

**The Difficult Relationship between European Sovereignty and European
Democracy in Franco-German Discourse**

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¹ This paper has been written with substantial help of Julian Plottka.

EXECUTIVE SUMMARY

This paper assesses the notion of European sovereignty in the European discourse. The paper looks especially at French and German positions with respect to European sovereignty. It details how the question or the search for European sovereignty, in recent months, overlapped or intermingled with the question of European strategic autonomy, when the COVID-19 pandemic demonstrated the strategic vacuum of the EU. European sovereignty, in this context, became an empty signifier for the lack of European power.

In order to detail a semantic turn when using the term of European sovereignty, this paper firstly, retraces the European speeches of Emmanuel Macron and their reception in Germany. It shows how Macron intended to link the term sovereignty to the EU's democracy deficit, its lacking input-legitimacy and the lack of citizens participation. Secondly, the paper analyses the ambitions of both countries formerly known as the Franco-German "couple", "motor", or "tandem" of European integration, to develop an independent capacity to act for the EU, securing its strategic autonomy on the global stage, in policy areas such as foreign, security, digital, or energy policy. It argues that the *strategic* fallouts and the powerlessness of the EU in nearly all policy areas relates to the EU's internal and democratic flaws. The key finding is that there cannot be a "sovereign" external policy of the EU without legitimised institutions and a full-fledged democratic polity, linking sovereignty back to the representation of European citizens. In other words, clarifying the question of legitimacy is the very condition for strategic autonomy or even sovereignty of Europe in all relevant policy areas, especially in so called core state competences. The EU's current tendencies of institutional dismantling, if not unravelling have come to a point where the question of power – thus the question of the EU's capacity to act coherently – internally and externally – depends on the answer to the question "who decides in Europe".

Social Media summary

Europe will only be able to solve its sovereignty problem, if it addresses the questions of internal legitimacy and strategic autonomy together. They are two sides of the same medal. It is necessary to give the same answers to both questions: Who decides within the EU?

Keywords

#EuropeanSovereignty #France #Germany #FrancoGermanTandem #EU-Governance
#EuropeanSecurityPolicy #CoFoE #EuropeanCitizens #EuropeanRepublic

Short bio

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1. Introduction

The concept of sovereignty is among the most contentious in the political sciences. The classical notion of sovereignty, as described in older texts of political theory from Jean Bodin or Thomas Hobbes to John Locke and many others, referring to state entity and political legitimacy based upon the (fictional) act of a sovereignty transfer from citizens to a state government that rules “by the law” has become increasingly obsolete. The concept is no longer capable of explaining the contemporary globalised world consisting of overlapping legal orders.² Nor is it adequate to capture the current loss of sovereignty at (nation-)state level produced and enhanced by an increasingly market-driven production mode that empowers huge companies and private actors to shape global governance. State entities become increasingly dependent on them and citizens’ demands are ever more negligible, as their protest capacity is reduced on global scale. Both, the state-centred concept of sovereignty as much as the conceptual basis of citizens’ contentment, providing the legitimate basis of state-action, are eroding. This trend has probably taken on a new dynamic through the pandemic and the management of it.³

This paper is not the place to analyse and discuss the deep-rooted notions of the concept of sovereignty in its legal dimension, nor its changing perceptions in political thought. This paper wants to take a closer look at an emerging discussion on *European sovereignty*. A term closely linked to French President Emmanuel Macron’s speeches and proposals for the future of Europe since the beginning of his presidency in 2017. “*Sovereignty, unity, democracy*”, an often-repeated triptych by Macron, feeds indeed new wording in the EU discourse. For some 70 years the EU’s vocabulary was about integration, economic cooperation, neo-functional spill-overs towards a (never closer spelled-out) “political union” and about building a legal community, rather than about sovereignty, unity, or democracy.

Spearheaded by French President Macron, the concept of European sovereignty is used increasingly often in debates on the role of the EU in the world. The concept’s recurrent use makes it important to reflect on what it means to speak of European sovereignty in the context of the EU’s institutional reality. The sudden use or application of words such as *European sovereignty* or *European democracy* to the EU leaves the taste of an oxymoron. (State) sovereignty is, by definition, indivisible, yet, the EU is composed by now 27 nation states, each “sovereign” by itself. If sovereignty is a normative instance of last resort, the *ultima ratio* of an (autonomous) political order, then sovereignty – in the classical sense at least – resides in the state or in *a* state.⁴ Yet, the EU is not a state and has at least no officially declared ambitions to become one. So, what does “European sovereignty” mean in the context of EU policies?

To state the obvious, the use of the term sovereignty and the repeated claim for the EU to become sovereign is not a discourse about European state-building, nor is it a debate about the EU’s rather problematic legitimacy base. It is a discourse about the dramatic lack of geo-strategic and geo-economic power and efficiency in the global arena and the EU’s ambition to become an efficient global actor in various policy areas. The latter is increasingly perceived as Europe “losing out” in the international arena, with respect to competition for natural resources, digital transformation,

² Neil MacCormick: Beyond the Sovereign State, in: *The Modern Law Review*, Vol. 56 (1993), No. 1, pp. 1-18.

³ Fabio Vighi: Slavoj Žižek, Emergency Capitalism, and the Capitulation of the Left, in: *The Philosophical Salon*, 24.05.2021, available at: <https://thephilosophicalsalon.com/slavoj-zizek-emergency-capitalism-and-the-capitulation-of-the-left/>.

⁴ Nicolas Leron: Les faux-semblants de la souveraineté européenne, in: *Esprit*. Comprendre le monde qui vient, May 2019.

military, or economic power.⁵ The pandemic has shown to which extent the EU is struggling to get its act together, whereas other sovereign states can act bold and quick, because they do not need to find compromises among 27 member states. Sovereignty and strategic capacity are heavily amalgamated in European discourses. Yet, few thought is given to the fact that, if the EU wants to acquire strategic capacity to defend its values and interests, external European sovereignty must go hand in hand with a meaningful degree of popular sovereignty.⁶ This paper elaborates on this aspect, linking the sovereignty/strategy dilemma with the dimension of popular “European sovereignty”, referring to the question of European legitimacy and linking it to a fully fledged European citizenship. As legitimacy and sovereignty are intertwined normative concepts, the definition of a European citizenship – a debate which is gaining increasing momentum – seems key to provide the legitimacy basis for a new concept of European sovereignty, perhaps paving the way for Macron’s triptych of European “*sovereignty, unity and democracy*.”

2. The Sovereignty-strategy Dilemma of Macron’s Vision of “European Sovereignty”

Macron has shown impressive ambitions in his vision for the new formation (“refondation”)⁷ of the European Union and thus created high expectations regarding his European policy. The Economist portrayed him as the saviour of Europe walking on water, ahead of the second round of the 2017 parliamentary elections in France.⁸ While he took the French discourse on European policy to another level and changed the EU-wide discourse, his achievements in reaching reforms or even a fundamental revision of the EU are less breath-taking. In this paragraph, I trace back Macron’s European discourse and show that sovereignty is central to it, before I analyse, why he was hardly able to turn his ambitious plans into concrete action. It becomes clear that Macron’s current vision is not anymore about European sovereignty, which would require steps towards a European Republic,⁹ but strategic autonomy of the EU in which France remains a dominant player. In current European discussions, the two notions of *sovereignty* and *strategic autonomy* are often mixed up or do overlap, with sovereignty mostly serving as empty significant for the evident lack of political power of the EU. To explain why Macron achieved little progress during his first tenure, the role of the German government within the Franco-German couple is key. Finally, the paragraph sketches major task ahead of the European Union to achieve strategic autonomy. A re-election of Macron in 2022 coupled with a traffic light coalition in Germany, could open a window of opportunity for progress in achieving strategic autonomy for the Union. However, advances towards real European sovereignty have to be more ambitious.

2.1. Macron’s Semantic Turns in European Discourse

⁵ Margriet Drent: European strategic autonomy: Going it alone?, in: Clingendael. Netherlands Institute of International Relations: Policy Brief, The Hague 2018.

⁶ Thomas Verellen: European Sovereignty Now? A Reflection on What It Means to Speak of “European Sovereignty”, in: European Papers, Vol. 5 (2020), No. 1, pp. 307-318.

⁷ Emmanuel Macron: Révolution, Paris 2016.

⁸ The Economist: Europe’s saviour? A landslide legislative victory would put the new president in a position to transform France, 17th June 2017.

⁹ Ulrike Guérot: Why Europe Should Become a Republic. A Political Utopia, Bonn 2019: Chapter III is detailing, why the notion of sovereignty, in classical terms of political theory, exceeds the notion of strategic autonomy and must, in essence, be state-linked and citizens-based.

The centrality of the term of “European sovereignty” in Macron’s conception of European policy dates back to his electoral campaign before the presidential elections in 2017. Analysing Macron’s electoral platform, Schild¹⁰ identifies “la souveraineté européenne” (“European sovereignty”)¹¹ as one of two key ideas justifying Macron’s European policy.¹² It covers five dimensions,¹³ including security (internal and external), economic growth (EU-level economic policy and social protection), sustainable development, digitalisation and the protection against globalisation (protection of European businesses against global competition, a more value and interest driven trade policy).¹⁴ In each of the five dimensions, the platform entails concrete proposals to strengthen the EU’s internal and external sovereignty in terms of capacities and powers to act.

Steps to achieve popular sovereignty in the European Union are less ambitious in Macron’s platform: It acknowledges the need to strengthen European identity, which shall be achieved by educational programmes.¹⁵ Concerning democratic legitimation of the EU’s new powers, the campaign platform lists four measures: the creation of a Eurozone parliament, which has the power to decide on the Eurozone budget; a European convention setting policy priorities for the Union (which became the Conference on the Future of Europe¹⁶ later on); transnational lists for the 2019 European elections: and vigilance committees to monitor trade negotiations, involving representatives of associations and NGOs.¹⁷ While each proposed measure is worth to be considered to strengthen the democratic legitimacy of the current EU, they all fall short of balancing the proposed Europeanisation of core state powers with adequate popular sovereignty after a “refondation” of the EU.

Against this backdrop, it has been discussed whether Macron’s discourse on European policy is really that new within French politics. Schild sees strong similarities between Macron’s understanding of “European sovereignty” and the old narrative of “Europe puissance”.¹⁸ In his Sorbonne speech, Macron is clear on this point: “We can no longer choose to turn inwards within national borders; this would be a collective disaster. We must not allow ourselves to be intimidated by the illusion of retreat.”¹⁹ “Only Europe can, in a word, guarantee genuine sovereignty or our ability to exist in today’s world to defend our values and interests.”²⁰ Since Charles de Gaulle,

¹⁰ Joachim Schild: Emmanuel Macron – europapolitischer Visionär, Revolutionär, Reformier?, in: Deutsch-Französisches Institut (ed.): Frankreich Jahrbuch 2018. Frankreich Jahrbuch, Wiesbaden 2019, pp. 61-77, here p. 62-64.

¹¹ La République En Marche: Le programme d’Emmanuel Macron pour l’Europe. Une Europe qui protège les Européens, without date, available at: <https://en-marche.fr/emmanuel-macron/le-programme/europe>.

¹² The other key idea is “une Europe qui protège” (“a Europe that protects”). Ibid.

¹³ In later speeches, Macron mentioned six dimensions including security, migration, relations with Africa and the Mediterranean, sustainable development, innovation and digitalization, and economic and monetary power. See: Emmanuel Macron: Speech on New Initiative for Europe, 26th of September 2017, available at: <https://www.elysee.fr/en/emmanuel-macron/2017/09/26/president-macron-gives-speech-on-new-initiative-for-europe>.

¹⁴ La République En Marche: Le programme d’Emmanuel Macron pour l’Europe, without date.

¹⁵ Ibid.

¹⁶ Julian Plottka: Die Konferenz zur Zukunft Europas zwischen „Konvent 2.0“ und „Intergouvernementalismus 3.0“: Warum Europa diese Chance zur Reform nutzen muss, in: *integration*, Vol. 43 (2020), No. 3, pp. 231-244.

¹⁷ La République En Marche: Le programme d’Emmanuel Macron pour l’Europe, without date.

¹⁸ Schild: Emmanuel Macron, 2018.

¹⁹ Emmanuel Macron: Speech on New Initiative for Europe, 2017.

²⁰ Ibid.

French governments drew the same lesson from the fading French influence on global politics.²¹ For them, European integration was an instrument to regain substantive sovereignty on the EU-level, which the French nation had lost in World War II and the dissolution of its colonial empire; just like “Westintegration” (“integration into the Western alliance”) was the route for Western Germany to regain formal and – due to its economic success – also substantive sovereignty.

Both countries have understood that sovereignty is neither indivisible nor a zero-sum game in a multi-level system. While this reading of European sovereignty entails that it’s not supranational, but remains an instrument to pursue national objectives, shared by EU member states, Macron went further: Talking about his conception of European sovereignty, he retrospectively stated in 2020: “[...] if there were European sovereignty, there would be a fully established European political power in place”.²² Thus, Macron had initially more in mind than “Europe puissance”.

Such a supranational conception of sovereignty has to include popular sovereignty, and may not be limited to increasing “state” capacities in order to regain internal and external sovereignty. For Macron, “sovereignty, unity and democracy are [also] inextricably linked”.²³ This undeniable linkage embraces the legitimacy question and the question of who is the ultimate owner (or provider) of sovereignty. A so far non-existing “European people”? Already during the making of the Maastricht Treaty, “souverainist” voices from both the left²⁴ and the right²⁵ argued that handing over sovereign core state competences (such as monetary policy) to the EU without having a European *demos* would trigger democratic tensions in the EU governance system.

This is precisely what happened. At least two decades of academic literature since the Maastricht Treaty have been dealing with questions of European *demos* or Democracy,²⁶ the European

²¹ Olivier Rozenberg: Frankreichs Suche nach einem europäischen Narrativ, in: *integration*, Vol. 37 (2014), No. 4, pp. 309-319.

²² Emmanuel Macron/Gilles Gressani/Mathéo Malik/Ramona Bloj: *The Macron Doctrine*, November 2020, available at: <https://geopolitique.eu/en/2020/11/16/the-macron-doctrine/>.

²³ Due to limited space, this linkage cannot be explored in detail in this paper. For the quote, see: Macron: *Speech on New Initiative for Europe*, 2017.

²⁴ Jean Pierre Chevènement: *La France est-elle finie*, Paris 2012. In this book, the former socialist minister looks back in a very disappointed, if not angry, way to the years in which the Maastricht Treaty was negotiated by François Mitterrand, stating that the treaty was a huge mistake.

²⁵ Important Gaullist deputies from the “Union pour un mouvement Populaire” (UMP) such as Charles Pasqua shared the same concerns. When Mateuz Morawiecki now contests sovereignty and democracy of the EU in the context of the Polish Court case, the discussion goes back to this very sensitive point: What is sovereignty really? And who decides in the EU? To both questions, there are no simple answers, and this makes Macron’s discourse on European sovereignty hard to grasp. It would be interesting to set up a European research cluster to analyze the connection between these first “soverainist” debates in the EU around the 1992 momentum; and current discourses in which the notion of sovereignty becomes the key word of European developments, be it on the “populist” side (e.g. Mateuz Marowiecki) or on the liberal side (Emmanuel Macron). The theoretical work of Martin Mendelski could be a good basis for this, e.g. Martin Mendelski: *Das europäische Evaluierungsdefizit der Europäischen Union*, in: *Leviathan*, Vol. 44 (2016), No. 3, pp. 366-398.

²⁶ Nicolaidis, *Kalypso: Sustainable Integration in a Democratic Polity: A New (or not so new) Ambition For the European Union after Brexit*, in: Benjamin Martill/Uta Staiger (eds.): *Brexit and Beyond. Rethinking the Futures of Europe*, London 2018, pp. 212-221.

democratic deficit,²⁷ the failure of the constitutional process of the EU in 2005²⁸ and, more recently, the discovery of the citizens as both owners and agents of European sovereignty.²⁹ In a way, Macron's speeches are new wine in old bottles.

Thomas finds elements in Macrons' discourse on Europe, which can be interpreted as Macron's approach to popular sovereignty.³⁰ She considers Macrons' speeches of 2017 and 2018 an attempt to confer the French President's role of the speaker of the French nation, as the unifier of the nation and as the "Sinnstifter" ("sense maker") of the nation to the European level. In his speeches, he evokes a community of European citizens, once even calling it a European people and refers to a European common good, temporarily threatened by internal divisions and a "a civil war"³¹ during the crisis in the Eurozone. Macron also provides a justification for the integration project, using the terms "freedom, democracy and the social balances"³², which echo the motto "liberté, égalité, fraternité".³³ While his concrete proposals to reform the European Union remain short concerning the creation of European popular sovereignty and legitimation through procedure, Macron tried to strengthen European identity and to provide legitimacy to the project of European integration by acting as a French President of Europe. In this reading, his approach to European sovereignty entails internal, external and popular sovereignty. However, Macron's approach to European popular sovereignty embodied by the French President did not work in a Union of mainly parliamentary systems, which do not share the French tradition of presidentialism.

Even though the concept was too ambitious for many Europeans in terms of supranational and popular sovereignty, Macron's call for European sovereignty was well timed. In Donald Trump's first year in office, he proposed a European answer to the changing geopolitical landscape and the crisis of transatlantic relations.³⁴ Macron's diagnosis of NATO's "brain death"³⁵ was an exaggeration in the tradition of French ambivalence towards the alliance.³⁶ However, Macron's

²⁷ Jean-Marc Ferry: *La question de l'Etat Européen*, Paris 2000; Partrick Savidan: *République ou l'Europe*, Paris Folio 2004; Jürgen Habermas: *Ach, Europa*, Frankfurt Main 2013; Claus Offe: *Europe Entrapped. Does the EU have the political capacity to overcome its current crisis?*, in: *European Law Journal*, Vol. 19 (2013), No. 5, pp. 595-611; Jürgen Habermas: *Der Demos der Demokratie – eine Replik*, in: *Leviathan*, Vol. 43 (2015), No. 2, pp. 145-154; Fritz W. Scharpf: *Deliberative Demokratie in der europäischen Mehrebenenpolitik – eine zweite Replik*, in: Vol. 43 (2015), No. 2, pp. 155-165.

²⁸ Interesting in this respect that the Economist, when reporting about the European Constitution in 2003, created a cover page with the title: "We, the People of Europe....", alluding precisely to the emanation of sovereignty by the people.

²⁹ Hartmut Kaelble: *Der verkannte Bürger. Eine andere Geschichte der europäischen Integration seit 1950*, Frankfurt/New York 2019; Etienne Balibar: *Sommes nous Citoyens de l'Europe?* Paris 2003.

³⁰ Anja Thomas: *Ein Paradigmenwechsel im französischen Europadiskurs – Auswirkungen für das deutsch-französische Tandem in der EU?*, in: *integration*, Vol. 41 (2018), No. 2, pp. 128-140.

³¹ Emmanuel Macron: *Discours du Président de la République*, Emmanuel Macron, à la Pnyx, Athènes le jeudi 7 septembre 2017, available at: <https://www.elysee.fr/front/pdf/elysee-module-786-fr.pdf>.

³² *Ibid.*

³³ Thomas: *Ein Paradigmenwechsel im französischen Europadiskurs*, 2018, p. 132.

³⁴ Kristian L. Nielsen/Anna Dimitrova: *Trump trust and the transatlantic relationship*, in: Toby S. James (ed.): *The Trump Administration, Special Issue of Policy Studies*, Vol. 42 (2021), No. 5-6, 699-719.

³⁵ The Economist: *Emmanuel Macron warns Europe: NATO is becoming brain-dead. America is turning its back on the European project. Time to wake up, the French president tells*, 7th of November 2019, available at: <https://www.economist.com/europe/2019/11/07/emmanuel-macron-warns-europe-nato-is-becoming-brain-dead>.

³⁶ Michel Fortmann/David Haglund/Stéphanie von Hlatky: *Introduction: France's 'return' to NATO: implications for transatlantic relations*, in: *European Security*, Vol. 19 (2010), No. 1, pp. 1-10.

demand that Europe should act as a geopolitical power met increasing support among European decision-makers facing Trump's "America first!" policy. A substantial European contribution to the restoration of a multilateral world order remains a precondition for US commitment to Europe, even under the Biden or future Democratic administrations in the US. It is also required to deal with the tense relationship with Russia and the global competition with an increasingly self-confident Chinese foreign policy, not to mention other conflicts in Europe's neighbourhood. This is probably part of the explanation, why the term of European sovereignty has found its way to Brussels. For example, in his 2018 State of the Union Speech, EU Commission President Jean-Claude Juncker mentioned that "geopolitics teaches us that the time has come for European sovereignty, for Europe to take its destiny into its own hands. [...] This belief that 'united we stand taller' is the very essence of what it means to be part of the European Union [...] Sharing sovereignty where we need to make each of our nation states stronger".³⁷ More recently, EU Commissioner Thierry Breton tweeted that "Europe must see itself as a political, strategic and sovereign power".³⁸ Similarly, official policy documents refer to Europe's "technological sovereignty"³⁹ and its "economic and financial sovereignty".⁴⁰

Macron's European sovereignty is *en vogue*, but more a desirable fiction than as reality. Why it has not become reality, is analysed in the next paragraph. In response to failed progress in obtaining broad support for implementing his proposals, Macron redefined "the terms of the date."⁴¹ In 2020, he admitted, that the "term [of European sovereignty...] is a bit excessive".⁴² Now, he prefers to use the "more neutral [...] term 'strategic autonomy'", which he defines as finding "the ways and means to decide for itself, to rely on itself, not to depend on others, in every area, [...], and to be able to cooperate with whomever it chooses."⁴³ One reason for him to do so is that European political power lacks public sovereignty. "There is a European Parliament that defends European citizen representation, but I consider that these forms of representation are not totally satisfactory. That is why I strongly defended the idea of transnational lists, that is to say the emergence of a true European demos that can take shape."⁴⁴ Even though his previous proposals for establishing European sovereignty fell short of substantially advancing European democracy, he acknowledges that European sovereignty cannot be achieved without public sovereignty, which requires nothing less but the "refondation"⁴⁵ of the European Union as a European Republic. The

³⁷ European Commission: European sovereignty: What does it mean to President Juncker?, Factsheet, 12th of September 2018, available at: https://ec.europa.eu/commission/presscorner/detail/en/fs_19_6385.

³⁸ Thierry Breton on Twitter, 15th of February 2020, available at: <https://twitter.com/ThierryBreton/status/1228621687828156418?s=20>.

³⁹ European Commission: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Secure 5G deployment in the EU – Implementing the EU toolbox, COM (2020) 50.

⁴⁰ European Commission: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Commission Work Programme 2020. A Union that strives for more, COM (2020) 37.

⁴¹ Mujtaba Rahman: European sovereignty has lost its biggest champion, in: Politico, 7th of April 2021, available at: <https://www.politico.eu/article/european-sovereignty-has-lost-its-biggest-champion-emmanuel-macron/>.

⁴² Macron/Gressani/Malik/Bloj: The Macron Doctrine, 2020.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Emmanuel Macron: Révolution, Paris 2016.

concept of a European Republic would provide (European) state-like internal and external sovereignty, meaning a capacity to act alone, legitimised by popular sovereignty, based on citizens' demands represented in parliamentary democracy. A European Republic would entail both sides of modern state sovereignty.

In addition to doubts concerning Macron's initial willingness to establish European public sovereignty, there are also signs that his conception of sovereignty was not fully supranational, but closer to the idea of "Europe puissance" as many had hoped for. In a systematic analysis of Macron's foreign and security policy, Major finds French willingness to act unilaterally if necessary, a "pragmatic and flexible approach" to institutions, formats and partners, which has no priority for the European Union, but is willing to cooperate in other European settings.⁴⁶ While this approach to foreign and security policy is very much rooted in French tradition dating back to de Gaulle, Demesmay and Kurz call Macron just half a new de Gaulle,⁴⁷ because he does not seek to "make France great again" within Europe, as de Gaulle did. Macron acknowledges that there is a considerable risk that Europe as a whole loses global influence. So far, it remains unclear how much formal French sovereignty he is willing to transfer⁴⁸ to the supranational level in order to restore substantial sovereignty. His fierce response to recent media reports, he would be willing to give up the French seat in the UN Security Council in exchange for the creation of an EU army, clearly shows the limits to his support for supranational sovereignty.⁴⁹ German politicians repeatedly tried to pressure Macron to the sensitive areas of his discourse on European sovereignty: They tested his readiness to support French "sovereign losses", e.g. its seat in the UN Security Council.⁵⁰ However, the previous grand coalition in Berlin has not tested his real willingness to strengthen European sovereignty, because its ambitions were much smaller than Macron's. This could change under a potential traffic light coalition of the social-democratic (red), the liberal (yellow) and the green party.

2.2. Germany's Hesitation and Adverse Conditions

While Macron's promotion of the concept of European sovereignty was well timed to change the public discourse, the circumstances were less favourable for a "refondation"⁵¹ of the EU. The initial plan was that, following French elections and German federal elections, the Franco-German couple would become again the "engine" of European integration in late 2017, after it had lost

⁴⁶ Claudia Major: Französische Sicherheits- und Verteidigungs-politik unter Präsident Macron – pragmatisch, ambitioniert, disruptiv, in: Ronja Kempin (ed.): Frankreichs Außen- und Sicherheitspolitik unter Präsident Macron. Konsequenzen für die deutsch-französische Zusammenarbeit, Stiftung Wissenschaft und Politik: SWP-Studie 4, March 2021, pp. 11-15, here p. 13-14.

⁴⁷ Claire Demesmay/Barbara Kunz: Macrons Außenpolitik, in: Internationale Politik, Vol. 75 (2020), No. 2, pp. 88-93, here pp. 88-89.

⁴⁸ "Transfer" is the word most used in this context, but it is clear, that sovereignty cannot be transferred, but would need to be newly constituted in a European context.

⁴⁹ Reuters: France denies newspaper report that it could give up Security Council seat, 23rd of September 2021, available at: <https://www.euronews.com/2021/09/23/uk-un-france>.

⁵⁰ Opinion article of Annegret Kramp-Karrenbauer in her new function as CDU party leader in February 2019, in: die WELT, demanding a shared Franco-German UN Seat in exchange for a mutual debt assurance scheme in the Eurozone, something that most Germans refuse.

⁵¹ Emmanuel Macron: Révolution, Paris 2016.

power over fundamental differences in the crisis in the Euro zone.⁵² We will never know, whether a Conservative-Green-Liberal coalition in Germany would have helped to relaunch the Franco-German couple, as coalition negotiations failed in November 2017. Finally, it took 171 days until the new Conservative-Social-democratic coalition was inaugurated in March 2018.⁵³ This was a 6 months loss of the two years between French presidential elections and the next European elections, which would close the window of opportunity for EU reforms.

That was the timeframe, opened by EU Commission President Jean-Claude Juncker. Following the shock of the 2016 Brexit referendum, the Heads of State or Government of the EU-27 planned to have a limited debate on the future of Europe: “The March 2017 celebrations of the 60th anniversary of the Rome Treaties will bring together Heads in Rome and will be used to round off the process launched in Bratislava, and set out orientations for our common future together.”⁵⁴ However, Juncker undermined this plan by launching the so called “white paper process” and setting a new timeframe until the then next European elections in 2019: On the 1st of March 2017, the European Commission published its “White Paper on the Future of Europe”, which was not Juncker’s contribution to the debate of the Heads of State or Government, but kicked-off a series of further Commission papers published in the course of 2017 to stimulate a substantial debate on the future of Europe, which should include national governments, EU institutions, civil society and citizens. Juncker had broadened the thematic focus of the debate, extended the range of participants, and prolonged the timeframe.⁵⁵ This way, Juncker turned the “Rome Declaration” into the Heads of State or Government’s contribution to the debate on the future of Rome, and not its conclusions.⁵⁶ This could have been the window of opportunity for Macron to launch a reform proposal as Juncker’s five scenarios for the future of Europe⁵⁷ left the European discussion wide open, he refused to play a dominant role in the debate and allowed “build-back” scenarios for the EU (“single market only”). The white paper barely mentioned sovereignty. The European Commission did not engage into a power projection for the EU. In difference to normatively strong Commissions in the past, like the two terms of Jacques Delors from 1985 to 1995, the Juncker Commission – probably on purpose – wanted to take the role of a neutral moderator, providing leeway for discussion, hoping for France and Germany to take the lead.

⁵² Marie Herbert: France and Germany: An odd couple, in: EurActive, 21st of January 2013, available at: <https://www.euractiv.com/section/future-eu/news/france-and-germany-an-odd-couple/>.

⁵³ Alexander Kauschanski: Zäh, zäher, Regierungsbildung, in: Sueddeutsch.de, 7th of February 2018, available at: <https://www.sueddeutsche.de/politik/chronologie-zaeh-zaeher-regierungsbildung-1.3854813>; Die Bundesregierung: Deutschland bekommt eine neue Regierung, 7th of March 2018, available at: <https://www.bundesregierung.de/breg-de/leichte-sprache/deutschland-bekommt-eine-neue-regierung-847664>.

⁵⁴ Heads of State or Government of 27 EU Member States: The Bratislava Declaration, 16th of September 2016, available at: <https://www.consilium.europa.eu/media/21250/160916-bratislava-declaration-and-roadmapen16.pdf>.

⁵⁵ Julia Klein/Julian Plottka/Amelie Tittel: Der Neustart der europäischen Integration durch eine inklusive Avantgarde?, in: *integration*, Vol. 41 (2018), No. 2, pp. 141-168, here pp. 144-147.

⁵⁶ European Council: The Rome Declaration. Declaration of the leaders of the 27 member states and of the European Council, the European Parliament and the European Commission, Statements and Remarks 149/17, 25th of March 2017, available at: <https://www.consilium.europa.eu/en/press/press-releases/2017/03/25/rome-declaration/pdf>.

⁵⁷ Faz.net: So will Juncker die EU umbauen, 13th of September 2017, available at: <https://www.faz.net/aktuell/politik/ausland/eu-jean-claude-junckers-umbau-vision-15196311.html>.

The European Commission undertook honourable efforts to bring the debate to European citizens by organising more than 1,500 citizens' dialogues.⁵⁸ However, the debate did mainly reach the “usual suspects” and was not as inclusive as the Commission's figures might indicate: However, even among EU decision-makers, the debate did not gain track for three reasons: *First*, any idea of deepening European integration faced opposition from Eurosceptic governments as the group of the Visegrád countries had made clear, when calling for an empowerment of member states within the Union and protecting the central role of the European Council.⁵⁹ In response, even more pro-European governments were hesitant to call for a fundamental reform of the EU, as they feared new treaty negotiations would open the Pandora's box. *Second*, as mentioned before, the German government, as one of the most important actors in the debate, was not able to act for half a year. Its impulse in autumn 2017 would have been crucial to stimulate the debate on the future of Europe. Any contribution in late Spring 2018 was too late for this. *Third*, the prospects of Eurosceptics winning the European elections in 2019⁶⁰ ended any debate on the future of Europe. Juncker thought the elections would give voters a choice over the EU's future course, instead all pro-European forces rounded up to save the Union as we know. Even big business and celebrities stepped in and campaigned “Say yes to Europe”⁶¹ to increase the turnout in European elections.

Already during the *La République en Marche*'s campaign for the European elections, Macron tried to open a new window of opportunity for reforming the EU. In his letter, directly addressed to European citizens and not to the Heads of State or Government –demonstrating a shift of paradigm from states to citizens as agents of European integration – Macron proposed: “So by the end of the year [2019], let's set up, with the representatives of the European institutions and the Member States, a Conference for Europe in order to propose all the changes our political project needs, with an open mind, even to amending the treaties. This conference will need to engage with citizens' panels and hear academics, business and labour representatives, and religious and spiritual leaders. It will define a roadmap for the European Union that translates these key priorities into concrete actions.”⁶² The idea was taken up by the candidate for the Presidency of the European Commission, Ursula von der Leyen and promised to the European Parliament in an election bit.⁶³ While the European Parliament, or more precisely its Committee for Constitutional Affairs became a driver behind launching the conference to prepare a treaty revision,⁶⁴ the Council delayed the process for one year blaming the Corona pandemic.⁶⁵ As the conference started on Europe Day 2021 and shall end before the French presidential elections in 2022, the timeframe of roughly one

⁵⁸ European Commission: Communication from the Commission to the European Parliament and the Council. Shaping the Conference on the Future of Europe, COM(2020)27, p. 3.

⁵⁹ Visegrad Group Fund: Joint Statement of the Heads of Governments of the V4 Countries, without date, available at: <http://www.visegradgroup.eu/calendar/2016/joint-statement-of-the-160919>.

⁶⁰ Drew DeSilver: Euroskeptics are a bigger presence in the European Parliament than in past, 22nd of May 2019, available at: <https://www.pewresearch.org/fact-tank/2019/05/22/euroskeptics-are-a-bigger-presence-in-the-european-parliament-than-in-past/>.

⁶¹ Lufthansa: Lufthansa wirbt für Europawahl. Sonderlackierung „SayYesToEurope“ auf einem Lufthansa Airbus A320, 24th of April 2019, available at: <https://www.lufthansagroup.com/de/newsroom/meldungen/lufthansa-wirbt-fuer-europawahl.html>.

⁶² Emmanuel Macron: For European renewal, 4th of March 2019, available at: <https://www.elysee.fr/en/emmanuel-macron/2019/03/04/for-european-renewal>.

⁶³ Plotka: Die Konferenz zur Zukunft Europas, 2020, pp. 233-234.

⁶⁴ Ibid, pp. 235-236.

⁶⁵ Ibid, pp. 236-239.

year limits the conference's ability to seriously discuss a reform of the EU. For a second time, Macron misses an opportunity to gain support for his reform proposals with prospects of adopting them.

While the circumstances as described before play a big role, why Macron had no real chance to launch his reform initiative, this is only part of the explanation. Agency is another, and probably an even more important factor explaining the failure of Macrons initiative. It has already been mentioned that governments across the Union do not support fundamental reforms of the EU. Most of them prefer to use instruments within the existing treaties and oppose treaty reform.⁶⁶ Under such circumstances, political leadership is needed to launch a reform initiative. Macron's hopes were on the German government, which had proved that it can impose reforms under difficult circumstances and against the will of member states during the crisis in the Euro zone. However, on the German government's side, a lack of political will and not concrete obstacles, seem to be the main explanation for why the Franco-German couple did not become the driver behind Macron's proposals. Of all things, 2013, the year of the 50th Anniversary of the Elysée-Treaty, had seen a remarkable downturn of the Franco-German tandem for Europe.⁶⁷ A very difficult year followed before the prospects of the tandem brightened up a little, due to Macron's efforts.

Around 2018, fundamental differences over European economic policy, were no more obstacle to Franco-German initiatives as they were under the Presidency of François Hollande. The German government had learned by that time that austerity in Europe undermines the purchasing power of German export markets and conflict between supporters of a fiscal union in the South and supporters of austerity in North⁶⁸ undermined Germany's room to manoeuvre in EU policy. In the Franco-German "Meseberg Declaration", the German government supports even the idea for a Euro zone budget.⁶⁹ Concerning Common Foreign and Security Policy, the second important policy area for achieving strategic sovereignty, the French and German Governments both support the idea of a Defence Union, while the strategic cultures remain fundamentally different. The French foreign and security policy as described by Major⁷⁰ remains too pro-active for German reluctance. While these differences prescribe a long way to go for Germany and France to find a common understanding of strategic sovereignty, they did not prevent both countries' governments to engage in a number of projects under permanent structured cooperation.⁷¹ In addition to the ongoing projects, both governments committed themselves to further initiatives in the "Meseberg

⁶⁶ Dominika Biegón/Julia Klein/Julian Plottka/Alexander Schilin/Jana Schubert: *The Relaunch of Europe. Mapping Member States' Reform Interests: A Comparative Analysis*. Friedrich-Ebert-Foundation, Berlin 2018, available at: <http://library.fes.de/pdf-files/id/ipa/14768-20181106.pdf>.

⁶⁷ Ulrike Guérot: *Zwanzig Jahre nach Helmut Kohl: Wo stehen die deutsch-französischen Beziehungen?*, in: *Historisch-Politische Mitteilungen*, No. 20 (2013), pp. 273-288.

⁶⁸ Björn Hacker/Cédric M. Koch: *The divided Eurozone. Mapping Conflicting Interests on the Reform of the Monetary Union*, Friedrich-Ebert-Foundation, Brussels 2017, available at: <http://library.fes.de/pdf-files/bueros/bruessel/13335.pdf>.

⁶⁹ The compromise in the declaration lacks the European minister of finance and the Euro zone parliament initially proposed by Macron. See: *Presse- und Informationsamt der Bundesregierung: Erklärung von Meseberg. Das Versprechen Europas für Sicherheit und Wohlstand erneuern*, press release 214, 19th of June 2018, available at: <https://www.bundesregierung.de/breg-de/suche/erklaerung-von-meseberg-1140536>.

⁷⁰ Major: *Französische Sicherheits- und Verteidigungs-politik unter Präsident Macron*, 2021.

⁷¹ Steven Blockmans/Dylan Macchiarini Crosson: *PESCO: A Force for Positive Integration in EU Defence*, in: *European Foreign Affairs Review*, Vol. 26 (2021), Special Issue, pp. 87-110.

Declaration” and the “Franco-German Declaration of Berlin”⁷², but few of them has been put into practice.

While the electoral platforms of all German coalition partners, the coalition agreement and the Franco-German declarations adopted since 2017 are all quite ambitious concerning the reform of the EU, few initiatives have been launched. On the side of German Social-democrats, the outcome of the 2017 federal elections might explain the coalition partners reluctance in European policy. The lead candidate was the former President of the European Parliament, Martin Schulz, who started his campaign on a pro-European platform. Soon into the campaign, he switched the thematic focus to internal policies and lost the elections. While still negotiating the coalition agreement, he left politics afterwards. Michael Roth, another pro-European Social-democrat, lost in the race to become party chair, while Foreign Minister Heiko Maas seems to be hardly interested in EU policy. Therefore, the SPD lacks a high-profile supporter for European integration in government. The Christian-democrats seem to be as reluctant as the SPD. Since quite a while the party has no prominent active politician who is openly advocating European integration.

Form 2017 until the 2021 elections, the governing parties in Germany did not clarify positions in European policy. Rather, European topics were avoided, as most triggered painful public debates. In addition, a clear stance on European integration became publicly harder to defend under the pressure of right-wing forces and the anti-European language of the “Alternative für Deutschland” (AfD). The CDU or conservatives tried to limit debates about the external border protection, the reform of the Common European Asylum System and scandals caused by Frontex. The SPD continued to promote fiscal federalism, the European Pillar of Social Rights and further ideas such as a European unemployment scheme or a European basic income. The Green party focussed a lot on European transparency issues and rule of law procedures, scrutinizing populist governments in Central and Eastern Europe. However, no larger reflections on European sovereignty or strategic capacity, let alone debate on a necessary institutional remake of the EU’s institutions could be observed in Germany: the intellectual dimension of the Europe discourse fall flat.

Both, the Gothenburg Summit of November 2018 with its launch of the European Pillar of Social Rights and the German Presidency of the Council of the EU in 2020 did not result in broader public debates. None of the German parties, let alone the governing grand coalition had any intentions to vigorously embrace Macron’s discourse on European sovereignty and strategic capacity. Only the Green party developed a more programmatic vision for Europe’s’ governance system, the EU’s democratic deficit and the question of legitimacy. The party actually embraced the notion of a “Federal European Republic” as a structural answer to both the European problem of sovereignty and legitimacy. The new wording is included in the new party program first and in the electoral platform for the 2021 federal elections.⁷³ An overview of the party platforms in the 2021 election campaign shows that whereas all parties are outspoken about European policies (foreign and

⁷² French government/German federal government: Franco-German Declaration of Berlin, 31st of May 2021, available at: https://www.diplomatie.gouv.fr/IMG/pdf/210531_cmfa_political_declaration_cle883138.pdf.

⁷³ Bündis 90/Die Grünen: Deutschland. Alles ist drin. Bundestagswahlprogramm, Berlin 2021.

security policy, digital transformation, etc.), few include ideas on how to restructure the EU governance system.⁷⁴

In general, the German federal elections of September 2021 were very weak in content and European policy was not featured in the campaign. The overarching topic was climate protection. An institutional remake of the EU, be it to cope with the EU's strategic deficit that the pandemic had brought to daylight, was not discussed. Only the SPD chancellor candidate Olaf Scholz tried to support the European rescue package "Next Generation EU" and the need for more fiscal unity during his campaign.⁷⁵ However, the SPD did not promote the topic too much, as it is very disputed in Germany and vigorously rebuked by Conservatives and Liberals ("no transfer union"). Similarly, Armin Laschet, the chancellor candidate for the CDU, coming from the Europeanist wing of the party, did not succeed in making Europe an overarching election topic, although the party claims to be the German "party for Europe" ("Europa-Partei"). Laschet had some success with a very pro-European speech at the Munich Security Conference in February 2020, that was well received in the European press, but this did not trigger a convincing or bold Franco-German advance on European sovereignty. A position paper of the CDU/CSU group in the Bundestag⁷⁶ on Europe of 2021 shows no big institutional ambitions, although referring – *ex negativo* - to the concept of a European Republic. While Macron stood up for Europe, despite Eurosceptic sentiments in France, German parties do not dare to do the same, even though many of the ideas proposed by Macron are included in their electoral manifestos and party programmes.

While the coalition agreement⁷⁷ of the incoming traffic light coalition of Social Democrats, Greens and Liberals is awaiting approval from party members, it remains unclear how much change will there be to German European policy under the new federal government: The coalition partners call for a constitutional convention to establish a European federal state following the Conference on the Future of Europe. They support treaty change to implement the necessary reforms, which shall include a right of initiative for the European Parliament, a priority of the Community Method compared to intergovernmental decision-making, a uniform European electoral law, including transnational lists and the "Spitzenkandidaten" system, a deadline for the Council to debate Commission initiatives in public, the extension and application of qualified majority voting in the Council, and the enforceability of the European Charter of Fundamental Rights of the European Union, when member states act under national competences.⁷⁸ These agreed objectives are a clear commitment to a supranational Europe. The new German government distances itself from

⁷⁴ Sophie Pornschlegel/Alexandra Salomonsová: Uninspired or indifferent? EU policy in the 2021 German election manifestos, European Policy Centre: Commentary, 3rd of September 2021, available at: <https://www.epc.eu/en/Publications/Uninspired-or-indifferent-EU-policy-in-the-2021-German-election-manif~416a18>.

⁷⁵ Olaf Scholz: in: Friedrich-Ebert-Stiftung (ed.): Mitschnitt der Tiergartenkonferenz. Wie souverän ist Europa?, May 2021, starting 10' 50'', available at: https://youtu.be/_VU8_HdydYg.

⁷⁶ CDU/CSU-Fraktion im Deutschen Bundestag: Die Zukunft Europas gestalten. Positionspapier der CDU/CSU-Fraktion im Deutschen Bundestag zur Zukunft Europas am 09. Mai 2021, Beschluss vom 4. Mai 2021.

⁷⁷ SPD/Bündnis 90/Die Grünen/FDP: Mehr Fortschritt Wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, Koalitionsvertrag zwischen SPD, Bündnis 90/Die Grünen und FDP, available at: https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf.

⁷⁸ Ibid, 131-132.

Merkel's proclaimed "Unionsmethode",⁷⁹ which prioritised intergovernmentalism undermining the supranational institutions' powers.⁸⁰

The new government's commitment to European values and the rule of law seems to be much stronger than the old government's: The coalition partners call upon the European Commission to make use of the existing instruments to enforce the rule of law "more resolute and timely". They are ready to reject national recovery and resilience plans under Next Generation EU (NGEU) in the Council, if the judiciary in the respective countries is not independent. They also support a reform of the existing instruments to make them more effective and plan to strengthen the European Anti-Fraud Office, the European Public Prosecutor's Office and the European Court of Auditors.⁸¹

The coalition partners' objectives to deepen Common European and Security Policy are as ambitious as the outgoing German government's,⁸² while the previous federal government was more ambitious in the policy areas of the European Economic and Monetary Union and social policy. The previous government committed itself to increasing the EU's budget,⁸³ while the incoming governments will just ensure that repayments of NGEU loans will not reduce the EU budget. They consider NGEU to be limited in terms of size and duration.⁸⁴ In the area of social policy the focus is on reducing the gender pay gap and using modes of soft-governance to ensure an upward convergence of social standards.⁸⁵ The outgoing government had agreed to work on an EU framework for a minimum wage and a basic income.⁸⁶

Concerning European "strategic sovereignty", the coalition partners send a clear signal of support to the French President, however, limiting the term to areas of geopolitics, energy security (including other raw materials), health, digitalisation and critical infrastructure.⁸⁷ In sum, it seems to be very likely that the incoming German government is ready to take the Franco-German initiative to advance European integration. How much support such initiative will receive from other Member States remains unclear, especially because the new German government's limited ambitions for EMU and European social policy narrow the winset of possible package deals. In a worst case scenario, too much hawkishness on fiscal discipline could revive old tension between supporters of a fiscal and supporters of an austerity union – dividing the Franco-German couple. The incoming German government's commitment to the instrument of differentiated integration,

⁷⁹ Angela Merkel: Rede von Bundeskanzlerin Merkel anlässlich der Eröffnung des 61. akademischen Jahres des Europakollegs Brügge, 2nd of November 2010, available at: <https://archiv.bundesregierung.de/archiv-de/rede-von-bundeskanzlerin-merkel-anlaesslich-der-eroeffnung-des-61-akademischen-jahres-des-europakollegs-bruegge-399506>.

⁸⁰ Manuel Sarrazin/Sven-Christian Kindler: „Brügge sehen und sterben“ – Gemeinschaftsmethode versus Unionsmethode, in: *integration*, Vol. 35 (2012), No. 3, pp. 213-222.

⁸¹ SPD/Bündnis 90/Die Grünen/FDP: Mehr Fortschritt Wagen, pp. 132-133.

⁸² The only exception is the proposal to turn the High Representative of the Union for Foreign and Security Policy into a "true" Foreign Minister, which is more supranational than the steps proposed by the outgoing government. See: SPD/Bündnis 90/Die Grünen/FDP: Mehr Fortschritt Wagen, p. 136.

⁸³ CDU/CSU/SPD: Ein neuer Aufbruch für Europa Eine neue Dynamik für Deutschland Ein neuer Zusammenhalt für unser Land. Koalitionsvertrag zwischen CDU, CSU und SPD. 19. Legislaturperiode, available at: https://archiv.cdu.de/system/tdf/media/dokumente/koalitionsvertrag_2018.pdf?file=1.

⁸⁴ SPD/Bündnis 90/Die Grünen/FDP: Mehr Fortschritt Wagen, p. 133.

⁸⁵ SPD/Bündnis 90/Die Grünen/FDP: Mehr Fortschritt Wagen, p. 134.

⁸⁶ CDU/CSU/SPD: Ein neuer Aufbruch für Europa, p. 7.

⁸⁷ SPD/Bündnis 90/Die Grünen/FDP: Mehr Fortschritt Wagen, p. 132.

could be a way out of this trap. However, what has worked for single reform initiatives in the past, is unlikely to work for a major (treaty) reform. Therefore, the German government's challenge ahead is putting these objective into practice and winning supporters across Europe. The re-election of Macron in spring 2022 is a precondition for this. Otherwise the traffic light coalition's European policy will have the same difficult fate, high ambitions on paper, lacking any attempt of turning them into policies.

The new German government should not wait with its European policy initiatives until summer 2020: The end of the Conference on the Future of Europe, Macron's electoral campaign and the French Council Presidency open a window of opportunity to launch initiatives in areas, where French and German priorities are similar: This includes the adoption of the European Union's new "Strategic Compass", which shall take place in March 2022.⁸⁸ The French President also had big expectations concerning the Conference on the Future of Europe. While expectations are currently low, the launch of a follow-up process – as foreseen in the German coalition agreement – would be a big, however, unlikely success. Finally, a tougher stance on the rule of law, could also be a short-term, but not easy-to-reach achievement of the Franco-German couple: The German governments needs to act quick, if it intends to use NGEU as a lever to enforce the rule of law. Making NGEU a success is anyway important to garner support for EU reforms and would bridge the looming divide over fiscal policy.

3. The Sovereignty/Citizens Dilemma and Popular Sovereignty

Whereas the official policy discourse addresses the power vacuum of the EU and its strategic incapacities, a sort of parallel discourse arena emerges, in which activists address citizens' emancipation and political participation in Europe. The European citizens are becoming visible agents of European democracy, but their discussions are not – or much less – about NATO, strategic autonomy or digital capacity of the EU. European citizens, instead, care about European values and new forms of democracy. Their top priorities are social Europe, security and migration. There are two distinct European discussion circles, one "top-down" and another "bottom-up". Both are hardly linked as just a few Members of the European Parliament are heard in both circles. While discourse covers internal and external sovereignty, the other is mainly focused on popular sovereignty.

Ten years ago, the European banking crisis was a first strong momentum for European citizens to realise their socio-economic intertwinement;⁸⁹ the so called "refugee crisis" of the past years resulted in intense and problematic discussions about the protection of European values at the European borders. Finally, autocratisation in some EU member states, the pandemic and the climate crisis have activated EU citizens, who care about values, populism, regional autonomy,

⁸⁸ Yann Wernert/Henriette Heimbach: Die zweigeteilte Ratspräsidentschaft. Frankreichs Vorsitz im Rat der Europäischen Union in Wahlkampfzeiten, Hertie School/Jacques Delors Centre: Policy Brief, 25th of November 2021, p. 5.

⁸⁹ Sandra Seubert: Why the Crisis of European Citizenship is a Crisis of European Democracy, in: Rainer Bauböck (ed.): Debating European Citizenship, Cham 2019, pp. 287-291; Stéphane Hessel: Empört euch!, Berlin 2011.

local governance, climate change, rule of law, human rights and many more things but less about institutional reforms or strategic capacity. All of them demand political participation, inclusion, and democracy at all levels, from the local to the supranational. European discussions in various fora are focusing on topics, which are light years away from the wording of official European speeches. To achieve European sovereignty, we need to answer the fundamental question: How can we bridge the gap between both discourse arenas. This would also close the gap between European sovereignty aspirations and necessary legitimacy requirements.

3.1. The Linkage between Sovereignty and Legitimacy

The debate about a *different* Europe is getting louder. Civil society, especially young people, are more passionate about renewing old structures of the EU and its so-called institutional “triangle”, which does not appropriately represent the will of European citizens. More importantly, the European Council, as a rather non-transparent and barely accountable political body, is getting under increasing pressure. The representation gap with the current EU structures is obvious.⁹⁰

European citizens, their voice and their wishes, were the forgotten entity in the EU’s institutional set-up during the first 70 years of its history. In the EU’s institutional triangle, the directly elected parliament as the first chamber still has fewer powers than the Council as the EU’s second chamber, most importantly lacking equal power over EU budgets. The European Commission, though its President is elected nowadays, has no sufficient accountability to EU citizens, not to speak about executive powers in the hands of the Council or the EU member states. The so-called democratic deficit became ever more obvious in recent years. European Citizens turned into agents and claim common representation through transnational lists, truly European parties or equal social treatment, e.g., a European unemployment scheme. Before the 2019 European elections, two pan-European parties emerged from these social movements, VOLT on the liberal side and DiEM on the progressive side.

The question of sovereignty – who decides in the EU: the citizens or the European Council – became a hotly discussed topic and finally led to the “Conference on the Future of Europe”, an election pledge by von der Leyen after she had been nominated President of the European Commission in 2019 despite the fact that she has not been a “Spitzenkandidatin” herself. Seldom, the European system was bleaker in letting European citizens know, that they can vote, but that they have no choice. As a promise to the European Parliament the “Conference on the Future of Europe” was set up and designed. Since over a year, the EU is busy designing form and format, content and context of this conference. The real challenge we face is that the exercise may not end in another huge citizens’ disappointment: another evasive report about the flaws of the European policy system is not needed, if there is no ambition for radical changes tilting the system towards real citizens’ sovereignty and power.

3.2. The Importance of European Citizenship for European Democracy

The core problem is that the “Conference on the Future of Europe” wants to consult European citizens, who do not exist as such in a full-fledged legal way, yet. European citizenship does not

⁹⁰ Maria Rodriguez (ed.): Our European Future. Charting a Progressive Course in the World, London 2021.

exist stand alone, but only complementary. The citizenship of an EU member state is a prerequisite for being a “European citizens”. The dichotomy “stand-alone” vs. complementary is one of the most edgy discussions about the quality of – and the normative goals for – European citizenship.⁹¹ If there is *one* goal for the “Conference on the Future of Europe” that would trigger fundamental change of the EU’s system, then it would be to foster the emergence of “real” (stand-alone) European citizenship. The definition of what European citizenship will be in the future must be the cornerstone of the conference and some NGOs are working precisely on what it should mean. The draft memorandum of the European Citizenship Initiative (ECIT) on the future of European citizenship⁹² tries to push the question of legal equality for all European citizens, but so far without abandoning national citizenship concepts. In a way, the sovereignty question translates into the citizenship question: who is citizen of what political entity? In the era of nation states, state citizenship was an exclusive and single concept: one (state) sovereignty, one citizenship. Multiple citizenships were impossible. The core question is therefore whether European citizenship can just remain another layer in addition to national citizenships. In structural terms, this question echoes earlier discussions in other policy areas, e.g., monetary policy: it was a process to go from a common currency – the ECU as a currency basket standing next to the national currencies at the end of the 1970s – to a single currency, the Euro, implicating the renunciation of national currencies. It is fair to say that Europe is undergoing similar discussions with respect to citizenship: from common to single European citizenship.

As things stand, there are Danish or Greek, Polish or Portuguese citizens in the EU, as there are no real European passports. National passports are only wrapped in a Bordeaux-red European cover. European citizens are *de facto* still living in “national law containers” (Ulrich Beck). As early as 2003, Balibar raised the question “*Sommes-nous des Citoyens Européens?*”⁹³ He answered a clear “No” to his own question. However, the debate has evolved a lot since then, as the “Conference on the Future of Europe” is strengthening the agency component of European citizens: the conference in itself is forging them into European citizenship.⁹⁴

One of the immanent problems of the EU’s democratic deficit is that European citizens are not equal before the law: there are different electoral systems, taxation and access to social rights differ in their countries. Yet, in a democracy, citizens do not compete, when it comes to voting, taxation or social treatment. They are subject to the same rules and laws. That is the essence of what makes them citizens of the same (state) entity. At a moment in time, when the focus in European discourse shifts from integration to democracy, the normative conditions for democracy become key. The European shift of paradigm is twofold: from state actors to citizens as agents and from integration to democracy. If this shift of paradigm succeeds, European citizens based on equal rights could form a European democracy, which alone can be the legitimate provider of European sovereignty,

⁹¹ ECIT Foundation: ECIT Annual Conference 2021: Reclaiming European Citizenship, 26th to 28th of October 2021, available at: <https://ecit-foundation.eu/annual-conference-2021>.

⁹² Ibid.

⁹³ Etienne Balibar: *Sommes nous des Citoyens Européens*, Paris 2003.

⁹⁴ Ulrike Guérot: *Le difficile devenir des citoyens européens. Une rélecture de Nous, Citoyens de l’Europe*, in: Ninoin Grangé/Carlos M. Herrera (eds.): *Une Europe politique? Obstacles et possibilités. Dialogues avec l’oeuvre d’Etienne Balibar*, Paris 2021, pp. 61-92.

emanating from the people. The link between sovereignty and legitimacy on the European level would be completed.

A necessary, though not sufficient condition for democracy is the equality of all citizens. Therefore, the EU has to guarantee equal rights in all resorts and equal treatment before the law to all European citizens to become a democracy. For now, European citizens have three facets of their “European” existence: in their “market citizenship”, they share for example the same regulation on consumer protection or roaming fees; in their capacity as employer or worker, they benefit from free movement of person and can work or study in any European country. However, concerning the essence of citizenship – common voting, taxation and access to social rights – Europeans remain ultimately national citizens. Therefore, European sovereignty remains fragmented, as legitimacy is not shared

The classic principle “one person, one vote” is the key requirement for a democracy and the composition of a parliament. As long as equal representation is not ensured, “no taxation without representation.” In the words of Mauss, it is not origin or identity that make a nation, but the body of citizens that decides together over a budget, taxation and the social question.⁹⁵ If citizens agree to do so, these citizens embark into the foundation of a Republic, as they submit to the same laws, above all same law with respect to voting, taxation and social access. General, secret, direct and equal elections constitute “*Le Sacre du Citoyen*” – the “essence” of being citizen⁹⁶ (Pierre Rosanvallon). European citizens today miss precisely the “consacration” of their citizenship – and thus cannot act as (European) sovereign. Most of the current flaws of the government system, e.g. social discrepancies among European citizens of different national passport, stem from this fact: European citizens are forced to compete over rights, access to social welfare or wages depending on national legislation; or they are discriminated on the basis of national passports, e.g. when it comes to the cross-border payment of child allowances, to just give one example.

In current European discussions, the notion of “*citoyen*” (“citizen”) often alludes to sharing values or “feeling European”. Yet, citizenship essentially means having the same rights – even when not sharing the same values! In this respect, the current notion of European citizenship granted 1992 through the Treaty of Maastricht has remained normatively incomplete: European citizens share roaming fees, but not the voting system. They can go to the same consulate in, say, Kinshasa, but do not share the same taxation. They can take jobs in various European member states, but do not get the same unemployment benefits, child allowances or pension. In short: there is permanent segregation based on nationality and this impacts on the EU’s capacity to become sovereign in its external policies and strategic capacity. The question is, whether the common experience of the pandemic, the strive for equal access to health care and the launch of a digital European identity card can be steps to deepen the European citizen.

⁹⁵ Marcel Mauss: *La Nation ou le sens pour le social*, Paris 2018, pp. 33-36.

⁹⁶ Pierre Rosanvallon: *Le Sacre du Citoyen*, Paris 1994. The idea of Rosanvallon, when using the word “sacre” (“holy”) is to play with the concept of coronation, normally reserved to Kings: The coronation of a sovereign (King) becomes the coronation of the citizens, the citizens become sovereign.

In current academic debates, especially in France,⁹⁷ the question of (European) citizenship, of European public goods and of the features of – expressed or institutionalised – European solidarity are key topics when it comes to redesigning the polity and the institutional set-up of the EU. It becomes clear that the notion of European citizenship is closely linked with the social question, meaning access to European rights, goods and services. Therefore, institutionalising European solidarity through a common treatment of European citizens is both, a leeway for the question of European democracy and a key to connecting (European) sovereignty. European sovereignty depends on – newly defined and “consacred” – European citizens rather than the existing nation states. In other words: those who decide together or commonly about the social question become the new sovereign.⁹⁸

Formally, the EU offers “four freedoms” in the Common Market for people, goods, capital and services. Yet, until now, the EU is a hybrid law community. If Europe wants a game changing “reboot” after the recent crises (Joséphine Staron speaks of “Refonte”)⁹⁹, European law will literally need to go from “hybrid” down to earth, where European citizens become the “political subject” of European unity: legal equality must encompass them all in all aspects of their everyday lives, in other words: European citizens must conquer the “consacration” (or essence) of (European) citizenship. Applying the general principal of equality for all European citizens would mean to embed the European single market and the Euro into a common European democracy, because a currency union is already a social contract, as Jean-Jacques Rousseau has put it. That would be a quantum leap from an internal market and currency project towards a real European political unity.¹⁰⁰

Within the Single Market, the EU’s legal framework applies the same European rights and rules to all goods, capital and workers, while European citizens as the political subject of the EU have no equal rights, yet. Goods, capital, workers and service providers benefit from legal equality throughout Europe. Only European citizens are facing legal discrimination. Oilcans or light bulbs are “equal” in European legislation across the EU. Citizens are not, and this is the very reason why concepts of European sovereignty, which do not embrace shared rights of European citizens, lack legitimacy and don’t fly.

Citizens who embark in a political body based on equal rights (*ius aequum*) establish a Republic. If European citizens were to agree on the principle of political equality, they would de facto found a European Republic. This would be a paramount paradigm shift from the visions of the “United

⁹⁷ Cécile Staron, Aliénore Ballangé and Joséphine Staron document in their writings on European integration a clear shift from states to citizens as “agents” of European democracy, all linking the question of citizenship to the question of the social and solidarity. See Aliénore Ballangé: *L’invention de Bruxelles: l’intégration européenne: par le peuple ou pour le peuple?*, thesis of 26nd of March 2018 at the École doctorale de Sciences Po (Paris) and the Centre de recherches politiques de Sciences Po (Paris).

⁹⁸ See: Joséphine Staron: *D’une solidarité des moyens à une solidarité des fins, où comment refonder le projet européen autour du principe de solidarité*, presentation at the conference “Europe: new Challenges. Philosophy and Politics of Europe”, 25th and 26th of November 2021, Nantes.

⁹⁹ Staron: *D’une solidarité des moyens à une solidarité des fins*, 2021; Ballangé: *L’invention de Bruxelles*, 2018.

¹⁰⁰ Nicolas Léron: *L’éclipse du souverain: éléments pour une démocratie européenne*, in: *Le Grand Continent*, 25th of May 2020, available at: <https://legrandcontinent.eu/fr/2020/05/25/nicolas-leron-democratie-europeenne/>.

States of Europe”, based on *integration* of nation states, towards a European Republic, based on the sovereignty of European citizens.

Today’s European Union is not stable. Without a decisive step forward, it will not be sustainable. In perspective, in European democracy, citizens have to be the sovereign and equal before the law, the parliament has to be awarded more powers to have a decisive say in EU polics and a system of checks and balances is needed, with an independent judiciary. This would be the “Great Reformation” of Europe! In order to accomplish this radical new beginning of Europe, we only have to remember what Jean Monnet used to say about the aim of the European integration project: “*Nous ne coalisons pas des Etats, nous unissons des hommes*” (“*We don’t build coalition of Sates, we unite people*”).

4. Conclusion

Strategic capacity is different from sovereignty, but no strategic capacity can ever be attained without sovereignty in all its dimensions. Therefore, the legitimacy base of sovereignty, meaning the internal foundation of sovereignty has to be addresses. This very notion of sovereignty sooner or later collides with statehood.¹⁰¹ In classical political theory, the state is sovereign, and because it is sovereign, it can deploy independent strategic action, be that military power, or issue bonds. In other words, strategy or strategic capacity is not a substitute for sovereignty, but a consequence of it; sovereignty is the prerequisite for strategic capacity. If the EU aspires strategic capacity, it must allow a discussion about becoming a state entity.

The European “unidentified flying object” of sovereignty does not fly any longer, literally because European leaders have shaped policy discourses without the political subjects of “European sovereignty”, the EU’s citizens.¹⁰² With the European citizens, the question of popular sovereignty became a key element of the discourse. Sovereignty is more than horizontal cooperation and “sharing” of capacities in certain policy areas;¹⁰³ more over sovereignty is structurally incompatible with governance, as it actually means quintessential government. And government relates to people. Or better: citizens!

There is no such thing as “shared sovereignty”, one of the rather evasive terms frequently used in Franco-German policy discourses, to avoid stating the obvious. The reflections of Jean-Marc Ferry, already some twenty years old, push this thinking to an end:¹⁰⁴ pitting “negative sovereignty” of nations states against “positive sovereignty” of the EU does not work.¹⁰⁵

¹⁰¹ Leron: *L’éclipse du souverain*, 2020.

¹⁰² Kaelble: *die verkannten Bürger*, 2019.

¹⁰³ Alain Supiot: *La Gouvernance par les nombres*, Paris 2015.

¹⁰⁴ Jean-Marc Ferry: *La question de l’État européen*, Paris 2000.

¹⁰⁵ Arnauld Leclerc: *Prendre l’Europe au sérieux. Penser philosophiquement un objet politique non identifié*, in: Quentin Landenne (ed.): *La Philosophie reconstructive en discussions. Dialogues avec Jean-Marc Ferry*, Lormont 2014, pp. 121-176.

5. Policy recommendations

- Take European citizens' demands serious, already within the current political system, and ensure that reform proposals of the Conference on the Future of Europe are put into action before the next European elections in 2024. Any failure to do so, will be a major setback to those citizens actively engaging in the European discourses. Otherwise, the EU's risks to lose staunch supporters of the European project.
- Find agreement on the ongoing dossiers, which contribute to strengthening popular sovereignty by strengthening citizens' right within the EU. These reforms include most notable transnational lists for the next European elections, making the "Spitzenkandidaten" procedure compulsory for the election of the next President of the European Commission, and adoption of a European statute of association.
- Focus on European citizenship and citizens' rights during the Conference on the Future of Europe and include a detailed roadmap for reforms to establish real European citizenship in order to create European public sovereignty. While equal rights in all domains for all European citizens is the long-term objective, substantial reforms should be agreed before the 2024 European elections.
- Learn the lesson from failed soft law approach to European economic policy for European social policy: based on the already agreed objectives in the European Pillar of Social Rights, concrete hard law reforms such as a European unemployment scheme, a European unconditional basic income or a European Social Security Number¹⁰⁶ should be agreed to strengthen the social dimension of citizens' rights.
- Clarify the linkage of external and internal European sovereignty to public sovereignty in all documents and intensify European efforts for citizenship education, e.g., by creating a European Agency for Citizenship Education.¹⁰⁷
- The incoming German government should not wait until the French elections in 2022 to re-launch the Franco-German couple. Macron's electoral campaign during the French Presidency of the Council of the EU, should be used to quick-start some European initiatives, whether French and German priorities are close: including the rule of law, strengthening European democracy, enruing a follow-up to the Conference on the Future of Europe and a Common Foreign and Security Policy.
- The German government has to find a strategy, how to bridge the European cleavage over fiscal policy. The timing is bad, as the money has already been spent under the outgoing government under NEGU, without using the leverage to achieve considerable reforms.

¹⁰⁶ Gabriele Bischoff: Usefulness of the European social security pass compared to the European social security number, Question for written answer E-003487/2021, available at:

https://www.europarl.europa.eu/doceo/document/E-9-2021-003487_EN.pdf; Gabriele Bischoff: Für eine gerechte, demokratische und nachhaltige EU. Ziele, Ergebnisse, Ausblick Jahresbericht 07/2019 – 07/2020, Berlin 2020.

¹⁰⁷ Sophie Pornschlegel/Susanne Zels: Safeguarding European values: The case for a European Agency for Citizenship Education, European Policy Centre: Discussion Paper, 7th of December 2020, available at:

https://valuesunite.eu/wp-content/uploads/2020/12/Discussion_Paper_European_Agency_Citizenship_Education.pdf.

While budgets will be tighter in the future, anyway, too much fiscal hawkishness will undermine Germany's whole European policy.