, Europeanisation and integration through law in peer reviewed journals such as the Journal of European Public Policy, West European Politics, Journal of Common Market Studies, Politische Vierteljahresschrift and Zeitschrift für Internationale Beziehungen. In his current research, he investigates EU Member states’ responses to the jurisprudence of the European Court of Justice.