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.

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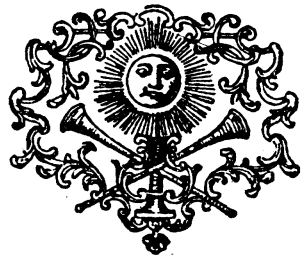
The Federalist was founded in 1959 by a group of members of the Movimento federalista europeo. The review is based on the principles of federalism, on the rejection of any exclusive concept of the nation and on the hypothesis that the supranational era of the history of mankind has begun. The primary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



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CONTENTS

A Decisive Battle

The prospect of annihilation of mankind by a nuclear war has sown the seeds of federalism in the soul of many people throughout the world. One is struck with wonder seeing how many courageous and tenacious men and women, outside Western Europe, are currently devoting their energies to the struggle for World Federation, which is doomed to remain pure ideal testimony, though of an exceedingly high value, for a very long time.

Federalism can be accomplished only at a world level, while its construction can be achieved only through a process, which must begin in a precise place, where it must create a model with the capacity to spread through the rest of the world, just like another model, the national state, which originated in Europe, did. This process will be bound to continue until the moment when the struggle for the World Federation also becomes a political project, and not only a moral ideal.

It is only in Western Europe that, since the end of the war, federalism has been transformed, from being a pure idea of reason, into a political project. It is in Western Europe that the nation-state, as a historical form, has undergone its crisis, and it is also here that the ideal of union has got across to the public, though so far only passively. It is here that the day-to-day need to collaborate across the frontiers — though hampered by the permanence of many distinct sovereignties — has brought division into the conscience of the political class, pushed by its interest and by inertia to perpetuate the sovereignty of the state, yet obliged by the inescapable reality of the European and world dimension of problems to recognize the need to overcome it.

The European parliamentary elections were made possible precisely by such a concurrence of circumstances. Thanks to the legitimacy conferred upon it by the people's vote, the European Parliament has taken on the historical role of being the driving force of the process. By passing the Draft Treaty establishing a European Union, it has begun the courageous attempt to build the first international democracy in history.

Only a few are aware of this. As Jean Monnet said, the limelight does not fall in places where the future is prepared. Yet the problem has been posed, and the governments are now faced with the historical decision, which carries heavy historical responsibilities with it, either to make a decisive step on the road towards unity and to give an example to the world by accepting the Draft Treaty of the European Parliament, or to proceed on the road of division, and thus of decay and servitude, by rejecting it or sweeping it under the carpet.

Let us recall the essential elements of the situation. On February 14, 1984 the European Parliament approved a text which, if adopted by the member States, or by a sufficient proportion of them, though not giving Europe the structure of a federation, would at least secure the institutional tools indispensable for forging ahead on the road to unity. It is what we call the "political and institutional minimum": the Commission transformed into an executive provided with limited, yet real powers, and subject to the European Parliament's control; the Parliament's participation in the law-making process, substantially on a par with the Council of Ministers; majority rule in the proceedings of the Council of Ministers.

The draft was supported by President Mitterrand of France who, in a speech in Strasburg on May 24, 1984, declared that France is ready to defend it. On many occasions Chancellor Kohl has revealed he is in favour of the European Parliament's proposals. Something seems to emerge, that we called in other circumstances "the occasional leadership" of the process: the readiness of one or more great European leaders to take the opportunity that presents itself and to bet their own historical destiny on it. Without this readiness, political forces are not involved in the debate, media do not react, public opinion is deprived of any addressee and any reference point for a stand to be taken. The "occasional leadership" of the process of European unification surfaced for the first time with Adenauer, De Gasperi and Schuman at the time of the EDC. The same thing could happen again today, with the French Head of state and the German Head of government.

All this has already brought about one significant result. The Committee of personal representatives of the Heads of state and governement ("Dooge Committee"), appointed after the European Council in Fontainebleau, has drafted a report, which was presented to the European Council in Brussels on March 29-30, and which will be discussed by the European Council in Milan on June 28-29. This report substantially preserves the "political and institutional minimum", identified in the European Parliament's draft, in spite of the numerous reservations advanced by the British, Danish and Greek representatives.

The procedure proposed by the Dooge Committee envisages among other things: i) the summoning in the near future of a conference of representatives of the member governments with a view to negotiating a draft treaty establishing a European Union, on the basis, among other things, of the spirit and the method marking the Draft Treaty voted by the European Parliament; ii) that the Commission of the Community take part in the negotiations; iii) that the European Parliament be closely associated with the proceedings of the conference and iv) that the final results of such proceedings be submitted to the European Parliament for approval.

In this way, the essential elements of the battle to be fought have been defined. The conditions for attempting to recruit the potentially available forces and for marshalling them on the field are there. The goal is clearly visible. The line of division between those who are for and those who are against the Parliament's Draft is becoming more and more clear-cut as the progress of events makes the alibis of the false friends of Europe collapse. And it is certain that, as the fronts take a clear outline, many of those who seemed to be allies when there were no precise commitments to take, will take off their masks and pass over to the enemy camp. But this is unavoidable and does confirm that we are facing a decisive battle.

It is a battle whose outcome depends on three factors:

i) the determination of the governments who declare themselves in favour of the Draft Treaty to go forward, maybe at the cost of painful lacerations, even without the governments who are against, and whose tactics will certainly be to cling to the waggon of negotiations with a view to steering them down a blind alley or anyhow towards inconclusive results. For this reason one at least of the Heads of state or government must have a clear awareness of his own historical responsibility and thus acquire the strength to impose his will on those of his partners who, though being, or saying they are, in favour of

the Draft Treaty, will tend to make the spirit of compromise prevail on the willingness to achieve the Union;

ii) the courage of the European Parliament to defend its project without hesitation, laying aside any polemic between the parties and giving rise within itself to that large unitary front which is part of its constituent role;

iii) the mobilization of public opinion by the federalists and by other living forces of European society. Indeed, without the active support of public opinion, a statesman could hardly find the force to put his own historical destiny at stake on a project. like that of the European Union, which is grandiose, but difficult to realize; and even the European Parliament's legitimacy would remain purely formal.

Bringing about these conditions is not easy. But nobody has ever been deluded into thinking it would be easy to start a process through which the sovereignty of a number of centuries old nation-States will be overcome and the embryo of a new State will be created in their place, thus inaugurating the federalist phase of human history. The only thing we can affirm with certainty is that, today, any advance on the road towards the European Union will no longer be hampered by impersonal forces, escaping control by human will. We are today in one of those moments of freedom in history, when the outcome of the crucial drama depends precisely and exclusively on the will of the 'players' in the process.

The conditions making it possible to fight are there. It is up to everyone to take on his responsibilities.

The Federalist

Economic Union and the Draft Treaty

JOHN PINDER

Their massive vote in favour of the Draft Treaty on 14 February 1984 expressed the discontent of Members of the European Parliament with the European Community in its present form. Part of this stems from the impotence of member countries in their strategic relations with the superpowers. But much of it reflects the failure of the Community to master the crisis in the contemporary economy.

The MEPs' disappointment with the Community also reflects their hopes for what it might achieve. The prosperity and dynamism of member countries in the 1960s was associated with the establishment of internal free trade, the common external tariff and — to the satisfaction of all member countries at the time — the common agricultural policy. Along with these, the EC treaties had provided a structure of institutions and an outline of further competences that seemed to promise a continuing growth of policy integration.

But since the 1960s this growth of policy integration has faltered. Despite the removal of tariffs, the EC's internal market remains fragmented by non-tariff distortions, notably in some higher-technology industries. The European Monetary System is a pale image of the common-currency system that was proposed in 1970 in the Werner report.[1] Community structural policies are too weak to help much to promote adjustment in sectors that urgently need it. This conjuncture of weak integration

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[1] *Report to the Council and the Commission on the realisation by stages of Economic and Monetary Union in the Community (Werner Report),* Supplement to Bulletin 11-1970 of the European Communities, Luxembourg, 8 October 1970.

with stagflation contrasts sharply with the combination of strong integration and dynamic growth that preceded it.

Doubtless the stagflation has been caused by changes in the real economy with which the system of economic management has not yet come to grips, and to which the system will have to be adapted. But it is plausible that in Western Europe, which has been worse afflicted by stagflation than the advanced industrial economies elsewhere, one element in this adaptation will have to be a strengthening of common economic management, or policy integration, to match the growth of integration among the West European countries' real economies. From where they sit, it is understandable that MEPs should regard this as the key to a successful Community economy; and it is fair to warn the reader that the writer of this essay regards it as at least one of the keys without which the door to a new European prosperity is not likely to be opened.

Weak Community institutions and lack of instruments.

The shift of economics from political economy to econometrics has diverted economists' attention away from the study of the institutions in which economic policy is made and, to some extent, from the instruments with which it is executed. Naturally enough, the MEPs, whose daily work involves political institutions and policy instruments, do not share this bias; and many of them have identified institutional weakness as the central cause of the Community's failure to create a powerful economic union.[2]

The essence of this weakness is seen as the search for unanimity among the member governments before significant decisions are taken, associated with a "democratic deficit" whereby, in the absence of legislative powers for the European Parliament, the choices that underlie these decisions gravitate from hard-pressed ministers, meeting in Brussels for a few hours, to committees of civil servants representing the member governments.

Thus the existing Community is criticised as failing to realise the potential of the treaties that established it, because the member governments, following the *démarche* of General de Gaulle in the mid-1960s, have extended the practice of the veto

[2] That this is the view of Altiero Spinelli, the principal promoter of the Draft Treaty, is shown in ALTIERO SPINELLI, *Towards the European Union*, Sixth Jean Monnet Lecture, Florence, European University Institute, 13 June 1983. See also MICHAEL BURGESS, "Federal Ideas in the European Community: Altiero Spinelli and 'European Union', 1981-84", *Government and Opposition,* Summer 1984, p. 340.

far beyond the limits envisaged in the treaties. At the same time the treaties themselves are held to have relied too much on unanimous intergovernmental voting to introduce new policies or to create new policy instruments.

Money and monetary policy can be taken as a paradigm. A common currency formed a normal part of early plans for European integration.[3] But the Treaty of Rome, although explicitly designed to establish a European Economic Community, confined its provisions in the field of money to half a dozen innocuous articles envisaging consultation on conjunctural and balance-of-payments policies. Evidently the founding fathers, having been worsted in 1954 in their attempt to integrate the defence establishments through a European Defence Community, were unwilling to take on those other citadels of national sovereignty, the finance ministries and central banks. Monetary integration remained on the agenda for economic union, however, even if this agenda was hidden while de Gaulle remained President of France; and soon after de Gaulle's demise, the Werner report proposed a monetary union, within which there would be "the total and irreversible convertibility of currencies, the elimination of margins of fluctuation in exchange rates, the irrevocable fixing of parity rates and the complete liberation of movements of capital." [4]

Although the Werner report was so precise in its definition of monetary union, it was quite vague about the institutional implications. A common currency (or irrevocably fixed parities with total convertibility, which amount to the same thing) removes the principal instrument of economic policy from the hands of the member states. It therefore requires that this principal instrument be managed collectively, that is, if one is to speak plainly, by a common government. Yet the Werner report, doubtless hoping to avoid stimulating gaullist reflexes in France, wrote merely of the need for a "centre of decision for economic policy", with no indication that this implied a radical political reform.[5] But this equivocation proved fatal to the scheme, for the French government was unwilling to transfer monetary sovereignty to effective common institutions, while other member governments, and crucially the German one, would

[3] See for example WALTER LIPGENS, *A History of European Integration 1945-1947: The Formation of the European Unity Movement,* Oxford, Clarendon Press, pp. 110, 578.

[4] *Op. cit.*, p. 10.

[5] *Ibid.*, p. 12.

not permanently lock parities without such a transfer.[6] The schemes for exchange rate cooperation which followed, including the European Monetary System in its present form, have not responded to the view that an economic union should be established and that this requires a transfer of substantial instruments of monetary policy from member states to common Community management.

The story of "economic and monetary union" has been told at some length because it illustrates perfectly why the Draft Treaty was designed to provide both for reform of the Community's institutions into a system of European government (and of parliamentary government, that being the form prevalent in member countries) and for the extension of Community competences and instruments. For experience has shown the Treaty's promoters what common sense probably told them in the first place: that without effective institutions which dispose of adequate instruments, an economic and monetary union is not likely to be developed.

Competences and instruments.

The economic union outlined in the Draft Treaty comprises five main aspects of public policy: completion of the internal market; external trade policy; structural policies; monetary and general economic policy; and the Union budget.

The internal market.

The Treaty of Rome provided for freedom of movement for goods, services and capital within the Community and for nationals of any member state to work and to establish economic activities in other member states. The vision was of a Community in which movement would be as free and undistorted as within one of the member countries. But as we have seen, one of the disappointments with the Community is that this vision has not been translated into reality. With the growing significance of specialisation and scale in the modern economy, this failure is becoming an increasing handicap to industries in the member countries in competition with more homogeneous large economies such as the United States and Japan.

[6] This deadlock was analysed in JOHN PINDER and LOUKAS TSOUKALIS, "Economic and Monetary Union Policy", in G. IONESCU (ed.), *The European Alternatives*, Alphen an der Rijn, Sijthoff and Noordhoff, 1979, pp. 482 ff.

This failure is due in part to the difficulty of securing unanimous agreement to remove a given distortion, whether unanimity is stipulated in the Rome Treaty (for example in the approximation of laws that distort the functioning of the common market) or is merely practised more often than that Treaty appeared to envisage (e.g. in securing freedom to provide services throughout the Community). Thus a substantial part of the vision of a single undistorted market, which the Draft Treaty reaffirms (see art. 47), could be achieved through the combination of the Union's inheritance of "the Community patrimony"[7] with its more decisive institutions.

While the application of the Union's reformed institutions to the Community patrimony offer the simplest solution to the problem of removing barriers and other distortions within the Union, the drafters of the European Parliament's Treaty felt the urge to go further to ensure that this is done completely and without undue delay. They therefore went beyond the Community patrimony in their articles 47-49, on freedom of movement, competition policy and the "approximation of laws relating to undertakings and taxation".

Thus not only does article 47 stipulate exclusive competence for the Union "to complete, safeguard and develop the free movement of persons, services, goods and capital" within the Union's territory, but is goes on to require the Union's legislative authority to lay down "detailed and binding programmes and timetables" for the liberalisation process, and to fix periods of two years for services and ten years for capital. Evidently the reluctance which several member governments have shown to accept free movement for services and capital, for example, led the drafters to suspect that even the more streamlined and decisive institutions they propose might fail to accomplish the desired results without such detailed treaty obligations.

Again, rather than rely on the Union's institutions to pursue a competition policy as defined in articles 85 and 86 of the Treaty of Rome, the Draft Treaty in article 48 gives the Union "exclusive competence to complete and develop competition

[7] Article 7 of the Draft Treaty provides that "the Union shall take over the Community patrimony" and goes on to specify "the provisions of the treaties establishing the European Communities and of the conventions and protocols relating thereto" and "the acts of the European Communities, together with the measures adopted within the context of the European Monetary System and European Political Cooperation", in so far as these are not amended by or incompatible with the Draft Treaty, or amended or replaced in accordance with the procedures laid down in the Draft Treaty.

policy at the level of the Union", specifying a "system for authorisation of concentrations of undertakings" based on article 66 of the ECSC Treaty and "the need to prohibit any form of discrimination between private and public undertakings".

In order to strengthen the Rome Treaty's provisions for removing fiscal and legal distortions in the common market, article 49 of the Draft Treaty requires the Union to "approximate the laws, regulations and administrative provisions relating to undertakings . . . in so far as such provisions have a direct effect on a common action of the Union" and to "effect the approximation of" the laws relating to taxation "in so far as necessary for economic integration within the Union". While the drafters' inclination to sweep away bureaucratic cobwebs that disfigure the common market was doubtless sound, it should also be remembered that some of the legal, administrative and fiscal differences among the member countries reflect a social or cultural diversity which it may be unwise or even impossible to eliminate. Thus different balances between direct and indirect tax in Aberdeen and Palermo may stem from deep-seated differences in attitudes towards the state or towards its role in relation to social justice; and the aims, procedures and competences of a European Union need to be defined in ways that take sufficient account of such distinctions. We will return to the question whether the Draft Treaty could be improved in this respect.

External trade policy.

The external trade policy (or common commercial policy, as the Community jargon has it) is the most striking success of Community policy-making. In the other main fields of international relations, such as money and defence, the Community remains a political dwarf in its relations with the United States. In trade negotiations, on the contrary, the EC was shown, soon after the Rome Treaty came into effect, to have become the equal of the US. This was made evident when President Kennedy initiated the Kennedy round of tariff negotiations in the Gatt, in response to the emergence of this new trading power with its common external tariff; and it has remained the case in trade negotiations since.

The difference between before and after the establishment of the European Economic Community was precisely the creation of the Community's common tariff, which prevented member governments from making separate national deals with trading partners on the basis of separate national tariffs. The power of a common policy instrument could hardly have been more

convincingly demonstrated. Yet although the institutions of the EC have, albeit cumbersomely and painfully slowly, managed to use this instrument in tariff negotiations, they have a dismal record where the creation of new common instruments is concerned. The same centrifugal force of the national political and bureaucratic systems of the member states, which underlay their inability to aggregate their trade negotiating power when they still had separate tariffs, has undermined most of the good intentions to create other common instruments. It is this sterility, in an era when new common instruments appear so necessary in order to manage the interdependent Community economy and to defend its interests in the hard world outside, that has led the architects of the Draft Treaty to set such store by institutional procedures that will remove the present blockages, not only to the efficient use of existing instruments, but also to the establishment of new ones.

Thus the Draft Treaty's brief provision for external trade policy packs a heavier punch than its brevity might seem to imply. "In the field of commercial policy, the Union shall have exclusive competence" (art. 64.2): this gives the Union's institutions, which are so much more decisive than those of the Community, the power both to use the EC's already substantial instruments of trade policy and to fashion the further instruments that the growing importance of non-tariff influences on international trade is rendering more and more necessary.

Structural policy.

The Community is not without competence to make structural policy and instruments with which to execute it. Its agricultural policy is famous or notorious, according to the point of view. The Rome Treaty contained more articles on transport than on agriculture, but without equivalent effect; the ECSC provides for structural policy for coal; and Euratom for atomic energy. The Community also possesses several instruments of industrial policy.

Historically, protection has been the primary industrial policy instrument for most countries; and the effectiveness of the EC's common tariff, together with ways in which the Draft Treaty would strengthen the common commercial policy, has already been described. The other side of that coin was the renunciation by the member states of the use of tariffs and quotas on the trade among them. Despite its incompleteness, the development of the EC's internal market has been one of the greatest acts

of industrial policy in this century; and the Community's continuing struggle to complete the single liberalised market remains at the centre of industrial policy-making. The Draft Treaty, as we have seen, equips the Union to ensure a victorious conclusion to this struggle.

Subsidies have recently been challenging the primacy of traditional protection in the field of structural policy. The EC disposes of "an array of financial funds" [8] which can be used for its industrial policy, including the Social Fund, money raised under the Treaty establishing the European Coal and Steel Community, the Regional Development Fund, the European Investment Bank and the New Community Instrument (Ortoli facility) whereby the EC can raise funds to finance investment projects. But "all in all, the Community financial funds are of modest importance";[9] and one of the most important of the Draft Treaty's economic provisions is the power that article 71.2 gives the Union to raise as much revenue for the European budget as its institutions may, by majority vote procedures, decide. The Union would not, therefore, be constrained like the Community in using financial instruments for industrial policy.

Given the modesty of the Community's financial resources, its main power in the field of industrial subsidies has been the negative one of controlling the subsidies given by member governments (in Community jargon, state aids). In principle, the Rome Treaty regards these as "incompatible with the common market" in so far as they distort or "threaten to distort competition by favouring certain undertakings or the production of certain goods" (art. 92). But the same article goes on to allow that subsidies may be compatible with the common market if they are to promote the development of regions with low living standards or underemployment, important projects of common European interest, or the development of certain economic activities or areas, where this "does not adversely affect trading conditions to an extent contrary to the common interest". So the Commission of the EC has been able to use its powers not only to prohibit subsidies that distort competition but also to allow those that help in "speeding up the response of the private enterprise system to new investment and technological opportunities . . . and the adaptation of industries which need to contract

[8] JACQUES PELKMANS, *Market Integration in the European Community*, The Hague, Martinus Nijhoff, 1984, p. 275.
[9] *Ibid.*, p. 277.

and redeploy resources".[10] The negative power to prohibit national subsidies has thus been turned into an influence in favour of positive adjustment; and the Draft Treaty has not proposed any change to the Community's powers with respect to state aids, although the Union's disposal over more money for its own subsidies would powerfully enhance its capacity to turn industrial policy in a positive direction.

Competition policy can likewise be used to encourage adaptation in sectors that need to adjust through capacity reduction; and after running the EC's competition policy on fairly orthodox neoliberal principles, which as US anti-trust legislation has shown can exert a considerable influence on industrial structure, the Commission has begun to promote adjustment in a branch of the chemical industry in this more positive way. The Draft Treaty has, however, sought to strengthen this line of action by requiring the Union to develop its competition policy "bearing in mind . . . the need to restructure and strengthen the industry of the Union in the light of the profound disturbances which may be caused by international competition" (art. 48).

The Community patrimony with respect to external trade policy, the internal market, subsidies and competition policy has been recapitulated here because the use by the Union's institutions of the competences which are already part of the patrimony would be the Draft Treaty's most important contribution to structural policy, at least if the more ample financial resources implied by articles 71, 75 and 76 (see below) are also taken into account. It could indeed be argued that there was no need for the Draft Treaty to make any further provision for structural policy. But article 53 does in fact go into sectoral policies in some detail; and article 58 makes far-reaching provision for regional policy, while article 73 stipulates "a system of financial equalisation . . . to alleviate excessive economic imbalances between the regions". Under both articles 53 and 58 the Union is given concurrent competence: that is, "the Member States shall continue to act so long as the Union has not legislated" (art. 12), but cannot legislate thereafter.

For agriculture and fisheries, the Draft Treaty requires the Union to "pursue a policy designed to attain the objectives laid down" in article 39 of the Rome Treaty: hardly necessary, since this is part of the Community patrimony, which the Union

[10] DENNIS SWANN, *Competition and Industrial Policy in the European Community*, London, Methuen, 1983, p. 51.

would inherit. For energy, wider-ranging objectives are specified than are to be found in the treaties establishing the EC, including not only security of supplies, market stability and a harmonised pricing policy, but also "the development of alternative and renewable energy sources ... common technical standards for efficiency, safety, the protection of the environment and of the population, and ... the exploitation of European sources of energy". The structural policy implicit in such aims is, moreover, to apply to all energy sources, whereas the existing treaties provide specific structural aims with respect only to coal and atomic energy. The European Parliament, clearly frustrated by the weak and patchy Community energy policy, would give the Union the capacity to make a strong and comprehensive one.

For transport, the Draft Treaty reiterates the aim of ending distortion and discrimination, which is already clearly stated in the Rome Treaty, and adds the important aim of creating "a transport network commensurate with European needs". The aim of establishing "a telecommunications network with common standards" also breaks significant new ground.

For industry and for research and development, the Draft Treaty foregoes the definition of any particular aims but gives the Union power to coordinate the actions of member states. In the case of research and development, this takes the far-reaching form of the Union "coordinating and guiding national activities", which might be thought to open the door to Union control not only of any detail of member governments' policies but even, depending on the interpretation of "national", of research and development activities hitherto independent of governments within the member states. The Draft Treaty also empowers the Union to "provide financial support for joint research ... and ... undertake research in its own establishments". both of which the Community already does within the limits of its present resources.

In the field of industry, the Union's control is confined to "the policies of the Member States in those industrial branches which are of particular significance to the economic and political security of the Union". For other industrial branches the Community patrimony together with the Union's greater financial power is evidently, and probably rightly, believed to afford adequate scope for Union industrial policy. Where "economic and political security" are at stake, it may be thought legitimate for the Union to bite deeper into member states' competence, depending perhaps on how broadly such security is defined.

Monetary and general economic policy.

The most important of the Draft Treaty's provisions in the field of general economic policy, indeed the key among all its economic proposals, is to be found in article 52, which gives the Union competence "for the achievement of full monetary union". All member states are to participate in the European Monetary System; the EMF (European Monetary Fund) is to be established (according to art. 33) with "the autonomy to guarantee monetary stability"; "part of" the member states' reserves are to be transferred to the EMF; the ECU (European Currency Unit) is to become a reserve currency and a means of payment, and the Union is to promote its wider use. More generally, the Union is to establish "the procedures and the stages for attaining monetary union". In the first five years, the heads of government in the European Council can suspend these monetary laws; but there is no hindrance thereafter to the establishment by the Union's institutions of a monetary union of the type defined in the Werner report.

This article, with the Union's more decisive institutions, is enough to shift the balance of power to make general economic policy from the member states to the Union. The Draft Treaty adds to this, however, a concurrent competence for the Union "as regards European monetary and credit policies, with the particular objective of coordinating the use of capital market resources by the creation of a European capital market committee and the establishment of a European bank supervisory authority". The competence for monetary and credit policies seems anyway implicit in article 52. But the words "coordinating the use of capital market resources" might be interpreted as requiring a directive form of control over capital markets, rather than the establishment of a regulatory framework which was probably intended.

Part of article 50, which gives the Union concurrent competence "in respect of conjunctural policy, with a particular view to facilitating the coordination of economic policies within the Union", also seems redundant in the light of article 52; for *pari passu* with the progressive establishment of the monetary union, the responsibility for monetary policy passes inevitably to the Union. Article 50 also, however, appears to give the Union the power to control the budgets within the member states, which comprise the other main instrument of economic and conjunctural policies. Union laws are to lay down the principles on whose basis "the Commission shall define the guidelines and objectives to which the action of the Member

States shall be subject" and "the conditions under which the Commission shall ensure that the measures taken by the Member States conform with the objectives it has defined". This may raise the spectre of a Union government treating the budgets within the member states as the British government has been treating the local budgets within the United Kingdom — against the principle of all democratic federations, which keep the states' budgets free from federal control.

The argument for Union control over member states' budgets is that, whereas in most federations the federal budget is bigger than those of the states, the Union would start with a budget amounting to some 2 per cent of public expenditure within the member countries as a whole. So the Union budget would carry little weight compared to that of states' and local budgets as an instrument of conjunctural or general economic policy. This argument was deployed at the time of the Werner report, which likewise proposed Community control over the member states' budgets, specifying "global receipts and expenditure, the distribution of the latter between investment and consumption, and the direction and amount of the balance".[11] But when that report was written, faith in the effectiveness of demand management through fiscal manipulation was greater than it is now; and the Werner group was, as we have seen, remarkably insouciant about the political implications of their proposals. Even if fiscal manipulation makes a big contribution to successful demand management (which may, despite current scepticism, still be the case), this would have to be set against the political consequences of so heavy a load of centralisation in a Union which will need to foster political vitality not only at the centre but also within the member states. Taxation and expenditure are among the principal instruments of social as well as economic policy, and democracy can hardly flourish without adequate control over them. It follows from this that, while the Union's institutions control the Union's budget, control over the states' budgets should remain with the states. This argument relating to political structure should at least be weighed carefully against the case for Union control of general economic policy. It would be surprising if the outcome were to give the Union power over the states' budgets, beyond perhaps the right to fix upper and lower limits for the budget balance where there was strong evidence that this would be necessary for the Union's economic stability.

[11] *Op. cit.*, p. 19.

Whatever the outcome as regards Union control over member states' budgets, its right to "utilise the budgetary or financial mechanisms of the Union for conjunctural ends" (art. 50.4), or indeed for the ends of economic policy more generally, can hardly be gainsaid. Although the starting point would be the EC's quite small budget, the Draft Treaty sets no limit to the revenue that could be raised by the Union; and the legislative procedures that the Treaty envisages would be likely to produce, over time, a substantially larger budget. It was suggested earlier that this would be the Treaty's most important contribution to the array of instruments for structural policy; and the budget can indeed be seen, along with monetary union and the effective use of the Community patrimony by the reformed institutions, as the essential triptych of the economic union that would emerge from the Treaty.

The Union budget.

The communautaire insistence on "own resources" for the EC is not a vacuous dogma but a practical necessity if the Community is to exist as an effective entity. The power of a common instrument was demonstrated earlier with the case of the external tariff. The Community would likewise achieve little if it were unable to pay for any specific activity, without unanimous agreement among the governments to raise the necessary revenue for it. This explains why the Draft Treaty opens its sections on the budget by stating squarely that "the Union shall have its own finances", that they will be "administered by its institutions", on the basis of a budget adopted by "the European Parliament and the Council of the Union" (art. 70).

The Draft Treaty goes on to provide for regular and efficient control of the budget. All expenditure is to be "subject to the same budgetary procedure" and there is to be an annual report to Parliament and Council on "the effectiveness of the actions undertaken" (art. 72). There is to be a multi-annual programme for revenue and expenditure, revised annually and "used as the basis for the preparation of the budget"; and the Commission is to report on "the division between the Union and the Member States of the responsibilities for implementing common actions and the financial burdens arising therefrom" (art. 74). The budget is to "lay down and authorise all the revenue and expenditure of the Union in respect of each calendar year"; the adopted budget "must be in balance", although this allows for "borrowing and lending" as well as the raising of revenue; appropriations

are to be "entered in specific chapters grouping expenditure according to its nature or destination" (art. 75). The budget is to be "implemented by the Commission" (art. 78), which shall submit annually to Parliament and Council "the revenue and expenditure account" (art. 80), this being audited and "the implementation of the budget" verified by the Court of Auditors (art. 79). Finally, "the Parliament shall decide to grant, postpone or refuse a discharge" (art. 81).

The budget to which all these proper procedures are to apply is to be declared adopted by the President of the Parliament after it has been approved by the budgetary authority, that is according to a complex procedural relationship between the Parliament and the Council of the Union laid down in article 76. This relationship is quite similar to that for enacting laws. In the unlikely event that both Council and Parliament accept by simple majorities (a majority of the weighted votes cast in the Council and of the votes cast in the Parliament) the budget proposed by the Commission, or if Council and Parliament agree by simple majorities the same amendments, which are not opposed by the Commission, the budget is to be adopted. More probably, the Commission and Parliament would agree upon a budget amended by the Parliament (the Parliament having to vote by an absolute majority of all its members to amend any amendments proposed by the Council), in which case it would be adopted unless a qualified majority of the Council (for a second reading of the budget, three-fifths of the weighted votes cast and a majority of the representations of member states) is against it. Put the other way round, a budget agreed by Parliament and Commission will be adopted even if only two-fifths plus one of the weighted votes cast in the Council and a minority of the representations are in favour of it.

This procedure has been described in a little detail because of the complexion it casts on the question of the size of the Union budget. The Union "may, by an organic law, amend the nature or the basis of assessment of existing sources of revenue or create new ones" (art. 71). An organic law can be passed, if Parliament and Commission agree on it, with only one-third plus one of the weighted votes in the Council (art. 38). Although a qualified majority in Parliament (a majority of all its members and of two-thirds of the votes cast) is also required in those circumstances, it seems not unlikely that the Union would acquire a tax base from which substantial revenue could be raised. The amount to be raised from this tax base would be decided by the procedure outlined above, requiring only a simple

or an absolute majority in the Parliament and two-fifths plus one of the weighted votes cast in the Council.

There should be little difficulty, with those procedures, in raising the money required to finance the policies decided in the Union's institutions: a sharp contrast with the precariousness of the present Community budget. This is of no small significance in an age when, despite public expenditure cuts, the budget plays such a big part in economic and social policy. The problem may be, rather, that the procedures could, if there were majorities of centralisers in Commission and Parliament, open the way to raising the Union budget to levels that would unduly constrain the budgetary potential, and hence the political life, of the member states.

What would be a just division of revenues and expenditures between the Union and the states is a question to which many answers could be given, depending on the weight given to a variety of political, economic and social values. The MacDougall report to the Commission [12] suggested that a "pre-federal" budget, concentrated on employment, regional, structural and cyclical policies, could comprise 2-2½ per cent of the Community's gross domestic product, rising perhaps to 5-7 per cent. Whatever the just division, there is also the question of what budgetary arrangements would be acceptable to the member countries' parliaments that would have to ratify the Draft Treaty; and it seems doubtful whether a procedure which gives so little weight to the member states' representations, while offering no limit to the size of the budget that could be determined by majorities in the European Parliament and Commission, would be acceptable to at least those parliaments, particularly the British and the German ones, which tend to take a jaundiced view of the impact of European budgets on their countries.

Economic union and member states.

The question of a just division of powers between Union and states, and the related though less noble question of the acceptability of the Draft Treaty to member countries' parliaments, arise with respect not only to the Union budget but also to the Treaty's proposals for economic union as a whole.

This writer at least applauds the European Parliament's determination to see a real economic union established, to provide

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[12] *The Role of Public Finance in the European Communities (Mac Dougall Report)*, Brussels, Commission of the EC, April 1977.

a framework in which the European economy could realise its full potential, instead of limping behind Japan and the United States as the Community is doing at present. The Draft Treaty contains the essential elements of such a framework, in particular the monetary union, an adequate Union budget and the Community patrimony, to be governed by institutions from which the present blockages have been removed.

Beyond these essential elements, however, the Treaty's drafters may have gone too far in some ways towards centralisation or uniformity. The potential for making taxation uniform among the member states, for raising the size of the Union's budget beyond reasonable limits, and for controlling budgets or research and development within the member states, has already been mentioned. In each case, it would be possible to provide a check by amending the Draft Treaty: excluding personal direct taxes from harmonisation, for example; setting a maximum (say 5 per cent of Union GDP) above which the Union budget could not be raised without treaty amendment; giving the Union no power to interfere in the budgets of member states or to prohibit research and development programmes within them.

The Draft Treaty might well be improved by some such specific amendments. At the same time flexibility is a great merit in a constitution (which the Draft Treaty would in fact be for the European Union), and this tells in favour of relying as far as possible on more general provisions to safeguard the autonomy of member states against excessively centralising forces.

The Draft Treaty already contains the principle of "subsidiarity", whereby "the Union shall only act to carry out those tasks which may be undertaken more effectively in common than by the Member States acting separately" (art. 12). This principle might become a more effective safeguard against undue centralisation if it were provided that the tasks in question should not in themselves be excessively centralist (e.g. tax harmonisation beyond what is needed for reasonably fair trade among the member states).

The encroachment of central power in the regulation of economic activities has been limited to some extent in the United States by the constitutional guarantee that no person be deprived "of life, liberty and property without due process of law"; and a similar purpose has been served, in Canada's constitution, by excluding central government legislation on trade and commerce "where it conflicts with property and civil rights in a province". But in each case there has been "much uncertainty about the respective powers of general and state governments,

because of the conflicting and ambiguous language adopted".[13] The Draft Treaty invokes the rights derived from the constitutions of the member states, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter (art. 4); and it might be worthwhile to consider whether the way in which this is done could avoid some of the uncertainties that have arisen in Canada and the US.

The procedure which would allow Union laws, including the budget, to be enacted with the support of only a minority of the member states and of their weighted votes may tilt Union legislation too heavily against the retention of political scope for the member states. It would be some safeguard against this, and more in line with the constitutions of other unions, to require at least a majority of the states' representations for all legislation, and a qualified majority for the more fundamental, organic laws.

Amendments such as these to the Draft Treaty might both ensure a better distribution of power between the Union and the states and, as a consequence, also make the states more willing to ratify. It may also be advisable to consider the particular problems that could arise for member states whose support is indispensable if European Union along the lines envisaged in the Draft Treaty is to become a reality. In Britain and perhaps France the doubts about political structure are likely to be more important; here we will consider the economic doubts which may well predominate in Germany.

The Germans, having suffered two hyper-inflations in this century, are peculiarly liable to fear a recurrence of the malady; and they are apprehensive lest monetary union with their currently more inflationary neighbours should draw them again in that direction. They are also keenly conscious of being the Community's "paymaster" and wary of exposing themselves to bigger net contributions to the budget. They are also aware of the merits of political union such as the Draft Treaty outlines; but they might want reassurance before committing themselves irrevocably to monetary union and a budgetary procedure that could bring a much larger financial commitment. Such reassurance could perhaps be offered by a procedure that was devised in the Treaty of Rome, where transition from the first to the second stage was made conditional on "finding that the objectives specifically laid down in the Treaty for the first stage had in fact been attained in substance" (art. 8.3). Here the objectives in

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[13] K.C. WHEARE, *Federal Government*, London, Oxford University Press, 1951 (first edition 1946), p. 149.

question might be assured monetary stability and a fair distribution of budgetary costs and benefits.

The European Parliament, in its Resolution on the Draft Treaty establishing the European Union, declared its desire to "take account of the opinions and comments of the national parliaments" [14] on the draft. The view will have been made apparent in the foregoing that the provisions for economic union could be improved in the process and that various inessentials could be dropped. But there is also the danger that in the course of political discussions the vision of an effective economic union could be lost. Rather than compromise on the essentials, the European Parliament should keep such features as the common currency, an adequate budget and decisive institutions at the centre of its project. Only thus can it help to persuade the member states, if not now then at a later stage, to accept what is necessary for the economic future of Europe.

[14] European Parliament, *Draft Treaty establishing the European Union*, February 1984.

Notes

FEDERAL UNION

Federal Union was a child of the 1930's. It was born in a world so different from that of today that, if one is to explain how it came into being, achieved the success that it did, and then, as an organisation, died, I must describe how that world seemed to those of us who started it.

The two superpowers which dominate today's world were off stage. Both had retired after the Great War — as it was then known — behind their own frontiers. Today's Third World nations were voiceless colonies. Four European nations effectively had the power of peace or another world war. Those who had survived that squalid yet heroic slaughter, or like us, had grown up in its aftermath, had believed that it must indeed have been the war to end wars and had put our faith in the League of Nations. We saw it almost as a sacred memorial to fathers, brothers, friends. Yet by the mid 1930's we had seen it wantonly sabotaged by all four nations. A few, like Churchill, saw war as inevitable. Most found it impossible to believe, whatever Hitler might say, that anyone would provoke another war. A strong sense of guilt that the Treaty of Versailles had been seriously unjust allowed the occupation of the Rhineland and of Austria to be excused. Others saw Hitler and Mussolini as a bulwark against Communism. Yet, as the months and years passed, the slide towards war gathered momentum. No one wanted it. Yet there seemed no answer. It was in this atmosphere that Federal Union was conceived.

Derek Rawnsley and I had been at Eton and Oxford together though we had not known each other well. After Oxford we

both found ourselves doing public relations for oil companies — in my case as a preparation to a career in politics. We took to lunching together more or less weekly; and when Derek left his job in order to start two businesses of his own he brought along three or four of his colleagues. These lunches were in no sense formal meetings and the talk was by no means always about politics. But we were all in our twenties; we all felt alike and inevitably the international situation loomed large. Why, we asked ourselves, had the League of Nations failed? It was too easy an aswer that its member nations had let it down — would they not always do so? We found that we no longer had any faith, where national self interest was involved, in gentleman's agreements, treaties, alliances, solemn declarations or covenants. What was needed, we concluded, was not a League but an assembly elected by the people of the member nations which could not only take decisions on behalf of all but which also had both the authority and the power to give effect to them. I don't recall that the word federation was ever mentioned.

This was the position we had reached by the time of the Munich crisis. In the midst of it Derek rang me up. "We've got to do something" he said. If I left my job, he would give me the use of a room in his offices and we could start an organisation. And so I found myself with a table, a chair, a telephone and a lot of blank sheets of paper in an otherwise empty 18th century drawing room at 44 Gordon Square.

The first task was to set down what we actually proposed and to see what other people thought of it. It was at this stage that we were introduced to Patrick Ransome. He was in his early thirties; had studied international law at Cambridge under Professor Lauterpacht and had gone on to the London School of Economics where he had studied under Harold Laski. Tragically he had been desperately crippled at birth and had to live in a wheelchair; but he had a fine brain and was a delightful conversationalist. He had the means to give us his time and he brought to the formulation of our ideas a knowledge of federal institutions which neither Derek nor I possessed.

While the three of us discussed various drafts which I produced, I investigated all the peace organisations I could find. Broadly speaking there were two of any importance. One was the League of Nations Union, full of influential people and highly organised with branches throughout the country but now, it seemed to me, demoralised; the other was the Peace Pledge Union whose members had signed a pledge never to take part in war and were opposed to the LNU on the issue of military sanctions; and to our proposals so long as the federation was armed. Apart from these two there was a host of little organisations ranging from the reasonably sensible but comfortably ineffective to a lunatic fringe, each with some single cure for all the ills of the world. The National Peace Council, as an umbrella organisation, tried to shelter all; but could only produce resolutions and letters to the press with long lists of signatories but so carefully drafted, in order to paper over the irreconcilable differences between the LNU and the PPU, that they carried no weight.

We were clear that a new organisation was needed. The statement of our proposals was now agreed; and copies of it were circulated to as many of our friends as we thought might be interested, inviting them to a discussion meeting. We got in a barrel of beer and about 80 turned up. They gave us enthusiastic encouragement to go ahead and enough money to print a pamphlet which we could circulate.

We then redrafted the memorandum into pamphlet form, changed the name from Pax Union, under which it had been issued, to Federal Union and got it printed. I then selected about 500 names from a reference book of prominent people concerned with international affairs and wrote a personal letter to each, enclosing a copy of the pamphlet; inviting those interested to write to us at Gordon Square. The response was extremely encouraging and by March 1939 a small group met to decide how to proceed. It consisted of Barbara Wootton, then Professor of Social Studies at London University and now Baroness Wootton, Deputy Speaker of the House of Lords; Kingsley Martin, Editor of the New Statesman, a widely read left wing weekly; Wickham Steed, former Editor of the London "Times"; Lionel Curtis and Lord Lothian both of whom had been longtime promoters of the idea of federation of the British Commonwealth.

It was agreed that I should draft a single page Declaration of Aims for which each of those present would canvass signatures — the signatures could be used to show support for our aims but not necessarily membership of the organisation. While this was being done Patrick Ransome and I continued interviewing those who had responded to my letter and the pamphlet. It was at this point when we were talking to Harold Butler, then (or just retired) Director of the International Labour Organisation in Geneva, that we learnt of the forthcoming publication of Clarence Streits "Union Now".

We now began to invite public support by letters to the press. Again the response was astonishing. It was clear that we had put into words what a great many people — and particularly young people — were thinking. Letters and money poured in. People asked to come and work for us and we took on staff; people asked what they could do and to them we suggested they did what we had done: invite a few friends, write to the local press, call a public meeting and form a branch. We published more pamphlets, provided notes for speakers, drafts of the letters they could write to the press. We launched Federal Union News which I edited as a weekly. W.B. Curry wrote "The Case for Federal Union" which was published as a paperback by Penguins and became a best seller.

The spring and summer of 1939 were hectic. In addition to the ever increasing volume of correspondence, I was called on to speak at meetings the length and breadth of the country, sometimes in private houses to newly formed branches, more often to large audiences in public halls. We formed a panel of speakers and every morning on my desk there was a pile of new press cuttings. When war finally broke out in September but no bombs fell, life in Britain quickly reverted to normal — apart from the blackout — and the organisation continued to grow. The active branches became 200, public meetings increased, culminating in a packed meeting in the Queens Hall — almost the last to be held before it was bombed out of existence.

War provided Federal Union with an important bonus. Derek Rawnsley had studied at University College Oxford of which Sir William Beveridge was Master. He had been Minister of Munitions during the Great War and was to be author of the report on which Britain's welfare services were founded after the second War. Derek had early approached him for help; which Beveridge had promised should war break out. This promise he now fulfilled. A separate Research Institute was formed with Patrick Ransome as secretary with Beveridge supervising. Groups of specialists were convened and a series of Federal Tracts promoted. Lord Lothian had already contributed a pamphlet; others now followed. Beveridge himself wrote one proposing an initial federation of Western European democracies; Barbara Wootton wrote on Federation and Socialism; H.N. Brailsford, on the discussions which had taken place during the Great War; J.E. Meade, the economist, on the economics of federation: Prof. Ivor Jennings on the legal problems; and Lord Lugard on its implications for the colonial peoples; Prof. K.C. Wheare on the constitutional questions.

When France fell and the bombing of England started, meetings became increasingly difficult as more and more of our members were called up for military or other service. My own shortcomings as an administrator had been largely responsible for a financial crisis and although we had recovered I felt it was time to resign as general secretary — a decision which was reinforced by my feeling that, as a conscientious objector, the movement might be seen as a pacifist one. R.W.G. Mackay took over. He was a lawyer and was author of 'The Federation of Europe'. He was also an excellent administrator. But too many people were preoccupied with war service to make a popular organisation possible. Federal Union News ceased publication and the local branches disbanded. The Research Institute became the Federal Trust which it remains to this day. Derek Rawnsley had been killed.

We can I think claim to have spoken for at least a sizeable proportion of our generation — the great majority of our rank and file members had either been through the Great War or, like us grown up in the years which followed — and to have but the federal idea on the agenda of thinking about the post war settlement. But that we failed to build on this and to establish ourselves as the successor to the League of Nations was due to a number of causes.

Our original pamphlet had contained no proposal for a federation of any named countries: only that it should consist of democracies which were willing to join as a nucleus for later development. As I have said, to us Europe held the key to war and peace and we were thinking only of European democracies. Our hope was that the idea would appeal to enough of the citizens of Germany and Italy to enable them eventually to join. Before we had had time to build on this concept, we were overtaken by the wide publicity which Clarence Streit's "Union Now" obtained. As foreign editor of the New York Times he was well known; his book was a clear and forceful argument for a federation of 17 named countries of which the US was to be one. It was an immensely valuable contribution to the case for federation as opposed to League but as a political proposition it seemed to the three of us who started Federal Union quite unrealistic and, to Patrick and myself certainly, undesirable: we were Europeans. For centuries England has never been sure whether it was a part of Europe or not and the effect of Streit's book was to bring into Federal Union a large number of members who actively preferred the idea of Anglo-American union rather than of European union of which Britain was a part.

There were other reasons. A notable feature of the letters we received and whose writers joined, was the number which said that our pamphlet put into words what they themselves had long been thinking. But it turned out that a high proportion of them belonged to a variety of schools of thought. Very many had been influenced by philosophers such as Bertrand Russell and H.G. Wells, who had clearly diagnosed the evils of national sovereignty but had made no attempt to relate their diagnosis to the current political scene. Their followers were often idealists dreaming of some utopian world government and looked on anything short of that as worse than useless. There were others like Brailsford, Kingsley Martin, Leonard Woolf who had been members of the Union of Democratic Control during the first World war (or who had been influenced by it) which had faced the problem of how to secure majority voting in international assemblies. Lionel Curtis still had a few followers at Chatham House who thought in terms of Imperial federation. Lothian had originally been one of those but his mind had been concentrated very much on the European problem of pacifying Germany by meeting claims which he thought the injustices of the Treaty of Versailles made reasonable. Though, after Munich, he realised that Hitler was not to be pacified, he was still regarded as an 'appeaser' and remained suspect on that account even after his appointment as British Ambassador to the US. He welcomed Streit's book but what his flexible mind might have turned to, had he lived to be concerned with the post war settlement, it is not possible to say.

Though therefore we were all agreed that national sovereignty must give way to federation, there were wide disagreements among the members of Federal Union, over the question of which nations we should propose as members of the federation. The last pamphlet I wrote for Federal Union went some way towards concentrating the ideas of the movement. It was written as the British were being evacuated from Dunkirk and was published almost simultaneously with Churchill's despairing offer of union with France. The pamphlet was called "How We Shall Win". It drew on the revelation that the Nazi conquest of the Low Countries had been greatly assisted by their 'fifth column'. It called for a declaration of war aims appealing to the people of Europe to join in a united resistance movement which would culminate in a democratic federation.

Churchill, however, doggedly insisted to the very end on unconditional surrender; and by the time the war ended, Europe no longer held key to world peace. Its settlement was only a part of a world wide settlement; and its dependence on the US for recovery made the need for its own independence seem less relevant.

As a peace keeping force the United Nations failed even more quickly and ignominiously than the League of Nations. Once again an assembly of independent nations has degenerated into a power struggle between the strongest into which the weaker nations are conscripted on one side or the other. The case for European federation is now the case for European independence; for a distinctive European voice and manner of arranging our business affairs and finances; and for demonstrating our own meaning of the world 'democracy'.

If this account of Federal Union's brief but exciting life, seems unduly personal, I am sorry. Both Derek Rawnsley and Patrick Ransome are dead, so that I am the only survivor. That we got a great deal of publicity for a few years is undeniable; that it may have been this publicity which induced the British Foreign Office, as we now know, to work on the idea, is possible; and that Churchill would not have suggested union with France, had there not been publicity and Foreign Office work, is arguable. But in Britain today, except by a few senior citizens who played a part in it, Federal Union is totally forgotten; and Churchill's offer of union is seen not as the inevitably logical and practical course for nations prepared to commit themselves to working together but as a desperate attempt to prevent the French fleet from falling into Nazi hands.

For what it is worth, I have to say that in my opinion, if the case for European federation becomes a serious proposition, it will face the British people with the same dilemma that Streit's "Union Now" faced Federal Union. Are we, British, Europeans? or are we part of a separate English speaking world?

Sir Charles Kimber

TERRITORIAL IDENTITY AND DEMOCRACY

Since the beginning of the 70's a body of thinking has grown up centred mainly around the study of political phenomena from a territorial standpoint. The growing interest for this kind of research is related to the increasing internationalisation of economies, information and life styles. This process has cut down

the over-riding importance that traditional centres of national life — political, economic and cultural — had until a few decades ago, and has thus made it possible to recuperate territorial identities that had been obliterated. It encourages the peripheries to advance claims of all kinds vis-à-vis the central regions and, in general, makes the complicated territorial differentiation of that political, economic and cultural reality, traditionally presented as "the" national reality, stand out more clearly.

In fact, this line of thinking would seem to be taking up the space which until a few years ago sociologists, political scientists, economists and historians reserved for research on social stratification (heavily influenced by a Marxist culture linked to the national framework and, traditionally, uninterested in territorial problems).

*The approach is characteristic of an interesting, recently-published book edited by the late Stein Rokkan, a pioneer in the field, and by Derek W. Urwin (*The Politics of Territorial Identity. Studies in European Regionalism, *SAGE Publications, London-Beverly Hills - New Delhi, 1982, pp. 438). Two long essays by Urwin deserve special mention. In them, the author studies the relationships between politics and territorial structure in Britain and Germany. Both essays, though failing to provide any overview and never going beyond a sequence of unconnected suggestions, provide interesting cues for further reflection.*

Urwin's collection of data throws light on the territorial aspects of the dialectic between political parties in both countries' history. In Britain, a country where the long history of union has created a particularly homogeneous society from a territorial point of view, the opposition between Whigs and Tories — and later between Liberals and Conservatives — in the 19th century, was not just a class opposition between aristocracy and great capital, on the one hand, and the gentry and middle class, on the other (the latter supported by the working class prior to the development of the Labour Party). It was also an opposition between centre and periphery. The core of the Conservative Party's electoral base was in the central regions of England and the Conservatives represented these regions' interests, whereas the Liberals were strong mainly in Scotland, Wales and the outlying regions of England and acted as spokesmen for these areas' demands.

It is therefore possible using Urwin's data to argue that it was only at the beginning of the 1940's, when Labour ousted the Liberal Party as the second pole of British political life, that class division became the exclusive and decisive factor determining

citizens' political allegiance. It was only then that Home Rule ceased to be one of the central issues in the political debate and only then that the party system became truly national (a development facilitated by the Republic of Ireland's independence).

Urwin comes up with similar results when he analyses German history from a territorial standpoint. Here too, and much more conspicuously than in Britain, at least until Hitler's rise to power, the party system (with the exception of the Social-democratic Party) was characterized by a high degree of territorial separation, although it must be admitted that the development of a national party system was encouraged by the adoption of proportional representation, in the years of the Weimar Republic, which allowed all political parties to participate in elections with some chance of success even in regions where they were clearly in a minority. Germany, however, had to look to Hitler for her unity to be definitively affirmed.

Urwin's analysis is interesting and useful since it shows how the development of national peoples in the course of the 19th and the first decades of the 20th century was much more laborious than is normally believed and how the centre-periphery tension has been a significant factor in the political and social dialectic of Western European States since the beginning of the industrial revolution, even though this tension has been less conspicuous than the class struggle, with which it is inextricably interwoven. Indeed, in this light the sociological foundations of nations are shown to be less firm and much more recent than approaches restricted to the history of ideas or inspired by a Marxist outlook might lead us to believe.

Urwin's essays show how a territorial point of view of politics reveals interesting differences in the history of both countries in recent decades. Britain has seen the re-emergence of centre-periphery tensions (in forms that are no longer refracted through national parties), whereas the Federal Republic is the only great European country where tensions are almost entirely absent. This was partly due to the separation from Prussia but more particularly to the fact that the homogeneity achieved in the conditions of living throughout the country went hand in hand with a high degree of territorial and institutional decentralization. This made it possible for traditional local characteristics to express themselves in a local or regional framework, instead of being unleashed on the national framework, thus endangering its unity. The apparently paradoxical conclusion can be drawn that, in a situation where national powers are in

crisis, the forces questioning the nation's unity are all the greater the more centralised the state's structure is.

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Germany also presents an ethnic pattern which is seemingly very homogeneous. There are those who would like to put the absence of any separatist movement in the Federal Republic down to this characteristic. But this raises the question of ethnicity, a problem that Jaroslav Krejci and Vitezslav Velimsky seek to answer in their book Ethnic and Political Nations in Europe, *Croom Helm, London, 1981, pp. 279. This book once again witnesses the hollowness of any attempt to define objectively what by its very nature is above all ideological.*

Territory, political situation (whether united in one state or not and what kind of state), history, culture, language and consciousness, the latter construed as a loosely defined feeling of ethnic or political membership, are the criteria that the authors adopt for their classification of ethnic types. The results of such a classification are quite arbitrary, although it must be stated that the analysis they provide is far from uninteresting. Although the authors speak of 73 ethnies *in Europe, the reader gets the feeling that half or twice as many would have been an equally reliable guide. The plain truth is that no ethnic group has well-defined confines under any of the aforesaid criteria, and that they could all easily be considered parts of larger ethnic groups and could with equal ease be subdivided into many smaller ones. Even the idea of awareness of membership of a specific group is a very fragile analytical tool. We need only think of the vast number of different communities each of us feels he belongs to. The fact is that the feeling of territorial identification, or group membership, changes according to the political and institutional context in which it is activated. Thus, according to context, membership of one's town, or one's region or nation may be considered paramount. And neither of these entities is ever perceived with well-defined boundaries, save the artificial ones that politics carves out.*

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What we may safely conclude is that all symbols of ethnic identification are to be found at their highest degree of intensity in the central core of the territory taken as coinciding with a particular ethnic group, and that this gradually decreases as we move from the centre to the periphery. And this is the reason why, within a national framework, border regions suffer a structural crisis as regards their identity. In this respect, special mention must be made of Solange Gras's essay in the volume edited by Rokkan and Urwin mentioned above. This essay describes the position of Alsace, a region which, from the French Revolution onwards, has always been forced to identify either with France or with Germany, even though deep down it feels it belongs to neither. Hence the permanent feeling of cultural frustration, from which it has been slowly emerging over the last few decades thanks to the deepening of the process of European integration.

It is precisely the process of European integration that has turned some of the previously economically neglected, culturally alienated and politically oppressed peripheral areas of nation states (particularly those bordering on other Community states) into essential "hinge" regions in intra-Community relationships. Thus, some interesting examples of transfrontier regions *have taken shape in particularly sensitive areas. These examples are discussed in the various essays of a book called* Frontier Regions in Western Europe *(London, Frank Cass, 1983, pp. 135) edited by Malcom Anderson.*

The success of the Common Market has reduced the importance of the old national power centres and has shifted the political, economic and cultural focus of European life towards the historical Lotharingia, *viz. towards the Community's geographical centre. This has provoked the need for many areas of different dimensions (the Rhine area, the Alpine arc, the Bale area, the Aachen area etc.) to organise cross frontier relationships with new patterns. This in its turn has created the awareness that planning requirements are such that regions need to be created that go beyond national boundaries. Such regions already have their own cultural identity which cannot be identified with any of the "nations" they belong to, a cultural identity that they can only now begin to appreciate fully, thanks to the increasing 'permeability' of frontiers. Thus, these regions are losing their old image as peripheries and taking on a new identity as centres of political, economic and cultural life.*

This process cannot, however, be completed until Europe is given an institutional framework which is federal in form. For the time being, transfrontier regions are witnessing the existence of a problem rather than a solution to the problem. The need for transfrontier planning is indeed thwarted at present by the natural tendency of national governments to deal with such problems as if they were foreign policy problems and the good will of the local administrators on each side of the borders cannot make up for the absence of any mechanism channelling

political will throughout the territory nor can it make up for the existence of different legal, administrative and fiscal systems.

The particularly sensitive nature now being acquired by hinge areas between various states in Western Europe raises the interesting problem of whether a classic federal structure is suitable and adequate enough for the purpose of safeguarding these areas' functions. The complicated train of events that led the Jura region to break away from the Berne canton and set itself up as an autonomous canton in Switzerland shows that the centre-periphery strain can also emerge within a federal framework (see the interesting essay on this subject by David B. Campbell in Rokkan's and Urwin's volume). The most adequate way of tackling the problem is in reality if the federal system is structured into different tiers of government in such a way that one particular geographical area will always be peripheral vis-à-vis one tier but central vis-à-vis another. This evidently implies that the different tiers of government should not be incorporated one within the other but rather should intersect each other.

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A number of useful ideas in a shorter perspective, again seen from a territorial standpoint, are to be found in a beautiful essay by the American political scientist Arend Lijphart, called Democracies. Patterns of Majoritarian and Consensus Government in Twenty-One Countries, *New Haven and London, Yale University Press, 1984, pp. XV-229. Lijphart singles out an analytical criterion which seems to me to be particularly appropriate when classifying democracies: the 'polarity' between the* Westminster model *and the* consensus model *of democracy. The* Westminster model, *whose purest forms are the constitutional structure of Britain and, even more, New Zealand, includes among its basic characteristics the tendency towards a two-party system, the ensuing concentration of executive power into the hands of a single party for a whole term, cabinet dominance over parliament, the tendency towards unicameralism, a one-dimensional party-system (i.e. the existence of a single line of opposition between the parties coinciding with right-left division determined by economic and social issues), the adoption of the 'first-past-the-post' system for the election of Members of Parliament. The* consensus model *has the reverse characteristics: coalition governments, dominance of legislature over executive power, balanced bicameralism and minority representation, multipartism and a multidimensional party system (defined according to religious,*

ethnic and other criteria and not just social and economic ones), proportional representation.

Lijphart recalls that both models very rarely surface in political reality in forms approaching their pure state. However, one major phenomenon clearly emerges from his analysis: this is the correlation existing between the Westminster model *and the degree of homogeneity in society.*

And in any case there is a territorial aspect to society's stronger or weaker homogeneity in today's advanced democracies (where the class struggle no longer threatens the basic consensus). Hence the characteristics of the Westminster model *will prevail in a country where there is a wider and stronger consensus on the basic rules of living together and the legitimacy of the political community. It is precisely this consensus (i.e. the guarantee that party dialectic will never involve the deepest roots of the citizens' political and cultural identification and that consequently the government's decisions, whatever they may be and however unpleasant, will never be totally unacceptable for a part of society) that forms the sociological basis of the traditional capacity to decide of the British government.*

On the other hand, in less than homogeneous societies, consensus must be created *by institutions. This evidently means that the* consensus model *— which can only bring about a lower decision-making capacity — is not the result of the ignorance of those who introduced it, but merely that it is a system of government which, in its various forms, is the only one capable of preventing the strains existing in dishomogeneous societies from exploding in the absence of any channels through which they can find political expression.*

Many of the silly objections made both inside and outside the European Parliament during the debate preceding the vote in favour of the Draft Treaty are swept away by Lijphart's analysis. At the time, many people failed to see the differences existing between the Community and particular member states, or rather some of them, and, with a certain degree of mechanical scholasticism, attributed the problems of these member states to the Community. They became obsessed with the idea of sheltering the future European government from the whims of Parliament and from the instability of majorities. As a result, they looked suspiciously on any institutional formula that made it possible for the Parliament to exercise strong control over the executive. Traces of this attitude have survived in the text approved by the Parliament. One of the more questionable provisions to be found in the Draft Treaty (which upholds a provision in the

Treaty of Rome) lays down that a vote of no-confidence vis-à-vis the Commission can be passed by the Parliament only when a two-thirds majority is obtained.

The reality is that the Union as foreseen by the Draft Treaty clearly belongs to the consensus model of democracy. *This means that the primary task of the Union's institutions, if they are to be consolidated and if progress towards political unity is to be made, is the ability to mobilize and polarise the whole of the available consensus around these institutions in a society, such as the European one, whose territorial make-up is so profoundly diverse. This makes the representativeness of institutions (in a system which provides for a government with real powers, of course,) more important than their efficiency or, to be more precise, makes efficiency depend on representativeness.*

All this means a government in which the great majority of Europeans, belonging to all member states and to many different political tendencies, are able to recognize themselves. Any such government should be strictly controlled by a Parliament elected on a proportional basis, the very same Parliament which is to all effects and purposes — and will continue to be — the repository of all legitimacy attributed by universal suffrage, and as such is and will be the driving force of the process of unification.

Francesco Rossolillo

BRITAIN WITHIN THE EUROPEAN ECONOMIC COMMUNITY: THE WAY FORWARD

While the process of constructing the European Union following the approval of the Draft Treaty by the European Parliament has reached the stage of inter-governmental collaboration with the Dooge Committee, once again there is the feeling that Great Britain may well be a significant braking factor, because, if British consensus is to be gained, almost inevitably the innovative content of the Draft Treaty will be significantly diluted, thus risking the loss of the "political and institutional minimum" needed to guarantee the Community's effective control over the European economy.

But we need to recall that in the past things have often been different. Without going back to the inter-war period, when

Federal Union represented the federalist avant-garde[1]*, we may recall that in the period following the Second World War, when American policy came to favour European unity, the need for Europe's autonomy was voiced by Churchill who at that time spoke in Europe's name, who even launched the idea of a European army, and who guaranteed a certain European spirit to a policy decided outside Europe, in North America. But when in the subsequent phase of the process, the problem of introducing Germany into the Atlantic alliance and the European economic system, and membership of the ECSC and EDC was offered to Britain, who had stayed in the 'game' during the previous phase, Britain refused to bow to supranational ties of too cogent a nature, and the start to the effective economic unification was made without the British. Subsequently, after her late entry into the Common Market, Britain did not return to the position of leadership in the process which she had previously enjoyed.*

It is therefore highly significant that in this phase, which is decisive for the future role that Britain will be able to play in Europe, two books have appeared, Britain and the EEC *edited by Roy Jenkins and* Britain Within the European Community: The Way Forward *edited by A. El-Agraa, both of which open up a profound debate on British membership of the Community and on the reasons for the diffuse reticence on the subject among the public and the political class in Britain*[2]*.*

Northedge identifies five factors which may justify this attitude: "Firstly, for two centuries at least Britain has been the thalassic, maritime, sea-going power par excellence, *protecting its scattered empire and worldwide trade by a navy equal (until 1921) to the two next biggest navies in the world combined. The British had interests as a premier naval power and trader too extensive for them to be cabined and confined in Europe (...). Secondly, for as long as British folk-memory went back, governments at Westminster had worked for* disunity *in Europe, not unity. The traditional British policy towards Europe, natural to a small island anchored off a politically turbulent continent, was the balance of power, or the organisation of international coalitions against the most threatening state of the day, the*

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[1] On this point see in this issue of the Review: C. KIMBER, *Federal Union*, pp. 199-205.

[2] Cfr. R. JENKINS (ed.), *Britain and the EEC*. Macmillan, London, 1983; A.M. EL-AGRAA (ed.), *Britain within the European Community. The Way Forward*, Macmillan, London, 1983.

France of Louis XIV and Napoleon, the Germany of the Kaiser and Hitler. The unification of Europe could never be a project dear to British hearts because a united Europe would be able to disarm on land and invest the resulting savings in sea power, which would bring the independence of Britain into question (...). The fact that since 1918 so many schemes of European unification had their origins in France is a third reason for Britain's lack of enthusiasm about them (...). Fourthly, Britain embarked at the end of the Second World War on a programme of social and economic reconstruction (...). Reconstruction involved the creation of a new social service system to shield the unemployed, the sick and other victims of social misfortune, the maintenance of full employment and the taking into public ownership of key sectors of the economy as a means of fulfilling these objectives (...). Finally, there was the question of sovereignty. The British have found it harder than most people to accept the idea of the divisibility of sovereignty, parts of it remaining at home, parts being signed away to other authorities in Brussels or elsewhere" [3].

Britain's special role has been clearly stated by Dehio [4], *who clarifies how the history of the European system of states, from Charles V to the Second World War, was characterised by a continuous alternation of phases of equilibrium and attempts at hegemony, which have always been frustrated by a coalition of states threatened in their independence by the hegemonic power. In this coalition, a decisive role was played by Britain who, as an insular power, was able to guarantee her absolute security by her sizeable fleet, without having to resort to a standing army or administrative centralisation, the main instruments with which the absolute state was constructed in the 17th and 18th centuries. Britain was thus able to develop the liberal revolution fully, but to this end it repeatedly had to fight against the strongest power on the Continent, and in particular against France.*

As regards the fourth reason given by Northedge, it is true that in Britain the construction of the Welfare State has developed more rapidly than on the Continent. It is also true that the dominating philosophy of the Treaty of Rome is substantially laisser-faire orientated. But from this it does not follow that with the Draft Treaty for European Union a downward levelling

[3] Cfr. F.S. NORTHEDGE, *Britain and the EEC: Past and Present*, in R. JENKINS, *cit.*, p. 20.

[4] Cfr. L. DEHIO, *Gleichgewicht oder Hegemonie*, Sherpe, Krefeld, 1948.

out of social achievements of a particular member state need take place. In actual fact, with the construction of the European Union, provided with effective powers in the economic and monetary fields, a completely new situation would arise as regards modern states, since the typical policies of the Welfare State, health, education, protection of the unemployed, the old and disabled, would be the responsibility of the lower levels of government (the member states), while the Union would be responsible for defining the economic policy guidelines (the European development plan) and for implementing a redistribution of resources to smooth out the weaker areas' handicap. Within the Union, divergent plans for social welfare would be perfectly compatible and, indeed, every state should finance its own system with national taxes. In this way, it would be possible to revamp welfare policies which have deteriorated due to the fact that to gain votes the political class can increase public services by financing the deficit through an increase in the money supply, without increasing taxes. At the same time, the citizens of the Union, voting with the feet [5]*, could choose the country whose social welfare system and tax levels correspond more satisfactorily to their own preferences, thus introducing the competitive conditions typical of the federal state.*

Finally, as regards the dogma of the intangibility of absolute sovereignty of the state, it is clear that it can be easily overcome in those countries where sovereignty "was at one time or another sequestrated in the course of the Second World War. Once sovereignty has been lost, it is not too hard to get accustomed to the idea of losing it again. Britain, on the other hand, remained a virgo intacta *throughout the Second World War"* [6]*. It is here that light is thrown implicitly on the unity factor which Albertini called 'the decline of national sovereignty'* [7] *and which is expressed in the fact that European countries are no longer able to face up effectively to two basic tasks of any state: promoting economic development and guaranteeing citizens' security.*

In fact, European states are unable to provide their own defence autonomously and have resorted to American protection

[5] This expression, which indicates how citizens can choose different localities by taking into account decisions apparent in public accounts, was coined by C.M. TIEBOUT, "A Pure Theory of Local Government Expenditure", in *Journal of Political Economy*, October 1956.

[6] Cfr. F.S. NORTHEDGE, *cit.*, p. 24.

[7] Cfr. M. ALBERTINI, *L'integrazione europea e altri saggi*, Il Federalista, Pavia, 1965, p. 89.

within the Atlantic alliance. But "positive theories of alliance predict that the members have an incentive to cease providing the collective good before the socially desirable output of the collective good can be achieved by substituting a union for an alliance. In this way, the various parts of the union can be required to contribute the amounts needed by their common interests. At the EC level, the analysis implies that a European political union is a means of achieving the optimal amount of European defence" [8]*. On this basis, Hartley maintains the ineffectiveness of any attempt to achieve an optimal defence structure at a European level using a confederal model. "Without a central defence decision-making agency to represent Community collective security, the EC's efforts to redistribute military burdens would be unlikely to change the incentives for each member to select the combination of expenditure and forces which maximises its national benefits". Progress can only be made by standardising armaments, which on the one hand would reduce the overall cost of defence significantly (in a study quoted by Hartley it was estimated that the duplication of efforts in the military sector in European countries costs 4.4 thousand million dollars, at 1975 prices) and, on the other hand, would be a strong incentive for the technological development of European industry. But even this objective is not easily achievable, because "proposals for an EC procurement agency imply a degree of political union which is only likely to be attained in the long run".*

Even though the problems of foreign policy and defence are not part of the Community's responsibilities under the Treaty of Rome, over a period of time a praxis has grown up regarding the co-ordination of the European countries' activity in these sectors within the so-called political co-operation. But "the European Political Cooperation (EPC) system is still very far from having entered effectively into the vital area of foreign policy represented by military defence and security affairs" [9]*. And, more generally, as Morgan points out, "Political Cooperation, despite its ambitious title, remains essentially a system of* diplomatic *coordination between Western Europe's ministries of foreign affairs (...) and goes only a very short way towards the ambitious objective of creating a 'European Union' which the governments of the Community set themselves in 1972".*

[8] Cfr. K. HARTLEY, *EC Defence Policy*, in A.M. EL-AGRAA, *cit.*, p. 306 et seq.

[9] Cfr. R. MORGAN, *Political Cooperation in Europe*, in R. JENKINS, *cit.*, pp. 238-240.

And in fact the European Union, which the decline of national sovereignty makes historically possible, has not not yet been achieved, even though the attempt to found it is currently under way as a result of the European Parliament's initiative. And the absence of a de facto *Union is the basic reason why the Community's policies are inadequate in promoting economic development and guaranteeing an end to the growing gap between Europe on the one hand, and the United States and Japan on the other. Hence the need for these policies to be discussed in Britain too, in such a way that the adverse and positive aspects stand out, even though positive aspects are often under-estimated* [10]*.*

The general conclusion that emerges from this debate is that, although seen from a strictly British standpoint, new policies need to be pursued in Europe and incisive reforms of existing policies must be pursued. Indeed, "the member countries will be unable to bring stagflation under control and restore their economies to price stability with full employment and healthy growth unless they provide the Community with substantial instruments such as the proposed Reserve Fund and adequate funds for Community industrial policy" [11]*. The need, in other words, is to achieve economic and monetary Union.*

Achieving this objective presupposes the foundation of the European Union, because it is unthinkable that decisions of great significance, which are indispensable to achieve economic and monetary Union, can be adopted without the effective participation of political and social forces and without a sufficient government capacity at the European level. It is therefore right that in Britain, too, the current debate on the reform of common policies be linked increasingly to the as yet under-developed debate on institutional reform. Appropriately, Pinder, after recalling British federalists' contribution in the forties and after recalling that any federalist theory today ought to show "what minimum of instruments may be required for the management of a Community economy at the present stage of market integration, what minimum of changes in the Community institutions may be necessary to ensure those instruments' effective use, and what conditions might enable the instruments to be transferred

[10] For an effective and analytical assessment of these positive aspects see, in particular: A.M. EL-AGRAA, *Has Membership of the EEC been a Disaster for Britain?*, in A.M. EL-AGRAA, *cit.*, pp. 319 et seq.

[11] Cfr. J. PINDER, *History, Politics and Institutions of the EC*, in A.M. EL-AGRAA, *cit.*, p. 37.

to the Community and the institutional reform to be accomplished", concludes by saying that "one such condition is clear thinking on the subject. It is to be hoped that British scholars may find it possible to emulate their predecessors of four decades ago in this respect" [12].

Alberto Majocchi

[12] Cfr. J. PINDER, *The Political Institutions of the EEC: Functions and Future*, in R. JENKINS, *cit.*, p. 227.

Problems of Peace

THE BENEFITS OF REDUCING MILITARY SPENDING

The war machine of every State, and in particular great powers, who are the source of innovation in military technology, has grown beyond all bounds. The quantity of human resources and materials destined to maintain and develop it is huge, and so is the number of men employed in the armies, production and commercial activities connected with military requirements.

The cost of military apparatus is steadily becoming more absurd and unacceptable if we consider the military, economic and social consequences of the arms race. On the one hand, the nuclear arms potential is able to destroy the world several times over. On the other hand, military spending is intolerable if we consider that it prevents us from satisfying the basic need of survival (from food onwards) of the Third World countries and the need to improve the quality of life in industrialised countries.

*Data supplied by a recent work by Wassily Leontief and Faye Duchin (*Military Spending, *O.U.P., 1983) are most striking. 6% of the volume of world production is military. In other words, "military spending is, every year, nearly equal to a third of productive investments and the stock of instrumental goods". It "has doubled on a world scale between 1951 and 1970, increasing from 100 thousand million US dollars to over 200 thousand million US dollars in 1970 at a constant value" and in the following years increased at the same rate. Hence, if we project the current economic trends into the future, in the year 2000, military spending will be 646 thousand million dollars.*

Moreover, production of military equipment is concentrated in a small number of countries, primarily, the USA and the

Soviet Union and their NATO and Warsaw Pact allies. In 1957, 86% of the world's military spending was concentrated in these countries, though this had fallen to 71% in 1978. In the same period, the percentage distribution of military spending deeply changed. It dropped from 44.9% to 25.6% in the USA, from 19.2% to 17.2% in the European NATO countries, while in the Soviet Union military spending increased from 20.2% to 25.5% and in Warsaw Pact countries from 1.7% to 3.1%. The three groups of countries which increased military spending most significantly were the Middle East, which increased from 0.6% to 6.1%, the Far East from 8.2% to 14.4% and Africa from 0.2% to 2%. North America and the Soviet Union exported nearly identical quantities of arms to the same regions, primarily the Middle East and African oil-producing countries and the European allies of the Superpowers.

Leontief's study is mainly concerned with analysing the economic effects of military spending. In particular, it demonstrates that a consistent reduction of military spending in the world would have a stimulating effect on the world economy, because it would encourage an increase in production and consumption everywhere. In particular, Third World countries would derive the greatest benefit, especially those with few natural resources (like the arid areas of Africa, poor in resources, South American countries, low-income Asiatic countries and tropical Africa), which could then cut down the gap between them and industrialised countries. Indeed, reducing military spending would allow these countries "to replace military imports with imports of machines and other equipment, which would directly encourage economic growth". But countries exporting weapons would also stand to gain, when we consider, for example, that the greatest increase in pro capita consumption after the arid areas of Africa would be in the Soviet Union and the Eastern European countries.

Moreover, if a part of the resources made available by reducing military spending was used to help development in the poorest regions, the effect would not only be to bring about "an expansion of the world economy" but also an expansion of most of the regional economies. The greatest benefits would naturally go to the most backward countries, who would have additional resources made available for importing essential consumer goods. The manpower of industrialised countries could be used more efficiently in civil production rather than in military production.

An economic theory put forward by Baran and Sweezy (Monopoly Capital, *New York, 1968) which was very much in vogue*

at the time of the 1968 protest wave among the young, accredited the still prevalent idea that only military-type spending can make the capitalist system work. The argument runs as follows: a significant reduction in military spending would depress the world economy. By encouraging a high level of employment, military spending would lessen social conflict and would end up by being accepted by the working classes, on whom any revolution efforts ought to be centred.

But Leontief's work describes an alternative use of resources today destined to military spending and provides a major and well-documented analysis of the positive aspects of this alternative as regards developing production, consumption and employment. It is in fact very easy to demonstrate that a space exploration project, a Third World investment programme, and an overall plan for the conservation of the historical centres of cities or the improvement of the communications and transport networks are alternatives to military spending, which would stimulate the world economy very effectively and at the same time guarantee full employment.

In addition, Baran and Sweezy's theory did not explain the prodigious development of Japanese capitalism with a reduced military budget and low military production. Leontief's data show that high-income Asiatic countries spend by far the least in absolute terms in government military purchase as compared with GDP (gross domestic product).

As regards method, this work is significant particularly because it uses an analytical framework based on a world economy model in relation to which national economies are considered as interdependent subsystems. One of the most important contributions Leontief makes to economic theory is that he has given a decisive spur to overcoming the central position that the national standpoint holds in economic theory.

Leontief's econometric analysis is based on a model of the world economy taken as a system of interdependent elements. The world is divided into fifteen regions according to the level of economic development and the development trends are analysed in terms of the mutual relationships between the various production branches. The world economy is described using data available in 1970 and updated with data for subsequent years right up to the eighties. Alternative hypotheses are worked out using these data regarding development in the eighties and nineties right up to the year 2000. The purpose of the research is to analyse the consequences of military spending on a world scale. The basic scenario is based on the projection of current

trends. Two further hypotheses relate to forecasts in the increase in military spending. Finally, a further three hypotheses forecast a reduction in military spending.

Thanks to input-output analysis, a sophisticated way of analysing sectorial interdependence, and the vast amount of empirical data collected and co-ordinated, this survey has given us a precise understanding of current reality, despite uncertainties deriving from the secrecy covering most data about military spending. Nevertheless, as regards the forecasting of future trends, the survey goes no further than formulating hypotheses on the basis of forecasts which are projections, with a number of variations, of currently prevailing trends. The variations are presented as possible developments of the world economy by a neutral observer. Obviously, the great qualitative changes and analysis of the circumstances making them possible is beyond the scope of this forecasting. Leontief merely illustrates the positive economic and social consequences of a reduction in military spending but does not deal with the international context which would make it possible, nor does he examine the changes favouring a world policy, which are necessary to direct the world towards peace and international justice.

Security obviously occupies a major position in the scale of priorities facing States. And when international tensions are high, as is currently the case, the cost of military security tends to grow. The way in which military spending is distributed faithfully reflects the hegemony of the United States and the Soviet Union over the rest of the world. Variations in the distribution of military spending indicate, firstly, that the power relationships between the Superpowers have steadily moved in favour of the Soviet Union (while US military spending in 1957 was twice that of the Soviet Union, today it is identical), secondly, that areas of strong international tension are increasing, such as the Middle East, the Far East and Africa and, finally, that the social costs of the growth of military spending are more severe in developing countries, the Soviet Union and Eastern European countries.

We need to take into account the fact that the decision to increase or decrease military spending is political and not economic, that it relates to the survival of peoples and may even go so far as to require sacrifices which in normal times would be unbearable in relation to GDP. The answer to the problem which Leontief does not solve, lies not with future developments in the world economic system but in the transformation of the world system of States.

The change which the world needs is a new approach to problems of defence and security which, today, despite the development of nuclear arms, continue to be understood in terms of the pursuit of the military balance of power at an ever higher level. But the nuclear arms that have been introduced into the anarchic system of sovereign States are not defence weapons which guarantee the survival of the State in the struggle against other States, but a means of extermination, because they have a destructive power which threatens the very survival of mankind. The State which was born to guarantee the conservation of life is losing its essential function, threatening to plunge humanity into new barbarity.

Constructing European unity is the one area where it is possible to act in such a way as to prevent a nuclear catastrophe. Firstly, it makes it possible both to overcome the rigid division into two blocks, caused by the absence of any mediating function by other independent poles in the world system of States, and to direct the world towards a more open, more peaceful and more flexible multipolar power system when compared to the current system and in which it would be possible to lower the cost of security.

Secondly, it would open up the way for the first forms of international democracy, and thus give the world the first example of peacefully overcoming consolidated nations in history. The European federation is the first stage in a process of unification which begins in one part of the planet, but which affects the other continents hoping for unification and potentially affects the entire world. The plan for popular control of international politics is an alternative to the antagonism between the United States and the Soviet Union, between the principles of democracy and communism and the unification of the world under the hegemony of each of these States. It opens up the way to get round the myth of exclusive national sovereignty and the logic of power relationships in international politics, which prevent a rational government of the world, and makes it possible to set out on the road towards the political unity of the human race, i.e. towards perpetual peace, universal disarmament and equality among nations.

Thirdly, it would make it possible to test a form of defence which, in Albertini's words, is "beyond war". The nuclear defence of Europe ought to be restricted to mere dissuasive functions carried out by missile-launching submarines, with the result that a European government would be unable to be the aggressor and that European territory would be denuclearised. Conventional defence ought to be territorial on the Swiss and

Yugoslavian models, with a view to preventing a conventional war on European territory, putting an end to any aggression by Europe and reducing military spending. Moreover, the European government could use its negotiating powers to achieve disarmament, by stating its willingness to transfer the control of its nuclear arms to the UN, provided other nuclear powers did the same, thus bringing about democratic reform of the UN. At the same time, the European government could use its international influence to persuade the Superpowers to undertake a Third World development plan, using the resources made available by a reduction in military spending.

Lucio Levi

GENERAL LOSER TAKES A STEP BACKWARDS TO NATIONALISM

Jochen Löser, the retired West German Bundeswehr general, is well-known as one of the most brilliant critics of NATO's current strategic doctrine based on advanced defence and the use of tactical nuclear arms to repulse any conventional attack in Europe which cannot be contained by conventional means alone. His suggested alternative is territorial defence of the type used in Switzerland and Yugoslavia.[1] *He has shown very convincingly that in this way Western Europe would be able to defend itself more efficiently. He has also shown how this would avoid a classic conventional war (which would bring horrific destruction to Western Europe's territory) and how it would not need to be the first to resort to nuclear weapons, a decision which would mean assuming the enormous responsibility of triggering off the escalation of the human holocaust. He has also made it clear that once Western Europe has a territorial defence system, structurally incapable of aggression, a real contribution would be made towards détente and a lessening in the arms race between East and West.*

[1] Cfr. J. LÖSER, *Weder rot noch tot. Überleben ohne Atomkrieg. Eine Sicherheitspolitische Alternative*, Olzog, Munich, 1981.

This outlook has been backed by other influential supporters[2] *in Europe in the current crisis in détente, but Löser has the merit of stressing one aspect to which the supporters of territorial defence normally pay insufficient attention. This is the need for a decisive reinforcement of European integration as the irreplaceable premise to Western Europe's capacity to defend itself efficiently and to contribute incisively and in a lasting way to lessening East-West and North-South tensions. For this reason, the MFE has considered his ideas, particularly regarding territorial defence, as an important contribution to its reflections and proposals regarding Europe's role in the construction of peace.*[3] *Given this, it is extremely disappointing and surprising for us to have to recognise that Löser has gone over to the nationalists. This comes out clearly in his latest book, written in collaboration with Ulrike Schilling, which is entitled* Neutralität für Mitteleuropa. Das Ende der Blöcke *(C. Bertelsmann Verlag, Munich, 1984).*

The central theme of the book is the proposal to create a "confederation of central Europe, taken as a neutral community of sovereign States", which should include the two Germanys, the Benelux Countries, Czechoslovakia, Austria, Poland, Hungary, Rumania and Jugoslavia. This community's territory ought to be denuclearised, cleared of foreign troops and protected militarily with a territorial defence system. The Superpowers ought to guarantee its neutrality in the same way as occurs for Austria. The two authors argue that this road, however hard, is the only way to overcome the two-block system in Europe and, hence, create lasting détente between East and West, which would open up prospects for the development of peace, which would be of decisive importance on a world scale. In this framework, real progress could be made in ending the division of Germany and in the long term it would be possible to enlarge the central European confederation so as to include the whole of Europe from the Atlantic to the Urals.

[2] Cfr. in particular: G. BROSSOLET, *Essai sur la non-bataille*, Belin, Paris, 1976; H. AFHELDT, *Verteidigung und Frieden. Politik mit militärischen Mitteln*, Hanser, Munich 1976; C.F. VON WEIZSÄCKER, *Wege in der Gefahr. Eine Studie über Wirtschaft, Gesellschaft und Kriegsverhütung*, Munich, 1976; R. CLOSE, *L'Europe sans défense*, Arts et Voyages, Brussels, 1977; A. MECHTERSHEIMER, *Rüstung und Frieden. Der Widersinn der Sicherheitspolitik*, Wirtschaftsverlag Langen-Müller/Herbig, Munich 1982.

[3] Cfr. S. PISTONE, "Alcune considerazioni sul rapporto fra la difesa territoriale dell'Europa e la costruzione della democrazia internazionale e della democrazia partecipativa", in *Il Federalista*, XXV, 1983, 3.

The arguments used to support these theses are with a few minor variations typical of "new German patriotism" which we have already discussed in our review.[4] *We may add a few brief considerations to what has already been stated.*

The division of Europe into blocks, ruled over by the two Superpowers, and which has both caused the division of Germany and made any liberalisation impossible in USSR's satellite regimes, is based on the bipolar equilibrium which was created with the collapse of the European balance of power in 1945. The bipolar equilibrium is structurally rigid because there is no deciding factor like that exerted by other independent poles in the international political system and hence any strengthening or weakening of one of the poles brings about an automatic weakening or strengthening of the other pole. Hence the system's organic tendency to produce a particularly high and lasting level of tension and a particularly acute arms race, with the further consequence of strengthening imperialist, military and authoritarian tendencies manifested (albeit with very diverse characteristics) by both Superpowers. This is why there is also a tendency to hinder any substantial change in the Superpowers' spheres of influence, since this would entail changes in a structurally precarious equilibrium.

To overcome the two-block system in Europe we need first of all to overcome bipolarism, but this requires the creation of an independent European pole which can only arise in Western Europe. Although belonging to the Western block, Western Europe is objectively in a position (unlike the USSR's satellites) to bring about a solid economic, political and military union and hence free itself from US hegemony. In this way, the possibility of re-uniting Germany and Europe as a whole would become a reality. Outside this framework there can only be illusion or the danger of a return to the anarchy of nationalistic conflicts in Europe. Indeed, we cannot completely exclude the possibility that in the current crisis in the bipolar system in view of the Superpowers' increasing inability to keep world evolution under control, a crisis in the blocks system in Europe may occur. And if this crisis did not coincide with a strengthening of Western European integration, and if no start were made to its gradual extension towards Eastern Europe, then there would be a return in Europe to the situation which existed between the world wars when the anarchy of national States was not attenuated either by the process of

[4] Cfr. S. PISTONE, "German Reunification and European Unification", in *The Federalist*, XXVI, 1984, 1.

European integration or by American-Soviet "peace". The result would be a chain of nationalistic conflicts, with German nationalism, fuelled by the division of Germany, in the forefront and with catastrophic consequences for Europe and the world.

Having stated this, we need to consider the reasons why a man like Löser who, in the light of his previous writing, seemed fairly aware of the decisive significance of strengthening European integration if any positive improvement in the international situation was to be achieved, has changed his mind in a very drastic way. The decisive point is his consideration of the prospects of Western European integration.

Löser begins with a fully justifiable statement that the current Community, which is nothing more than an instrument compensating specific national interests of an economic and commercial nature, cannot make any contribution to overcoming the division of Germany and Europe overall, nor can it carry out any positive or effective role on a world scale. From this observation he does not draw the conclusion that it is indispensable to go beyond economic integration and achieve political and military integration so that Western European political solidarity with Eastern Europeans, German and non-German, can become a political reality. On the contrary, Western European integration must, in his way of thinking, cease to be the priority for West Germany, which should turn its attention towards the construction of the central European confederation mentioned above. This thesis is based on two arguments of a logically heterogeneous nature relating to the objective of reinforcing Western European integration.

The first concerns the objective possibility of this strengthening. Löser believes that the development of Western European integration towards a federal State is mere illusion for the basic reason that no French government (and the same is true for other governments with the difference that they do not say so so openly) is willing to accept Community institutions which require compliance with majority decisions it does not agree with. An immediate reply to this very drastic statement is the fact that Mitterrand made a historic speech to the European Parliament on May 24th, 1984 (Löser's book was probably in print by then) which expressed agreement with the principle of majority vote in the Council of ministers and support for the European Union Draft Treaty approved by the European Parliament, which lays down federal development for the Community. This statement certainly does not mean that European unity has been achieved, but indicates that a battle for this objective may effectively be won and that this depends on the commitment shown by those

forces favouring European integration. Quite apart from the favourable attitude shown by leading French politicians we must not forget Europe's overall position: Europe has got to face up to the challenge of the technical and scientific revolution and must unite its forces unless it wishes to lie down and accept a destiny of fatal decline.

The second argument does not concern the feasibility but the desirability of the strengthening of Western European integration and it is here that Löser's open adhesion to a nationalistic outlook emerges. Essentially, the transformation of the Community along federal lines does not correspond, in his opinion, to West Germany's interests since in this way it would be forced to finance the development of the backward areas of the Community and in particular the Mediterranean countries. If the current Community mechanisms already place a heavy financial burden on Bonn, majority voting and the consequent decisive increase in the Community budget would take this burden to unacceptable levels.

It does not take much to show how inconsistent this reasoning is, even though it is one of the basic battle cries, in Germany, of nationalistic criticism of European integration. We need only recall here that any calculation of the economic benefits deriving from membership of the European Community cannot be restricted to a profit and loss analysis of the Community's balance sheet, but must above all take into account the need to have a vast market which, without European integration, would be divided into watertight compartments.[5] *This is precisely the reason for the exceptional economic progress since the Second World War that has been achieved by the EEC Member States and which has made it possible to end the stagnation of the period which followed the First World War which was basically caused by protectionist policies. European integration, as well as producing an exceptional level of economic growth, has brought an end to military rivalry between Western European nations, and has, thus, made it possible to consolidate democracy in countries like Germany and Italy which would not, otherwise, have been able to put an end to their chronic instability.*

[5] This line of thinking is fully and systematically developed in B. MAY, *Kosten und Nutzen der deutschen EG-Mitgliedschaft*, Europa-Union Verlag, Bonn, 1982 and R. HRBECK-W. WESSELS (Hsrg.), *E.G.-Mitgliedschaft: ein vitales Interesse der Bundesrepublik Deutschland?*, Europa-Union Verlag, Bonn, 1984.

If the economic and political advantages of European integration are evident, equally evident ought to be the need for a serious policy designed to end the severe imbalance between strong and weak regions that typify its make-up. This is not merely a question of justice but also of economic usefulness, because greater development in backward areas of the Community would automatically increase the internal market to the general advantage. Furthermore, it would eliminate the threat to integration from protectionist tendencies which inevitably arise when countries with problems of backwardness are not backed up by richer countries in their efforts to solve these problems. For this reason, a transfer of resources from the Community's strong regions to the weak regions (analogously with what happens within individual countries) cannot be considered a disadvantage for strong regions but an investment for the future, a search for general long-term interests rather than the immediate interests of specific groups.

That the nationalists are impervious to these considerations has never surprised us. Anyone who wishes to defend an institution, like a national sovereign State, which is already dead historically, inevitably has a warped vision of reality and is given to denying the very evidence for this. Rather the fact that for some time in Germany as in other countries in the Community, nationalist warping has tended to gain ground, ought to give rise to serious reflection. Emblematically, this is what is happening with Löser. At the root of this trend is clearly the stalemate in the process of European integration which tends to weaken the force of reasoning and to re-awaken ghosts of the past. This is a further reason for renewed efforts in the struggle for European political integration, so that the trend can be reversed before it becomes too late.

Sergio Pistone

Federalist Action

THE FEDERALIST STRUGGLE IN BRITAIN

The birth of Federal Union in London in 1938 and the remarkable story of its mass public appeal in the months preceding the Second World War has been told elsewhere. It will be the subject of a book to be published in 1985. This will demonstrate how some of the best minds active in British public life bent them to the idea of subordinating unfettered national sovereignty to supranational control. The federal idea fired the imagination of opinion formers in Britain and gave birth to a considerable body of literature that circulated clandestinely amongst resistance movements throughout occupied Europe. There is little doubt that ideas published in tracts by Lord Lothian, Lionel Robbins, Ivor Jennings, James Meade, William Beveridge, Ronald Mackay, William Curry, Kenneth Wheare, Friedrich von Hayek, Barbara Wootton, Harold Wilson and others in Britain played a formative role in the development of federalism on the Continent during and after the war.

Federalism certainly had some influence on the thinking of Winston Churchill. It lay behind the initiative worked out by Arnold Toynbee, Jean Monnet, Arthur Salter and Robert Vansittart for Franco-British Union which the British cabinet offered to the French government of Paul Reynaud in June 1940. These federal ideas were the subject of discussions held in London between exiled governments during the war in which Spaak and Van Zeeland played such important roles. In the midst of the war in 1942 Churchill penned a minute to his cabinet colleagues urging that some thought be given to the creation postwar of some sort of Council of Europe in which both victor and vanquished nations played an equal part.

There is little doubt that Churchill's speech in Zurich in 1946 calling for the creation of some sort of United States of Europe put European unity firmly on the political map. Within a short time a number of organisations in its favour came into being including the Union of European Federalists whose conference in Montreux in 1947 was attended by a number of British federalists as well as by Duncan Sandys, Churchill's son-in-law. Sandys became the prime mover in bringing the various movements for European unity together at the first Congress of Europe in the Hague in 1948. Eight hundred delegates came from every part of the Continent and resolved to work for the creation of a political, economic and cultural union of Europe. It founded the European Movement which elected Duncan Sandys as its first international president.

British ambivalence.

Emerging from the Second World War as one of the Big Three world powers and still in possession of an Empire, Britain remained uncertain about her future role. Politicians failed to realise that Britain's economic potential was no longer commensurate with their political ambitions to keep up with the two super-powers. Belief in Britain's world role prevented her from grasping the leadership of Europe which was there for the asking. The extent of self-delusion was best demonstrated by the widespread protests at a statement made by the American Secretary of State Dean Acheson in 1952. Critical of Britain's refusal to join the European Coal and Steel Community, he chided the British for having lost an empire but not yet having found a role. Indeed it took nearly fifteen years after the end of the war before Britain started to recognise that her place was in a uniting Europe.

To examine the reasons for Britain's ambivalence to Europe one needs to go back to the immediate postwar situation. Churchill was defeated and a Labour Government came to power, committed at home to a programme of extensive nationalisation and abroad, under Ernest Bevin's leadership as Foreign Secretary, to the maintenance of the Anglo-American special relationship as his first priority. Some on the left of the Labour Party such as Michael Foot, Barbara Castle and Richard Crossman argued in 1947 in favour of a European union largely as a means of creating a third neutral force between the USA and USSR. But they were then in a minority. Paradoxically they subsequently became the leaders of Labour's opposition to British membership of the European Community.

The Schuman proposal to bring coal and steel under supra-national control went completely counter to Labour's policies to take these industries from private ownership and nationalise them. No Labour government would have been willing to cede control having just gained it. Leading members of the Conservative opposition were critical of Labour's refusal to respond to Schuman's declaration. Yet government policy towards Europe did not change once the Conservatives came to power at the end of 1951.

Churchill was ageing. Duncan Sandys and Harold Macmillan, Europe's strongest supporters in the cabinet, had major departmental responsibilities which kept them away from foreign affairs. Anthony Eden, the Foreign Secretary had a free hand and saw himself on the world stage with little sympathy for those seeking to bring Britain closer to Europe. Failure to respond to the invitation to join the European Defence Community and dismissal of the attempts to create a Political Community ultimately doomed these projects on the Continent. Their failure persuaded British leaders that Messina and the proposals to create an Economic Community would probably also fail.

Convergence.

It was the Suez debacle in 1956 and the realisation that Britain could no longer consider herself a world power that marked a gradual change in her attitudes towards Europe. Harold Macmillan, a committed European, became Prime Minister in 1957. Under his leadership Britain was coming to terms with her actual strength and position in the world. He saw that Britain's future lay with Europe and British policy started changing to take account of it.

The European federalists in Britain sensed the opportunity and decided to persuade opinion formers in favour of British membership of the European Economic Community. They commissioned the Economist Intelligence Unit, then under John Pinder's direction, to carry out a research project into the effects on British manufacturing industry of a free trade area and the common market. Published in 1957 under the title 'Britain and Europe' it stimulated considerable public interest and persuaded large sections of British commerce and industry of the economic advantages of drawing closer to Europe. Doubts were however still strongly expressed about the effect of such involvement on Britain's economic relationship with the Commonwealth. The Economist Intelligence Unit was therefore commissioned to study this aspect too. It published a book on the topic in 1960

which removed many of the fears that involvement with Europe would damage the Commonwealth relationship and that choosing Europe would mean turning one's back on the Commonwealth.

First negotiation.

The British response to the successful negotiation of the Rome Treaty was to create a European Free Trade Area of the seven European countries that did not join the EEC. The object was to persuade the Six to agree to form a wider free trade area involving all the thirteen countries. When British efforts were rebuffed Harold Macmillan decided to seek full British membership of the EEC in 1961. The negotiations conducted by Edward Heath were ended by de Gaulle's first veto against British membership in 1963.

Public opinion, which had become quite favourable to the idea of membership, received a severe rebuff and for some years the European option ceased to play much of a role in British politics. Yet when Labour came to power at the end of 1964 many of the younger intake into the House of Commons took up the cause of Europe with enthusiasm. A very active Labour Common Market Committee chaired by Roy Jenkins with Shirley Williams as secretary played a leading role in securing support for Europe within the Labour party. Roy Hattersley, the present deputy leader of the party, became the director of the Campaign for a European Political Community with a strong federalist commitment.

When George Brown became Foreign Secretary in 1966 he gave top priority to making a second attempt to join the EEC. After an exploratory trip to the capitals of the Six, Britain's second application was submitted to Parliament. After a lengthy debate in May 1967, it secured approval by the largest majority ever recorded on a major issue, gaining the support of 85% of Members voting, drawn from all political parties. This second attempt failed when President de Gaulle vetoed it yet again even before any negotiations were started.

By-passing the veto.

The next two years were devoted by the federalists to finding ways of by-passing the French veto. At Altiero Spinelli's suggestion made during a Federal Trust seminar in Britain in 1968, an initiative was planned to convene a second Messina conference to create a European Political Community with Britain as a full member which would operate alongside the Economic Community.

Visits were organised for George Brown, who had by then left the government, to the governments of the Six and the European Commission. The call for a new Messina was planned to be issued from London during the Italian Government's official visit in March 1969. While the details were being worked out between the British and Italian ministers news came through of the French Government's defeat in the referendum on regionalisation and the resignation of President de Gaulle. The London declaration was hastily redrafted calling for the enlargement of the Community, the direct election of the European Parliament and the development of a political role for the Community.

President de Gaulle's resignation signalled the opening of doors to full British membership and the Labour Government prepared itself for the negotiations which were due to start in June 1970. These were to be led by George Thomson who later became one of Britain's first two European Commissioners. That month saw the defeat of the Labour Government in a general election and the return of Edward Heath at the head of a Conservative administration. His deep commitment to a united Europe assured the government's determination for the negotiations for entry to succeed.

Second negotiation.

The British public however had, after the second veto, lost what enthusiasm remained for British involvement in the Community. Opinion polls at the end of 1970 showed 70% of the public opposed to membership with only 18% in favour. Against this background of hostility it was unlikely that a successful negotiation would have received parliamentary approval. The government was thus in a dilemma. It could not show that it was negotiating toughly with the Community and at the same time conduct a public campaign to persuade the public of the benefits of membership.

This task then fell to the European Movement which undertook a massive publicity campaign in the early months of 1971 spending over one million pounds to this end. Press publicity coupled with hundreds of public meetings and the distribution of millions of informative leaflets up and down the country had their effect. By the time the negotiations were drawing to a close in May 1971 public opinion showed a small majority in favour of membership. The final decision was however up to Parliament. With an evenly divided public the parliamentarians felt able to exercise their own judgment.

The battle for membership then moved into the House of Commons to whom the results of the successful negotiations for entry had to be submitted for approval. Deeply divided on this issue the Labour party, at a special conference, decided to oppose membership on the terms negotiated, regarding them as damaging to British interests. This was meant to unite the pro and anti-marketeers in the party. In the Conservative party there was also a vocal minority against membership. Early calculations showed clearly that the Labour party with the Conservative rebels could defeat the Government's negotiated terms and reject British entry.

It was the Labour Europeans led by Roy Jenkins, the party's deputy leader that saved the day. In a crucial vote on the principle of entry in October 1971 sixty nine Labour members defied their party's whip and voted with the Government. A further twenty Labour members abstained. As a result the Government gained a comfortable majority of 112 for the principle of entry on the terms actually negotiated. In the months that followed the Labour rebels returned to the fold but a sufficient number of them continued to abstain or vote with the Government to ensure that the detailed legislation for entry was enacted.

Membership of the Community.

Britain joined the European Community on 1st January 1973 with great hopes, but the country remained divided. Within the Labour party there were growing fears that it could split on the issue especially in the run-up to the next general election. Harold Wilson divised a solution which avoided the split. This was that a Labour government would seek to renegotiate the terms of membership and submit the result directly, over the heads of Parliament, to the British electorate in a referendum. This was to be the first national referendum in British constitutional history. Roy Jenkins opposed the scheme and resigned as deputy leader when it was adopted.

Labour came to power in March 1974. Although it did not have an overall majority it seemed likely that it would improve its position in another general election, which it did in October 1974. Negotiations were then started by the Government to change the terms of membership to accommodate Labour's demands. In the end the actual changes were insignificant and when submitted to the cabinet it split on the issue. As a result, whilst the Government recommended acceptance of the terms,

the opponents in the cabinet and parliament were given full freedom to campaign against them.

The oil crisis in 1973 and the successful miners' strike for much higher pay which brought down the Heath government in 1974 signalled a massive inflation in prices. The anti-market campaign during the negotiation for entry concentrated on prices especially of foodstuffs which they claimed would sky-rocket once we joined. This is what actually happened to prices but for reasons unconnected with Community membership. The public however blamed the Community. Thus a year before the referendum opinion polls showed a 2 to 1 majority for withdrawal from the Community.

The referendum.

Because of the Labour Government's ambivalence on the issue, it fell once again to the European Movement to organise the public campaign and planning for it started in May 1974 a full year before the actual referendum. Nearly seven million leaflets were distributed to most households in the country during the summer of 1974 to recruit help for the campaign. Some 12,000 people volunteered and over the months set up 475 local campaigning groups. The strategy adopted was to ensure that continued membership was argued by a large number of diverse interest groups. Each political party had its own campaigning group. The European Movement under its adopted 'Britain in Europe' umbrella created pro-European campaigning bodies amongst most professions, the world of sport, actors, artists each arguing for a YES vote amongst its own membership. Christians for Europe mobilised the churches and through them their congregations. Communists for Europe embarassed the official Communist Party which was opposed. Youth organisations held rallies, public demonstrations and stunts. Commerce and industry conducted information campaigns amongst their employees with the help of pro-European trade unionists.

The strategy was in direct contrast with that of the anti-marketeers. Whilst the Europeans spoke with many diverse voices all in favour of membership, the opposition drawn largely from the extreme right and left in the political spectrum attempted to speak with a common voice, and thus became incredible in the public eye.

The enthusiasm generated amongst the pro-European factions was quite astonishing. Long standing party political opponents worked harmoniously for their common cause. This applied

equally at the national level where the campaign was led by Roy Jenkins down to the 475 local groups which were deliberately formed to ensure an all-party political balance in their direction.

The campaign ended in reversing public hostility. In a 60% poll, high for Britain except in general elections, the majority for remaining in the Community was a solid two to one.

European elections.

The next major step in the evolution of the Community towards a federation seemed to be the direct elections to the European Parliament. In Britain the initiative was taken by the European Movement which produced a report of a high-level all-party working group which cooperated closely with Schelto Patijn, the European Parliament's Dutch rapporteur on direct elections. The government and Parliament were lobbied intensively. In July 1977 the House of Commons approved the holding of European elections by 394 votes to 147 against.

However the Labour government had to pay a price for getting its supporters to vote in favour. There was a commitment against any increase in the powers of the Parliament and the government explicitly stated its opposition to European federalism.

Much more difficult however was the task of arriving at a uniform system of elections. Both Labour and Conservative parties feared the introduction of proportional representation in European elections as this could well lead to their introduction in national elections and thus ending their duopoly of power. At that time the Liberals agreed to support the Government which had lost its overall majority. The price for this support was a government commitment to present to the House of Commons proposals embodying proportional representation. By allowing a free vote however the proposals were predictably rejected by an alliance of Labour and Conservative members.

This meant a much lengthier process of drawing up single member European constituencies and forced a delay of one year for the European elections. When they were finally held in June 1979 the result grossly distorted the votes cast. With less than 50% of the vote Conservatives gained 75% of the seats, most of the rest going to Labour. The Liberals with some 13% of the vote gained no seats.

Mrs. Thatcher's government.

One month before the European elections the Conservatives won a general election and Mrs. Thatcher became Prime Minister.

Her long drawn out struggle "to get our money back" is part of the Community's own history. Whilst Britain's case against excessive budget contributions was a just one, the methods used made a deep impact on public opinion and created a strong if mistaken impression that membership of the Community was damaging to British interests. Once again it fuelled antimarket sentiments. It enabled the Labour opponents of membership to win a massive majority in their 1980 party conference in favour of Britain's unconditional withdrawal from the European Community.

The Labour Europeans found themselves completely isolated. Most of them were on the right of a party which had sharply moved to the left. Dissatisfaction with the leftward trend and the election of anti-market Michael Foot to the leadership persuaded many that it was time to break away. Thus when Roy Jenkins, returning from Brussels, after his term as President of the Commission, appealed for the formation of a third force in British politics, he found a ready response from most Labour Europeans.

Although there were many reasons why the Labour party split, Europe was undoubtedly one of the main ones. The newly formed Social Democratic party placed commitment to the European Community in the forefront of its programme and, together with the Liberals has ever since represented the most federalist approach to the future of the Community among the British political parties.

Battle for continued membership.

Without its European faction the Labour party's commitment to withdrawal remained solid. It became one of its main electoral planks as the next general election approached. Judging by opinion polls which showed varying but clear majorities against membership, the party saw in its anti-European platform a vote winner.

Federalists realised that continued British membership was once again at serious risk. It needed another campaign to divert the danger. This time an analysis was made of the extent to which the British economy depended on the Community. Authoritative estimates showed that some 2½ million jobs were directly dependent upon trade with the Community. Britain's exports to the Community and its European associates had risen dramatically and accounted for some 60% of all foreign trade. Inward investment was also shown to have increased dramatically since membership, especially from the USA and Japan who used

Britain as a convenient base for manufacturing goods for the common market.

An intensive information campaign was launched by the European Movement in cooperation with commerce and industry and with the three other main political parties. As growing unemployment played an increasing role in the political battlefield, withdrawal was demonstrated as putting millions of existing jobs at risk. Thus the Labour party which concentrated its fire on unemployment and promised a massive creation of new jobs, found its policy of withdrawal as a liability with its prospects of more job losses.

The information campaign was successful. Public opinion polls some eight months before the June 1983 general election showed a clear majority for withdrawal. As the election approached the majority disappeared and by the time the elections were held polls showed a 2 to 1 majority in favour of staying in.

The 1983 general election resulted in a massive defeat of the Labour party which obtained only 28% of the votes against 43% for the Conservatives and 26% for the alliance of Social Democrats and Liberals. This massive defeat has now forced a fundamental rethinking of Labour's attitudes on Europe. It is gradually coming to terms with British membership and it generally accepts that withdrawal will no longer be a credible option.

Towards European Union.

With the interminable arguments about British membership finally laid to rest, federalists in Britain have been able to turn their attention to the evolution of the Community into a European Union. Considerable lobbying of Conservative Members of the European Parliament led to the surprising vote of the Group in favour of the draft treaty for European Union in February 1984. Of the 60 British Conservatives 22 voted in favour, 5 against and 6 abstained, whilst the rest, conscious of the Conservative government's disapproval, absented themselves from the voting. Mrs. Thatcher had committed herself to the solemn declaration in favour of European Union at the 1983 Stuttgart summit, but the government remains unconvinced of the need for a new treaty or the ending of the right to veto.

The next battle for the British federalists is thus soon likely to be joined. The Stuttgart declaration and the Draft Treaty are being treated as complementary and they are being linked with a special campaign to complete the Common Market, to which the Conservative government is committed unequivocally. At

the same time increasing pressure is being brought to bear on the government to join fully the European Monetary System.

What is clear however is that Britain is unlikely to take a lead on European Union. As Jean Monnet used to put it, the British don't like ideas but they respond to facts. Should the majority of the other Community governments declare themselves ready to form the European Union, without Britain if necessary, it is unlikely that Britain would repeat her past mistakes when she refused to join the Coal and Steel Community or the EEC.

The tasks for the federalists in Britain will then be to demonstrate clearly to the government and to public opinion the dangers of British exclusion from the emerging union and her isolation from the mainstream of events. Britain's whole history shows that this is not an option the country has ever chosen. Thus given a lead from the Continent, Britain is likely to be there when the Union is finally created.

Ernest Wistrich

THE YOUNG AND FEDERALISM *

The young and politics.

All young people choose, implicitly or explicitly, some political outlook, because it is impossible to live in a community, whether it be the local district or the entire world, without deciding what commitment should be made as regards defending its integrity, modifying or improving it. We need to be concerned with politics, if only to make sure we can 'look after our own back yard' in peace.

But this is not the complete picture. There is a spontaneous relationship between young people and politics which is part and parcel of their very existence. The young cannot help thinking about the future, about themselves and about others. And politics is precisely a specific field of human activity where everybody can contribute to the creation of great projects for society's transformation and fight for their fulfilment. When engaging himself in political activity, the individual takes on his responsibilities vis-à-vis the historical process. Insofar as freedom exists, which is never absolute freedom, men can turn it into reality by means of their political commitment.

* First presented as the introductory speech at the *Stage* for Young Federalist Leaders held at Ventotene on September 1st-8th 1984.

Politics is then the field where, consciously, man's freedom comes up against historical necessity. And the first constraint, that anyone who wishes to commit himself to political action comes up against, is acting in groups, whether they be associations, leagues, unions, movements, parties or states. Individuals may well have interests and ideals in common, though a popular conception of political action puts all political motivation down to interest. But shared political ideas are, what in actual fact, keeps a political group together. Material interests may, of course, interfere, but they are never the ultimate basis for any political commitment, even when politics apparently degenerates and seems to come down to a mere clash of conflicting interests. We need merely recall that, on occasions when significant conflicts have arisen between parties or between states, people have gone, and still go, so far as to sacrifice not only their enemies' lives but also their own and their companions' lives, to understand that the profound significance of political commitment lies in the struggle for human emancipation i.e. what in Nineteenth century terms, when significant institutional changes came about, was called Revolution. When we see this we can appreciate that only in its degenerate and conservative forms can politics be reduced to the "conquest of power for power's sake", i.e. merely managing the *status quo*, tackling the present with no regard for the future, focusing on interests with no regard for ideals.

And yet we live in an age where it is necessary to recognize, regrettably, that politics has to a large extent lost its ability to communicate enthusiasm for an ideal to the young. Traditional political parties are, quite undeniably, increasingly less able to recruit the young and their organisational structures are becoming overburdened with paid officials, because they are unable to mobilize volunteers for policies that are no longer appealing. But equally it has to be recognised that the young have by no means lost their interest for political struggle. In the sixties, great youth protest movements arose in the USA and Europe opposed to the war in Vietnam and in 1968 the entire world had to face up to the great wave of protest against old authoritarian institutions, in education and society. Currently, the Peace Movement, which has had the merit of arousing collective awareness against nuclear death, has mainly enlisted young people. There is no truth in the idea that the young are not interested in politics, even though, unfortunately, a large fringe of them undergo

collective disorientation and end up being the prey of nichilism (terrorism, drugs and so on). It is, however, true that the "old approach to politics" no longer interests them. The commitment of anybody who sincerely wishes to fight for an ideal remains latent for long periods of time and explodes loudly in the form of protest movements against institutions which foster conservation, privilege and violence. We are therefore living in a potentially revolutionary age when the very roots of established civil order are being questioned.

Faced with a crisis of these dimensions it is easy to get lost and wander in wrong and unproductive directions. The age of great changes opens up possibilities for the success of reactionary waves, as the period between the two world wars sadly testifies to. In the current Europe, which seems almost resigned to a perpetual division between the two Superpowers, the prospect of a general "imperial pacification" in well-being is not so far from the truth. Despite illusions to the contrary, even today, Europeans, in both the East and West, act as if they were colonised, even though the amount of freedom of action varies within the two world empires.

All over-facile enthusiasm needs to be banished from political struggle. The European political order cannot be changed without challenging the entire world order. No struggle of this size can be undertaken without serious personal commitment in terms of work and criticism of dominating political thinking.

The crisis in contemporary politics, ultimately, consists in the inability of traditional ideologies — liberalism, democracy and socialism (communism and Marxism included) — to give a satisfactory answer to the great problems of our age. In a word, the causes of the contemporary crisis, federalists believe, need to be sought in the contradictions existing between the world dimension of problems and the national dimension of political life. Everybody is able to see that the marvellous achievements of science and technology, which potentially place man in a position to dominate the universe, are rebounding on man, as a result of the political division of the human race, which forces states to resort to the politics of power and armed violence to manage the world's affairs. Politics is being progressively emptied of its capacity to plan the future, because in the age of atomic arms the world system of states has become the main factor causing permanent insecurity, terror and death. The contemporary state, the highest form of civilisation reached by mankind, is no longer capable of channelling productive and social forces towards progress and the protection of life itself.

Moreover, the division of the world into national states makes it impossible to carry out any effective international policy for natural and urban environmental defence against the damage caused by industrial society. And it is once again the division of the world into national states which is the source of the clash between rich and poor countries, making the problem of international justice insoluble, denying in other words the Third World's capacity to free itself from its appalling conditions of poverty and underdevelopment.

National states, which in the last century were an important factor in progress, have now become the main obstacle to an effective policy of emancipation of the human race. Traditional political thinking, by accepting an international system based on the principle of absolute national sovereignty, ends up *de facto* by justifying the imperialistic policies of stronger states and the consequent subordination of the ideals of liberty, equality and justice to the logic of power politics.

The crisis in traditional ideologies and the federalist alternative.

European political culture, which has developed in the modern age within the Christian universalistic tradition, could not fail to be imbued with cosmopolitanism. The liberal struggles against the aristocracy's absolute power and political and economic privileges demonstrate the historical value of liberty for all men, without discrimination. Similarly, the democrats demanded political equality for all citizens and the socialists universal justice. The men who fought for these values were more or less aware of the infinite difficulties which they would encounter and the need to conceive their efforts as part of a task entrusted to several generations. But they could not envisage (and were powerless to stop) the movement for national unification superimposing itself on these great currents of ideals in European history, in the last century, with its ideology demanding citizens' absolute loyalty to the national idol and ultimately the idea of race. Very soon, as happens with any body affected by a tumour, the process of destroying the cosmopolitan element of the great European ideological currents sets in. Even Christianity was not spared insofar as it had become transformed into a political movement.

Liberals, democrats and socialists steadily came to accept the idea of the closed national state, i.e. the idea that the only community for which it was worthwhile fighting to achieve political freedom and justice, was the national community. The problem of international relationships was considered as comple-

tely secondary: peace and war depended, people ingenuously thought, on the good or evil disposition of governments. What was important was the struggle to achieve national power. Harmonious and peaceful co-existence between nations would have been the natural consequence of the victory of liberalism, democracy and socialism within nations. Internationalism thus became the opposite of liberalism, democracy and socialism because, by justifying the recourse to force and mutual destruction of human communities already profoundly united by a single civilisation, it actually ran counter to cosmopolitanism, which in principle it claimed to defend. The horror evoked among the people of those times by the First World War (the first mass war, because it involved the entire population and not merely those fighting on the front) was caused precisely by the awareness of the betrayal of common civilisation. Men of the same faith, in the name of the defence of "sacred" national confines, slaughtered each other on the battlefields.

It is, however, with this unhappy doctrine of international relationships that we are deceiving ourselves into governing the contemporary world. The growing interdependence of economic and social relationships, together with the increased capacity of state intervention in economic life, has enormously increased the risk of international conflicts. The world, for better or worse, is governed by the USA and USSR who have now developed a nuclear arsenal capable of destroying humanity several times over. But this capability of the Superpowers to determine a progressive solution to contemporary problems is steadily decreasing. The Third World has been abandoned to its destiny, which can only be poverty, and any political or social change which questions the imperial order is immediately crushed, as happened in Latin America, in the East European countries etc. Immobilism and conservation do not depend on occult or mysterious forces. We cannot change the contemporary world with the ideas of the past. Today, politics has a world dimension: those who wish to fight for freedom, for democracy and justice must devise a world plan of transformation, which makes all men and all the peoples of the Earth at least potentially part of their struggle. In our century, to carry on dealing with politics on the basis of the old internationalist doctrine is the same as planning an interplanetary journey basing one's calculations on the Ptolemaic system.

Only through federalism is it possible to restore politics to its cosmopolitan dimension. Federalism makes it possible to eliminate international anarchy by guaranteeing effective autonomy,

liberty and equality to nations. Only a universal constitutional pact, freely accepted by all peoples and which entrusts the task of enforcing legislation to a supernational body, can secure perpetual peace and international justice. To free politics from the need to resort to violence — in its worst form i.e. the legalised violence of armies and the rearing of the young in the use of arms and hatred for foreigners — it is necessary to subject the savage freedom of sovereign states to a federal order.

This road is practicable. The choice made by the thirteen American colonies in 1787 between maintaining the Confederation — i.e. a provisional union, without any of them renouncing autonomous defence — and a Federation, shows that some men, in favourable historical circumstances, have been able to draw the correct teachings from history. As Hamilton wrote in the *Federalist* commenting on the Constitution proposed by the Philadelphia Convention to the colonists: "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".

However, two centuries ago, the times were not yet ripe for the achievements of the American Revolution to become the common heritage of all mankind. Europeans were about to launch themselves in the adventure of the industrial revolution and the contemporary consolidation, or formation, of great national units, implicitly laying the bases for new and bloodier conflicts. Progress in history does not proceed along straight lines and almost always men learn lessons only from the tragic events unleashed by the passions and interests that they were not yet able to submit to the legislation of reason. But in the 18th century, what humanity still refused to understand could be thought of at least as a rational philosophical conjecture. With Immanuel Kant federalism acquired a universal historical dimension. Men, Kant observed in *Idea of a universal history from a cosmopolitan point of view* (1784), created an international political system where states live in a condition of savage freedom, as individuals lived before civil states were formed. The international situation, therefore, corresponds to a state of barbarity, because only by means of war, and not law, can controversies between states be resolved. It is not, however, unreasonable to hope that the evolution of history will be such that it urges the human race to recognise the need to become part of a universal political order. "This very unsociableness," wrote Kant, "which forced men to give themselves a constitution is once

more the reason why every community in its external relationships, i.e. as a state in relationship to other states, keeps its liberty unlimited and must therefore expect from others the evils that afflicted individual men and forced them to enter into a civil state governed by law". Reason should induce men to "leave the barbarian lawlessness state and join a federation of peoples in which every state, however small, may hope for its own security and protection of its rights not by virtue of its own force or its own legislative assessments, but by virtue of this great *federation of peoples*, of this collective force and of decisions according to laws of common will".

Peace is the specific value of federalism. In the course of European and World history, the value of peace, although accepted by everybody, has always been subordinated in actual fact to political struggle for other objectives, such as the conquest of liberty, justice and national independence. In past centuries, those in favour of federalism and in particular the United States of Europe have been far from few. We need only mention here Saint Simon, Mazzini, Cattaneo, Proudhon, Hugo, Trotsky, Einaudi and so on. But they were only forerunners because they proved unable to bring federalism into the arena of politics, i.e. into the field of practicability. Only from the Second World War onwards in the course of the Resistance to Nazi-Fascism, did the plan to reconstruct a freed Europe on a federal basis emerge as an alternative to the old system of sovereign states which had led the people of Europe into the most horrendous of conflicts.

In order to examine the history of European federalism from its birth to the latest developments, it is necessary to point out a few basic tendencies. We will thus, firstly, examine federalism as a political project, i.e. as the federalists' struggle against national powers and for the construction of the first supranational government in history. Secondly, we will consider the history of federalism as a cultural project, i.e. as the commitment shown by federalists to affirm their conception of the historical process vis-à-vis political thinking in the past. Finally, we will try to use these observations as a basis for some immediate suggestions as regards the current commitment.

Federalism as a political project.

The Ventotene Manifesto (1941), the birth certificate of militant federalism, outlines very clearly the current historical objectives of political struggle. "The problem, it explains, that needs to be resolved first and foremost and failing which all other progress is only appearance, is the definitive abolition of the

division of Europe into national sovereign states". This undertaking will be carried out by "new men" i.e. by a Movement (the European Federalist Movement was founded in Milan on August 27th-28th 1943) who are able to deal with the revolutionary situation created by the breakdown of old and discredited European regimes of the past, swept up in war disasters. "The revolutionary party, as the new Movement is called in the Manifesto, cannot be amateurishly improvised at the decisive moment, but must from now on begin to take shape at least in its main political outlook, its overall leadership and the first directives for action".

The forecasts in the Ventotene Manifesto did not come about. The power gap caused by the end of old regimes was not filled by the creation of the United States of Europe, as would have been desirable, but by the victorious armies of the great powers, who were concerned with revitalising the old national institutions and with carving Europe up into their spheres of influence. A spirit of resignation overcame the European political class, and as a result the ideals of a united Europe, which seemed so reasonable and so close in the Resistance, disappeared from the horizon. However, time and again, history manages obstinately to place before mankind what its foolishness and ineptness leads it to forget. Reconstruction soon proved a very difficult or impossible task for a divided Europe, ready, like some tragic theatrical replay, to revitalize the old controversies over borders. Rivalry between France and Germany was re-awakened and there was a return to the typical atmosphere of decadent Europe, of diplomacy and astute alliances. But the destiny of Europe was no longer just in European hands. The bipolar confrontation between the two Superpowers for world domination began to imprint a new direction on all international politics. It was no longer possible either for the USA or for the USSR to allow Europe to plunge into anarchy and the iron curtain represented the sad but inevitable consequence of the break-up of Europe.

It was in this climate that new possibilities of action for the federalists arose. In 1947 the Americans proposed the Marshall Plan to Europe in an attempt to bring about a process of European unification together with economic recovery, and with a view to containing Stalin's claims. The federalist plan became topical once more. It was the German problem that brought Europeans up against the need to make a crucial decision. The economic rebirth of Germany was hindered by the restrictions on sovereignty imposed by the Allies on the Saar region, and without coal and steel German industry could not start up again. France opposed the industrial reconstruction of Germany's economic

power, but without a Germany able to work under its own steam the whole European system vacillated. It was Jean Monnet who found the solution to the *impasse*. "We can get out of it only in one way — wrote Monnet in his *Memorandum* of May 3rd 1950 — with a concrete and resolute action on a limited but decisive point which will cause a fundamental change on this point and will steadily modify the terms of all the problems". The proposal was for a European Coal and Steel Community (ECSC), as the first step towards a European federation. The creation of the ECSC, thanks to Schuman's and Adenauer's prompt adhesion, was announced in Paris in the historic meeting on May 9th 1950. Expectations were not disappointed. As Monnet had foreseen, the entire course of European and World events was changed. Franco-German understanding and Community co-operation replaced growing European political tensions.

However, the German problem was far from being solved, because when the United States and Great Britain proposed the reconstruction of the German army and hence a return to full political sovereignty, France once more refused very rigidly and once again it was Monnet who tried to get round the problem by proposing a European Defence Community (EDC). The proposal for the EDC (Memorandum Pleven, 1950) was examined by the six founding countries of the ECSC, but it resulted in a confederal type project, in which it was simply proposed that a European army should be set up from the sum of national armies. The proposal would soon have foundered without any new initiative. Altiero Spinelli, then the MFE's General secretary sent the Italian government a Memorandum in which it was pointed out that a simple co-alition of national armies would merely bring about the reconstruction of the German army, precisely what it was intended to avoid. But, worse still, Europe, by creating a military structure, without proposing the construction of a federal state for its control, would *de facto* have given up its independence: "not having wanted — Spinelli wrote — to create a sovereign European body, the Conference is tacitly proposing that the European sovereign be the American general."

Spinelli's proposal to complete the EDC with a European Political Community (EPC), with a Parliament elected by universal suffrage and a government was very wisely accepted by De Gasperi who managed to persuade Schuman and Adenauer to accept it. Finally, the common Assembly of the ECSC, transformed into an *ad hoc* Assembly, was delegated to draw up a Draft Treaty establishing the European Political Community. Although not completely satisfying the federalists, the Treaty, which was

approved in its definitive form on March 10th 1953, was a decisive step towards European federation.

From this point on history turns its back on federalists. Germany, Belgium, Holland and Luxembourg ratified the treaty at once, but Italy and France hesitated. Meanwhile, Stalin's death created a general illusion of détente in the world of politics which made it less urgent to provide for European defence. On August 30th 1954, the French Parliament, which had previously voted in principle for the EDC, rejected it. Thus, the first attempt to found the European state failed.

The resounding defeat of the EDC caused salutary reflection among the federalists as regards their strategy, which Spinelli baptised "new deal" ("nuovo corso"). From its Third Congress onwards (Strasburg, 1950), the MFE had clearly indicated the method required to found the European federation. "To reach this end — it was affirmed — it is indispensable for the states to be willing to unite with a federal bond and agree to call a European constituent federal assembly made up of representatives of the people and not the governments. It will have the task of voting for a European Federal Union Pact, which will take force when it has been accepted by a minimum number of countries, indicated in the Pact itself, a Pact which will remain open to acceptance by other states". This method was adopted, when proposed by the federalists, by European governments, in the course of the battle for the EDC, with the creation of an *ad hoc* Assembly (and some deputies did, in fact, suggest calling it a "Constituent"). But when the proposed European Political Community failed, they fell back on less ambitious objectives, such as the creation of the European Common Market and Euratom, in the illusion that economic integration might lead sooner or later to political unification. For this reason, the federalists, faithful to the constituent method, which is the only democratic method because it makes it possible for the people to participate in the process of European unification, denounced this functionalistic approach and began action to demistify the Community's institutions as the last bulwark of national conservation. As had happened for the tiny German states that gave rise to the *Zollverein*, in the hope that with a customs union it would be possible to keep up state forms by now condemned to the past, so the old national states established the European Community because of their inability, autonomously, to guarantee their citizens a minimum of economic well-being and independence.

The policy of opposition to the Common Market led to the development of a new conceptual framework and new instruments

of struggle. The basis for the federalists' new action became the concept of European people. There was a people, a people of European nations, but no state as such yet existed. The MFE proposed developing action to bring out this contradiction and to demand constituent power for the European people. It was, thus, a question of squaring up to the problem of building up a constitution for a Federalist Movement truly organised on a supranational scale, with the European institutions directly elected by a democratic European congress. This problem had to be tackled with determination, even though in the past analogous attempts had already been made. The existence of a supranational Movement was the basis for effective European constituent action, which could not be reduced to the mere sum of badly co-ordinated national actions. This was achieved in 1959. The old UEF (Union of European Federalists), originally structured on an internationalistic model, became the supranational MFE (*Mouvement Fédéraliste Européen*). But this result was achieved at cost of a split with the German and Dutch federalists, who did not accept the Italian federalists radical criticism of the functionalist method.

However, the organisational success was enough to launch an important popular campaign, the *Congress of European People* (CEP), whose objective was to give substance to popular demands for a European Constituent Assembly by means of the organisation of primary elections in the main cities of Europe. 'The Congress of European People — this are Spinelli's words — born from reflection on the reasons for the failure of European movements in the last ten years, which proposed 'requesting' rather than 'forcing' national states... appeals to all those who feel the need to demand their rights as citizens of Europe. Primary elections are the means by which it is possible to arouse this awareness and the means by which Europe has a chance to express herself." This initiative and the subsequent initiative which was *The voluntary census of the European federal people* did not achieve a sufficient critical potential to shake European governments out of their national immobility, but need to be mentioned, even so, as the first serious attempt in history to develop political action on the basis of an international framework.

Towards the mid-sixties, organised federalism turned to new objectives of political struggle. The transitional phase of the Common Market was about to end in this period. The breakdown of customs barriers had made it possible for European economies to develop in an extraordinary way, placing Europe in a position to rival the United States economically. But all political problems

sooner or later come to a head. A Common Market without a common currency and without a democratic government was destined, as was indeed the case, to be incapable of making the various national economies converge on homogeneous objectives, to face up to such problems as the lack of balance between regions and the problem of employment, to stand up to the challenge of technologically more advanced economies and international finance. Nor, lastly, was it in any position to achieve an effective policy of co-operation for the development of the Third World, on which it depended for supplies of raw materials. As well as these considerations, it also became necessary to consider that the crisis in bipolarism would have forced Europe to reconsider the problem of its defence and the future of the Atlantic Alliance. The stage was thus set for an avant-garde federalist initiative which would bring the contradiction between the European dimension of the economic and social process and the anachronistic determination of national governments to cling to a politically divided Europe out into the open.

The action planned and undertaken at that time by the federalists was no longer designed directly to cause a Constituent Assembly to be convened, but rather was aimed at triggering a process which would have eventually achieved this objective: i.e. it was a question of throwing national powers into crisis in the field of the demands of European democracy. This new outlook in the political struggle culminated in the campaign for direct elections to the European Parliament. This is how Mario Albertini formulated the campaign in a report presented to the Central Committee of the MFE held in Paris on July 1st 1967: "Europe is no longer, unlike when we began our struggle, a mere historical forecast. It is an economic reality with a complex community administration, as well as an increasingly obvious political necessity. But besides this imposing European reality, there is a European Parliament which still has no political basis. If we ask that it be elected we are asking for something which everybody, except for Europe's enemies finds right. We need to make the most of this feeling. Indeed, inasmuch as democratic parties accept the European economy — or rather European society —, they cannot refuse European democracy without reneging on themselves. This is where there is a point of contact between the MFE and democratic parties. Caught up in the mechanism of struggle for national power, these parties do nothing to further European democracy, while recognising its validity in principle. But they will be in no position to remain inert if forced by the MFE, through a patient but tenacious campaign, to reply... As

regards its range, we must recognise that the ultimate objective, the outcome of European elections, is not one of the many things that can be done towards creating Europe, but the very thing that can give us Europe... We need only recall that the first European elections will force the parties to form European alliances and to fight for European consensus, to realise that the positions they take up and the struggle they carry out are nothing more than the concrete transfer of power from the national arena to the European one. Once the political struggle has shifted from the national to the European arena, the substantial barriers cutting us off from European democracy will have been overcome. All other objectives, including the constitution and the constituent are merely what, in military strategy, are called exploiting the advantage".

Initially, the action to bring about the European elections consisted in demanding the unilateral election of national deputies to the European Parliament, for the obvious reason that the demand for an immediate general election might be contested by governments that were particularly opposed to this (de Gaulle was still in power in France). In Italy, thanks to effective mobilisation by the militants, the MFE managed to present a draft statute signed by citizens to the Italian Parliament in 1969. Analagous initiatives took place in Germany, the Benelux countries and in France.

In subsequent years the demand was backed up by a series of demonstrations, debates, congresses, etc. Of these, at least the great demonstration organised in Rome on December 1st 1975 on the occasion of the Heads of States and Governments Summit should be recalled. The Summit was supposed to fix, and indeed did fix, the date for the first European elections. For the first time countless representatives of parties, unions, shopfloor committees, farmers, etc. swarmed in the streets of Rome side by side with the federalists to demand European democracy.

A far from secondary result in this new phase of federalist strategy was the reunification of all European federalists in a single supranational democratic organisation. Between April 13th and 15th 1973, the Union of European Federalists (UEF) was born in Brussels, which kept the old name to indicate the continuity with the experience in the immediate post-war years.

In the meantime, with the approaching European elections, the federalists launched new political action designed to sustain the planned monetary unification of Europe, as an alternative to the break-up of the Common Market, the decline of the dollar as an international currency and the world economic crisis. On

the eve of the first European elections (June 1979) the MFE was thus able to develop a vigorous "Action vis-à-vis political parties for a democratic and efficient European programme" asking that in their electoral programme they should include the three priority objectives of a European government, a European currency and a common foreign policy.

The events of the first European legislature fully confirmed federalists' expectations. The European Parliament, through Altiero Spinelli's merit, successfully started the struggle to reform the Treaties and give the Community a democratic and effective government, albeit with limited powers. Thus a true constituent phase has begun, where, thanks to popular mobilization and the commitment of all democratic European parties, it will be possible to carry out a decisive step forward towards the European Federation. Thus, the second attempt in history to build a European state is underway.

Federalism as a cultural project.

While the idea of a political project is easily imaginable, and, in our case, means the way in which federalists have tried to face up to the existing national powers with a view to creating the European federation, it is better to make a number of clarifications when speaking about a cultural project. This expression will, roughly, be used here in the same way that philosophers of science speak about "paradigms" or "research programmes" for scientific theories. In a very much more complex way, political doctrines carry out, or should carry out, a similar function. They provide criteria to guide men in their political action and their understanding of historical and social reality. The world of culture consists in all ideas, beliefs, institutions etc. which serve as the basis for the organisation of community life and which, put another way, might be called civilisation, when we speak about the concrete achievements of history. A political doctrine, and in particular, an ideology is thus related to the world of culture through its critical outlook and its plan to transform the old world. There is, however, a difference which should not be overlooked with respect to scientific method in the strict sense. The scientist exhausts his task almost entirely when he has brought his research to a successful conclusion. It is true that a scientific discovery may find obstacles of various kinds blocking its way and that the academic world, which ought to be so open to everything new, often contests innovators tenaciously, so much so that there is a need to speak of scientific Revolutions. However, these circumstances are secondary. The

process of understanding in itself has a purely logical and a-historical sequence.

The same is not true in politics. No new political theory has ever gained ground instantaneously and without a struggle, i.e. without a ripening of the historical conditions needed for its complete affirmation and without its meaning emerging progressively in the course of this process. In fact, it is difficult vis-à-vis the great ideologies such as liberalism, democracy and socialism, to decide how far they have in fact been achieved. Ultimately, in politics the problem of an ideology's affirmation is no less relevant than its conceptual development. The need is not merely to learn about a given historical reality, but in particular to assert a new system in society and in power. Knowledge and action cannot, in politics, be separated. Without a commitment to transformation, the distinction between utopian thought and scientific thought remains uncertain. It follows that, unlike the natural sciences, ideological thought always has a universal nature, i.e. it must aim at an understanding of the entire historical process. Any 'living' political thinking aiming at an overall change in the historical and social reality must, therefore, also possess a cultural plan progressively clarifying the successive phases of possible transformations to the protagonists of history.

If these assumptions are correct, then the history of federalism as a cultural plan begins with the foundation of federalism as an autonomous political experience, i.e. with the Ventotene Manifesto. Only then did European federalism become a theoretical and practical outlook and not just an ideal aspiration of some enlightened thinker. In the Ventotene Manifesto two important principles of action are indicated: 1. the priority objective is the construction of a "solid international state", i.e. the European federation, over any other political or social objective; 2. the new line of division between progress and reaction is no longer between those who want more or less liberty, democracy or socialism within existing states, but between those who want or do not want the international state. On the basis of these principles it is possible to face up to political reality, which consists in the struggle for the achievement and maintenance of national power. With their alternative political plan, the federalists are in touch with the historical process. "It follows — affirms Mario Albertini commenting on the Principles of the Manifesto — that even as regards the future, thought takes on the shape of reality (action is the future in germ); more precisely, it takes the shape of a reality that can be constructed with reason because the new principles of action, if they really

are new principles and not self-deception, connect the present to the future in accordance with an established order of reason".

The development of these principles, in the first period of the MFE's existence consisted mainly in taking up positions on great contemporary problems. Through its official journals, first the *Unità Europea* (1943-1949) and then *Europa federata* (1949-1960), and other media, the MFE expressed its opinion on the problem of German re-unification, the inadequacy of national political plans of political parties vis-à-vis European unification, the nature of US and Soviet foreign policy, renascent autartic temptations etc. Essentially, the federal struggle in these years became enriched with important decisions that subsequently acted as a reference point in the MFE's struggles in later years. Spinelli expressed this need very lucidly in the introduction to his collection of essays entitled *From Sovereign States to the United States of Europe* (1950), where he wrote, "a common opinion, not shared by the writer, is that federalism simply means identifying a new objective and as such does not affect internal political problems and, therefore, does not affect the outlook of various national political parties. The problem of federation radically alters the area in which political parties act, their ideologies and their national manifestos. As soon as we move from the organisation of the national state to the organisation of the federal state all the terms in which we are used to viewing various political, economic and social problems are radically altered. I believe that there is still a lack of awareness about the revolutionary power in federalist thinking".

There has been a second line of development which is only hinted at in the Ventotene Manifesto, but which was more fully explored by Spinelli in his essay *The United States of Europe and the various political positions*, written at the same time as the *Manifesto*, where federalism is compared with the political doctrines of nationalism, democracy and socialism. They are explicitly criticised for their inability to resolve the problem of peaceful co-existence between states. The examination of this problem leads to a first major conclusion: federalism is not contrary to the great ideals of individual liberty, of political equality and social justice, but believes that they can be achieved only as a result of the creation of a European federation, whereas they would be illusory ends if pursued within the framework of old national states. This point of view, in actual fact, is the central ideological tenet of the basic *Political Theses* which were drawn up at the time of the MFE's foundation. They state that

"the MFE is not an alternative to political currents which aspire to national independence, political freedom, economic justice. The MFE is not saying to the leaders and followers of these movements, which embrace almost everything that is alive and progressive in our civilisation: national independence, freedom, socialism are ideals that must be pushed to one side so that European unity alone can be tackled. On the contrary, the MFE is exclusively made up of men who are followers of these tendencies, and intends to see their goals, which are in keeping with the supreme values of civilisation, achieved". In the first 10 years of the MFE's life, this doctrine was turned into very effective directives. The struggle for the EDC was fought by an MFE whose leading members coincided with the leading members of European-minded political parties and their ideologically complementary nature with federalism made efficient co-operation both locally and nationally between federalists and people in political parties possible. In that period, the prevailing conception of federalism consisted in the doctrine of the federal state, i.e. the institutional model which was proposed as a solution to the problem of the division of Europe. The birth of the United States of America, with the limpid example of the Philadelphia Convention, was the first constant reference point of European federalists' thinking. In those years, federalism could thus simply be defined as the theory of the federal state.

These positions and these trends were to be profoundly changed after the fall of the EDC. The *nuovo corso* was both a political turning point and a cultural turning point as well. By now the pro-European position of political parties, which had pliantly accepted both the functionalist position and the outlook of governments as regards European unification, increasingly departed from federalist positions which did not cease to demand, coherently, a European constituent assembly. It thus became evident and vital to place federalist thinking in a position that was culturally autonomous to those of the political parties. The development of federalism's ideological autonomy, which is an experience which is still in the making, was undertaken in those years by Mario Albertini.

The first initiative was to develop a policy of recruiting new young militants together with the Campaign for the European People's Congress. Mario Albertini wrote on the occasion of the courses held in Salice in 1957, "This is a decisive problem for the federalists because their ability to fight for Europe is conditioned by the ability to develop and train a growing number of militants... Naturally, militants are trained during their struggle

not in academic circles. However, one is not born a militant and one does not become a good militant without a well-defined political character. Hence, it is necessary to be first of all clear on two points: recruiting militants and shaping their personality". Albertini went on to specify that recruiting could only be achieved by organisational means specifically created by the federalists because "there are no environments where the desire to become European militants is spontaneously created". As regards their personality it is necessary that militants "be people who are able to distinguish themselves from national politicians and who wish to bring about a European way of seeing things and a European way of acting". The militant's first task is to organise sympathisers and citizens to strengthen federalist action. "However, the science of the militant, his capacity to direct people along a particular path," writes Albertini, "would come to nothing if the militant did not exercise an art besides a science. The art is the pilot's skill. Militants will be able to form a group and put it on the right road by implementing the EPC's organisational rules with meetings and elections. But they may also increase the size of the group as they go along if they are able, at every crossroads, to choose the right direction, choose the right road and give those who follow the impression that there is a road to follow".

The development of the recruitment policy led to a series of analyses of the great contemporary problems and not just political position-taking. The Federalist Autonomy group *autonomia federalista* thus tackled questions of the relationship between state and church, Southern Italy as a European problem, the future of workers vis-à-vis the technological revolution, the problem of democracy in schools, the meaning of atomic arms for the future of humanity, the end of the bipolar equilibrium and the emergence of multipolarism, the limits of the Italian 'centre-left' (centro-sinistra) government and national reformism, etc. Moreover, a number of crucial concepts for the acquisition of an awareness of federalism as a historic alternative were deepened. An intense debate thus grew up on the idea of the course of history, on raison d'Etat and its relationships with imperialism and, finally, on the meaning itself of political action. It is naturally not possible here to mention all the contents of these theoretical formulations. But at the very least among Mario Albertini's works we should quote *Lo Stato Nazionale* which for federalists assumed the same importance as *Das Kapital* for socialists, inasmuch as *Lo Stato Nazionale* was designed to identify and demistify the enemy i.e. national ideology. Mo-

reover, in *Federalismo, Antologia e Definizione* Albertini defined the specific features of federalism as a political ideology: one relates to its value, peace in the sense given it by Kant; another relates to structure, the federal state (whose main institutional features were defined by Hamilton); a third relates to society and history, namely the phase in the development of material means of production where the integration of society has reached such a stage that the division of mankind into nations can be eliminated. With this theoretical deepening, it becomes possible to conduct a comparison between federalism and the great ideologies of the past — liberalism, democracy and socialism — on a scientific basis (inasmuch as historical and social sciences can be scientific).

From these brief remarks it can be deduced that this is a cultural programme of enormous proportions and that it has been developed and will continue to be developed only as a collective commitment. For this reason, in 1959 the political review *Il Federalista* was founded and published in French in the years when efforts were made to found a supranational MFE. *Il Federalista* made it possible not only to widen the base of culturally committed militants but also to maintain the debate with the non-federalist world of culture. Slowly, the work of theoretical analysis made it possible to transform the structure of the Movement radically. The party militants who in the days of the EDC still had a decisive leadership function in the MFE either departed or became mere sympathisers. There was a haemorrhage in the members enrolled, but in recompense a solid nucleus of leaders was formed with great determination for struggle and above all who were aware of the priority of the federal identity and their own ideological autonomy. The federal militant — as Albertini defined him in 1966 — is the person who turns "the contradiction between facts and values into a personal issue" and "the federalist avant-garde is the theoretical and practical awareness of the European character of the major political alternative". And it was this federal avant-garde which was to take on the difficult task of guiding the MFE and organized Europeanism in the struggle for the conquest of European electoral rights.

Currently, European federalism is faced with a new and decisive challenge. After the victory for direct elections to the European Parliament, a debate was started within the MFE which ended up with a second political and cultural turning point. Once the process of political unification of Europe was hooked into the robust driving force of popular will, the problem

arose for the federalists of how to begin to show the world implications — which have always existed as theoretical formulations — of the struggle for the European federation. For this reason the Bari Congress (February 1980), which launched the slogan "Unite Europe to unite the world", approved a series of Theses the first of which is worth quoting in full: "A new age has dawned and new thinking must take shape. The course of history generated by the creation of a world market and sustained by the scientific, economic and political revolutions has already reached its peak with the end of the hegemony of the European system of states, the rise of the world system of states, the re-awakening of all the peoples of the earth, the growing participation of religious spirit in modern life and the enormous development of technological capability, still uncontrolled, however, by the collective will. For this reason it is now necessary, and indeed possible — provided that we direct our thinking and will to this supreme task — to plan the solution to a few fundamental problems for the survival and future of the human race at world level".

New problems, new directions and new struggles are thus the order of the day in the federalist debate. With the 'world view' turning point, the federalists' attention has turned increasingly to the problem of peace "as the supreme objective of political stuggle" and the strategies to be able to begin to control, however imperfectly, the transition towards international democracy and world government. As regards this second development, the need was felt to renew the policy for training and recruiting new militants and to give life to a new edition of *Il Federalista* (which is now published in both English and French) in order to bring about a debate on these prospects internationally. Significantly, the lead article in the first edition of the new series is called "Towards a world government" and seeks to lay down the first political guidelines for a world-wide federalist strategy.

First directives for action for the federalist militant.

In this phase of European and world history the federalist militant must have a dual undertaking: a political commitment to fight for the European Federation and a cultural commitment to further federalism as the core of peace culture.

These abilities to fight can only be acquired with a high degree of personal undertaking. One becomes a militant if one faces up to the first of these tasks (which transforms mere

sympathy for the federalist cause into a concrete political commitment). This first task involves organising the life of the local MFE section or the Young European Federalists (YEF). Organisational tasks are often underestimated in politics, but it is enough to reflect on the fact that organisation merely means bringing together men who share the same ideas, to appreciate that anyone who gives up organisational work is, in actual fact, giving up the struggle for the affirmation of his ideas. The foundation of an MFE section, however modest the number of people enrolled is, constitutes the birth act of federalism in a city and the new reality soon brings political and cultural forces who are so busy in the daily management of local and national politics in touch with the new political point of view which they would not have taken minimally into account by themselves. Historically, great ideas and the great political plans have never gained ground because of some mythical force (the nation, the class etc.), but because individuals took on the responsibility of defending them and championing them, against a thousand adversities, with the help of fellow fighters.

Organisation is something which depends on the will of everybody and which comes about as a result of specific techniques which have to be in keeping with the type of struggle to be carried out and the prevailing historical conditions. For example, in the first attempts at European liberalism there were lobbies, whereas the modern party, with its structure and its democratic grass roots' sections, only emerged in the age of worker struggles for socialism. With communism, an attempt at creating cells was made and so on. It is not possible here to go into these issues deeply. It is enough to state that the choice of organisation in its turn orientates and conditions the forms of debate and the possibilities of political struggle. It is necessary to recognise and value the importance of the relative autonomy of the organisation. Some examples, rather than a theoretical discussion, may help to clarify this.

The failure of the Second International was mainly due to a poor organisational decision, in turn depending on the failure to interpret nationalism as an ideology able to demand absolute loyalty from the masses, despite the international class solidarity so loudly proclaimed in words. *De facto*, the International was organised in terms of the sum of many independent national organisations co-ordinated by a *Bureau*. Only the national leaders took part (it operated in other words in much the same way as internationalism is still conceived of by contemporary parties). It was inevitable that when European social-democracies managed

to participate successfully in elections and re-inforce the internal structure of the party, they became "nationalised" because the intermediate leadership level (and in particular the union associations' middle leadership) increasingly felt their existence, their power and their prestige as closely dependent on the destiny of the state. With the approach of war, even though the worker base had repeatedly given the impression of being willing to mass mobilise against war (and a general strike, paralysing production, would certainly have prevented the unleashing of the conflict), the rank and file were "betrayed" by the senior and middle-ranking party chiefs; they had no rank and file organisation to report to (if a European Workers' Congress had been called, how would they have justified their warlike positions?) Thus, each party, in its own Parliament voted in favour of the war budget in the name of the defence of the nation's "supreme" interest.

A second example may be drawn from the history of federalism itself. Between the two world wars an important federalist movement arose and developed in Great Britain, called *Federal Union*. Such eminent personalities as Lord Lothian, Lionel Robbins, Barbara Wootton, William Beveridge and so on took part and some of them made important contributions to the theory of federalism itself. Federal Union managed to reach a considerable organisational size. Immediately before the Second World War, hundreds of sections sprang up and a thousand enrolments were obtained. Almost certainly, Federal Union's influence led to Churchill's offer to the French government, already in the grip of panic because of Hitler's armies, to unite the United Kingdom and France in a single federation, which after the war would certainly have become the basic nucleus for a broader European federation.

Despite this, Federal Union disappeared from the British political scene as soon as the hope of containing Nazi expansion by means of the federal union of democracies receded and it became obvious that even the Second World War would be won by the intervention of the non-European Great Powers. Federal Union's demise has made the existence of other postwar federal organisations very problematic and precarious in the United Kingdom. Hence, British political parties have always been able to hold much more anti-European and anti-federalist positions than has been the case in those countries where a strong and combative federalist organisation has existed.

The most convincing explanation of these setbacks to British federalism lies perhaps in the fact that the leaders of Federal

Union did not think of federalism in the same way as it has developed in the MFE since the 'autonomistic' turning-point. Their federal commitment was limited to fighting the Nazi-Fascist threat to Europe. They did not see that federalism is the answer to the crisis in the European system of states and the supranational phase of the course of history. They would certainly have said that federalism was the only reasonable solution to the problem of international anarchy and peace. But they all felt they were liberals, socialists etc. before being federalists. Thus, when political events pushed the problem of Europe offstage, none of the leaders of Federal Union was committed in person to keeping the federalist organisation alive and each returned to the "old mould" and began dealing with current affairs, which by definition work in favour of the *status quo* and against the replacement of existing national powers.

The example of Federal Union is instructive in clarifying the difficult task that the current and future generations of federalist militants will presumably have to face. It is necessary to use the relative organisational autonomy, as compared with the political and cultural process, to give federalism a new lease of life. We cannot, of course, tell whether the second attempt to found the European state will be successful. But we can say, however, that it is well underway, that it is possible to succeed, and that each of us has the duty to commit all his energies in order to contribute to the foundation of the European Federation. But Europe is not the whole world and, in particular, a Europe closed in on itself and its own mean interests would constitute a disaster for Europeans and for the entire world. We must fight not only to unite Europe but also to make this Union a model of co-existence for the whole world, because only by adopting the federal model can all the peoples of the world be assured of peace and international justice. If European civilisation has been able to discover the road to peace after centuries of war, hatred and massacres, why could the peoples of the Middle East, Latin America and Africa not adopt the same solutions? And if this is the road that humanity finds reasonable to follow, is there not some foundation to the idea that one day states will entrust the power to control and hold armaments to a world government? The times are ripe for these questions. They are also ripe for answers. The battle for the European Union will become the battle of an ever-growing number of sympathisers if it proves possible to demonstrate the cosmopolitan implications for European federalism.

This task may for the moment be carried out principally by means of the humble work of reinforcing our organisation, i.e. by recruiting new militants who agree with this outlook and who commit themselves in their turn to founding new sections. Everything done to re-inforce the MFE, will make an immediate contribution to a successful struggle for the European Federation and, in the long term, will help to turn the European Union into a laboratory for world federalism.

To conclude, it is necessary to guard the new helmsmen against the dangers that they will encounter when piloting their boat in the tormented ocean of political life. A well-organised section must aim to become: a) a centre able to shake up public awareness on problems of European unity and federalism; b) a centre of cultural development. This follows quite logically from what has been said above, but is difficult to achieve. The task of running one's centre so as to influence public opinion can only be done properly by scrupulously applying the directives of the Movement's leadership. But this requires assiduous participation in regional and national meetings etc. because only by discussing matters personally with other fellow federalists is it possible within the MFE to acquire the correct position. Then it is necessary to turn this position into action. This is where numerous difficulties crop up and the militant's mettle is put hard to the test. He is often forced to fight alone or with a few friends and the few material resources deriving from self-finance. But that is enough. There are many examples, in the history of the MFE, of militants who have tenaciously and proudly held the flag of federalism high in their city for long periods.

In the second place, it is necessary for the decision to make the section exist as a centre for cultural development to be turned into specific organisational commitments: a weekly meeting in which somebody takes on the task of reporting on an issue of general interest or about a book which it is worthwhile commenting, discussing an article prepared for publication in the federalist, or outside, press or discussing papers which have appeared in the latest issue of *The Federalist* and so on. It is vital to keep a proper balance between political and cultural commitment. All unilateral radicalisation of one of these two poles leads to dangerous deviations. The federalists have no power to conquer. Their strength is the strength of their ideas. Existing parties, who very often only hold out the promise of maintaining the *status quo* may also reduce politics to the mere conquest of power, without compromising their survival at least in the short term. But this kind of attitude would be disastrous

for the federalists. Anyone who arbitarily separates federalism from its cultural potential is doing nothing else but reduce the federalist cause's chances of success. Equally disastrous would be the presumption to turn the MFE into an academy or culture club with no links to political activity. There are, unfortunately, already numerous centres of this type which prosper through European cultural pseudo-activities. Like parasites, they remove vital lymph from the European cause, because they live *on* Europe and not *for* Europe.

The MFE is thus a movement in a technical sense: it brings together people who do not set out to achieve power or manage their interests. The MFE is made up of an avant-garde, aware of approaching politics "in a new way" and representing an alternative to the crisis in contemporary civilisation. The MFE does not take part in elections so as not to divide those favouring the overcoming of the political division of Europe and the human race. The MFE is the natural ally of all those who seriously wish to fight for universal peace guaranteed by a world government. It refuses violence as a means of struggle. It guarantees its autonomy by means of militants' self-finance.

When, in 1943, he left the political confinement of Ventotene, Spinelli stated in his memoirs that he had felt a "solitary pride" vis-à-vis his fellow prisoners, "because no existing political formation was waiting for me, nor was preparing to feast me, or welcome me in its ranks. It was I who created from nothing a new and different movement for a new and different battle... I only had with me for the moment, apart from myself, a Manifesto, some Theses and three or four friends, who were waiting for me to learn if the action I had spoken about with them so much would really begin". Spinelli's pride must today fill the soul of the federalist militant, because each, in his own city, has the task of bringing a new and different movement to life. But since then we have gone a long way down the road. Every militant is today aware of continuing a glorious tradition of thinking and action and knows that, however difficult the task he is asked to do may be, he may count on the help of an organised force which is growing, because the young have decided not to give up the struggle to renew the world and plan the future.

Guido Montani

THE POLITICAL ORIENTATION OF THE MFE *

The 12th Congress of the Movimento Federalista Europeo, meeting in Cagliari on November 2nd-4th 1984,

affirms that

the primary cause of evil in our societies is the very bad distribution of power. Only one level of social life, the national level, has an independent government. All the other levels of social life are deprived of this. This is true both for the UN and the European Community — which is governed by a Council of national Ministers and not, as would be natural, by a democratic European executive — and it is also true for the regions, which still do not have any true constitutional autonomy. This state of affairs, whereby a national vision distorts world, European, local and regional events, is heavily reflected in the life of quarters and communes in such a way as to suffocate their spontaneity.

recognises

that in this power situation, passively experienced by most political and cultural élites, all types of social energy being formed at levels other than the national level, are deprived of their own independent governments and are thus unable either to express their true character or assume control of the socio-historical process so as to be able to face up to and resolve the great problems of our times such as unemployment, new technologies, protection of the natural and urban environment, the quality of life, freedom and development of all peoples, universal peace and general and controlled disarmament;

that, because of this, we are increasingly faced by such adverse trends as an increasingly worse selection of the political class, growing detachment of citizens from public life and even forms of degeneration and alienation, particularly in the world of the young crushed by the lack of any prospects regarding their future and work;

that in this unhealthy political framework, although quarters and communes are the only territorial structures where human solidarity could be spontaneously expressed and where, with the public intervention of local bodies, the environmental bases

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* This is the resolution approved by the XII Congress of the MFE, that we wish to publish due to its theoretical interest.

could be laid for new forms of work and employment in the field of cultural heritage, the environment and social services, both quarters and communes are, in fact, becoming the environments where, partly because of urban disorder, there is increasingly less concern for everything public, where violence, in all its forms, thrives, where drugs are in widespread circulation and where even the fundamental norms of living together in society begin to vacillate;

that in this framework, regions, still subject to state centralisation and consequent centralisation of political parties, can neither develop a true regional political life, nor use a solid democratic base of this nature as a bulwark against the political corruption coming from the centre of power, nor mobilize the indispensable energies needed for authentic democratic planning of the environment i.e. including and indeed especially including those who know the particular environment because they live there;

that in this framework national governments, outstripped by the European and world-wide dimension of the greatest problems are no longer able either to guarantee growth or fight unemployment or promote international détente or offer efficient co-operation to Third World countries. By obstinately maintaining all power in their hands, even though they are unable to exert it autonomously, they in fact leave their citizens at the mercy of the decisions of the Superpowers who, in their turn, are no longer capable of governing the world in such a way as to advance all countries, and who manage to maintain their leadership only by making themselves felt more strongly militarily.

affirms that

to construct the new society it is necessary for all levels of social life, from the quarter to the entire planet to be able to express themselves a) with the greatest autonomy possible, b) with a constitutional co-ordination of a federal nature, i.e. not hierarchically but on an equal footing. This requires a great reform of institutions to be carried out, allowing the quarter to live autonomously within the commune, the commune autonomously within the region, the region within the nation, the nation within the continent, the continent within the world. Two requirements arise from this: (a) a two-chamber system at all levels, with a senate representing the quarters in the commune, a senate representing the communes in the region, a senate representing the regions in the nation, a senate representing the nations in the continent, and a senate representing the

continents in the world i.e. within the UN transformed into a world democracy; (b) an integrated electoral system, which starts with elections in the quarter and which proceeds uninterruptedly in a given period of time to the European elections and, in future, world elections. In this system, all social levels freely and fully expressing their identity would *ipso facto* contribute to the common good of all mankind;

observes

that to make this new life cycle possible, it is necessary to destroy all international conditioning as regards security, defence, money and the economy which suffocates the liberty of peoples and which prevents the new skills associated with active and intelligent life which are being formed in our times from growing and establishing themselves;

that this is a task regarding which everybody, at all levels of social life, must do the same thing, namely fight to free the world from the hegemony of the Superpowers and the absolute sovereignty of states, i.e. imperialism and the concentration of power at a national level;

that this struggle is now possible at all social levels because the European Parliament, by adopting the Draft Treaty establishing the European Union, which contains the first forms of a true European government, and by forcing it on the attention of national governments, has demonstrated that it can exercise a part of European constituent power. It is therefore necessary to support it, fighting for the ratification of the Treaty in a sufficient number of countries;

that the European Union would have sufficient contractual power, from the beginning as regards economic and monetary matters and, prospectively, as regards security and defence, to sweep away the bipolar equilibrium and thus open up an era of new possibilities of life for all Europe, for all its peoples, and for all peoples on the Earth, including the North American and Soviet peoples who derive no real benefit from the politics of hegemony that their governments pursue.

recalls that

constituent power derives from the people and may be efficiently managed by its representatives only if they are constantly supported by the consensus and constructive criticism of the people, both as regards constituent power and as regards government power;

observes

that in the case of the governments of national states, which are fully developed and not still under construction like the European Community, it is not merely the electoral factor which sustains the government's options, for public opinion and the great currents of spiritual, political, economic and social life of a nation are constantly expressed in the period between one election and another;

that on the contrary, in the case of Europe precisely because the political control of the community is still in the hands of national governments, this direct and constant intervention is not spontaneously expressed;

that for this reason there is no effective European political will and that it is therefore on this basis that the federalists must take the initiative of mobilising the European people;

decides

to organise a big mass demonstration, in support of the constitutional plan drawn up by the European Parliament, to be held during the European Council meeting which is to take place in Italy next spring with the following slogan: *"One million citizens marching for the European Union"*;

to ask all spiritual and social forces who affirm the determination to unite Europe to demonstrate this with facts by supporting the MFE's demonstration;

to appeal to the Catholic church and other confessions, communes, provinces and regions, cultural, economic and social associations and, in particular, political parties and unions inviting them to organise the participation of their members and followers;

to invite all citizens in favour of European unity — which in Italy is about 80% of the population — to back the MFE's struggle, even financially, in this crucial hour.

Discussions

A LETTER FROM ROSARIO ROMEO ON GERMAN RE-UNIFICATION *

Dear Editor,

in the July issue of *The Federalist* of this year Sergio Pistone gave his reflections on 'German re-unification and European unification'. I would like to ask your permission to intervene with a few comments. This is not so much because the author does me honour of a short polemical reference on page 53 note 2 of his essay (where moreover the bibliographical reference needs to be corrected inasmuch as the essay by Dino Cofrancesco appeared in "Storia contemporanea", 1983, n. 2, and was followed in the same publication pp. 281-86 by a short reply I made which surely would not be impossible to quote). Rather the reason for my intervention is that in this essay positions are taken which are certainly old in the federalist

* In publishing this letter from our illustrious interlocutor we wish to clarify that he attributes to us beliefs that we maintain we do not hold. We do not think in terms of the "historical guilt" of Germany because we believe that the facts of German life (like those of other national lives) must be imputed, ultimately, not to the entity "German nationality" but to the entity "system of States". In any case, we believe that, in practical terms, we must be open to any effective form of German unity (in a solid European framework) including what would arise merely from the fact of establishing the European federation with, from the (historical) perspective, one, or two or three (Austria) German States as Member States. By bringing down the barriers that exist between peoples, the federation unifies men without the need to make state and nation the same thing.

movement but which in my opinion are far from useful in the struggle for European integration.

Pistone refers to, approves of, and indeed strengthens with new arguments, the thesis put forward by Eberhard Schulz, *Die deutsche Nation in Europa* (1982) which calls on the Bonn government to abandon German re-unification completely. This policy, says Schulz, repeating what many had said before him, gives rise to fears and suspicions on the other side of the Elba, plays havoc with the practical, concrete results of the *Ostpolitik* and is seen with resolute aversion by the Western allies of the Federal Republic, France being the first but not last of these. Re-unification would in fact mean German hegemony in Europe, which would be unacceptable to the other members of the European Community and would even mean potential re-discussion of the Oder-Neisse line, with all the related dangers of war and nuclear extermination.

Essentially the Germans are asked (1) to give up half their territory that the treaty of Versailles recognised as German national territory; (2) to abandon 17 million fellow Germans in the GDR to their own fate, in the expectation and hope (so well-founded!) that the USSR will decide to give them democratic rights, without, however, this meaning the dissolution of the GDR in a much wider national structure. What would ever bring the USSR to grant such a concession, which would cause a crisis in the current political system in all the Eastern-block countries from the Soviet Union onwards, is neither clear nor comprehensible. And if all this ended up in the GDR's membership of the European Community, as the author hopes, the thesis becomes even less plausible if the Community is seen as a political entity, while it has no sense if the discussion remains at the economic level, since the GDR to a large extent already enjoys many of the advantages that EEC members have.

Renunciations like this are never asked of any of the other states or countries who belong to the Community. If we believe that they can be asked of Germans, this depends on two prior assumptions. One tacit assumption is that the historical responsibility rests with Germany, in the name of which a permanent international minority, or so it would seem, is justified. A second assumption, openly avowed, is that Germany is too strong, demographically and economically (and therefore, potentially, militarily and politically) for other European countries, who still have sufficiently vivid memories of the past, to contemplate with no concern the danger of renewed German hegemony

which would be born from complete re-integration of the country in its pre-war form.

The meaning and content of the "pro-European" proposals in the line of thinking that Pistone supports clearly require the West German public and political class to accept an integration into Europe designed to act as a kind of bed of contention for Germany, guaranteeing its perpetual national disablement and mutilation, preventing the German national community from expressing all the energies it is capable of expressing, to avoid it disturbing France's and other allied countries' sleep. This is a proposal which in its internal justification completely overthrows the logic of the pro-European proposal which is directed towards those who live in our continent and which is based on the assumption that, with union, energies would not be discouraged and humiliated, but exalted and strengthened and that Europe means a bigger and worthier future for all social forces, individually and collectively, making up the European scene.

I have said on another occasion, and I will repeat it here, that approaches of this type are shot through with a total lack of reality and by an equally serious lack of pro-European coherence. With the huge power of the Soviet Union camped on the Elba all fear of renewed German hegemony of a military and political type is only a pretext to justify on the one hand the continental supremacy acquired with the Second World War by the Soviet Union and on the other hand the tendency within the European Community for France, and to a certain extent Britain, to hog the limelight. Moreover, if the suspicion relates to the energies that Germany shows she still has economically and organisationally, any desire to crush them would be tantamount to repressing the expansive force of French culture, British technology and Italian creative spirit. And this is truly a type of Europeanism that nobody wants to have. Europeans must hope that Germany, like all other nations, will give Europe all she can give. They would do well to direct their fear of renewed hegemonic temptations where they actually are and not to where they once were and have not existed for forty years.

The political result of Pistone's position is before everybody's eyes. The pretext of considering national values null and void is everywhere, and particularly in the strongest and most advanced nations, strengthening resistance which is related to an awareness of the different identity of various countries. In particular, in Germany by this means much of general public's initial enthusiasm for the European cause has been destroyed and very worrying neutralist tendencies have been fuelled. And indeed how can

those in the Federal Republic be contested when, faced by allies who are no less hostile and no less fearful of Germany than the Soviet Union is, they believe that a reasonable policy is to seek agreement with the adversary who, at the very least, could ensure improved relationships with the GDR that the West seems incapable of giving, and which in particular could protect the country against the risks of war that alliance with the West inevitably brings about? Seen in this light, the cause of Europeanism accumulates in its path enormous and unnecessary obstacles, bringing against it the hostility of all those (and there are many) who are not at all persuaded that the elimination from history of national identities is such an easy operation as some people claim.

What then? the line to be taken is the one which Adenauer and other fathers of Europeanism indicated in their day, to be understood in its truest form and in the meaning that it had in reality, and not in the fantasies of certain interpreters. Adenauer wanted Western Germany in free Europe because this both saved the freedom of part of the country and at the same time left open the possibility that in the future re-unification would arise on the basis of freedom, and not on the basis of subjection to Stalinism. Adenauer's Europeanism counted for this reason on the force of civil and economic pressures that a united Europe would have in time on the Soviet Empire. And in view of the mounting superiority of Western solutions and the crisis manifested by much of the Communist world this prospect seems not so distant from reality. This should not of course mean military initiatives and nuclear wars, unless there are acts of aggression which certainly will not come from the west. Those who argue that all this is utopian ought to demonstrate many things which are in fact very hard to demonstrate. First of all they ought to make credible the thesis that we can expect the spontaneous dissolution of the two blocks as a result of détente, without resistance from the Soviets. If, on the other hand, we maintain that the two blocks can be done away with only on the common ground of democracy, and hence political freedom, how can we avoid the possibility that on that very day the East Germans will opt for national unity? Will we then ask the West Germans to join in with the Soviets in their repression against their fellow citizens?

I know that there are many, very many who find such positions unattainable since they can still remember the atrocities perpetrated by the German armies in the Second World War. Here too, we may ask what Europe we wish to create if behind

one of the major partners we are willing to see the shadow of the torturer and gaoler rise up at every second. But, finally, each of us has the right to his own memory. I only wonder how the Germans could not be aware of this and hence I wonder what Europe can it be that we wish to construct on such equivocal bases shot through with such serious mental reservations? How can we hope that the Germans in the prosperous West Germany will be ready to consider that poverty and economic delay in Southern Italy, where I come from, belong to them as well, when we say that the problems of those who have left so many victims at the foot of the wall are problems which do not affect us and as a matter of fact we are in favour of the "status quo" i.e. the positions of the Soviets which at every moment reminds us of the "realities" traced by the sword and the right of conquest? Certainly there are people who think like this: but they are called Giulio Andreotti.

Rosario Romeo

PEACE AND POLITICS: A PRELUDE TO A NEW RELATIONSHIP

With its internal structure and analytical skill, Mario Albertini's essay *War Culture and Peace Culture* (The Federalist, 1984, 1) seems to my mind to provide a theoretical basis enabling a correct definition of the problem of peace within the current politico-cultural debate to be made.

The attempt to blend the typical values of classical ideologies (freedom, democracy, social justice) into a single historical and theoretical process with another value, namely federalism (peace) may be considered to have met with success, on the whole. The result is, undoubtedly, a higher level of organic whole and internal logic than was the case with his earlier reflections [1].

Precisely because of its completely innovative approach to the question of peace when measured against previous attempts, this essay may well become a very useful tool when comparing various trends in present-day culture which, frankly, seem to

[1] On this point I wish to refer to his essay "Vers une théorie positive du fédéralisme", in *Le Fédéraliste*, 1963, 4.

have very little to offer when it comes to the problem of peace. It is a basic essay, a highly thought-provoking "white paper", particularly in the sense that it makes it possible to get right inside various matters which so far have only been sketched and follows them with a clearly-defined theoretical chart. For these reasons this essay may well make history.

Now, I should like to discuss two issues. The first springs from a need for clarification which I believe, however, is vital since what is at stake is too important to be overlooked. The second, on the other hand, is a reflection which, using Albertini's analysis of Clausewitz's phrase ("War is the prosecution of politics by other means") and adopting precisely the same analytical framework (i.e. national political behaviour as the link between politics and war), leads directly to one of the crucial problems of present-day political culture: the crisis in politics.

I - Social Justice and Peace. Socialism and Federalism.

A. "... it is a fact that the division of advanced societies into antagonistic classes has already been overcome or is on the brink of being overcome. This statement of course is true if we attribute to the term 'class' the same referent that Marx attributed to it: a group of individuals condemned by the existing material production relationships to a sort of slavery, to an economic, social and political status excluding them from the welfare, culture and liberty..." [2].

When Albertini wrote this, it was said that in advanced industrial societies there was no longer any antagonism between the classes (between the working class and the capitalist class), because the working class, whose role and existence was previously denied, has now been legally 'acknowledged' as a working class and fully legitimatized as regards playing its own role in the unanimously accepted social conflict, and has full access to well-being, culture and freedom [3].

[2] *Ibid.*, p. 281, note 9, a.

[3] This is an approach which it seems to me follows Keynes' interpretation of the new relationship which from the 1929 slump onwards, had to be established between the working class and the State as an alternative to the Fascist solution. But just what was the problem that capital faced in that period, a problem grasped better than anybody else by Keynes? Essentialy, the problem was that: (a) from 1917 onwards, the working class had become a historical force that could no longer be politically eliminated; (b) it was increasingly coming up against the old liberal state system, creating flaws in it and thus menacing the bourgeoisie's power; (c) all this could be avoided only if capital were able to make the working class participate in the conversion of the state and the system. It was necessary to use the working class's force to recreate a system of capitalist control *at a higher level* which envisaged the working class as part of the system's fundamental forces (the working class *within* capital). The political key for the interpretation of the "General Theory" is all here. Keynes, therefore, 'acknowledges' that there is an antagonist (the working class) and that the only way to prevent revolution is to make this antagonism work in a mechanism which turns the class struggle into a dynamic element in the system. Thus, the system is able to widen its social base, the class struggle 'renews' the system continually, as long as the system is able to go on inventing new equilibria between the various classes supporting it. Capital turns 'Marxist', in the sense that it learns to read 'Das Kapital' and discovers its permanent revolution.

Now, if the historical antagonism between capital and labour really had finished at that time, could we really have said (along with Marx) that the relationships with production, around which the social classes grow, had changed to the point where there was no longer any 'split' between the owners of the means of production and the workers? Could we really say, even at that stage, that socialism had already been achieved? Frankly, even today, it seems difficult that this might have been considered the case then, particularly as this would cause a ticklish problem as regards the interpretation to be given of the social (labour) conflicts which precisely at that time were regaining strength in Detroit, Frankfurt and Turin, unless, of course, they came to be viewed as 'imperfections' in the distribution of the income produced, something which is clearly debatable.

On the contrary, the decade which runs from the second half of the sixties to the first half of the seventies showed that the working class's struggle in advanced countries, was, probably for the last time in history [4], once again the antagonist of capital.

No longer did wages agree to follow productivity increases (which, in practice, amounted to a criticism of marginalist theory) [5].

[4] The problem is too great to be dealt with here, so that I shall restrict myself to saying the following. With the process of industrial reorganisation, decentralization of production and advanced automation which capital undertook in the mid-seventies, the mass-worker, the social 'actor' who for a decade of struggles personified the workplace, entered an irreversible crisis. In fact, he has been destroyed, both socially and politically, and replaced by a series of completely new kinds of worker (controller, operator, operating-technician, clerical technician and so on). The fact that traditional working conditions have finished or are on the verge of finishing does not, however, mean that there is no longer any class struggle. It simply means that, within the class struggle, the working class may no longer be the hub of opposition to capital.

[5] It was Pietro Sraffa who interpreted this situation, in economic terms, in *Production of Commodities by Means of Commodities, Prelude*

Moreover, the new wage trend threw the State's role as supreme governor of the economic cycle into crisis (and as such spelled the end of Keynesianism).

B. "... One such result is the possibility of distinguishing, for each of the ideologies in question, its *historical affirmation* (which has already been obtained) from its *complete realisation* (which has not yet begun), and the consequent possibility of asking whether the complete development of these ideologies goes through identifiable phases. The second result makes it possible to reply affirmatively to this question. It derives from the (already established) relationship between international liberal and/or socialist plan (*complete realisation*) and world government (peace), i.e. *the relationship between peace and the last phase of development of these ideologies...*" [6].

Apart from being more analytical and more suited to interpreting reality, it seems to me that this new formulation of the concept is also quite different as compared with the 1963 position.

The first phase, in which values are historically affirmed, is where a class has to struggle against the forced and legal exclusion from well-being, culture and freedom. It has to struggle in order to be 'acknowledged' as a class, legitimatized in its political and social action and has to be accepted as legal. This phase has already been achieved.

Then, there is an intermediate phase, in which social justice endeavours (along with freedom and democracy) to advance within a legal sphere of action towards increasingly higher levels, even though there is a major risk of relapsing into previous illegality, due to authoritarian 'involution' of States. This is the current phase. Plainly, socialism has not yet been achieved.

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to a Critique of Economic Theory, Cambridge University Press, 1960. For Sraffa the workers are struggling against capital in order to seize a share of the overall surplus, regardless of productivity. Wages which come from surplus are a sort of political wage which cannot be quantified using the technical relations in production. In Sraffa's theory, the working class has severed its links with productivity, wages and profit are strictly antagonistic and the quantity produced by machines is no longer proportional to the quantity of labour wrung from the working class: wages become independent of labour. Thus wages and profit are no longer "equal remuneration" of labour and capital respectively. Everything has to be acquired by struggle.

[6] M. ALBERTINI, "War Culture and Peace Culture", *The Federalist*, 1984, p. 26 (note 11).

Finally, there is a future phase when social justice is fully achieved (along with freedom and democracy). But this phase can only be reached once the new peace value (=world government) has been achieved. Freedom, democracy and social justice are *premises* for peace and peace, in its turn, is the premise for the complete achievement of these values.

How important it is that Albertini has kept a firm distinction between *premise* and *means*. In fact, as freedom, democracy and and social justice are not means (but only premises) to achieve peace, so peace is not a means (but only a premise) to achieve freedom, democracy and social justice.

It is clear from this that, even if a start is made with a peace situation (=world government), the discussion on the means to be used for full development of such values as freedom, democracy, and social justice still remains open [7].

It seems to me, therefore, demonstrated that there is a significant difference between Albertini's two formulations and that the second would appear to be more appropriate for a correct reading of historical evolution.

II - National Political Behaviour and the Crisis in Politics.

Working on Clausewitz's famous phrase, Albertini clearly demonstrates that politics coincides with war at one — and only one — level, specifically "the national political" level. It is this level which behaves in such a way as to weld the world of politics to the world of war.

However, it cannot be argued that politics is always connected with war, from all possible points of view. It only becomes so when the backcloth to politics is national power, the condition required to feed the world of war constantly. This interpretation also makes it possible to understand where we can find the starting point from which a reversal of political trends will be possible — at last breaking the bond between

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[7] Of course, this does not mean that federalism, as a peace ideology, is in any way inferior to liberalism, democracy and socialism. Freedom, democracy, social justice and peace are values which, in themselves, are not to be set on different levels. It is merely historical chance which differentiates them and favours first one and then the other. Furthermore, these values complete each other. Indeed, just as political democracy has widened the scope of individual freedom and social justice has increased the possibility of political justice, so peace will widen all these three spheres infinitely, establishing a basis for their complete realisation.

politics and war. This starting point is the decision to go beyond national political behaviour.

I believe that this definition, with which I agree, is quite productive inasmuch as it makes it possible to use the analysis so as to go forward in various directions, achieving new and significant results. I would take the liberty of singling out just one of the many possible areas of application: the concept of 'crisis in politics' in the light of the conceptual tie between 'national political behaviour' and 'world of war'. Let me clarify this point.

Over the past six or seven years, various Italian and European (and in particular French) cultural trends have discovered what is known as the 'crisis in politics' [8]. This is an extremely ambiguous expression, probably stemming from the failure to define (or redefine) the concept of politics. If, in fact, by politics we mean specific human activity directed towards power with a view to acquiring it or maintaining it [9], it follows that for as long as political power exists (i.e. for as long as human society is organised so as to present a power which excedes the power of each individual and which coercively regulates the distribution of values, roles, wealth, micro-powers etc.), there will always be a specific human activity directed towards political power, or put another way, there will always be 'politics' in a specific sense.

Hence, by definition, there can be no crisis in politics. In reality, people, often, use this expression improperly to mean something else. In fact, they use it to mean two other things:

(a) The crisis in politics is a crisis in the general model of interpretation, of all socially important human matters which see in politics precisely the key to every social reality. We need merely recall the truth-statements of not so long ago of the type "everything is political" or, alternatively, "the autonomy of what is political".

Seen in this light, the crisis of 'what is political' may prove to be a healthy crisis [10] inasmuch as it puts it back in the realm

[8] Reference may be made to the works published by authors such as M. Foucault, J.P. Lyotard, J. Habermas, J. Baudrillard, S. Veca, M. Maffesoli, etc. For a sufficiently representative survey of the positions cfr. *Sapere e potere*, Proceedings of the Conference held in Genoa, 27/30-11-1980, Ed. Multipla, Milan, 1984.

[9] Cfr. M. ALBERTINI, « La Politique », in *Le Fédéraliste*, 1962, n. 2.

[10] Even though it must be said that those who have caused the fall of "the political" from the altar to the dust have hastened to replace it with "the social", the new hegemonic category to which the economic, political and other sectors should align themselves.

of true political behaviour, where it belongs, rescuing it from the realm of pre-political behaviour [11].

(b) The crisis in politics is the crisis of politics as a "value". The value in question is the world of ideas, beliefs, feelings, behaviour and so on that forged an entire generation of young people between the end of the sixties and the end of the seventies on the conviction that politics was a means for changing individual and collective conditions of mankind. Politics had suddenly become one of the most significant values (like love or material well-being), and was in certain crucial situations *the* most important value of all.

This is certainly not the case today. The evidence for the crisis in politics as a value comes not just from a mass search for "non-political" solutions to individual and collective problems (gambling, luck, social climbing, drugs etc.) but also from the sharp decline in political militancy [12].

This is why we have reached a position, today, where politics is refused partly because, as we have seen, in its concrete manifestations, the very structures and power mechanisms that it was intended to oppose have been reproduced. Political behaviour has come to be seen as a mirror of power, so that politics has maintained man's power over man even when this has been denied in speeches and in political objectives.

Certainly, this 'set-up' is vitiated by the fact that there is an ideological vision (in the Marxian sense of the term) of politics. This ideological vision arises because politics is not defined in terms of a struggle for power in itself, but is defined in terms of the objectives of the ideology professed. The result is that a "new" way of making politics is aspired to, where what is "new" foreshadows the political objective pursued.

[11] Cfr. M. ALBERTINI, *La Politique*, p. 143-146.

[12] The crisis in militancy is a warning-light not just of the weakening of politics as a value but also and most significantly of the partial crisis which has undermined the order/obedience bond which is fundamental to the internal working of political action. This crisis is partial because, firstly, political action always entails command and obedience, within the rigid framework of power structure (and in this respect there could be no crisis), and, secondly, these structures are, however, no longer so rigid as they once were. The order/obedience relationship is no longer taken for granted once and for all, but must be won each time. It is imposed with greater difficulty. This explains why new political formations tend to be set up as "movements" rather than as "parties" since, in this way, a more elastic structure is achieved in which the order/obedience relationship, although continuing to exist, is diluted by greater participation in decision-making.

There can be no doubt that the problem has been poorly understood, but this does not lessen the fact that it is real, that in particular it affects many of the young (certainly more unconsciously than consciously), who are once again being devastated by the effects of de-politicisation.

Out of today's mass refusal of politics emerges the following question: "*Is it possible to put into practice some form of politics which is not a form of power?*".

To this million dollar question, we can either give a negative reply, which means rejecting politics, or a reply which seeks ambiguous alternative political paths which may be challenged. These include the refusal to codify the conflicts, the refusal to set oneself strategic objectives, the pursuit of social transgression in itself and so on. In other words, such paths could include the pursuit of social behaviour not governed by prescribing rules which escape the political control of rigid performative structures [13].

I believe, however, that using Albertini's definition relating to the "national political behaviour/war" nexus it is possible to give a partial but positive reply to the question we have asked if we bear in mind two considerations.

Firstly, refusing normal political (=national) behaviour means refusing a given power. A policy which makes no attempt to seize any particular power as its goal has, within certain limits, advantages. Not being prone to the perverse effects of power, not being a victim of (or being a victim in a limited way) of these effects' conditionings, and not internalizing their rulings, procedures and so on are some of the advantages. Opposing a given power with no intention of replacing it by another and expanding the size of mankind's political organisation until world unity is reached are goals which mean rediscovering a positive side to the meaning of politics. It means looking on politics as an instrument with which to fight for change, inasmuch as *it is emptied of one of its negative aspects* (namely, "war as the prosecution of politics by other means").

If it is true, and it is true, that political behaviour and politics mirror power, then it has to be said that, with world government, power will no longer have the most diabolical aspects which, historically, have characterised it such as the power to decide on the life or death of individuals, the power to ideologically regiment them in terms of defence against the external

[13] Cr. J.F. LYOTARD, *La condition postmoderne*, Les Editions de Minuit, Paris 1979.

enemy and so on. It follows from this that even politics will be less diabolical and less oppressive since certain 'historical' goals of power will no longer be pursuable.

Secondly, on the basis of a situation of peace (=world government) *the other negative aspect of politics will also be weakened* (namely, politics as a means for exercising power over mankind). In fact, on the one hand we shall have an end to the idea of raison d'état and everything deriving from it (an end to foreign policy's supremacy over domestic affairs, an end to the political and economic confrontation between states and so on). On the other hand, we shall have a dynamic "raison sociale" which because of the very nature of things (the enormous disequilibria between regions and continents, the need to avoid ecological disaster, the problem of the best allocation of resources and so on) will increasingly impose greater levels of social justice, freedom and democracy, relegating the search for economic profit to a barbarous heritage of the past, in the same way as the majority of mankind now considers the divine right of kings to be a barbaric concept.

All of this will cause the two poles of federalist social behaviour (communalism and cosmopolitanism) to emerge completely. Divided between these two loyalties, the political behaviour of the "novus homo politicus" will undergo a fundamental change: his line of conduct will be decreasingly inspired by the "ethics of responsibility" (Weber) which imposes the accomplishment of just ends even by force, and will be increasingly inspired by the "ethics of conviction" (Weber) which, instead, emphasises the truth as the means by which to reach just ends [14].

III - Concluding remarks.

I believe that the line of discussion sketched out above should not be allowed to drop. *From the discovery of the theoretical and historical nexus between politics and war to the prospect of a "new" type of politics, in which the war aspect has completely disappeared, while the power aspect, when construed as command, weakens and hence changes its nature*: this could be an outline for a theoretical course along which to venture.

When the war aspect has disappeared, mankind will be able for the first time to control the historical process, to control the use of resources at a world level, to defeat the problem of hunger and safeguard the ecological equilibrium of the earth.

[14] M. ALBERTINI, "Vers une théorie...", *cit.*, p. 281, notes 9, b.

With the end of the principle of scarcity, power will have lost the most ancient of its ideological justifications, that of being the governor and guardian of the distribution of riches, of roles and values in society, and, therefore, politics and political behaviour will not fail to be modified as a result. *Politics will cease to be the exclusive art of command and mediation and the era of politics as the art of organising and developing maximum creative and productive freedom of mankind, his full self-valorisation will begin.*

Moreover, with the end of the law of value [15], labour will cease to be that curse which has always accompanied mankind's labour and may, at last, be transformed into force-invention.

"As soon as work in its immediate form has ceased to be the great source of wealth, the time dedicated to work ceases and must cease to be the measure of wealth and hence, the exchange value must cease to be the measure of the use value. The surplus work of the masses has ceased to be the condition for the development of general wealth, as the leisure of a few has ceased to be the condition for the development of the general forces of the human mind. As a result of this, production based on the exchange value collapses and the process of immediate material production no longer takes on the form of poverty and antagonism. (It is replaced) by the free development of individuality, and hence not by the reduction of the work time needed to create surplus work, but in general by the reduction of work needed by society to a minimum, which is associated with the artistic, scientific and other training and development of individuals thanks to time which has become free and the means created for all "[16].

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[15] "Inasmuch as great industry develops, the creation of real wealth depends not so much on the time taken to do the work as on the power of the agents which are set in motion during the work time, which in its turn — and this is their 'powerful effectiveness' — has no relationships whatsoever with the immediate time their production costs, but depends on the general state of science and technological progress... In this transformation it is neither immediate work, carried out by man himself nor the time he works but the appropriation of his general productivity, his awareness of nature and his domination of it through his existence as a social body — in a word, it is the development of the social individual which is presented as the great pillar supporting production and wealth" (K. MARX, *Grundisse der Kritik der politischen Oekonomie*, (Rohentwurf), 1857-1858, Dietz Verlag, Berlin, 1953).

[16] *Ibid.*, pp. 401-402. This the prophetic Marx, the highest point of analysis and his revolutionary will-imagination, as long as he is not interpreted in a deterministic way.

I believe that federalist culture should also come out into the open on these matters and indeed particularly as regards these matters. It should openly compare itself with contemporary political culture and abandon, once and for all, its minority and almost 'underground culture' status which has so far characterised it.

Certainly, things could not have been otherwise until today. Cultural processes take much time, they move in the depths of the course of history, they burrow slowly along the line of its main tendencies and then suddenly emerge (well dug, old mole!) when historical and political conditions so permit. The course of history has now reached the point where the fundamental contradiction is between the political division of mankind into sovereign states and the absolute need for mankind's unity to preserve its safety. Peace is thus a priority value in our times. Man's control over the course of history must become the field where politics is applied.

All this requires a leap forward in federalist culture (and by its politics) which might enable it to enter contemporary political culture entirely and to take an active part in the cultural processes of our times: the political battle for the European Federation itself cannot be won simply with the shrewdness of reason (which is necessary) but has to be won also with the ability to stimulate the emergence of new cultural values, the only ones which give voice to popular feeling which is vital in our times if the remaining hurdles are to be overcome.

"A very old mistake is that ideas strengthen the world. The current science of the soul, which is much deeper, does not hesitate to affirm that it is feelings which strengthen it. All the ideas which are not accepted by the fertile field of feelings can germinate, of course, like seeds sown on blotting paper, but they shrivel up just as quickly" (Robert Musil, *Tagebücher*).

Antonio Longo

A LANGUAGE FOR EUROPE?

I - To be or not to be: the question confronting all our languages.

The most immediate danger for ethnic groups and their languages is represented by the languages of the dominant states: French for the languages of Brittany and Alsace; Italian for

those of Friuli, Val d'Aoste and South Tyrol; Spanish (and French) for those of Catalonia and the Basque provinces. Thus one can fully understand that their advocates should have been aware up to now of only this danger.

But in a few decades both dominant and dominated languages will be threatened by a graver and more radical danger, that of the progressive establishment of English as *de facto lingua franca* throughout the entire world. The fate of the autochthonous languages of Europe at the time of the Roman empire, i.e. destruction and replacement by Latin, and of those of North and South America which, after the discovery of the New World, were annihilated by Spanish, Portuguese, English and French, can leave no doubt. The only difference is that while this process formerly took centuries, it will now be accomplished in one or two generations, since English has at its disposal not only the political and economic strength of the English-speaking countries, and especially of the United States, but also the even more decisive strength of the mass media, and particularly of television (and shortly, worse yet, of television transmitted by satellite).

A living language is in fact not a neutral and aseptic instrument of communication. It is the expression, the *Träger* of a *Weltanschauung*, and consequently it is perforce intolerant, and will tend to replace all other *Weltanschauungen* with its own.

II - The case for Esperanto.

The only rational response to this danger is radical: to introduce the use, as *lingua franca*, of a language without the destructive capacity of English.

The fact that Latin lost this destructive power after it became a dead language; that it could then, throughout the Middle Ages and the Renaissance, still remain the *lingua franca* of scholars and scientists, of the *élite*, and, last but not least, of the Church, without threatening French, German, Spanish, etc., shows us (*historia magistra vitae*) what the appropriate solution should be, i.e. a language which is not anybody's mother tongue, and does not have the cultural and political force of a people or a State behind it, or, even worse, of a group of powerful peoples and States present in all five continents of the world.

As it is not just a small *élite* or intelligentsia which needs to make use of international communication today, but as we live in a time of mass communication, only a language which is both 'dead' or 'neutral' on the one hand, and very easy on the other is adapted to our needs and our time. Only a planned language has these characteristics. And only Eperanto has been

in use for long enough, and has sufficient 'infrastructure' (i.e. a wide-ranging literature and a considerable number of speakers of the language) to be ready *hic et nunc* to perform this task. And, what is more, this is the only language which is in accordance with the *raison d'état* of a European Federation, i.e. with its aspirations to independence for itself, and for a leading role in helping the Third World towards a similar independence, both political and cultural.

III - Current psychological unfeasibility of the radical solution.

Unfortunately it is utopian, as things are now, to hope that Europe might make such a choice. The main obstacle is probably not the sociological strength of English, which is already to a great extent a *de facto lingua franca*. The main obstacle is psychological: the widespread subconscious and distressing feeling that the use of an invented language, completely lacking in historical traditions, would signify, both individually and collectively, a radical "loss of identity", which people are by no means prepared to accept.

IV - A provisional tactical solution suggested by linguistic cybernetics.

The problem seems at first insoluble, but a way out of the deadlock is offered by modern *Sprachkybernetik* (linguistic cybernetics), particularly as it is studied at the University of Paderborn (West Germany), and most especially by Professor Helmar Frank of that university. Their research has led them to the discovery that the study of Esperanto, thanks to both its ease and its rationality, is the best and most practical preparation for the study of a living language in general, an Indo-European language in particular, and English most particularly.

Our proposal therefore is that Esperanto be learnt in primary schools throughout Europe for at least two years, not as an end in itself (which today would not be considered desirable), but simply as the easiest and most practical means of beginning to learn English (or any other living language) with the least effort and the best results.

V - The long-range solution via the European Federation.

If this were to be accomplished in all the States of the European Community, there would be, in ten or twenty years, in every one of these countries, a broad "endemic" knowledge of Esperanto; and as this language is ten times easier to learn

and, what is more, to remember than English (or any other leading language), it could happen that, *if* a European Federation were created, *when* it had to choose an official federal language, it might be encouraged by this fact and perhaps even obliged to choose Esperanto, (which it would certainly not do now, even if it existed).

VI - Appropriate strategy.

Three things are necessary if we are to realize and facilitate this plan: 1) we must at once encourage the propaedeutic study of Esperanto for the reasons indicated above; 2) we must promote the creation, at our universities, of interdisciplinary institutes (if possible with the collaboration of universities of various European countries), which will study the problems of international communication, seen from the vantage points of political science, sociology, pedagogy, linguistics and cybernetics; 3) we must promote the creation of a European political unity, and foster the project for reform of the Community drawn up by the European Parliament.

This is, of course, in everyone's interest, but it is perhaps most critically in the interest of ethnic groups and languages and their advocates.

Andrea Chiti-Batelli

Federalism in the History of Thought

ALEXANDER HAMILTON

When the 13 English colonies in North America became independent after the war with Great Britain, they created a Union with no power over the individual states, or, as this form of international organisation has long been called in politics, they formed a "confederation". Since the principle behind a confederation is that the central apparatus is subject to the will of individual states, clearly the Continental Congress, where the representatives of the states met, could do no more than record the disagreements and conflicts between the states and were unable to solve them since they had no power to do so.

If the divisions had not been overcome with the creation of a government, with limited, but real powers, the North American continent would have become rife with international tensions and wars typical of European history. The unity and peace that ensued were not the spontaneous result of historical evolution, but the result of the efforts of a group of men, who successfully championed a new form of political organisation which had never existed before in history: the federation. The most original theorist of this new form of government was Alexander Hamilton, the author with Pohn Jay and James Madison of The Federalist, *a set of essays written between 1787 and 1788 supporting the ratification of the federal constitution, which was approved by the Philadelphia Convention on September 17th, 1787.*

In the passages by Alexander Hamilton published here the fundamental structures of the federation are illustrated.[1] *The*

[1] As the reader will see, in *The Federalist*, the terms "federation" and "confederation" are used in free variation, even though the distinction between the two forms of political organisation is clear.

constitutional principle on which the federation is based is the division of power between two levels of government: the federal government and the states. These two powers are independent but co-ordinated so that the federal government, which has jurisdiction over the federation's entire territory, has a minimum of powers indispensable for political and economic unity while the states, each with jurisdiction over their own territory, have the remaining powers. Because the federal government alone has jurisdiction over foreign policy and defence, all military frontiers between the states are abolished. Relationships between states are no longer violent but are governed by law so that all conflicts can be settled before the Courts. The transfer of a few economic powers to the federal government is designed, firstly, to remove various hurdles relating to those customs, tax, and monetary practices which prevent the creation of a united market and, secondly, to give the federal government independent decision-making powers in economic matters.

This territorial distribution of power is more effective than functional distribution (between legislature, executive and judiciary) in ensuring division of powers, the main guarantee of political freedom, since both the federal government and the member states base their independence on a distinct social base yet manage to widen the dimensions of democratic government.

This constitutional equilibrium, whereby it is possible for the federation to square the principle of the political community's unity with the individual members' autonomy, is reflected in the structure of legislative power: there is one institution (the House of Representatives) which represents the people of the federation in proportion to the number of electors, and another institution (the Senate) where there are two representatives for each state, regardless of population. Hence, statutes can be passed only with the consensus of a majority of the representatives of the people of the federation and a majority of the representatives of the states.

The executive is entrusted to a single person: the President. The ministers are appointed by the President and are responsible to him. He is both head of state and head of the government. He answers for his action not to legislative power but to the people, who elect him and can confirm or revoke their trust in him every four years. In the specific social and historical circumstances of America in Hamilton's times, it was proper to state that this structure gave executive power the force and stability required to carry out the task of balancing social life effectively and carrying out the government's programme in an organic and

coherent way. Indeed, entrusting executive power to a group of people, would have subjected the government to the risk of disagreement and paralysis and would also have made it difficult to identify responsibility, thus undermining the people's control over the government. At the same time giving independent powers to the member states was the strongest guarantee against any abuse of power by central government.

Since the federal model divides power territorially, constitutional equilibrium can only be maintained by the constitution's supremacy over all powers. This objective can be achieved by giving Courts powers to annul statutes which do not comply with the constitution. Indeed, what is so characteristic of the federal model of constitution is precisely the fact that, in the case of conflict, the power to determine the limits to the federal government's and the states' powers does not lie with the central authority (as occurs in the unitary state, where local and regional governments have a delegated autonomy) nor with the member states (as occurs in the confederal system, which does not limit the absolute sovereignty of states) but with a neutral authority: the judiciary.

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*Federation and confederation.**

It is true, as has been before observed, that facts too stubborn to be resisted have produced a species of general assent to the abstract proposition, that there exist material defects in our national system; but the usefulness of the concession, on the part of the old adversaries of federal measures, is destroyed by a strenuous opposition to a remedy, upon the only principles that can give it a chance of success. While they admit that the government of the United States is destitute of energy, they contend against conferring upon it those powers which are requisite to supply that energy. They seem still to aim at things repugnant and irreconcilable; at an augmentation of federal authority, without a diminution of state authority; at sovereignty in the union, and complete independence in the members. They still, in fine, seem to cherish with blind devotion the political monster of an *imperium in imperio*. This renders a full display of the principal defects of the confederation necessary, in order to show, that the evils we experience do not proceed from minute or partial imperfections, but from fundamental errors

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* *The Federalist*, n. 15.

in the structure of the building, which cannot be amended otherwise than by an alteration in the very elements and main pillars of the fabric.

The great, and radical vice, in the construction of the existing confederation, is in the principle of *legislation* for *states* or *governments*, in their *corporate* or *collective capacities*, and as contradistinguished from the *individuals* of whom they consist. Though this principle does not run through all the powers delegated to the union, yet it pervades and governs those on which the efficacy of the rest depends: Except, as to the rule of apportionment, the United States have an indefinite discretion to make requisitions for men and money; but they have no authority to raise either, by regulations extending to the individual citizens of America. The consequence of this is, that, though in theory, their resolutions concerning those objects, are laws, constitutionally binding on the members of the union, yet, in practice, they are mere recommendations, which the states observe or disregard at their option.

It is a singular instance of the capriciousness of the human mind, that, after all the admonitions we have had from experience on this head, there should still be found men, who object to the new constitution, for deviating from a principle which has been found the bane of the old; and which is, in itself, evidently incompatible with the idea of a *government*; a principle, in short, which, if it is to be executed at all, must substitute the violent and sanguinary agency of the sword to the mild influence of the magistracy.

There is nothing absurd or impracticable in the idea of a league or alliance between independent nations, for certain defined purposes precisely stated in a treaty; regulating all the details of time, place, circumstance, and quantity; leaving nothing to future discretion; and depending for its execution on the good faith of the parties. Compacts of this kind exist among all civilized nations, subject to the usual vicissitudes of peace and war; of observance and non-observance, as the interests or passions of the contracting powers dictate. In the early part of the present century, there was an epidemical rage in Europe for this species of compacts; from which the politicians of the times fondly hoped for benefits which were never realized. With a view to establishing the equilibrium of power, and the peace of that part of the world, all the resources of negotiation were exhausted, and triple and quadruple alliance were formed; but they were scarcely formed before they were broken, giving an instructive, but

afflicting, lesson to mankind, how little dependence is to be placed on treaties which have no other sanction than the obligations of good faith; and which oppose general considerations of peace and justice to the impulse of any immediate interest of passion.

If the particular states in this country are disposed to stand in a similar relation to each other, and to drop the project of a general *discretionary superintendence*, the scheme would indeed be pernicious, and would entail upon us all the mischiefs which have been enumerated under the first head; but it would have the merit of being, at least, consistent and practicable. Abandoning all views towards a confederate government, this would bring us to a simple alliance, offensive and defensive; and would place us in a situation to be alternately friends and enemies of each other, as our mutual jealousies and rivalships, nourished by the intrigues of foreign nations, should prescribe to us.

But if we are unwilling to be placed in this perilous situation; if we still adhere to the design of a national government, or, which is the same thing, of a superintending power, under the direction of a common council, we must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the union to the persons of the citizens — the only proper objects of government.

Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws, will in fact amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be inflicted in two ways; by the agency of the courts and ministers of justice, or by military force; by the *coercion* of the magistracy, or by che *coercion* of arms. The first kind can evidently apply only to men; the last kind must of necessity be employed against bodies politic, or communities or states. It is evident, that there is no process of a court by which their observance of the laws can, in the last resort, be enforced. Sentences may be denounced against them for violations of their duty; but these sentences can only be carried into execution by the sword. In an association, where the general authority is confined to the collective bodies of the communities that compose it, every breach of the laws must

involve a state of war, and military execution must become the only instrument of civil obedience. Such a state of things can certainly not deserve the name of government, nor would any prudent man chose to commit his happiness to it.

There was a time when we were told that breaches, by the states, of the regulations of the federal authority were not to be expected; that a sense of common interest would preside over the conduct of the respective members, and would beget a full compliance with all the constitutional requisitions of the union. This language, at the present day, would appear as wild as a great part of what we now hear from the same quarter will be thought, when we shall have received further lessons from that best oracle of wisdom, experience. It at all times betrayed an ignorance of the true springs by which human conduct is actuated, and belied the original inducements to the establishment of civil power. Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint. Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals? The contrary of this has been inferred by all accurate observers of the conduct of mankind; and the inference is founded upon obvious reasons. Regard to reputation has a less active influence, when the infamy of a bad action is to be divided among a number than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the deliberations of all bodies of men, will often hurry the persons, of whom they are composed, into improprieties and excesses, for which they would blush in a private capacity.

In addition to all this, there is, in the nature of sovereign power, an impatience of control, which disposes those who are invested with the exercise of it, to look with an evil eye upon all external attempts to restrain or direct its operations. From this spirit it happens, that in every political association which is formed upon the principle of uniting in a common interest a number of lesser sovereignties, there will be found a kind of eccentric tendency in the subordinate or inferior orbs, by the operation of which, there will be a perpetual effort in each to fly off from the common centre. This tendency is not difficult to be accounted for. It has its origin in the love of power. Power controlled or abridged is almost always the rival and enemy of that power by which it is controlled or abridged. This simple proposition will teach us how little reason there is to expect that the persons entrusted with the administration of the affairs of

the particular members of a confederacy, will at all times be ready, with perfect good humour, and an unbiassed regard to the public weal, to execute the resolutions or decrees of the general authority. The reverse of this results from the constitution of man.

If therefore the measures of the confederacy cannot be executed, without the intervention of the particular administrations, there will be little prospect of their being executed at all. The rulers of the respective members, whether they have a constitutional right to do it or not, will undertake to judge of the propriety of the measures themselves. They will consider the conformity of the thing proposed or required to their immediate interests or aims; the momentary conveniences or inconveniences that would attend its adoption. All this will be done: and in a spirit of interested and suspicious scrutiny, without that knowledge of national circumstances and reasons of state, which is essential to a right judgment, and with that strong predilection in favour of local objects, which can hardly fail to mislead the decision. The same process must be repeated in every member of which the body is constituted; and the execution of the plans, framed by the councils of the whole, will always fluctuate on the discretion of the ill-informed and prejudiced opinion of every part. Those who have been conversant in the proceedings of popular assemblies; who have seen how difficult it often is, when there is no exterior pressure of circumstances, to bring them to harmonious resolutions on important points, will readily conceive how impossible it must be to induce a number of such assemblies, deliberating at a distance from each other, at different times, and under different impressions, long to co-operate in the same views and pursuits.

In our case, the concurrence of thirteen distinct sovereign wills is requisite under the confederation, to the complete execution of every important measure, that proceeds from the union. It has happened, as was to have been foreseen. The measures of the union have not been executed; the delinquencies of the states have, step by step, maturated themselves to an extreme, which has at length arrested all the wheels of the national government, and brought them to an awful stand. Congress at this time scarcely possess the means of keeping up the forms of administration, till the states can have time to agree upon a more substantial substitute for the present shadow of a federal government.

*The Union's government and the States' government.**

The principal purposes to be answered by union, are these: The common defence of the members; the preservation of the public peace, as well against internal convulsions as external attacks; the regulation of commerce with other nations, and between the states; the superintendence of our intercourse, political and commercial, with foreign countries.

The authorities essential to the care of the common defence are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation; because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite; and for this reason, no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be co-extensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils, which are appointed to preside over the common defence.

This is one of those truths, which, to a correct and unprejudiced mind, carries its own evidence along with it; and may be obscured, but cannot be made plainer by argument or reasoning. It rests upon axioms, as simple as they are universal — the *means* ought to be proportioned to the *end*; the persons from whose agency the attainment of any *end* is expected, ought to possess the *means* by which it is to be attained.

Whether there ought to be a federal government entrusted with the care of the common defence, is a question, in the first instance, open to discussion; but the moment it is decided in the affirmative, it will follow, that, that government ought to be clothed with all the powers requisite to the complete execution of its trust. And unless it can be shown, that the circumstances which may affect the public safety, are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed, it must be admitted as a necessary consequence, that there can be no limitation of that authority, which is to provide for the defence and protection of the community, in any matter essential to its efficacy; that

* *Ibid.*, n. 23.

is, in any matter essential to the *formation*, *direction*, or *support* of the *national force*.

Defective as the present confederation has been proved to be, this principle appears to have been fully recognized by the framers of it; though they have not made proper or adequate provisions for its exercise. Congress have an unlimited discretion to make requisitions of men and money; to govern the army and navy; to direct their operations. As their requisitions are made constitutionally binding upon the states, who are in fact under the most solemn obligations to furnish the supplies required of them, the intention evidently was, that the United States should command whatever resources were by them judged requisite to the 'common defence and general welfare'. It was presumed, that a sense of their true interests, and a regard to the dictates of good faith, would be found sufficient pledges for the punctual performance of the duty of the members to the federal head.

The experiment has, however, demonstrated, that this expectation was ill founded and illusory; and the observations made under the last head will, I imagine, have sufficed to convince the impartial and discerning, that there is an absolute necessity for an entire change in the first principles of the system. That, if we are in earnest about giving the union energy and duration, we must abandon the vain project of legislating upon the states in their collective capacities; we must extend the laws of the federal government to the individual citizens of America; we must discard the fallacious scheme of quotas and requisitions, as equally impracticable and unjust. The result from all this is that the union ought to be invested with full power to levy troops; to build and equip fleets; and to raise the revenues which will be required for the formation and support of an army and navy, in the customary and ordinary modes practised in other governments.

If the circumstances of our country are such, as to demand a compound, instead of a simple; a confederate, instead of a sole government; the essential point which will remain to be adjusted, will be to discriminate the *objects*, as far as it can be done, which shall appertain to the different provinces or departments of power: allowing to each, the most ample authority for fulfilling *those* which may be committed to its charge. Shall the union be constituted the guardian of the common safety? Are fleets, and armies, and revenues, necessary to this purpose? The government of the union must be empowered to pass all laws, and to make all regulations which have relation to them. The same

must be the case in respect to commerce, and to every other matter to which its jurisdiction is permitted to extend. Is the administration of justice, between the citizens of the same state, the proper department of the local governments? These must possess all the authorities which are connected with this object, and with every other that may be allotted to their particular cognizance and direction. Not to confer in each case a degree of power, commensurate to the end, would be to violate that most obvious rule of prudence and propriety, and improvidently to trust the great interests of the nation to hands which are disabled from managing them with vigour and success.

Who so likely to make suitable provisions for the public defence, as that body to which the guardianship of the public safety is confided? Which, as the centre of information, will best understand the extent and urgency of the dangers that threaten; as the representative of the *whole*, will feel itself most deeply interested in the preservation of every part; which, from the responsibility implied in the duty assigned to it, will be most sensibly impressed with the necessity of proper exertions; and which, by the extension of its authority throughout the states, can alone establish uniformity and concert in the plans and measures, by which the common safety is to be secured? Is there not a manifest inconsistency in devolving upon the federal government the care of the general defence, and leaving in the state governments the *effective* powers, by which it is to be provided for? Is not a want of co-operation the infallible consequence of such a system? And will not weakness, disorder, an undue distribution of the burthens and calamities of war, an unnecessary and intolerable increase of expense, be its natural and inevitable concomitants? Have we not had unequivocal experience of its effects in the course of the revolution, which we have just achieved?

Every view we may take of the subject as candid inquirers after truth, will serve to convince us, that it is both unwise and dangerous to deny the federal government an unconfined authority, in respect to all those objects which are entrusted to its management.

*Freedom and the division of power among the Union and the States.**

The obstacles to usurpation, and the facilities of resistance, increase with the increased extent of the state; provided the

* *Ibid.*, n. 28.

citizens understand their rights, and are disposed to defend them. The natural strength of the people in a large community, in proportion to the artificial strength of the government, is greater than in a small; and of course more competent to a struggle with the attempts of the government to establish a tyranny. But in a confederacy, the people, without exaggeration, may be said to be entirely the masters of their own fate. Power being almost always the rival of power; the general government will, at all times, stand ready to check the usurpations of the state governments; and these will have the same disposition towards the general government. The people, by throwing themselves into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can make use of the other, as the instrument of redress. How wise will it be in them, by cherishing the union, to preserve to themselves an advantage which can never be too highly prized!

It may safely be received as an axiom in our political system, that the state governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority. Projects of usurpation, cannot be masked under pretences, so likely to escape the penetration of select bodies of men, as of the people at large. The legislatures will have better means of information, they can discover the danger at a distance; and possessing all the organs of civil power, and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community. They can readily communicate with each other in the different states; and unite their common forces, for the protection of their common liberty.

*The legislature.**

If indeed it be right, that among a people thoroughly incorporated into one nation, every district ought to have a *proportional* share in the government: and that among independent and sovereign states bound together by a simple league, the parties, however unequal in size, ought to have an *equal* share in the common councils, it does not appear to be without some reason, that in a compound republic, partaking both of the national and federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation. But it is superfluous to try, by the standard of theory, a part of

* *Ibid.*, n. 62.

the constitution which is allowed on all hands to be the result, not of theory, but 'of a spirit of amity, and that mutual deference and concession which the peculiarity of our political situation rendered indispensable.' A common government, with powers equal to its objects, is called for by the voice, and still more loudly by the political situation, of America. A government founded on principles more consonant to the wishes of the larger states, is not likely to be obtained from the smaller states. The only option then for the former lies between the proposed government, and a government still more objectionable. Under this alternative the advice of prudence must be, to embrace the lesser evil; and, instead of indulging as fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice.

In this spirit it may be remarked, that the equal vote allowed to each state, is at once a constitutional recognition of the portion of sovereignty remaining in the individual states, and an instrument for preserving that residuary sovereignty. So far the equality ought to be no less acceptable to the large than to the small states; since they are not less solicitous to guard by every possible expedient against an improper consolidation of the states into one simple republic.

Another advantage accruing from this ingredient in the constitution of the senate is, the additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the states. It must be acknowledged that this complicated check on legislation may, in some instances, be injurious as well as beneficial; and that the peculiar defence which it involves in favour of the smaller states, would be more rational, if any interests common to them, and distinct from those of the other states, would otherwise be exposed to peculiar danger. But as the larger states will always be able, by their power over the supplies, to defeat unreasonable exertions of this prerogative of the lesser states; and as the facility and excess of law-making seem to be the diseases to which our governments are most liable, it is not impossible, that this part of the constitution may be more convenient in practice than it appears to many in contemplation.

The number of senators, and the duration of their appointment, come next to be considered. In order to form an accurate judgment on both these points, it will be proper to inquire into the purposes which are to be answered by the senate; and, in order to ascertain these, it will be necessary to review the

inconveniences which a republic must suffer from the want of such an institution.

It is a misfortune incident to republican government, though in a less degree than to other governments, that those who administer it may forget their obligations to their constituents, and prove unfaithful to their important trust. In this point of view, a senate, as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases a salutary check on the government. It doubles the security to the people by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient.

*The executive.**

There is an idea, which is not without its advocates, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers to this species of government must at last hope that the supposition is destitute of foundation; since they can never admit its truth, without, at the same time, admitting the condemnation of their own principles. Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks: It is not less essential to the steady administration of the laws, to the protection of property against those irregular and high-handed combinations, which sometimes interrupt the ordinary course of justice, to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. Every man, the least conversant in Roman story, knows how often that republic was obliged to take refuge in the absolute power of a single man, under the formidable title of dictator, as well against the intrigues of ambitious individuals, who aspired to the tyranny, and the seditions of whole classes of the community, whose conduct threatened the existence of all government, as against the invasions of external enemies, who menaced the conquest and destruction of Rome.

There can be no need, however, to multiply arguments or examples on this head. A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution: and a government ill executed,

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* *Ibid.*, n. 70.

whatever it may be in theory, must be, in practice, a bad government.

Taking it for granted, therefore, that all men of sense will agree in the necessity of an energetic executive, it will only remain to inquire, what are the ingredients which constitute this energy? How far can they be combined with those other ingredients, which constitute safety in the republican sense? And how far does this combination characterize the plan which has been reported by the convention?

The ingredients which constitute energy in the executive are, unity; duration; an adequate provision for its support; competent powers.

The ingredients which constitute safety in the republican sense are, a due dependence on the people; a due responsibility.

Those politicians and statesmen, who have been the most celebrated for the soundness of their principles, and for the justness of their views, have declared in favour of a single executive, and a numerous legislature. They have, with great propriety, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to power in a single hand; while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and best calculated to conciliate the confidence of the people, and to secure their privileges and interests.

That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and dispatch, will generally characterize the proceedings of one man, in a much more eminent degree than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished. [...]

Wherever two or more persons are engaged in any common enterprise or pursuit, there is always danger of difference of opinion. If it be a public trust or office, in which they are clothed with equal dignity and authority, there is peculiar danger of personal emulation and even animosity. From either, and especially from all these causes, the most bitter dissentions are apt to spring. Whenever these happen, they lessen the respectability, weaken the authority, and distract the plans and operations of those whom they divide. If they should unfortunately assail the supreme executive magistracy of a country, consisting of a plurality of persons, they might impede or frustrate the most important measures of the government, in the most critical emergencies of the state. And what is still worse, they might split the community into violent and irreconcilable factions,

adhering differently to the different individuals who composed the magistracy.

Men often oppose a thing merely because they have had no agency in planning it, or because it may have been planned by those whom they dislike. But if they have been consulted, and have happened to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. They seem to think themselves bound in honour, and by all the motives of personal infallibility, to defeat the success of what has been resolved upon, contrary to their sentiments. Men of upright and benevolent tempers have too many opportunities of remarking with horror, to what desperate lengths this disposition is sometimes carried, and how often the great interests of society are sacrificed to the vanity, to the conceit, and to the obstinacy of individuals, who have credit enough to make their passions and their caprices interesting to mankind. Perhaps the question now before the public may, in its consequences, afford melancholy proofs of the effects of this despicable frailty, or rather detestable vice in the human character.

Upon the principles of a free government, inconveniences from the source just mentioned, must necessarily be submitted to in the formation of the legislature; but it is unnecessary, and therefore unwise, to introduce them into the constitution of the executive. It is here, too, that they may be most pernicious. In the legislature, promptitude of decision is oftener an evil than a benefit. The differences of opinion, and the jarrings of parties in that department of the government, though they may sometimes obstruct salutary plans, yet often promote deliberation and circumspection; and serve to check excesses in the majority. When a resolution, too, is once taken, the opposition must be at an end. That resolution is a law, and resistance to it punishable. But no favourable circumstances palliate, or atone for the disadvantages of dissention in the executive department. Here they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate, from the first step to the final conclusion of it. They constantly counteract those qualities in the executive, which are the most necessary ingredients in its composition — vigour and expedition; and this without any counterbalancing good. In the conduct of war, in which the energy of the executive is the bulwark of the national security, everything would be to be apprehended from its plurality. [...]

But one of the weightiest objections to a plurality in the executive, and which lies as much against the last as the first

plan, is, that it tends to conceal faults, and destroy responsibility. Responsibility is of two kinds, to censure and to punishment. The first is the most important of the two; especially in an elective office. Men in public trust will much oftener act in such a manner as to render them unworthy of being any longer trusted, than in such a manner as to make them obnoxious to legal punishment. But the multiplication of the executive adds to the difficulty of detection in either case. It often becomes impossible, amidst mutual accusations, to determine on whom the blame or the punishment of a pernicious measure, or series of pernicious measures, ought really to fall. It is shifted from one to another with so much dexterity, and under such plausible appearances, that the public opinion is left in suspense about the real author. The circumstances which may have led to any national miscarriage or misfortune, are sometimes so complicated, that where there are a number of actors who may have had different degrees and kinds of agency, though we may clearly see upon the whole that there has been mismanagement, yet it may be impracticable to pronounce, to whose account the evil which may have been incurred is truly chargeable.

'I was overruled by my council. The council were so divided in their opinions that it was impossible to obtain any better resolution on the point.' These and similar pretexts are constantly at hand, whether true or false. And who is there that will either take the trouble, or incur the odium, of a strict scrutiny into the secret springs of the transaction? Should there be found a citizen zealous enough to undertake the unpromising task, if there happen to be a collusion between the parties concerned, how easy is it to clothe the circumstances with so much ambiguity, as to render it uncertain what was the precise conduct of any of those parties?

In the single instance in which the governor of this state is coupled with a council, that is, in the appointment to offices, we have seen the mischiefs of it in the view now under consideration. Scandalous appointments to important offices have been made. Some cases indeed have been so flagrant, that *all parties* have agreed in the impropriety of the thing. When inquiry has been made, the blame has been laid by the governor on the members of the council; who on their part have charged it upon his nomination: while the people remain altogether at a loss to determine by whose influence their interests have been committed to hands so manifestly improper. In tenderness to individuals, I forbear to descend to particulars.

It is evident from these considerations, that the plurality of the executive tends to deprive the people of the two greatest securities they can have for the faithful exercise of any delegated power: *first*, the restraints of public opinion, which lose their efficacy as well on account of the division of the censure attendant on bad measures among a number, as on account of the uncertainty on whom it ought to fall; and *secondly*, the opportunity of discovering with facility and clearness the misconduct of the persons they trust, in order either to their removal from office, or to their actual punishment, in cases which admit of it. [...]

I clearly concur in opinion with a writer whom the celebrated Junius pronounces to be 'deep, solid, and ingenious', that 'the executive power is more easily confined when it is *one*:'[1] That it is far more safe there should be a single object for the jealousy and watchfulness of the people; in a word, that all multiplication of the executive, is rather dangerous than friendly to liberty.

A little consideration will satisfy us, that the species of security sought for in the multiplication of the executive, is unattainable. Numbers must be so great as to render combination difficult; or they are rather a source of danger than of security. The united credit and influence of several individuals must be more formidable to liberty than the credit and influence of either of them separately. When power, therefore, is placed in the hands of so small a number of men, as to admit of their interests and views being easily combined in a common enterprise, by an artful leader, it becomes more liable to abuse, and more dangerous when abused, than if it be lodged in the hands of one man; who, from the very circumstance of his being alone, will be more narrowly watched and more readily suspected, and who cannot unite so great a mass of influence as when he is associated with others.

*The judiciary.**

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honours, but holds the sword of the community: The legislature

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[1] De Lolme. *Publius.*

* *Ibid.*, n. 78 and n. 81.

not only commands the purse, but prescribed the rules by which the duties and rights of every citizen are to be regulated: The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither *force* nor *will*, but merely judgment; and must ultimately depend upon the aid of the executive arm for the efficacious exercise even of this faculty.

This simple view of the matter suggests several important consequences: it proves incontestibly, that the judiciary is beyond comparison, the weakest of the three departments of power,[2] that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves, that, though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter: I mean so long as the judiciary remains truly distinct from both the legislature and executive. For I agree, that 'there is no liberty, if the power of judging be not separated from the legislative and executive powers.'[3] It proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other departments; that, as all the effects of such an union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed or influenced by its co-ordinate branches; that, as nothing can contribute so much to its firmness and independence as *permanency in office*, this quality may therefore be justly regarded as an indispensable ingredient in its constitution; and, in a great measure, as the *citadel* of the public justice and the public security.

The complete independence of the courts of justice is peculiarly essential in a limited constitution. By a limited constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no *ex post facto* laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of the courts of justice; whose duty

[2] Montesquieu, speaking of them, says, 'of the three powers above mentioned, the *judiciary* is next to nothing'. *Spirit of Laws*, vol. 1, p. 186. *Publius.*

[3] *Idem.*, p. 181. *Publius.*

it must be to declare all acts contrary to the manifest tenor of the constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the right of the courts to pronounce legislative acts void, because contrary to the constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void, must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American constitutions, a brief discussion of the grounds on which it rests cannot be unacceptable.

There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the constitution, can be valid. To deny this would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men, acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the constitution. It is not otherwise to be supposed that the constitution could intend to enable the representatives of the people to substitute their *will* to that of their constituents. It is far more rational to suppose that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be, regarded by the judges as a fundamental law. It must therefore belong to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; in other words, the constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does the conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the

power of the people is superior to both; and that where the will of the legislature declared in its statutes, stands in opposition to that of the people declared in the constitution, the judges ought to be governed by the latter, rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental. [...]

There is not a syllable in the plan which *directly* empowers the national courts to construe the laws according to the spirit of the constitution, or which gives them any greater latitude in this respect, than may be claimed by the courts of every state. I admit, however, than the constitution ought to be the standard of construction for the laws, and that wherever there is an evident opposition, the laws ought to give place to the constitution. But this doctrine is not deducible from any circumstance peculiar to the plan of the convention; but from the general theory of a limited constitution; and as far as it is true, is equally applicable to most, if not to all the state governments. There can be no objection, therefore, on this account, to the federal judicature, which will not lie against the local judicatures in general, and which will not serve to condemn every constitution that attempts to set bounds to legislative discretion.

INDEX TO VOLUME XXVI (1984)

EDITORIALS

ESSAYS

NOTES

PROBLEMS OF PEACE

FEDERALIST ACTION

DISCUSSIONS

FEDERALISM IN THE HISTORY OF THOUGHT

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