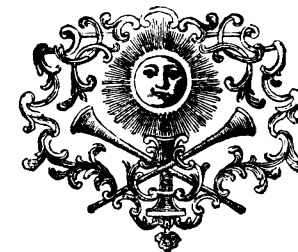


# THE FEDERALIST

a political review

*To look for a continuation of harmony between a number of independent unconnected sovereignties situated in the same neighbourhood, would be to disregard the uniform course of human events and to set at defiance the accumulated experience of ages.*

Hamilton, The Federalist



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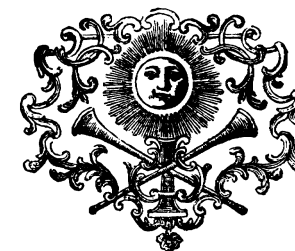
YEAR XXXVII, 1995, NUMBER 2

# THE FEDERALIST

a political review

*Editor:* Mario Albertini

*The Federalist* was founded in 1959 by a group of members of the Movimento federalista europeo and is now published in English and Italian. The review is based on the principles of federalism, on the rejection of any exclusive concept of the nation and on the hypothesis that the supranational era of the history of mankind has begun. The primary value *The Federalist* aims to serve is peace.



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## The Crisis of Democracy and the Crisis of Foreign Policy

Nowadays, there is an increasing awareness of the fact that the industrialised world is going through a crisis of democracy, that is, of an increasing detachment of citizens from the political class which is supposed to represent them. This phenomenon is demonstrated by low electoral turn-outs, by the spread of corruption, by the excessive power wielded by political lobbies, and by the growing popularity of extremist or “anti-government” political groups, whose power is based on the all-encompassing rejection of politics that is gaining currency among the electorate.

Some have even been driven to predict the end of democracy itself, while among those who refuse this gloomy perspective, many believe that it is possible to provide an exclusively institutional solution to the crisis, in particular by taking advantage of the new resources made available by technological progress. In today’s world information travels with unprecedented speed and in unprecedented amounts, and citizens now dispose of quantities of data infinitely greater than those available to them in the past for the purpose of making up their minds about the problems which politicians are obliged to tackle. With this in mind, it has been argued that a participation in the political process which is restricted to a vote every few years is insufficient to give people the sensation of counting for anything in the process of political decision-making; and this provokes a gulf between the electorate and its representatives. The solution, in such a perspective, would be to exploit data transmission techniques in order to consult citizens more often about the nature of the substantial decisions of the moment, while refining techniques in such a way as to eliminate as much as possible an excessive simplification of the issues involved and the creation of artificial controversies. The goal is gradually to eliminate the distance separating opinion polls from referendums, and increasingly to extend the use of the latter in such a way as to tend towards the obsolescence of representative

institutions and to achieve forms of semi-direct democracy.

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It is a fact that there exists a connection between the degree of technological development and the structure of power. It has been due to the innovations that have allowed people, goods, capital, information and images to move, and be transmitted, ever more rapidly from one place to another that democracy has been able to evolve from being a technique for governing a city, as in ancient Greece, into a technique for governing a continent, as is the case today in the United States. Yet it is also true that the same conclusions can be drawn for dictatorship. The fact remains that technology as such is neutral with respect to forms of government, since the same tools can be used by the governing class to oppress and manipulate the governed as by the governed for controlling the governing class, or for throwing them out of power.

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Democracy is not only a technique of government. It is based on the idea of citizenship. And citizenship, experienced as a positive value and not as a purely juridical fact, is above all the consciousness of belonging to a political community that is able to pursue a great political design on which depends the security of all and the realisation of the fundamental conditions for affirming the great values of civil co-habitation. This has occurred, albeit very imperfectly, during recent history in both East and West, when, in the most tense period of the cold war, the opposition between democracy and communism, and the threat of nuclear war, gave an idealistic content to politics and a justification for citizens' support of the political authority. This was repeated briefly when Gorbachev aroused people's hopes that the world was heading toward a durable peace that would be guaranteed by a United Nations Organisation capable of assuming the role of an embryonic world government on the basis of co-operation among the states belonging to it.

Yet this period has come to an end, and no great political design is now discernible in the world political scene. The United States has by now been deprived of its historic role as the defender of democracy against the threat of communism. It is manifestly unequal to the task of guaranteeing on its own a world government, and its foreign policy is conditioned by increasing pressure for a more isolationist stance. The UN has been

weakened by serious blows to both its finances and its prestige. The Russian Federation, having abandoned its internationalist ideology, is riven by disturbing imperialistic temptations. Western Europe is not finding the strength to confront alone the problems of its own security and its own stability, and risks sinking once again into the suicidal logic of the clash between divergent national interests, while the eastern part of the continent is being destabilised by nationalistic shocks and by the ethnic wars which have torn ex-Yugoslavia apart. The alliance between the United States and Japan is currently in crisis which, in addition to provoking serious commercial disputes between the two countries, is obliging Japan to take responsibility for its own foreign and security policy, something it has never had to cope with in the post-war era. This in turn raises the prospect of radically transforming the political framework of the Far East, and of re-awakening in the other countries of the region fears and defensive attitudes that had seemed definitively overcome.

Certainly there is not a lack of positive signals in the world, such as the abolition of apartheid in South Africa, the laborious peace process between Israel, the Palestinians and Syria, and the probable end of the bloody civil war in Northern Ireland. But there remains the fact that these events do not form part of a broader, world-wide design that is oriented toward the pursuit of a great objective capable of mobilising hopes and arousing energies. And the lack of such a political design, in the different regional situations where arduous attempts are being made to overcome centuries-old injustices and profound hatreds, means that the forces that are working for peace and for the emancipation of peoples risk isolation and defeat.

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The crisis of democracy is therefore linked nowadays to the crisis of the world balance of power, or rather, of foreign policy tout court. The collapse of the illusion that the victory of democracy over communism would coincide with the end of history, and the dissipation of the Gorbachevian illusion that world peace can be founded on good will and on co-operation among peoples, has meant that politics has lost its bearings, and is tending to degenerate into a sterile competition between sectoral interest groups. Politics needs to find another global design, one which can restore hope to people and revive the democratic process. Yet overcoming the crisis presupposes deriving the consequences from the realisation, which moreover has by now penetrated into the collective

consciousness, that humanity now represents a single community of destiny.

This means that foreign policy can no longer be regarded as an activity whose goal is to guarantee every individual people the necessary conditions of security for pursuing their own progress, since by now the progress of each people can be pursued only within the framework of the general progress of mankind. For this reason the only political design, however distant its achievement may be, that can nowadays make individuals feel that in some way they are participants in the global process of furthering the values of peace, liberty, equality and justice, and hence reinforce in them a sense of citizenship and revive the democratic process, is specifically that of the progressive abolition of foreign policy, that is, the progressive political unification of the human race.

\* \* \*

Citizenship has a second dimension, which nevertheless is intrinsically tied to democracy. This concerns the sense of belonging to a city. It is in the city that democracy has its cultural basis, where it takes root in the gaining of awareness about the nature of real problems, in the immediate experience of everybody's needs, in the debates which are carried forward day after day between men and women who know each other. It is evident that the cultural basis of democracy does not lie in the methods, as sophisticated as they are impersonal, of registering opinions which, to the extent that they are not formed through debate, are by definition arbitrary. Yet this albeit fundamental second dimension of citizenship can not exist without the former. In today's interdependent world an intense dialogue between people about the problems of cohabitation can be developed in cities only to the extent to which the problems about an individual community's quality of life, which are tied to the nature of a specific piece of territory, are not isolated from the general context of the problems affecting the whole of the human race. The common good of the city is therefore such only in as much as it is felt to be a component of the common good of the human race. When this awareness does not exist, and hence the institutional consequences are not derived, the reduction of the political horizon to the local (or regional) community becomes a principle for undoing social life and a factor which serves to break up those broader solidarities whose enlargement and consolidation are the main historical contributors to the process of human emancipation.

There exist today two truths whose transparency is so great as to render them invisible to the vast majority of people. The first is that the creation of the nation-state has been definitively overcome by history and represents the bottleneck that lies at the heart of the crisis of democracy. The nation-state is a structure which bases its legitimacy on the tribal selfishness of nations that are closed within their own claimed naturalness, and that as a result can not support the great design of world unification which would provide the basis for the hope of universal citizenship. Moreover nation-states, precisely because of their closed nature, simultaneously extinguish all impulses toward local self-government, imposing an unnatural uniformity by means of the centralisation of their administrative, financial, educational and military structures, and hence prevent the revival of the idea of citizenship as active participation in the life of a city.

The second is that the superseding of the nation-state can take place in Europe in the coming years, and indeed will not happen if it does not come to pass in Europe, since only in Europe, through the integration process, has the phenomenon of the de facto eclipse of national sovereignties been realised in specifically political terms: and on this will depend the destiny of the whole human race during the current period of its history. Nevertheless, the people in Europe who bear the responsibility for managing national power, and alongside them the representatives of culture and the media, are almost completely unaware of the immense opportunity facing Europe and of the seriousness of the charge which Europe's power-brokers will have to answer to before the tribunal of history if this opportunity were to be lost. By accepting the national framework as the primary framework of the political struggle, Europe's politicians are wasting their energies on fictitious controversies about false issues, on sterile battles for the attainment of historically irrelevant objectives. Moreover, this is taking place precisely as the very framework within which the political battle is being carried out is disintegrating, which is opening up for all Europe the perspective of a collapse back into violence, disorder and dictatorship.

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But this situation can not continue for long. As the former president of the Italian Republic, Luigi Einaudi, put it, "In the life of nations, the mistake of not knowing to seize a fleeting opportunity is irreparable." Europe's opportunity to make its unification process irreversible through

monetary union and radical institutional reform will most probably expire with the end of the second millennium. The political motivations for European unity are becoming exhausted, and the economic drive alone will not be sufficient to keep afloat a political framework which, if it is not rapidly completed, will be unable to avoid collapse. In any event it is clear that Europe's current intergovernmental arrangement can not last indefinitely. If that were the case, there would be no reason to try and supersede it. The fact is that Europe has arrived at the moment when it is obliged to take decisions on which will depend its survival as a political entity in the world balance of power, and thereby the destiny of the democratic process.

The periods in which great historical choices are played out are moments of crisis, in which the greater the opportunities are the greater are the dangers, and in which therefore the free will of people becomes a decisive factor. In order for Europe to appreciate the need to decide in favour of unity in the coming years and, in this way, to set the seal on a decisive turning-point in the world's history, this will must be manifested primarily in two places. It must be expressed in some great decision-makers, that is, in statesmen who are aware of the great opportunities and of the extreme dangers which Europe faces, and hence of the enormous responsibility that rests on their shoulders. But it must also be manifested directly in the citizens, without whose driving force no great historical transformation can be undertaken. Europeans must be conscious of the fact that European citizenship, which the very logic of the process forced the heads of state and government to recognise in the Maastricht Treaty, can not take shape and is destined to turn out to be an illusion, if the first of the rights which give substance to the idea of citizenship is not exercised: that of choosing democratically, at the European level, the men and women who are to govern the citizens of Europe.

The two areas where the European will must be expressed are not independent one from the other. The consciousness of citizens increases dramatically when their leaders confront them with specific decisions, just as the capacity of leaders to take vital decisions depends on the support of the citizenry. Thus, it is only through the reciprocal influence of these wills, and through their mutual reinforcement, that the European constituent process can come into being.

It is in this perspective that the federalists have a crucial role to play. They are currently the only political movement which is conscious of the nature of the choices to be made and of the importance of what is at stake. Certainly, the federalists are not members of the existing political order,

and hence they have no power. But they are part in a virtual sense of a political order that has not yet been established, and this gives them a different power which is decisive in historical turning-points, when the old order has been worn away by corruption, impotence and hypocrisy: the power of truth. They have the responsibility to speak the truth, trusting in its capacity of self-diffusion through its inherent power of persuasion, without falling into the fatal error of believing that the force of a political message depends on the means used to spread it, and without renouncing the coherence of their positions in the name of a purely ritual, and hence irrelevant, consensus. They must affirm with pride their difference from the political parties, and reject with pride the idea that involvement in politics means aping their displays of power, compromises and intrigues, as well as refusing to align themselves along the false ideological fronts that are engendered by national politics. The federalists must exercise with rigour and tenacity their irreplaceable role as the conscious vanguard of Europe's citizens.

*The Federalist*

## A Federal Core for the Unification of Europe \*

*KARL LAMERS*

The reflections about the future course of Europe's unification process which the CDU/CSU parliamentary group published six months ago, have provoked a wide-ranging and often lively debate throughout Europe, which continues to this day. Even in Italy there was initially a very lively reaction, but this did not last long however. Nevertheless the extraordinary range of this exchange of opinions at the European level demonstrates the validity of our analysis of the situation, and highlights the need to carry the debate forward.

For the first time ever a political document of this nature has created a European public opinion. In fact everywhere, and at the same time, the same subject has been discussed: Europe. A European public opinion is indispensable for the development of a democratic Europe, and for this reason we welcome this debate, and I in particular am very happy to have the opportunity to continue it with you here.

We have allowed ourselves to be guided in our reflections by the conviction that the European unification process has arrived at a crossroads, that is, that the Europeans must decide in which direction they want to go: do they wish to advance or do they want to remain where they are, taking into account that standing still, with the extraordinary challenges we face both within and without our states, means in reality going backwards? If Europeans do not go forwards, they will have no future. Either they will have a common future, or they will not have any future at all. Heaven knows that this observation is not news, yet confronted with a debate that at times seems to be confused and misleading it is important to remember that the vital interests of all Europeans are the same. We must be aware

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\* This is the written version of a speech given at the conference "Italy and Europe: the challenges of 1996", held in Milan, 25th March 1995.

of this identity of interests not only when we strive to affirm them abroad, but also when we occupy ourselves with the well-being of our nations. The growth of interdependence has, for some time now, given a super-national dimension to our everyday life, ranging from the economy to international organised crime. The institutions of the nation-state are unable to respond satisfactorily to this supranational reality, and as a result everyone accepts that suitable institutions, namely, European institutions, are needed. The only controversial point, yet also a decisive one, is whether intergovernmental co-operation is sufficient, or whether Community institutions are needed; whether, that is, Europe must be federal, as the French argue (employing the term incorrectly however) or whether it should be a more-or-less close union of nation-states. We, that is, the CDU/CSU parliamentary group (and not only us, but indeed the German people as represented by the parliamentary majority), believe that intergovernmental co-operation is not sufficient, and is moreover proving the more inadequate the longer it continues.

Naturally we are aware that the future configuration of Europe, that is, its constitution, represents a historical first and will be different from the current models of confederations of states and federal states. Yet this does not alter the fact that it will be inevitable to place this experience with reference to the models that have established themselves throughout history. It is particularly relevant to recall the historic experience according to which "there exist two types of confederations of states: those that evolve by transforming themselves into federal states, and those that are broken up" (Jean Monnet). The European Union is currently already something more than a confederation of states and sometimes reveals definite federal characteristics.

Nowadays the word federalism threatens to confuse rather than clarify the political debate — so much so that in France, as in Great Britain, this expression means the opposite of what it signifies in Germany. In Germany federalism means the principle of dividing power among the different levels of state activity. It is for this reason that we consider it a model for the construction of Europe, since all the European Union's member states seek to reserve the greatest possible number of competences and spheres of action to the nation-states. The fear that is sometimes expressed that we aim to reduce France, or even Germany, to the same status as Bavaria or Texas is absurd and purposely misleading. The nation-state will continue to play a decisive role also in the future, above all as the guarantor of civil rights and liberties. It has in fact already assumed a fundamental new function as the representative of the national

interests at the European level.

(Moreover, as a German I can not avoid recalling in this discussion of European federalism that it was France and Britain, as victors, which imposed a strongly federalist structure on the German constitution in 1949. This not only proved to be to the advantage of the member states, namely the Länder, but it is also undoubtedly the foundation of Germany's current strength. The cunning of history seems in this case to be not simply an invention of Hegel.)

Even more out of place is the suspicion that we want to liquidate the nations themselves. On the contrary, it is our belief that Europe will safeguard the future of its nations in the precise moment when its own future is assured. The growing inability of the nations to resolve their own everyday problems within a national framework and through the nation-state is one of the reasons why their own identity is threatened. Precisely on account of the inadequacy of the action of the nation-states, which no-one denies and which is objectively undeniable, we have likened the sovereignty of the *nation-state* to that of an empty shell, yet this is not to say that we have denied the legitimacy of the *nation* as sovereign. All the same, when a sovereign is no longer able to take decisions, and no longer possesses the power to act, this necessarily impacts on his identity.

In reality the question we need to ask ourselves with regard to the debate about federalism is whether Europe should, or should not, have the physiognomy of a state as regards its legal status. This is moreover linked to the choice between an intergovernmental-type structure for Europe's official bodies, and a Community-type organisation, that is, one based on the principle of taking decisions by majority vote. This principle is not solely a theoretical criterion for defining the legal status of the Union: it represents also an essential practical basis for its capacity to act.

Nobody, without exception, has disputed during the past months of debate the unconditional need to improve the Union's efficiency by improving its capacity to act. On the contrary, everyone has stressed precisely this point. What nobody however has been able to explain is how the Union's capacity to act can be improved without introducing or extending the principle of decision-making by majority vote. The capacity for action of all democratically-organised nations is based on the majority-voting principle (only the most simple societies, such as tribal ones, can permit themselves the luxury of a democracy based on unanimity). All supranational systems which are based on unanimity demonstrate day after day their fundamental inefficiency. The alternative is either

more meetings or decisions taken by majority vote.

It is impossible to ignore the fact that the European Union already takes some decisions by majority vote, which have immediate legal validity for all the citizens of every member state; in this sense the Union in effect already passed the Rubicon some time ago. As concerns how this method has been used, the European Union experience is valid for all democratic institutions, even at the national level: majority votes are employed much more rarely than is legally possible. Yet the need to take account of the various points of view is so compelling at the supranational level as to make it unthinkable that the guillotine of the majority vote be employed following only a brief debate. In reality the majority-voting principle has proved to be a path to compromise, and hence to the achievement of unanimity, and the most powerful and useful way to apply pressure in order to reach this goal.

The practical basis of the majority-voting principle in the European Union consists of the identity of its members' interests regarding fundamental issues. Without this, the entire European unity project would be condemned to failure, with or without the majority-voting principle. The identity of interests also signifies mutual dependency. From this it follows that the danger of a state being defeated in a majority vote on an issue which is perhaps not fundamental, but still of considerable importance, is limited. Such an instance has not occurred in the Union to date.

This perspective must be kept separate from that which distinguishes between right and wrong decisions. The belief that a decision may be wrong is not an argument that can be employed in order to reject the principle of taking decisions by majority vote: the issue whether a decision is right or wrong is always resolved after the event. For this reason we are of the opinion that in the first pillar of the Union the use of vetoes should be increasingly reduced, while decisions by majority vote should become the norm. The same should apply in principle for common foreign, security and defence policies, as well as for the internal and law-enforcement policies.

The latest argument against the principle of taking decisions by majority vote in the context of a European entity exercising its prerogatives, consists of the lack of a sovereign European people who can legitimise such actions.

It is not possible to respond exhaustively to this seemingly incontrovertible argument in the context of a brief report such as this. Nevertheless it is possible to point out that the logic of the argument,



apparently so convincing, is based on the presupposition that Europe's societies have found in the nations, and in the nation-states, their definitive configuration. Yet only the end can be definitive. History does not recognise any definitive finishing line. As Raymond Aron says: "The nation-state is not the end of history." If the European nations do not develop their structures further, if, that is, they do not continue to change, they will soon find themselves at the end of their historical journey.

That this is not the case is demonstrated by the European unification process, which is precisely the result of a European-wide gaining of awareness — initially among the ruling class. But the European policy carried out by Europe's institutions has allowed the awareness process to be diffused also to the peoples and to the great masses of the population. History shows incontrovertibly that the peoples have never *existed*, but have always *become*, and that the decisive factor for acquiring a common awareness has been the experience of subjection to a common power. Moreover this has always been the work of elites, that is, of those people that are nowadays called the political leadership, whose responsibility in the European unification process can not be substituted by referendums. The problem of the political leadership generally consists more of its internal divisions than of a conflict with the people. The people are in fact aware of the need for Europe. Yet what particular form Europe should take is a task that the people can not take away from the political leaders. After all, why, on the threshold of the 21st century, should it not be possible to achieve between European nations what was possible at the beginning of the 18th century between the English and Scottish nations, which created a union through the 1707 Act of Union, ratified by both national parliaments in London and Edinburgh?

In this way, the argument as to the presumed impossibility of a democratic legitimisation of the state's sovereignty is shown to be a vicious circle: Europe can not exist since a European people do not exist, and a European people can not exist because Europe does not exist. This is a static way of thinking which fails to take into account the dynamics of historical processes. It is only seemingly logical; in reality it can only be explained within a psychological framework, on the basis of the insecurity and fear, only partly justified, which manifest themselves at the prospect of having to abandon institutions and structures that have guaranteed the security of citizens over the centuries (even if today this is only an apparent security). Or to be more precise, to have to abandon these institutions and structures much faster than has ever previously occurred in similar historical processes, since the current process has

developed a momentum which is worryingly rapid and constantly accelerating. Fear and timidity currently characterise the attitude toward Europe: they are our real enemies.

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The idea of a "core" has been the key point in the debate provoked by our proposals. As regards this issue, the conscious and purposeful misunderstandings have been more numerous than the unconscious and unintentional ones.

Nevertheless, no-one now persists in asserting that we have proposed the creation of a closed and institutionalised group, and hence of a Europe divided into two categories of states. In general the need for greater flexibility, from which our proposal for variable geometry derives, is considered indispensable, because it is unanimously recognised that not all the present members, and even less so the future ones, desire or are able to participate simultaneously in all sectors of the Community's policies. Some members however do want to and are able to; they represent therefore the solid core, as we have defined it. The birth of this solid core can not be blocked if one accepts the idea of variable geometry. From this it follows that there is a need to modify articles N and K9 of the Maastricht Treaty, which prescribe unanimity for changes to the treaty and for the transfer to the Community's competence of matters in the sectors of internal and justice policy which are currently regulated at the intergovernmental level. Otherwise it will not be possible to achieve the aim of avoiding that, in Chancellor Kohl's words, the slowest ship determine the speed of the entire convoy. As the coalition agreement of the German government says, "all the member states of the European Union must be able to participate on an equal footing in Europe's progressive integration, yet the resistance of individual member states can not be allowed to block progress towards integration." From this it follows, at least as far as widening the Union is concerned, that a suitable institutional revision of the Treaty of Union would appear indispensable. If a "lead group" (as defined by the Dutch government in one of its documents concerning the Union) is not allowed to organise itself within the framework of the Treaty of Union, such a group will do so outside the Union. Yet in this way co-operation could only be of an intergovernmental type, and in this event the danger of a Europe divided into two categories of states would be greater. This would be a makeshift solution, but one which could nevertheless achieve the desired effect, as has been

demonstrated by the Schengen accord: already another four members have joined the five founders, and others will follow.

The creation of such a core, or lead group, represents the necessary and inevitable complement to an equally necessary institutional flexibility, for as long as some states are not able, or do not wish, to participate in all the Union's policies.

Through flexibility, which we have called variable geometry, a complex structure made up of overlapping circles is obtained. Within this structure centrifugal forces will prevail if there is no force which determines the direction of the whole. This is precisely the function of the core, in the sense that we intend it. The entire development of the European unification process has been realised in this way. The functioning of the core is based on the fact that the room for manoeuvre of non-core states regarding matters in which core states pursue a common policy, is largely determined by those states that are members of the core. Non-core states, since they are not part of the group, do not have the power to condition the core's policy. This situation, sooner or later, will be held to be unsustainable and all will want to become members of the group: the core will exercise a magnetic pull and in the long term will become superfluous. Already the simple proposal to create a core, such as the one we have made, has clearly had such an effect, since from that moment on we have observed a change of opinion: instead of a debate about opting out, there now exists a debate about opting in (that is, about participating rather than remaining outside). In conclusion, the prospect of proceeding regardless, and of obtaining a satisfactory result among the fifteen members of the European Union at the 1996 intergovernmental conference, is so much better the stronger the determination of a small group. Alongside this functional interpretation of the core, it is also necessary to note the political and psychological implications: if the peoples must entrust their destiny concerning matters of their everyday existence to the co-decision of others, they must have confidence in those who will take the decisions, and vice versa. Such confidence, as the foundation for the construction of Europe, can be generated only within the framework of a limited number of states. Therefore Europe must be born initially out of a small group.

If the core is defined by the participation of its members in *all* policies, it will, in the current circumstances, be composed of an overly restricted number of states. This would be a grave handicap. It would result from the fact that some states do not want to participate in certain policies, as is the case for Great Britain and Denmark regarding monetary union, and

for the neutral states as regards the development of a common European defence. Others probably will not be able to participate in monetary union.

As a result of the attitude or difficulties of certain states such as Britain, Italy or Spain, monetary union represents the heart of the problem. Moreover independently of this, it is the key problem of the process of European unification. Before justifying this affirmation, I want to express my firm belief that the monetary upsets of recent weeks have highlighted once again, and dramatically so, the need for monetary union.

The debate over the past months has increasingly concentrated on the *relationship between economic union and political union*. All the same, this comparison is misleading. Monetary union is a part of political union, indeed it is the central part of it: it is (as has already been said) integration in its purest form; through monetary union the national sovereignty of the states will be exercised in common by a European body in which experts in such matters take decisions by majority vote, independent of national directives. The monetary policy decisions by a European central bank will limit the room for manoeuvre with which the national parliaments can make budgetary, fiscal, economic and social policies. In these sectors the pressure on the member states to pursue a co-ordinated policy, on the basis of European central bank instructions that will be oriented to maintaining stability, will be very strong. It will only be possible to oppose such pressure at the price of strong reactions both internally and from outside. It is true that behaviours that are marked by a lack of solidarity and that, in the final analysis, are irrational, can not be excluded from politics in certain circumstances. For this reason, the mechanisms for co-ordinating economic policy must be applied rigorously following the activation of the third stage of monetary union, and perhaps must be further tightened; the political union should be strengthened in its other parts as well.

On this depends the Union's solidity, its cohesion, and the harmonisation of all its policies. Every policy requires financial obligations. The monetary policy of a European central bank can not go in one direction while the other policies of the member states go in another. For this reason, the issue during the 1996 conference of revision will be, to express it precisely, not to create political union alongside monetary union, but rather to complete the construction of political union, whose economic aspects are already thoroughly regulated in the Maastricht Treaty, but whose other parts remain incomplete. This feature was already highlighted at Maastricht by Chancellor Kohl, who has con-

sequently pushed for the rapid completion of Europe's construction as early as 1996.

But there is not only a direct and tangible interdependence between monetary union and the four political spheres that I have cited; there is also an indirect bond with all the political sectors that require funding and, above and beyond this, there also exists a psychological link — monetary union requires complete consensus and complete solidarity among its members regarding all matters of everyday existence, not least those concerning war and peace. These reasons explain the insistence with which Germany is calling for a common foreign, security and defence policy, as well as for a common European army. The monetary aspect of political union does not represent a bargaining instrument for Germany. Monetary union, in the long term, is also in Germany's interest. Yet for Germans, a proposal of solidarity among the Union's member states that is not based solely on a single currency seems the more reasonable in as much as they are conscious of the fact that their own sovereignty in the monetary sphere is still intact. As a result their partners' interest in monetary union is perhaps stronger than theirs. A political union limited to a single currency and to the economic sphere would be difficult to persuade German citizens to accept.

The crucial nature of the monetary union project emerges also from another viewpoint, which needs to be considered in order to assess its political significance. This perspective simultaneously clarifies the basis of the fear that a Europe divided into two categories of states will be created. The goal of a policy of stability, to be achieved through the convergence criteria of monetary union, represents a programme of economic and social modernisation that will comprise painful adjustments for participating countries. The need for such modernisation, however, is not to be found in monetary union, but rather, on the one hand in the deep and ever more rapid structural change of the economy, and on the other in Europe's worsening competitiveness. Economic and monetary union is the means for achieving the necessary adjustments together. Moreover these adjustments can be achieved lastingly only if they are pursued in common, since Europe's economies are closely interdependent and have already been launched down a common path. The Union's states have linked up with each other in order to travel together along the difficult road toward the goal of economic and monetary union. Europe is a grand project and without its realisation it will be impossible to achieve the modernisation of Europe's societies and economies. Moreover its pursuit becomes more difficult the longer the adjustments are delayed. These

delays are very different in nature from one state to the other, but in every case it is the nation-states that are exclusively responsible for them. This was expressed with notable clarity and concision in the report of the European Commission, which comprised prime minister Balladur under the presidency of Alain Minc.

National politicians are all the same greatly tempted to blame the high rate of unemployment on Europe, thereby confusing cause with effect, since the monetary union stability criteria no longer permit the implementation at the national level of the traditional policies for reducing unemployment.

For this reason it is possible to agree with Felipe Gonzales's reply when he was interviewed about why he had consciously renounced an independent economic policy in favour of a European one: "Undoubtedly this is true. But why on earth should we have an independent economic policy in order to pursue something which makes no sense? It would be the independence of stupidity." (*Die Zeit*, 25.11.1994).

The same holds true for the reconversion of social security systems, made necessary by the stabilisation policy, and which will involve sacrifices. Making Europe responsible for these serious problems allows the national governments to divert attention away from their own shortcomings. This clearly does not favour the project's popularity and above all can spread the illusion that the issue can be resolved within the national framework.

The risk of giving in to this illusion is naturally the greater the longer the delay which has to be made up for. And it is precisely in this delay that lies the danger that some countries may lose contact with the others. Yet it must be strongly asserted that this danger does not exist because of Europe, or because of monetary union and its completion, but rather in spite of them; that without European solidarity perhaps not even one state would be able to achieve the goal of stability, and even less so the weaker ones. If certain states pursue the path toward monetary union, the political leaders in charge in the other states will be unable to limit themselves for long to reproaching them, but would be well advised to commit their efforts, and those of their peoples, to regaining the lost ground as quickly as possible, with the help of those states that have gone ahead.

Here we come across, by the way, one of the reasons for Germany's difficult psychological situation. Political stability seems to be determined by the hegemony of the D-mark, and the monetary union project was constructed along the lines of the German model. For this reason anti-European and anti-German reactions risk being mixed together. As a

result, it is important to assert forcefully that no alternative to a common stability policy exists, not because of Germany, but rather because of the nature of the situation. It is important moreover to note that enthusiasm for monetary union has been more evident in other countries than in Germany, which is understandable, since as a result of the German currency's hegemony in Europe the other states are obliged to follow German monetary policy decisions without contributing to the making of these decisions.

This unpleasant situation is recognised as such also in Great Britain. Precisely for this reason, but also because London is a great financial centre, I am firmly of the opinion that Britain will join the monetary union when it happens, regardless of how many other members there are. The behaviour of the chancellor of the exchequer, the prime minister and the leader of the opposition in the House of Commons during the last four weeks represents convincing proof of this assertion. Hence, even in this perspective, monetary union appears as a crucial project, since on it depends the definitive participation of Britain in the European Union.

Now let's consider Italy. Italy does not only belong to the heart of Europe; rather, as the home to our common culture it is itself the heart of Europe. For this reason it would be very serious if Italy were unable to participate from the outset in a crucial political project such as that of monetary union. This is so much the more important if one takes into account the fact that Italy has always given an active boost to the European unification process. But the situation which today is perhaps asserting itself in Italy was already foreseen when the Maastricht Treaty was entered into. The politicians then representing Italy signed the treaty fully aware of this situation, and with the same awareness the Italian Parliament ratified it. They did not act this way *in spite* of the manifest difficulties of their country, but rather precisely *because* of them, since, like all their other European partners, they were convinced that the creation of a vanguard group would, more than any other single thing, offer the others the chance of overcoming their difficulties and of therefore being able to join the lead group. The practical, and perhaps even more psychological, incentive deriving from this constraint provides the most valid of guarantees for achieving this objective. This explains why not all the reactions in Italy to our reflections have been negative. We hope that also the others will allow themselves to be convinced by our arguments, and even more so by the nature of the situation. Waiting to implement the third stage of monetary union until such time as Italy meets the convergence criteria would be the worst

service that Italy's European partners could render her.

The situation as regards Spain is fundamentally the same. Naturally Spain is absolutely indispensable for a strong Europe as well. Since it joined the Community, Spain has played an extremely positive role in developing a politically united and integrated Europe.

Yet allow me, in conclusion, to express my belief that Italy will be able to participate immediately in the third stage of monetary union, or that at least the basis exists for a satisfactory transition solution. It will be possible, that is, to create a framework that will reinforce the pressure exercised by the lead group on the decisions needed for Italy's participation, yet in such a way as not to endanger the stability of the new European currency. A slackening of the convergence criteria, above all the crucial one regarding the size of the total public debt, by means of a "dynamic interpretation" of the Maastricht criteria (as foreign minister Agnelli put it) is not possible. The abandoning of the stability criteria would not be accepted in Germany: it would signify the end of monetary union.

The responsibility rests solely on Italy, that is on its politicians, to exploit the opportunity that she has been offered (and in which I believe). Germany sincerely hopes that Italy will seize this opportunity.

As foreign minister Agnelli's comments, that I have just referred to, once again demonstrate, Germany and Italy are as one concerning the fundamental question of the type of united Europe that we desire — a Europe that is politically capable of action, and that is fully integrated and federal. Hence the hope is strong that in 1996 Germany and Italy will strive side by side to achieve this goal.

## Notes

### WORLD GOVERNMENT, CLIMATIC RISK AND NUCLEAR PROLIFERATION

The states are increasingly obliged to admit their impotence to tackle alone the great challenges of this century. But this has not led them to give up defending what remains of their sovereignty and slowing down the march towards the creation of effective and democratic world government. The Berlin Mandate concluded at the Conference on climate and the renewal for an indefinite period of the Nuclear Non-Proliferation Treaty represent the most recent examples of this contradictory situation.

On 7th April in Berlin, after two weeks of negotiations, the representatives of 116 countries undertook to launch a world plan for the protection of the climate by 1997. In fact the Berlin Mandate, in recognising the inadequacy of the Convention signed in 1992 in Rio, commits the states to redefine their objectives for reducing emissions of those gases, primarily carbon dioxide, which condition the climate (greenhouse gases), and to fix deadlines (2005, 2010 and 2020) for the stabilisation and reduction of this type of pollution. The Mandate, in recognising the necessity of reducing gas emissions and stabilising them at world level, has also posed the problem of closer collaboration between developed and developing countries. In this connection three new institutions have been created: the Subsidiary Body for Scientific and Technological Advice (SBSTA), the Subsidiary Body for Implementation (SBI) and a permanent secretariat which will establish its headquarters in Bonn in 1996. The reasons why this Mandate was arrived at are obvious. The Rio Convention did not define binding limits of pollution on a national and global scale, and produced an anomalous situation on the basis of which some states were actually able to interpret the Convention as an excuse to increase their respective quotas of national emissions (France, Japan, and the USA), choosing years of reference more favourable to them for the stabilisation of their emissions. Meanwhile

the global situation has deteriorated. In the early nineties (1990-1994), the diminution of carbon dioxide pollution by the former USSR only partly compensated for (and hid) the parallel increase recorded in other parts of the world: +3 per cent in Western Europe, +5 per cent in North America, +8 per cent in Brazil, +13 per cent in India, +16 per cent in Turkey. As for China alone, in 1994 it became the world's second polluter, increasing its emissions by 80 per cent since 1980 (Christopher Flavin, *Worldwatch Magazine*, March/April 1995). If China alone continued to develop at the current rhythm of growth, with the use of current technologies, this would suffice to triple the quantity of carbon dioxide emissions of all the other countries by the year 2100.

On the eve of the Berlin Conference the Vice-President of the USA, Al Gore, invited the governments to take note of the fact that the scientific world no longer asks whether, but when and how the gases emitted into the atmosphere will produce climatic changes. For this reason, "just as we recognise that there is a threshold for the global climatic system," Gore went on, "so we must recognise that there is a threshold in politics for the governance of these problems." According to the American Vice-President, it was therefore indispensable to emerge from the Conference with at least an international Mandate to renegotiate the control of carbon dioxide emissions at global level (George Washington University, 17th March 1995).

In Berlin however the parties failed to solve the crucial problem which will also constitute the principal element of conflict between developed and developing countries in the next world Conference on climate in 1997: the start of effective joint implementation of environmental policies, called for in the Convention on climate signed at Rio, but never put into effect. On the basis of this principle the developed countries could fulfil part of their future obligations to reduce carbon dioxide emissions by investing in reducing those of developing countries. But the states which supported the introduction of this principle at Rio most actively, primarily the USA, then opposed the fixing of precise and binding limits on emissions. Among less developed countries, Brazil, China and India have manifested their perplexity towards the putting into effect of "joint implementation": allowing developed countries to invest at international level would be equivalent to authorising them to acquire the rights of emissions on the world market in order to maintain unchanged their own emission levels. For their part, the poorer countries, fearing they will be the greatest victims of possible effects of climatic change, insist instead on obtaining funds as soon as possible to enable them to

promote the introduction and diffusion of cleaner systems of energy production; otherwise, warned the Director of the Institute for Advanced Studies of Bangladesh, Atig Rahman, “when the effects of the climatic change manifest themselves we will march with our feet wet towards your houses.”

The fact is that without agreements which imply binding limits and sanctions, “joint implementation” remains a principle whose realisation is entrusted to the good will of individual states. The deepening of international cooperation, for which the Mandate aims, no longer suffices in the ecological field to prevent the risks of an imminent change in climate. At the world Conference on climatic changes Chancellor Kohl noted how mankind must now not only ensure peace between men, but also with nature. The Berlin Mandate is set in this perspective, and confirms that natural resources can no longer be considered goods to be freely used by states and current generations, but common property which must be consumed with parsimony and which has a price. After all the seas, the atmosphere and genetic diversity are now becoming included among those goods which the states, through a series of conventions and treaties, are beginning to recognise as the common heritage of mankind. But the problem is precisely that the instruments for ensuring peace among men are no different from those for ensuring peace with nature. The time required for the ratification of ecological agreements and their uncertain application, not always verifiable because of the states’ resistance, offer no guarantee on the international community’s capacity to safeguard the natural goods essential for future generations. Just as peace treaties do not guarantee peace among men. It is necessary then to take the viewpoint of founding, in the context of the UN, a world ecological community whose final goal is world federation. In other words it is a question of repeating on world scale the qualitative leap undertaken by Europe in the fifties when, with the creation of the European Community, a first common institutional framework was defined for the various communities which were born or were coming into being (the ECSC, EURATOM, and the Common Market), with an embryo government and supranational Parliament. Only by moving into this viewpoint can the Berlin Mandate become an important part of the framework for effective world government.

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The Nuclear Non-Proliferation Treaty, which was drafted in 1968 and

came into force in 1970 for a duration of 25 years, became permanent on 11th May 1995 by unanimous agreement, i.e. without a vote, of the 178 signatory countries. The proposal to extend the Treaty indefinitely was supported by Great Britain, China, France, Russia and the United States, while a group of developing countries, including Iran, Nigeria and Indonesia, proposed extending the validity of the Treaty for a further twenty-five years. On a symbolic level, as remarked by the French delegate at the Conference, speaking also on behalf of the European Union, the renewal for an indefinite period represents another step forward on the road to reinforcing the context of international peacemaking. But the context in which it took place reveals that it is not yet a decisive step. Even the speakers at the Conference tried to reduce its significance in commenting on this result. The Canadian ambassador spoke of “permanence with accountability without division,” while the Philippine ambassador declared it a case of “sugar-coated mechanisms to make indefinite extension more palatable.” The representative from Iran considered this agreement as “conditional indefinite extension,” while the Iraqi representative saw in it the nth proof of the tyranny of the majority. The delegate from Libya actually denied having accepted any extension of the Treaty. Among those aiming for a further series of negotiations, China declared that the extension of the duration of the Treaty “should in no way be interpreted as perpetuating the nuclear-weapon states’ prerogative to possess nuclear weapons,” while Mexico and Japan insisted on the necessity of abolishing nuclear tests and all nuclear weapons. Meanwhile India, Pakistan, Israel and Brazil, suspected for some time of possessing nuclear arms, continue not to adhere to the Treaty, while North Korea has suspended its status of adherent to the Treaty. How then can one judge the results of this conference?

In order to try and answer this question it is worth recalling that, as soon as the destructive potential of the nuclear weapon was revealed, the solution adequate to the problem of its control was also proposed: the creation of world government. It was Albert Einstein who first indicated it clearly, when he declared, after the first nuclear explosion on Hiroshima, that mankind must now set itself the objective of creating a world government able to guarantee the security of all countries on the basis of law and no longer of force (*New York Times*, 15/9/45). The problem, from the very beginning, was to create an effective system of control at international level. But at that time mankind failed to agree on the control and abolition of a dozen atomic bombs — the size of the United States nuclear arsenal at that time. Can it succeed today with thousands of

nuclear warheads spread all over the world?

Bernard Brodie, the theoretician of United States nuclear strategy, immediately saw the risks of nuclear proliferation. Brodie did not deny the objective of world government, but not trusting to the capacity of the states to agree on the organisation of a valid system of international control, took the viewpoint of how to face a situation in which sooner or later all the states would reach the capacity to produce nuclear arms and to use them to threaten one another. In this context for Brodie it was indispensable to be able to answer crucial questions, such as: is the atomic bomb a deterrent against war? Is it possible to prevent their use? Is it possible to mitigate their terrifying effects if they should be used? The objective of the world federal union was for Brodie an "elementary truism," not an instrument of political action. "It is a brutal but undeniable truth that we do not yet know whether a truly effective and workable international agreement on the subject is obtainable and, if it is, whether the price is one which the country as a whole will be prepared to pay... Naturally, our domestic policies concerning the atomic bomb and national defense generally should not be such as to prejudice real opportunities for achieving world security agreements of a worth-while sort." "The problem of the atomic bomb," Brodie went on to observe, "is inseparable from the problem of war, and instruments for the control of the bomb are useful mostly in so far as they reduce the likelihood of war. The strengthening of international machinery for the preservation of peace can be greatly accelerated by the sense of greater urgency which the atomic bomb produces, and the United States must spare no endeavor to assist such a movement. But so long as nations remain to a large degree sovereign and independent, no machinery can be a substitute for a wisely oriented and skillfully directed diplomacy" (*The Absolute Weapon*, pamphlet produced at Yale, October 1945).

The United States initially supported the federal solution at world level. In 1946 the American Secretary of State, Byrnes, gave a speech at the General Assembly of the United Nations in which he affirmed that the problems of the production and use of nuclear energy could not be solved by any one country alone, as "they are common responsibility of all nations." To this end Bernard Baruch, the USA representative at the UN Commission for atomic energy, in June 1946 presented the American proposal to institute an International Atomic Development Authority to which "should be entrusted all phases of the development and use of atomic energy starting with raw materials and including: managerial control or ownership of all atomic energy activities potentially dangerous

to world security; power to control, inspect, and license all other atomic activities; the duty of fostering the beneficial uses of atomic energy; research and development responsibilities of an affirmative character intended to put the Authority in the forefront of atomic knowledge and thus enable it to comprehend, and therefore to detect, misuse of atomic energy." The Authority should also have the power to sanction all states violating agreements or challenging the Authority: "There should be no veto to protect those who violate their solemn agreements not to develop or use atomic energy for destructive purposes," concluded Baruch in his speech to the Commission. The Baruch plan, although approved by the Commission, never saw light of day, because of the crossed vetoes of the USA and the USSR and the ambiguous attitude of medium powers like Great Britain, who also aspired to become nuclear powers. In the sixties Baruch commented bitterly in his memoirs on the fruits of that defeat: "The atomic bomb makes all nations equal, just as the Smith & Wesson revolver made all men equal on the old frontier... The control of atomic energy remains one of the crucial elements in the making of a durable peace. As long as the threat of atomic destruction hangs over the world, there can be no peace."

Einstein, Brodie and Baruch therefore have indicated the final objective to mankind for some time and the difficulties which the states would face whenever they passed up an opportunity to reach it by untying the knot of sovereignty. As a well-known Italian journalist remarked (Arrigo Levi, *Corriere della Sera*, 15/5/95), the renewal for an indefinite period of the Nuclear Non-Proliferation Treaty is, however, a double-sided coin: on the one hand it recognises that it is not possible to put time limits on efforts to safeguard the world from the nuclear nightmare; on the other it admits the impossibility of freeing the world from nuclear arms. And since the only way out of this situation is by building a world government, as long as the states continue to pursue the simple logic of control outside the bounds of any political design, mankind will not be safe. The problem of international control, as Brodie explained in 1945, can be posed on three levels: publicity on all that concerns nuclear production and research without any claim to limit the production of nuclear arms; the limitation of the production of the number of nuclear arms; the suppression of the production of all those arms which imply the use of the nuclear reaction. The first level is by nature pre-political. It is the easiest to pursue, and has always been supported, but made the arms race and nuclear proliferation inevitable. The other two levels of control on the other hand, not being fully realisable without the states irreversibly re-

nouncing the right to veto any inspection on their own territory by a specific International Authority, are only compatible with the consolidation of effective international institutions.

With the end of the Cold War, the USA and the USSR began bilateral involvement in the second level of control of nuclear arms. By making the Nuclear Non-Proliferation Treaty permanent the great majority of the other states have also taken the first timid steps down this road. Certainly the states have not yet given up their sovereignty in the nuclear field, nor the defence of military secrets, nor their prerogative of control, which *de facto* make the respect of the treaty's constraints voluntary, not obligatory. Nuclear war is therefore still possible, and with it, it is always possible to revoke the Treaty. On the other hand, the fact that some countries failed to participate in this kind of agreement means it is impossible for those countries which already have nuclear weapons to completely renounce a credible deterrence. But the fixing of a calendar for the Treaty's revision, to take place by the year 2000, and for the enacting of a ban on all nuclear experiments by 1996, signals how difficult it is for the states at this stage to resist the logic of consolidating international constraints and of the progressive erosion of their sovereignty.

How long can such a favourable situation last? Unless an initiative returning to the objectives of the Baruch plan is affirmed as soon as possible, it is easy to foresee that the Nuclear Non-Proliferation Treaty cannot remain really permanent and will never become universal. Unlike the position in the 1940's, the failures accumulated by national policies in controlling nuclear arms and their proliferation are so many and such as to have spread the idea in world public opinion and in the more conscious forces in society that there is no way out of the nuclear problem other than world government. And those who still consider this objective utopian may be reminded, in the words of Einstein, that "the only real step toward world government is world government itself" (*Open letter to the General Assembly of the United Nations, 1947*).

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The five years that separate us from the year 2000 will see a practically uninterrupted series of international conferences, central to which will be the problems of redefining the continental regional institutions (in the first place the European Union and NAFTA) and the institutions of the UN, to guarantee greater ecological and military security and greater international democracy. On the outcome of these conferences will

depend the acceleration or slowing down of the process of building world government. Only if it is able to present itself at these appointments as a subject, a federal State, recognised at world level and capable of acting, will the European Union be able to contribute to reinforce world institutions too in a federal sense and to resolve the challenges now facing mankind.

*Franco Spoltore*



## Discussions

### IS THE EUROPEAN UNION LEGITIMATE?

A paper in the last issue of *The Federalist*, in a wide-ranging survey of the present state of European integration, commented that the European Union is not legitimate.<sup>1</sup> This argument, while seemingly straightforward, has a number of quite extensive implications.

I propose to examine it in the light of two observations, each of which will illuminate an aspect of federalist strategy towards the IGC in 1996.

To start with, we have to define what we mean by legitimate. In one sense, of course, only a truly federal system of government can claim to be legitimate. However, to assert that, at any time, only perfection is good enough is to render political debate useless. In fallible human society, we are looking for ways in which the ordering of affairs can be improved. A doctor does not reject a potential cure because it will not give his patients immortality.

Legitimacy, then, may be found in something less than a federation.

It is common for legitimacy to be defined empirically, that is by attempting to ascertain whether or not a political system has the support of its people in practice. This approach is useful, but is still not quite sufficient for it leaves no scope for the presence of ideology. As an ideologue myself, I will treat as legitimate a political system that ought to be supported by its people.

That “ought to” will in turn be identified in a political system which maximises the extent to which it resembles or makes possible federalism (and not necessarily federation) at any moment in time.

Such a political system should be distinguished from the parties and governments that inhabit it. It is the political system to which legitimacy attaches, based upon rules, written and unwritten, principally found in a constitution.

It has long been recognised that a constituent assembly is the only modern means of creating a new constitution: it is the only way of be-

stowing legitimacy upon such a document.<sup>2</sup>

The Philadelphia Convention of 1787 is perhaps our model for such a process; as well as being the first, it also produced a federation. It is of a convention such as this that Tom Paine writes. The absence of such a convention in the development of the British constitution led him to denounce that country’s government in the terms that he did: “From the want of a constitution in England to restrain and regulate the wild impulse of power, many of the laws are irrational and tyrannical, and administration of them vague and problematical.”<sup>3</sup>

This view of the British system of government cannot be let pass without comment. Tom Paine himself was writing in response to Edmund Burke’s *Reflections on the Revolution in France*.<sup>4</sup> That was, and remains, a classic statement of English conservatism; in constitutional terms, it has much still to say.

Returning to my definition of legitimacy — the best that is possible at the time — popular constitutional conservatism plays a large part in defining what is possible.

The British constitution has changed significantly since the 1790s, eliminating many of Tom Paine’s criticisms, but without a defining constitutional moment. It is a sad fact that, in constitutional terms at least, many people prefer what they know to what they do not, the evident flaws of what they know notwithstanding:

“And always keep a hold of Nurse  
For fear of finding something worse.”<sup>5</sup>

As with the British constitution, so with the European. If Germany has given the European Union a model for a central bank and if France has given a model for a civil service, Britain has given a model for a constitution. While the Treaty of Rome established the basic lines along which the government would run, in no way does it adequately describe the way in which the Union works now. The Single European Act introduced Qualified Majority Voting in the Council and overcame the national demands for a veto, the Maastricht Treaty bestowed important new powers on the European Parliament.

These are significant and dramatic steps, but do not result from equivalently significant and dramatic processes. Inter-governmental conferences have not attracted the same attention as constituent conferences would have done, and nor do they deserve to.

The advances towards federalism that are possible following an IGC are much fewer than those that might arise from a constituent assembly. The problems caused by too much nation state influence in Europe are not

so apparent to those in power in those nation states than to those who are their victims. The reduction in the size of the problem naturally results in the reduced scale of the proposed solution. The exclusion of the public from the constitutional process inevitably limits the possible outcome of that process.

In that sense, the writers of the Maastricht Treaty got it exactly right. The referendum results in Denmark and France prove that no greater advance towards federalism could have resulted from the twin IGCs of 1991.

Let us return to the question with which I started. Is the European Union legitimate?

The absence of a defining constitutional moment does not of itself mean that it is not. The British political system, which to any rational observer is riddled with holes and the potential for corruption, nonetheless retains its legitimacy. Parties advocating constitutional reform are growing in importance (because one important party is slowly adopting such a programme) but the continuing legitimacy of the system has two consequences.

First, opponents of the system will still contest it on its own terms: the electoral system is the most famous but by no means the only example of this. Secondly, the proposals for reform that are made are still limited by the conditions to which people have grown used.

For democratically minded people in Britain, these two obstacles are matters of regret but they indicate the legitimacy of the system by which they are governed. The British people are famously conservative in constitutional terms and it would be quite wrong to assume that the people of Europe as a whole are necessarily the same. But the difference in this regard does not matter. The point is that the people are broadly content with what they have got. The system of government is still regarded as legitimate: its laws are obeyed; its taxes are paid.

It is interesting to note that in the parts of the EU where this does not happen so consistently, this is due to a contempt for the exercise of any political power and not just that of the European institutions.

Parties advocating the *status quo* or something very similar dominate elections at both European and national level in most of Europe. The treaty amendments they sponsor are in general ratified by overwhelming parliamentary votes and by narrow referendum victories. The idea that the *status quo* is tolerable is false, to be sure, but that is the state of public opinion with which federalists have to work. For there does not exist within the federalist ranks a Lenin, seeking to bring forward federation

in Europe in defiance of public opinion.

The first conclusion to note in this discussion of the legitimacy of the EU is therefore that federalists should not raise their expectations too high: the 1996 IGC will not produce radical reforms. If it were likely to do so, national governments would not have called it; it were to do so, popular opinion might well reject it.

Demands for radical change will come from those who are excluded from the constitutional process rather than from those who are included within it. An important part of any federalist strategy must be to harness those people, to raise those voices. For it is from them that calls for significant progress will come.

It should be noted at this juncture that the legitimacy of the EU is becoming called into question because of the extension of its powers. The fact that many of its policies are ineffective is secondary to the fact that it operates such policies at all. The EU is attempting to create a "European" consciousness among its citizens, hoping to provide new legitimation for a political structure that plays an ever larger part in their lives, just as Jürgen Habermas noted that it would.<sup>6</sup>

For the most part, the federalist movement itself has gone along with this broad pro-EU stance, because of the promise of what the EU can achieve. This has been a matter of controversy historically; progress towards federalism in the last ten years has won over most of the lingering doubters.

That progress — principally the Single European Act and the Maastricht Treaty — has amounted to a substantial reduction in national sovereignty and the transfer of considerable power to supranational institutions. No federalist can look at that and not see the seeds of future reforms. The problem we face is how to achieve them. Again, the concept of the nearest we can get to federalism comes into play.

The most striking recent development in the debate in advance of the IGC has been the famous paper by Wolfgang Schäuble and Karl Lamers.<sup>7</sup> The publication of this document has transformed the debate. It has proposed a significant advance towards a supranational system of parliamentary democracy and, most importantly, it has suggested that this will be possible only within a restricted number of countries. The existing union of 15 states has reached the end of its useful life.

The proposal for supranational parliamentary democracy is of course attractive to federalists. Such a political system would lie at the heart of a European federation. Part of the reaction of the federalist movement to the Schäuble/Lamers paper has been one of relief that a significant po-

litical force somewhere in Europe has taken the idea of supranational parliamentary democracy to heart. But what that paper has not taken to heart is federalism.

This is the second point to note. The debate about which countries should be included in the hard core and which should not — admittedly one of considerable interest — has obscured perhaps the more important debate of what principles the hard core itself will be based on. It is clear that those principles will not include federalism.

The very nature of a hard core operating a system of supranational parliamentary democracy means that those states not within the hard core will lose influence and control over some areas of common interest. That in itself does not have to be a problem. What it does propose, though, is a radical change of direction. There has been broad support for the EU as it is presently constituted, as we have seen. The EU which has attracted that support embodies two principles: a gradual progression towards democracy (broadly on the British model); and a gradual expansion in territorial extent.

The Schäuble/Lamers proposals opt for the former principle at the expense of the latter. In essence, they conclude that the strategy of progressive enlargement of the EU over the years has been a mistake.

Once more, that is not in itself a problem. What is the problem is the way in which this proposal has emerged.

The earlier conclusion that the IGC in 1996 will not produce radical proposals still holds. A proposal to break up the European Union and create something new would not be the result of public debate and understanding: it would arise out of the failure of politicians to agree. It would be borne in acrimony between different countries, in the hatching of an inter-governmental plot.

That is something that cannot carry legitimacy. It is in no sense a constituent process, nor will it possess the legitimacy of time in the manner of the present EU. An IGC cannot produce an acceptable radical solution. The Schäuble/Lamers proposals cannot represent the nearest thing to federalism that can be accepted: they will be rejected.

This means that the question of whether or not the EU is legitimate opens out into a discussion of how a federation can be achieved. That is inevitable. After all, federalists never consented to the EU on the grounds that it was an end in itself; its value lies primarily in what else it makes possible.

The fundamental problem is a mismatch between ends and means. The ends we desire are not attainable by the means we have been offered.

(The demands of the UEF adopted at its Congress in October 1994 recognise this problem: the IGC is only an intermediate step before the launch of the constituent process.<sup>8</sup>)

The authors of the hard core proposal have perhaps encountered the fundamental problem of legitimacy in the context of the European Union. The EU itself has a certain legitimacy drawn from what it has provided for its people and, crucially, what it can provide in the future. In this sense, therefore, the EU has a legitimacy that the IGCs which built it do not.

*Richard Laming*

## NOTES

<sup>1</sup> Guido Montani, "European Citizenship and European Identity", in *The Federalist*, XXXVI (1994), p. 95.

<sup>2</sup> For example, see Lucio Levi, "Recent Developments in Federalist Theory", in *Three Introductions to Federalism*, The Altiero Spinelli Institute for Federalist Studies, 1989.

<sup>3</sup> Tom Paine, *Rights of Man* (1792), Harmondsworth, Penguin Books, 1969.

<sup>4</sup> Edmund Burke, *Reflections on the Revolution in France* (1790), Harmondsworth, Penguin Books, 1987.

<sup>5</sup> Hillaire Belloc, "Jim", from *Cautionary Tales*, 1907.

<sup>6</sup> Jürgen Habermas, *Legitimation Crisis*, 1975.

<sup>7</sup> Wolfgang Schäuble and Karl Lamers, *Reflections on European Policy*, 1994.

<sup>8</sup> UEF, "European Union Reform and Constitution", in *The Federalist*, XXXVII (1995), p. 50.

## Federalism in the History of Thought

### WILLIAM PENN

William Penn was born in London in 1644. He began his studies at Christ Church, Oxford, but was subsequently expelled for anti-clerical ideas. He initially went to France in order to continue his studies, though he later returned to England, where he studied law. His exposure to the Quaker religion, which took place in Ireland in 1667, was a turning-point in his life. Subsequent to his becoming a Quaker, Penn was imprisoned several times for his religious beliefs. He married Jenny Springett, also a Quaker, in 1672. America offered space for religious minorities and Penn, who was owed a service by the monarch on account of his father's, Admiral William Penn's exploits, asked the king for and was granted the concession of a province, renamed Pennsylvania. Penn went to the colony only twice, but he had a decisive role in the drawing up of its constitution which was marked by the ideals of peace and tolerance. He died at Ruscombe, England in 1718.

His main works are: "No Cross, No Crown", written in prison in 1669, "An Essay Towards the Present and Future Peace of Europe", "Fruits of Solitude", and "Reflexions and Maxims Relating to the Conduct of Human Life", all written in 1693.

In the work which we are publishing here, whose full title is "An Essay Towards the Present and Future Peace of Europe by Establishment of an European Diet, Parliament or Estates", Penn, confronted with the continuous wars which were then afflicting Europe, reflected on the need and possibility of establishing peace among European countries. To this end, he foresaw the creation of a European body, which he called "Parliament" or "States of Europe", whose task was to settle disputes among the states that comprised it.

Quite clearly Penn is in many respects a child of his times: there is no room in his thought for contesting the principle of monarchical authority, on whose will and understanding Penn entrusts the fate of his proposal.

In addition Penn does not really tackle the issues of sovereignty, and this explains the inadequacy of the coercive mechanism which he foresaw for enforcing respect for the decisions taken by the assembly and for punishing transgressors, a mechanism based not so much on an autonomous power set above the states, but on a show of force against the defaulting state by the other member states.

Notwithstanding this point, the work contains more than one aspect of interest regarding the history of federalist thought, notably when Penn establishes a clear parallel between the advantages for people of renouncing to be "his own King" by accepting a government, and the advantages, in terms of peace and justice, which "Sovereign Princes of Europe" would derive from calling this "Emperial Diet, Parliament or States of Europe" their sovereign. Just as individuals, by submitting to a government, accept that the law will be substituted for force as regards the regulation of their relationships, so the states, by becoming members of what he calls a "European League or Confederacy," put into effect the same principle, which lies at the heart of overcoming international anarchy, identified by federalist thought as the real cause of war.

An original feature of Penn's project, which differentiates it from the slightly later one by the Abbé de Saint-Pierre, is that the European authority which he proposes has the characteristics of a real and effective parliament. The Abbé's project provided for an assembly made up of European sovereigns, while the parliament which Penn proposed was to be composed of sovereigns' representatives, whose number would depend on the wealth both of the territory of the state and of the sovereign himself.

Also noteworthy is the fact that Penn proposed including Turkey and Muscovy in this assembly, justifying this decision with the only comment that this "seems but fit and just." If one considers the period in which Penn was writing, on the eve of the crisis linked to the revocation of the Edict of Nantes, this is a fine testimony to cosmopolitanism and religious tolerance.

Preoccupied by potential objections as to the "practicability" of his proposal, Penn presented a real-life example, that of the United Provinces of Holland, as a model for the unification of a number of states that could be applied at the European level, and referred to the essay by William Temple, an Englishman living in the Hague, "Observations upon the United Provinces of Netherlands", written in 1672, which analysed the institutional structure of the United Provinces and the principle of articulating sovereignty across a variety of levels.

In his analysis of the advantages of implementing his proposal, Penn's "Discourse" contains many naïve features which are linked, as mentioned above, to the lack of a real understanding of the nature of sovereignty, yet important intuitions can also be found. For example, Penn claimed that his proposals provided the means for achieving the advantages offered by a universal monarchy regarding peace and continental security without the defects of such a monarchy, identified as the tendency to exploit the countries subjected to it. Moreover, he set against the disadvantages deriving from the "great Taxes ... paid to the numerous Legions of Souldiers" necessary for keeping the peoples in subjection, the advantages of the "Confederal" structure which derive from the fact that the business of government would remain in the power of the princes and the national governments. In this division of competences it is possible to note numerous similarities, within the limits of the constitutional thought of the age, with the advantages of decentralising powers to the level that is as close to the citizen as possible.

Finally, to the second objection, according to which "Sovereign Princes and States will hereby become not Sovereign: a thing they will never be brought to," Penn answered that "they remain as Sovereign at home as ever they were" [...] "And if this be called a lessening of their Power, it must be only because ... each Sovereignty is equally defended from Injuries, and disabled from Committing them." This is a very important concept, which re-emerged into the historical limelight in recent years, when, in the nuclear era, the management of security became ever more hazardous and the holders of power themselves came to the realisation that the only way to manage it effectively was a mutual guarantee of security.

Penn's work, then, is testimony to the fact that at the end of the 17th century an important part of European culture and society had not accepted war as an unavoidable occurrence, but on the contrary had investigated its causes and identified potential remedies.

\* \* \*

AN ESSAY TOWARDS THE PRESENT  
AND FUTURE PEACE OF EUROPE

by the Establishment of an European Dyet, Parliament, or Estates \*

*Beati pacifici, cedant arma togae*

To the Reader

I Have undertaken a Subject that I am very sensible requires one of more sufficiency then I am Master of, to treat it, as in Truth it deserves, and the groaning state of *Europe* calls for: But since Bunglers may Stumble upon the Game as well as Masters, tho it belongs to the Skilful to hunt and katch it, I hope this Essay will not be charged upon me for a fault, if it appear to be neither Chimerical nor Injurious, and may Provoke abler Pens to improve and perform the design with better Judgment and success. I will say no more in Excuse of my self for this undertaking, but that it is the fruit of many solicitous thoughts, for the Peace of *Europe* and they must want Charity as much as the World needs Quiet, to be offended with me for so *Pacifick* a Proposal. Let them censure my Management so they Prosecute the advantage of the design; for till the *Millenary* Doctrine be accomplished, there is nothing appears to me, so beneficial an expedient to the Peace and Happiness, of this quarter of the World.

I. *Of Peace And its Advantages.*

He must not be a Man, but a Statue of Brass or Stone, whose Bowels do not melt when he beholds the bloody Tragedyes of this War, in *Hungary, Germany, Flanders, Ireland* and at Sea: The Mortality of sickly and languishing Camps and Navys and the mighty Prey the Devouring Winds and Waves have made upon Ships and Men since 88. And as this, with reason, ought to affect human Nature, and deeply Kindred, so there is something very moveing that becomes Prudent Men to Consider, and that is the vast Charge that has accompanied that Blood, and which makes no mean part of these Tragedyes: Especially if they deleberate upon the uncertainty of the War that they know not when nor how it will end, and that the expence cannot be less and the hazard is as great as before. So that in the Contraries of Peace we see the beauties and benefits of it; which

\* Hildesheim - Zürich - New York, Georg Olms Verlag, 1983

under it (such is the unhappiness of mankind we are to apt to nautiate as the full Stomach loaths the Honey Combe; and like that unfortunate Gentleman that having a fine and Good Woman to his Wife, and searching his pleasure in forbidden and less agreeable company, said, when reproacht with his neglect of better Injoyments, that he could love his Wife of all Women, if she were not his Wife, tho that Increased his obligation to Prefer her. It is a great mark of the Corruption of our Natures, and what ought to humble us extreamly, and excite the exercise of our Reason to a Nobler and Juster sence, that we cannot see the use and pleasure of our Comforts but by the want of them: As if we could not Taste the Benefit of Health, but by the help of sickness; nor understand the satisfaction of fulness without the Instruction of want; nor finally know the Comfort of Peace but by the Smart and Pennance of the Vices of War: And without dispute that is not the least Reason that God is pleased to Chastise us so frequently with it.

What can we desire better then *Peace*, but the *Grace* to use it? *Peace*, Preserves our Possessions: we are in no danger of Invasions; our Trade is free and safe, and we rise and lie down without anxiety. The Rich bring out their hoards, and employ the Poor Manufacturers: Buildings and divers Projections, for Profit and Pleasure go on: It excites Industry, which brings Wealth, as that gives the means of Charity and Hospitality, not the lowest ornaments of a Kingdom or Common-Wealth. But War, like the Frost of 83. Seires all these Comforts at once; and stops the Civil Channels of Society. The Rich draw in their stock, the Poor turn Souldiers, or Theives, or Starve: No Industry, no Building, no Manufactory; little Hospitality or Charity; but what the Peace gave, the War Devours. I need say no more upon this head, when the Advantages of Peace and Mischiefs of War are so many and sensible to every Capacity under all Governments, as either of them prevails. I shall Proceed to the next point, *what is the best means of Peace*, which will conduce much to open my way to what I have to Propose.

## II. *Of the Means of Peace, which is Justice Rather then War.*

As *Justice* is a Preserver, so it is a better Procurer of Peace then War. Tho' *pax queritur bello*, be an usual faying, *Peace is the end of War*, and as such, it was taken up by O. C. [Oliver Cromwell] for his Motto; yet the use Generally made of that expression shows us that Properly and truly speaking, men seek their Wills by War, rather then Peace, and that as they will Violate it to obtain them, so they will hardly be brought to think of

Peace, unless their appetites be some way gratified. If we look over the Storys of all times, we shall find the Aggressors generally moved by Ambition; the Pride of Conquest and greatness of Dominion, more then Right. But as those *Leviathans* appear rarely in the World, so I shall anon endeavour to make it evident they had never been able to devour the Peace of the World, and engross whole Countries as they have done, if the Proposal I have to make, for the benefit of our presant Age, had been then in practice. The Advantage that *Justice* has upon War is Seen by the success of *Embassys*, that so often prevent War by hearing the Pleas and Memorials of Justice in the Hands and Mouths of the wronged party. Perhaps it may be in a good degree owing to Reputation, or Poverty, or some perticular Interest or conveniency of Princes and States as much as Justice; but it is certain, that as War cannot in any sence be Justified, but upon Wrongs received, and Right upon Complant, refused; so the Generality of Wars have their rise from some such Pretention. This is better seen and understood at home, for that which prevents Civil War in a Nation is that which may prevent it abroad, viz. *Justice*; and we see, where that is notably obstructed, War is Kindled, between the Magistrates and People in perticular Kingdoms and States; which, however it may be unlawful on the side of the People, we see never fails to follow, and ought to give the same caution to Princes as if it were the Right of the People to do it: Tho I must needs say the remedy is almost ever worse then the disease; the Aggressors seldom getting what they seek, or performing, if they prevail, what they promised; and the Blood and Poverty that usually attend the enterprise, weigh more on Earth as well as in Heaven then what they lost or suffered, or what they get, by endeavouring to mend their Condition, comes to: Which disapointment seems to be the Voice of Heaven, and Judgment of God against those Violent attempts. But to return, I say *Justice is the means of Peace*; betwixt the Government and the People, and one Man and Company and another. It prevents strife and at last ends it: For besids shame or fear to contend longer, he or they being under Government, are constrained to bound their desires and resentment with the satisfaction the Law gives. Thus *Peace* is maintained by Justice, which is a fruit of Government, as Government of Laws from Society and Society from consent.

## III. *Of Government, its rise and end under all Modells.*

*Government*, is an Expedient against Confusion; a Restraint upon all Disorder; Just weights and an even Ballance: That one man may not

Injure another, nor himself by Intemperance.

This was at first, without controversy, *Patrimonial*, and upon the death of the Father or head of the Family, the Eldest Son or Male of kin succeeded. But time breaking in upon this way of Governing, as the World Multiplied, it fell under other Claims and Forms: And is as hard to trace to its Original, as it is the Copies we have of the First writings of sacred or Civil Matters. It is certain, the most natural and human is that of *Consent*, for that finds freely (as I may say) when men hold their Liberty by true Obedience to rules of their own makeing. No Man is Judge in his own cause, which ends the Confusion and Blood of so many Judges and Executioners; for out of society every Man is his own King, does what he lists at his own Peril: But when he comes to Incorporate himself, he submits that Royalty to the Conveniency of the whole, from whom he receives the returns of Protection. So that he is not now his own Judge nor Avenger, neither is his Antagonist, but the Law in indifferent Hands between both. And if he be a Servant to others that before was free; he is also served of others that formerly owed him no obligation. Thus, while we are not our own, every Body is ours, and we get more then we loose; the safety of the Society being the safety of the Peticulars that constitute it. So that while we seem to submit to, and hold all we have from Society, it is by Society that we keep what we have.

Government then is the *Prevention or Cure* of disorder, and the *Means* of Justice, as that is of Peace; for this cause we have our *Sessions, Terms, Assizes* and *Parliaments*, to over-rule Mens Passions and resentments that they may not be Judges in there own Cause nor Punishers of their own wrongs, which as it is very Incident to men in their Corrupt State, so, for that reason, they would observe no measure; nor on the other hand would any be easily reduced to their Duty: Not that Men know not what is right, their excesses, and wherein they are to blame; by no means; nothing is plainer to them: But so depraved is human nature, that without compulsion, some way or other, too many would not readily be brought to do what they know is right and fit, or avoid what they are satisfied they should not do: Which brings me neer to the Point I have under taken; and for the better understanding of which I have thus briefly Treated of Peace, Justice and Government as a necessary Introduction, because the wayes and methods by which Peace is preserved in perticular Governments, will help those Readers, most concerned in my Proposal, to conceive with what ease as well as advantage the Peace of *Europe* might be procured and kept; which is the end designed by me, with all submission to those Interested in this little Treatise.

#### IV. *Of a General Peace or the Peace of Europe, and the means of it.*

In my first Section, I showed the desireableness of Peace: In my next the truest means of it, to wit, Justice, not War: And in my last, that this Justice was the fruit of Government as Government it self was the Result of Society; which first came from a reasonable design in Men of Peace.

Now if the *Sovereign Princes of Europe*, that represent that Sovereign or Independent state of Men that was Previous to the Obligations of Society, would for the same reason that engaged Men first into Society, viz. *Love of Peace and order*, agree to meet by their stated Deputies in a *General Diet Estates or Parliament*, and their Establish Rules of Justice for Sovereign Princes to observe one to another; and this to meet yearly, or once in two or three Years at farthest, or as they shall see cause; and to be stiled the *Sovereign or Emperial Diet, Parliament or States of Europe*; before which Sovereign Assembly should be brought all difference depending between one Sovereign and another, that cannot be made up by Private Embassys before the Sessions begins: And that if any of the Sovereignities that Constitute these Imperial States shall refuse to submit their Claim or Pretentions to them, or to abide and perform the Judgment thereof, and seek their remedy by Arms, or delay their Compliance beyond the time prefixt in their Resolutions, all the other Sovereignities united as one strength, shall Compel the submission and Performance of the sentance, with damages to the suffering Party and Charges to the Sovereignities that obliged there submission; To be sure *Europe* would quietly obtain the so much desired and needed *Peace* to her harzassed Inhabitants; no Sovereignty in *Europe* having the Power, and therefore cannot show the will to dispute the conclusion; and consequently, *Peace* would be procured and Continued in *Europe*.

#### V. *Of the Causes of difference and Motives to Violate Peace.*

There appears to me but three things upon which Peace is broken, viz. *To keep*, to *Recover*, to *Add*. First to keep what is ones Right from the Invasion of an Enemy; in which I am purely *Defensive*. Secondly, to Recover, when I think my self strong enough, that which, by Violence, I or my Ancestors have lost to the Arms of a stronger Power; in which I am *Offensive*: Or lastly to encrease my Dominion by the acquisition of my Neighbours Countries, as I find them weak and my self strong. To gratifie which Passion, there will never want some accident or other for a Pretence: And knowing my own strength I will be my *own Judge* and

*Carver*. This last will find no Room in the *Imperial States*: They are an unpassable Limit to that Ambition. But the other two may come as soon as they please, and find the Justice of that Sovereign Court. And Considering how few there are of those Sons of Prey, and how early they show themselves, may be not once in an Age or two, this Expedient being Established, the Ballance cannot well be broken.

VI. *Of Titles, upon which those Differences may arise.*

But I easily fore-see a Question, that must be answered in our way, and that is this; *What is Right? Or else we can never know what is wrong. It is very fit that this should be Established.* But that is fitter for the Sovereign States to resolve than me. And yet that I may lead away to the matter, I say that Title is either by a long and *undoubted Succession*, as the Crowns of *Spain, France and England*; or by *Election* as the Crown of *Poland* and the *Empire*; or by *Marriage*, as the Family of the *Stewarts* came by *England*, the *Elector of Brandenburg* to the Dutchy of *Cleve*, and we in Antient time to divers places abroad; or by *Purchase*, as hath been frequently done in *Italy and Germany*; or by *Conquest*; as the *Turk* in *Christendom*, the *Spaniards* in *Flanders*, formerly mostly in French Hands; and the *French* in *Burgundy, Normandy, Lorraine, French-County*, and c. This last Title is, Morally speaking, only questionable. It has indeed obtained a place among the Rolls of Titles, but it was engrossed and recorded by the point of the Sword, and in bloody Characters. What cannot be controuled or resisted, must be submitted to; but all the World knows the date of the least of such Empires, and that they expire with the Power of the Possesser to defend them. And yet there is a little allowed to *Conquest* too, when it has had the Sanction of Articles of Peace to confirm it: Tho' that doth not alwayes extinguish the Fire, but it lies, like Embers under Ashes, ready to kindle so soon as there is a fit matter prepared for it. Nevertheless when *Conquest* has been confirmed by a *Treaty* and conclusion of Peace, I must confess it is an adopted Title; and if not so genuine and natural, yet being engrafted, it is fed by that which is the security of better Titles, *Consent*.

There is but one thing more to be mentioned in this Section, and that is from what time Titles shall take their beginning, or how far back we may look to confirm or dispute them. It would be very bold and inexcusable in me to determine so tender a point, but be it more or less time, as to the last General Peace at *Nimegen*, or to the commencing of this War, or to the time of the beginning of the Treaty of Peace; I must submit it to the

great Pretenders and Masters in that affaire. But something every body must be willing to give or quit, that he may keep the rest, and by this Establishment, be for ever freed of the Necessity of loosing more.

VII. *Of the Composition of these Imperial States.*

The Composition and Proportion of this *Sovereign Part or Imperial State*, does, at the first look, seem to carry with it no small Difficulty what Votes to allow for the inequality of the Princes and States. But with submission to better Judgments I cannot think it Invincible; for if it be possible to have an Estimate of the Yearly Value of the several Sovereign Countries whose Delegates are to make up this August Assembly, the Determination of the Number of Persons or Votes in the States for every Sovereignty will not be Impracticable. Now that *England, France, Spain, the Empire*, and c. May be pretty exactly estimated, is so plain a case, by considering the Revenue of Lands, the Exports and Entries at the Custome-Houses, the Books of Rates and Surveyes, that are in all Governments, to Proportion Taxes for the support of them, that the least Inclination to the Peace of *Europe*, will not stand or halt at this Objection. I will, with Pardon on all sides, give an Instance, far from exact; nor do I pretend to it, or offer it for an Estimate; for I do it at Random; only this, as wide as it is from the Just Proportion, will give some Aime to my Judicious Reader, what I would be at: Remembring, I design not by any computation, an Estimate from the Revenue of the Prince, but the Value of the Territory; the whole being concerned as well as the Prince. And a Juster Measure it is to go by, since one Prince may have more Revenue than another that has much a Richer Country, Tho' in the Instance I am now about to make, the caution is not so necessary, because as I said before, I pretend to no manner of Exactness, but go wholly by Guess, being but for example sake. I suppose the *Empire of Germany* to send 12. *France* 10. *Spain* 10. *Italy*, which comes to *France* 8. *England* 6. *Portugal* 3. *Sweedland* 4. *Denmark* 3. *Poland* 4. *Venice* 3. the seven *Provinces* 4. 13 *Cantons* and little neighbouring *Sovereignities*, Duke of *Holsteen* and *Carland* 1. And if the *Turks* and *Muscovites* are taken in, as seems but fit and Just, they will make 10 a piece more. The whole makes *Ninety*: A great Presence when they represent the *4th*, and now the *Best and wealthiest part of the known World*; where *Religion and Learning, Civility and Arts* have their Seat and Empire. But it is not absolutely necessary there should be alwayes so many Persons, to represent the larger *Sovereignities*; for the Votes may be given by one Man of any



Sovereignty as well as by ten or twelve: Tho the fuller the Assembly of States is, the more solemn, Effectual and free the debates will be; and the resolution must needs come with greater Authority. The Place of their Session should be Central as much as is possible, afterwards as they agree.

VIII. *Of the Regulation of the Imperial States in Session.*

To avoid Quarrel for Presedency, the Room may be Round and have divers Doors to come in and out at, to prevent exceptions. If the whole number be cast into tens, each Chusing one, they may precede by turns; to whom all speeches should be addressed, and who should collect the sense of the Debates, and state the Question for a Vote, which in my Opinion, shouls be by the *Ballat*, after the Prudent and Commendable Method of the *Venetians*; which in a great degree prevents the ill Effects of Corruption, because if any of the Delegates of that high and Mighty Estates could be so Vile, false and dishonourable as to be influenced by Money, they have the advantage of taking their Money that will give it them, and of Voteing undiscovered to the Interest of their Principals, and their own Inclination; as they that understand the *Ballating Box* do very well know. A shrode stratagem and an experimented Remedy against *Corruption*, at least against Corrupting: For who will give their Money where they may so easily be cousened, and where it is two to one they will be so, for they that will take Money in such cases, will not stick to lye heartily to them that give it, rather then wrong their Country, when they know their lye cannot be detected.

It seems to me that nothing in this Imperial Parliament should pass, but by three quarters of the whole, at least seven above the Ballance. I am sure it helps to prevent Treachery, because, if Money could ever be a temptation in such a Court, it would cost a great deal of Money to weigh down the wrong Scale. All Complaints should be delivered in writing, in the Nature of Memorials; and Journals kept by a proper person in a *Trunck* or *Chest*, which hath as many differing *Locks*, as there are *Tens* in the *States*. And if there were a *Clark* for each Ten, and a *Pew* or Table for these Clarks in the Assembly; and at the end off every Session, one out of each Ten were appointed to examine and Compare the *Journals* of those Clarks, and then lock them up as I have before expressed; it would be clear and Satisfactory; and each Sovereignty, if they please, as is but very fit, may have an Exemplification, or Copy of the said Memorials,

and the Journals of Proceedings upon them. The *Liberty and Rules of Speech*, to be sure they cannot fail in, who will be the Wisest and Noblest of each Sovereignty, for its own honour and safety. If any Difference can arise between those that come from the same Sovereignty, that of one the Major Number do give the Rolls of that Sovereignty. I should think it extremely Necessary that every Sovereignty should be present under Great Penalties, and that none leave the Session without leave, till all be finished; and that Neutralities in Debates should by no means be endured; for any such Latitude will quickly open a way to unfair Proceeding, and be followed by a train both of seen and unseen Inconveniencies. I will say little of the *Language* in which the Session of the *Sovereign Estates* should be held, but to be sure it must be in *Latin* or *French*: The first would be very well for Civilians, but the last most easy for Men of Quality.

IX. *Of the Objections that may be advanced against the design.*

I will first give and answer the Objection that may be offered against my Proposal; and in my next and last Section, I shall endeavour to show some of the manifold Convenencies that would follow this *European League* or *Confederacy*.

The first of them is this, *that the strongest and richest Sovereignty will never agree to it, and if it should, there would be danger of Corruption more then of force at one time or other.* I answer to the first part, he is not stronger then all the rest, and for that reason you should promote this and compel him into it, especially before he be so; for then it will be too late to deal with such an One. To the last part of the Objection, I say the way is as open now as then; and it may be the number fewer, and as easily come at. However, if men of Sence and Honour and Substance are Chosen, they will either scorn the baseness, or have where-with to pay for the Knavery: At least they may be watch so, that one may be a Check upon on the other, and all prudently limited by the Sovereignty they Represent. In all great points, especially before a final resolve, they may be Obliged to transmit to their Principals, the merrits of such important cases depending, and receive their last Instruction: Which may be done in four and twenty dayes at the most, as the place of their Session may be appointed.

The Second is, *That it will endanger an Effeminacy by such a disuse of the Trade of Soldiery: That if there should be any need for it, upon any occasion, we should be at a Loss as they were in Holland in 72.*

There can be no danger of Effeminacy, because each Sovereignty may introduce as Temperate or Severe a discipline in the Education of

Youth, as they please, by low living, and due Labour. Instruct them in Mechanical knowledge, and in Natural Philosophy by operation, which is the Honour of the German Nobility: This would make them Men: Neither *Women* nor *Lyons*: For *Souldiers* are t'other extream to Effeminacy. But the Knowledge of Nature, and the useful as well as agreeable operations of Art, give Men an understanding of themselves; of the World they are born into; how to be useful and serviceable, both to themselves and others; and how to save and help, not injure or destroy. The Knowledge of Government in general; the Perticular constitutions of *Europe*; and above all, of his own Country are very recommending accomplishments. This fits him for the *Parliament* and *Council* at home, and the *Courts of Princes* and *Services* in the *Imperial States* abroad. At least, he is a good Common-Wealths Man, and can be useful to the Publick, or retire, as there may be occasion.

To the other part of the Objection, *Of being at a loss for Soldiery as they were in Holland in 72*. The Proposal answers for it self. One has War no more then the other; and will be as much to seek upon occasion. Nor is it to be thought that any one will keep up such an Army after such an *Empire* is on foot, which may hazad the safety of the rest. However, if it be seen requisit, the Question may be askt by order of the Sovereign States, why such an one either raises or keeps up a formidable Body of Troops, and to oblige him forth with to Reform or Reduce them; least any One, by keeping up a great Body of Troops, should surprize a Neighbour. But a small force in every other Sovereignty, to What it is either capable or customed to maintain, will certainly prevent that danger, and Vanquish any such fear.

The Third Objection is, *That there will be great want of Employment, for Younger Brothers of Families; and that the Poor must either turn Souldiers or Thieves*. I have answered that in my return to the Second Objection. We shall have the more *Merchants* and *Husbandmen*, or *Ingenious Naturalists*, if the Government be but any thing Solicitous of the *Education of their Youth*: Which, next to the present and Immediate Happiness of any Country, ought, of all things, to be the care and skill of the Government. For such as the Youth of a Country is bred, such is the next Generation, and the Government in good or bad hands.

I am now come to the last Objection, *That Sovereign Princes and States will hereby become not Sovereign; a thing they will never be brought to*. But this also, under Correction, is a mistake; for they remain as Sovereign at home as ever they were. Neither their Power over their People, nor the usual Revenue they pay them, is diminished: It may be the

War-Establishment may be reduced, which will indeed of course follow, or be better employed to the advantage of the Publick. So that the *Soveraignties* are as they were; for none of them have now any Sovereignty over one another: And if this be called a lessening of their Power, it must be only because the *great Fish* can no longer eat up the little ones, and that each Sovereignty is *equally defended* from Injuries, and disabled from Committing them. *Cedant Arma Togae* is a Glorious sentence, the *Voice of the Dove, the Olive Branch of Peace*. A blessing so great, that when it pleases God to Chastise us severely for our Sins, it is with the *Rod of War*, that, for the most part, he whips us: And experience tells us none leaves deeper marks behind it.

X. *Of the real Benefits that flow from this Proposal about Peace.*

I am come to my last Section, in which I shall enumerate some of those many real benefits that flow from this Proposal for the Present and future Peace of *Europe*.

Let it not, I pray, be the least, that it prevents the spilling of so much *Human and Christian Blood*: For a thing so Offensive to God, and terrible and Afflicting to men, as that has ever been, must recommend our Expedient beyond all Objections: For what can a man give in exchange for his Life, as well as his Soul? and tho the Cheifest in Government are seldom Personally exposed, yet it is a duty incumbent upon them to be tender of the Lives of their People; since, without all doubt, they are accountable to God for the Blood that is spilt in their service. So that besides the loss of so many lives, of Importance to any Government, both for labour and Propogation, the *Cryes* of so many Widows, Parents, and Fatherless, are prevented, that cannot be very pleasant in the Ears of any Government, and is the Natural Consequence of War in all Governments.

There is another manifest benefit which redounds to Christendom by this Peaceable Expedient, *The Reputation of Christianity will, in some degree, be recovered in the fight of Infidels*, which, by the many bloody and unjust Wars of Christians, not onely with them, but one with another, hath been greatly impared. For, to the scandal of that holy Profession, Christians, that Glory in their Saviours Name, have long devoted the Credit and dignity of it to their wordly Passions, as often as they have been excited by the Impulses of Ambition or Revenge. They have not always been in the right, nor had right been for a reason of War; and not only Christians against Christians, but the same sort of Christians have *embrewed their Hands in one anothers Blood*: Invoking and Interesting,

all they could, the good and Merciful God to Prosper their Arms to their Brethrens destruction: Yet their Saviour has told them, *that he came to save and not to destroy the lives of Men*: To give and Plant *Peace* among Men. And if in any sence he may be said to send War, it is the *Holy War* indeed; for it is against the *Devil* and not the *Persons of Men*. Of all his Titles, this seems the most Glorious as well as comfortable for us, that he is the *Prince of Peace*. It is his Nature, his Office, his Work, and the end and excelling Blessing of his coming, who is both the Maker and Preserver of our Peace with God.

And it is very remarkable, that in all the new Testament he is but once called *Lyon*, but frequently the *Lamb of God*; to denote to us his *Gentle, Meek and Harmless Nature*; and that those that desire to be the *Disciples* of his *Cross and Kingdom*, for they are inseperable, must be like him, as *St Paul*, *St Peter* and *St John* tell us. Nor is it said the Lamb shall lie down with the Lyon, but the Lyon shall lie down with the Lamb. That is, *War* shall yield to *Peace*, and the Souldier turn Hermite. To be sure *Christians* should not be apt to strive, nor *swift to anger* against any Body, and less with one another, and least of all for the uncertain and fading enjoyments of this lower World: And no quality is exempted from this Doctrine. Here is a wide Field for the Reverend Clergy of *Europe* to act their Part in, who have so much the Possession of Princes and Peoples too. May they recommend and Labour this Pacifick means I offer, which will end Blood, if not Strife; and then *Reason*, upon free debate, will be *Judge* and not the *Sword*. So that both *Right* and *Peace* which are the desires and fruit of wife Governments, and the Choice blessings of any Country, seem to succeed the Establishment of this Proposal.

The Third benefit is that it saves *Money*, both to the Princes and People; and thereby prevents those Grutchings and Misunderstandings between them that are wont to follow the devouring expences of War; and enables both to preform Publick Acts for *Learning, Charity, Manufactories*, and c. The Virtues of Government and Ornaments of Countries. Nor is this all the Advantage that follows to *Soveraignties* upon this head of *Money* and *Good-husbandry*, to whose service and happiness this short Discourse is dedicated, for it saves the great expence that frequent and splended Embassies require, and all their appendages, of *Spies* and *Intellegence*, which in the most Prudent Governments have devoured mighty Sums of Money, and that not without some Immoral Practices also; such as *Corrupting* of Servants, to betray their Masters by revealing their Secrets; not to be defended by Christian, or old Roman Virtue. But here, where there is nothing to fear, there is little to know, and

therefore the Purchase is either Cheep, or may be wholly spared. I might mention *Pensions* to the Widows and Orphans of such as Dye in Wars, and of those that have been disabled in them; which rise high in the Revenue of some Countries.

Our Fourth Advantage is that the *Town, Cities and Countries that might be laid waste by the rage of War are thereby preserved*: A blessing, that would be very well understood in *Flanders* and *Hungary*, and indeed upon all the *Borders* of *Soveraignties* which are almost ever the *Stages* of Spoiles and Misery; of which the stories of *England* and *Scotland* do sufficiently inform us without looking over the Water.

The *Fifth* Benefit of this Peace, is the *Ease and Security of Travel and Traffick*: An happiness never understood since the *Roman Empire* has been Broken into so many *Soveraignties*. But we may easily conceive the Comfort and advantage of Travelling through the Governments of *Europe* by a *Pass* from any of the *Soveraignties* of it, which this *League* and state of Peace will Naturally make Authentick. They that have Travelled *Germany*, where is so great a number of *Soveraignties*, know the want and vallue of this Priviledge, by the many *Stops* and *Examinations* they meet with by the way: But especially such as have made the *great Tower of Europe*. This leads to the benefit of an *Universal Monarchy*, without the Inconveniences that attend it: For when the whole was one *Empire*, (tho these advantages were enjoyed yet) the several *Provinces*, that now make the *Kingdoms* and *States* of *Europe*, were under some hardships from the great sums of *Money* remitted to the Imperial seat, and the *Ambition* and *Avarice* of their several *Proconsuls* and *Governours*, and the *Great Taxes* they paid to the numerous *Legions* of *Souldiers* that they maintained for their own subjection; who were not wont to entertain that concern for them (being uncertainly there, and having their fortunes to make) which their Respective and proper *Soveraignties* have allways shown for them. So that to be Ruled by *Native Princes or States*, with the advantage of that Peace and Security that can only render an *Universal Monarchy* desireable, is peculiar to our Proposal, and for that Reason it is to be preferred.

Another advantage is the *Great Security it will be to Christians against the Inroads of the Turk in their most Prosperous fortune*. For it had been Impossible for the *Port* to have prevailed so often, and so far upon Christendom, but by the carelessness, or wilful connivance, if not aide, of some *Christian Princes*. And for the same reason why no *Christian Monarch* will adventure to Oppose or break such an Union, the *Grandseignior* will find himself Obliged to concur for the Security of

what he holds in *Europe*: where, with all his strength, he would feel it an over-match for him. The *Prayers, Tears, Treason, Blood* and *Devastation*, that War has cost in *Christendom*, for these two last Ages Especially, must add to the Credit of our Proposal, and the blessing of the Peace thereby humbly recommended.

The Seventh advantage of an *European, Imperial Dyet, Parliament, or Estates*, is that it will beget and encrease *Personal Friendships between Princes and States*; which tends to the rooting up of Wars and planting Peace in a deep and fruitful Soyle. For Princes have the Curiosity of seeing the Courts and Citties of other Countries as well as Private Men, if they could as securely and familiarly gratify their Inclinations. It were a great Motive to the tranquility of the World, that they could freely converse Face to Face, and personally and reciprocally give and receive marks of Civility and Kindness: An Hospitality that leaves these Impressions behind it, will hardly let ordinary Matters prevail to mistake or Quarrel one another. Their *Emulation* would be in the Instances of *Goodness, Laws, Customs, Learning, Arts, Buildings*; and in Particular those that relate to *Charity*, the true Glory of some Governments, where Beggars are as much a rarity, as in other places it would be to see none.

Nor is this all the benefit that would come by this *Freedom and Interview* of Princes: For *Natural Affection* would hereby be Preserved, which we see little better then lost from the time their *Children or Sisters* are Married into other Courts. For the present State and Insecurity of Princes forbid them the Enjoyment of that natural Comfort which is Possessed by Private Families: In so much, that from the time a Daughter or Sister is Married to another Crown, Nature is submitted to Interest, and that, for the most part, grounded not upon solid or commendable Foundations, but *Ambition* or an *Unjust Avarice*. I say this Freedom that is the Effect of our Pacifick Proposal, restores *Nature* to her Just right and dignity in the Families of Princes, and then to the Comfort she brings wherever she is preserved in her Proper station. Here *Daughters* may Personal entreat their *Parents*, and *Sisters* their *Brothers*, for a good understand between them and their *Husbands*, where Nature, not Crusht by absence and Sinister Interests, but active by the sight and lively Entreaties of such near Relations, is almost sure to prevail. They cannot easily resist, the most affectional addresses of such powerful Soliciters, as their *Children and Grand-Children*, and their *Sisters, Nephews, and Neices*. And so backwards from *Children to Parents*, and *Sisters to Brothers*, to keep up and Preserve their own Families, by a good understanding between their Husbands and them. To conclude this

Section, there is yet another Manifest Privilege that follows this *intercourse* and good understanding, which me thinks should be very moving with Princes, viz. *That hereby they may Choose Wives for themselves*, such as they love; and not by *Proxy*, meerly to gratifie Interest, an Ignoble motive; and rarely begets or continues that *Kindness* which ought to be between Men and their Wives: A Satisfaction very few Princes ever knew, and to which all other pleasures ought to resign: which has often Obliged me to think that, *The Advantage of Private Men upon Princes, by Family Comforts, is a sufficient Ballance against their greater Power and Glory*: The one being more in *Imagination*, then *real*, and often *Unlawful*; but the other *Natural, Solid and Commendable*: Besides, it is certain, Parents loveing well before they are Married, which very rarely happens to Princes, *has kind and Generous Influences upon their Offspring*; which, with their example, makes them the better Husbands and Wives in their turn. This, in Great Measure, Prevents *Unlawful Love*, and the Mischief of those Intreagues that are wont to follow them? What *hatred, Feuds, Wars and Desolations* have in divers Ages, flown from *Unkindness* between *Princes* and their *Wives*? What *unnatural divisions* among their Children, and Ruin to their Families if not loss of their Countries by it? Behold an expedient to prevent it, a Natural, an Efficacious one: Happy to Princes, and Happy to their People also: For Nature being renewed and strengthened by these mutual pledges and Endearments, have Mentioned, will leave those soft and kind Impressions behind, in the minds of Princes, that *Court and Country* will very Easily discern and feel the Good Effects of it: Especially if they have the Wisdom to show that they Interest themselves in the Prosperity of the Children and Relations of their Princes. For it does not only Incline them to be good, but engage those Relations to become Powerful Sutors to their Princes for them, if any Misunderstanding should unhappily arise between them and their *Sovereigns*. Thus ends this Section. It now rests to Conclude the discourse, in which, if I have not pleased my *Reader* or answered his expectation, it is some Comfort to me, I meant well, and have cost him but little Money and time; and brevity is an Excuse, if not a Virtue, where the subject is not agreeable, or is but ill prosecuted.

#### *The Conclusion.*

I will Conclude this my Proposal of an *European, Sovereign, or Imperial Dyet, Parliament or Estates*, with that which I have toucht upon before, and which falls under the notice of every one concerned, by

coming home to their Particular and Respective experience within their own *Sovereignties*. That the *same Rules of Justice and Prudence*, by which Parents and Masters Govern their Families, and Magistrates their Cities, and Estates their Republicks, and Princes and Kings their Principalities and Kingdoms, *Europe* may *Obtain* and Preserve peace among the *Sovereignties*. For Wars are the *Duells* of Princes; and as Government in Kingdoms and States prevents men being *Judges and Executioners for themselves*, over-rules private Passions as to Injures or Revenge, and Subjects the great as well as the small to the Rule of Justice, that Power might not Wanquish or Oppress Right, nor one Neighbour act an *Independency and Sovereignty* upon another, while they have resigned that Original Claim to the benefit and Comfort of Society; so this being soberly weighed in the whole, and parts of it, It will not be hard to conceive or frame, nor yet to execute the design I have here proposed.

And for the better understanding and Perfecting of the *Idea* I here Present to the *Sovereign Princes and Estates of Europe*, for the safety and Tranquility of it, I must recommend to their Perusal *Sr William Temple's Account of the United Provinces*; which is an Instance and answer, upon *Practice*, to all the Objections that can be advanced against the Practicability of my Proposal; Nay, it is an *Experiment* that not only comes up to our case, but exceeds the difficulties that can render its accomplishment disputable. For there we shall find *Three degrees* of *Sovereignties*, to make up every *Sovereignty* in the *General States*. I will reckon them backwards. First the *States General* themselves: Then the *Immediate Sovereignties* that constitute them, which are those of the *Provinces*; answerable to the *Sovereignties* of *Europe*, that by their *Deputies* are to Compose the *European Dyet, Parliament* or *Estates* in our Proposal. And then there are the several Cities of each Province that are so many *Independant* or *distinct* *Sovereignties*, which Compose those of the *Provinces* as *Those* of the *Provinces* do compose the *States General* at the *Hague*.

But I confess I have the Passion to wish heartily that the honour of Proposeing and Effecting so great and good a design might be owing to *England* of all the Countries in *Europe*, as something of the nature of our expedient was, in design and preparation, to the Wisdom, Justice and Valler of *Henry the fourth of France*; whose superior Qualities raising his Character above those of his Ancestors or Contemporaries, deservedly gave him the stile of *Henry the Great*. For he was upon *Obligeing the Princes and Estates of Europe* to a *Politick Ballance*, when the *Spanish Faction*, for that reason, contrived, and accomplished his *Murder* by the

hands of *Ravillack*. I will not then fear to be censured for Proposeing an *Expedient* for the Present and future Peace of *Europe*, when it was not only the *Design* but *Glory* of one of the Greatest Princes that ever reigned in it; and is found practicable in the constitution of one of the wisest and Powerfullst States of it. So that to conclude I have very little to answer for in all this affaire, because, if it succeed, I have so little to deserve: For this great *King's Example* tells us it is fit to be done; and *Sr. W. Temple's* History shews us, by a Surpassing Instance, that it may be done; and *Europe*, by her incomparable Miseries, makes it necessary to be done; that my share is only thinking of it at this Juncture, and putting it into the common Light for the Peace and prosperity of *Europe*.

(Prefaced and edited by Carlo Guglielmetti)

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