

The European Union: A Post-Democratic, Post-Modern, and Post-National Empire?

Michael GEHLER

Preliminary remarks

Does the European Union consist of a new world power with imperial ambitions? That is what is asked before the decade of crises 2008-2018, but also later on.¹ Was it and is it still an empire at all? With a view toward historical empires, what would this mean for its endangered connections with the Russian Federation under Vladimir Putin's rule and her weakened relations with the United States especially since the establishment of the Trump administration in 2017?²

These are questions that had been posed with increased frequency. Over the past thirty years, the historical and political science research has been occupied with hegemonic powers and empires, thus experiencing both a noticeable boom and,

1. H.-J. BIELING, *Die Europäische Union: Eine neue Supermacht mit imperialen Ambitionen?*, in: *Prokla – Zeitschrift für kritische Sozialwissenschaft*, 35(2005), pp.247-267; L. KÜHNHARDT, *Ein Begriff und seine Anwendung. Rückblick auf Imperien als Ausblick auf die Zukunft der EU*, in: V. KRONENBERG, J. PUGLIERIN, P. KELLER (ed.), *Außenpolitik und Staatsräson. Festschrift für Christian Hacke zum 65. Geburtstag*, Nomos, Baden-Baden, 2008, pp.29-39; M. GEHLER, *Die Europäische Union – ein postmodernes Imperium?*, in: M. GEHLER, R. ROLLINGER (eds), *Imperien und Reiche in der Weltgeschichte. Epochenübergreifende und globalhistorische Vergleiche*, part 2: *Neuzeitliche Imperien, zeitgeschichtliche Imperien, Imperien in Theorie, Geist, Wissenschaft, Recht und Architektur, Wahrnehmung und Vermittlung*, Harrassowitz Verlag, Wiesbaden, 2014, pp. 1255-1307; M. GEHLER, *Europa. Ideen – Institutionen – Vereinigung – Zusammenhalt*, Ed. Olzog/Lau-Verlag, Reinbek/Hamburg, 2018, pp.614-637, with references for additional reading.
2. S. FINER, *The History of Government. From the Earliest Times*, 3 vol., Oxford University Press, Oxford, 1997; J. OSTERHAMMEL, *Europamodelle und imperiale Kontexte*, in: *Journal of Modern European History*, 2(2004), pp.157-181; J. DARWIN, *After Tamerlane. The Global History of Empire since 1405*, Bloomsbury Press, New York, 2008, pp.505-506; T.H. PARSONS, *The Rule of Empires. Those who built them, those who endured them, and why they always fall*, Oxford University Press, Oxford, 2010, pp.423-450; J. BURBANK, F. COOPER, *Empires in World History. Power and the Politics of Difference*, Princeton University Press, Princeton, 2010, pp.413-459; IDEM., *Imperien der Weltgeschichte. Das Repertoire der Macht vom alten Rom bis heute*, Campus, Frankfurt/Main, 2012, pp.513-549; P. BOILLEY, A. MARÈS (coord.), *Empires*, Armand Colin, Paris, 2(2012); N. DAVIES, *Vanished Kingdoms. The History of Half Forgotten Europe*, Penguin, London, 2011; IDEM., *Verschwundene Reiche. Die Geschichte des vergessenen Europa*, Wissenschaftliche Buchgesellschaft, Darmstadt, 2013, pp.809-820; J.M. MACKENZIE, N.R. DALZIEL, M.W. CHARNEY, N. DOUMOUN (eds), *The Encyclopedia of Empire*, Wiley Blackwell, Oxford, 2016: see vol. D-J only with a reference to European expansionism (but not to the EU), pp.840-844; H.-H. NOLTE, *Kurze Geschichte der Imperien*, Böhlau, Wien, 2017, pp.13-43.

through the debate about the “liberal empire”, the “post-American world”, a “new imperial history”, positive evaluations and critical reactions.³

With systematic access, research proposes comprehending empires as “universals”, that are phenomena that transcend eras but are historical and tied to time, starting out from around 3,000 BC and defined by first, a monarchical head; second, collaboration between throne and altar (state religion), third, an extensive bureaucracy; fourth, the use of a written form; fifth, centrally collected tributes or taxes; sixth, variety in the provinces; and seventh, slight participation of the “citizens”.⁴

Additional stimulating accesses originated from the political science which, as a result of a series of central criteria, differentiates hegemonic powers from empires.⁵

Starting out from the access to the occupation with empires consisting of a real history and reception history dimension that was conceived, I will attempt a point-by-point analysis of the EU and its history, whereupon this will be briefly recapitulated and then investigated through the use of real and reception history and, in so doing, the attempt will be made to illuminate its character by means of comparison with the USA, the Roman Empire, and the Holy Roman Empire.⁶

The European states that had joined together under the Treaties of Rome in 1957 and created the European Communities (EC) through the Merger Treaty of 1965 (entered into force 1967) formed the European Union after the end of the Cold War in Europe starting from the Maastricht Treaty of 1991 (entered into force 1993).⁷

3. J. LEONHARD, U. VON HIRSCHHAUSEN, ‘New Imperialism’ or ‘liberal Empire’? Niall Ferguson’s *Empire Apologetik* im Zeichen der ‘Anglo-Globalization’, in: *Zeithistorische Forschungen*, 1(2006), pp. 121-128; F. ZAKARIA, *The Postamerican World*, Norton & Company, New York, 2008; IDEM., *Der Aufstieg der Anderen. Das postamerikanische Zeitalter*, Siedler, München, 2008, pp. 29-32 and 79-117; J. OSTERHAMMEL, *Imperien*, in: O. JANZ, S. CONRAD, G. BUDDE (eds), *Transnationale Geschichte. Themen, Tendenzen und Theorien*, Vandenhoeck & Ruprecht, Göttingen, 2006, pp. 56-67, here p. 57; IDEM., *Imperien im 20. Jahrhundert. Eine Einführung*, in: *Zeithistorische Forschungen*, 1(2006), pp. 4-13; U. VON HIRSCHHAUSEN, *A New Imperial History? Programm, Potenzial, Perspektiven*, in: *Geschichte und Gesellschaft*, 41(2015), pp. 718-757; P. KENNEDY, *The Rise and Fall of the Great Powers. Economic Change and Military Conflict from 1500 to 2000*, Vintage Books, New York, 1987; H. MÜNKLER, *Imperien. Die Logik der Weltherrschaft – vom Alten Rom bis zu den Vereinigten Staaten*, Rowohlt, Berlin, 2005, pp. 213-223 and 245-264.
4. H.-H. NOLTE, “1., 2., 3. Reich?”, in: IDEM. (ed.), *Imperium. Eine vergleichende Studie*, Wochenschau Verlag, Schwalbach a.T., 2008, pp. 14 sqq.; IDEM., *Kurze Geschichte der Imperien*, op.cit.
5. U. MENZEL, *Imperium oder Hegemonie?*, in: *Kommune* 23, 6 (2005), pp. 64-72; U. MENZEL, *Die Ordnung der Welt. Imperium und Hegemonie in der Hierarchie der Staatenwelt*, Suhrkamp, Berlin, 2015, pp. 29-64.
6. See the introduction by M. GEHLER, R. ROLLINGER (eds), *Imperien und Reiche...*, op.cit., vol. 1, pp. 1-29; C.S. MAIER, *Among Empires. American Ascendancy and its predecessors*, Harvard University Press, Cambridge, 2006, pp. 238-284; G. WOLF, *Rom. Die Biographie eines Weltreichs*, Klett & Cotta, Stuttgart, 2015; K. HERBERS, H. NEUHAUS, *Das Heilige Römische Reich. Ein Überblick*, UTB, Köln, 2010.
7. M. GEHLER (in cooperation with A. PUDLAT), *From Common Market to European Union Building. 50 years of the Rome Treaties 1957-2007*, Böhlau, Wien, 2009; R. HRBEK (ed.), *Der Vertrag von Maastricht in der wissenschaftlichen Kontroverse*, Nomos, Baden-Baden, 1993; W. WEIDENFELD (ed.), *Maastricht in der Analyse. Materialien zur Europäischen Union*, Bertelsmann Stiftung, Gütersloh, 1994.

Under Commission President Jacques Delors (1985-1995), the European Communities (EC) set themselves the ambitious goals of the broad-reaching Single Market (entered into force 1993) and the envisioning of the European Monetary Union, which it also achieved with the Euro in 2002.⁸ The European Court of Justice (ECJ), which emerged from the European Coal and Steel Community (ECSC), has developed since the 1970s into a guardian of and an engine for a greater convergence of standardised EU law (the *acquis communautaire*).⁹

Beginning with the so-called “Copenhagen Criteria” (1993), the EU can order deep economic, social, and political reforms for countries that wish to join, and thus small states such as Slovakia, but also large states such as Turkey.¹⁰ If the latter does not pursue a policy compatible with EU law and values entry negotiations are frozen.

In spite of the (greatest) integration political successes that have been achieved over the past two decades in the history of European integration with the realisation of the “Four Freedoms” within the Single Market (the free movement of goods, services, capital, and people) (1993), the single currency of the Euro as a non-cash currency (1999) and as a real, concrete means of payment (2002), the unification of the continent through the most comprehensive enlargement in its history from fifteen to twenty-five (2004), twenty-seven (with Bulgaria and Romania 2007) and then with Croatia twenty-eight EU states (2013) and the “Constitutional Treaty” that was approved by twenty-five states (2004), the condition and the further development of the European Union appeared to be conflicting. And the ambivalence finds expression in the relevant literature: are we dealing with a “second founding” of the European Union in the twenty-first century or with the “last days of Europe”?¹¹

The historical results starting out from the different claims and expectations seem to be mixed: strengths and weaknesses can be recognised. The EU continues to be a world trade and world economic power. It is a partial monetary union without being

8. N.P. LUDLOW, *Jacques Delors (1985-1995): Navigating the European stream at full flow*, in: J. VAN DER HARST, G. VOERMAN (eds), *An Impossible Job? The presidents of the European Commission 1958-2014*, John Harper Publishing, London, 2015, pp.173-196.

9. M. RASMUSSEN, *The Origins of a Legal Revolution – The Early History of the European Court of Justice*, in: *Journal of European Integration History*, 2(2008), pp.77-98; IDEM., *From Costa v ENEL to the Treaties of Rome: A Brief History of a Legal Revolution*, in: M. POIARES, L. AZOULAI (eds), *The Past and the Future of European Law – Revisiting the Classics in the 50th Anniversary of the Rome Treaty*, Hart Publishing, Oxford, 2010, pp.69-86; S. ALBER, “Um größere Sektierereien zu verhindern, war die internationale Zusammenarbeit sicher wichtig”, in: M. GEHLER, M. GONSCHOR, H. MEYER, J. SCHÖNNER (eds), *Mitgestalter Europas. Transnationalismus und Parteiennetzwerke europäischer Christdemokraten und Konservativer in historischer Erfahrung*, Konrad Adenauer Stiftung, St. Augustin, 2013, pp.179-265, here pp.224-225 and 252-262.

10. S. GRUBER, *Wilder Osten oder Herz Europas? Die Slowakei als EU-Anwärterstaat in den 1990er-Jahren*, Vandenhoeck & Ruprecht, Göttingen, 2010, pp.148-150.

11. L. KÜHNHARDT, *European Union – The Second Founding. The Changing Rationale of European Integration*, Nomos, Baden-Baden, 2008, pp.281-315 and 523-573; W. LAQUEUR, *Europa aus der Asche. Geschichte seit 1945*, Juncker, Munich, 1970; IDEM., *Europa auf dem Weg zur Weltmacht 1945-1992*, Kindler Verlag, Munich, 1992; IDEM., *Die letzten Tage von Europa. Ein Kontinent verändert sein Gesicht*, Propyläen Verlag, Berlin, 2006.

an economic union, and its foreign policy and security policy are subject to the principle of unanimity. In the end, the EU has shown itself to be the product of nation-states that have become weakened and unimportant but which can continue to force their will upon it. The German Federal Constitutional Court continues to view the EU as an association of states (“Staatenverbund”).¹²

To what extent the later European Communities fundamentally also consist of associations with a cartel quality is not only assessed as correct, but also represented as determined. With a neutral use of the concepts and notions, one speaks already of a “state cartel” on the path toward a federal state.¹³

When considered in historical terms, the US-American role as a sponsor for both Western Europe and all of Europe is not to be overlooked. The United States twice proved itself to be an integration assistant for the unification of the European states: first of all with the Marshall Plan (1948-1952/53) for the strengthening of the reconstruction of Western European economies, and subsequently with the NATO-“Eastern Enlargement” through the Central and Eastern parts of the continent since the second half of the 1990s – therefore Washington's support was important for flanking the EU-“Eastern Enlargement” in terms of alliance and security policy and thus for safeguarding the economic unification of the continent in the capitalist-private enterprise-Western sense.¹⁴

In the following, the double-approach of material or real and reception history is described and implemented.

12. V. EPPING, *Die Europäische Union: Noch internationale Organisation oder schon Staat? Zur Vision der Vereinigten Staaten von Europa*, in: C. BRÜNING, J. SUERBAUM (eds), *Die Vermessung der Staatlichkeit. Europäische Union – Bund – Länder – Gemeinden. Symposium zu Ehren von Rolf Grawert...*, Duncker & Humblot, Berlin, 2013, pp.13-28; D. GEPPERT, *Dreierlei Europa: Die EU zwischen Bundesstaat, Staatenbund und Freihandelszone*, in: *Zeitschrift für Staats- und Europawissenschaften*, 1(2014), pp.41-87.
13. H.A. LEONHARDT, *Die Europäische Union im 21. Jahrhundert – ein Staatenkartell auf dem Weg zum Bundesstaat*, in: M. GEHLER, *Vom gemeinsamen Markt zur europäischen Unionsbildung. 50 Jahre Römische Verträge 1957-2007*, Böhlau, Wien, 2009, pp.687-720.
14. E. VAN DER BEUGEL, *From Marshall Aid to Atlantic Partnership. European Integration as a concern of American policy*, Elsevier, Amsterdam, 1966; G. BEHRMAN, *The Most Noble Adventure. The Marshall Plan and the time when America helped save Europe*, Free Press, New York, 2007, pp.207-228; 283-309; B. NEUSS, *Geburtshelfer Europas? Die Rolle der Vereinigten Staaten im europäischen Integrationsprozeß 1945-1958*, Nomos, Baden-Baden, 2000; H.-J. SCHRÖDER, *Imperien und Demokratie*, in: M. GEHLER, M. GONSCHOR, S. CRAMM, M. HETZEL (eds), *Internationale Geschichte im Wandel. Hildesheimer Europagespräche IV*, vol.1, Georg W. Olms, Hildesheim, 2018, pp.33-62; M. GEHLER, *Revolutionäre Ereignisse und geoökonomisch-strategische Ergebnisse: Die EU- und NATO-, Osterweiterungen“ 1989-2015 im Vergleich*, ZEI, Bonn, 2017.

I. Real history

I.1 Coming into existence

The European Union came into existence out of the European Coal and Steel Community (1952). There was in fact a founding myth (the “Schuman Plan”) for the merging of the coal demand and iron and steel production as a goal for peace in Europe with “German-French reconciliation”.¹⁵ Starting out from that though, no lasting and effective European idea was formed. Wolfgang Schmale had already asked long time ago whether Europe would founder on its deficit of myths.¹⁶

In comparison to the ancient Roman founding legend of Romulus and Remus (753 BC), the EU does not have any revolutionary act of birth or creation. The merger of coal and steel had too narrow of an impact and was first and foremost concentrated upon France and Western Germany as well as Italy and the Benelux countries, and therefore limited to the Carolingian core Europe of Western Europe. With the Schuman Plan, Bulgaria and Romania, for example, would not have built up any strong European identity that establishes legitimation.

Patriotism for a constitution (“Verfassungspatriotismus”), as was proposed for the Federal Republic of Germany (FRG), but could not be implemented there, has also not been realised in the EU thus far. As a result of the rejection of the EU-“Constitutional Treaty” (2005), attempts at constitutionalisation have no chances of realisation in the foreseeable future.¹⁷ On the contrary, the dissociation from the Other and consequently from relations with third parties were absolutely essential for the founding of the first supranational community form in the history of international relations: the ECSC cannot be explained either without the occupation and control of Central and Eastern Europe by the Soviet Union (1944/45-1948/49) or without the potentials for confrontation in the so-called first Cold War (1947/48-1953).

I.2 Structure

From the very beginning onward, the institutional structure of the European Communities consisted of interstate (“intergovernmental”) bodies (the Council of Ministers, the EC/EU Council, the Permanent Representatives) and supranational bodies

15. K. SCHWABE (ed.), *Die Anfänge des Schuman-Plans 1950/51*, Nomos, Baden-Baden, 1988; U. LAPPENKÜPER, *Die deutsch-französischen Beziehungen 1949-1963. Von der “Erbfeindschaft” zur “Entente élémentaire”*, vol.I: 1949-1958, Oldenbourg, München, 2001.

16. W. SCHMALE, *Scheitert Europa an seinem Mythendefizit?*, Winkler, Bochum, 1997.

17. D. STERNBERGER, *Verfassungspatriotismus*, Insel Verlag, Frankfurt a.M., 1990; L. KÜHNHARDT, *From National Identity to European Constitutionalism. European Integration: The first fifty years*, ZEI, Bonn, 2004; U. LIEBERT, *Postnational Constitutionalisation in the Enlarged Europe. Foundations, Procedures, Prospects*, Nomos, Baden-Baden, 2006; P. KNAUER, *Was wird aus dem EU-Verfassungsvertrag?*, in: *Aus Politik und Zeitgeschichte*, 05.03.2007, pp.11-17.

(the Common Assembly, later on the European Parliament, the Commission, and the Court of Justice). The leadership of the EU was distributed in several directions, carried by a combination of institutions and a manageable bureaucracy. There is neither a one-sided concentration of power nor a single strong centre, but rather a division of rule, a division of power, and different locations for seats (e.g. the Ministers' Council, the European Council and the Commission in Brussels, the European Parliament in Strasbourg, the European Court of Justice in Luxembourg, the European Central Bank in Frankfurt, EUROPOL in The Hague or FRONTEX in Warsaw). The principle of efficiency is also to maintain the upper hand over the principle of democracy.

Up to now one does not see any *demos* in Europe and thus also does not consider any (direct) democracy to be possible at the European level – and therefore one may ask if this is an empire without one people? Before the Treaty of Lisbon entered into force, one emphasised,

“in actuality, the EU is not only a supranational construct, but also a post-democratic one: its activity is not legitimised by the EU Parliament, but rather by the success”.¹⁸

1.3 Expansion

The EC and the EU expanded their memberships as well as their territories in various stages, through a Northern enlargement (Denmark, the United Kingdom, and Ireland in 1973), a Southern enlargement (Greece in 1981, and Spain and Portugal in 1986), the neutrals and EFTA-countries (Austria, Sweden and Finland in 1995), and toward the East, the Mediterranean, and the Southeast (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Hungary, Slovakia, Slovenia, Malta, and Cyprus in 2004, Bulgaria and Romania in 2007 and Croatia in 2013), with which it achieved a “considerable area of rule”,¹⁹ and the crossing of the “Augustan threshold” seems to have occurred.²⁰

The expansion had been achieved both by means of growth from the inside toward the outside through the attractiveness and adoption of EU law and from the outside

18. See the argument by the British-German journalist and writer A. POSENER, *Imperium der Zukunft. Warum Europa Weltmacht werden muss*, www.berlinpolis.de (consulted 15 February 2010).

19. H. MÜNKLER, *Imperien...*, op.cit.; see also J. LEONHARD, U. VON HIRSCHHAUSEN, op.cit., pp.121-128.

20. M. DOYLE, *Empires*, Cornell University Press, Princeton, 1986, p.80. See also, C. PRESTON, *Enlargement and Integration in the European Union*, Routledge, London, 1997; W. KAISER, J. ELVERT (eds), *European Union Enlargement. A Comparative History*, Routledge, London, 2004; B. LIPPERT (ed.), *Osterweiterung der Europäischen Union – die doppelte Reifeprüfung*, Europa Union Verlag, Bonn, 2000; IDEM. (ed.), *Bilanz und Folgeprobleme der EU-Erweiterung*, Nomos, Baden-Baden, 2004; N. NUGENT, *European Union Enlargement*, Palgrave, Basingstoke, 2004; E. BRIMMER, S. FRÖHLICH (eds), *The Strategic Implications of European Union Enlargement*, Center for Transatlantic Relations SAIS, Washington DC, 2005.

toward the inside through growing dependency in the areas of trade policy and economy, and with applications for and negotiations over accession.

1.4 Perceptions and reactions

The crucial perceptions and correspondingly relevant reactions by third parties were present first of all from the Soviet Union, then by the United States, and finally also in Asia (China and Japan): a role was played in the order mentioned within the context of world power history by thinking in antagonism and opposition that was intensified and then reduced (USSR), in support, but then also in competition that was growing and in the end increased (USA), and in the model character that was used as a source of inspiration, sought after, and thought to be adopted (East Asia; the idea of a Japan in an imagined cooperation with China like France with Germany, but hardly comparable, because of total different dimensions).²¹

1.5 Decline and disintegration

The EU is still a young construct. Erosion and implosion, which so many empires experienced, seemed not to be present until the so called “Eastern Enlargement”, but clear signs of having exceeded its European and global claims as well as having overstretched its scope of validity were recognisable.²² This was also expressed in forms of “avant-garde” thinking (Germany-France), the formation of a “hard core” (the Single Market and the Euro zone), “plus or minus xy%”-memberships, an increasing number of candidates for accession, and new concepts in the type of “neigh-

21. V. ZUBOK, *The Soviet Union and European Integration from Stalin to Gorbachev*, in: *Journal of European Integration History*, 1(1996), pp.85-98; W. MUELLER, *Die UdSSR und die europäische Integration*, in: M. GEHLER (ed.), *Vom gemeinsamen Markt...*, op.cit., pp.617-662. K. LARRES, *Die USA und die Römischen Verträge*, in: *Ibid.*, pp. 599-616; K. SCHWABE, *Weltmacht und Weltordnung. Amerikanische Außenpolitik von 1898 bis zur Gegenwart. Eine Jahrhundertwende*, Schöningh, Paderborn, 2006; M. REITERER, *Europa und Asien – ist die EU auf der Verliererstraße?*, in: M. GEHLER, M. GONSCHOR, S. CRAMM, M. HETZEL (eds), *Internationale Geschichte im globalen Wandel. Hildesheimer Europagespräche IV*, vol.2, Olms, Hildesheim, 2018, pp. 1055-1064; M. REITERER, *Japan: Das Land der aufgehenden Sonne als auferstehende Macht?*, in: *Ibid.*, pp.1121-1131.
22. A. DEMANDT (ed.), *Das Ende der Weltreiche. Von den Persern bis zur Sowjetunion*, C.H. Beck, München, 1997.

bourhood arrangements” within the framework of the “European Neighbourhood Policy” (ENP), which did not envision any more accessions.²³

At the first glance the decision on the BREXIT and the undecided procedure could be judged as a further sign of disintegration, disruption or erosion of the EU, but it should not lead to her collapse and implosion. After the first shock was over as a consequence it seemed more likely that a split of the UK would happen than the end of the EU will take place. This could be the definitive fall of Empire thinking in heads and minds of British mentality.²⁴

II. Reception history

This methodological approach draws attention to the following aspects:

II.1 Successes and failures

The development of the European Communities was shaped by successes such as the introduction of antitrust laws since 1958, the realisation of the customs union in 1968, the establishment of the currency system in 1978/79, the holding of direct elections for the European Parliament (EP) since 1979, the creation of the Single Market in 1993, the common currency as a non-cash currency in 1999 and as a real currency in 2002, and the enlargement of the Union to the Baltic, Central, Eastern and South-Eastern parts of the continent in 2004/07 and 2013.²⁵

23. B. LIPPERT, *Europäische Nachbarschaftspolitik*, in: W. WEIDENFELD, W. WESSELS (eds), *Europa von A-Z. Taschenbuch der europäischen Integration*, Nomos, Baden-Baden, 2011, pp. 163-168; V. NAUMESCU, D. DUNGACIUI (eds), *The European Union's Eastern Neighbourhood Today. Politics, Dynamics, Perspectives*, Cambridge Scholars Publishing, Newcastle/Tyne, 2015.
24. J. DARWIN, *Britain and Decolonisation. The Retreat from Empire in the Post-War World*, Macmillan, London, 1988; N. FERGUSON, *Empire. The Rise and Demise of the British World Order and the Lessons for Global Power*, Allan Lane, London, 2002, pp.245-302 and 303-317; P. BRENDON, *The decline and fall of the British Empire 1781-1997*, Vintage, London, 2008, pp.627-656; E. BUETTNER, *Europe after Empire. Decolonization, Society, and Culture*, Cambridge University Press, Cambridge, 2016, pp.415-490.
25. J. MITTAG (ed.), *Politische Parteien und europäische Integration. Entwicklung und Perspektiven transnationaler Parteienkooperation in Europa*, Klartext, Essen, 2006; IDEM., *Die Politisierung der Gemeinsamen Versammlung der Europäischen Gemeinschaft für Kohle und Stahl: Anfänge transnationaler Fraktionsbildung im Europäischen Parlament*, in: *Journal of European Integration History*, 1(2011), pp.13-30; IDEM., *Schlüsselfrage europäischer Demokratie: Die Rolle der Parteien bei der Ausgestaltung der europapolitischen Willensbildung*, in: H. HOEBINK, H. REUL (eds), *Wir brauchen das Vereinte Europa!*, Klartext, Essen, 2017, pp.227-242; IDEM., C. HÜLSKEN, *Von Sekundärwahlen zu europäischen Wahlen? 30 Jahre Direktwahlen zum Europäischen Parlament*, in: *Integration*, 2(2009), pp.105-122.

But this history is also characterised by crises and setbacks, such as the rejection of the treaty on the European Defence Community (EDC) by the French national assembly in 1954, the “empty chair” policy by the French State President General Charles de Gaulle in 1965/66 and the consequent associated adherence to the rule of unanimity in decisive and broad-reaching integration policies and vital national areas since 1966, and the failure of the “Constitutional Treaty” in 2005 through referenda in France and the Netherlands not to speak about the BREXIT-plebiscite in the UK in 2016.²⁶

II.2 Imagined receptions

Imagined receptions, e.g. blending out, real fictions, stylizations, over-interpretations, disregard and disproportionalities in the ascribing of significances, are repeatedly found in the history of the EU. The integration goals that have been set and the realisations of projects in any case did not always comply with “truth in labelling”: the “Common Market” that was announced in 1957-58 and proclaimed in that way did not even exist at all before 1993; there is still no “Economic and Monetary Union” even today, nor did the “Constitutional Treaty” mean any real constitution for Europe. The initial, actual, and still continuous goal of European integration was the integration of parts of Germany for the prevention of a renewed German position of hegemony in Europe. In the meantime, the Germany that since the 1950s came economically dominant and once again gain strength then went on to hold a dominant political position on the continent (along with France and the United Kingdom) after reunification and in the wake of the EU-“Eastern Enlargement”.²⁷

26. E. FURSDON, *The European Defence Community, a History*, Palgrave Macmillan, London, 1980; R.W. PRUESSEN, *Cold War Threats and America's Commitment to the European Defense Community: One Corner of a Triangle*, in: *Journal of European Integration History*, 1(1996), pp.51-69; W. KAISER, “Une bataille est perdue, mais la guerre reste à gagner”. *Das Scheitern der Europäischen Verteidigungsgemeinschaft 1954 und der Durchbruch zur horizontalen Wirtschaftsintegration*, in: R. KIRT (ed.), *Die Europäische Union und ihre Krisen*, Nomos, Baden-Baden, 2001, pp.79-95; W. LOTH, *Europas Einigung. Eine unvollendete Geschichte*, Campus, Frankfurt, 2014, pp.41-56; P. BAJON, *Europapolitik “am Abgrund”*. *Die Krise des “leeren Stuhls” 1965-66*, Steiner, Stuttgart, 2012; R. STURM, *Uneiniges Königreich? Großbritannien nach dem Brexit-Votum*, in: *Aus Politik und Zeitgeschichte*, 05.12.2016, pp.17-23; W.J. SCHÜNEMANN, *In Vielfalt verneint. Referenden in über Europa von Maastricht bis Brexit*, Springer VS, Wiesbaden, 2017.
27. M. GEHLER, M. GRAF (eds), *Europa und die deutsche Einheit. Beobachtungen, Entscheidungen und Folgen*, Vandenhoeck & Ruprecht, Göttingen 2017.

II.3 References, forerunners and historical consciousness

References to historical empires, forerunners, the generation of historical consciousness, and the creation of tradition and fictitious imperial continuities mark a clear deficit. The EU does not have any comparable historical predecessors, if its brief prior history with the ECSC and the EEC is more or less disregarded. From the official side, no explicit references were also made to a model, nor are any attempts undertaken for the creation of continuities to preceding constructs of rule or predecessor empires, such as the Holy Roman Empire. Since the Union Treaty of Maastricht, and then even more so as a result of the EU-“Eastern Enlargement”, there have been references in the philosophical-policy debate to the growing imperial character of the EU. One spoke of a “non-imperial empire”.²⁸ Commission President José Manuel Barroso (2004-2014), not free of superlatives and thus of excess and self-glorification, saw imperial traits with the EU:

“It has the dimensions of an empire, but no centralist structure, no leadership with a claim to omnipotence. Membership is on a voluntary basis, and the Union did not come into existence through battles or war. The members do not give up their sovereignty, but rather they share it. The EU is therefore the greatest construction that there has ever been in history”.²⁹

The former Commissioner for Enlargement Oli Rehn (2004-2014) also views the EU in similarly positive terms, speaking of a “benevolent” or “benign empire”.³⁰ “Benevolent” or “benign” means as much as “enlightened”, but also “harmless”, “kind”, “gracious”, “friendly”, “affectionate”, “mild”, and “safe”, yet with tumors, “benign” implies simply “not malignant”.

The geo-politician and policy advisor Parag Khanna strengthens this argument even further:

“The EU is by far the most popular and most successful empire in all of history because it does not rule, it disciplines. The incentives of Europeanisation – subsidies from Brussels, unrestricted freedom of movement, and accession to the European monetary union – are much too tempting to simply be turned down. Today, Brussels is Washington’s equal in every way as far as the armies of lobbyists are concerned, and these also include dozens of PR agencies that are actively engaged by the Balkans and other post-Soviet states for the acceptance of those countries into the EU”.³¹

With reference to the Briton and Solana advisor Robert Cooper, Khanna also touches on the issue of racism, therefore also indirectly addressing the battle against racism

28. The German philosopher Peter SLOTERDIJK said this in view of the upcoming EU summit in Lisbon; the Commission president was quoted, among others, by P. SLOTERDIJK, *Dimensionen eines Imperiums*, in: *Die Welt*, 17.10.2007.

29. Ibid.; see also the statement given by Barroso at the press conference in Strasbourg on 10 July 2007: <https://www.youtube.com/watch?v=-I8M1T-GgRU> (consulted on 28 October 2018).

30. Quoted by A. POSENER, op.cit., p.9.

31. Translated from German: P. KHANNA, *Der Kampf um die Zweite Welt. Imperien und Einfluss in der neuen Weltordnung*, Berlin Verlag, Berlin, 2008, p.43.

propagated by the EU and thus antiracism, since in his opinion, a successful empire cannot be racist, just as the youth of Europe are post national. Europe supposedly understands itself to be a peace project. In the future, the *Pax Europea* will encompass around thirty-five countries (Albania, Bosnia, Herzegovina, Kosovo, Macedonia, Montenegro, Serbia and the UK remaining or back again?) with approximately 600 million inhabitants.³²

With the emphasis of Europe as a force for peace, reference was made to the foreign policy and neighbourhood policy, and it was then quickly overlooked what the important internal dimension was and the pacification effect of the communities had: the drawing of borders and lines of division, such as the border of the Rhine, the Brenner Pass, or the Oder-Neisse line, which had been perceived for decades or even centuries as painful. They have been overcome and became obsolete. These achievements are in fact to be designated as historical if not to say sensational.

On the other hand, the Swiss critic of globalisation, Jean Ziegler, chastised the EU as a result of its external borders as an “empire of disgrace”. Among other things, he criticised the EU policy of agricultural dumping which makes the poor countries of Africa even poorer as well as the EU policy of cutting itself off, the drawing of external borders, and therefore the intentional apprehension and deportation of hunger refugees through the, as he calls it, “secret military organisation” FRONTEX.³³

Within both serious and bestseller journalism, references are found to the imperial character of the EU. A best-selling author like Jeremy Rifkin compared the USA with the “European dream”, while Alan Posener spoke of an “empire of the future” while also arguing in terms of cultural and mentality history:

“Because even though Europe invented the nation-state, it remains a fact that the Europeans have lived through the majority of their history in other political contexts – as citizens of transnational or supranational constructs – or, to call them by their rightful name, empires”.³⁴

The empire theme is also picked up by research in political science and social science. From a geo-economic and geopolitical perspective that is critical of globalisation, political scientists viewed the definition of the purpose of the EU as competition with the United States of America, for which several arguments definitely speak and which leads us to the comparison with the USA: the enlargement of the EU to the central and Eastern parts of the continent also meant the opening up of new markets and thus a reduction in the export dependence on the US.³⁵ With the realisation of the Single

32. Ibid., pp.44-45.

33. J. ZIEGLER, *Das Imperium der Schande. Der Kampf gegen Armut und Unterdrückung*, Bertelsmann, München, 2005.

34. A. POSENER, op.cit. See also J. RIFKIN, *The European Dream. How Europe's Vision of the Future is Quietly Eclipsing the American Dream*, Penguin, New York, 2004, pp.197-213.

35. The former members of the ATTAC Scientific Advisory Board: E. ALTVATER, B. MAHNKOPF, *Konkurrenz für das Empire. Die Zukunft der Europäischen Union in einer globalisierten Welt*, Westfälisches Dampfboot, Münster, 2007; see also N. FERGUSON, *Colossus. The Price of America's Empire*, Penguin Press, New York, 2004, pp.227-256 and 261-267.

Market (1993) and the entering into force of the European Economic Area (EEA, 1994), Europe at this time became the strongest trade and economic area in the world, upon which the USA were compelled to follow suit with the North American Free Trade Zone (NAFTA).³⁶ In retrospect the EU-“Eastern Enlargement” was the greatest common foreign and security policy success the EU ever achieved. But one cannot forget the NATO-“Eastern Enlargement” also, which preceded this process.

With the introduction of the Euro (1999 and 2002), the worldwide leading position of the dollar was in fact not disputed, but its supremacy called into question, and with the European currency of the Euro, a world currency was established at the same level. The Euro since that time is used as a world wide booking and then also an exchange, trading, transaction and reserve currency.

In the pacifying and stabilisation of conflict zones, there is simultaneously world-wide involvement and yet differences in the demands and goals of the EU and the USA, if one thinks of the Middle East but also of the crises regions in Asia. Realists view the EU as having the responsibility for the stabilisation and new order in South-Eastern Europe (the “Balkan area”), but not in Afghanistan, Africa or Iraq. Both the EU and the USA before Donald Trump came on the political stage understood themselves to be the protector and guardian of democracy, freedom, free trade, human rights, and thus Western civilisation, while the US could provide a greater cultural offering (Coca Cola, Hollywood films and television, MacDonalds, pop music, etc.). Within the worldwide framework in the sense of mass culture, Americanisation ranked significantly ahead of Europeanisation.³⁷ The USA still behaved far more as a security political force for order and the world’s policeman, while the EU attempted to emulate it.

Political scientists like Elmar Altvater and Birgit Mahnkopf called it a “gentle imperialism” when they think of the EU: the *acquis communautaire* is “often decreed with excessive arrogance”. According to them, the EU is an emergent new empire. As a result of permanent expansion, the opening of new markets, and the control of political developments, including other regions of the world – and lately also by military means – the EU, which was originally obligated to human rights, tolerance and variety, is headed down a dead-end street and has become reversed – comparable to the policy of the USA. With this, Altvater and Mahnkopf argued that colonialism and imperialism are of European origin and that the policy of the EU within the context of globalisation is the most modern variation of it. The term “empire” is always to be understood here in its traditional negative connotation and is used as a fighting word.³⁸

There was also another opinion. The political scientist Jan Zielonka viewed this within the nature of the enlarged EU as a multi-centred “empire” with a multidimen-

36. M. GEHLER, *Europa...*, op.cit., pp.331-332.

37. M. GEHLER, “Europe”, *Europeanizations and their Meaning for European Integration Historiography*, in: *Journal of European Integration History*, 1(2016), pp.135-168, here pp.164-165.

38. E. ALTVATER, B. MAHNKOPF, *Die EU eine imperiale Großmacht?* <http://sandimgetriebe.attac.at/6128.html> (consulted 28 October 2018).

sional, non-territorial system of government of different overlapping jurisdictions, cultural and economic heterogeneity, shared sovereignty and different institutions. Different contrasting models of the “Westphalian superstate” were compared with a “neo-medieval paradigm”.³⁹

Zielonka recognised in the EU an empire without fixed borders, with variable forms and scopes and political control, organised horizontally according to functions and not according to a centralised concentration of power, but rather oriented in a multi-centric and plurilateral manner, similar to the pre-modern European state relations of the Westphalian order. Zielonka designated the EU as a neo-medieval system, “a pluricentric polity penetrating rather than controlling its environment”.⁴⁰ I may add that the EU is also a multi-institutional and multi-presidential empire with many presidents, though with a president of the European Central Bank (ECB) (Mario Draghi), the Commission (Jean-Claude Juncker), the Council (Donald Tusk), the European Investment Bank (EIB) (Werner Hoyer), the European Parliament (EP) (Antonio Tajani) and the rotating EU presidency of one acting EU-member with one predecessor and one successor state.

II.4 The Holy Roman Empire as predecessor? – Historiographies

At first sight, the comparison with the Holy Roman Empire, which is not addressed by Zielonka in the sense of equating, has an appealing and comprehensible effect, but it has significant differences: the *Sacrum Imperium Romanum* was neither a world economic power and trading power nor a world currency power.⁴¹

The EU is the world’s largest exporter of goods and services. In its interior, the Holy Roman Empire was more heterogeneous, and even splintered, than the EU both in terms of structure and territorial states, not to mention the common law (*acquis communautaire*). The Holy Roman Empire was characterised by different forms of rule, and marked by different systems of weights, coinage and customs duties. The project of a Christian association in the sense of the universal monarchy of Charles V failed, among other reasons, because of the differences in belief, confessions and religion, while the EU of today represents more an agnostic and a-religious, post-modern and secular construct than the often quoted “christliches Abendland”.⁴²

39. J. ZIELONKA, *Europe as Empire. The Nature of the Enlarged European Union*, Oxford University Press, Oxford, 2006, pp.143-163.

40. *Ibid.*, pp.1 (quote) and 179.

41. See M. PRIETZEL, *Das Heilige Römische Reich im Spätmittelalter*, wbv Academic, Darmstadt, 2004.

42. K. BRANDI, *Kaiser Karl V. Werden und Schicksal einer Persönlichkeit und eines Weltreichs*, F. Bruckmann, München, 1937; A. KOHLER, *Karl V. 1550–1558. Eine Biografie*, C.H. Beck, München, 1999, pp.224-238.

The Holy Roman Empire and the EU as constructs of rule are comparable through relatively weakly developed armed forces which were oriented toward defence and not toward attacks and interventions except for the member states France and the UK which are atomic powers and can rely on nuclear weapons. Military expansions do not play any role for Brussels. But the EU is also still in development and above all else in the process of change: the member states in the meantime have not only provided peacekeeping troops in conflict regions in the world within the framework of United States or NATO, but have also formed intervention forces with the setting up of EU-“battle groups” that are available for “peace enforcement” that is, compulsion to peace, or warfare. The Holy Roman Empire had neither offensive nor strong military capabilities, but a common defence could be temporarily activated in case of external threats and emergencies like the Ottomans.⁴³

On the whole, though, neo-medieval forms of government appear to be rather a hapless reference to earlier combinations that are basically not comparable and not reproducible. Until recently, historians and political scientists have hesitated to position themselves in the regard of the EU as an empire, and therefore have not made any considerable contribution to the thematic area. They attempted to view European integration in a differentiated manner and did in fact acknowledge the successes, but they also didn’t ignore the lacks of success and the failures. They analyse them, both as a result of crises and compromises, whereby it stands out that such historians, who are also at home with political science or else view themselves and work more as historically reflecting political scientists, acquaint themselves with the thematic area of empires.⁴⁴

II.5 The Roman Empire, state of the art and historical comparisons

With a view toward the modern state of research across eras (analogies, parallels, differences), a comparison of the EU with the Roman Empire is helpful and illuminating, particularly since the imperial dimensions of the EU may be understood rather

43. W. SCHULZE, *Landesdefension und Staatsbildung. Studien zum Kriegswesen des innerösterreichischen Territorialstaates (1564-1619)*, Böhlau, Wien, 1973; D.A. HOWARD, *Das Osmanische Reich 1300-1924*, Theiss, Darmstadt, 2018.

44. W. LOTH, *Europas Einigung...*, op.cit.; IDEM. (ed.), *Crises and Compromises: The European Project 1963-69*, Nomos, Baden-Baden, 2001; L. KÜHNHARDT (ed.), *Crises in European Integration. Challenges and Responses, 1945-2005*, Berghahn, New York, 2009, and with explicit references to the thematic area of empires KÜHNHARDT, *Ein Begriff und seine Anwendung...*, op.cit., pp.29-39.

as anti-thesis or counter-images to the British, Russian, or US-American empire, while the latter doesn't want to be called so.⁴⁵

The Roman Empire came into existence step by step, in any case over the course of centuries, and it ranged to a large extent to the geographical dimensions of the EC and the EU, while the latter does not have any history of a comparable length. The extent of Rome went outward from a strong centre, the likes of which have not existed anywhere else. The relationship of the capital to the provinces and of the centre to the periphery was much more strongly pronounced in the Roman Empire than is the case in the EU. Brussels was chosen by the different member states and their national capitals. It alone does in fact have not such a strong central position, but with Luxembourg and the ECJ, Strasbourg and the EP, and Frankfurt with the ECB, it is not alone. Classical Empires, on the other hand, have one metropolitan centre with which to carry out annexations over various participants and institutions and to exert control, such as over border territories. The granting of Roman civil rights and the dissemination of Roman law were the mark of the cultural appeal and the ability of integration with the *Imperium Romanum*.⁴⁶ The Coal and Steel Community treaty with its own coal and steel constitution, the Treaties of Rome with community law and its own market constitution, the *acquis communautaire* and thus the common corpus of legislation with its European law constitution is obligatory for all those seeking accession and which the members also have to accept. The European Union with its character as a constitutional community or community of constitutions has a comparable and possibly and even more binding and compulsory potential for cohesion and convergence than the ECSC, the EEC and the EC which leads to more adaptation, homogeneity, and standardization as other entities of the world.⁴⁷

With the European Union citizenship as a derivate from the national citizenships that was launched by the Treaty of Maastricht, an equivalence to the Roman citizen-

45. E. GIBBON, *The History of the Decline and Fall of the Roman Empire*, Penguin, New York, 1994 [original: vol.1 (1776), vols.2–3 (1781), vols.4–6 (1788)]; T. MOMMSEN, *Römische Geschichte*, dtv, München, 2001 [original: 1854–1856 and 1885]; M. ROSTOVITZ, *The Social and Economic History of the Roman Empire*, Biblio & Tannen Booksellers, Oxford, 1926; IDEM., *The Social and Economic History of the Hellenistic World*, Oxford University Press, Oxford, 1941; G. WOLF, op.cit.

46. For a comparison of the EU's crisis and the decline of the Roman Empire see: D. ENGELS, *Le déclin. La crise de l'Union Européenne et la chute de la République Romaine. Quelques analogies historiques*, Éd. du Toucan, Paris, 2012, pp.253–264 and 265–287.

47. M. GEHLER, *From a Treaty to a Constitutional Community? The Long Path toward the "Convention on the Future of the European Union" 1918–2003*, in: M. GEHLER, G. BISCHOF, L. KÜHNHARDT, R. STEININGER (eds), *Towards a European Constitution. A Historical and Political Comparison with the United States*, Böhlau, Wien, 2005, pp.415–441; M. GEHLER, *Die Europäische Union als Erfolgsmodell für das 21. Jahrhundert?*, in: P. NITSCHKE (ed.), *Der Prozess der Zivilisationen: 20 Jahre nach Huntington. Analysen für das 21. Jahrhundert*, Frank & Timme, Berlin, 2014, pp.219–239.

ship was created (without making reference to it!), a common umbrella for people of different origin and descent exists since 1993.⁴⁸

In contrast to Rome, the EU has thus far done without the setting up of strong armed forces and the stationing of divisions in border areas or at its peripheral zones, just as it has not carried out any military expansion. Strengthening FRONTEX may provide a possible future change in the context of a better outside border protection because immigration will go on and the migration crisis is not solved up to now (see also below).

The EU is lacking above all else a specific architecture such as a cult that is comparable to the Roman cult of emperor and state and thus also the adoption and absorption of a religious idea such as that of Christianity, which after 312 A.D. was chosen in late Rome as the state religion. In the preamble of the Treaty of Lisbon, there is merely a reference to the “cultural, religious and humanist inheritance of Europe”. There is no reference to Christianity:

“Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law”.⁴⁹

And finally, one more analogy: the *Pax Romana* might be a possible point of comparison with the peace-making mission of the *Pax Europea*, which is – remarkable enough – not officially used by the EU as a notion.

For the time being, it may be cautiously indicated that the European Union is a hegemonic construct of rule with imperial traits of its own kind and, above all else, of a new kind. It appears to be, and acts as, a “decentralised, territorially differentiated transnational system of negotiation that is dominated by elites” which has a system of laws and institutions that are based upon a division of labour.⁵⁰

The EU is still not its own state, but rather a cosmopolitan arranged undertaking that has developed normative powers and continues to establish standards. This European “empire by integration”, which is to be understood differently than the

48. J. ELVERT, J. NIELSEN-SIKORA (eds), *Leitbild Europa? Europabilder und ihre Wirkungen in der Neuzeit*, Steiner, Stuttgart, 2009; J. NIELSEN-SIKORA, *Europa der Bürger? Anspruch und Wirklichkeit der europäischen Einigung – eine Spurensuche*, Steiner, Stuttgart, 2009.

49. *Vertrag von Lissabon. Zur Änderung des Vertrags über die Europäische Union und des Vertrags zur Gründung der Europäischen Gemeinschaft*, in: *Amtsblatt der Europäischen Union*, 17.12.2007; see also: *Konsolidierte Fassungen des Vertrags über die Europäische Union und des Vertrags über die Arbeitsweise der Europäischen Union*, <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=OJ:C:2010:083:FULL&from=DE> (28 October 2018).

50. U. BECK, *Empire European: Politische Herrschaft jenseits von Bundesstaat und Staatenbund*, in: *Zeitschrift für Politik*, 52(2005), pp.397-420; U. BECK, E. GRANDE, *Das kosmopolitische Europa*, Suhrkamp, Frankfurt a.M., 2007, pp.81-146.

USA, acts as a new, attractive and better “‘empire’ by invitation” according to Geir Lundestad, still speaking about the United States for other states.⁵¹

The EU is not the same and therefore not comparable to the Soviet Union and the USA as a modern empire of the classic character among others. It does exist without excessive military might; it does not have any strong political centre, and has only a modest budget. It continues to be predominantly the sum of the decision making of her members, the nation-states that comprehend themselves as “lords of the treaties”. For that reason, the EU is not a military and intervention power that can react quickly and make efficient *ad hoc*-decisions, but rather a sustainably multilateral, working trade, economic, and monetary power whose common corpus of legislation has a worldwide model character and whose culture has a strong power of radiance and attraction.

If the categories of Ulrich Menzel are taken as a basis for the assessment of the EU, then not all of the criteria do in fact speak for a “hegemony”, but predominantly most of them (acceptance, globality, openness, soft power, resource autonomy) clearly do.⁵² When considered overall, the EU consists of a hegemonic power with neo-imperial traits. Menzel, on the other hand, pleads for Europe as a multilateral alternative power.⁵³

EU Europe indeed has achieved a degree of increased global attractiveness and effect, such that it appears from the outside to be far more a world power with imperial traits than when considered from the inside.⁵⁴

The institutional reforms through the Union Treaty of Lisbon do not appear to be sweeping and sufficient enough to speak as an actor on the world stage with one voice and to be able to act in a correspondingly united manner. But Europe has not to deduce weakness from its military inferiority, rather it can see an opportunity in it: it is not military expansion, but rather common law and economic attractiveness as well as cultural offerings and life style that still continues to create stable political combinations and structures of longer duration not only within, but also at the peripheries.

An empire is not to be immediately equated with a nation-state. With the European Union, a similar situation holds true. The phenomena of empire and imperialism are likewise not interchangeable. It is also only with difficulty that one can ascribe an

51. G. LUNDESTAD, “Empire” by integration. *The United States and European Integration, 1945-1997*, Praeger Press, New York, 1998; IDEM., *The United States and Western Europe since 1945. From “empire” by “invitation” to “transatlantic drift”*, Oxford University Press, Oxford, 2003. See also K.K. PATEL, *Projekt Europa. Eine kritische Geschichte*, C.H. Beck, München, 2018, pp.301-305.

52. U. MENZEL, *Die Ordnung der Welt...*, op.cit., pp.1015-1139; C. HACKE, *Weltordnung*, in: L. KÜHNHARDT, T. MAYER (eds, in cooperation with others), *Bonner Enzyklopädie der Globalität*, Springer VS, Wiesbaden, 2017, vol.2, pp.1291-1302.

53. U. MENZEL, *Comeback der drei Welten. Der amerikanische Sonderweg und die Alternativmacht Europa*, in: *Blätter für deutsche und internationale Politik*, 12(2003), pp.1453-1462; IDEM., *Die Ordnung der Welt...*, op.cit., pp.1015-1139.

54. See also S. HILL, *Europa an der Spitze? Ein Blick von außen auf die Zukunft der Europäischen Union*, in: *Aus Politik und Zeitgeschichte*, 11.09.2017, pp.48-53.

intent for or a tendency toward imperialism to the EU. If there is allegedly the desire and the need for the EU to be an empire, then there ought to be none other, an aspect that does not necessarily need an explanation. The Parthian Empire also existed next to the *Imperium Romanum*. And the Byzantine Empire existed next to the Holy Roman Empire. With the USA, we also have a military hegemon, if not a military empire which is not merely in addition to, but integrated via NATO even in the states of the EU. This is also related with financial burdens and a costly policy. If the US cannot convince and put pressure enough on its allies to provide the necessary tributes a dangerous sign of erosion can be seen and this could be the beginning of the end of its dominance.⁵⁵

Are there parallels to younger empires than the Roman Empire within the European space for example the Frankish or another medieval empire? Historical comparisons are appealing, but they are clumsy, particularly since the differences may not be neglected. It is interesting that the EU is already being comprehended as a totally new empire *sui generis* which, therefore, does not explicitly refer to an historical model. There is no historical forerunner in the sense of Norman Davies, because the EU is something unique.⁵⁶

Historical analogies can be recognised in a certain way: as we stated the EU has in common civil rights with the Roman Empire, the core area of Germany and France with the emperor Charlemagne, and the particularistic-pluralistic constitutional structures and the more or less weakness in foreign and security policy with the Holy Roman Empire. But the EU is a global secular, supranational trade, economic, and monetary empire – borne by core Europe.

The EU is not yet a separate state, although it has specific association powers and, with the Union Treaty of Lisbon, also its own legal personality. Since 2009, it is a legal person under international law. It appears to be more a cosmopolitan arranged undertaking that has developed normative powers and continues to establish collectively binding standards.

III. First assessments and possible developments

III.1 “Lisbon Strategy” and Lisbon Treaty – not enough for a new Empire coping with global challenges

The EU is a global actor – in terms of economic policy but not security policy – but to be a ruling world power – if that is its goal at all – a lot is still lacking: the goal of becoming a “superpower” was in fact steered for with the “Lisbon Strategy” of

55. N. FERGUSON, *Colossus...*, op.cit.

56. N. DAVIES, op.cit.

2000;⁵⁷ namely, “to become the most competitive and dynamic knowledge-based economy in the world”, which was supposed to be reached within ten years but which quickly bumped up against its limits and became apparent as a failure as early as 2004/05.⁵⁸ The Barroso agenda “EU 2020” appeared to be a slightly improved new edition of the old “Lisbon Strategy”.⁵⁹

When considered as a whole, the European Union is not an empire in the classic, traditional sense, but it developed step by step. On 25 March 1957, six members States of the European Coal and Steel Community (ECSC) created five years ago (Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, and the Netherlands), signed the Treaties of Rome establishing the European Economic Community (EEC) and the European Atomic Community (EURATOM) at the Capitol in the city on the Tiber.⁶⁰

Looking at the ruins of the *Forum Romanum*, one of the fathers of the treaties, the Belgian Paul-Henri Spaak, said to his chef de cabinet Baron Robert Rothschild before signing the treaty, that a new empire had been established without a single shot being fired.⁶¹ Konrad Adenauer characterised the treaties “eventually as the most important event in post-war history”.⁶²

The EEC founding members started to build a kind of substitute empire also in order to compensate their losses of empires. It is not by accident but a coincidence that the foundation of the EEC took place at the time of the decolonisation process e.g. the Suez Crisis. The further developed EC consisted of a regional power with hegemonic traits in Western Europe in the 1970s and 1980s, and with its ongoing development and intensification into the EU, a hegemonic power in the whole of Europe with postmodern and neo-imperial traits since the 1990s.⁶³

57. C. BRETHERTON, J. VOGLER (eds), *The European as a Global Actor*, Routledge, London, 2006, pp.62-88, 189-212 and 215-224.

58. According to the conclusions of the European Council from Lisbon, 23-24 March 2000, http://www.europarl.europa.eu/summits/lis1_de.htm (consulted March 12, 2012).

59. A.G. HARRYVAN, J. VAN DER HARST, *José Manuel Barroso (2004-2014): the cautious reformer in troubled times*, in: J. VAN DER HARST, G. VOERMAN (eds), *An Impossible Job? ...*, op.cit., pp.249-276.

60. F. KNIPPING, *Rom, 25. März 1957. Die Einigung Europas*, dtv, München, 2004, pp.9-13.

61. In 1954 Rothschild was appointed chef de cabinet of Paul-Henri Spaak at the Belgian Foreign Ministry. Together with Spaak and Jean Charles Snoy et d'Oppuers he worked on the Treaties of Rome. Shortly before the treaty was signed, Rothschild was standing beside Spaak gazing over the *Forum Romanum* in Rome, when Spaak said: „I think that we have re-established the Roman Empire without a single shot being fired“, https://isgp-studies.com/organisations/introduction/Robert_Rothschild_bio.htm The Treaty of Rome, the European Union and Robert Rothschild (posted on 17 September 2018), <https://wideawakegentile.wordpress.com/2014/09/17/the-treaty-of-rome-the-european-union-and-robert-rothschild/> (25 August 2018).

62. H.J. KÜSTERS, *Die Gründung der europäischen Wirtschaftsgemeinschaft*, Nomos, Baden-Baden, 1983, pp.79-88, related to Adenauer: pp.39-42 and 225-227. B. STAHL, *Grundstein für Europa. 25. März 1957: Römische Verträge unterzeichnet*, in: *Das Parlament*, 11-12(2012); H.J. KÜSTERS, *Adenauers Europapolitik in der Gründungsphase der Europäischen Wirtschaftsgemeinschaft*, in: *Vierteljahrshefte für Zeitgeschichte*, 31(1983), pp.646-673.

63. M. GEHLER, *Europa ...*, op.cit., pp.614-637, here p.632.

With the precarious pacification and stabilisation of South-Eastern Europe, the EU currently has beyond all doubt reached the limits of its possibilities in terms of foreign and security policy. The limitations of the EU's receptiveness has clearly come to light.⁶⁴

The European Neighbourhood Policy (ENP), created at the beginning of the 21st century, has closed the gate for states which are applying for accession. Except the countries of the "Western Balkans" (e.g. Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia), there will in fact only be more association agreements and neighbourhood arrangements for the foreseeable future.⁶⁵ Within this context, the case of Turkey is characteristic: negotiations stagnate for one decade. A breakthrough is not in sight. In Turkey itself, accession is no longer a topic.⁶⁶

The institutional reforms of the Union Treaty of Lisbon cannot be designated as sweeping and sufficient enough to be able to speak as a political actor on the world stage with one voice and to be able to act in a correspondingly united manner.

III.2 The open question of the *finalité politique*

With regard to the question in which direction the EU could develop in the future, the historian remains dependent upon conjectures and speculations: with the Euro as a strengthened international transaction and reserve currency, the EU could be a balance factor between the USA and China, a currency policy mediator that will not have to distinguish itself through military interventions, but rather by its presence as an exporter of law and culture.⁶⁷ Europe does not need to deduce weakness from its military inferiority, but it rather sees opportunities in it: it is not expansion by military force, but rather currency adherence, economic attractiveness, trade relations, and

64. S. GAREIS, G. HAUSER, F. KERNIC (eds), *The European Union – A Global Actor?*, Budrich, Opladen, 2013; S. FRÖHLICH, *Die Europäische Union als globaler Akteur. Eine Einführung*, Springer, Wiesbaden, 2014.

65. M. KOOPMANN, C. LEQUESNE (eds), *Partner oder Beitrittskandidaten? Die Nachbarschaftspolitik der Europäischen Union auf dem Prüfstand*, Nomos, Baden-Baden, 2006; B. LIPPERT, *Von der Europäischen Nachbarschaftspolitik zur zukünftigen Erweiterung der EU*, in: B. RILL (ed.), *Von Nizza nach Lissabon – neuer Aufschwung für die EU*, Hanns-Seidel-Stiftung e.V., München, 2010, pp.125-134.

66. M. GEHLER, *Europa...*, op.cit., pp.460-473 and 809-819.

67. H.-J. SCHRÖDER, *Die USA: Ein Imperium?* and X. GU, *Das chinesische Imperium: Niedergang, Wiedergeburt und Aufstieg in Zeiten der weltpolitischen Umbrüche*, both in: M. GEHLER, R. ROLLINGER (eds), *Imperien und Reiche...*, op.cit., vol.2, pp.1209-1254 and 1381-1412; H.-J. SCHRÖDER, *Anspruch und Wirklichkeit der USA als globale Ordnungsmacht: Perspektiven für eine Weltgesellschaft?* and X. GU, *Weltmacht des 21. Jahrhunderts? China und seine Perspektiven für eine Weltgesellschaft*, both in: M. GEHLER, S. VIETTA, S. ZIETHEN (eds), *Dimensionen einer Weltgesellschaft. Fragen, Probleme, Erkenntnisse, Forschungsansätze und Theorien*, Böhlau, Wien, 2018, pp.405-434 and 435-450.

cultural offerings that create stable political combinations and structures of longer duration not only within, but also at the peripheries of Europe after 1945 and 1989.⁶⁸

As a new model of rule and order, the EU, in contrast to historical hegemonic empires, has found neither annexations by armed forces and military bases on foreign territories nor an excessively strong power centre to be necessary. Those were the conditions of existence for old and pre-modern as well as new and modern empires. In contrast, the EU has learned the lessons from the past. It constitutes an antithesis to all pre-modern and modern empires and it can be seen in many respects as a post-modern construct.

The European Union that has been characterised in this way therefore also appears to be ambivalent and arbitrary: where is it going, in its current form as a Single Market, Euro zone, trade and currency world power as well as a community of different constitutions, fundamental rights, and common values? What is its most important actual goal and what is its *finalité politique*? The answer to these questions according to present day policy (boarder protection union?, capital market union?, defence union?, digital union?, energy union?, transport union or social union?),⁶⁹ the finality and thus according to its mission remains open. For that reason, the EU continues to lack of a definition, a priority of further goals, and its end purpose. The question of legitimation, for which the EU is responsible for itself, is posed all the more so and represents more than just a crises in communication and a problem in conveying. The outcome of the development remains open. Ignoring global challenges like East Asia, especially China and Japan, but also Russia, the United States and the problematic situations of nation-states, the continued existence of the European Union is in no way ensured, above all else in view of partial institutional structural defects and fundamental systemic deficiencies.⁷⁰

III.3 Nation-States acting as EU-members in a globalised context

Will the EU of the future be essentially nation-state dominated or tightly integrated? Will the EU be a victim of a bigger wave of populism? Will the tendency of renationalisation remain? Should one think about a reshaped EU within renationalised EU institutions?⁷¹

68. In this regard, also see H.-H. NOLTE (ed.), *Europäische innere Peripherien im 20. Jahrhundert*, Steiner, Stuttgart, 1997; IDEM (ed.), *Innere Peripherien in Ost und West*, Steiner, Stuttgart, 2001.

69. U. LIEBERT, *Neuer Schwung für Europa? Lehren aus der Vergangenheit und aktuelle Handlungsfelder*, in: *Aus Politik und Zeitgeschichte*, 11.09.2017, pp.41-47.

70. P. MISHRA, *Aus den Ruinen des Empires. Die Revolte gegen den Westen und der Wiederaufstieg Asiens*, S. Fischer, Frankfurt a.M., 2013, pp.297-377.

71. K. WEBER, H. OTTMANN, *Reshaping the European Union*, Nomos, Baden-Baden, 2018, pp. 384-435 and 435-436.

The European nation-states are still a rather young and recent historical phenomenon coming from times of Modern and Contemporary History in the 19th and 20th century. In their efforts at expanding power, they have become more mobile and capable of reacting with respect to the nation state. Empires in world history were substantially older or also, from time to time, of a far longer life.⁷² They were, however, under greater pressure for integration and obligation for legitimation than constructs of rule that covered less territory and were more manageable, such as nations and their states. The empires' need for communication and explanation was greater and grew even further with increasing expansion – the European Union with its deficits in integration and legitimation after the so-called “Eastern Enlargement” of 2004-07 is a good example of this.

For an empire, the nation-state argument of a firmly outlined territory in any case also does not apply with regard to integration and legitimation. The means that are essential for a nation with a united front of calling upon the “holiness of the borders” as well as the emphasis on the indivisibility of the state as a whole also do not apply.

As a result of the long-term strategy that at first was not present, with an empire neither a revolutionary founding act (a birth certificate) nor a creation event (myth) that is wrapped in legend seem to be compulsorily necessary as the fabric for integration and legitimation, as can be found all too frequently with nation-building and the founding of states. It therefore does not appear to be at all so absurd that the European nation-states – which are still relatively young yet already long in the tooth and have been challenged and weakened by radicalising globalisation and worldwide system competition as well as their unsuccessful budgetary policy – continue to make us of a higher unit and, in the wake of the banking, capital market, financial, economic and state debts crises, feel safer and better under the roof of the larger European Union than in their own house, which in the meantime seems to have grown smaller.

III.4 The NATO-, EU-“Eastern enlargement” and the relationship to Russia

What can we say about the EU relationship to Russia in the light of the historical “Eastern Enlargements” in terms of Empire building? Michael Gorbachev’s policy of reforms (1985-1989), the revolutions in Central and Eastern Europe (1989), and the breakdown of the Soviet Union (1990-1991) opened the door and paved the way for the “Eastern enlargement” of the EU as well as the NATO. Both of these were the result of geo-economic and geostrategic decision-making from 1999 to 2007. These enlargements did not occur simultaneously, but rather with a time lag due to the fact that the EU-“Eastern Enlargement”, which came later, was more complex, costly, and time-consuming with regard to negotiations than was NATO-“Eastern Enlargement”. The Baltic States as well as the countries of Central, Eastern, and

72. J. DARWIN, *After Tamerlane*..., op.cit.; J. BURBANK, F. COOPER, op.cit.; P. BOILLEY, A. MARÈS, op.cit.

South-Eastern Europe desired the “Eastern Enlargement” of both the EU and NATO. Poland, Hungary, and the Czech Republic were the first to be integrated (NATO 1999, EU 2004).

The “Eastern Enlargement” of the EU was more or less accepted by Russia, while it at first observed sceptically and then ultimately opposed that of NATO. It was not by accident that on the part of the USA and the Federal Republic of Germany, nothing legally binding was offered toward Russia, but as early as 1990, oral assurances and statements of confidence were made to it with regard to not expanding NATO any further to the East.

The “Eastern Enlargement” of the EU constituted an historic opportunity for Brussels to expand the *acquis communautaire* as well as its trade and the Single Market all the way to the Baltics in the North and to the Black Sea in the South. This was also closely connected with a medium-term and long-term perspective integration of the “Western Balkans” (see above). But a decision-making in favour of the EU and NATO by all of those states and regions was seen by Russia as a concept of “Western conquerors” as well as a geopolitical and geostrategic disadvantage concerning its own position. Indeed, the EU-“Eastern Enlargement” was the biggest success of foreign policy in EU’s history. The unknown empire never expanded so much via its neighbourhood policy. This was possible due to the acceptance and implementation of the common law, the rules of the *acquis communautaire* and the Single Market as well as the Euro within the European Monetary Union or as a second currency in non-EU member states. In light of the demonstration of military strength and the renaissance of classic hard power policy made by Russia when beginning measures of destabilisation in the Eastern areas of Ukraine and then occupying and annexing Crimea, the “Eastern Enlargement” of NATO appeared to be justified and necessary by the new members of the transatlantic alliance. In spite of Western security policy, Russian countermeasures could be taken for granted, causing the continuous potential for conflicts and threats of war in these areas of Europe. Therefore, the question may be raised as to whether there had been missed opportunities before or avoiding these aggressions by binding Russia closer to the EU earlier on.⁷³

A future strategy seems to be necessary, especially when thinking about US-President Donald Trump celebrating the BREXIT-decision by the UK-population and demonstrating his opposition against the EU in case of trade policy and judging the Europeans as „small enemies“. The transatlantic relations were overshadowed by his presidency more than all other US-administrations did before also in terms of security policy. The question of Europe’s emancipation is on the table.⁷⁴

73. M. GEHLER, *Revolutionäre Ereignisse*, pp.13-14, 24-25, 60-86.

74. C. MAJOR, *Schwieriges Selbständigwerden. Zum Wandel der transatlantischen Sicherheitsbeziehungen und den Konsequenzen für Europa*, in: *Aus Politik und Zeitgeschichte*, 03.09.2018, pp.17-22.

IV. End and decline of a short-term Empire? Conversely, what holds EU-Europe together

What is the source of confidence, serenity and optimism at times when, in the sense of Euroscepticism⁷⁵ as well as populism before⁷⁶ and after Maastricht,⁷⁷ there are a large number, if not a majority of people, who “perceive” the end of the EU, its disintegration and collapse in light of the breakdown and decline of empires in history?⁷⁸ Historical, institutional, methodological and procedural motifs, a future-dependent reason as well as two future perspectives speak for the first mentioned attitudes.

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75. M. ZABEL, *Euroskeptizismus. Ursprünge und Ausdrucksformen im Verlauf des europäischen Integrationsprozesses*, Nomos, Baden-Baden, 2017.
76. Populist parties of different types arose in Europe after 1945 in various waves, but at first mainly in the 1970s. The beginning was marked by the Swiss People's Party (1971), followed by the Front National (1972), the Danish People's Party (1972), and the Norwegian Progress Party (1973) as well as the Vlaams Bloc (1979) in Belgium. These were citizens' protest parties, right-wing and anti-taxation parties. A second wave occurred at the end of the 1980s and at the beginning of the 1990s. The Swedish Democrats were founded in 1988, the right-wing nationalist Republicans (1983) in Germany had some success, the Lega Nord in Italy (1989) became part of the government in the early 1990s. See G. PALLAVER, M. GEHLER, M. CAU, *Introduction*, in: IDEM (eds), *Populism, Populists and the Crisis of Political Parties. A Comparison of Italy, Austria and Germany 1990-2015*, Il Mulino, Bologna, 2018, p. 11.
77. The Union Treaty of Maastricht (1991/92) sped up the project of the European Single Market, the economic and monetary Union, as well as competition and spurred modernization. The deepening of integration elicited defense mechanisms, caused fears of social decline, and gave rise to national independence movements. The Anti-Federalist League opposing the Maastricht Treaty was formed in 1991 in Great Britain and later developed into the United Kingdom Independence Party (UKIP), the driving force behind the trend to BREXIT that was consolidated with the 2016 referendum. In 1995, the Populist Party The Finns was founded. The banking, financial and economic crises (2008/09) as well as the “refugee crisis” (2015/16) spurred a third wave of populist parties. The movement Patriotic Europeans against the islamisation of the West (PEGIDA) was formed in 2014 in Germany and grew rapidly until its decay in 2016/17. Older populist parties that had existed for some time, such as the Freiheitliche Partei Österreichs (FPÖ) in Austria, the Front National in France, the Partij voor der Vrijheid in the Netherlands, the Swiss People's Party, or the renamed Vlaamse Belang in Belgium profited from these far-reaching crises. At the same time, more than a dozen different new parties were founded. The Alternative für Deutschland, the Swedish Democrats, the newly named True Finns, or the extrem-right Party Dawn of Direct Democracy in the Czech Republic profit from the “refugee crisis”, while the Greek anti-EU party Syriza in turn profits from the international banking crisis and the prescribed German, or rather European, austerity policy. Parties that were partly critical of the EU and partly nationalistic were the 5 Star Movement in Italy and Podemos in Spain. These movements-turned-parties were united by an anti-elite stance, anti-establishment resentments, opposition toward the EU and/or a specific nationalism. Such nationalism can be found mainly in Central and Eastern European countries such as in Hungary with Fidesz-KDNP and the anti-Semitic right-wing nationalist Jobbik, or in Poland with the national-conservative party Law and Justice (PIS). Ibid, pp. 11-12.
78. A. EPPLER, *Desintegrative Momente der Europäischen Einigung*, in: *Aus Politik und Zeitgeschichte*, 05.12.2016, pp. 32-38. An early analysis on the deficits and weaknesses of the Soviet Union was provided by H. CARRÈRE D'ENCAUSSE, *L'empire éclaté. La révolte des nations en URSS*, Flammarion, Paris, 1978, pp. 234-271 and 331-352.

IV.1 The inevitable integration imperative Germany

Germany is still indispensable for European integration. As much as its integration and control were a primary objective from the perspective of the other partners in the 1950s, 1960s, 1970s, and 1980s, since its unification 1990, the necessity of its leadership function and its participation in the maintenance of the integration dynamics has also been considered – with a view to further integration and integration control of its growing economic potential and increased political significance – is more necessary than ever. A functioning EU without or against the will of Germany is hard to imagine. A Germany outside the EU or even against the EU is equally unimaginable. It would go against all economic logic and political reason. The EU's embedding and control function for Germany has been, and will remain, the iron law of European integration, an inevitable and mutually inclusive integration imperative.

Due to its growing economic and political importance Germany can also act as 'honest broker'. A good example was the Grand Coalition under Angela Merkel and Frank Walter Steinmeier, within the framework of the presidency of the Council of the European Union led by Germany in the first half of 2007, which managed the ratification crisis of the EU Constitutional Treaty, thus making a valuable contribution to the preparation of the modified Union Treaty of Lisbon. In contrast to the German presidency of the Council of the European Union in 1999, Germany's increased influence and structuring capabilities within the EU had become visible for the whole world to see, even though one had already comprehended the Federal Republic of Germany as the central power of Europe for the stabilisation of the continent.⁷⁹

The fact that Germany became after unification the real and practical leading power in the EU remains one of the challenges and also tasks of a functioning Union. The problem was managed since Germany's unity by different ways like in former times: firstly, by distributing of various management positions (Commission, Council, Parliament); secondly, by weighing the votes in case of decision making in the Council (not to speak about vetoing a German position by a blocking minority of larger, medium-sized members and one small state) as well as by mixed competences and shared rules. Therefore the EU is a guarantor for Germany remaining dependant from the approval of the others. It needs also their acceptance when political resolutions have to be made. Though there will be a mutual dependency in a double sense: (1) Due to economic and trade reasons Germany needs the other members' markets for her exports. (2) More than ever the EU provides a necessary framework in order to control Germany by integration or speaking more softly to integrate Germany by the EU. Therefore, the EU could also be seen as a European empire by preventing a German empire. These afore mentioned necessities and interdependences will exist further. They have to be balanced and managed by a mediating and moderating Ger-

79. H.P. SCHWARZ, *Die Zentralmacht Europas auf Kontinuitätskurs. Deutschland stabilisiert den Kontinent*, in: *Internationale Politik*, 11(1999), pp.1-10.

man Chancellery as well as by EU-partners willing to accept, to co-operate and to support it.⁸⁰

The experiences of the last decades made clear: In spite of all the crises, irritations, minor shifts and radical changes, Germany will continue to be a reliable member of the EU, which ought to continue to serve as guarantor in preventing distancing and alienation or even a relapse into the nationalism of the 19th and first half of the 20th century.⁸¹

IV.2 German-French partnership as a precondition

Equally indispensable for the centre of the EU as an empire remains a functioning Franco-German partnership, but not an “axis” (although the weight of the connection between Paris and Bonn to that of Berlin and Paris has shifted since 1990). Still, it must also be borne in mind that France has negatively impacted the European unification project three times, which in 1954 contributed to the dismantling of the European Army project on the agenda of the French National Assembly and thus to the destruction of the Community's organised European defence.⁸² In 1965/66, it was again France, by blocking the Council of Ministers and its policy of the “empty chair”, that hindered the introduction of majority decisions in the EC Council of Ministers, thus advancing the prevention of supranational decisions on a high policy level for two decades. In 2005, it was the rejection of the EU “Constitutional Treaty” that could have given an impetus for a process of constitutionalisation.⁸³ In the sense of Brussels and the integration of Europe, the absence of further blows can only appear desirable.

IV.3 The integrated legal community

European integration experienced decades-long growth and consolidation of legislative procedures from the 1960s through the 21st century, from the EEC to the EU,

80. U. BECK, *German Europe*, Polity Press, Cambridge, 2013, pp.5-9: Germany's austerity policy divides Europe; see also D. SCHÄFER, *Der Fiskalvertrag – ein Ausdruck deutscher Hegemonie in der Europäischen Union?*, in: *Integration*, 2(2013), pp.107-123; S. HINSCH, W. LANGTHALER, *Europa zerbricht am Euro. Unter deutscher Vorherrschaft in die Krise*, Promedia, Wien, 2016.
81. H. MÜNKLER, *Macht in der Mitte. Die neuen Aufgaben Deutschlands in Europa*, Körber-Stiftung, Hamburg, 2015, pp.137-192; M. GEHLER, *Different Paths toward Europe? Germany, Italy, and Austria 1945-2009*, in: G. PALLAVER, M. GEHLER, M. CAU (eds), op.cit., pp.17-44, here pp. 36-37.
82. E. FURSDON, op.cit.; W. LOTH, *Europas Einigung...*, op.cit., pp.41-56.
83. P. BAJON, op.cit.; P.-C. MÜLLER-GRAFF, *Konstitutionalisierung der Europäischen Union als Option deutscher Politik*, in: H. SCHNEIDER, M. JOPP, U. SCHMALZ (eds), *Eine neue deutsche Europapolitik? Rahmenbedingungen – Problemfelder – Optionen*, Europa Union Verlag, Bonn, 2001, pp.725-748.

away from public view, with the Commission as the guardian of the treaties and the ECJ as the guarantor of compliance with the law and the place where violations of the law could be appealed. The common legal framework (*aquis communautaire*) through primary and secondary law consists of a multitude of recommendations, directives, regulations and rules that affect the lives of Europeans comprehensively to their advantage, and above all determine far more and are more sweeping than national laws. Rapid departure and quick withdrawal from this legal community can only consume a great deal of energy, personnel, and time, as well as be disadvantageous for trade, investment, competition, and economic policy. The dimensions of the density and fullness of this EU legal and treaty community were only consciously perceived and became publicly effective when the British population forced the government into a withdrawal procedure by means of a popular vote about the “BREXIT” (the referendum of 23 June 2016), a process that should take years. This could then serve as a negative example, a warning for possible or potential imitators, instructive material, a sound doctrine, and an integration-pedagogical tutorial. One may ask if this will be the final hour of the UK after the loss of empire.⁸⁴

IV.4 The Single Market

For decades, the EEC and EC struggled to achieve the “Common Market” project as it had already been described in the Treaty of Rome. The White Paper on the Internal Market of the Delors’ Commission (1985) and the Single European Act (1987) paved the way for its entry into force in 1993. Through the realisation of the “Four Freedoms” (services, goods, capital, and people) – despite the continuing non-tariff barriers to trade – a multitude of relief and advantages have arisen for the sectors mentioned above, so that from their advocacy groups’ point of view, relinquishing these advantages seems scarcely conceivable, let alone desirable. From the logic of the common market, the realisation of another project, which goes back to the beginnings of the 1970s, was also achieved.

IV.5 The Euro as an anchor

An internal market with the four freedoms appeared to have little meaning, or vice versa, without uniform money: With a single currency eliminating transaction costs and exchange periods, the internal market would have far more effect. But the background was also the topic already mentioned as the first reason for cohesion: Once again, it was about Germany, and this time about its even more powerful currency, the *Deutsch Mark*, which France’s President had once internally referred to as the

84. J. DARWIN, *Britain and Decolonisation...*, op.cit.; P. BRENDON, op.cit.

“German atomic bomb” and who wanted to neutralise it (make it “harmless”) according to the former President of the German Central Bank (1993-1999), Hans Tietmeyer.⁸⁵

Despite all the mistakes in the introduction of the Euro by omitting to create an economic union, the lack of compliance with the criteria for inclusion and convergence, and the infringements of the Stability Pact Agreements, Germany by its rejection of a deficit procedure by the Commission under the Gerhard Schröder government, a “no-bail-out” clause in the case of the “rescue packages” for Greece by the EU, and the highly political action of the ECB, which was thought to be politically “independent” under President Mario Draghi when purchasing government bonds, the Euro also created an (integration) political anchor during the banking, financial market, and account deficit and sovereign debt crises from 2008 to the present, which was a global economic crisis. An EU-Europe in this decade of crises without the Euro would have been confronted with an overwhelming *Deutsch Mark* and depreciation of the other national currencies. The political will to keep the Euro system together, in the truest sense of “cost what it will”, demonstrated the willingness and ability to achieve monetary-political cohesion within the EU, especially the Euro zone, although this scenario also carries a risk of explosive forces that hit limits as far as domestic political acceptability is concerned.⁸⁶ The Euro was, however, the strongest political bond for integration in the last decade of integration from 2008 to 2018, and there is still much to be said for it.

IV.6 The majority of community institutions

Looking at the EU institutions and organisations, there is a formal and practical over-proportionality of the supranational before the intergovernmental. The ECJ, the Commission, the Parliament, and the ECB are responsible for the Community’s tasks during the European Council and the Council of the EU. Even with all the importance and weight of the member states, we can speak, from a purely formal and functional point of view, about a 4:2-ratio in favour of supra-nationality. If one considers that the decisions made by the European Council, the regular meetings of the Heads of State and Government, have also led to Community policy such as the introduction

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85. “Die Deutschen sind ein großes Volk, das gewisser Attribute der Souveränität entbehrt und einen verminderten diplomatischen Status genießt. Deutschland gleicht diese Schwäche durch seine ökonomische Stärke aus. Die Deutsche Mark ist gewissermaßen ihre Atomstreitkraft”, Mitterrand stated in the French Minister’s Council on 17 August 1988, according to D. MARSH, *Der Euro – Die geheime Geschichte der neuen Weltwährung*, Murmann, Hamburg, 2009, pp.173-175. See also the chapter *Die D-Mark als deutsche Atombombe*, in B. BANDULET, *Die letzten Jahre des Euro. Ein Bericht über das Geld, das die Deutschen nicht wollten*, Kopp, Rottenburg, 2011, pp.51-52, here p. 52; H. TIETMEYER, *Herausforderung Euro. Wie es zum Euro kam und was er für Deutschlands Zukunft bedeutet*, Hanser, München, 2004, pp.114-120 and 121-129.
86. M. GEHLER, *Europa...*, op.cit., pp.692-693, 832 and 886.

of majority decisions in the Council or the “Economic and Monetary Union”, this seems to speak more for integrative cohesion than for loss of integration and thus against disintegration and collapse.⁸⁷

IV.7 Non-contractual regulations

If there is no common supranational progress, the non-contractual regulation on the basis of international treaties has proven to be a pragmatic answer to the question of stagnation. An example from the older history is the system of Schengen, which was initially supplemented by the Benelux countries in the trilateral framework and then followed by the Federal Republic and France. This system proved to be so beneficial in the 1990s that it was incorporated into the Treaty of Amsterdam as a common legal right. Similarly, non-contractual arrangements were found for the 19 Euro-zone countries with regard to the European Stability Mechanism (ESM), the Fiscal Pact, and the Banking Union leading in the end to a Financial Union with 25 Euro states. It is imperative for the new members to extend these Euro zone agreements. Even if they are still not Union rights for all, it is a practical and rational anticipating measure for the cohesion of the tighter Euro-Union.

IV.8 External crises as stimulators

Last but not least, European integration in the sense of progress has been driven more by reaction to external rather than internal crises.⁸⁸ The threats and challenges from the outside have not diminished in 2017 in comparison with the decades before 2007 or starting with 1997. On the contrary, Russia’s Vladimir Putin tried to drive the EU apart and to weaken it decisively via financing and promoting Euro-sceptical or anti-EU parties – probably also as a “revenge” for a not substantial link to the EU in the previous decades. The United States’ Trump is at least distracted, disinterested, and disputed with the EU, and does not want a closer Transatlantic Trade and Investment Partnership (TTIP). He welcomed the BREXIT-votum in 2016 by the British population. Turkey, as a former friendly partner country, under the leadership of Recep

87. W. WESSELS, *Der Europäische Rat: Stabilisierung statt Integration? Geschichte, Entwicklung und Zukunft der EG-Gipfelkonferenzen*, Europa-Union Verlag, Bonn, 1980; J. WERTS, *The European Council*, John Harper Publishing, London, 2008.

88. M. GEHLER, *Challenges and Opportunities: Surmounting Integration Crises in Historical Context*, in: L. KÜHNHARDT (ed.), *Crises in European Integration. Challenges and Responses, 1945-2005*, Berghahn, New York, 2009, pp.109-129; IDEM, *From Crisis to Crisis – from Success to Success? European Integration Challenges and Opportunities in Light of Europe’s History (1918-2009)*, in: M. GEHLER, X. GU, A. SCHIMMELPFENNIG (eds), *EU – China. Global Players in a Complex World*, Olms, Hildesheim, 2012, pp.45-74.

Tayyip Erdoğan, was moving more and more away from the values of the EU. That means an accelerating de-Europeanisation and a fundamental re-islamisation, which, through Turkey's own tighter country population, is also being spread to foreigners living in the EU and the Turkish Germans. Turkey since the military *coup d'État* of 15/16 July 2016 and the proclaimed state of emergency by Erdoğan, has no real perspective for EU-membership and will remain an impossible candidate until domestic issues will not tremendously change. Neither Putin, Trump nor Erdoğan stand for Europe or pro-European policies; they are rather euro-sceptics if not to say anti-Europeans. This is expected to increase the cohesion of EU members in the medium term, rather than weaken it, once the BREXIT procedure has been implemented.

IV.9 The "Migration Crisis" as a forced solution

A future-oriented argument concerns the worldwide migration crisis, which by far surpasses the "refugee crisis" of 2015.⁸⁹ Angela Merkel's words that this year should not be repeated again should be taken seriously. This promise or commitment of the EU would mean that the Union would not be able to avoid the need for a common asylum and a border control policy (uniform admission procedures, common examination standards; proportionate, equitable, and fair distribution of housing, food, and job placement) in the medium term. This is probably the greatest common challenge for the near and distant future of the EU and will require more than "flexible solidarity", making convergence, if not cohesion absolutely necessary.⁹⁰

The question how to deal with the immigration question remains to be one of the most important challenges for the EU and its tasks in the 21st century. For decades the Southern European member states were left alone in order to cope with that problem especially Italy, Spain, and Greece. The name of the Italian Mediterranean isle of Lampedusa became the symbol for these uncontrolled developments. Without a common European policy on a supranational level concerning asylum, border protection, and integration in the home labour markets no convincing, long-lasting and sustainable solution can be found. This won't be possible on a bilateral (Italy – Austria) or trilateral (Italy – Austria – Germany) basis.

The historical fate and the end of the empires were often decided on the peripheries. Therefore, the EU and her member states have to be fully aware about this fact. The Commission made several proposals helping to overcome the "refugee crisis"

89. M. GEHLER, *Europa...*, op.cit., pp.742-759; L. KÜHNHARDT, *Die Europäische Union und das Weltflüchtlingsproblem*, in: M. BECKER, V. KRONENBERG, H. POMPE (eds), *Fluchtpunkt Integration, Panorama eines Problemfeldes*, Springer VS, Wiesbaden, 2018, pp. 101-132.

90. B. KASPAREK, *Von Schengen nach Lampedusa, Ceuta und Piräus: Grenzpolitiken der Europäischen Union*, in: *Aus Politik und Zeitgeschichte*, 18.11.2013, pp.39-45; D. THRÄNHARDT, *Tendenzen der innereuropäischen Migration*, in: *Aus Politik und Zeitgeschichte*, 18.11.2013, pp.17-24; S. LUFT, *Herausforderungen europäischer Grenzpolitik*, in: *Aus Politik und Zeitgeschichte*, 18.11.2013, pp.13-17.

but these were not implemented by the member states. As long as more or less national answers are given by them, they will remain the main obstacle and the real problem coming to terms with immigration and finding comprehensive solutions.

IV. 10 The social dimension

A future-oriented argument for further prospects for continued cohesion, as a result of coping with the “migration crisis” of foreign people as well as with the internal migration by EU citizens from Eastern and South Eastern Europe to the West, also provides an insight into the need to stress and strengthen the “social dimension” of the EU in the third decade after the turn of the century. Commission’s President Juncker was aware of the urgency of the concept of a “social union”. Already one of his predecessors Delors wanted to anchor this concern in the Maastricht Union Treaty. This also failed because of the veto of the British, whereby they excluded themselves from the modest remaining social capital through “opting outs”. Although a “social union” still seems to be far away, a massive increase in the European Social Fund (ESF) would be a step in this direction. At the latest possible exit of the United Kingdom and the European Parliament elections in 2019 with a newly elected President of the Commission, this issue will again be on the EU agenda.

V. Pressing tasks for the future and preconditions for further functioning

In 2007-2009, Lisbon was just one leg.⁹¹ For the managing of the challenges that were mounting then, the treaty was insufficient. It did not provide any provisions, for example, for the expansion of coastal and border protection or the instituting of asylum missions in the “hot spots” accompanied by a Europeanisation of the right to asylum and a European immigration law for the regulating of acceptance, restriction, accommodation, and access to the labour market as well as “immigration partnerships” with third countries. Additional requirements are the establishment of a European unemployment insurance system for the support of cross-border mobility, the creation of more convergence with the defence capacities, and the strengthening of crisis management in the peripheries of the EU for the backing of the recently sponsored “Permanent Structured Cooperation” (PESCO), an initiative which, following “CFSP” and “CESDP”, should not remain just an ineffective acronym. And that’s not all: the implementation of a digital single market is pressing. After the failure of TTIP with the USA, still existing free trade agreements or further initiatives in that

91. For this see M. GEHLER, *The Origin, Cohesion, and Future of the European Union*, in: F. DE QUADROS, D. SIDJANSKI (coord.), *The Future of Europe. The Reform of the Eurozone and the Deepening of the Political Union*, AAFDL Alameda da Universidade, Lisboa, 2017, pp.411-417.

regard with Australia, Canada, Japan, Mexico, MERCOSUR, and New Zealand are goals, especially a substantial improvement of the EU-China-Partnership. The “energy union” that has already been agreed upon with a multilateral clearing system with multilaterally exchangeable resources, on the other hand, remains a task of the century.

V.1 Credibility through adherence to treaty and strengthening of legitimacy

More credibility can only be achieved through adherence to the treaties and the greatest possible avoidance of opting out. A further democratisation of EU institutions is possible through a new European electoral law with genuine European parties – instead of just factions in parliament and greater transparency with integration policy decisions. In addition, more drastic means of exerting pressure up to the threat of expulsion are necessary for the defence against the threat to democracy and the rule of law in member states.

V.2 Self-responsibility and solidarity

The EU can only function with self-responsibility and solidarity. Decisions that have been made jointly are to be adhered to. In the long run, their sluggishness can neither be financed nor conveyed. In the face of still rampant populism and national reservations, a new union treaty still seems far off.⁹² For lack of anything better, pioneer groups with regulation outside of treaties are currently one option. And: As long as the BREXIT issue was unresolved, it remains necessary to have patience. A breakthrough will come at the earliest in 2019 with a newly elected European Parliament and new leadership for the Commission.

92. The basic fiction of any kind of populism is the assumption of the existence of an undisputed qualification of belonging to “the people”. For that reason, European diversity also represented as institutionalized by the EU is a logical scapegoat for populists: The “Euroscepticism” of the different shadows of populism is first and foremost an opposition to a European experiment which ends national exclusivity. A. PELINKA, *Populism. A short Conclusion to the Volume*, in: G. PALLAVER, M. GEHLER, M. CAU (eds), op.cit., pp.319-331, here p.323; see also P. MOREAU, B. WASSENBERG (eds), *The 2014 European Elections. The Rise of Anti-Europeanism*, Franz Steiner Verlag, Stuttgart, 2016; IDEM. (eds), *Perceptions of “External” States on European Integration. Between Europeanism, Euroscepticism and alter-Europeanism*, Franz Steiner, Stuttgart, 2017.

V.3 A new Elysée Treaty – more of an integration policy impetus than a breakthrough!

Emmanuel Macron's proposals to restructure the Euro zone for the 19 Euro countries cannot be anchored in a bilateral pact without this facing severe criticism of the high-paying Euro partners. A "Euro zone parliament" with the possibility of comprehensible majority decisions by finance and currency experts who were elected by the national parliaments would increase transparency. A transfer union does not appear to be so immediately feasible. Furthermore, neither a German-French Finance Minister nor a European one guarantees budget discipline. What is more obvious is a transformation of the European Stability Mechanism (ESM) into a European Currency Fund (ECF) that is independent of the IMF with a European financing regime, a credible no bail-out clause, and a well-ordered insolvency regulation for Euro countries that are continuously in deficit with payment balances.

Would a joint German-French immigration law that first of all was independent of other colonial heritage and different post-colonial experience be a pioneer act? Would a bilateral security and defence union for the fight against terrorism and as a supplement to NATO be the prelude to a European one? In view of the different use of atomic power by the two countries, is a common energy policy between the two countries conceivable? A climate policy would be more likely. Both parliaments have already articulated the desire to conclude a new agreement. But that goes far beyond bilateral cooperation, it namely concerns European cohesion. Therefore, the newly elected European Parliament and the new leadership of the Commission can continue with a new Elysée Treaty as the impetus for the debate on a new treaty after BREXIT, preventing an excessive bilateralism.

VI. Conclusion

Looking from outside the state of the art of the EU is not as bad as it is often perceived from inside. The overcoming of the Cold War with its Iron Curtain, the creation of the Single Market, the establishment of the Monetary Union and the big Enlargement of that peaceful acting soft power empire connected with various transformations can be seen as progress and success. For the protagonist bodies of the EU and its member states, the cohesion of the Union is first of all to be viewed less within the context of a pressing task of re-founding based upon historical and cultural-ethical considerations which are to be returned to if possible at a later date as valuable resources – a House of European History in fact already exists in Brussels for possible European narratives – than as a question of the ethics of responsibility for the internal peace of Europe as well as for the external policies of peace, leadership, and stability with a view toward uncertain and precarious neighbourhoods in the sense of a contribution by the EU to world peace. Aside from this noble goal, one finding remains valid: As long as the advantages of belonging to this empire outweigh the disadvantages, which

is what the member states and their special interest groups in industry and business are very precisely keeping their eyes on, the further cohesion of the post-democratic, post-modern, and post-national empire is not threatened at all.