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**Germany:  
A look at one EU member state's  
path to “Europeanization”**

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## EUMA

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## Germany: A look at one EU member state’s path to “Europeanization

Victoria Quintana \*

### Introduction

When the German forces surrendered in May 1945, Germany was government-less. The country was eventually divided into four occupational zones: the British, the French, the American and the Soviet. Eventually, the three Western Democracies, Britain, France and the United States, merged their zones to create a West German State: the Federal Republic of Germany. The West Germans hoped that this republic might one day be replaced by the merging of east (the Soviet occupational zone) and west to create a single German state. This did not come to fruition until 1990.<sup>1</sup> With the reunification of East and West, Germany became the largest member state in the European Union. Fortunately, because of the institutions already in place, from the years immediately following the war, this did not affect the balance of European peace and prosperity in any significant way.<sup>2</sup>

Germany was one of the original member states of the European Coal and Steel Community (“ECSC”), an organization that has evolved, through various treaties, into the European Union that we recognize today. In fact, much of the reasoning behind the creation of an organization like the ECSC was to respond to the most important issue post-World War II: “what to do about Germany?”<sup>3</sup> The answer, according to the ECSC’s founding father, Jean Monnet, was to link Germany to other countries in Europe (such as France) in such a way that would make war between them impossible. It was thus that, “France came up with a novel idea to reconcile Franco-German interests by pooling coal and steel resources under a supranational High Authority.”<sup>4</sup>

Article I of the German Constitution states that “human dignity shall be inviolable.” This provision has as its purpose the prevention of a second holocaust. The atrocities lived through by the German state during the Second World War were deemed too terrible to allow such a thing to reoccur. This mentality of making atrocities, or wars, impossible was also on the minds of the men who are responsible for the creation of the ECSC.<sup>5</sup> Apart from Jean Monnet, the European Union had another founding father: Konrad Adenauer. These two men from France and Germany respectively – two countries that had fought three wars against each other in less than a one hundred year period<sup>6</sup> - shared a common goal: to make certain that history would not repeat itself.

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<sup>1</sup> Van Oudenaren, John. *Uniting Europe*. Oxford: Rowman & Littlefield Publishers, 2000, pp. 6-8.

<sup>2</sup> Oudenaren, John. *Uniting Europe*. Oxford: Rowman & Littlefield Publishers, 2000, p. 52.

<sup>3</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. *The European Union: How does it work?* 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 34.

<sup>4</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. *The European Union: How does it work?* 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 26.

<sup>5</sup> “The EU: A Community of Values.” *EU Focus*. Washington DC: Delegation of the European Commission to the US, Nov. 2005.

<sup>6</sup> Van Oudenaren, John. *Uniting Europe: European Integration and the Post-Cold War World*. New York: Rowman & Littlefield Publishers, Inc., 2001, p. 27.

Konrad Adenauer was the first Chancellor of the Federal Republic of Germany. He was also instrumental in the drafting of the West German constitution as well as in the founding of the new, German Christian Democratic Party. His participation in the latter political party would provide a common bond between himself and Jean Monnet (a member of the French Christian Democratic Party).<sup>7</sup> Adenauer envisioned the Rhine as a link, between France and Germany, and he deeply believed in reconciliation between them.<sup>8</sup>

Adenauer's ideas of reconciliation and peace between France and Germany were echoed by Monnet. In 1950, Monnet came up with "the plan for a coal and steel community" uniting France and Germany, which he sold to other French politicians at the time.<sup>9</sup> Monnet describes this changing attitude of reconciliation in his *Memoirs*: "There was no doubt that something new and powerful was taking shape within our team: it was a European attitude..."<sup>10</sup> Monnet and his fellow Frenchman were thinking less as Frenchman and more as Europeans – and they did not have to look far across the Rhine to see that Adenauer was thinking the same thing.<sup>11</sup>

In April of 1951, Monnet's "plan" reached full fruition, as the ECSC. This Community, which involved four other countries as well (Italy, Belgium, Luxembourg and the Netherlands), set the stage for true reconciliation. For Adenauer, what mattered most was "that the initiative should have come from Paris."<sup>12</sup> He saw the Parisian offer as a chance for Germany to show that it too valued peace above all else.<sup>13</sup>

The goal of this new entity was "to 'make war unthinkable' and eventually 'materially impossible.'"<sup>14</sup> Adenauer, Monnet and the other European leaders of the time harbored vivid memories of the atrocities of war and this fueled their efforts to reconcile their countries, not merely because France and Germany had had enough of war and destruction, but because, Europe as a whole, had had enough as well. They saw the ECSC as a tool to link the European states that signed on to it in a way that would make war against one another not just "materially impossible" but strategically and economically impossible as well.

Today the ECSC is found amid the pillars of the European Union. However, it retains its historical importance.<sup>15</sup> This importance is embedded in the question of whether or not the European Union has achieved what men such as Adenauer and Monnet envisioned in post World War II Europe. Has the "European original sin for causing wars"<sup>16</sup> been absolved by over fifty years of peace in Europe? It is certain that Adenauer and Monnet did best the challenge that confronted them in their time. More than fifty years of peace qualifies as a success of the

<sup>7</sup> Van Oudenaren, John. *Uniting Europe: European Integration and the Post-Cold War World*. New York: Rowman & Littlefield Publishers, Inc., 2001, p. 31.

<sup>8</sup> Prittie, Terence, Horst Osterheld and François Seydoux. *Konrad Adenauer*. Trans. Patricia Crmapton. Stuttgart: Bonn Aktuell, 1983, p. 110.

<sup>9</sup> Van Oudenaren, John. *Uniting Europe: European Integration and the Post-Cold War World*. New York: Rowman & Littlefield Publishers, Inc., 2001, p. 31.

<sup>10</sup> Monnet, Jean. *Memoirs*. Trans. Richard Mayne. New York: Doubleday and Company, Inc., 1978, p. 377.

<sup>11</sup> "I declared by conviction that the whole German people desired for the future a removal of all psychological inhibitions between France and Germany so that at long last peace should prevail in Europe." Adenauer, Konrad. *Memoirs 1945-53*. Trans. Beatte Ruhm von Oppen. Chicago: HenryRegnery Company, 1966. p. 265.

<sup>12</sup> Prittie, Terence, Horst Osterheld and François Seydoux. *Konrad Adenauer*. Trans. Patricia Crmapton. Stuttgart: Bonn Aktuell, 1983, p. 116.

<sup>13</sup> Adenauer, Konrad. *Memoirs 1945-53*. Trans. Beatte Ruhm von Oppen. Chicago: Henry Regnery Company, 1966, p. 265.

<sup>14</sup> Roy, Joaquín. "Reflections on the Treaty of Rome and Today's EU." *Jean Monnet/Robert Schuman Paper Series*. University of Miami European Union Center. Apr. 2007.

<sup>15</sup> Van Oudenaren, John. *Uniting Europe: European Integration and the Post-Cold War World*. New York: Rowman & Littlefield Publishers, Inc., 2001, p. 33.

<sup>16</sup> Roy, Joaquín. "Reflections on the Treaty of Rome and Today's EU." *Jean Monnet/Robert Schuman Paper Series*. University of Miami European Union Center. Apr. 2007.

European Union.<sup>17</sup> But, to what extent has the “European attitude” expressed by Monnet replaced that of a state-centric attitude? To what extent have countries such as France and Germany been “Europeanized”?

This paper will precisely look at Germany’s path to “Europeanization.” It will focus on three specific case studies that will demonstrate the relationship between Germany and Europe. The first case study will be on the German Constitution, which, from its creation in 1949, already demonstrated a tendency towards a more integrated Europe. The second case study will be on the German Court system, specifically the German Constitutional Court (the highest court in the land) and its relationship with the European Court of Justice (ECJ). How do these two legal entities relate to one another? To what extent does the German court system apply the decisions of the ECJ? To what extent does the ECJ support the decisions of the German Constitutional Court? Finally, the third case study will look at the future of Germany and Europe, specifically, the “Europeanization” of Germany. It will take into consideration the issue of immigration and citizenship – a crucial topic that hangs in the balance of the future of the European Union.

### **The German Constitution and Europe**

The Preamble of the German Basic Law states that it is, “inspired by the determination to promote world peace as an equal partner in a united Europe.”<sup>18</sup> Following the Second World War, a system of European values was captured in Basic Law of the Federal Republic of Germany, adopted in 1949. These values included restoration of “peace and economic prosperity [and the] safeguarding [of] civil and political rights and the rule of law.”<sup>19</sup> The goal of preserving these values, was, more than anything a response to Nazi Germany and a desire never to return to such a form of government. Germany was looking to be accepted back into Europe, to better its reputation as a nation-state, and to be “on an equal footing again in the family of European states.”<sup>20</sup>

From the outset, Germany was open to European integration, as exemplified by its European-oriented constitution. Article 23 of the German Constitution “states that there is a constitutional obligation to further European integration.” This was a constitutional amendment, which came into play on Dec. 25, 1992. “The article expressly codified the limitations on a transfer of powers to EU organizations...The first clause contains a list of qualifications which the [European Union] must meet if a German transfer of power should be permitted.”<sup>21</sup> Thus, however much Germany was leaning toward the greater Europe, its laws also took consideration to make certain that Germany would not lose its system of values (or Basic Law) embedded in the new constitution.

### **The German Courts and the European Court of Justice (“ECJ”)**

Of all of the national courts of the European Union, the “German Constitutional Court has been particularly insistent on its co-equal status with the ECJ, even asserting...that it retained the right

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<sup>17</sup> Wanlin, Aurore. “The European Union at Fifty: A Second Life: The European Union’s half-century is a time for constructive self-reflection as much as celebration.”

Centre for European Reform. 15 Mar. 2007. <[http://www.cer.org.uk/articles/wanlin\\_opendemocracy\\_15march07.html](http://www.cer.org.uk/articles/wanlin_opendemocracy_15march07.html)>.

<sup>18</sup> Geiger, Reudolf. “EU Constituionality and the German Basic Law.” University of Miami European Union Center of Excellence. *Jean Monnet/Robert Schuman Paper Series*. 5.1A (Jan. 2005).

<sup>19</sup> Oudenaren, John. *Uniting Europe*. Oxford: Rowman & Littlefield Publishers, 2000, p. 205.

<sup>20</sup> Geiger, Reudolf. “EU Constituionality and the German Basic Law.” University of Miami European Union Center of Excellence. *Jean Monnet/Robert Schuman Paper Series*. 5.1A (Jan. 2005).

<sup>21</sup> Geiger, Reudolf. “EU Constituionality and the German Basic Law.” University of Miami European Union Center of Excellence. *Jean Monnet/Robert Schuman Paper Series*. 5.1A (Jan. 2005).

to establish a threshold of constitutional guarantees and that the ECJ could adjudicate their application on a case-by-case basis.”<sup>22</sup>

The ECJ stands as a symbol of European interdependence. It is a binding force in the European Union - no one person or member state or institution is immune to its rulings. Some have stated that the ECJ is a "perfect example of supranational legal integration." This is seen not only through its defense and interpretation of treaties, but also through its independently created case law.

One of the issues brought forth with the creation of the ECJ's doctrine of supremacy was what to do about member states who had already addressed fundamental human rights in their constitutions. The test case for how to deal with this was West Germany, whose Constitution (from 1949) protected fundamental human rights in Articles 1-19 of the GG, what is known as the Basic Law (or basic rights). The German Federal Constitutional Court decided that the doctrine of supremacy was unacceptable. Why should the German people concern themselves with the European protection of basic, fundamental rights, when these rights were already protected in their own constitution?<sup>23</sup>

The ECJ did not allow this dissent to go on for long. The European court reasoned that the Treaties of the European Community “must be interpreted as requiring full respect for the constitutional traditions of the member states... [particularly] to the fundamental rights they guarantee.”<sup>24</sup> Thus, Germany's fundamental rights remained protected and respected, and the doctrine of supremacy carried the day.

Another example of the relationship between the German Court and the ECJ occurred in 1974 with the International Handelsgesellschaft Case. The “complainant asserted that European Law and the preliminary judgment which the ECJ had already passed in this case were in contradiction with the principle of proportionality guaranteed by the German Constitution.”<sup>25</sup> The German Constitutional Court held that:

...as long as the integration process has not progressed so far that Community law also receives a catalogue of fundamental rights decided on by a parliament and of settled validity, which is adequate in comparison with the catalogue of fundamental rights contained in the German Constitution, the Constitutional Court will rule on the applicability of the relevant rule of Community law, in so far as it conflicts with one of the fundamental rights in the Constitution.<sup>26</sup>

The ECJ responded to this decision by underlining the fact that the European Law interpreted by the courts was not only “written law” but also “unwritten law” – one that is a product of the “constitutional traditions common to the member states.”<sup>27</sup> Furthermore, the ECJ emphasized that a respect for human rights fell under the unwritten constitutional traditions and that the human rights set forth in the European Convention of Human Rights and Basic Freedoms provided “evidential value for constructing this unwritten EU law.”<sup>28</sup>

<sup>22</sup> Peterson, John and Michael Shackleton. The Institutions of the European Union. 2<sup>nd</sup> ed. Oxford: Oxford University Press, 2006, p. 133.

<sup>23</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. The European Union: How does it work? 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 164.

<sup>24</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. The European Union: How does it work? 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 164.

<sup>25</sup> Geiger, Reudolf. “EU Constituionality and the German Basic Law.” University of Miami European Union Center of Excellence. Jean Monnet/Robert Schuman Paper Series. 5.1A (Jan. 2005).

<sup>26</sup> Geiger, Reudolf. “EU Constituionality and the German Basic Law.” University of Miami European Union Center of Excellence. Jean Monnet/Robert Schuman Paper Series. 5.1A (Jan. 2005).

<sup>27</sup> Geiger, Reudolf. “EU Constituionality and the German Basic Law.” University of Miami European Union Center of Excellence. Jean Monnet/Robert Schuman Paper Series. 5.1A (Jan. 2005).

<sup>28</sup> Geiger, Reudolf. “EU Constituionality and the German Basic Law.” University of Miami European Union Center of Excellence. Jean Monnet/Robert Schuman Paper Series. 5.1A (Jan. 2005).

Finally, in 1986, the German Federal Constitutional Court reversed its 1974 opinion stating, “That from now on constitutional complaints based on a violation of German constitutional rights by EU acts would be considered inadmissible.” The German Court further stipulated that it would only retain jurisdiction on such cases if the claimant could show that the ECJ was not fulfilling its duties with respect to the protection of civil rights.<sup>29</sup>

A third example of German resistance to integration came with the creation and ratification of the Maastricht Treaty in the early 1990s. Initially, Germany was a strong supporter of the “Europeanization” of certain matters such as immigration and police cooperation, as it was facing difficulties because of the collapse of the Iron Curtain and the integration of East and West Germany.<sup>30</sup> However, despite strong support from a majority in the German Parliament, the ratification of the Maastricht Treaty was temporarily halted in the legal arena pending a decision of the German Federal Constitutional Court. In October 1993, the German Court upheld the constitutionality of the treaty, thus finally allowing for its ratification, but the German Court remained critical of the “European Union’s democratic credentials.”<sup>31</sup> With this decision, the Constitutional Court established the following position: “future legislative, administrative or judicial acts adopted by the European Union that exceed the ‘program of integration’ will not have binding force in Germany.”<sup>32</sup> Thus, the Maastricht Treaty, like the doctrine of supremacy survived German scrutiny.

Taking all of these examples into consideration, it is evident that although the German Court system has had its differences with the ECJ, the two court systems seem to compliment each other well. Indeed, as more and more ECJ decisions survive the scrutiny of the German Constitutional Court, the ECJ gains more and more credibility as a supranational entity. All the while, the German courts stand by; honoring its decisions, but ready to counter them should any fail to protect the basic human rights and European values espoused by the German Constitution as well as the decisions of the German courts.

### ”Europeanization”

At the end of the Cold War, Germany reaffirmed its goal of European integration. The personal relationship of German Chancellor Helmut Kohl and French President François Mitterrand played an important role in this process; especially with respect to the creation of the Economic and Monetary Union (“EMU”).<sup>33</sup> Germany was skeptical at first, and the Bundesbank (the influential German central bank) was in opposition to such a union. However, the plan was already in motion by the fall of the Berlin wall. Furthermore, the end of the Cold War provided another incentive for EMU. Community leaders wanted to “bind Germany fully into the new Europe, largely through EMU” – Kohl obliged and overcame domestic opposition.<sup>34</sup>

Indeed, because of the positive experience that Germany had had with its European relations thus far, Kohl’s work was made easier – thanks in great part to the early work done by men like Adenauer. Kohl’s decision to further Europeanize Germany with the elimination of the deutschmark, replacing it with the euro, was a symbolic as well as economic gesture. Once again, the Germans were showing the French a renewed commitment to Europe. According to Allister

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<sup>29</sup> Geiger, Reudolf. “EU Constituitionality and the German Basic Law.” University of Miami European Union Center of Excellence. *Jean Monnet/Robert Schuman Paper Series*. 5.1A (Jan. 2005).

<sup>30</sup> Van Oudenaren, John. *Uniting Europe*. Maryland: Rowman & Littlefield Publishers Inc., 2000, p. 213.

<sup>31</sup> Dinan, Desmond. *Even Closer Union: An Introduction to European Integration*. 3<sup>rd</sup> ed. London: Lynne Reinner Publishers, 2005, 128.

<sup>32</sup> Meessen, Karl. “Hedging European Integration: The Maastricht Judgment of the Federal Constitutional Court of Germany.” *Fordham International Law Journal* 17.511, 1994.

<sup>33</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. *The European Union: How does it work?* 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 73-75

<sup>34</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. *The European Union: How does it work?* 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 36.

Miskimmon, “The most visible sign of Germany’s commitment to European integration and the tying of Germany’s power into a multilateral framework is the Economic and Monetary Union.”<sup>35</sup>

As part of the “visible sign” of the German commitment to Europe, the European Central Bank is located in Frankfurt.<sup>36</sup> This geographical fact inextricably links Germany to the European governing process in cities like Luxembourg, Strasbourg and Brussels. What began as an economic union between France and Germany has become an even closer union. With the creation of the EMU, France and Germany, and indeed Mitterrand and Kohl have seemingly followed the footsteps of their European forefathers: Monnet and Adenauer.

Mitterrand’s decision to endorse the reunification of Germany after much deliberation must be seen in this light that ‘the only way to circumscribe Germany’s growing power was to embrace it. In the new situation, Paris could no longer maintain the illusion of previous decades that Germany would provide the brawn, France the brain, of Europe.’<sup>37</sup>

Europe certainly was in a “new situation” at the end of the Cold War. Just like Monnet had decided that rather than fight for a subdued German state, France should extend a hand and link itself to Germany in a way that would “make war unthinkable,” so too Mitterrand realized the importance of maintaining a united France and Germany. However, this time, it was not so much because each country had something that the other did not, but rather because each country was European, and, looking toward the future of Europe, France and Germany should continue to work together, not as France and Germany, but as two European member states.

Although the EMU brought Germany closer to Europe, there still remain other important national and international issues that have prevented complete Europeanization. One of these potentially divisive issues is immigration. Today, in order to become a citizen of Europe, one must first become a citizen of a member state – will that ever change? Each country in Europe has its own citizenship process – some more lenient than others. This can sometimes lead to immigrants “member-state shopping” to find the one that will take them. However, immigration has not been left completely unaddressed. Perhaps the most important measure taken to address the issue was the creation of the Schengen Agreement.

The Schengen Agreement was signed by five member states in 1985 (Belgium, France, Germany, Luxembourg and the Netherlands), and came into effect ten years later. It removed all border controls among its signatories, which now includes fifteen European Union member states, as well as Norway and Iceland. Ireland and the UK are not signatories, and Denmark has opted out of certain aspects of this agreement.<sup>38</sup> The idea behind the agreement was to erase systematic borders while strengthening external borders with non-Schengen countries. Throughout the Schengen zone, law-abiding citizens can move freely. However, illegal immigrants, organized crime groups and terrorists can also move freely once they have illegally made their way into one member state. Thus, the entrance of one illegal immigrant, or criminal or terrorist into one Schengen signatory becomes a problem for all Schengen signatories.<sup>39</sup>

One of the difficulties with immigration reform is disagreement between Member States. Europe as a whole may well be concerned with “uncontrolled immigration,” however; there are also “a variety of country-specific concerns – ranging from widespread criticism of

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<sup>35</sup> Miskimmon, Alister. Germany and the Common Foreign and Security Policy of the European Union: between Europanisation and National Adaptation New York: Palgrave MacMillan, 2007, pp. 33-34.

<sup>36</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. The European Union: How does it work? 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 66.

<sup>37</sup> Miskimmon, Alister. Germany and the Common Foreign and Security Policy of the European Union: between Europanisation and National Adaptation New York: Palgrave MacMillan, 2007, p. 37.

<sup>38</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. The European Union: How does it work? 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 25.

<sup>39</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. The European Union: How does it work? 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 141.



Luxembourg's bank secrecy laws to French criticism of the Netherlands' policy on soft drugs."<sup>40</sup> Furthermore, prevalent in country-specific concerns is, specifically, illegal immigration. Illegal immigration can be seen as a challenge to Europe as a whole, yet, it is understood that certain countries, and regions, are more heavily affected than others. To further complicate matters, those who smuggle illegal immigrants into the European Union are constantly changing their routes. For example, "[i]n 2004, the flashpoint for illegal immigration was Italy's southernmost island of Lampedusa, but by late 2005, the hotspots were Malta and the Spanish enclaves of Ceuta and Melilla in Morocco. In 2006, shiploads...[went to] Spain's Canary Islands."<sup>41</sup>

Other discourses in Europe that involve immigration have centered around economic threat, solidarity, security, and positive diversity.<sup>42</sup> The economic threat brought on by immigration involves the availability of jobs (more specifically, whether or not immigrants will take jobs from citizens), as well as the cost involved in providing social services for immigrants. Solidarity connotes a dedication to the preservation of human rights and civil liberties, which are fundamental to the European Union. Security involves border control and the prevention of certain crimes linked to immigration such as human trafficking, terrorist attacks, and drug trafficking. Finally, positive diversity goes to the diversification of European culture, or "multiculturalism".<sup>43</sup>

It seems redundant to speak of a multicultural European Union with respect to immigration; after all, the 27 Member States brought together by the Union already create a multicultural entity. However, this may be more of a country-specific concern as each Member State, secure in its European identity, is concerned with how uncontrolled immigration will affect its national identity. For example, "[m]any French observers look with trepidation at the rise of multiculturalism [in France]."<sup>44</sup> In July of 2006, delegates of 58 European and African countries met in Morocco to address Europe's immigration problem. The following topics were on the agenda: "border controls, workplace enforcement, economic development south of the border, questions of assimilation and national identity."<sup>45</sup> A question arises as to whether the assimilation process will ever be one of European assimilation or if it will remain one of French, Spanish, or German (to name a few) assimilation.

"Germany was the strongest proponent of expanding immigration and police cooperation [within Europe]."<sup>46</sup> One of the reasons behind this was Germany's proximity to Eastern European countries facing instability after the fall of communism. However, according to Thomas Faist and Jürgen Gerdes, "[t]he politics of citizenship today is first and foremost a politics of nationhood."<sup>47</sup> A "German" is defined in Article 116 of the German Basic law.<sup>48</sup> But where does one define "European"?

Indeed, there are those who believe that Europeanization is a solution to this issue. According to author and economist Alain Minc, "In 20 or 30 years, there will be no more French

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<sup>40</sup> Dinan, Desmond. Even Closer Union: An Introduction to European Integration. 3<sup>rd</sup> ed. London: Lynne Rienner Publishers, 2005, p. 565.

<sup>41</sup> Bomberg, Elizabeth, John Patterson, and Alexander Stubb. The European Union: How does it work? 2<sup>nd</sup> ed. Oxford: University Press, 2008 p. 153.

<sup>42</sup> Ibryamova, Nuray V. "Security, Borders, and the Eastern Enlargement of the European Union," Miami-Florida European Union Center of Excellence. 4.15 (May 2005).

<sup>43</sup> Ibryamova, Nuray V. "Security, Borders, and the Eastern Enlargement of the European Union," Miami-Florida European Union Center of Excellence. 4.15 (May 2005).

<sup>44</sup> Sanction, Thomas. "Mixing Bowl: The French don't like to admit it, but decades of immigration have produced a multicultural society that is reinvigorating the nation." Time Europe 155.23 12 June 2000. <<http://www.time.com/time/Europe/magazine/2000/0612/francemix.html>>.

<sup>45</sup> Downes, Lawrence. "As Immigration Tide Swells, Europe Treads Water." The New York Times. 1 Aug. 2006. <<http://www.nytimes.com/2006/08/01/opinion/01tue4.html>>.

<sup>46</sup> Oudenaren, John. Uniting Europe. Oxford: Rowman & Littlefield Publishers, 2000, p. 213.

<sup>47</sup> Schmidtke, Oliver and Saime Ozcurumez, eds. Of States, Rights and Social Closure: Governing Migration and Citizenship. "

<sup>48</sup> Robbers, Gerhard. An Introduction to German Law. 4<sup>th</sup> ed. Germany: Nomos, 2006, p. 47.

society but a European society... We will retain our language, culture, literature and wine, but as a people we will be European.”<sup>49</sup>

Whatever the solution may be, the fact is that the European Union has a daunting task ahead of itself – one difficult to address amid such immediate concerns as the economy. It remains to be seen whether Europe as a whole will come up with the solution, or differences between member states on the topic will continue to cause division. Will German and French leaders come together again to bring about an even closer union once more? Unfortunately, the relationship between French President Nicolas Sarkozy and German Chancellor Angela Merkel does not seem as close as the relationship between former French and German heads of government.

## Conclusion

“This is no longer a Europe where the big three – London and Paris and Berlin – can call all of the shots... I think it’s in Germany’s enlightened self-interest to be seen as an honest broker, because that’s the way that it’s always had the most influence in Europe.”<sup>50</sup> Ironically enough, one key example of German influence in the European Union did not come from Germany itself but from the German Länder, or states. In the 1990s, they called for a greater role in determining European policy. They were advocates in the creation of the Committee of the Regions. Furthermore, under the Maastricht Treaty, the German states “won the right to send Länder ministers and officials to represent Germany in the Council of Ministers” of the European Union.<sup>51</sup>

Thus, Germany itself is an example of how many parts can come together to make a whole. What began as a unification of German states long ago, turned into a unification of East and West, and now the unification of a continent (Europe as a whole) is, and has been, part of Germany’s history and a key factor in its future.

Germany is becoming a more normal state, both in terms of its attitude towards the use of military force, and in terms of its growing confidence in stating national interests in its dealings with its main partners, that is its conception of power. Germany has not undergone a process of maladaptation defined as a retreat to national solutions to foreign policy challenges. Germany has not reassessed its commitment to the EU’s foreign and security policy as a result of its improved international position since the fall of the Berlin Wall. Adaptation where it has taken place, has taken the form of Europeanisation, where the EU has become a more important institution for the pursuit of German foreign and security policy interests.<sup>52</sup>

It is a true testament to the work of men like Jean Monnet and Konrad Adenauer, as well as some of their successors, such as François Mitterrand and Helmut Kohl, that Germany, once an enemy to all of Europe, is now one of Europe’s most admired and respected nations.

In the last decade, Germany has been on the edge of Europe. It has a long history of moving toward European integration with the creation of its Constitution, while at the same time resisting integration in the interest of its Constitution. The German Presidency of the Council

<sup>49</sup> Sanction, Thomas. “Mixing Bowl: The French don’t like to admit it, but decades of immigration have produced a multicultural society that is reinvigorating the nation.” *Time Europe* 155.23 12 June 2000. <<http://www.time.com/time/Europe/magazine/2000/0612/francemix.html>>.

<sup>50</sup> Kulish, Nicholas. “Memo from Berlin: Germany and Poland find that Trying to Get Along Has Its Benefits.” *The New York Times*. 28 May 2008. <[http://www.nytimes.com/2008/05/28/world/europe/28polish.html?\\_r=1&scp=1&sq=germany%20and%20poland&st=cse](http://www.nytimes.com/2008/05/28/world/europe/28polish.html?_r=1&scp=1&sq=germany%20and%20poland&st=cse)>.

<sup>51</sup> Bomberg, Elizabeth, John Peterson, and Alexander Stubb. *The European Union: How does it work?* 2<sup>nd</sup> ed. Oxford: University Press, 2008, p. 80.

<sup>52</sup> Miskimmon, Alister. *Germany and the Common Foreign and Security Policy of the European Union: between Europeanisation and National Adaptation* New York: Palgrave MacMillan, 2007, p. 198.

which began on the 1<sup>st</sup> of January of 2007 sought the advancement of a policy to “tighten ties between Russia and Europe”, taking into account the interests of the other former Soviet bloc countries as well.<sup>53</sup> It also sought an increase in internal stability of the European Union. Indeed, Germany’s geographical location lends itself to a position of a liaison between East and West. At the same time, it seeks to support the Europe that brought Germany back to life after suffering the atrocities of a world war. However, its work is not yet done. According to one European scholar, “[o]n matters of the achievements of the Communities and the Union and on the values of integration, Germany should assume a real leadership in current and future issues, doing more [than merely reminding us of past glories].”<sup>54</sup>

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<sup>53</sup> Dempsey, Judy. “Germany Drafts Policy for Europe to Strengthen Russian Ties.” New York Times. 8 October, 2006. <<http://query.nytimes.com/gst/fullpage.html?res=9B01E7D71230F93BA35753C1A9609C8B63&sec=&spon=&pagewanted=print>>.

<sup>54</sup> Tremolanda, Eric. “La Apocada Presidencia Alemana en medio de la crisis de la Union Europea.” Miami-Florida European Union Center of Excellence. 4.8 (Apr. 2007). (my trans.)