

The Legal Constitution of the European Union²

Academic Director Dr. iur. Dr. phil. Franz-Rudolf Herber

Frederic-Alexander University Erlangen-Nuremberg, Germany

Doi: 10.19044/esj.2018.c4p9 [URL:http://dx.doi.org/10.19044/esj.2018.c4p9](http://dx.doi.org/10.19044/esj.2018.c4p9)

Abstract

World War II (1939 – 1945) was a catastrophe for the whole world and for Europe in particular. It is one of the great miracles of the 20th century that the West European war parties did draw a line and founded an economic alliance for coal and steel production. This economical alliance is based on common values and on the rule of law. A main problem of the European Union is to give a democratic legitimation to the European institutions. It is good that e.g. the European Parliament is elected directly, it is bad that e.g. the President of the European Commission is not elected directly. In some Member States of the European Union common values and common interests are only partim shared. The people of Great Britain did decide in 2016 to leave the European Union; according to the legal constitution of the European Union a leave is allowed. The main achievement of the European Union is the abolition of inter-European taxes and thus the promotion of economical relationships between the Member States of the European Union. The Euro that is the currency of (only) some Member States has become a global player.

Keywords: European Union, Member States of the European Union, Treaties of the European Union, common values, common market, separation of powers, European Commission, European Parliament, President of the European Council, High Representative of the Union for Foreign Affairs and Security Policy, European Central Bank

Introduction

One should be aware of the fact what kind of brutal military violence the greatest war criminal of human history – Adolf Hitler (1883 – 1945) and his crazy followers – had brought to the former Czechoslovakia (CSSR)³. It is

² This was the subject of the author's keynote speech at the 12th International Scientific Forum (ISF 2018) that took place at Prague on the 26th and 27th of April 2018.

³ The Molotov–Ribbentrop Pact – named after the Soviet foreign minister Vyacheslav Molotov (1890 – 1986) the German foreign minister Joachim von Ribbentrop (1893 – 1946) – was at the beginning and was a secret plot for dividing Poland; cfr. Gerhard Bisovsky/Hans

one of the great miracles of the 20th century that the relationships between Czech Republic and Germany were normalized. For the author of this paper the journey to Prague is always something very particular. The Czech Republic was at the beginning of the author's career⁴: In the almost very first month of his professional career as a lawyer in the Federal Ministry of Transport, he did come intensively in touch with the Czech Republic; it was in December 1991⁵: The comeback of the Czech Republic in the infrastructure sector was in full swing, the comeback of Eastern Germany was in full swing as well. The Ministries of Transport of the Czech Republic and of the Federal Republic of Germany were concerned with the preparation of state treaties for the planning and construction of border bridges that should serve the connection of long-distance roads. The bridges were built long ago, the connections of the long-distance roads were established long ago, these long-distance roads do now fulfil a very important function for the coping of traffic in the European Union; the Czech Republic and the Federal Republic of Germany are strong partners in the European Union. Important Czech-German road projects⁶ are referring to the following European regions⁷:

- Schönberg – Vojtanov⁸.
- Waidhaus – Rozvadov⁹.

Schafranek/Robert Streibel (Hrsg.): *Der Hitler-Stalin-Pakt. Voraussetzungen, Hintergründe, Auswirkungen.* Wien, 1990.

⁴ To the ideologically motivated expropriations by socialist nationalization Grazyna Ewa Herber: Reconstruction of Warsaw's old town after the 2nd World War. The conflict between historic preservation principles, political enslavement and social expectations. Bamberg, 2014, p. 224 ff.

⁵ Franz-Rudolf Herber: On the importance of expropriation in the Roman Empire and in modern Europe, in: European Scientific Journal, January 2015 edition vol. 11, No. 1, ISSN: 1857 - 7881 (Print)/ISSN: 1857 (1858) (Online).

⁶ For a moment we shall imagine the following: The competent authorities of the Czech Republic and of the Federal Republic of Germany planed this bridges and road connections "lege artis". But what should happen, if owners of private land, that was necessary for the realisation of the road projects, were not inclined to sell their land to the Czech state respective to the German state? The legal solution would have been expropriation for compensation. Any other solution would have been an unacceptable result (with the exception of an easement on the private land for the state). This leads to the questions of property, restrictions for property and expropriation.

⁷ Franz-Rudolf Herber: Bridges from east to west - Poland's transport policy and opening process to the reunified Germany, in: uni.vers, The Magazine of the University of Bamberg, Issue 4, June 2003, p. 16–17.

⁸ The legal basis in international law is the Agreement of the 13th of the July 1995 between the Federal Republic of Germany and the Czech Republic on border crossing facilities for the new highway bridge in the Vojtanov – Schönberg area.

⁹ The legal basis in international law is the Agreement of the 13th of July 1995 between the Federal Republic of Germany and the Czech Republic on border crossing facilities for the new highway bridge in the Waidhaus – Rozvadov area.

– Breitenau – Krásný Les¹⁰.

Important treaties for the European Union

The European Union is based on the rule of law, i.e. that every action taken by the European Union is founded on treaties that have been approved voluntarily and democratically by all Member States of the European Union. These treaties are negotiated and agreed by all Member States of the European Union and then ratified by their parliaments or by referendum – this is a very long and complicated procedure for each treaty. The history of the European Union is the history of important treaties; only a few out of the given range can be mentioned here:

(1) At the very beginning there was the Treaty of Paris: The Treaty of Paris was signed in Paris on the 18th of April 1951 and entered into force in 1952. This treaty established the so-called European Coal and Steel Community¹¹; the six founding countries were the following:

- Belgium¹².
- France¹³.
- Germany¹⁴.
- Italy¹⁵.
- Luxembourg¹⁶.
- The Netherlands¹⁷.

(2) The Treaties of Rome were signed in Rome on the 25th of March 1957 and came into force in 1958¹⁸; these treaties established the European Economic Community and the European Atomic Energy Community.

These two treaties paved the way into a prosperous future: The European Coal and Steel Community as well as the common market begun to unite European countries economically. These treaties were a very important political instrument in the so-called cold war: The 1950s were dominated by

¹⁰ The legal basis in international law is the Agreement of the 13th of July 1995 between the Federal Republic of Germany and the Czech Republic on border crossing facilities for the new highway bridge in the Breitenau – Krásný Les area.

¹¹ It expired in 2002.

¹² To the history of Belgium: Bernard A. Cook: Belgium. A History. 3rd edition, New York et al., 2004

¹³ To the history of France: Jean Favier (Hrsg.): Geschichte Frankreichs. 6 Vol., Stuttgart, 1989 sqq.

¹⁴ To the history of Germany: Hans-Ulrich Wehler (Hrsg.): Moderne Deutsche Geschichte. 12 Vol. + Reg.-Bd., Frankfurt am Main, 1996.

¹⁵ To the history of Italy: Ruggiero Romano: La storiografia italiana oggi., Mailand, 1978.

¹⁶ To the history of Luxembourg: Michel Pauly: Geschichte Luxemburgs. München, 2011.

¹⁷ To the history of The Netherlands: Christoph Driessen: Geschichte der Niederlande. Von der Seemacht zum Trendland. Regensburg, 2009.

¹⁸ The Single European Act (SEA) was signed in February 1986 and came into force in 1987. It amended the EEC Treaty and paved the way for completing the single market.

political tensions between east and west. Protests in the former DDR¹⁹ and Hungary²⁰ against the Communist regimes were put down by Soviet tanks in 1953 and 1956. Furthermore, the afore-mentioned treaties made the European Union attractive for other countries: Denmark, Ireland and the United Kingdom joined the European Union on the 1st of January 1973, thus raising the number of Member States to nine²¹.

(3) The Treaty on the European Union — the so-called Maastricht Treaty — was signed in Maastricht on the 7th of February 1992 and came into force in 1993; it gave the Parliament more say in decision-making and added new policy areas of cooperation. Very important is that the Parliament is elected directly and thus democracy in the European Union is embettered.

(4) The Treaty of Amsterdam²² was signed on the 2nd of October 1997 and came into force in 1999; the main **purpose of this treaty was** reforming the institutions of the European Union in preparation for the arrival of future member countries. The transparent decision-making should become more transparent by increasing usage of the ordinary legislative procedure.

(5) The Treaty of Nice was signed on the 26th of February 2001 and entered into force in 2003; it streamlined the institutional system of the (soon enlarged) European Union. The following states that had been communistic states joined the European Union as new Member States²³:

- Czech Republic²⁴.
- Hungary²⁵.
- Latvia²⁶.
- Lithuania²⁷.
- Poland²⁸.
- Slovakia²⁹.

¹⁹ Iko-Sascha Kowalczyk: 17. Juni 1953 – Geschichte eines Aufstands. München 2013.

²⁰ Agnes Heller/Ferenc Fehér: Hungary 1956 Revisited: The Message of a Revolution – a Quarter of a Century After. Allen and Unwin, London, 1983.

²¹ The EU regional policy started to transfer huge sums to create jobs and infrastructure in poorer areas.

²² For the full text of the Treaty of Amsterdam cfr. https://europa.eu/european-union/law/treaties_en.

²³ Furthermore, Cyprus and Malta joined the European Union.

²⁴ To the history of the Czech Republic: Vodička, Karel/Cabada, Ladislav: Politický systém České republiky, Praha, 2003.

²⁵ To the history of Hungary: Gyorgy Dalos: Ungarn in der Nußschale. Geschichte meines Landes. München, 2004.

²⁶ To the history of Latvia: Ilgvars Butulis/Antonijs Zunda: Latvijas Vēsture. Riga, 2010.

²⁷ To the history of Lithuania: Marianne Butenschön: Litauen. Beck'sche Reihe Länder, München, 2002.

²⁸ To the history of Poland: Jürgen Heyde: Geschichte Polens. München, 2006.

²⁹ To the history of Slovakia: Elena Mannová (Hrsg.): A Concise History of Slovakia. Bratislava, 2000.

– Slovenia³⁰.

This was a caesura not only for Europe, but for the whole world.

(6) The Treaty of Lisbon was signed on the 13th of December 2007 and came into force in 2009. It shall strictly simplify working methods and voting rules; two points are outstanding:

– The new institution “President of the European Council” was established. The former Polish Prime Minister Donald Tusk³¹ is the current President of the European Council; in this position he was re-elected in 2016 against the protest of the Polish Government.

– The new institution “High Representative of the Union for Foreign Affairs and Security Policy” was established, because the European Union wanted to be a stronger actor on the global stage. The High Representative is the coordinator of the European Union's foreign and security policy. The Italian politician Federica Mogherini³² is the current High Representative of the Union for Foreign Affairs and Security Policy.

Important Persons for the forthcoming of the European Union

The foundation of a union out of several different states is a great achievement, wherever it takes place on the globe. In post-war Europe, however, this was a very difficult job because, there had to be conquered nationalism that was the cause for the two world-wars being clear that Germany started at least World War II (1939 – 1954) by a politics of aggression. The split through Europe after World War II was so deep that it required strong characters to ban nationalism and to show the nations a prosperous future in a united Europe; particularly these characters are outstanding:

- Konrad Adenauer³³ (1876 – 1967).
- Joseph Bech³⁴ (1887 – 1975).
- Johan Beyen³⁵ (1897 – 1976).
- Winston Churchill³⁶ (1874 – 1965).

³⁰ To the history of Slovenia: Joachim Höslér: Slowenien. Von den Anfängen bis zur Gegenwart. Regensburg, 2006.

³¹ Sławomir Grabias: Donald Tusk. Pierwsza niezależna biografia, Łódź, 2011.

³² To Federica Mogherini: https://ec.europa.eu/commission/commissioners/2014-2019/mogherini_en.

³³ To Konrad Adenauer: Ulrich Frank-Planitz: Konrad Adenauer. Bergisch Gladbach (2. edition), 1975.

³⁴ To Joseph Bech: Cfr. <http://governmentsinexile.com/yapouluxembourg.html>.

³⁵ To Johan Beyen: https://www.parlement.com/id/vg09llhs5qvi/j_w_johan_beyen.

³⁶ To Winston Churchill: Thomas Kielinger: Winston Churchill. Der späte Held. Eine Biographie. München, 2014.

- Alcide De Gasperi³⁷ (1881 – 1954).
- Walter Hallstein³⁸ (1901 – 1982).
- Sicco Mansholt³⁹ (1908 – 1995).
- Jean Monnet⁴⁰ (1888 – 1979).
- Robert Schuman⁴¹ (1896 – 1963).
- Paul-Henri Spaak⁴² (1899 – 1972).
- Altiero Spinelli⁴³ (1907 – 1986).

In this paper it is not possible to give even an overview of the historical achievements of every of the afore-said persons, therefore there is given a concentration on four politicians:

– Winston Churchill⁴⁴ (1874 – 1965) is a very important European politician: He had been the worldwide warner against Adolf Hitler and his aggressive nationalistic power. After the collapse of the so-called III. Reich – USA, England and France had a strong contribution to it's defeat – Winston Churchill had given a very clear description of the architecture of the new Europe. From his famous Zurich-speech⁴⁵, that was held in 1946; here is quoted this paragraph⁴⁶:

“I wish to speak to you to-day about the tragedy of Europe. This noble continent [...] is the home of all the great parent races of the western world. It is the fountain of Christian faith and Christian ethics. It is the origin of most of the culture, arts, philosophy and science both of ancient and modern times. If Europe were once united in the sharing of its common inheritance, there would be no limit to the happiness, to the prosperity and glory which its three or four hundred million people would enjoy. Yet it is from Europe that have sprung that series of frightful nationalistic quarrels, originated by the Teutonic nations, which we have seen even in this twentieth century and in our own lifetime, wreck the peace and mar the prospects of all mankind. [...]“.

Churchill's credo is that nationalistic quarrels should be ended – but we all do know that in the 21st century nationalism seems to be back in Europe

³⁷ To Alcide De Gasperi: Pietro Scoppola: La proposta politica di De Gasperi. Il Mulino, Bologna, 1977.

³⁸ To Walter Hallstein: Wilfried Loth: Walter Hallstein – der vergessene Europäer? Bonn, 1995.

³⁹ To Sicco Mansholt: Johan van Merriënboer: Mansholt: A biography. Brussels, 2011.

⁴⁰ To Jean Monnet: Eric Roussel: Jean Monnet: 1888–1979. Paris, 1996.

⁴¹ To Robert Schuman: Hermann-J. Benning: Robert Schuman. Leben und Vermächtnis. München, 2013.

⁴² Cfr. Paul-Henri Spaak: Memoiren eines Europäer, Hamburg, 1969.

⁴³ To Altiero Spinelli <http://www.altierospinelli.org>.

⁴⁴ To Winston Churchill: David Cannadine: Winston Churchill. Abenteurer, Monarchist, Staatsmann. Berlin, 2005.

⁴⁵ Cfr. <http://www.churchill-in-zurich.ch/de/churchill/churchills-zurcher-rede/>.

⁴⁶ Cfr. <https://www.europa.clio-online.de/quelle/id/artikel-3393>.

as well as in North America. Churchill's point is clear: It is outlined that Europe is the fountain of the Christian faith and Christian ethics. It is clear that European democratic values are based on Christian values.

– The German chancellor Konrad Adenauer is a further very important European politician: He had been pursued by the Nazis and had been hidden by Catholic monks in the cloister Maria Laach⁴⁷. The German chancellor Adenauer made clear that true friendship towards France and true friendship towards other European countries is absolutely necessary. Chancellor Adenauer and the Charles de Gaulle⁴⁸ (1890 – 1970) were the charismatic leaders that favoured and symbolized true friendship between Germany and France.

– The French politician Jean Monnet (1888 – 1979) is a further very important European politician: In 1945 Monnet proposed the so-called Monnet Plan, also known as the "Theory of l'Engrenage"; it included taking control of the remaining German coal-producing areas and German steel-producing areas. Nevertheless, Monnet worked for the French-German friendship. In 1952 Jean Monnet became the first president of the High Authority of the European Union.

– The French politician Robert Schuman (1886 – 1963) is a further very important European politician; in his Strassbourg-speech year in 1949⁴⁹ Schuman described a clear post-war vision for Europe:

“We are carrying out a great experiment, the fulfillment of the same recurrent dream that for ten centuries has revisited the peoples of Europe: creating between them an organization putting an end to war and guaranteeing an eternal peace. The Roman church of the Middle Ages failed finally in its attempts that were inspired by humane and human preoccupations. Another idea, that of a world empire constituted under the auspices of German emperors was less disinterested; it already relied on the unacceptable pretensions of a ‘Führertum’ (domination by dictatorship) whose ‘charms’ we have all experienced. Audacious minds, such as Dante⁵⁰,

⁴⁷ To the Maria Laach cloister: <http://www.maria-laach.de/>.

⁴⁸ To Charles de Gaulle: Vincent Jouvret: L'Amérique contre De Gaulle. Paris, 2000.

⁴⁹ Cfr. <http://www.schuman.info/Strasbourg549.htm>.

⁵⁰ To Dante: Karlheinz Stierle: Dante Alighieri. Dichter im Exil, Dichter der Welt. München, 2014.

Erasmus⁵¹, Abbé de St-Pierre⁵², Rousseau⁵³, Kant⁵⁴ and Proudhon⁵⁵, had created in the abstract the framework for systems that were both ingenious and generous. The title of one of these systems became the synonym of all that is impractical: Utopia, itself a work of genius, written by Thomas More⁵⁶, the Chancellor of Henry VIII⁵⁷, King of England. The European spirit signifies being conscious of belonging to a cultural family and to have a willingness to serve that community in the spirit of total mutuality, without any hidden motives of hegemony or the selfish exploitation of others. The 19th century saw feudal ideas being opposed and, with the rise of a national spirit, nationalities asserting themselves. Our century, that has witnessed the catastrophes resulting in the unending clash of nationalities and nationalisms, must attempt and succeed in reconciling nations in a supranational association. This would safeguard the diversities and aspirations of each nation while coordinating them in the same manner as the regions are coordinated within the unity of the nation”.

What is so important in this historical speech of Robert Schuman? The very important point is that Schuman streamlined main thinkers and philosophers of the old Europe that had dreamt – so to speak – modern scenarios for a better and a united Europe. A problem that Schuman touched, but is not solved even until now, is this question: What about the democratic control of supranational institutions, one has to see that the President of the European Commission is still not elected by the people in the European Union, but by the leaders of the Member States.

And last, but not least, what about women? That women are not in this list, does not depend on the personal view of the author of this paper, but is due to the fact that still after World War II (1929 – 1945) politics were a metier of men. An outstanding woman that did become later on the President of the European Parliament⁵⁸ was Simone Veil⁵⁹ (1927 – 2017).

⁵¹ To Erasmus: Wilhelm Ribhegge: Erasmus von Rotterdam. Darmstadt, 2009.

⁵² To Abbé de St-Pierre: Castel de Saint-Pierre. Der Traktat vom ewigen Frieden (1713). Übers. v. Friedrich v. Oppeln-Bronikowski. Reihe: "Klassiker der Politik", Vol. 4. Berlin, 1922.

⁵³ To Rousseau: Michael Soëtard: Jean-Jacques Rousseau. Leben und Werk. München, 2012.

⁵⁴ To Kant: Otfried Höffe: Immanuel Kant. München (7. Edition), 2007.

⁵⁵ To Proudhon: Thibault Isabel: Pierre-Joseph Proudhon. L'anarchie sans le désordre. Paris, 2017.

⁵⁶ To Thomas More: Richard Marius: Thomas Morus. Eine Biographie. Zürich, 1987.

⁵⁷ To Henry VIII: Lucy Wooding: Henry VIII. London et al., 2008.

⁵⁸ She was President from 1979 up to 1982.

⁵⁹ To her cfr. <http://www.memorialdelashoah.org/hommage-a-simone-veil-decedee-30-juin-2017-a-89-ans>.

Common values of the Member States in the European Union

A problem is still that in the Member States the European Union is regarded as a union for a common market, the juridical values, that shall be guaranteed, are sometimes forgotten; in Article 2 of the Constitution of the European Union there are laid down the following values which can only prosper if there is given a strict separation of powers:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”.

Values and aims are strongly connected to each other, Article 3 of the Constitution of the European Union gives an impressive list of aims and values:

“1. The Union's aim is to promote peace, its values and the well-being of its peoples.

2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.

3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

4. The Union shall establish an economic and monetary union whose currency is the euro.

5. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the

child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

6. *The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties”.*

Where is the historical source for these aims? A very important source is the Déclaration des Droits de l’Homme et du Citoyen⁶⁰ (1789) that is the result of the French Revolution; for the purpose of this paper it is enough to quote Article 1, 2, 3 and 4 of the Déclaration des Droits de l’Homme et du Citoyen:

Article 1

« Les hommes naissent et demeurent libres et égaux en droits. Les distinctions sociales ne peuvent être fondées que sur l’utilité commune. »

Article 2

« Le but de toute association politique est la conservation des droits naturels et imprescriptibles de l’homme. Ces droits sont la liberté, la propriété, la sûreté et la résistance à l’oppression. »

Article 3

« Le principe de toute souveraineté réside essentiellement dans la nation. Nul corps, nul individu ne peut exercer d’autorité qui n’en émane expressément. »

Article 4

« La liberté consiste à pouvoir faire tout ce qui ne nuit pas à autrui : ainsi l’exercice des droits naturels de chaque homme n’a de bornes que celles qui assurent aux autres membres de la société la jouissance de ces mêmes droits. Ces bornes ne peuvent être déterminées que par la loi. »

Back to the future: In regard of the aforesaid aims and values of the Member States of the European Union there are still questions that are unsolved:

– What about equal payment for women and men? Equal payment for women and men is only given in the public service of Member States of the European Union and in the public service of the European Union herself.

– What about the protection of the external borders of the European Union? Henry Kissinger⁶¹ – the former secretary of state of the United States

⁶⁰ Gérard Conac/Marc Debene/Gérard Teboul (Hrsg.): La Déclaration des droits de l’homme et du citoyen de 1789; histoire, analyse et commentaires. Paris 1993.

⁶¹ To Henry Kissinger: Jeremi Suri: Henry Kissinger and the American Century. Cambridge (MA), 2009.

– postulates that the European Union has to protect the external borders of the union, if there shall be legal ways e.g. from Africa to the European Union.

– What about the European Union as a strong military power? This question is the more important the more the American President Donald Trump says again and again “America first” and wants to minimize US-contributions to NATO.

V) Separation of powers or a system of check and balances

If there is no separation of powers, it is very difficult to ensure democratic rights. Under the model of separation of powers a state's government is divided into branches, so that the power of one branch is not in conflict with the power associated with any other branch. The typical division is into three branches: a legislative, an executive, and a judiciary power. It can be contrasted with the fusion of powers in some parliamentary systems where the executive and legislature are unified – this is the anti-democratic horror-scenario described by Charles-Louis de Secondat, Baron de La Brède de Montesquieu⁶² (1689 – 1755). But Montesquieu, however, was a thinker for whom the king should play the most important role in a state's system. Nearer to our modern position is John Locke⁶³ (1632 – 1704), who postulated in his “Two Treatises of government, Book II, Chapter VII, Sect. 87”⁶⁴ that the inborn rights cannot flourish without strict separation of powers:

“Man being born, as has been proved, with a title to perfect freedom, and an uncontrouled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty and estate, against the injuries and attempts of other men; but to judge of, and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto, punish the offences of all those of that society; there, and there only is political society, where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it. And thus all private judgment of every particular member being excluded, the community comes to be umpire, by settled standing rules, indifferent, and the same to all parties; and by men having authority from the community, for the execution of those

⁶² To him: Louis Desgraves: Montesquieu. Frankfurt am Main, 1992.

⁶³ To him: Michael P. Zuckert: Launching liberalism. On Lockean political philosophy. Kansas, 2002.

⁶⁴ Cfr. http://www.johnlocke.net/two-treatises-of-government-book-ii/#CHAPTER_VII.

rules, decides all the differences that may happen between any members of that society concerning any matter of right; and punishes those offences which any member hath committed against the society, with such penalties as the law has established: whereby it is easy to discern, who are, and who are not, in political society together. Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in civil society one with another: but those who have no such common appeal, I mean on earth, are still in the state of nature, each being, where there is no other, judge for himself, and executioner; which is, as I have before shewed it, the perfect state of nature”.

It is clear that a King does not dispose of a super-power, because this power God might have handed to him. Nevertheless, the regal system is still practiced in following Member States of the European Union, the power of the monarch is reduced by each national constitution:

- Luxembourg⁶⁵.
- Great Britain⁶⁶.
- Denmark⁶⁷.
- The Netherlands⁶⁸.
- Sweden⁶⁹.
- Spain⁷⁰.

For every woman and every man that is living in the 21th century it should be clear that there is no constitutional reasoning for monarchy, because there is no democratic legitimation. Therefore the German Constitution fixes the republican model for eternal time, a re-turn to monarchy is against the German Constitution and not allowed.

The ordinary legislative procedure⁷¹ gives the same weight to the European Parliament and the Council of the European Union on a wide range of areas, e.g. economic governance, immigration, energy, transport, the environment and consumer protection. The vast majority of European laws is

⁶⁵ To the royal family in the Grand Duchy of Luxembourg: <http://www.luxembourg.public.lu/de/le-grand-duche-se-presente/monarchie/famille-grandducale/index.html>.

⁶⁶ To the royal family in Great Britain: Alison Weir: *Britain's Royal Families. The Complete Genealogy*. London, 1996.

⁶⁷ To the royal family in Great Britain: <http://kongehuset.dk/monarkiet-i-danmark/kongerakken>.

⁶⁸ To the royal family in The Netherlands: <https://www.koenigshaus.nl/>.

⁶⁹ To the royal family in Sweden: <http://schweden.rocks/land-leute/schwedisches-koenigshaus/>.

⁷⁰ Cfr. http://www.sueddeutsche.de/thema/Spanisches_Koenigshaus.

⁷¹ Cfr. <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00004/Legislative-powers>.

adopted by the European Parliament and the Council. The Treaty of Lisbon sets out the role of national parliaments within the European Union. National parliaments have the opportunity to question, whether draft EU-laws do respect the principle of subsidiarity that is laid down in Article 5 (3) of the Treaty of the European Union:

“Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol”.

To the European Symbols

The European Union does have different symbols:

(1) To the European Flag: The European Flag symbolizes the European Union; it features a circle of 12 gold stars on a blue background. The stars do stand for the ideals of unity, solidarity and harmony among the peoples in the European Union. The number of stars has nothing to do with the number of Member States of the European Union.

(2) To the European Anthem: For the European Anthem there is chosen a melody that **comes from the Ninth Symphony composed in 1823 by Ludwig van Beethoven**⁷² (1770 – 1827). **Beethoven had set music to the "Ode to Joy"**, that is a lyrical verse of Friedrich von Schiller⁷³ (1759 – 1805) from the year 1785. The European Anthem is not intended to replace the national anthems of the Member States of the European Union. Here there are quoted the first two verses that may be enough for the purpose of this paper:

“(1) Joy, beautiful spark of the gods⁷⁴,

Daughter from Elysium,

We enter, drunk with fire,

Heavenly One, thy sanctuary!

(5) Your magic binds again

What convention strictly divides;

All people become brothers,

Where your gentle wing abides.

⁷² To him: Maynard Solomon: Beethoven. Biographie. Frankfurt am Main, 1990.

⁷³ Sigrid Damm: Das Leben des Friedrich Schiller. Frankfurt am Main, 2004.

⁷⁴ Cfr. http://www.schillerinstitute.org/transl/schiller_poem/ode_to_joy.pdf.

*Who has succeeded in the great attempt,
(10) To be a friend's friend,
Whoever has won a lovely woman,
Add his to the jubilation!
Indeed, who calls even one soul
Theirs upon this world!
(15) And whoever never managed, shall steal himself
Weeping away from this union!”*

(...)”.

(3) To the Europe Day: The Europe Day is also regarded as a European symbol: On this day the institutions of the European Union open their doors to the public in early May in Brussels and Luxembourg, later on in early June in Strasbourg. Local offices of the European Union in Europe and all over the world organise a variety of activities and events. For 2018 there is fixed the following time-table for the celebration of the Europe Day:

- Brussels: 5th of May 2018
- Luxembourg: 5th of and 9th of May 2018
- Strasbourg: 10th of June 2018.

(4) To the motto of European Union: The motto of the European Union is regarded as a further European symbol; the motto refers to the concept >being United in diversity<; here there is the motto in all official EU languages:

- Bulgarian: Обединен в многообразието.
- Croatian: Ujedinjeni u različitosti.
- Czech: Jednotná v rozmanitosti.
- Danish: Forenet i mangfoldighed.
- Dutch: In verscheidenheid verenigd.
- English: United in diversity.
- Estonian: Ühinenud mitmekesisuses.
- Finnish: Moninaisuudessaan yhtenäinen.
- French: Unie dans la diversité.
- German: In Vielfalt geeint.
- Greek: Ενωμένοι στην πολυμορφία.
- Hungarian: Egység a sokféleségben.
- Irish: Aontaithe san éagsúlacht.
- Italian: Unita nella diversità.
- Latvian: Vienota dažādībā.
- Lithuanian: Suvienijusi įvairovę.
- Maltese: Magħquda fid-diversità.

- Polish: Zjednoczona w różnorodności.
- Portuguese: Unida na diversidade.
- Romanian: Uniți în diversitate.
- Slovak: Zjednotení v rozmanitosti.
- Slovene: Združena v raznolikosti.
- Spanish: Unida en la diversidad.
- Swedish: Förenade i mångfalden.

Although the European Union does have an impressive motto, there is the unsolved and almost unsolvable problem that the European Union has no common language (so-called lingua franca). The following process has to be seen: Through the power of the Roman Republic Latin had become the dominant language, initially in Italy and subsequently throughout the Roman Empire. The Latin language is the source for several European languages, the so-called Romance languages such as Italian, Portuguese, Spanish, French, and Romanian. Today Article 55 of the Constitution of the European Union does make the given dilemma obvious:

“1. This Treaty, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

2. This Treaty may also be translated into any other languages as determined by Member States among those which, in accordance with their constitutional order, enjoy official status in all or part of their territory. A certified copy of such translations shall be provided by the Member States concerned to be deposited in the archives of the Council”.

To the future of the Euro

The first plan of the European Union for a single European currency dates back into the year 1970. To maintain monetary stability the Member States of the European Union took the wise decision to allow their national currencies to fluctuate against each other only within narrow limits. This exchange rate mechanism that dates back to the year 1972 was a first step towards the introduction of a common currency. In the year 1998 eleven Member States of the European Union did meet the euro convergence criteria, consequently the Euro-zone came into existence with the official launch of the euro on the 1st of January 1999, whereas the “former” national currencies were used as a parallel currency up to the 1st of January 2002: In this date the euro-currency replaced the national currencies of those Member States that adopted the euro-currency as the only obligatory money-system; between the year

2007 and 2015 seven further states acceded. Today the following Member States of the European Union do have the euro-currency⁷⁵:

- Austria (1999)⁷⁶.
- Belgium (1999)⁷⁷.
- Cyprus (2008)⁷⁸.
- Estonia (2011)⁷⁹.
- Finland (1999)⁸⁰.
- France (1999)⁸¹.
- Germany (1999)⁸².
- Greece (2001)⁸³.
- Ireland (1999)⁸⁴.
- Italy (1999)⁸⁵.
- Latvia (2014)⁸⁶.

⁷⁵ Five of the following dependent territories of Member States of the European Union, that are not part of the EU, do have the Euro-Currency:

- Akrotiri and Dhekelia is British territory on the island of Cyprus.
- The Collectivity of Saint Martin is French territory in the Caribbean.
- The Territorial collectivity of Saint Barthélemy is French territory in the West Indies.
- The Overseas Collectivity of Saint-Pierre and Miquelon in the northwestern Atlantic Ocean near the Newfoundland and Labrador province of Canada.
- The French Southern and Antarctic Lands are French territory that is situated overseas.

⁷⁶ COUNCIL DECISION of 3 May 1998 in accordance with Article 109j (4) of the Treaty. Official Journal of the European Union. L (139/30), the 11st of May 1998. Retrieved 27 October 2014.

⁷⁷ Cfr. footnote 75.

⁷⁸ COUNCIL DECISION of the 10th of July 2007 in accordance with Article 122 (2) of the Treaty on the adoption by Cyprus of the single currency on the 1st of January 2008". Official Journal of the European Union. L (186/29), the 18th of July 2007. Retrieved on 27th of October 2014.

⁷⁹ COUNCIL DECISION of the 13th of July 2010 in accordance with Article 140 (2) of the Treaty on the adoption by Estonia of the euro on the 1st of January 2011. Official Journal of the European Union. L (196/24), the 28th of July 2010. Retrieved on the 27th of October 2014.

⁸⁰ Cfr. footnote 75.

⁸¹ Cfr. footnote 75.

⁸² Cfr. footnote 75.

⁸³ COUNCIL DECISION of the 19th of June 2000 in accordance with Article 122 (2) of the Treaty on the adoption by Greece of the single currency on 1 January 2001. Official Journal of the European Union. L (167/19), the 7th of July 2000. Retrieved on 27th October 2000.

⁸⁴ Cfr. footnote 75.

⁸⁵ Cfr. footnote 75.

⁸⁶ COUNCIL DECISION of the 9th July 2013 on the adoption by Latvia of the euro on the 1st of January 2014. Official Journal of the European Union. L (195/24), the 18th of July 2013. Retrieved on 27th of October 2014.

- Lithuania (2015)⁸⁷.
- Luxembourg (1999)⁸⁸.
- Malta (2008)⁸⁹.
- Netherlands (1999)⁹⁰.
- Portugal (1999)⁹¹.
- Slovakia (2009)⁹².
- Slovenia (2007)⁹³.
- Spain (1999)⁹⁴.

The following Member States of the European Union do not have the euro-currency:

- Czech Republic⁹⁵.
- Croatia.
- Denmark.
- Hungaria.
- Poland.
- Sweden⁹⁶.
- United Kingdom.

The financial crisis of 2007 and 2008 prompted a number of reforms in the Eurozone: The European Financial Stability Facility (EFSF) and the European Financial Stability Mechanism (EFSM) were created in the year 2010. In the year 2011 there was an agreement made according to that the establishment of a European Stability Mechanism (ESM) should be built up and be much larger than the aforesaid funds; as a result of this process a third

⁸⁷ COUNCIL DECISION of the 23rd of July 2014 on the adoption by Lithuania of the euro on the 1st of January 2015. Official Journal of the European Union. L (228/29), the 31st of July 2014. Retrieved on 31st of December 2014.

⁸⁸ Cfr. footnote 75.

⁸⁹ COUNCIL DECISION of the 10th of July 2007 in accordance with Article 122 (2) of the Treaty on the adoption by Malta of the single currency on 1 January 2008. Official Journal of the European Union. L (186/32), the 18th of July 2007. Retrieved on 27th October 2014.

⁹⁰ Cfr. footnote 75.

⁹¹ Cfr. footnote 75.

⁹² COUNCIL DECISION of the 8th of July 2008 in accordance with Article 122 (2) of the Treaty on the adoption by Slovakia of the single currency on the 1st of January 2009. Official Journal of the European Union. L (195/24), the 24th of July 2008. Retrieved 27th of October 2014.

⁹³ COUNCIL DECISION of the 11st of July 2006 in accordance with Article 122 (2) of the Treaty on the adoption by Slovenia of the single currency on the 1st January 2007. Official Journal of the European Union. L (195/25), the 15th of July 2006. Retrieved on 27th of October 2014.

⁹⁴ Cfr. footnote 75.

⁹⁵ Cfr. https://europa.eu/european-union/about-eu/countries/member-countries/czechrepublic_de

⁹⁶ Cfr. https://europa.eu/european-union/about-eu/countries/member-countries/sweden_de

paragraph is added to Article 136 of the Treaty on the Functioning of the European Union:

1. In order to ensure the proper functioning of economic and monetary union, and in accordance with the relevant provisions of the Treaties, the Council shall, in accordance with the relevant procedure from among those referred to in Articles 121 and 126, with the exception of the procedure set out in Article 126(14), adopt measures specific to those Member States whose currency is the euro:

(a) to strengthen the coordination and surveillance of their budgetary discipline;

(b) to set out economic policy guidelines for them, while ensuring that they are compatible with those adopted for the whole of the Union and are kept under surveillance.

2. For those measures set out in paragraph 1, only members of the Council representing Member States whose currency is the euro shall take part in the vote.

A qualified majority of the said members shall be defined in accordance with Article 238(3)(a).

3. The Member States, whose currency is the euro, may set up a stability mechanism, that will be activated when it is indispensable to preserve the stability of the euro area as a whole. The providing of all necessary grants under the mechanism will be subject to strict conditions”.

If the Euro is mentioned, the European Central Bank has to be mentioned: The European Central Bank is a very European and a very global player: But there are questions:

– Our first question is the following: Why is there a portrait of two bulls in the forecourt of the European Central Bank in Frankfurt? The answer is to be traced back to a very romantic love-story that is at the beginning of Europe. But romantic is this story only at first glance: In this love-story between Iupiter and the beautiful girl Europa there is a rather problematic character: This is Godfather Iupiter who is not faithful to his wife Hera and is always in love with some other beautiful women. Iupiter uses tricks to get near to the new beloved woman and in this case he disguises himself as a bull when meeting the young lady Europe at the strand near the sea. The young lady who is the princess of a European kingdom⁹⁷ is timid, but the seducer is so carefully clever that the lady takes confidence to him and takes place on the animal's back. And then the riding over the sea is beginning. Of course, this story is a

⁹⁷ She is the daughter of the Phoenician King Agenor.

mythological story and the Roman author Publius Naso Ovidius⁹⁸ does narrate it in his “Metamorphoses”⁹⁹:

(1) *The dignity of empire laid aside,
(For love but ill agrees with kingly pride)
The ruler of the skies, the thund'ring God,
Who shakes the world's foundations with a nod,
Among a herd of lowing heifers ran,
Frisk'd in a bull, and bellow'd o'er the plain.
Large rowles of fat about his shoulders clung,
And from his neck the double dewlap hung.
His skin was whiter than the snow that lies*
(10) *Unsully'd by the breath of southern skies;
Small shining horns on his curl'd forehead stand,
As turn'd and polish'd by the work-man's hand;
His eye-balls rowl'd, not formidably bright,
But gaz'd and languish'd with a gentle light.*
(15) *His ev'ry look was peaceful, and exprest
The softness of the lover in the beast.
Agenor's royal daughter, as she plaid
Among the fields, the milk-white bull survey'd,
And view'd his spotless body with delight,*
(20) *And at a distance kept him in her sight.
At length she pluck'd the rising flow'rs, and fed
The gentle beast, and fondly stroak'd his head.
He stood well-pleas'd to touch the charming fair,
But hardly could confine his pleasure there.*
(25) *And now he wantons o'er the neighb'ring strand,
Now rowls his body on the yellow sand;
And, now perceiving all her fears decay'd,
Comes tossing forward to the royal maid;
Gives her his breast to stroke, and downward turns*
(30) *His grizly brow, and gently stoops his horns.
In flow'ry wreaths the royal virgin drest
His bending horns, and kindly clapt his breast.
'Till now grown wanton and devoid of fear,
Not knowing that she prest the Thunderer,*
(35) *She plac'd her self upon his back, and rode
O'er fields and meadows, seated on the God”.*

⁹⁸ Franz-Rudolf Herber: Ovid's elegische Erzählkunst in den >Fasten<, Diss. phil., Saarbrücken, 1993.

⁹⁹ Here quoted according an English translation: <http://classics.mit.edu/Ovid/metam.2.second.html>.

– But there is another question, but this one does refer to our time: The European Central Bank has a face and this comes from Italy; it is Mario Draghi¹⁰⁰: He has the main responsibility for the fact that the life insurance of millions of citizens in Europe and several other investments are rather worthless¹⁰¹. The reason is the low interest rate policy that is the philosophy of the European Central Bank. Furthermore, there is the fatal notion that worthless bonds of countries that are in turmoil – in particular Greece – may be purchased with money from the European Central Bank¹⁰². This might have the ultimate effect that ailing states should be favoured at the expense of taxpayers.

– The most important question is this one: Is it realistic that other Member States of the European Union will join the Euro-zone, e.g. Poland? To be sincere there is today no scenario visible, that wants an enlargement of the Euro-zone.

Is the Brexit the beginning of the upcoming of the decay of the European Union?

Article 50 of the Treaty on European Union allows the exit of any member state:

“1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.

2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall

¹⁰⁰ Cfr. <http://www.zeit.de/wirtschaft/2011-06/gipfeltreffen-ezb-praesident>.

¹⁰¹ Cfr. Jürgen Roth: Der Helfershelfer, den sie riefen: Der Italiener Mario Draghi, in: Der stille Putsch. München, 2014.

¹⁰² Cfr. <http://www.handelsblatt.com/politik/konjunktur/nachrichten/urteil-des-europaeischen-gerichtshofs-freibrief-fuer-draghi/11921904.html>.

not participate in the discussions of the European Council or Council or in decisions concerning it.

A qualified majority shall be defined in accordance with Article 238(3)(b) of the Treaty on the Functioning of the European Union.

5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49”.

In a referendum on the 23rd of June 2016 51,9% of the participating electorate in Great Britain voted to leave the EU out of a turnout of 72,2%. On the 29th of March 2017 the Government of Great Britain invoked Article 50 of the Treaty on the European Union and the letter of divorce¹⁰³ was handed over to the President of the European Union (Donald Tusk): The letter of divorce is starting thus and praises European values:

“On 23 June last year, the people of the United Kingdom voted to leave the European Union. As I have said before, that decision was no rejection of the values we share as fellow Europeans. Nor was it an attempt to do harm to the European Union or any of the remaining member states. On the contrary, the United Kingdom wants the European Union to succeed and prosper. Instead, the referendum was a vote to restore, as we see it, our national self-determination. We are leaving the European Union, but we are not leaving Europe - and we want to remain committed partners and allies to our friends across the continent. Earlier this month, the United Kingdom Parliament confirmed the result of the referendum by voting with clear and convincing majorities in both of its Houses for the European Union (Notification of Withdrawal) Bill. The Bill was passed by Parliament on 13 March and it received Royal Assent from Her Majesty The Queen and became an Act of Parliament on 16 March. Today, therefore, I am writing to give effect to the democratic decision of the people of the United Kingdom. I hereby notify the European Council in accordance with Article 50(2) of the Treaty on European Union of the United Kingdom's intention to withdraw from the European Union. In addition, in accordance with the same Article 50(2) as applied by Article 106a of the Treaty Establishing the European Atomic Energy Community, I hereby notify the European Council of the United Kingdom's intention to withdraw from the European Atomic Energy Community. References in this letter to the European Union should therefore be taken to include a reference to the European Atomic Energy Community”.

It cannot be ruled out that other Member States of the European Union may follow the British way.

¹⁰³

Cfr. https://upload.wikimedia.org/wikipedia/commons/0/0f/Prime_Ministers_letter_to_European_Council_President_Donald_Tusk.pdf

Summary and conclusion

The Declaration of the leaders of 27 Member States and of the European Council, the European Parliament and the European Commission of 25th of March 2017¹⁰⁴ does emphasize not only the common conception of the European Union, but the problems to be solved¹⁰⁵; here there is quoted the text that does refer to the problem:

1. *A safe and secure Europe: a Union where all citizens feel safe and can move freely, where our external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms; a Europe determined to fight terrorism and organised crime.*
2. *A prosperous and sustainable Europe: a Union which creates growth and jobs; a Union where a strong, connected and developing Single Market, embracing technological transformation, and a stable and further strengthened single currency open avenues for growth, cohesion, competitiveness, innovation and exchange, especially for small and medium-sized enterprises; a Union promoting sustained and sustainable growth, through investment, structural reforms and working towards completing the Economic and Monetary Union; a Union where economies converge; a Union where energy is secure and affordable and the environment clean and safe.*
3. *A social Europe: a Union which, based on sustainable growth, promotes economic and social progress as well as cohesion and convergence, while upholding the integrity of the internal market; a Union taking into account the diversity of national systems and the key role of social partners; a Union which promotes equality between women and men as well as rights and equal opportunities for all; a Union which fights unemployment, discrimination, social exclusion and poverty; a Union where young people receive the best education and training and can study and find jobs across the continent; a Union which preserves our cultural heritage and promotes cultural diversity.*
4. *A stronger Europe on the global scene: a Union further developing existing partnerships, building new ones and promoting stability and prosperity in its immediate neighbourhood to the east and south, but also in the Middle East and across Africa and globally; a Union ready to take more responsibilities and to assist in creating a more competitive and integrated defence industry; a Union committed to strengthening its common security and defence, also in cooperation and complementarity with the North Atlantic Treaty Organisation, taking into account national circumstances and legal commitments; a Union engaged in the United*

¹⁰⁴ In short it is known as the Rome Declaration.

¹⁰⁵ Cfr. https://europa.eu/european-union/eu60_en.

Nations and standing for a rules-based multilateral system, proud of its values and protective of its people, promoting free and fair trade and a positive global climate policy.

We will pursue these objectives, firm in the belief that Europe's future lies in our own hands and that the European Union is the best instrument to achieve our objectives. We pledge to listen and respond to the concerns expressed by our citizens and will engage with our national parliaments. We will work together at the level that makes a real difference, be it the European Union, national, regional, or local, and in a spirit of trust and loyal cooperation, both among Member States and between them and the EU institutions, in line with the principle of subsidiarity. We will allow for the necessary room for manoeuvre at the various levels to strengthen Europe's innovation and growth potential. We want the Union to be big on big issues and small on small ones. We will promote a democratic, effective and transparent decision-making process and better delivery. (...)"

This declaration seem to suggest that the Member States of the European Union do have the same aims, but the reality demonstrates that there are strong differences between the Member States and the danger is given that the European Union will break apart:

- If the French President Macron¹⁰⁶ would be defeated in the next election, Marine Le Pen¹⁰⁷ will be the next President, then the France will go to the extreme right; then the “Frexit” will be a question of a few months.
- In Hungary Victor Urban¹⁰⁸ was elected again Prime Minister of the Hungarian Republic a few weeks ago. His politics are quite obvious: Take as much money from the European Union as possible and do not care about common values of the European Union.
- In Poland there is started a so-called reform of the juridical power that does disregard European philosophical principles¹⁰⁹ and does disregard the model of separation of power.
- In Spain many people in the region of Catalonia want to separate Catalonia from Spain. If Catalonia would separate from Spain, other separations may follow, in Italy the region Tyrol may separate itself.

One problem the European Union has to solved very soon: It is the unemployment of the young people; if the problem of unemployment would not be solved, many young people may follow ultra-right ideas or ultra-left

¹⁰⁶ To President Macron cfr. Caroline Derrien, Candice Nedelec: Les Macron. Fayard, 2017.

¹⁰⁷ To Marine Le Pe cfr. http://www.zeit.de/2004/13/Marine_Le_Pen.

¹⁰⁸ Igor Janke: Viktor Orbán. Ein Stürmer in der Politik. Übersetzung aus dem Polnischen. Passau, 2014.

¹⁰⁹ Cfr. <http://www.zeit.de/politik/ausland/2017-12/polen-parlament-gesetz-oberster-gerichtshof>.

ideas. It is still time, but the beginning of the necessary reform should not be postponed, otherwise it will be too late.

References:

1. Hermann-J. Benning: Robert Schuman. Leben und Vermächtnis. München, 2013.
2. Gerhard Bisovsky/Hans Schafranek/Robert Streibel (Hrsg.): *Der Hitler-Stalin-Pakt. Voraussetzungen, Hintergründe, Auswirkungen.* Wien, 1990.
3. Ilgvars Butulis/Antonijs Zunda: Latvijas Vēsture. Riga, 2010.
4. Marianne Butenschön: Litauen. Beck'sche Reihe Länder, München, 2002.
5. Gérard Conac/Marc Debene/Gérard Teboul (Hrsg.): La Déclaration des droits de l'homme et du citoyen de 1789; histoire, analyse et commentaires. Paris 1993.
6. Bernard A. Cook: Belgium. A History. 3rd edition, New York et al., 2004.
7. Gyorgy Dalos: Ungarn in der Nußschale. Geschichte meines Landes. München, 2004.
8. Sigrid Damm: Das Leben des Friedrich Schiller. Frankfurt am Main, 2004.
9. Caroline Derrien/Candice Nedelec: Les Macron. Fayard, 2017.
10. Christoph Driessen: Geschichte der Niederlande. Von der Seemacht zum Trendland. Regensburg, 2009.
11. Louis Desgraves: Montesquieu. Frankfurt am Main, 1992.
12. Jean Favier (Hrsg.): Geschichte Frankreichs. 6 vol., Stuttgart, 1989 sqq.
13. Sławomir Grabias: Donald Tusk. Pierwsza niezależna biografia, Łódź, 2011.
14. Grazyna Ewa Herber: Reconstruction of Warsaw's old town after the 2nd World War. The conflict between historic preservation principles, political enslavement and social expectations. Bamberg, 2014, p. 224 ff.
15. Franz-Rudolf Herber: Bridges from east to west - Poland's transport policy and opening process to the reunified Germany, in: uni.vers, The Magazine of the University of Bamberg, Issue 4, June 2003, p. 16–17.
16. Franz-Rudolf Herber: On the importance of expropriation in the Roman Empire and in modern Europe, in: European Scientific Journal, January 2015 edition vol. 11, No. 1, ISSN: 1857 - 7881 (Print)/ISSN: 1857 (1858) (Online).
17. Franz-Rudolf Herber: Ovid's elegische Erzählkunst in den >Fasten<, Diss. phil., Saarbrücken, 1993.

18. Jürgen Heyde: Geschichte Polens. München, 2006.
19. Otfried Höffe: Immanuel Kant. München (7. edition), 2007.
20. Joachim Hösler: Slowenien. Von den Anfängen bis zur Gegenwart. Regensburg, 2006.
21. Igor Janke: Viktor Orbán. Ein Stürmer in der Politik. Übersetzung aus dem Polnischen. Passau, 2014.
22. Vincent Jouvert: L'Amérique contre De Gaulle. Paris, 2000.
23. Iko-Sascha Kowalczuk: 17. Juni 1953 – Geschichte eines Aufstands. München 2013.
24. Thomas Kielinger: Winston Churchill. Der späte Held. Eine Biographie. München, 2014.
25. Wilfried Loth: Walter Hallstein – der vergessene Europäer? Bonn, 1995.
26. Elena Mannová (Hrsg.): A Concise History of Slovakia. Bratislava, 2000.
27. Richard Marius: Thomas Morus. Eine Biographie. Zürich, 1987.
28. Johan van Merriënboer: Mansholt: A biography. Brussels, 2011.
29. Ulrich Frank-Planitz: Konrad Adenauer. Bergisch Gladbach (2. edition), 1975.
30. Michel Pauly: Geschichte Luxemburgs. München, 2011.
31. Wilhelm Ribhegge: Erasmus von Rotterdam. Darmstadt, 2009.
32. Ruggiero Romano: La storiografia italiana oggi., Mailand, 1978.
33. Jürgen Roth: Der Helfershelfer, den sie riefen: Der Italiener Mario Draghi, in: Der stille Putsch. München, 2014.
34. Eric Roussel: Jean Monnet: 1888–1979, Paris, 1996.
35. Pietro Scoppola: La proposta politica di De Gasperi. Il Mulino, Bologna, 1977.
36. Michael Soëtdard: Jean-Jacques Rousseau. Leben und Werk. München, 2012.
37. Maynard Solomon: Beethoven. Biographie. Frankfurt am Main, 1990.
38. Paul-Henri Spaak: Memoiren eines Europäer, Hamburg, 1969.
39. Karlheinz Stierle: Dante Alighieri. Dichter im Exil, Dichter der Welt. München, 2014.
40. Jeremi Suri: Henry Kissinger and the American Century. Cambridge (MA), 2009.
41. Isabel Thibault: Pierre-Joseph Proudhon. L'anarchie sans le désordre. Paris, 2017.
42. Karel Vodička/Ladislav Cabadav: Politický systém České republiky, Praha, 2003.
43. Lucy Wooding: Henry VIII. London et al., 2008.
44. Hans-Ulrich Wehler (Hrsg.): Moderne Deutsche Geschichte. 12 vol. + Reg.-Bd., Frankfurt am Main, 1996.

45. Michael P. Zuckert: **Launching liberalism. On Lockean political philosophy.** Kansas, 2002.