

More Europe! Before COVID-19 tears it apart

ULRIKE GUÉROT

Professor of European Policy and the Study of Democracy at Danube University Krems | Founder of the European Democracy Lab

It's not often that you're asked to look at your old articles and comment on them; the modern publishing industry is too ephemeral for that. Around a year ago, I wrote a piece for the Alfred Herrhausen Gesellschaft's Think. Order. Form. *Forwards* project in which I argued that the EU needs to develop from a legal community into a fully-fledged European jurisdiction with legal equality for all EU citizens. Does this argument still hold up in the wake of COVID-19 and the perhaps epoch-defining cultural and political changes it brings with it? Or will what people are now (in May 2020) calling the "new normal" see the EU heading back down the same sluggish, technocratic, institutionally dysfunctional path as in recent years: paralysed, divided, remote from its citizens? The former is to be hoped for, the latter to be feared.

ONLY A SOVEREIGN EUROPE CAN TAKE ACTION AGAINST THE CRISIS

If the virus does unexpectedly open up a historic window for some fundamental reflections on Europe, such as whether the EU in which we were living was *normal* or *good*, will we be honest and admit that it does not meet basic democratic standards?

"If the corona crisis paves the way for a European constitutional process, culminating in a European constitution, then, unlike all crises of recent decades, COVID-19 would have helped bring about more Europe. Instead of the alternative of finally breaking it up altogether."

In that case, my article from a year ago would be surprisingly topical. It explains why the EU is incapable of taking action during the corona crisis: namely, because it lacks sovereignty. It also explains why

Europeans don't really have any attachment to Europe, something that poses a political problem for the EU in the age of coronavirus. My suggestions could be a roadmap for how to get Europe – a sovereign, democratic Europe – back on its feet in a post-corona world.

A PRINCIPLE OF PAN-EUROPEAN EQUALITY

What I proposed a year ago was nothing less (though also nothing more) than to bring in a principle of universal political equality for all European citizens. Legal equality, not to be confused with centralism, is a necessary (though not sufficient) condition for any democracy. Anyone who wants European democracy should support the principle of legal equality. In the EU legal community, I argued, cucumbers are equal before the law. So too is the euro, i.e. money. The only thing without legal equality is *us*, the citizens of Europe. We lack what French sociologist Pierre Rosanvallon calls the *sacre du citoyen*: equal civil, political and social rights. When it comes to elections, taxation and access to social rights, at the end of the day we are only French or Slovenian, Irish or Finnish. Hence my request: could we all, pretty please, actually become European citizens in more than just name? Sociologists call this the "politicisation of European citizenship", whereby the EU treats its citizens not simply as consumers or workers, but as political subjects who get to decide on European matters themselves – and not the European Council!

FOR MORE EUROPE

But there can be no true citizenship without a state. My article also raised the question of European statehood, an idea that was once highly topical during the debate about the European constitution in 2003 but has subsequently dropped off the radar. I'd welcome a reopening of that debate, so that we could talk openly and honestly about possible forms that European statehood could take in a *#PostCorona* Europe.

Emmanuel Macron has broached the topic in several of his key European speeches over the past two years, each time he spoke of *souveraineté européenne*, European sovereignty. At the moment, we're talking about things like corona bonds, and European public goods. But if we're honest, what's really at stake in this discussion is whether we'll get out of this crisis together, going so far as to accept common liability for individual state debts, or whether it's every country for itself. If it's the former, you'd normally expect that to go hand in hand with a constitution. And so I stand by every word of my article, and regard it as more topical than ever. If the corona crisis paves the way for a European constitutional process, culminating in a European constitution, then, unlike all crises of recent decades, COVID-19 would have helped bring about *more* Europe. Instead of the alternative of finally breaking it up altogether.





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Alfred Herrhausen Gesellschaft

Members of management: Dr. Anna Herrhausen and Daniela Kaiser

Unter den Linden 13-15

10117 Berlin

Tel. +49 (0)30 3407 5559

Fax. +49 (0)30 3407 4209

E-Mail: info.ahg@db.com

Commercial Register: Local Court of Charlottenburg, 116881B