

Jürgen Elvert, Walter Hallstein, biography of a European (1901–1982)

Source: Jürgen Elvert, Universität zu Köln.

Copyright: (c) Translation CVCE.EU by UNI.LU

All rights of reproduction, of public communication, of adaptation, of distribution or of dissemination via Internet, internal network or any other means are strictly reserved in all countries.

Consult the legal notice and the terms and conditions of use regarding this site.

URL:

http://www.cvce.eu/obj/jurgen_elvert_walter_hallstein_biography_of_a_european_1901_1982-en-a1adea08-b8ee-4e00-87c8-2fe9bc18c176.html



Last updated: 06/07/2016

Jürgen Elvert, *Walter Hallstein, Biography of a European (1901–1982)*

by Professor Jürgen Elvert
University of Cologne

Walter Hallstein was born in Mainz on 17 November 1901, the son of a government surveyor. He grew up in a middle-class Protestant environment, the defining features of which were a strong interest in culture and the arts as well as a sense of duty and civic responsibility. Until 1920, he attended a grammar school in Mainz, where his main interest, besides languages and mathematics, lay in history.

From 1920 to 1923, he studied law and political science in Bonn, Munich and Berlin. In 1925 he obtained his doctorate with a dissertation on legal aspects of the Treaty of Versailles. Before the year was out, he had been appointed academic assistant to Professor Martin Wolff at the Friedrich-Wilhelm University in Berlin, one of the most renowned scholars of his day in the field of private law. His other academic mentors included Heinrich Triepel, scholar of constitutional law and founder of the Association of German Lecturers in Constitutional Law, whose research work had focused particularly on federalism in the Weimar Republic, and Otto von Gierke, the foremost authority on the law relating to cooperative societies, whose criticism of the concept of property in Roman law and of individualism certainly struck a chord in the nationalist German-supremacist circles of the 1920s. After working for a few years as an examiner at the Kaiser Wilhelm Society's Institute for Foreign and International Private Law, he qualified as a lecturer in 1929 with a post-doctoral thesis on company law and only one year later was appointed to the Chair of Private and Company Law at the University of Rostock, where he remained until 1941.

The eleven years he spent in his post at Rostock were to shape the rest of his professional career. It was there that he was able to apply and expand his knowledge of the areas where economics, law and politics meet, to deepen his understanding and to develop into an internationally respected legal scholar and university teacher. He set high standards for his students. His attitude to National Socialism was hostile, and he even cultivated contacts with declared opponents of the system. Hallstein was not made to suffer for this non-conformity, and in 1941 he was appointed to the Chair of Commercial and Labour Law, Comparative Law and International Private Law at the University of Frankfurt am Main.

In 1942 he was called up from the reserve, assigned to an artillery regiment and posted to northern France. As a first lieutenant and regimental adjutant, he experienced the Allied landings of 1944 in the fortress of Cherbourg, where, after 20 days of resistance, his unit had to surrender to the Allied forces. Hallstein himself was taken prisoner by the Americans and was interned in Camp Como in the state of Mississippi, where he remained true to his calling as a professor and organised a camp university.

After his release from captivity, he returned at the end of 1945 to his chair at the University of Frankfurt, where he was elected Vice-Chancellor the following year. About the same time, Ludwig Erhard, who was then the Bavarian Minister of Economics, invited him to move to Bavaria to serve as State Secretary and Deputy Minister of Economics. In 1948, however, Hallstein accepted the offer of a one-year visiting professorship at Georgetown University in Washington, DC, being one of the first German academics to receive such an invitation after the Second World War. Hallstein's experiences at that time strengthened his conviction that integration into international organisations was a key requirement if the newly created Federal Republic of Germany was to take its place in the free world. Accordingly, he campaigned for the establishment of a German UNESCO Commission, became its chairman and headed the German delegation that prepared the way for accession.

In June 1950, Konrad Adenauer appointed him head of the government delegation of the Federal Republic to the negotiations on the European Coal and Steel Treaty. The links that Hallstein forged with Jean Monnet at that time were destined to play a particularly important role in the subsequent course of the European integration process. In his German negotiating partner, Monnet found someone who shared his own fundamental belief in the necessity of the integration project, someone who commended himself through his specialised knowledge but, more importantly, through his basic political attitude, someone who — perhaps more than others — had developed a keen awareness of the 'general interest' of the European project.

Hallstein was simultaneously being drawn into ever-closer involvement in the formulation of West German foreign policy. In August 1950, Adenauer appointed him State Secretary in the Federal Chancellery, from where he switched one year later, as part of the process of establishing a foreign ministry of the Federal Republic, to become State Secretary in the Federal Foreign Office. Besides the establishment of the Foreign Office, Hallstein had numerous difficult missions to perform in those years; in addition to the preparations for the European Coal and Steel Community, these missions also included preparatory work on the creation of a European Defence Community and discussions with Israel on reparations. Other focal points of his activity in the Federal Foreign Office were the drafting of a strategic blueprint for the foreign policy of the Federal Republic of Germany, which came to be known as the 'Hallstein Doctrine', and the improvement of bilateral relations with France. At the heart of his work as State Secretary in the Federal Foreign Office, however, was his country's policy on Europe. From the deliberations that took place in the Federal Chancellery, the Federal Foreign Office and the Federal Ministry of Economics in response to the crisis over the proposed European Defence Community and on the future of the European integration process, it is evident that Hallstein was the leading strategist within the relatively small group of decision-makers.

Following the collapse of the EDC project, he became involved in a bitter feud with the Minister of Economics, Ludwig Erhard, who was decidedly critical of the European integration process. This feud came to a head on 30 March 1955, three days after the French Parliament had ratified the Treaty of Paris and three days before Paul-Henri Spaak sent his letter to the foreign ministers of the ECSC Member States, normally regarded as the trigger for the *relance européenne*. On that day, Hallstein presented a highly confidential memorandum in which he set out his views on the future of the European integration process. His starting point was the failure of the EDC project, which he judged to be a momentous victory for the Soviet Union, since a defence community with common forces, a common budget and a common arms policy would have greatly advanced the political integration of the Community. Hallstein's conclusion was that political integration had to be achieved as soon as possible, namely within a time frame of two to five years. If it took any longer, he believed there was a real danger that Europe would disintegrate again, particularly because public support for the idea of integration would wane, and European politics would once more be dominated by national interests. This would then make it far easier for the Soviet Union to spread its own influence westward beyond the Iron Curtain.

In view of the tight time frame, he considered it appropriate that the objective be pursued by the best means available in the given circumstances. This seemed to him to lie in the continuation and extension of the ECSC process. He wanted sectoral integration to be extended to the realms of transport and conventional and nuclear energy production. He also sought a democratisation of the Community structures through the establishment of a genuine legislature in the form of a European Parliament. He hoped that his proposals would have the support of the Benelux States and Italy and assumed that the French Government would come round to a similar position in the foreseeable future. In actual fact, only Jean Monnet favoured broader sectoral integration as a means of breaking the deadlock that had stalled the integration process in the wake of the EDC debacle, while deliberations in the Benelux countries were focusing on a new, horizontal approach to integration, in which the national economies of the participating states would be fused into a common internal market. By the end of the summer of 1955, Hallstein had recognised the benefits of the horizontal approach to integration and would subsequently become one of its staunchest proponents, particularly at the negotiations on the Treaties of Rome.

Hallstein's commitment to Europe, his astute diplomacy and his engaging personality and unimpeachable character were the reasons for his appointment as President of the first Commission of the European Economic Community. In that office he showed that he identified completely with the spirit of the Treaties of Rome and wanted to make them a living reality. His main interest as President of the Commission, however, lay in the establishment of Europe's own policies, to which end he considered the European institutions to be just as indispensable as the role of the law as the foundation stone of the European Communities. In Hallstein's philosophy, the Commission, though still young and weak, was endowed with a responsibility for Europe that far transcended day-to-day political squabbling; to prevent its taking a back seat in relation to the national governments from the outset, he believed it essential that the Commission should have an ambitious programme and should act with self-assurance in its dealings with the

governments of the Member States.

In Hallstein's political philosophy, this programme, amounting to a blueprint for the future of the Communities, could have only one aim, which was the federalist vision to which Robert Schuman had alluded in his declaration of 9 May 1950. Hallstein had already grappled with issues relating to federalism during his studies, and he was also thoroughly familiar with them through his political work in the Federal Republic. The logic of the Treaties of Rome, in his interpretation, could only ever lead to the establishment of federal structures for the territory of the European Communities.

In adopting this position, however, he underestimated the resistance of the French President, Charles de Gaulle, to the federalisation of the Communities' political structures. The divergent stances of Hallstein, the convinced European federalist, and de Gaulle, the equally convinced confederalist, on the future shape of the EEC culminated in the 'empty-chair crisis' of 1965, when the French Government, by withdrawing its representatives from the European institutions, effectively paralysed the EEC. Hallstein was later accused of having misjudged the French position and of having blocked the resolution of the crisis by clinging too tenaciously to his own position. An analysis of the delicate negotiations conducted with the French Government in the early months of 1965 by the governments of the other five Member States and the Commission, however, shows that the President of the Commission was well aware of the problems in all their complexity. Admittedly, he did believe that he could rely on the support of the Benelux States, Italy and the Federal Republic of Germany, which had basically signalled as much to him, but it emerged in June 1965 that those Member States' views did not entirely match those of the EEC Commission, and in the second half of that month a laboriously negotiated compromise which might have prevented the crisis was thwarted by the reluctance of the Netherlands, Italy and Germany to bear its consequences.

What Walter Hallstein had indeed underestimated was the determination of the French President to prevent a consolidation of the institutional structures, even at the cost of the whole integration project itself. Right up to the moment when the French delegates were withdrawn, the President of the Commission had assumed that France, if only for utilitarian motives, would refrain from jeopardising the existence of the EEC and that she sought only to assert her own views on the powers of the Community. Since these, however, were incompatible with the agreed substance of the Treaties of Rome, Hallstein believed that a united front of France's five partner governments could still persuade her to compromise, and he wanted the Commission to play an active role in the formulation of the steps to that end. In this, to be sure, he overestimated the political weight of the Commission. When de Gaulle openly called for the dissolution of the Hallstein Commission, its President was forced to recognise that the other governments were not prepared to back the Commission's stance at all costs but were actually signalling their willingness to sit down with France in the Council and seek a way out of the crisis without any involvement on the part of the Commission. Although Hallstein was initially successful in his attempts to prevent the exclusion, and hence the effective disempowerment, of the Commission, the members of the Council had made it unmistakably clear that they were prepared to sacrifice him in the name of crisis management. For this reason, Walter Hallstein was compelled to resign the presidency of the Commission in 1967.

His withdrawal from European politics, however, did not mark the end of his commitment to Europe. From 1968 to 1974, he held the office of President of the European Movement and was a Member of the German Bundestag for the CDU from 1969 to 1972. After his withdrawal from active involvement in politics and the voluntary sector, he confined himself to writing and consultancy work. Walter Hallstein died in Stuttgart on 29 March 1982 in his 81st year.