

The Holy Roman Empire, building tool of a European unity?

Paul Marguier, Aesa Virely¹

Abstract

The European Union has been going through deep crises since its creation, bringing into question its foundations. The question of its essence has been a heated one for the past years, and some have turned to the past of the continent in order to find clues as to what the European Union is today. Resorting to past models of unity can prove a hazardous task if taken as such, but it can also provide interesting insights to understanding our contemporary reality. The Holy Roman Empire was a thousand-year-old Empire which constituted the political reality of many Europeans from the Middle-Ages until the 19th century. Its lifespan and its width raise the question as to how it was able to foster a certain degree of unity. Through its imperial narrative, gathering multiple religious and political fictions, the Empire endowed itself with an ambition of European unity. It tried to use its flexible feudal structure to achieve it, within and beyond its borders. And while it met some serious obstacles and eventually collapsed, the Holy Roman Empire remains a major figure in the attempts to form European unity.

Key words

European unity, Feudalism, Holy Roman Empire, Imperial narratives, Westphalia

¹ Paul Marguier and Aesa Virely are undergraduate students of Political Science at Sciences Po Paris, campus of Dijon. Contact: paul.marguier@sciencespo.fr and aesa.virely@sciencespo.fr.

Introduction

In 1806, in the wake of the Napoleonic conquests, a thousand-years old Empire which shined on Europe by its aura and its prestige crumbles. Thus, can we see in the Holy Roman Empire (HRE) a building tool of a European unity?

Today's discussion shall not be about understanding the Empire as the tool of a *current* European unity. Its practices are not intelligible today, and representations have gone through very pervasive changes. The HRE shall not be reactivated either as the model of a past unity, or of a fantasized image of Europe: thus, seeking to build the European Union (EU) today, on the basis of nostalgia for this late empire, would prove hazardous. It is more about, fundamentally, studying this empire for itself, and to see how it could, in its time, foster some degree of European unity. If the birth of the Empire dates back to 962 (or even 800, in the eyes of some), this paper shall treat solely the period from the Golden Bull of 1356 to its dissolution in 1806. The Golden Bull constituted a fundamental step in a certain constitutionalization process of the Empire's practices, and will remain a common base for this space until 1806. This large timespan is marked by a significant reform of the Empire at the turn of the 15th century, by the Reformation, but also by the Thirty Years' War. All these events happened in a structurally variable Empire, dominated nonetheless for 300 years by the Habsburg family. The geography of the HRE was a fragmentary one, complex and uncertain, which, in the period considered, tended to shrink to territories usually labelled as "German". The Holy Roman Empire constituted, for a thousand years, the political reality of a wide part of Europe. If it was seen, in the historiographies of the 19th and early 20th century, as an abomination or an abnormal form at the time of the rise of absolutist countries. If its malfunctions and its influence on a German *Sonderweg* are brought to the fore, the Empire's longevity demonstrates its flexibility and its ability to bring together diversities which may appear irreconcilable. Henceforth, its capacity to foster a "European unity" stems more, in turn, from the creation of a shared space preserving diversity, than from the creation of a homogeneous space. Thus, the question is that of a balance, seeking a harmony between a certain degree of unity and a needed diversity, establishing a "community of experience and memory" (Larat, 2006: 50). This communal memory is made possible by an Empire renewing an imperial fiction based on universal aspirations. Hence, to what extent do the universal ambitions on which the Empire is founded translate into the search for a balance, both internal and external, and thus European?

First, we shall consider the universal imperial myth and its pretensions on Europe (I.), which articulate itself on a feudal Empire which remains deeply

diverse (II.). Eventually, we will show how this quest for inner harmony is accompanied by an aspiration for outer balance (III.).

The universalist fiction of the Empire

From the narrative staged by the political actors of the HRE in order to legitimize both themselves and the existing political order, emerges a true European anchoring of the Empire. As a matter of fact, universalist pretensions try to justify the imperial claims to authority over Europe by resorting to its Roman and Carolingian roots, but also to its Christian ones. The question of the Germanic identity of the Empire, though, may reduce its own span.

The mobilizing of an imperial imaginary

In order to build an imperial imaginary, the political elites adopt narratives about the origins of the Empire (Burbank and Cooper, 2010). For example, the use of symbols, aimed at legitimizing the political order and its universalist ambitions, is striking: in the 16th century, Albrecht Dürer painted the imperial coat of arms, an eagle on a golden background, above Charlemagne's portrait. Thus, through the spread of these representations and their ceremonial use, the Emperor endows himself with the *translatio imperii* legitimacy, becoming the one and only heir of both the Carolingian and Roman Empires (Lebeau, 2012: 154). One may notice that Maximilian I was described as "elected Emperor of the Romans". This will to build an Empire whose European ambition can be found in its openness also spreads through the attempts to define the imperial space. Instead of limiting itself to the artificial fluvially-based natural borders, for a long time the imperial elites preferred to invoke the Carolingian legacy as a way to claiming the continuity with Charlemagne's Empire, on either side of the Rhine (Gantet, 2004: 35-36). In fact, throughout history, the building of borders remains an evolving matter, depending on their political use. Therefore, if the Empire was an open and perpetually redefined space, the universalist narrative kept an important role in imperial building, appealing to the continuity with the political experiences of the early Middle Ages. The making of this historical narrative sought to emphasize the Emperor's *auctoritas*, aimed at embracing the whole European continent through common Roman law legacy: he claimed authority over all of Europe's princes and their lesser *potestas*. However, if the Emperor invoked his superior dignity based on his own narrative, this latter faces challenges: the historiographic and political clash opposing the Empire and the Kingdom of France about the Carolingian experience speaks for itself, each of them claiming its exclusive

legacy. For example, in advocating the idea of a *rex imperator in suo regno*², the 14th century French publicists aspired to dismantle the idea of an imperial authority over European kingdoms, denying its preeminence, in order to restore France's position (Rivière, 1924: 580-586). Thus, the Emperor's European authority faces challenges through the questioning of the historical imperial legacy. The building of a universalist narrative is evidence of the attempt to create a certain European unity through the spread of imperial authority. Nevertheless, the study of the challenges to this superior imperial dignity which resulted from the moving wheels of history shows well the limits of its effectiveness.

The claim to the sacred

On another note, The Holy Roman Empire predicated its legitimacy on a strong and asserted religious dimension. It proclaimed itself as "Holy" as early as 1157, thereby rooting its lineage with the Holy Carolingian Empire and consequently, the *translatio imperii* is that of the Roman Empire, but also of the pious Empire. The emperor, crowned by the pope, was since 1157 and the end of the Investiture Controversy (serious conflict with the Supreme Pontiff in the 11th and 12th centuries), "Christ Lord" (Lebeau, 2012: 154). Hence, his power is a direct emanation of God, and not of the Pope. The imperial discourse widely uses this religious vision in order to foster an imperial identity based on the sharing of Christendom and the superior role of the Empire. The origins of the Empire, with Otto III and Sylvester II, drew on a vision of a European unity based on the spread of Christendom to the East, to the Slavic peoples (Balard et. al., 2011: 139; Le Goff, 2003: 32-63). This dream participated in building a federative imperial myth, which transcended the "territorial" realm of the Empire. Moreover, this divine link provided the emperor with a *dignitas*, which adds up to its *auctoritas*. The emperor, crowned by the pope, was the protector of the Roman Church, and this religious dimension was further emphasized by the ceremonial crowning (Lebeau, 2012: 156). Hence, the emperor, elected and crowned, sits amidst the prince-electors, the laymen at his left and the clergymen at his right, symbolizing thus the *corpus Christi mysticum*, and the Diets are opened with masses to the Holy Spirit (Gantet and Lebeau, 2018: 10). Furthermore, this religious claim was strengthened by a strong discourse of the Empire as a stronghold of Christendom, against the 'Turks' mainly. The wars, framed as religious wars, enabled the emperor to raise taxes in order to defeat the Ottomans. Thereupon, it is on this religious basis that consent to taxation is obtained, which highlights the significance of this dimension in the population's minds, and their attachment to the idea of a Christian imperial idea. In addition to this, "piety is an essential element of the princely function" (Gantet and Lebeau, 2018: 11), which will, after

² King emperor in his kingdom.

Westphalia (but already since Augsburg) anchor a territorialization of religion. From then on, it enabled the emperor to berate the absolutism of the French monarchs compared to a more tolerant and thereby more virtuous Empire (Gantet, 2004: 37). Yet, the religious image of the Empire and its universalist imperialist fiction was accompanied by bitter quarrels with the papacy. For instance, the Golden Bull consecrates the end of the papal interference, having from then on an election to name an emperor, and no longer a sacrament. This distinction goes even further with Maximilian I and Charles V after him, who declared themselves “Elected Roman Emperor” and postponed their coronations (their successors will do likewise). With the Protestant Reformation, the religious pretension of the Empire seemed at risk. As the Middle Ages ended, the unity of the Empire and its outer claims were no longer based on a religious unity, although Christendom and faith’s image were still endowed with significance in this political space.

The tension of Germanization

The political evolution of the Empire deeply questions the universalist narrative based on the Roman, Carolingian and Christian fictions. Indeed, the imperial territories slowly experienced a narrowing process around its German geographical core, thus challenging the European ambition of the political entity. The end of its presence in Italy after the 13th century along with the end of its Dutch dominion would in fact reduce the Holy Roman Empire to its Germanic essence, because a lion’s share of its geography are German-speaking territories. In parallel, the imperial narrative follows this path and integrates an original Germanic dimension. The 1486 change of the imperial designation embodied this addition of a German component to its identity: the Holy Roman Empire was, above all, that from the “German Nation”. Also, new thoughts about the imperial borders contributed to redefining the Empire through its German aspect. The rediscovery of Tacitus at the beginning of the 15th century played a huge role in the new drawing of the German space, and thus, the imperial one: “Germany [...] is separated from the Gauls, the Retes and the Pannonians by two rivers, the Rhine and the Danube” (Tacitus, 98AD (1840): 435). Thereafter, the imperial elites used these natural borders to create moral ones, setting Germans on one side, the French on the other (Gantet, 2004: 38-40). Thus, the political and intellectual spheres of the Empire acknowledged its Germanization process, thereby possibly leading to the end of an imperial European universalism through the highlighting of its German component. Charles V’s failure to reach this European Empire from Spain to Germany could confirm this idea (Dumont, 2003: 60). However, this Germanization process could also hide a more complex and persistent diversity enabling the Empire to remain a multiple-identity space, and therefore still carrying a European dimension without being deprived of its

universalist narrative. Indeed, if the core territories are described as German-speaking, some exceptions persist (as Bohemia). And looking closer, the German language remained anchored in local particularisms and dialectal influences. In that case, modelling the idea of a 19th century German national identity on these imperial territories does not seem meaningful. On the contrary, the HRE is characterized by the coexistence of non-exclusive identities, at different scales, and tied to professional corporations, urban or rural communities, or more widely to the regional space (Coy, 2017: 550). A HRE's Germanic identity shall not be designed as a shared and homogeneous feeling of community leading to a certain imperial homogenization due to this geographical and linguistic Germanization process. Therefore, the universalist and European idea of the Empire does not seem erased but rather combined with the previously studied historical and religious narratives in order to create its own fiction, going beyond the Roman inspiration (Gantet and Lebeau, 2018: 11-12).

In conclusion, the Empire is Roman, Holy and Germanic, its narrative being an attempt to merge these three components in one and only disputed imperial fiction, looking forward to maintaining a European and universal unity. Hence the development of imperial tools in order to enforce the narrative's ambition of a European balance, and thus, to create unity in Europe.

A feudal Empire: Emperors and territories

If the Empire relies on a fruitful fiction which creates some degree of identification in the population, it nonetheless remains fragmented. This internal diversity is preserved by the very structure of the Empire which unites but does not homogenize. This diversity revolves around feudal ties. Hence, the conception of sovereignty differs from the current one. In this interlacing of institutions, the emperor is a key figure, enabling the different levels to negotiate among themselves the current tensions.

A plural sovereignty

Pufendorf, in a well-known phrase, describes the Empire as a "monster" (Pufendorf, 1667 (1696): 152). If today, or at least in a historiography which dominated the 19th and 20th centuries, the Empire is labelled as such, it is first and foremost because it is seen as not being a State. Yet, Pufendorf uses this word to qualify the Empire in order to remark that it does not belong to the Aristotelian categories of the exercise of power (Schrader, 1994: 84). Thus, in order to grasp the nature of the Empire, it is necessary to get rid of contemporary notions of the State, or even more on sovereignty, which constitutes a plural reality. In this respect, the Bodinian conception is not

capable of capturing the political reality of the HRE, which is a polycentric political space where power is divided among different actors. Yet, this sharing is not irreconcilable with the idea of a common Empire. Hence, in the late Empire, seen by the historiography as an anomaly (with the image of State absolutism as the normal development leading to nation-states beneath), another vision of sovereignty, rival to that of Bodin, developed (Schmidt, 2013: 3; Demelemestre, 2011). Althusius, a philosopher who lived in the Empire, published in his *Politica* a theory which gives a glimpse at a sovereignty lying in the “organized body”, and from then on enables one to look at the Empire through other lenses than the today hegemonic Bodinian concept (Althusius, 1603 (1995): xix-xxi).

Furthermore, the debate on sovereignty, with the development of public imperial law, moved to the question of administration, thus shifting the theoretical matter towards more practical arenas (Gantet, 2004: 42). Hence, the Empire is organized in many institutions in which imperial and princely powers are performed competitively. This complex architecture, during the considered period, was drafted by the Golden Bull, which entrenched the elective principle and named seven prince-electors, key actors at the imperial level. But it is the Empire’s reform, led by Maximilian I, that brings about at the imperial scale an institutional complexification. Hence, two justice courts allowed the subject to invoke the imperial justice for denial of justice, or to settle disputes between the entities of the Empire (cities, “States”; etc.): the Imperial Chamber Court and the Aulic Council (Naegle, 2018: 81-82). The Imperial Chamber Court enforced the decisions of the Diet, a negotiating organ between the emperor and those under his direct suzerainty (cities, princes, prince-electors). The Diet voted recesses, which became laws after imperial decree, and applied to the present states, and which the Imperial Circles, created by that same reform, ought to enforce, following the decisions of the Court. The Circles, a type of regional organizations, held in reality a large power, more specifically in territories threatened by territorial parceling, where they maintained order to some extent. The princes in their states exerted judicial rights, minted currency, and ensured other regalian roles (Lebeau, 2012: 154-155). Hence, the local prince enjoyed large power thanks to imperial immediacy, which was also granted to cities, and which ensured a direct feudal link with the emperor. In turn, the Empire relied on different ‘levels’ of sovereignty which interacted within a broader realm, marked by feudal relationships, this whole structure being facilitated by the image of the emperor.

The Emperor, maker of equilibrium?

Bonot de Mably explains that “The Emperor is the Empire’s servant, of which he keeps the fiefdoms. He is not the embodiment of the Empire: he is the one who stands above” (Schrader, 1994: 98). More precisely, if the

Emperor is theoretically deprived of any kind of power, his position relies on the negotiations with the inferior scales. Indeed, the elective principle and the writing of electoral capitulations grants this dependence to more powerful prince-electors. But the Emperor remains the main arbitrating factor between the various levels of the imperial structure. Thus, to be understood, this figure has to be observed in its feudal and pre-modern context: the preeminence of interpersonal relationships and patronage systems in political ratios of power. Thereby, the Emperor could set a hierarchical system up and protect it from the federalizing processes urged by the House of Bourbon (Schrader, 1994: 94). The imperial hierarchical structure gave a particular position to the Emperor - along with the imperial narratives, *dignitas* and *auctoritas* previously evoked. Thus, the connection with the Emperor could be used on a local scale to prevent further conflicts: this way, west and south of the Elba, numerous cities enjoyed the imperial immediacy privilege, giving rise to an interpersonal network between the Emperor and the "immediate nobility", looking forward to freeing themselves from the more influential princes and their expansionist ambitions (Gantet and Lebeau, 2018: 29). This imperial arbitration contributed to guaranteeing the imperial political balance and to secure the existence of smaller States against more powerful ones - smaller States which could not exist outside of the Empire. Therefore, the Emperor is a harmonization factor, fostering unity amongst fragmented states, and preventing absolutist surges in them (the States acting as limits to the Emperor's possible ambitions for absolute power) (Schrader, 1994: 88). Thereby, he stands as the real balance- and unity-maker by holding a major arbitration role in the power connections inside the HRE.

Power balance and negotiations

The flexibility of the Empire gave way to evolutions in power balances, and in turn, enabled it to last in time, creating a form of unity in this "small Europe" which exists within the HRE. At the local scale, one may notice the true dynamism of this permanent negotiation through the importance of coming together around common interests: leagues, confederations of cities, princes' alliances (Picq, 2009: 209-229). Ephemeral and allowed as long as they were not explicitly against the Empire, these associations were created in order to create power relations, defending the interests of a given prince, of a given profession, of given cities against other powers within the Empire itself. The links between princes and local powers were hence very important in order to defend one's place in the Empire. Playing with the imperial institutions in order to defend their positions, these alliances show how feudalism interacted with institutions in order to create a structure which was continually adjusted to achieve balance (Schrader, 1994: 95). Feudalism thus determines a very evolutionary nature of powers, both of imperial institutions and of local princes. In the events from the Golden

Bull, which removes the prince-electors' territories from imperial jurisdiction, to the failure of the empire's reform under Maximilian I to establish a tax to which the States did not consent, one notices that this permanent need of equilibrium always preserved the autonomy and the diversity of territories. This need appears to have been a bulwark against any attempt at absolutism or centralization, the first having always been pushed away and the second beginning to emerge only by the late 18th century (Schrader, 1994: 86). Yet, the emperor kept sustaining the unity of the Empire and sought to compel princes to take engagements towards that aim. In Worms in 1495, territories committed to ensure "Perpetual Peace", announced by Maximilian I in 1486, and to prevent conflicts within the Empire. This search for balance was visible in various contracts, binding the Empire and its States, trying to protect both the imperial political unity and the freedoms of territories and local powers. One may henceforth ask oneself whether this permanent ambition to negotiate every competence and every status does not lead, as the constitutionalization of the empire deepens, to sketching a principle of subsidiarity, each level trying to defend the relevance of its government (Schimdt, 2013: 17).

The Holy Roman Empire is thus characterized by its feudal dimension. Between the institutions and the territories acts the emperor, mediator permanently seeking balance. In this diverse space, small Europe, the Empire thus united the territories. But even if its structure was flexible enough to allow diversity to exist, it fostered nonetheless an externally-bounded political space, albeit a non-homogeneous one. This space aimed at defending a wider European order, and thereby proved to be a real tool of European unity.

Inner and outer balance

The European ambition of the Empire lay in the question of its area. Its internal space, diverse through its actors, yet united thanks to the multiplicity of political, juridical and cultural links between them, did not embrace its real scope. Along with its imperial narrative, the Empire cultivated a mission aimed at preserving the European political order, thus, creating European unity inside, as well as outside through this opening, especially with the Westphalia treaty.

A space united in diversity

Its interlacing actors enabled the imperial space to be united in diversity. On the one hand, the variety of the sources of its law is a testimony of its fragmentation. The States were the true lawmakers, creating new norms through reforms or *Policeyordnungen*, edicts seeking to supervise daily life.

On the other hand, one may notice some significant trends towards harmonization of law throughout the Empire's history. First, the influence of Roman and Canon law filled the gaps of local customs or laws, these two legacies merging in a *Reichs gemeine Rechte*³ (Oestmann, 2018: 7). The imperial institutions also used their own norms to regulate their functioning, for instance with the imperial recess or the Emperor's electoral capitulations, texts of public law, or even some private law experiences (the example of the *Constitutio Criminalis Carolina*, the criminal code of 1532). If the appeal to imperial institutions cannot be compared to the reachability of a Roman Emperor due to the *privilegia de non appellando*⁴, it nonetheless allows fighting against denials of justice and protecting minorities' rights, for example. Also, the imperial area is described as a *Gerichtslandschaft* owing to its network of numerous courts, ensuring that rights were protected (Oestmann, 2018: 11). This juridical cohesion based on territorial laws thrived thanks to the many universities flourishing in the imperial space, promoting Roman law as the Empire's. The mechanism of *Aktenversendung*, for example, fostered the juridical harmonization through the exchange of court cases among law scholars who spread their views and advice on an imperial scale (Oestmann, 2018: 17). This process was balanced, of course, the States were far from being denied their own laws and the right to consent or not to consent to the imperial recess. But it remained incorporated in a global framework of strengthening the internal imperial network, enabling the emergence of an imperial "community of experience".

For instance, universities and communications thrived through the competition between the States. And globally, the Empire reached intellectual and cultural development thanks to printing and the incapacity of complete censorship due to political fragmentation. It also participated in spreading the influence of humanism, the growth of an imperial governance science and the implementation of banking systems, thereby contributing to the building of an area of prosperous economic, cultural and juridical flows (Schmidt, 2013: 6). Thus, this unity in diversity spread in the imperial subjects' daily lives, forging a certain imperial patriotism, coexisting with the numerous multiple and local identities (Gantet, 2004: 41). Therefore, the HRE was a diverse space but remained coherent thanks to these many interconnected networks. Yet, the subtlety of the Empire's unifying purpose lay in the dialogue it promoted outside of its own borders.

The Empire beyond its borders

³ Common law of the Empire

⁴ A privilege granted by the Emperor limiting the right to appeal from territorial courts to the imperial ones.

Indeed, the HRE played an important role at the core of Europe. Its ambitions to a European political order demonstrate its inherent aim to unify through political links, in order to stabilize the continent. First of all, the Empire was spatially open (Gantet and Lebeau, 2018). Its territories, from Burgundy to Bohemia, gathered a wide diversity at the center of Europe. Their belonging to the Empire evolved throughout history, some being assimilated, others quitting, so that the Empire remained geographically moving. The constantly redefining imperial borders, along with the changing political contexts, enabled the Empire not to restrain itself to “natural” limits but rather to express its universalist ambition (Gantet, 2004). Aside from geography, the Empire was also institutionally open. The elective imperial seat contributed to its European dimension, any European ruler being able to put his name forward (as François I, French Kings tried several times to reach the highest position of this unfriendly Empire). Therefore, the desire for the imperial seat as a way for European sovereigns to fulfill their own objectives strengthened the European scope of the Emperor’s aura.

Furthermore, the Habsburg dynasty’s importance in Europe completes the idea of a borderless Empire. Through their motto *bella gerunt alii, tu felix Austria nube*⁵, the Habsburgs widened their dominion, inside the HRE but also in the rest of Europe, using marriages or alliances (Lebeau, 2012: 157). Maximilian I received Burgundy by marriage and Habsburg’s territories spread across Europe from Spain to Italy. The reinforcement of the Habsburg dynasty goes hand in hand with their vital presence in the highest spheres of the Empire, running it for more than 300 years. And the assimilation of the Empire with the family went so well that, through their will to preserve their dominion and prerogatives, their dynastical rules were turned into the Empire’s public law (Lebeau, 2012: 158). Thus, the Habsburg Emperor held a major position in Europe, where he remained, thanks to this dynastic political range, “the one who, in the midst of the balance, masters the subtle equilibrium” (Schrader, 1994: 96). Of course, his prestige did not keep him from facing challenges, rivalries and tensions with other families within and outside of the Empire. But this European dynastic policy enabled an area of wide dialogue, above all among political dominions. Moreover, the modern-era Holy Roman Empire contributed to the flourishing of a European diplomat class, binding all courts across the continent. Going beyond these previously evoked dynastic policies and interpersonal connections, this European aristocracy made possible a dense dialogue between political entities, whereby the Empire got away from “familial juridical claims [...] and [leading] a political strategy based on European balance of powers” (Schrader, 1994: 87-88). Thus, if the Empire was deprived of foreign policy because of its moving and complex

⁵ “Let others wage war: thou, happy Austria, marry”.

structure, it kept an effective strength in using its flexibility, dynastic politics and diplomatic aristocracy to foster a European balance, and to maintain it.

The Westphalian order

The end of the Thirty Years' War and the treaties of Westphalia of 1648 entrenched, in a deeply lasting way, principles of European law, and primarily those of balance of powers. Westphalia is actually a double peace, one at the scale of the continent and one at the level of the Empire, and from then on, "it becomes clear that both balances are linked to one another" (Schrader, 1994: 97). The Empire transferred, in a certain way, the balance principle at the core of its functioning to all of Europe. Westphalia, first, is the result - and that is a key dimension - of a reconciliation among European powers, which hail peace defence as a superior principle. Thus, in these treaties is expressed the search for a European order with checks and balances; for example, France and Sweden are responsible for and protectors of the new "German" constitution. This European order was transposed onto an imperial order, in Ratisbon in 1653, as *leges et constitutiones fundamentales imperii*. The internal institutional consequences of Westphalia were manifold, but the most important one may be the religious territorialization which ensued (*cujus regio ejus religio*, present as early as 1555). The end of this religious unity seems crucial at the Empire level: from then on, the foundation of the imperial unity was no longer and can no longer be religious. Tolerance became a new tenet of legitimacy, and peace was perceived as more fundamental than confessional unity. Henceforth, intra- and extraimperial peace were, at least theoretically, presented as superior goals. Moreover, the Westphalian order created the image of the birth of a public European law, with a logic of balance of power which shall culminate with Metternich (Schrader, 1994: 88).

This constitutional text of the Empire, thus, enables an exportation of the concepts at the European level and showcases the pervasiveness of the ideas it conveys. Hence, Rousseau considers the Westphalian order as "maybe forever among us the basis of the political system" (Rousseau, 1761: 50), which reveals the strength of the newly established order and of the representations it transmits. Finally, the 18th century expressed a certain admiration for the HRE in a part of its historiography which is today overlooked. Thus, the anti-absolutism of the Empire (made possible by the peculiar structure of the Empire, the games of power, of negotiations, of maintaining balance as has previously been developed) appeared during the Enlightenment as a model to be followed, in order to establish peace at the European level - If not to create a European confederation. Rousseau then imagines a form of European confederation rooted in imperial concepts, while Bonot de Mably highlights how the "German" government

is the best to create peace between free and independent countries (Schrader, 1994: 98). Lastly, Rousseau praises the German public law, writing that it “is not only the German public Law, but in some ways, that of all Europe” (Rousseau, 1761: 50). This law, inherited as many others from Roman and Canon law, is deeply entwined with Westphalia: European, and German.

In sum, the HRE created within its borders a differentiated space, with a certain degree of legal, economic, social and cultural unity, a vehicle of internal balance which can only be understood within a broader frame, that of a continental equilibrium. Then, interpersonal balances existing in intra-imperial relations export themselves and are entrenched in a European network. This careful quest for an equilibrium is accomplished with Westphalia, which leaves a lasting mark on European representations and European law.

Conclusion

Therefore, the Holy Roman Empire promoted balance, creating unity in diversity inside, as well as outside. While the achievement of this ambition can be questioned, the Empire still succeeded in fostering its networks, dialogues and harmonies, so that it remained a core element of Europe for centuries. Furthermore, the Empire yearned to strengthen a wider European political order through the structuring of Europe’s powers by law. And finally, through its narrative, it advocated for its own European dimension, the legacy of a common past. Certainly, its existence didn’t homogenize Europe. Its imperial fiction, challenged from the inner and surrounding political realities, and the juridical fragmentation of the imperial space, obviously imposed limits to unity just as its promotion of a European order did not prevent every conflict and tension on the continent. Nevertheless, the European ambition of the Empire remains undeniable. And if the comparison with the 20th-century European integration process is hazardous due to the centuries separating these two experiences, it could show some similarities in the paths followed by both political entities. In order to create a community of memory and experience, the Union seeks to foster unity in diversity, promoting a European political order. It also endows itself with a renewed narrative, universalism turned into Europeanism, and looks forward to emphasizing how, through History, Europe gathered peoples.

Literature

Althusius, Johannes (1603); Carney, Frederick S.; Elazar, Daniel J. (1995) *Politica*. Indianapolis: Liberty fund.

Balard, Michel; Genet, Jean-Philippe; Rouche, Michel (2011) *Le Moyen-Âge en Occident*. Paris : Hachette.

Bled, Jean-Paul (2015) Le Saint Empire, précurseur de l'Union européenne ? *Constructif*, 40. Available at http://www.constructif.fr/bibliotheque/2015-3/le-saint-empire-precurseur-de-l-union-europeenne.html?item_id=3450 Accessed 14. April 2020.

Cassese, Sabino (2002) Che tipo di potere pubblico è l'Unione Europea. *Quaderni fiorentini per la storia del pensiero giuridico moderno* 31(1). Available at <http://www.centropgm.unifi.it/cache/quaderni/31/0142.pdf>. Accessed 07. April 2020.

Coy, Jason et. al. (2017) "An Empire For Our Times? A Discussion of Peter Wilson's *The Holy Roman Empire: A Thousand Years of Europe's History*". *Central European History*, 50(4), 547-572.

Demelemestre, Gaëlle (2011) *Les deux souverainetés et leur destin. Le tournant Bodin-Althusius*. Paris : Les éditions du Cerf.

Dumont, Gérard-François (2003) The European Identity. *Europai Füzetek*: 57-68. Available at <https://halshs.archives-ouvertes.fr/halshs-01527188/document>. Accessed 12. April 2020.

Gantet, Claire (2004). La construction d'un espace étatique: perceptions et représentations des frontières extérieures du Saint-Empire au XVIII^e siècle In: Lebeau, Christine (ed.) *L'espace du Saint-Empire : Du Moyen Âge à l'époque moderne*. Strasbourg: Presses universitaires de Strasbourg (pp.33-49).

Gantet, Claire; Lebeau, Christine (2018) *Le Saint-Empire. 1500-1800*. Paris: Armand Colin.

Larat, Fabrice. (2006) L'Europe a la recherche d'une figure tutélaire. L'instrumentalisation de la symbolique carolingienne comme tentative de fondation d'un projet politique. *Politique européenne*, 18(1): 49-67.

Lebeau, Christine (dir.) (2004) *L'espace du Saint-Empire : Du Moyen Âge à l'époque moderne*. Strasbourg: Presses universitaires de Strasbourg.

Lebeau, Christine (2012) Quel gouvernement pour quel empire? Du Saint-Empire à l'empire d'Autriche. *Monde(s)* 2(2): 151-166.

Le Goff, Jacques (2003) *L'Europe est-elle née au Moyen-Âge?* Paris : Editions du Seuil.

Naegle, Gisela (2018) Peace and War, Repression and Liberty: Urban Autonomy and Princely Expansionism in the Medieval Holy Roman Empire. *Edad Media. Revista de Historia*, 19: 74-113.

Oestmann, Peter (2018) The Law of the Holy Roman Empire of the German Nation, *The Oxford Handbook of European Legal History*. Available at: <https://www-oxfordhandbooks-com.acces-distant.sciencespo.fr/view/10.1093/oxfordhb/9780198785521.001.0001/oxfordhb-9780198785521-e-31?print=pdf>. Accessed 28. March 2020.

Picq, Jean (2009) *Une histoire de l'Etat en Europe. Pouvoir, justice et droit du Moyen Âge à nos jours*. Paris: Presses de Sciences Po.

Pufendorf, Samuel (1667); Edmund Bohun (1696) *The Present State of Germany in latin by the learned Samuel Pufendorf under the name of Severinus de Monzambano Veronesis*. Londres.

Rivière, Jean (1924) Sur l'origine de la formule juridique : « Rex imperator in regno suo ». *Revue des Sciences Religieuses* 4(4): 580-586.

Rousseau, Jean-Jacques (1761) *Extrait du projet de paix perpétuelle de monsieur l'abbé de Saint-Pierre*. Par J. J. Rousseau, citoyen de Genève, Paris: Jean-François de Bastide; Bibliothèque nationale de France.

Schmidt, Georg (2013) Le Saint-Empire moderne. Voie particulière et modèle pour l'Europe ou bien État de la nation allemande ? *Trivium*, 14. Available at: <https://journals-openedition-org.acces-distant.sciencespo.fr/trivium/4562>. Accessed 19. April 2020.

Schrader, Fred E (1994) Le Saint Empire romain germanique dans les représentations européennes, 1648-1789: « équilibre », « milieu », « centre ». *Revue germanique internationale* 1, 83-106.

Tacitus (98 AD); Nisard Désiré (1840) *Oeuvres complètes de Tacite: avec la traduction en français*. Paris: Dubochet et Cie.

Whaley, Joachim (2018) *Holy Roman Empire, a very short introduction*, Oxford: Very Short Introductions online.

Wilson, Peter (2016) The Holy Roman Empire can help inspire a different European Union. *Financial Times*. Available at <https://www.cambridge.org/core/journals/central-european-history/article/an-empire-for-our-times-a-discussion-of-peter-wilsons-the-holy-roman-empire-a-thousand-years-of-europes-history/AF57BD06F7F31E78A622F4BB25FC1CE1>. Accessed: 02. April 2020.