Challenging the masters of the treaties: Emerging narratives of constituent power in the European Union

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Abstract: There is a growing sense that if the EU is to avoid disintegration, it needs a constitutional renewal. However, a reform negotiated between executives will hardly revitalise the European project. In light of this, commentators have suggested that the EU needs a democratic refounding on popular initiative. But that is easier said than done. Shaping the EU has been an elite enterprise for decades and it is hard to imagine how things could be otherwise. In this article, I map four public narratives of constituent power in the EU to sketch out potential alternatives. Political actors increasingly call into question the conventional role of the states as the 'masters of the treaties' and construct alternative stories as to who should be in charge of EU constitutional politics, how the respective subject came to find itself in that position, and how it should invoke its founding authority in the future. These public narratives represent a promising starting point for a normative theory that outlines a viable and justifiable path for transforming the EU in a bottom-up mode.

Keywords: constituent power; democracy; European Union; masters of the treaties; narratives

I. Introduction

In light of the euro crisis and Brexit, there is a growing sense that if the EU is to avoid disintegration, it needs a constitutional renewal. In response to this, the European Commission in March 2017 presented a *White Paper on the Future of Europe* that outlines five scenarios for the EU by 2025 and seeks to 'help the European Council […] decide on a course of action' (European Commission 2017: 3). Unfortunately, the Commission's top-down approach misses the point. It ignores that the Europe of governments has exhausted its political credit. A reform negotiated between executives will hardly revitalise the integration project. On the contrary: 'Today it feels

that the long-term future of Europe […] might well depend on the kind of democratic refounding that a popular initiative implies' (Walker 2016: 128; see Dawson and de Witte 2016). However, European integration has been an elite enterprise for decades and it is hard to imagine how things could be otherwise. In this article, I map four public narratives of constituent power in the EU to sketch out potential alternatives. In the recent struggles about the future of European integration, citizens have started to call into question the conventional role of the states as the 'masters of the treaties'. Actors such as protest movements and public intellectuals claim that it is 'the people' who should determine the structure and competences of the EU. In this context, the classical notion of *pouvoir constituant* has been revived as part of the political vocabulary.

Constituent power is an obvious candidate if we look for categories that could enable us to outline a viable and justifiable path for transforming the EU in a bottom-up mode. Ever since the French Revolution, the notion has been used to normatively theorise constitutional politics as a democratic practice. However, existing accounts of constituent power in the EU are usually retrospective or functionalist in nature. They either reduce constituent power to a popular self-ascription of decisions taken by others in the past or use it to describe the executive and judicial forces that de facto shape the EU. In contrast, I aim to recover the future-oriented, normative understanding of constituent power – the idea of a democratic process of constitutional politics initiated by free and equal persons – and to examine what form it could take in the context of European integration. But where to start such a reformulation? A normative account of constituent power in the EU cannot be developed in abstracto if it is meant to have practical relevance and respect the idea that the *pouvoir constituant* is free to choose its own forms of expression. Thus, I argue that our choice of a theoretical framework should be guided by ideas that have already gained traction among citizens. We should take our cue from political actors' actual attempts to forge a European constituent power – which find expression in a number of public narratives.

Against this background, this article seeks to prepare the ground for practice-oriented theory construction through an evaluation of political storytelling. First, I provide a critique of retrospective and functionalist accounts of constituent power in the EU and argue that if our goal is to develop a future-oriented, normative understanding, a mapping of public narratives can allow us to determine which political theories are adequate starting points. Second, I discuss the role of narratives in (the study of) European integration and explain how I use the concept. In contrast to the recent literature on strategic narratives, I focus on public narratives, i.e. collective stories with a normative message that are constructed in the

public sphere and result from the non-coordinated contributions of various actors. Third, I outline four public narratives of constituent power in the EU that have been put forward in the context of the recent constitutional crises of European integration. These stories present competing ideas as to who should be in charge of EU constitutional politics, how the respective subject came to find itself in that position, and how it should invoke its founding authority in the future. In the conclusion, I suggest that regional cosmopolitanism, demoi-cracy, 'split' popular sovereignty, and destituent power are the most plausible theoretical frameworks for developing these public narratives into systematic models.

II. Constituent power in the EU: Beyond retrospective and functionalist reductions

Existing accounts of constituent power in the EU are either retrospective or functionalist in nature and thus do not provide us with an alternative to the executive-centred mode of treaty making. The retrospective approach regards constituent power as a popular self-ascription of a constitutional moment that lies in the past: 'The members of a community attribute it to themselves in virtue of recognising it as an act whereby "We" founded a polity' (Lindahl 2007: 499). According to this view, constituent power emerges when citizens idealise the historical genesis of their constitution and paint the picture – usually in contradiction to actual events – of a democratic founding. With a view to the EU, this is seen as an ongoing, incomplete process that can potentially tie in with various norms and practices. Some scholars argue that invocations of the EU's ultimate source of authority in positive law, such as the frequent references to 'citizens' and 'peoples' in the EU treaties, play an important role (Walker 2007: 261–65). Others suggest that it is the use of new possibilities generated through the establishment of the EU that enables and supports the reflexive appropriation of its constitution. In particular, it is claimed that the social construction of a European constituent power will succeed if individuals endorse the role offered to them – that of market citizens – and invoke the rights that go along with it (Lindahl 2013: 209–17).

The functionalist approach holds that the adequate use of the category of constituent power is the one that most aptly captures empirical developments. According to this view, constituent power describes the forces that de facto shape the EU constitutional order. One version of the functionalist approach focuses on intergovernmental treaty making and affirms the states' claim of being the 'masters of the treaties'. Constituent power simply becomes a synonym for the treaty-making competence of sovereign nation-states. Given that the EU rests on international treaties, we can supposedly

say that it 'has been constituted by the combined constituent powers of the Member States' (Preuß 2011: 91). Another version of the functionalist approach emphasises the jurisgenerative potential of court rulings and suggests that if we are in search of constituent power in the EU, we should turn to the ongoing process of constitutionalisation that is effected through judicial decisions. In this context, we are provided with historical accounts of how the European Court of Justice (ECJ) introduced the principle of direct effect, established the primacy of EU law, and attributed individual rights to EU citizens. From this point of view, 'the constitutional order of the EU has […] been primarily constructed through autonomous judicial acts, acting as separate articulations of a judicial constituent power' (Thornhill 2016: 16, emphasis removed).

Both approaches have their merits but lead into a dead end if our goal is to outline a viable and justifiable alternative to the current mode of European integration. From the standpoint of democratic theory both positions have problematic limitations and lead to counterintuitive conclusions. The retrospective approach operates with a conceptual apparatus that makes it impossible to imagine citizens as actual agents of EU constitutional politics. The basic assumption is that constituent power can only manifest itself in a singular moment of founding that lies at the origin of a constitutional order. Thus, it appears as if EU citizens today were limited to the option of reflexively appropriating decisions that others made for them in the past. However, any political system can be reorganised, which means that constituent power could be reactivated for the purpose of an EU reform. While the functionalist approach understands EU constitutional politics as an ongoing – and at least to some extent open-ended – process, it lacks the means to criticise existing procedures for their democratic deficits and paradoxically labels the acts of constituted powers as constituent power. Its descriptive orientation cannot but result in the view that it makes no difference whether EU constitutional politics is controlled by governments and courts, or, e.g., a constitutional assembly specifically elected for that purpose.

In contrast, the classical (democratic) notion of constituent power insists that decisions regarding the organisation of public authority should be the result of a democratic process of higher law-making. Constituent power includes two fundamental ideas, namely that political orders should be established and reformed on the initiative of free and equal persons and that constituted powers should be excluded from constitutional politics to prevent the danger that public authority takes a life of its own through the self-referential distribution of competences (Patberg 2017a: 51–2). Elsewhere, I have argued that the distinction between *pouvoir constituant* and *pouvoirs constitués* can be implemented at the EU level if we understand

it as a separation of powers that is to be institutionalised within its constitutional order. In other words, the EU could enable the exercise of constituent power if it established a procedural path for higher law-making that excludes ordinary political institutions (Patberg 2017b: 208–10). The question is how we get from this rather abstract idea to an actual alternative to executive-centred treaty making. How can we develop a systematic model that provides us with answers as to who the subject of constituent power in the EU is and through which forms of representation it could act?

A 'model' of constituent power in the EU can be defined as a theoretical construction that outlines the relations between the actors, informal practices, formal procedures, and institutions that are to form part of a democratic process of EU constitutional politics. Models of democratic decision-making combine the 'is' and the 'ought', i.e. link insights about what is possible in empirical terms with considerations about what is justifiable from a normative point of view. The advantage of this notion of models is that it enables us to consider 'not only what democracy has been and is, but also what it *might* be' – and thus to outline new forms of EU constitutional politics (Held 2006: 7, emphasis added). The problem, however, is that it is unclear how one should proceed in developing a systematic model of constituent power in the EU. Given that there is no historical precedent for the envisaged practice, it seems difficult to determine a point of departure. The conventional strategy would be to draw on existing literature in political theory. We could identify the basic assumptions of particular normative accounts of EU democracy and elaborate their implications with regard to constituent power. These competing positions could then be analysed in a comparative perspective in order to identify the most plausible among them. To a certain extent, we can see the emergence of such a debate in recent scholarship (see Beetz *et al.* 2017).

However, this way of approaching the issue suffers from a serious methodological deficit. A normative account of constituent power in the EU cannot be developed in abstracto. In at least two ways, there is a need to bridge a gap between facts and norms. First, we need to take into account that empirical and normative legitimacy are linked in the sense that the 'de facto validity' of a norm 'varies with the addressees' belief in legitimacy' and that 'this belief is in in turn based on the supposition that the norm could be justified' (Habermas 1996: 30). Vice versa, this means that if a prescriptive account of constituent power is to have any practical relevance, it needs to make sense to those to whom we ascribe founding authority. Second, we must factor in that it is a defining feature of constituent power that the *pouvoir constituant* is free to choose its own forms of expression, i.e. to determine the (democratic) procedures through which it decides on the content of the constitution (Sieyès 2003 [1789]: 137).

For these two reasons, we cannot simply deduce a normative account of constituent power from abstract principles or our preferred political theory of EU democracy. Otherwise we run the risk of predetermining issues that should be resolved in the political arena. We come into conflict with citizens' political autonomy. Thus, it seems imperative that our theoretical considerations tie in with empirical practice in an adequate way.

Against this background, I argue that our choice of a theoretical framework (or a set of them) should be guided by ideas that have already gained traction among citizens. If we want to determine which political theories are adequate starting points for a normative account of constituent power in the EU (and which seem unpromising), we should turn our attention to ideas that citizens implicitly and explicitly endorse when challenging the role of the states as the 'masters of the treaties'. In other words, we should make an attempt to identify actual attempts to give shape to a European constituent power. So far, these mainly find expression in public narratives. Thus, we can prepare the ground for practice-oriented theory construction – make a crucial step towards a systematic model of constituent power in the EU – through a mapping of political storytelling. In their opposition to the current mode of European integration, citizens have started to claim the right to determine the EU's structure and competences for 'the people' – a term to which they have given various meanings. The core contention of this article is that an analysis of these public narratives can reveal latent notions of constituent power in the EU that give us an indication as to which political theories have some initial plausibility as basis for the envisaged normative account because they explicate ideas that at least some of the relevant actors endorse.

III. The role of narratives in (the study of) European integration

So what are narratives and how do the stories of political actors relate to the question of constituent power in the European Union? In recent years, social science has increasingly taken an interest in narratives and, of course, scholars have identified a 'narrative turn' (Czarniawska 2004). A basic distinction can be drawn between narratives as method and narratives as object of study. Storytelling can come into play either as a form of academic analysis geared towards understanding and explanation, or as a social phenomenon to be analysed.[1] In this article, I address narratives only as an

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[1] One example for narrative as method is Hannah Arendt's mode of political theory, which has been described as a form of storytelling aimed at critical understanding (Disch 1993).

object of study. While the literature uses the notion in various ways, it is possible to identify a number of general characteristics. Essentially, narratives are stories that people tell (each other) in order to make sense of the world. Political science unsurprisingly focuses on stories that affect people's perception of political reality (Patterson and Monroe 1998). Narratives can be distinguished from other types of language formations on the basis of their internal structure, which is usually described as one of 'emplotment' – a term that refers to a particular way of putting events into relation, namely of presenting them in a storyline fashion. In a nutshell, the defining feature of narratives is that they organise disparate, selected facts into a plot structure with a beginning, a middle, and an end (Della Sala 2016: 3–4).

In this context, the notion of an 'end' has a double meaning. First, it refers to a termination that brings closure in the sense that it explains how a presented chain of events comes to a resolution. Yet narratives can also be open-ended and indicate different possible outcomes, depending on whether or not collective action is undertaken. Second, the end of a narrative can be understood as the teleological element that often characterises the respective stories. While accuracy in the representation of empirical developments is not important for narratives, their purpose in many cases consists in communicating a certain 'point' or 'lesson' around which they are organised (Davis 2002: 13). From this feature results the potential of narratives to give meaning to normative orders. 'Encompassing stories' with a normative message (made up of images, rituals, facts etc.), which emerge in historical situations, are passed on and modified over long periods of time, can eventually attain a justificatory function (Forst 2017: 56–7; Zürn 2017: 273–75). Similarly, narratives can motivate and orient collective action because they provide political actors with a story of how they came to find themselves in their current situation, what the purpose of that 'journey' was, and where they are (or should be) headed. In short, narratives provide 'a plausible way of telling the past on which to build the present' (Eder 2006: 257).

With regard to politics, two types of narratives should be distinguished. Recently, a lot of research has been conducted on so-called strategic narratives, i.e. stories specifically 'designed' by decision-makers to influence public opinion, to manage expectations, and to shape the behaviour of other actors (Miskimmon *et al.* 2013, 2017). In contrast, I intend to examine public narratives, which 'grow organically' through the accumulation of diverse contributions and which cannot be attributed to a specific author pursuing a particular goal: 'Public narratives are those narratives attached to cultural and institutional formations larger than the single individual, to intersubjective networks or institutions, however local

or grand' (Somers 1994: 619). While the classical example for public narratives is the 'imagined community' of the nation, smaller groups such as social movements and other types of entities such as international organisations can just as well become objects of story-based social construction (Anderson 2006 [1983]; Smith 2003). While it is not easy to draw a clear line, public narratives should be distinguished from anecdotes, which outline personal experiences that are irrelevant to the story of a collective, as well as from discourses, which represent intersubjective constellations of ideas that likewise provide orientation in the world but lack the 'emplotment' of events that characterises narratives (Boswell 2013: 622–23).

European integration is increasingly studied through the lens of (strategic and public) narratives. One area of interest are the somewhat helpless attempts of EU institutions to forge 'A New Narrative for Europe' through committee-prepared declarations and other forms of top-down cultural engineering, such as the establishment of a museum of European history in Brussels (Kaiser 2015, 2017). Some scholars have adopted Robert Cover's view that narratives are an instrument that courts can invoke to give meaning to legal norms and suggested that the ECJ should engage in a form of judicial activism that furthers solidarity in Europe through innovative interpretations of primary law (Linden-Retek 2015; see Cover 1983). Other studies regard narratives as a potential source of public support for EU politics and examine the Commission's legitimation strategies or lament that the 'narrative entrepreneurs' in elite circles have failed to come up with a convincing story that could lend credibility to EU foreign policy (Biegon 2013; Tonra 2011). Furthermore, researchers have criticised their own field for relying on an oversimplified and unhistorical picture of European integration. According to this view, EU scholarship can conceive of crises only as temporary setbacks because it is driven by a narrative of the supranational political community as a progressive project that has the future on its side (Gilbert 2008).

At the core of the debate, however, is the role of narratives in the construction of a European identity. This strand of research focuses on 'narratives about the nature of the EU, where it comes from and what it does', that might create a sense of belonging among Europeans and provide a convincing justification for the exercise of public authority in the supranational polity (Della Sala 2010: 5; see Lacroix and Nicolaïdis 2010). Here, the basic assumption is that 'narratives that people share "emphatically" with each other' can lead to the social construction of a bond that allows individuals to see themselves 'as being part of a particular "we"' (Eder 2009: 431). While there is wide consensus that the EU cannot draw on a narrative as powerful as those that historically emerged

in nation states, it is nevertheless seen as a vibrant sphere of collective stories. The idea of overcoming aggressive nationalism and war – unified Europe as a peace project – is usually regarded as the founding narrative of European integration (Della Sala 2016: 10–2). However, more than 70 years after the end of World War II, the story of 'peaceful Europe' has lost some of its intuitive appeal and is now competing with numerous narratives, each of which communicates a particular interpretation of the purpose of the EU, such as 'economic Europe', 'fundamental rights Europe', 'social Europe', or 'green Europe' (Smismans 2010; Manners and Murray 2016).[2]

In this article, I focus not on stories about the EU's end or purpose but on public narratives that paint a picture of the constituent power from which the process of European integration needs to derive its democratic legitimacy.[3] The different accounts present specific understandings of who should be in charge of EU constitutional politics, how the respective subject came to find itself in that position, and how it should invoke its founding authority in the future. As is the case with public narratives in general, non-institutional as well as institutional actors are involved in the construction of these views (Davis 2002: 21). Contributions come from protest movements, unions, public intellectuals, and parliamentarians, among others. The public narratives in question should be considered as emerging rather than consolidated, which means they are not sedimented in the same way in political practices, norms, and institutions as is the case with long-established stories that have already acquired a justificatory function. In part, this might be due to the fact that they potentially conflict with state-bound ideas of founding authority. In the EU, the narrative construction of a *pouvoir constituant* is complicated by the fact that any such view has 'to find a way to coexist with the compelling story of the nation-state', which is itself connected to stories of origin and particular notions of constituent power (Della Sala 2010: 13).

For the project at hand, the value of public narratives stems from the fact that they provide a potential link between facts and norms. Stories of constituent power in the EU convey 'sovereignty claims' that are not simply a possible source of inspiration for normative theory but can 'have real and variable effects on social and political practice through persuading, threatening, enlightening, inspiring, or otherwise shaping

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[2] For a critique of Europe's 'embarrassing […] claim[s] to exceptionalism' inherent in some of these narratives see Preuß (2015: 201).

[3] That being said, these narratives usually include ideas of the direction in which the European *pouvoir constituant* should develop the EU constitutional order.

behavior or expectations' (Walker 2013: 22).[4] With a view to the state level it is often assumed that narratives of collectivity are a precondition for the (revolutionary) exercise of constituent power because they create a bond among individuals that substitutes for the legal forms of political membership that are available only after a successful process of founding (Llanque 2014: 23). Moreover, political storytelling can itself be interpreted as part of an exercise of constituent power. According to some authors, 'extraordinary politics' includes not only higher law-making but also practices of shaping the symbolic elements that support a particular political order (Kalyvas 2008: 5). A mapping of public narratives is a way to make sure, first, that our normative considerations on constituent power in the EU tie in with ideas that are emerging in empirical practice and, second, that they do not unduly interfere with the freedom of the *pouvoir constituant* to choose its own forms of expression.

IV. Emerging narratives of constituent power in the European Union

In this section, I outline four public narratives of constituent power in the EU in order to prepare the ground for practice-oriented theory construction. The presentation of each narrative starts with a stylised summary before I turn to concrete examples in order to illustrate them in more detail. In contrast to narrative research in empirical political science, I have no intention of identifying or explaining the effects of particular stories (Chaban *et al.* 2017). Rather, I seek to make the 'narrative turn' in EU scholarship productive for normative political theory. The goal is to make the first step towards a systematic model of constituent power in the EU that builds on ideas that have already gained traction among citizens. The literature assumes that public narratives tend to emerge and become particularly visible in periods of political crisis (Gadinger *et al.* 2014: 81). Thus, I have focused on two recent crises of European integration whose constitutional significance seemed to make them likely contexts for the emergence of ideas of constituent power: the failure of the Constitutional Treaty and the euro crisis. In mapping the different stories, I have followed the qualitative approach of recent narrative research. More precisely, I have conducted a document analysis and subjected sources such as newspaper columns, interviews, blog entries, and political pamphlets to an interpretation (see Manners and Murray 2016; Sternberg *et al.* 2018).

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[4] There are different types of sovereignty claims. I only deal with sovereignty as the 'constituent power of the people […]; as the spirit animating and authorizing the basic form of a written constitution' (Walker 2013: 23).

Two criteria have guided the identification of relevant stories. I have looked for public narratives that, first, challenge the authority of the 'masters of the treaties' and, second, present a proposal for how the citizens could take control of European integration on the basis of a democratic form of EU constitutional politics. Which speech acts contribute to a particular narrative has been established through a close reading of the sources. Since the ultimate goal is to engage in normative theory, the analysis took the form of a 'motivated search' in the sense that I have purposefully only taken up ideas that show a certain degree of intellectual coherence and political significance. Accordingly, neither the set of public narratives nor the compilation of individual contributions to them is meant to be comprehensive – let alone representative of public opinion. Furthermore, it is important to note that I am not addressing the question of whether the different stories are 'realistic' or 'true'. Many claims will strike the reader as exaggerated or even unsubstantiated. Bear in mind that it is the nature of narratives to take up empirical developments selectively and to present causal relations in a tendentious manner. We are dealing with stories that political actors tell in order to make sense of the world and to persuade fellow citizens. What interests us are the competing understandings of constituent power that they bring to light.

Narrative 1: 'We, the people of Europe'

The narrative of 'We, the people of Europe' is geared towards the idea of a cross-border constituent power composed of European citizens. Here is the story: As a bulwark against war and a promise of wealth, the first steps of European integration represented a great achievement. From the very beginning, however, the unification of Europe was an elite project that slowly began to undermine democracy and to incrementally replace it with depoliticised, technocratic forms of rule. During the euro crisis, especially in the course of 2011, this process accelerated dramatically. Not least the establishment of 'governments of experts' in Italy and Greece made clear that for debtor countries in the EU democratic decision-making on economic policy has been replaced by the dictate of the Troika. As a result, European integration is now undermining its own accomplishments. While parts of the European population benefit from the current order, other segments face hardship. Social injustice prevails among the citizens of Europe. An immediate effect is the resurgence of nationalism and the success of right-wing populist parties. The way out is to transform the EU into a supranational democracy that restores solidarity and governs the existing (economic) community of fate. Building such a new order can only be the task of all Europeans who should put their nationalities aside and establish themselves as a cross-border constituent power.

Let me turn to some examples in order to outline this storyline in more detail. As mentioned above, the tale usually begins with a praise of the extraordinary accomplishments of European integration – which are presented as now being in decay. The most prominent proponent of this picture is the protest movement DiEM25, which aims at a European constituent assembly that is to enable the citizens to give the EU a new – and this time democratic – constitution. According to its manifesto, the 'European Union was an exceptional achievement bringing together in peace European peoples […], proving that it was possible to create a shared framework of human rights across a continent that was, not long ago, home to murderous chauvinism, racism and barbarity' (DiEM25 2016). In the same vein, the late Ulrich Beck reminds us – in a newspaper column arguing that the euro crisis 'cries out to be transformed into the founding of a new Europe' – that Europeans once 'accomplished a miracle […]: enemies became neighbours' (Beck 2009). This miracle was built on the shared goals of preventing war and producing wealth. Driven by the hope for a better life realised through economic gains, the peoples of Europe managed to overcome their enmities and to engage in peaceful cooperation. It was the prospect of 'shared prosperity and raised standards that brought Europeans together' (DiEM25 2016).

However, the benefits of cooperation came at a price, namely a transfer of competences from national parliaments to less democratic EU institutions. According to DiEM25, already the ratification of the first European treaties set in motion 'a process of de-politicising decision-making […], the result being a draining but relentless drive toward taking-the-demos-out-of-democracy' (DiEM25 2016). The story comes to its turning point with the euro crisis, when this development is said to have escalated. For some, the crucial moment was the 2011 decision of Giorgios Papandreou, the Greek Prime Minister, to cancel the referendum on a proposed aid program: 'Suddenly, the hidden inverted reality came to light. In Europe, which is so proud of its democracy, someone who practices democracy becomes a threat to Europe' (Beck 2011). For others, the installation of technocratic governments in Italy and Greece in the same year marked the watershed: 'It is then that people began to speak, referring to the "Troika" or the European Commission as a "commissary" dictatorship or "revolution from above"' (Balibar 2015). It became apparent that democracy at the nation-state level no longer commands sufficient power to resist EU policies. It is against this background that former EU politicians in 2012 published a call for 'a bottom-up Europe', denouncing 'the Europe of elites and technocrats that has prevailed up to now' (Delors *et al.* 2012).

The story continues with the observation that, as a result of the increasing corrosion of democracy, European integration has come to undermine its own accomplishments. A 'Citizens Manifesto for European Democracy, Solidarity and Equality', prepared for the 2014 European elections through public consultation, informs us that citizens not only 'feel that the impact of their votes is increasingly diminishing' but that they are also acutely aware that the 'richest continent on the planet is also the one where most people have been falling below the poverty line in the first three years of this decade' (Citizens Pact 2013). According to the narrative, an immediate effect of the growing social injustice is that the EU's culture of international understanding is in decline. A deeply concerning 'resurgence of nationalisms' has followed in the shadow of the 'rampant inequalities' caused by the euro rescue measures (Balibar 2013). The lesson is that only a fundamental transformation that moves the EU in the direction of transnational solidarity could induce a turn for the better. However, there is a sense that the EU's current rules of treaty revision provide insufficient room for citizen input and incentivise the negotiating parties to frame issues in terms of national interests. Thus, the EU is seen as 'incapable of being reformed through the standard process of inter-governmental deliberations and gradual treaty changes' (Varoufakis 2016).

At this point, constituent power enters the story. We are told that without 'opportunities for interventions from below […] that send a shudder through the ocean liner Europe, the whole enterprise will fail' (Beck 2011). While some of the narrative's proponents imagine that this should initially play out in the form of resistance against tendencies of de-democratisation, they aim for the 'possibility of a "constituent moment"' (Balibar 2015). In response to poverty and nationalism, the stated goal is 'to work towards the foundation of a constituent power that imposes its social character and its democratic characterization with a federalist perspective' (Negri and Sánchez Cedillo 2015). Specifically, the aim is to initiate a constituent assembly that is not committed to the existing EU treaties but writes a new constitution for a supranational democracy. This political demand is formulated by various actors in different ways. For example, the previously mentioned Citizens Manifesto states: 'To kick-start [a] process of radical reform, we propose a European Convention where citizens and politicians come together to develop a new democratic architecture' (Citizens Pact 2013). Similarly, DiEM25 promotes 'a Constitutional Assembly consisting of representatives elected on trans-national tickets', which 'will be empowered to decide on a future democratic constitution that will replace all existing European Treaties within a decade' (DiEM25 2016).

The understanding of constituent power at play here clearly seeks to transcend the borders of the Member States. The main idea is that Europe's citizens need to overcome their division and bring about a constitutional renewal of the EU as one cross-border political community: 'The unit of political action [...] is no longer the nation but the region' (Beck 2009). The Citizens Manifesto communicates the same message: 'Rather than relying on fractured national sovereignties, we want to be empowered to act at a transnational level' (Citizens Pact 2013). The underlying conviction is that 'it is not only possible but also empowering to overlay' the existing multiple identities of Europe's citizens 'a new one – a transnational identity of our own making: radical, anti-authoritarian, democratic Europeanism' (openDemocracy 2016a). Accordingly, a European constituent assembly would have to 'enjoy *direct* legitimacy vis-à-vis all the people in Europe', which means it should be 'based on general and equal elections giving every human being in Europe one vote' (Marterbauer and Oberndorfer 2013: 86, emphasis in original). As Barbara Spinelli, a Member of the European Parliament (MEP) and DiEM25 activist, puts it: The EU needs 'an authentic Constitution: not signed [by] the governments of the Member States but starting, as the American one, with the words: "We, the people…"' (openDemocracy 2016b).

Narrative 2: 'We, the peoples of Europe'

The narrative of 'We, the peoples of Europe' ascribes constituent power to the demoi of the Member States. The story goes like this: With the Laeken process the governments admitted that European integration has reached a stage where it can no longer suffice that they negotiate EU reforms among themselves. However, the European Convention of 2002/2003 was nothing more than a pseudo-democratic fig leaf for an elite project and it prepared a highly unsatisfactory document. Thus, the rejection of the Constitutional Treaty in the French and Dutch referendums of 2005 was a glorious democratic victory. However, the governments decided to bypass the peoples. While they pretended to drop the constitutional project, only the symbolic elements were removed from the draft, while its substance was transferred into a 'reform treaty' prepared behind closed doors. The Lisbon Treaty could not be stopped, but at least the 2009 ruling of the German Federal Constitutional Court (FCC) made clear – legally for Germany and symbolically for all Member States – that further transfers of sovereignty would require the activation of constituent power. Since then, however, the euro crisis has brought even more integration by stealth. Now the time has come to reclaim popular sovereignty and to determine the EU's future in a process that builds on its actual *pouvoirs constituants*: the peoples of the Member States.

This storyline is particularly popular in and around the alter-globalisation movement Attac, which was highly active in the French 'No' campaign of 2005. According to Susan George, an Attac campaigner at the time, the months leading up to the referendum were characterised by serious public deliberation. At the end, the people clearly stated their political will: 'During the spring of 2005, France witnessed a debate and a positive political outcome unequalled in decades. The victory of the "No" in the referendum on the Constitutional Treaty was a victory for the Europe of the future and for the human spirit, in the best Enlightenment tradition' (George 2008: 5). Besides its content, the main reason for the rejection of the Constitutional Treaty was the drafting process. In the words of Antonis Manitakis, later an interim Minister in the Greek government, the European Convention was nothing more than a red herring: 'The constitution required by a politically unified Europe can be neither the outcome of secret intergovernmental agreements, nor the spurious creation of a fictitious "Assembly" that is a puppet of the powerful national governments' (Manitakis 2007: 37). Fortunately, we are told, two peoples saw through the democratic façade and claimed their right to shape the EU polity. The French and Dutch 'No' votes were an important insurrection against an attempted suppression of democracy.

The story's turning point is the refusal of Europe's elites to accept their defeat. The governments decided to ignore the voice of the peoples and to pursue their goal under a new name. As Jens-Peter Bonde, a former member of the European Convention and Eurosceptic MEP from Denmark, describes it, a plan was devised to get 'major parts of the rejected constitution approved, by the backdoor, with no referendums' (Bonde 2007). In light of this, an Attac working group called the European Construction Group drafted an alternative EU constitution with the title 'Plan P, a Constitution for the Peoples of Europe'. The document's preface criticises that the 'politicians of the European Union, who insist on leading this institution at their own discretion, remain deaf vis-à-vis the opposition to the Constitutional Treaty and its remake, the Lisbon Treaty, despite the rejection expressed through a sufficient number of votes in 2005 by the Dutch and French and in 2008 by the Irish citizens' (Attac 2009: 2, my translation). By simply dismissing the referendum results and continuing the project away from the eyes of the public, the governments undid the achievement of the 'No' campaigns: 'So it is as if the French and the Dutch had never voted. The whole process [of making the Lisbon Treaty] leaves all European citizens, whatever their Member State, completely out of the picture' (George 2008: 100).

The story has it that the executives' line of action during the euro crisis was still determined by the experience of the lost votes of 2005. It is no

coincidence, we are told, that the governments (once again) resorted to legal instruments that allowed them to avoid a direct involvement of their peoples. For example, in a newspaper column considering how 'a European constitution for the 21st century' could be brought about, Bruce Ackerman and Miguel Maduro suggest that the 'memory of the 2005 national referendums rejecting the EU constitution has led political leaders to respond to the current crisis with emergency measures that don't require popular approval' (Ackerman and Maduro 2012). In other words, the bypassing of the peoples is an ongoing strategy and was invoked by European elites during the euro crisis to advance integration in the area of EU fiscal and economic governance. The peoples' demand for control over EU constitutional politics, clearly articulated in the referendums of 2005, remains unheard. In light of this, the FCC's Lisbon ruling of 2009 has been welcomed. Proponents of the narrative interpret it as a confirmation that the peoples – not the states – are the EU's ultimate source of authority. As is well known, the court found 'that the constituent power has not granted the representatives and bodies of the people a mandate to dispose of the identity of the constitution' (BVerfG, 2 BvE 2/08).

The court's opinion, which sets limits to the transfer of competences from the state level to the EU, has become an important point of reference and is regularly invoked to criticise the EU for (perceived) violations of democracy. Especially in Germany, the Lisbon ruling has found its way into political storytelling. For example, in a libertarian think tank's 'Manifest [sic] for a Confederate Europe' it provides the basis for a critique of the euro rescue measures, which are said to have resulted in an unsanctioned 'sudden erosion of national sovereignty' (Prometheus 2015: 2). In a similar vein, Michael Efler from the German NGO *Mehr Demokratie*, in 2012 referred to the Lisbon ruling to substantiate his claim that a parliamentary ratification of the European Stability Mechanism and the Fiscal Compact would constitute a violation of the Basic Law. In his view, the implied transfer of budget authority would have required 'the approval of the constituent power' in a direct-democratic form (Efler 2012; my translation). Even citizens of other Member States refer to the Lisbon ruling, suggesting that it has normative (albeit not legal) implications for their political communities as well. Should we not assume that what is found to be 'in contravention of basic democratic principles' in Germany should be regarded as such 'in all other Member States that claim to be democracies' (Bonde 2009)?

This brings us to the issue of constituent power. The story's main message is that the predominance of executives needs to come to an end. This demand is explicitly formulated in the terminology of *pouvoir constituant* and *pouvoirs constitués*. According to the proponents of Plan P, there is a need for rules and procedures that 'separat[e] the constituent powers from

the constituted powers', such as referendums on popular initiative or the direct-democratic ratification of all constitutional decisions (Attac 2008: 3). In contrast to the first story, however, the narrative ascribes founding authority not to a single demos but to the several demoi of the Member States. We are told that there is no European people but only '27 peoples with different histories, languages and cultures' (George 2008, 101). In light of this, the subject of constituent power is imagined as being segmented into national parts. The expectation is that '[p]olitical Europe will be built in the name of its peoples, from its peoples and together with its peoples, themselves organised into separate and autonomous republics' (Manitakis 2007: 42). In other words, a transformation of the EU needs to take its course from a plurality of *pouvoirs constituants* that have an interest in defending their respective structures of nation-state democracy. Accordingly, the Plan P draft constitution opens with the words: 'We, the Peoples of Europe' (Attac 2009: 3, my translation).[5]

Narrative 3: 'We, the citizens of Europe and of its Member States'

The narrative of 'We, the citizens of Europe and of its Member States' paints the picture of a dual constituent power. The story takes off with the Maastricht Treaty and the establishment of the Economic and Monetary Union (EMU). The decision to introduce a common currency without a political union that engages in fiscal and social policy is presented as the root cause of the EU's current problems. According to the story, it became clear during the euro crisis that the existing EU constitutional order is deeply unstable. On paper, the Member States now have two choices for correcting the faulty design. They can either turn back the clock and renationalise competences or take bold steps in the direction of further integration. However, the narrative suggests that a return to a 'Westphalian' order is in fact neither feasible nor desirable because if the EU were to disintegrate, its Member States would not only lose their role as a major player in world politics but also face a dramatic economic decay. So there is actually only one way for Europe to retain its current position: a federal union. Such an order, which is meant to be a non-state federation, not a European superstate, could only be legitimately created through a process of constitution making that enables the citizens to act as a dual constituent power and to determine the common good from a European as well as from a national perspective.

[5] The German text (an English version is not available) starts with the odd formulation 'We, the peoples of the citizens of Europe', which seems to be a translation error. In the French, Spanish, and Italian versions, it is simply 'We, the peoples of Europe' (*Nous, peuples d'Europe*; *Nosotros, pueblos de Europa*; *Noi, popoli d'Europa*).

Most contributions to this storyline come from a social-liberal context that regards the Member States' failure to establish a political union alongside the monetary union as the EU's 'original sin'. This notion can be found in several proclamations written with a view to the European elections of 2014. In their pamphlet 'For Europe! Manifesto for a Postnational Revolution in Europe', Daniel Cohn-Bendit and Guy Verhofstadt, at the time both MEPs, claim: 'It is very well to have a common currency, but without establishing a single integrated Europe it is a contradiction and an impossibility' (Cohn-Bendit and Verhofstadt 2012: 13). Similarly, the former member of the European Convention and MEP Andrew Duff writes in his 'On Governing Europe': 'The seat of the problem is that the Maastricht treaty established a monetary union without putting in place a decent system to govern the political economy' (Duff 2012: 17). The story's turning point is the near breakdown of the current order during the euro crisis. While the narrative acknowledges that the EU cannot be blamed for the outbreak of the global financial crisis, its subsequent struggles are seen as self-inflicted. In a tractate making 'The Case for a Fundamental Reform of the European Union', a group of academics, unionists, and politicians puts it as follows: 'The fact that an exposed Europe became an early casualty of the crisis of the financial markets is largely due to the institutional weakness of the European Union' (Nida-Rümelin *et al.* 2013: 5).

Given the EU's apparent incapacity, it might now seem tempting to return to the status quo ante with national currencies and greater control over economic matters for individual states. However, we learn that Europeans 'might as well commit suicide! Because thinking that the nation state is best placed in today's world to guard the economic and financial interests of its citizens and businesses is pure folly' (Cohn-Bendit and Verhofstadt 2012: 14). In the context of rapid globalisation single European countries will soon no longer be able to compete with the world's economic superpowers and alliances. Moreover, as Duff's treatise 'Federal Union Now' claims, the euro crisis has demonstrated that already today individual states are 'too weak to get out of trouble by themselves' (Duff 2011: 1). Against this background, the trade-union initiated call 'Founding Europe Anew!' claims that cross-border solidarity between the citizens of Europe must become an essential element of a transformed EU: '[I]t is necessary that the EU develops further into a transfer-union' (Bsirske *et al.* 2012: 2). Given the circumstances, the right move would be to deepen European integration through institution building that 'take[s] account both of the close economic and financial ties between Member States and of the fact that the Eurozone has long since become a union based on shared liabilities and wealth transfer' (Nida-Rümelin *et al.* 2013: 6).

The constitutional model that is put forward in this context is a federal union with the competences necessary to become active in the fields of fiscal and social policy. While certainly presupposing further transfers of sovereignty, this future EU is not meant to be a federal state. Those in favour of the project aim for a 'complex multi-level parliamentary democracy' but distance themselves from 'the ogre of the centralised superstate which so fixates those "eurosceptic" sovereignists who cling to the nation state' (Duff 2011: 4). The federal union would derive its democratic legitimacy from the citizens in a dual role: as European citizens and nation-state citizens. Thus, its political system would have to include classical features of federalism such as a bicameral legislature. In the new EU, law-making should be 'subject to the control and legitimacy of a Parliament that is only answerable to the citizens of Europe. Alongside a European Senate composed of representatives of the Member States' (Cohn-Bendit and Verhofstadt 2012: 69).[6] For such an order to be functional, the citizens would have to conceive of themselves as members of two different political communities at the same time. For that reason, a federal union would have to 'foster from the outset a sophisticated sense of European political citizenship' while being aware and respectful of 'the powerful lasting legacy of Europe's nation states' (Duff 2012: 57).

Constituent power comes into play when it comes to establishing the federal union. At this point, the narrative turns against the leading role of governments. A declaration entitled 'No to the Europe of Walls: Building Together the European Democracy', signed by numerous civil society organisations, highlights executive dominance as a major problem of recent EU crisis politics: '[I]ntergovernmental decision making – the one in which governments alone are entrusted with decisions and that lacks substantial democratic legitimacy – had paralysing, unequal, and non-transparent effects' (European Alternatives 2016). The alternative put forward is 'a European constitutive process from below', as Mario Candeias, co-director of the Institute for Social Analysis at the Rosa Luxemburg Foundation, describes it (Candeias 2016).[7] At a more general level, it is claimed that a far-reaching decision such as building a federal union requires a special procedure of constitution making: '[T]he reform of the EU cannot be left

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[6] According to Duff's proposal for a federal union, which departs less radically from the EU's current structure than the Cohn-Bendit and Verhofstadt proposal, the 'legislature is bicameral and compromises the Council of Ministers, representing the states, and the European Parliament representing the citizens' (Duff 2011: 5).

[7] In contrast to committed federalists, Candeias leaves open the EU's future structure, which should 'be clarified in a constitutive process'. That being said, ideas such as 'a Europe-wide social infrastructure (healthcare, education, housing, and energy)' point in the direction of a federal order (Candeias 2016).

to a conference of the governments of the Member States […]. It is of such momentous importance that a convention is needed' (Nida-Rümelin *et al.* 2013: 21). The role of the states as the 'masters of the treaties' is outrightly rejected: 'Let us not accept the biggest lie that the nation states continue to tell their citizens, i.e. that they are the foundation of the European Union' (Cohn-Bendit and Verhofstadt 2012: 53).

But who is the subject of constituent power? Steering a middle course between the first two narratives, the story presents each individual as a member of two different demoi at the same time. From this perspective, the EU's constituent power consists of European and national parts: 'Being European is your surname. Just like your own nationality is your first name' (Cohn-Bendit and Verhofstadt 2012: 66). The hope is that, at least in the long term, 'the citizens of Europe will acquire a dual political identity, as citizens both of a common Europe and of the individual countries that have come together to form a European Union' (Nida-Rümelin *et al.* 2013: 8). The composition of the convention that is to bring about the federal union mirrors the idea of a dual source of democratic legitimacy. The body is meant to include delegates from the Member States as well EU representatives – according to Duff's proposal 'national as well as European parliamentarians' (Duff 2012: 10).[8] Moreover, dual constituent power implies that single countries should not have a veto in the founding process but only the option of not entering the federal union. The constitution should be adopted 'by referendum in all the countries by double majority (majority of states and citizens)' (Cohn-Bendit and Verhofstadt 2012: 124; see Duff 2011: 24). In a nutshell, an ideal EU constitution would start with the words 'We, the citizens of Europe and of its Member States'.

Narrative 4: 'We, the multitude of Europe'

The narrative of 'We, the multitude of Europe' refrains from delineating a subject and focuses on resistance as a trigger of constitutional change. The story's basic assertion is that the EU and especially the euro are instruments for the realisation of a neoliberal agenda aiming at the deregulation of markets and the privatisation of public sectors. To achieve these goals, more and more constraints on nation-state democracy had to be established over time. This internal logic of European integration is said to have come fully to light in 2015 when the Tsipras government was openly blackmailed

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[8] Some authors even hint at a multi-level notion of constituent power in the EU. Candeias declares that the 'first step of every constitutive process is the creation of a political subject', which in the case of the EU should relate 'to all levels of politics – municipal, regional, national, and supranational' (Candeias 2016).

into accepting strangulating conditions for a new bail-out package, despite the clear 'OXI' of the Greek people in a referendum. This event was nothing less than a coup d'état and revealed that Europe's citizens are no longer in control of their destiny. To reinstall democracy, they need to aim for a radical transformation. However, the story has it that the institutional structure of the EU is specifically designed to obstruct any change that could pose a threat to the neoliberal hegemony. We are told that a progressive, democratic reform is an illusion and that the only option for restoring popular sovereignty is a rupture that forces a renegotiation of the treaties. This could either take the form of disobedience, i.e. of targeted non-compliance with oppressive EU rules, or of an exit from the EMU. The citizens of Europe must act as an anti-hegemonic multitude.

This storyline is usually presented from within far-left movements and organisations. For example, in a joint statement calling for an 'Austerexit' – an exit from austerity – the politicians Olivier Besançenot from the New Anti-Capitalist Party in France, Antonis Davanellos from Popular Unity in Greece, and Miguel Urbán Crespo from Podemos in Spain suggest that from 'the 1957 Treaty of Rome to the 1986 Single European Act to the 1992 Maastricht Treaty to the 2005 European Constitution Treaty, the political and economic elite has only ever been motivated by the desire to construct a large economic market with the goal of satisfying the immediate interests of certain capitalists and financiers' (Besançenot *et al.* 2015). In a similar vein, the Lexit Network, which campaigns for a (general) exit from the euro, claims that with 'the implementation of the European single market and the Maastricht Treaty, European integration was established as a neoliberal project for the long run' (Lexit Network 2016). In particular, the common currency is seen as a source of domination that deprives the Member States of their freedom to determine the guidelines of public spending. According to the Italian anti-capitalist movement Ross@ – an acronym for Resistenza, Organizzazione, Solidarietà, Socialismo, Anticapitalismo – the 'euro is an instrument for the capillary control' of national budgetary policy (Ross@ 2015: 14).

The turning point of the story is the Greek referendum of 2015 and the subsequent decision of the Tsipras government to accept the EU's conditions for a new bail-out package even though a large majority of citizens had voted against it. Syriza's renunciation of its anti-austerity program is regarded as the result of blackmail. In 'An Open Letter to the British Left', published after the Brexit referendum, Stathis Kouvelakis, a former member of the central committee of Syriza, describes it as follows: 'Syriza was initially elected, in January 2015, to abolish austerity and cancel the major part of an odious and illegitimate debt. It confronted an

immediate all-out war launched by the European Union, which started with the strangulation of its banking system and the escalating restrictions on its liquidity provision that took effect days after its victory' (Kouvelakis 2016). According to the narrative, the EU did not even pretend anymore to respect democratic decision-making but without hesitation used its economic power to overturn a popular vote that contradicted its interests. As the initiators of the so-called 'Plan B in Europe' put it, the 'elected Greek government of Alexis Tsipras was brought to its knees by the European Union. The "agreement" of 13th July is in fact a coup d'état. […] [O]fficial Europe could not stand the idea that a people suffering from its self-defeating austerity program dared elect a government determined to say "No!"' (Mélenchon *et al.* 2015).

Against this background, proponents of the story suggest that the main question today is how popular sovereignty could be restored. According to them, the problem is that the EU is incapable of progressive reform from within because European integration proceeds under the hegemony of neoliberal interests. The 'Declaration for a Democratic Rebellion in Europe' claims that the executives of the Member States 'are subservient to the corporations and financial firms that deploy armies of lobbyists. They are negotiating new treaties in the name but against the interests of Europe's peoples' (Plan B 2016). In a blog post on 'Austerity, Limited Sovereignty and Social Devastation', Panagiotis Sotiris, an activist and member of Popular Unity in Greece, argues that only in theory one can imagine the EU as a democratic polity working towards solidarity between the peoples of Europe, while 'with the actual configuration of forces, this is not possible. […] There is no way such a change can be accomplished through normal processes of deliberation and decision-making' (Sotiris 2012). Even more, Syriza's attempt to change the system from within has not simply failed but triggered a backlash from the creditor institutions: '[T]he strategy of pursuing a reversal in the terms of austerity without breaking with the institutions of neoliberal domination – the EU, the Eurozone and the IMF – has backfired' (Karyotis 2015).

The main lesson is that the way forward needs to involve rupture: a break with the current EU or at the very least a deconstruction of the EMU. This position comes in two variants. The first opts for disobedience in the form of a refusal to implement austerity policies and to pay debt. Elements of this view are endorsed in the context of DiEM25. In order to force a radical EU reform, Member States – especially debtor countries – should bring about 'a clash with the European establishment based on a campaign of wilfully disobeying the unenforceable EU "rules" […] while making no move whatsoever to leave the EU' (Varoufakis 2016). Similarly, Catherine Samary, a co-founder of the now-dissolved French

party Revolutionary Communist League, suggests that the 'OXI of the Greek people was a mandate of opposition to the new austerity plan negotiated with the Eurogroup' and should be interpreted as support for measures such as the 'refusal to pay the unsupportable and illegitimate, indeed illegal, part' of the Greek debt (Samary 2016, emphasis removed). The Plan B supporters pursue a double strategy. While their immediate goal is to achieve a 'complete renegotiation' of the EU treaties through a campaign of 'disobedience toward arbitrary European practices and irrational "rules"', they plead in favour of leaving the common currency if it turns out that 'the euro cannot be democratised' (Mélenchon *et al.* 2015).

This leads us to the second variant of the narrative, which argues for exit. Given that the EU is seen as barring 'the implementation of any agenda that would halt [...] the advances of neoliberalism and austerity', the Brexit referendum is seen as exemplary (Kouvelakis 2016). In contrast to the UK's decision, however, the idea is not to leave the EU altogether but to withdraw from the EMU. Assuming that the euro cannot be turned into something that is beneficial for all parties involved, it is suggested that 'a Lexit (left exit) must be advanced as a tool to reclaim democracy' (Lexit Network 2016). For proponents of this view, abandoning the euro is part of an anti-hegemonic strategy directed against a specific economic agenda. It is 'an attempt to reclaim monetary sovereignty as part of a break with "actually existing neoliberalism"' (Sotiris 2012). Irrespective of whether proponents of the narrative opt for disobedience or exit, the general message – which distinguishes this story from the others – is that progressive change in the EU is not to be had on the path of constitution making. In the current constellation, the only hope is that a significant number of citizens decide to force a break with the existing structures. Moreover, the narrative is not concerned with the question of who should form part of such a process. The motto is: 'We, the multitude of Europe'.

Comparing the four narratives: Differences and connections

The general picture that we get from the above analysis is that various political actors in the EU, in particular protest movements and public intellectuals, draw on ideas of constituent power to challenge the authority of the states as the 'masters of the treaties'. The common denominator of the four stories is the rejection of executive-centred treaty making, which is seen as lacking democratic legitimacy. All narratives call into question the view that the complexity and fast growth of the EU has left intergovernmentalism as the only plausible steering mechanism of European integration. The bottom line is that 'the people' should reclaim what – according to these narratives – has been illegitimately withheld from them: the right to decide on the EU's structure and competences. However, we also see

fundamental disagreement regarding the identity of this collective subject. We are offered four different views as to who exactly should take control of European integration: a cross-border demos, the demoi of the Member States, the citizens as members of two demoi, or a non-delineated multitude. Even though this in part has to do with the different plots leading up to the competing allocations of constituent power, there are also various connections between the storylines (see Table 1).

One of the most interesting interrelations can be found between narratives 1 and 4. Both point to the de-democratising effects of the euro crisis in order to explain why citizens need to take action. Some actors such as DiEM25 even contribute to the construction of both stories and conceive of resistance against the EU as a preparatory step for a European project of constitution making. In fact, the negativistic logic of narrative 4 seems in principle compatible with all other stories since its proponents could adopt any (constructive) idea of constituent power in the EU once a multitude has done away with the structures that are said to currently prevent progressive

Table 1. Narratives of constituent power in the European Union

	Narrative 1	Narrative 2	Narrative 3	Narrative 4
Point of departure	European integration as project for peace and prosperity after WWII	Rejection of EU Constitutional Treaty as democratic victory	Maastricht Treaty, EMU without political union as 'original sin'	EU and euro as instruments for realisation of a neoliberal agenda
Turning point	Technocratic rule during euro crisis; ensuing injustice and nationalism	Bypassing of the peoples in preparation of Lisbon Treaty	Near breakdown of EU's current order during euro crisis	Disregarding of the Greek people's OXI during euro crisis
Lesson/objective	Establishing a supranational democracy that realises social justice among all Europeans	Re-empowering citizens vis-à-vis their governments as well as nation-state democracy within the EU	Stabilising the EU by transforming it into a federal union that engages in fiscal and social policy	Forcing a renegotiation of the treaties through resistance to EU policies or an exit from the EMU
Allocation of constituent power	Cross-border demos	Demoi of the Member States	Citizens as members of two demoi	Non-delineated multitude

change on the path of democratic higher law-making. With a view to the future structure of the EU, narratives 1 and 3 point in similar directions. Both aim for deeper integration in order to enable a European form of social policy. In contrast, narratives 2 and 4 share a sceptical view on the transfer of competences to the EU level and are primarily worried about the loss of democracy at the nation-state level. Finally, it is worth noting that narrative 3 has common ground with narratives 1 and 2 in that it combines their respective interpretations of the subject of constituent power in the EU.

V. Conclusion: From public narratives to theory construction

Let me conclude by explaining to what extent we have made progress in terms of reformulating the future-oriented, normative understanding of constituent power for the context of European integration. Starting from ideas that have already gained traction among citizens, we are now in a position to develop the rather abstract idea of constituent power in the EU in a way that establishes a link between the 'is' and the 'ought'. This should not only enhance the practical relevance of our normative considerations but also avoid conflict with the idea that the *pouvoir constituant* is free to choose its own forms of expression. In particular, the mapping of public narratives allows us to determine which political theories have some initial plausibility as starting points for a normative account of constituent power in the EU – and which seem unpromising. Each of the four narratives shows an affinity to a theoretical framework developed in EU scholarship – which respectively comes to light in a similar allocation of the right to determine the EU's structure and competences. These political theories could be used to develop the competing notions of constituent power – which are only vaguely articulated in the public narratives – into systematic models that could then be analysed in a comparative perspective. While it is beyond the scope of this article to embark on this endeavour of theory construction, I would like to point out which approaches I have in mind.

The narrative of 'We, the people of Europe' paints the picture of a cross-border constituent power and is oriented towards European solidarity. As we have seen, the underlying idea is not that the EU should be transformed into a European superstate. Instead, the proponents of the story aim at a (mostly unspecified) form of supranational democracy in which the Member States retain their autonomous existence. Still, it is claimed that EU constitutional politics should be controlled by a European demos. Against this background, it seems promising to draw on the political theory of regional cosmopolitanism, which interprets the EU as a political system

that derives its democratic legitimacy from a political community of European citizens (Ferry 2009; Eriksen 2014). In contrast, the narrative of 'We, the peoples of Europe' suggests that the subject of constituent power is segmented into national parts. While this idea is geared towards restoring the popular sovereignty of the national demoi, the goal is not absolute national self-determination. Rather, the point is to make sure that membership in the supranational polity does not undermine the citizens' political autonomy. This story shows affinity to the political theory of demoi-cracy, which portrays the EU as a political system grounded on a plurality of peoples that are determined to engage in a common project of self-government (Nicolaïdis 2013; Cheneval *et al.* 2015).

The narrative of 'We, the citizens of Europe and of its Member States' ascribes constituent power to individuals as members of two demoi at the same time. The EU is supposed to become a federal union with competences in the areas of fiscal and social policy. The democratic legitimacy of such a transformation is said to depend on a constitution-making process in which each individual is represented as a European citizen and as a nation-state citizen. This story seems to support the political theory of 'split' popular sovereignty, which conceives of the EU as a non-state federation and suggests that such a constitutional order has a dual source of democratic legitimacy (Habermas 2017; Niesen 2017). Finally, the narrative of 'We, the multitude of Europe' refrains from delineating a political subject and instead focuses on how citizens could regain democratic control through the deconstruction of the EU's current order. The basic assumption is that the EU represents a neoliberal hegemony, which is said to imply that a progressive reform presupposes rupture because the path of democratic higher law-making is blocked. This story could be reformulated with the help of the political theory of destituent power, which regards resistance as a legitimate trigger for constitutional change (White 2017; Möller 2018).

It should not come as a surprise that there is a certain correspondence between, on the one hand, those public narratives of constituent power in the EU that seem most advanced in terms of intellectual coherence and political significance and, on the other hand, a set of political theories developed in EU scholarship. After all, neither of the two spheres operates in isolation. On the contrary, it seems reasonable to assume that political storytelling and political theory influence each other. Some individuals, in particular scholars who engage as public intellectuals, explicitly have a foot in both camps. But the mapping of public narratives also indicates which theoretical frameworks are perhaps too detached from empirical practice. For example, James Bohman envisages multiple and overlapping demoi that are not only of territorial but also of functional nature (Bohman 2007; see also Besson 2006). At least in the sphere of public narratives, there is no

indication that citizens seek to enact such a pluralist understanding of constituent power in the EU. In other words, while there is a political theory for every public narrative, there is not a public narrative for every political theory that proposes (or implies) a particular allocation of founding authority in the EU. Our efforts of theory construction should focus on ideas that connect to actual attempts to forge a European constituent power.

Acknowledgements

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