

ANGELA DI STASI, MARIA CATERINA BARUFFI, LINA PANELLA. *Cittadinanza europea e cittadinanza nazionale. Sviluppi normativi e approdi giurisprudenziali*. A cura di. Napoli, Editoriale Scientifica, 2023, 628 p.

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1. This volume edited by Angela Di Stasi, Maria Caterina Baruffi, Lina Panella and published in the *Freedom, Security & Justice* Journal series constitutes a collection of essays on relevant legal issues of European citizenship and national citizenships. Both the three editors and many of the authors of the chapters are experts on these issues and have previously published appreciated monographs on the subject. The volume is also enriched by essays written by a number of young scholars, for a total of twenty-two chapters and an afterword by Bruno Nascimbene.

2. This large number of contributions serves the purposes of the volume, which are well explained by Angela Di Stasi in her Introductory chapter. More precisely, “the book aims at subjecting the concept of European citizenship to a critical review. The objective is to ascertain, as the European integration process evolves, its possible expansive potential, as well as its degree of permeability with respect to the evolutionary dynamics that have affected and continue to affect the coexisting national citizenship”.

In view of the multiplicity of legal issues that such “fluid and instable” (Di Stasi) interrelation raises, the chapters dwelling on some of them have been appropriately divided into three sections.

3. The first section concerns national citizenships and its dynamics with the European citizenship. The introductory chapter, written by Lina Panella, deals precisely with the attribution of Italian citizenship and its compatibility with international and European law. The author highlights that the concrete application of the relevant Italian law (Law of 5 February 1992, n. 91), in addition

to being contrary to international obligations regarding the protections of human rights, precludes minors, who are children of foreigners residing in Italy, from the attribution of both the Italian and the additional European citizenship. The author therefore welcomes the proposed introduction of the so-called *Ius Scholae* criterion. The latter consists in the granting of the Italian citizenship to young people born or arrived in Italy before the age of twelve, who reside legally in Italy and have regularly attended at least five years of study there.

The first section also contains essays on, among others: the legislations on citizenship of other European States (Gatti); the theoretical assumptions of the concept of national (Porena) and European (Morviducci) citizenship; the illegal legislative policies pursued by Russia, after its unlawful aggression of Ukraine, of “passportization” and “russification” of the inhabitants of Donbass (Perrini); the problems of international law related to multiple nationality (Marinai) or statelessness, especially when the latter is an effect of national measures to fight against international terrorism (Musmeci); the free movements of European citizens (Diverio, Palladino).

Central to the second section are the interactions between European citizenship and the dynamic forms of contemporary family statutes. Indeed, already in the introductory chapter, Maria Caterina Baruffi dwells on, among other things, the question of the citizenships of children of same-sex couples. She develops her arguments taking into account the important para. 68 of the 2021 judgment of the Grand Chamber of the European Court of Justice (ECJ) in the *V.M.A.* case, according to which “A child, being a minor, whose status as a Union citizen is not established and whose birth

certificate, issued by the competent authorities of a Member State, designates as her parents two persons of the same sex, one of whom is a Union citizen, must be considered, by all Member States, a direct descendant of that Union citizen (...).” The author also wonders whether the 2022 proposal for a European certificate of parenthood could be useful for the circulation of family statuses.

ECJ jurisprudence on homoparental families is also analysed by Luigimaria Riccardi. Without undermining Member States competences in the field of family law, the ECJ, by appealing to the rights that derive from the European citizenship, seeks to put a curb on discriminatory and sometimes, in my opinion, essentially homophobic national measures that pursue no other goal than to compress or deny rights.

4. The second section also contains essays on, *inter alia*: the limits to the Member States rules on granting or revoking national citizenship determined by EU law (Barel); the movement of students in the European Union (Pitrone); and the role that European Public Prosecutor’s Office (EPPO) can play as a catalyst in the process of building European citizenship.

5. The third section focuses on active citizenship and participatory democracy. The introductory chapter of Susanna Cafaro is substantially devoted to the Conference on the Future of Europe, held between May 9 2021 and May 9 2022, and defined as an unprecedented democratic exercise on a European scale.

Among other chapters, the third section also contains the European citizens’ legislative initiatives with particular reference to those that, in various ways, pertain to environmental matters (Festa); the reform of European electoral law, which is object of a specific proposal approved by the European Parliament on May 2022 (Colavecchio); and the so-called digital citizenship (Buonomenna).

6. As can be seen, this is a dense and well-articulated volume. In his afterword, Bruno Nascimbene believes that the individual contributions represent a cross-section about the evolving profiles of European and national citizenships.

It seems to me that the volume is also something more. It is a mine from which to extract valuable information as well as qualified reflections on the normative and jurisprudential developments on the subject of citizenship. Just to give a few more examples, in the book one can find considerations regarding the analyses of the concepts of peoples and citizenships in the legal thought of Kelsen, Jellineck and Böckenförde (Porena); the revocation of citizenship in the case-law of the African Court of Human Rights and Peoples’ Right (Musmeci); the protection of bio-rights in the case of *post-mortem* fertilization (Martines); Brexit and European citizenship (Colucci, Naddeo); and more in general the new “borders” of a European citizenship that appears to be “under stress” (Di Stasi).

For this very reason, perhaps, a detailed analytical index would have been the umpteenth merit of this excellent and useful volume.