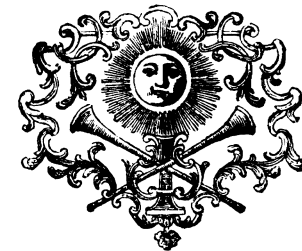# THE FEDERALIST

a political review

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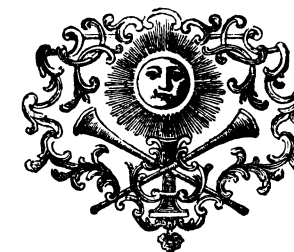of ages.*

Hamilton, The Federalist

THE FEDERALIST

a political review

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

CONTENTS

Interdependence
and Cultural Identity

The problems posed by the presence of communities with different cultural characteristics within the same state have become increasingly important in political debate in recent years. Three processes in particular highlight such problems: European unification, mass emigration from Third World countries to industrialised ones, and the explosion of nationalism in Eastern Europe. In each of these contexts the problem of multiculturalism is posed in different terms and requires differing political solutions and conceptual revisions.

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In the framework of European unification, multiculturalism is experienced by many as a problem of the defence or promotion of presumed national, regional or cultural "identities". One of the recurring themes of the anti-European propaganda of the British government, and of many groups making up France's "anti-Maastricht" political line-up is that European political unification threatens to impinge on national "identities". With the defence provided by current state sovereignties suppressed, these would run the risk of being reduced to an indistinct blend, along the lines of American society.

But the cultural "identity" issue is also at the heart of concerns expressed by many regional movements. In an opposite perspective, these movements see in European unification a framework which would allow them to liberate spontaneous ("ethnic") cultural "identities" from the suffocating oppression of the nations, which are perceived of as the products of the forced imposition of artificial cultural "identities". In the most radical form of this way of thinking, the importance attributed to regional "identities" is so all-encompassing as to induce some to assert that the process of European unification should result in the birth of a "Europe of the regions"; that is, a federal state which would suppress the

national level and have regions as its sole constituent members.

In both cases, the use of the term "identity" suggests the idea that belonging to a single, clearly delimited, cultural entity (the former national, the latter regional) is one of the essential factors, if not *the* essential factor, defining every individual's personality. Clearly, on the basis of this supposition, the objective of European federal unification will be accepted or rejected depending on whether it reinforces or weakens such a profound and exclusive bond.

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Yet, in reality, the term "identity" used with this connotation is ambiguous and misleading. Culture, meant as the complex collection of values, institutions, behaviours and languages that make up the contents and instruments of the communicative aspect of human action is, by nature, universal. It is certainly true that until now the existence of geographical, linguistic and socio-economic barriers (increasingly thin, however) to communication have isolated many of its manifestations from each other, causing them to assume mutually incompatible and incomprehensible forms, and thereby legitimising the use in particular situations of the plural, "cultures". Yet the intrinsically universal nature of culture is made plain when the fall of barriers dispels misunderstandings and overcomes incompatibilities. Culture, then, is enriched by communication, while becoming increasingly impoverished the more it is suffocated by the restriction of the space in which communication takes place. For this reason, nowadays, communicating in French or German puts those able to do so in a culturally privileged position with respect to those who can communicate only in Slovenian or Latvian. Hence, bi-linguists are definitely advantaged compared to mono-linguists. Similarly, the gradual spread of English as the universal *lingua franca* is an essential tool for the cultural advancement of mankind. For this reason, finally, growing interdependence on a world level now gives humanity an opportunity for cultural enrichment which was never available to past generations.

This is not to deny that every community of cultural communication of a certain size, and the European one in particular, is characterised by the existence of different styles and languages, which allow its expressions to be situated in time and space. Yet multiple styles and languages in no way compromise cultural unity; on the contrary they are destined to enrich the intensity of communication and promote creative original-

ity. This is normally forgotten since the diversity of expression in European culture has been artificially exacerbated in the past by national states, and burdened with political values, with the aim of manipulating it in pursuit of power political objectives. From this was born the inauspicious idea of nationalism and now its barbaric degeneration, micronationalism.

* * *

The argument as to whether federalism hinders or promotes one or other of the cultural "identities", interpreted as exclusive membership of a linguistic or traditional community, is therefore irrelevant since it is based on a concept which belongs to the world of nationalism. In reality European federal unification would create the conditions both for maximising the worth of the highest cultural expressions of the national phase of the continent's history, starting with the great literary languages, and for a great flowering of literary, artistic and scientific creativity at the regional and local levels. But it would do so precisely because, by demystifying the idea of the nation (and, *a fortiori*, that of the micronation) as source for legitimising power, it would challenge the concept of "identity" itself as linked to a closed and exclusive group, making it an inherent prerogative of the individual. In this way the "European identity" will result in the consciousness of Europeans to belong above all to the human race, and hence to be completely free in choosing their personal cultural path in the wake of a historical tradition that provides everyone with models and tools of unequalled worth and variety.

* * *

All this clearly does not diminish the fact that federalism can only take root in a society which is profoundly diversified (provided that it is in the framework of a strongly cohesive single community of communication). But the origins of this diversification of society should not be sought in the existence of a multiplicity of nations or "ethnicities" that are closed within the exclusive cult of their own uniqueness, but in territorial diversity, just as this has been and continues to be shaped through the action of people in history. The prime criterion which legitimises federalism is that of the realisation of the right of individuals to face and resolve the ever-changing problems on which their quality of life depends within the territorial limits in which these problems arise, and through decision-

making structures which allow the exercise of self-government at the corresponding levels — starting at the privileged level of the city, passing up through the larger ones of the region and the nation, up to the continental and planetary ones. Federalism, then, is the political and institutional formula which enables local communities (and only secondarily the more remote level of the region) to become the framework in which the *universal* value of democracy is primarily and most concretely manifested, and from which emanates the upward process of forming the *popular will*. It remains true that in a dynamic federal society the diversity of problems to be dealt with by the various territorial levels translates into different expressions of cultural life, or is even identified with such differentiation. Yet this difference of expressions, while remaining faithful to the past and respecting historical continuity, enriches through reciprocal communication in an evolutionary process which causes universal aspects to emerge from each of these expressions.

* * *

It is worth emphasising that in the future European federation the border regions, which the national state in the past condemned to a peripheral role and to a permanent crisis of identity, will assume vital importance. These same regions, within a new state structure created from the overcoming of the old borders, and no longer founded on the national principle, are destined to lose their *peripheral* role and assume one of *hinges* between societies and cultural expressions that are opening up to each other, and hence to become places of particularly intense cultural vitality. The bi- or multi-linguism which usually characterises such regions, and which in the national framework deprives them of a precise "identity", often making them pockets of cultural underdevelopment, will transform them into privileged areas for encountering, and comparing, different cultural expressions. They will be the concrete negation of the idea of the nation as a closed entity, hostile towards anything outside of itself, and in this respect will be the terrain of choice for developing the consciousness of the *universal vocation of the European identity*.

* * *

The problem posed by the juxtaposition of communities from different and distant geographical origins, due to mass migration, which occurs particularly in large European and American cities, is of a different nature. On both sides of the Atlantic this phenomenon is taking on alarming proportions. It raises issues different to those brought to light by the presence in Europe of multiple expressions of a single community of cultural communication. The national or ethnic differences in Europe are a factor of richness, and continue to represent a problem only because they have been artificially burdened with political significance by nation-state ideology, or by its degenerate offshoot micronationalism. The phenomenon taking place in the large cities of the industrialised world is rather that of the close co-habitation of groups of people who originate from areas of civilisations that are still very different from each other, and which are oriented towards values that are fundamentally different and, in extreme expressions, incompatible. The problems of co-habitation which derive from this are more serious, since they have real roots, not just ideological ones.

The survival of the state is guaranteed by the existence of a minimum of social consensus. And this can not be developed unless certain basic values are shared by the vast majority of the population. It is crucial to appreciate that in large Western cities (which represent the vital nerve-centres of the political communities they belong to) the number and size of groups whose religious and cultural traditions deriving from their countries of origin make it difficult to adopt (at least in the short-term) the principles on which co-habitation in their host countries is based, is on the rise. It is useless pointing out that the dramatic consequence of this forced proximity is violence, often provoked by fanatic fringe groups of the indigenous population. Moreover the phenomenon of mass migration can not be halted, except in the very long-term perspective of a substantial equalisation of degrees of economic development in all regions of the world. Nor would it be acceptable, given it were possible, that this phenomenon be halted by force in the name of the incompatibility of the host country's culture with that of the populations providing the majority of immigrants, if it is true that culture is intrinsically universal, and that the incompatibility of some of its manifestations is due solely to isolation and a lack of communication.

Clearly mass immigration must be quantitatively regulated, and managed in a humane and reasonable fashion so as to mitigate its potential for violence. But for this to happen, it is vital that the fundamental diversity between "cultures" is not accepted as a natural and permanent fact, in the name of that completely arbitrary interpretation of tolerance which is *cultural relativism*. This attitude is called *political*

correctness in the US, and consists of accepting the impossibility of communication between the "cultures" of different foreign communities which have immigrated recently or a long time ago, so as to encourage rather than overcome it. To be *politically correct* one must believe, or pretend to believe, that the values to which different "cultures" are oriented are all equally legitimate, even if incompatible, and that the value of truth itself should be subordinated to the need to give equal cultural "dignity" to every community. In the US this has led to the aberration of altering college and university curriculums on the basis of students' racial origins. The result is to create squalid cultural ghettoes, and even to accept, in the name of tolerance, the systematic falsification of history. It should be stressed that this attitude, in practice, by confirming *a priori* the impossibility of dialogue between different communities, promotes in its turn violence. It contributes to consolidating society's segmentation into closed communities (particularly in large cities), which consequently tend to perpetuate, and even exacerbate, differences and reciprocal incompatibilities.

When incompatibility invests weighty moral principles and attitudes essential for the ordered management of civilised co-habitation, this raises the problem of the *limits of tolerance*. It must be clear that immigration will only continue peacefully and be of benefit also for receiving states if they (always encouraging dialogue and favouring the contributions of other cultural traditions) are able however to impose on everybody respect for the universal values of liberty, equality, justice and the rule of law, which (even if only partially achieved in fact) are the foundations of political and juridical civilisation in the Western world, and of Europe in particular, and which are *by nature universal* in as much as they represent the presupposition of dialogue, and hence of tolerance itself. It is a fact that when the foundations of co-habitation are challenged, employing the legitimate violence of the state is the only alternative to the explosion of the wild violence of individuals, and the renunciation of the former in the name of cultural relativism is an explicit encouragement to the exercise of the latter.

Tolerance, then, is only really such when exercised in the framework of respect for the fundamental rules of co-habitation, and hence when it favours dialogue between groups heralding profoundly different cultural traditions, and their progressive *assimilation* in the context of real territorially-based *communities*. Federalism, the fully-developed expression of democracy, is after all founded on the basic core of the local community. And for the latter to be a real community, it must not recognise barriers within itself that render dialogue between people impossible, and thereby the formation of a common will. This, it should be repeated, does not mean the suppression of diversity, which is the essential presupposition of dialogue, but its elevation through the liberation of individuals, in their irrepressible originality, from the oppression of all tribal memberships.

* * *

The rebirth of nationalism in Eastern Europe has been accompanied by the hateful oppression of the national minorities which exist inside *all* European states, but which are particularly numerous in Eastern and Central Europe. This has caused the problem of their protection to reestablish itself on the political agenda.

The right of minorities to be protected will clearly be a fundamental freedom for as long as the existence of the nation-state is envisaged. Yet in an age when the European federal unification project has become a real political issue, the basic nature of the problem has changed. Nowadays, *protecting* minorities is no longer the issue, but instead altering the political framework such that their *existence as minorities is brought to an end*. The oppression of minorities, in one form or another, is an unavoidable characteristic of the nation-state. For as long as the legitimacy of political power is based on the identification of state with nation, the simple existence of one or more groups which do not possess the linguistic, religious or other characteristics by which the dominant nation's "identity" is defined, represents a denial of the state's legitimacy. It is hence inevitable that the nation-state, depending on the circumstances and the degree of civilisation of its politicians, will try to assimilate by force or segregate, or even eradicate (ethnic cleansing underway in ex-Jugoslavia) internal national minorities. And the minorities themselves remain prisoners of this logic, which pushes them to struggle to alter the political framework in such a way as to become themselves intolerant and oppressive majorities, following the example of those whose dominion they try to escape (ex-Jugoslavia is once again an example, as well as many ex-Soviet states). This problem is currently toned down in certain regions of Western Europe, such as South Tyrol: but this occurs because there exists the perception that the national state is in terminal decline within the framework of European unification. If the opposite impression were to spread (that the European unification process had been halted), the problem would resurface with all its

explosive potential.

Federalism is the overcoming of the national principle as the basis for legitimising the state. Hence, in a fully-evolved federal state the problem of minorities ceases to exist, since no cultural feature which distinguishes one group from another, starting with language, is laden with any political significance at all; in this way no population group is seen as, or sees itself as, a minority. Thus, it once again emerges that in the framework of common membership of the human race, and thus of a common capacity to communicate, the only politically significant difference in a fully-evolved federal state is that which distinguishes every single person from all others. In a fully-evolved federal state, then, the political opinions of citizens are never predetermined by their membership of a community which they have not chosen, but to which they belong by birth. On the contrary they are the result of reflection, and a decision which is completely free from conditioning based on ethnic provenance.

There remains the fact that in today's reality the problem of minorities exists even in federal states. The example of Canada, currently shaken by a serious institutional crisis generated by Quebec's separatist movement, serves to illustrate the problem in general. It is true that it would be fundamentally incorrect in this case to regard the French majority in Quebec as an oppressed minority. Yet apart from this obvious point, there remains the basic consideration that the currently-existing federal states represent an imperfect realisation of federalism, in as much as they were born by historical accident and not by the conscious negation of the nation as the legitimising principle of the state, as will be the case for the European federation.

It is also worth remembering that the freedom to speak a minority language, which is at the heart of the minority problem, is not just a negative liberty, but one which comprises the right to receive an education and to have dealings with the public administration in one's own tongue. This particular aspect implies measures to be taken by the political powers and can cause problems even in a federal structure. However, these difficulties appear in mitigated form in a solid federal structure as normal matters of political debate; and moreover only as long as the institutional structure of the federal state is thought of in the bipolar terms of the American tradition. In post-industrial Europe the federal state will be unable to avoid being articulated on several self-governing levels, and will have its core in the local community, which will tend to assume, in the context of growing economic and cultural development, an ever greater number of functions. In this way every single community, even small ones, established within a state (or region) which speaks a different language, will be able to guarantee its members education and administration in their own language within the framework of its self-governing powers.

Yet, aside from these considerations, it should not be forgotten that once language is stripped of its political significance, and hence the language of the majority ceases to be seen as a tool of oppression in all areas where different languages are spoken, multi-linguism (which is people's natural tendency) will naturally expand. In particular, the use of English as a *lingua franca* will spread. Indeed, already in many Dutch, Flemish and Scandinavian universities, lectures are held in English without students feeling that their own national (or regional and local) "identities" are thereby endangered.

The solution of the minorities problem currently depends on the outcome of the historic confrontation between nationalism and federalism. As long as Europe and, beyond Europe, the world, continues to be divided into nation-states, the problem of minorities will continue to exist, regardless of how much their right to be protected is proclaimed in resolutions and asserted in international conventions. The federalists, who make the struggle against the nation-state their exclusive political commitment, should not allow themselves to become involved in these rhetorical exercises. They must be conscious of the fact that proclaiming the right of minorities to be protected without pointing up the existence of the national state as the cause of their oppression, and without struggling for its overcoming, represents a recognition of its legitimacy and hence contributes to perpetuating the problem rather than starting to solve it.

The Federalist

From Milan to Maastricht: Fifty Years of Federalist Struggle for the Uniting of Europe *

JOHN PINDER

The European federation will be created in the 1990s. It is necessary. It is possible. It is our task to ensure that it is done.

Thanks to the efforts of the federalists, Europe is already in a preconstituent situation: structurally, the conditions exist for establishing the federal constitution when the political conjuncture enables the process to begin. The contribution of the MFE in creating this situation has been outstanding. For this we must be profoundly grateful to the Italian federalists. Above all, we must be grateful for the historic contribution of the score of federalist pioneers who met fifty years ago in the house of the Rolliers in via Poerio 37, in order to start our struggle. It is important that all Europeans be conscious of the real significance of the work that these pioneers initiated, which was inspired by a political genius, Altiero Spinelli, and continued by an altogether exceptional movement of militants, the *Movimento Federalista Europeo* (MFE).

A political genius: Altiero Spinelli.

One cannot programme a political genius. But one can try to understand him in order the better to carry on his work.

Spinelli identified the great political cause of this century: the creation of the European federation. It is a historic irony that, to make this

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discovery, he employed the long years of prison and *confino*, given him by the fascist régime which was diametrically opposed to this idea. Spinelli, in his autobiography, called these sixteen years "providential, because I was seized and set apart at the time when I was dedicated to a task lacking all sense of proportion (i.e. marxism-leninism, J.P.), and was returned to society when I was ripe for a task which was likewise difficult and ambitious, but which was truly *à l'échelle humaine*."[1]

This federalist task was not only on a human scale, but also designed to meet the great problems of this age, in which interdependence is uniting the people in one European people, and eventually in a world people. The only rational response to this challenge is federal government: a hamiltonian constitution. Spinelli's merit was to seize upon this idea, invented by the American founding fathers and transmitted by the writings of Einaudi and the British federalists. I hope I can be forgiven for citing the words with which Spinelli described his encounter with the thinking of my British federalist predecessors: "The clean, precise thinking," according to him, "of these English federalists, in whose writings I found a very good key to understanding the chaos into which Europe was plunging and for devising alternatives," he wrote, "have remained to this day impressed on my memory like a revelation."[2]

Spinelli's thinking, too, was "clean" and "precise." He wrote for the meeting in via Poerio his "political theses" containing a precise and concise definition of federal union which remains valid up to the present day: a union with legislative, executive and juridical institutions, with competences for trade, money and defence, and with the power to prevent totalitarianism in the member states, i.e. to guarantee human rights.[3] Spinelli was, as Mario Albertini has written, "a hero of reason;"[4] and the MFE was founded with an admirably clear definition of its mission.

But the right idea together with clear thinking comes to nothing without the will to make it a reality. Spinelli once said to me that there were many Italian politicians with a good European orientation; "but there is only one who has been consistent throughout: me." He changed his tactics from time to time, in response to changes in the political situation. But he always held firm to the aim of the hamiltonian constitution, from the foundation of the MFE and of the UEF right up to his last battle: the Draft Treaty for the European Union.

The right idea, clear thinking, dedication to the aim: all these would not have sufficed without an exceptional political capacity, in the identification of situations that were favourable for action, in the design of the plan of action, and in the capacity to persuade those political leaders

who were indispensable to carry forward the enterprise. Spinelli demonstrated this great political talent a number of times, above all in the two historic campaigns, for the European Political Community and for the Draft Treaty for the European Union.

When the governments of the six founding states of the European Community decided in 1950 to integrate their armed forces, Spinelli immediately realised that their assumption that a European army could be governed by an intergovernmental system was a fantasy. He knew, thanks to his long reflections on federalism, that only federal institutions would suffice. The integration of armed forces implies the integration of states, and a new state needs democratic institutions. So he persuaded De Gasperi to accept this political logic, and De Gasperi persuaded the leaders of the other five governments that it was necessary to set up the *Ad Hoc* Assembly to draft the constitution of the European Political Community. Meanwhile Spinelli persuaded Paul-Henri Spaak too to interest himself in the project and Spaak presided over the work on it, first of the European Movement and then of the *Ad Hoc* Assembly. Spinelli, and none other, had impelled the European politicians to make, for the first time in history, a quasi-federal constitution, which could have radically changed the destiny of the continent. But this was a bridge too far for the French National Assembly. Some months before the fatal vote in the Assembly, Spinelli wrote in his diary, on the day after Stalin died, that "the death of Stalin may signify also the end of the present attempt to unite Europe."[5] Spinelli was once again right. The battle for the European Political Community was lost. But the struggle for the European federation was not lost. Karl-Heinz Koppe, then secretary general of *Europa Union Deutschland*, wrote that the project for the European Political Community "gave people a model of what is thinkable and feasible."[6] The experience of the fight for the Political Community motivated the relance following that defeat, which carried Europe through to the Treaties of Rome, under the tireless guidance of Spaak, influenced in his turn by his work with Spinelli. Although Spinelli, in his disappointment, left the Community road towards federation, to found the Congress of the European People with the aim of electing representatives to a constituent assembly, this relance was fundamental for the federalists' subsequent work.

Thirty years later, Spinelli identified a second opportunity to create the European constitution, when the governments accepted the direct elections to the European Parliament. The representatives of the European people had been provided. It remained to organise them to design the constitution. Once again Spinelli, and none other, persuaded the politicians who were apt to do the necessary work: first the Members of the Parliament, for the design and approval of the Draft Treaty; then President Mitterrand, who gave the project his support. Once again Spinelli had created "a model of what is thinkable and feasible;" and, although he was again disappointed by the concrete result, the Single European Act, this was not the "miserable dead mouse" of his celebrated phrase,[7] but instead, once again, the beginning of the relance which was to carry Europe to its preconstituent phase.

These two projects were extraordinary enterprises, the products of an extraordinary political and intellectual talent: "hero of politics," as Albertini also put it, who "embodied, in a way that one can call perfect, the figure of the political hero as it was delineated by Max Weber;"[8] and, according to Francesco Rossolillo, "the man of the work," who creates "something that did not exist before."[9] He was in this sense alone. But he needed the already existing federal idea, which he took and applied as a political instrument. He also needed a movement, not only to work under his direction when he was its secretary general, but also to continue and develop this work after he had moved on.

An exceptional movement: the MFE.

Spinelli wrote, at the end of his autobiography, that he returned from Ventotene for "a battle that I, but probably at that time only I, had decided to consider, although not yet in existence, more important than the current battles to which all the others were going to commit themselves."[10] This was not just. There were people, beyond the little group from Ventotene, who were already committed, or ready to commit themselves, to the federalist struggle: Rollier, Trentin, Silone, Foa, Venturi, Banfi, Bolis and others. But it was true that Spinelli was the only political genius among them. This genius needed, however, the representatives of a certain Italian political culture to ensure the success of his efforts. This culture and these people were the *fortuna* which was the essential complement of his *virtù*.

This political culture was already evident in the Risorgimento. Mazzini, alone among the national leaders in Europe at that time, understood that the national spirit should be seen in a European context; and Cattaneo really understood what federalism was. Between the two World Wars the federal idea was supported by Einaudi, Agnelli, Cabiati, the Rossellis, Don Sturzo, Turati and many others. Then there was the

reaction against fascism which had definitively demonstrated the dangers of nationalism and of the cult of absolute national sovereignty. In August 1943, when the MFE was founded, I was about to enter the British Army to take part in resistance to nazism and fascism, organised by my national state. At the same time, many Italians were about to join the resistance against their own state. This contrast explains, at least in part, why it was easier for Italians to understand the need to limit the sovereignty of the nation-state. Italian political culture and political conjuncture were both favourable to federalism. Not less important was the great *virtù* of so many Italians who were ready to commit themselves to the federalist struggle. Their *fortuna* lay in the *virtù* of Spinelli, who, as secretary general of MFE during the decade in which the organisation was consolidated, was able to transmit to them his dedication to the cause of the hamiltonian constitution and to give the MFE not only this vocation but also an experience of action and of important achievements.

But Spinelli could err. In 1961 he decided that the federalists should enter into the internal politics of some cities, as a tactic to gain positions of power. Spinelli himself had taught that "the line dividing progressive parties from reactionary parties will fall... henceforth... along the... line that separates those who conceive as the essential aim of the struggle the old one, that is the conquest of national political power... and those who will see as the central task the creation of a solid international state."[11] This time Spinelli himself stood on the other side of the line. Albertini had the courage to oppose Spinelli in order to prevent this U-turn, which presented so many difficulties for MFE. Albertini was, indeed, better adapted than Spinelli to develop a movement. Spinelli wrote in his diary that Albertini preferred that the federalists "prepare themselves for the event," that is develop the movement for the constituent battle, rather than that they "prepare the event," that is to say, pursue a political tactic. Spinelli wrote, further, that also in relation to "a spiritual son I feel myself cold and detached,"[12] and that he was not able "to make love when one should instead make politics."[13] For a political genius this may be admissible, perhaps necessary. But to maintain a solid movement, it is necessary to care about people; and the proof that Albertini has cared about his political sons is that so many of them, after three decades, are still working together — and are indeed present at this anniversary congress to demonstrate their commitment to the movement.

The results of the development of the MFE have been impressive. When, for example, the proposal for direct elections to the European Parliament was on the agenda of the European Council under Italian presidency in December 1975, the MFE's manifestation, with the presentation of the appeal in the Campidoglio and the procession to the Palazzo Barberini, reinforced the pro-European policy of the Italian government, which obtained the decision in favour of the elections. To support Spinelli in the battle for the Draft Treaty, the MFE, together with *Europa Union Deutschland*, did much to ensure the necessary majority in the European Parliament. The MFE organised the great demonstration in the *Piazza del Duomo* in Milan in order to influence the European Council's decision on the project. There are various reasons to criticise the Italian politicians who carried the responsibility of the Italian presidency of that European Council. But one criticism which one cannot make is that they were unaware of the importance for themselves of the votes of Italian citizens. The presence of so many voters in the *Piazza*, demanding a positive decision, must certainly have reinforced the will of these politicians to insist on the majority vote which was taken for the first time in the European Council's history. Voting by majority, the European Council was able to decide to hold the Intergovernmental Conference which produced the Single Act, and thus began the relance that preceded the present preconstituent situation.

Then there was the exemplary campaign for the referendum held in June 1989. The immense labour of the MFE resulted in the Italian Parliament's vote, unanimous save for a single contrary vote in the Senate, in favour of the approval of the constitutional law that had to be passed to make the referendum possible. This was followed by the campaign directed at public opinion, which produced the extraordinary result of 88 per cent of the voters in favour of a "Union endowed with a government responsible to the European Parliament," and of a constituent mandate for the European Parliament. After this result, all politicians should know that a position against a federal Europe would be rejected by the citizens; and the importance of this should not be underestimated, at a time when new political forces are about to dominate the Italian political scene.

Spinelli, the MFE and Monnet.

After what I have written so far, it might be thought that I believe Spinelli and the MFE were almost perfect and almost always right. But that is not so. I believe in fact that they failed to appreciate the political genius of Jean Monnet and his contribution to the construction of the European federation.

Spinelli did at first appreciate Monnet. Spinelli wrote in his diary in 1952 that "it is certain that he wants to arrive at a federation," that is to say that Monnet was a genuine federalist.[14] Spinelli had recently written Monnet's speech for the inaugural session of the High Authority, in which he emphasised the sharing of a part of the sovereignty of the member states, which had thus abandoned their absolute sovereignty. The speech identified the federal elements of the Coal and Steel Community: the executive, independent of the governments of the member states and instead responsible to an assembly elected by their parliament and with the prospect of direct elections; the Community's direct relations with legal persons, including for the imposition of taxes; recourse to an independent European tribunal, the Court of Justice. These institutions were, Spinelli wrote and Monnet said, "supranational and, let us say the word, federal," sovereign within the limits of their competence.[15] These words were not said lightly by Monnet. He worked for hours and for days on his speeches, considering and weighing every word with his collaborators. Both Spinelli and Monnet were in agreement that the institutions of the Coal and Steel Community were prefederal. Although Monnet, according to Spinelli, did not have "the least idea of what it meant to make a constitution,"[16] his aim was indeed the federation, and Spinelli was fully conscious of this.

Spinelli also recognised the extraordinary capacity of Monnet, who had identified not only the essential aim, but also the situation in which progress towards this aim could be made, had formed his plan to profit from this situation and had persuaded the key politicians — Schuman, Adenauer — that they should do the necessary to realise the plan. Spinelli had understood all this. But after the failure of the project for the Political Community, Spinelli lost his esteem for Monnet's work. On the morrow of the Messina Conference, he wrote of "Monnet's liquidation;"[17] and in his diary for the day after 25 March 1957, the day of the signature of the Treaties of Rome, he wrote: "I visited Monnet too. Really we have nothing more to say to each other."[18] The divergent attitudes in the UEF with respect to these treaties were the cause of the split among federalists, above all Germans and Italians. This split was followed by the reunification of the UEF in 1972. Relations among federalists have become good again, thanks in large part to the efforts of many Italian federalists. But history and experience leave their traces on — to use Spinelli's words — the methods of analysing the situation and devising alternatives. So it may be useful to examine the lessons of the past in order to draw conclusions for our future work. We shall work together better if we

understand each other's analyses. I shall therefore explain my own conclusions on this matter.

The word "functionalism" is employed in two senses. One is a functionalism that is merely intergovernmental, which the British government, for example, has preferred, with "European organs in which the representatives of the several states will begin to develop and administer certain European matters," as Spinelli put it when Britain was pursuing this policy already in the late 1940s.[19] This functionalism has nothing to do with federalism. But the other sense is that of a functionalism based on prefederal institutions, instruments and powers: the functionalism of Monnet, which one may perhaps call a functionalist federalism. This was certainly Spinelli's view when he wrote Monnet's inaugural speech. This was, surely, again the view of the MFE when, after its rejection of Monnet during the period of the Congress of the European People and a process of reflection in the 1960s, the MFE decided to join again with the Germans and other monnetists, accepting that the constitution would become feasible "only after the pursuit of intermediate objectives such as to create a preconstituent situation."[20]

Among such intermediate objectives the most important are, it seems to me, the prefederal elements in the institutions and powers of the Community, including the direct elections, which Albertini proposed already in the 1960s, and the European currency, which he advocated in 1972.[21] Spinelli too accepted, in the Draft Treaty, that the federal institutions would have competences in the economic and social fields, but that meanwhile defence would be managed by a more-or-less confederal system. In this perspective one can call the process of building up the prefederal elements in the institutions and competences of the Community "a series of constitutional acts," to use the apt expression of Lucio Levi.[22] Thus the constitutional federalism of Spinelli and the functionalist federalism of Monnet can be seen to be complementary.

The federalists, spinellists and monnetists have achieved a very significant series of constitutional acts. Although the support of particular interests, whether economic or political, has been important, the initiative has always been taken by federalists, sometimes monnetists, sometimes spinellists, sometimes both together. Among the constitutional acts and the prefederal elements a number were particularly important: the ECSC, with its prefederal institutions; the Treaties of Rome, which enlarged the field of action of the institutions with the competence for the common market and other matters; the direct elections; the European Monetary System, pointing towards the European

currency; the Single European Act, with the creation of the single market, the majority voting in the Council and a more important role for the Parliament — not a dead mouse but the start of the relance which led to the Maastricht Treaty; and that Treaty, with the single currency, the European Central Bank, some more powers for the Parliament and the beginnings of cooperation in the field of defence. It is true that all that is not the constitution. But these were steps towards the constitution. Nor were they small steps. They were medium and sometimes big steps, which have created the present preconstituent situation.

What remains to be done in order to establish the federation as it was defined in the "political theses" of the meeting in via Poerio fifty years ago? The Community already has the powers relating to trade and, with the Maastricht Treaty, to money. Of the list of powers in the "theses" only defence remains, with respect to which the Maastricht Treaty provides for some cooperation and the integration of which was also prudently left, in Spinelli's Draft Treaty, to a subsequent reform. As regards the institutions, the Community already has a Court and a juridical system that are quasi-federal; an executive, the Commission, for which the most important reform would be to become responsible to the Parliament, towards which the Maastricht Treaty already points the way; and a legislature dominated until now by a house of the states, i.e. the Council, in which, however, most of the legislative decisions are taken under the procedure of majority voting, and which has to share the legislative power, even if so far within fairly narrow limits, with the Parliament, i.e. with the house of the people. One can conclude that the principal defect of this institutional system remains the quasi-monopoly of power in the hands of the Council and that the crucial reform would therefore be to provide for general codecision between the Parliament and a Council voting by majority.

If we accept that the integration of armed forces may be left, as in Spinelli's Draft Treaty, to a later phase, the key elements that we need are the single currency and the codecision between Parliament and Council. The single currency, despite the difficulties, is already foreseen by the Maastricht Treaty. The essential element still missing is, then, the codecision: just one word, but a concept that has evoked stubborn resistance in some member states, linked with the cult of sovereignty. A difficult reform, but indispensable. We need a European democracy and we do not have it. This must be at the centre of our battle in the nineties: the battle for the European constitution.

The constitution in the nineties: the final battle for Europe.

The citizens do not like to be governed in obscure ways. Perhaps, with the single currency and general codecision, i.e. European democracy, we will have a federal union *de facto*. But for the big majority of citizens, all this is incomprehensible. The citizens will not know how they are governed at the European level until there is a constitution which makes it all clear. It is also probable that the political will to make the necessary reforms will not be generated unless it is focused on a constitutional project.

So it goes without saying that the MFE was right when it insisted, at the 1993 Congress of Pescara, on the "need for the intervention in the process by the federal European people through their legitimate representatives."[23] The European elections of 1994 offer a great opportunity to intensify the campaign for the constitution. If this could be approved in the two subsequent years, at least by an important nucleus of states, the European situation would be transformed. This is the object of the campaign. We must do our best to achieve it. But nothing in European political life is certain. We should not be too disappointed if what we obtain in that period is only the confirmation of the programme for introducing the single currency, a strengthening of the powers of the Parliament and some progress towards a common defence policy. The platform from which we can launch the constitution would then be somewhat higher. But it is absolutely essential to have the constitution before the end of the century. The single currency will already exist. The countries of Central Europe will be about to enter the Community. There will be other challenges too, perhaps more urgent. The elections of 1999 will provide the opportunity for the definitive great campaign for the constitution.

The principal elements of the present situation are the following. France remains committed to the single currency, but is less enthusiastic about the powers for the European Parliament. Germany is committed to codecision, but less enthusiastic about the single currency. The British government hopes to ally itself with France on the Parliament and with Germany on the single currency, thus preventing both codecision and the currency. The intention of the federalists is the opposite: an understanding between France and Germany to realise both. It is possible that the French or the Germans, or both, could change their orientation in the wrong direction. But it is also possible to hope that Britain, with both the main opposition parties favourable to both codecision and the single

currency, could change its policy in the right direction. Most of the other countries are for the single currency, codecision and federal union; likewise favourable are numerous economic and social forces, the important transnational European parties, not to speak of the European Parliament and the Commission and, last but not least, the federalist movements. All of these will have their influence on the final outcome; and one of the most important factors would be a regenerated Italy.

Italy, after the current revolution based on the rule of law, will be governed by a largely renovated political class. The attitude of this class towards the European federation and constitution will be crucial. In relation to this the result of the referendum of 1989 is most important. One cannot disregard 88 per cent of the citizens. Perhaps the Italian federalists will also be able to make use of the idea of internal federalism, advocated by Cattaneo and affirmed by Rollier and other representatives of the alpine valleys in the Declaration of Chivasso, published shortly after the foundation of the MFE fifty years ago, and demanding a "democratic-federal" régime on a regional and cantonal basis.[24]

If the new Italian political class achieves political and economic successes, and if it is federalist, the role of the Italians with respect to the federal constitution could be decisive. It is certain that the federal future of Europe depends in part on the Italian federalists; and it is possible that it depends above all on them. This, it seems to me, is the challenge that the Italian federalists must confront in this decade. I am sure that the MFE will know how to respond.

It is therefore not only with admiration for all that has been achieved in the past that we must today greet the MFE, but also with great hopes for the efforts and the successes in the future. It has been a great honour for me to work with the Italian federalists and to speak to the Congress celebrating the Movement's fiftieth anniversary. I salute the MFE after these fifty years. I wish the MFE *buon lavoro* in the coming decade, for the achievement of the European federation — and for the next fifty years in which the world federation must be established.

NOTES

[1] Altiero Spinelli, *Come ho tentato di diventare saggio. Io, Ulisse*, Bologna, 1984, p. 342.

[2] *Ibid.*, pp. 307-8.

[3] The "tesi politiche" are reproduced in Lucio Levi and Sergio Pistone (eds), *Trent'anni di vita del Movimento Federalista Europeo*, Milan, 1973, pp. 66-70.

[4] Mario Albertini, "Altiero Spinelli, Hero of Reason", in *The Federalist*, XXVIII (1986), pp. 3-4.

[5] Altiero Spinelli, *Diario europeo 1948-1969* (edited by Edmondo Paolini), Bologna, 1989, p. 167.

[6] Karl-Heinz Koppe, *Das grüne E setzt sich durch. 20 Jahre Europa Union Deutschland 1946-1966*, Köln, 1967, p. 68.

[7] Altiero Spinelli, *Discorsi al Parlamento Europeo 1976-1986* (edited by Pier Virgilio Dastoli), Bologna, 1987, p. 369.

[8] Mario Albertini, *op. cit.*

[9] Francesco Rossolillo, "Spinelli, 'Man of the Work'", in *The Federalist*, XXVI (1984), pp.134-41.

[10] Altiero Spinelli, *Io, Ulisse, cit.* p. 343.

[11] Altiero Spinelli and Ernesto Rossi, *Il Manifesto di Ventotene*, Naples, 1982, p. 37.

[12] Altiero Spinelli, *Diario europeo, cit.*, pp. 415, 417.

[13] Altiero Spinelli, *Diario europeo, cit.*, p. 330 (cit. in Gianni Merlini, "Altiero Spinelli ovvero la concretezza dell'utopia", in *Il Mulino*, n.5, 1990, p. 838).

[14] Altiero Spinelli, *Diario europeo, cit.*, p. 163.

[15] Jean Monnet, *Les Etats-Unis d'Europe ont commencé*, Paris, 1965, pp. 47-50; Altiero Spinelli, *Diario europeo, cit.*, pp. 142-3.

[16] Altiero Spinelli, *Diario europeo, cit.*, p. 163.

[17] *Ibid.*, p. 269.

[18] *Ibid.*, p. 311.

[19] Altiero Spinelli, "Discorso al III Congresso nazionale del MFE (1949)", reproduced in Sergio Pistone, *L'Italia e l'unità europea dalle premesse storiche all'elezione del Parlamento europeo*, Turin, 1982, p. 186.

[20] "Documento approvato dal XIII Congresso del MFE", reproduced in Lucio Levi and Sergio Pistone, *Trent'anni di vita, cit.*, p. 419.

[21] *Ibid.*, pp. 335, 352.

[22] Lucio Levi, *The History of Europe's Draft Constitutions*, paper for the Federal Trust-UEF seminar, London, 9-11 July 1993.

[23] "Le responsabilità dell'Europa nel mondo e il ruolo dei federalisti", document distributed by the MFE Secretariat and printed in *L'Unità Europea*, XX, March-April 1993, p. 6.

[24] "La dichiarazione dei rappresentanti delle popolazioni alpine" (la Carta di Chivasso), reproduced in *L'Unità Europea*, II, July-August 1944. See also Cinzia Rognoni Vercelli, *Mario Alberto Rollier, un valdese federalista*, Milan, 1991, ch. 6.

Will We Be Able
to Renounce Winning?

CARLO MARIA MARTINI

Introduction.

I am pleased to have the opportunity to address this international convention sponsored by the European Federalist Movement, on the occasion of the 50th anniversary of its foundation. I should like to salute the illustrious speakers, the Rector of the University which is hosting us, the various governmental authorities, the organisers and all participants.

As the title of the general theme "Europe called to account" highlights, the period our continent is currently going through is undoubtedly a crucial one. We face an authentic *historic moment*, which was set off almost without warning towards the end of 1989; this coincided with a process of unification that has been underway for a number of years, at least in Western Europe.

The current period has nevertheless revealed itself, and continues to reveal itself, as a detonator of unforeseeable effects, resulting in an endless stream of serious events, among which I should like to recall the persistent crisis underway in ex-Yugoslavia. We find ourselves in a previously inexperienced situation of liberty, but the issue about which direction this liberty is headed in, and should take in the future, is becoming ever more insistent and unavoidable.

At the same time, this liberty has been followed by a period of *desert*, with all the trials and temptations typical of this condition: from East and West we gather together in an effort to construct a "common home" and yet the rules of such co-habitation are often not clear or commonly shared; the process of refounding the states, and of laying the foundations of civilised co-habitation in its fullness is still underway; old ethnic and cultural differences and rivalries, soothed or trodden down, but left unresolved during Communist rule, are resurfacing with vehemence, and an investigation into the value and meaning of nations and their cultures and the limitations to, and overcoming of, resurgent nationalisms is inescapable.

The dramatic warning of ex-Yugoslavia.

I have already had the opportunity, at the international meeting held in Milan in May on the theme "Christian-inspired political commitment in the building of the new Europe", to express the opinion that the most dramatic sign of the difficult situation which Europe is living through, and of the challenges which await it, is the absurd conflict which continues to unfold in ex-Yugoslavia. In a part of Europe extremely close to us, we are in fact faced with a problem of nationalities and ethnic groups which are unable to find a *modus vivendi* acceptable to all sides. At the same time there is a latent conflict between two European traditions, the Western and Eastern ones, to which is added a confrontation between the old Europe and Islam.

From this emerges the real challenge we must all face, which can be summarised in a question: not that about who will win between East and West, or North and South, but rather that whether will we all be able to renounce winning, looking for a new integration which transforms conflict into a competition of mutual service and openness between diverse cultures, in a human and citizen-sized grouping, in a large federation, the fatherland of many small nations and cultures?

This, in my opinion, is the "calling to account" which European citizens are presented with: and with regard to this "calling to account" the choice between federalism and *nationalism* is undoubtedly a key aspect.

The Ventotene Manifesto, 1941.

In this context I want to raise the far-sightedness of the *Ventotene Manifesto*, when, in 1941, it looked towards the creation of a solid international state as the central task and conceived of the overcoming of national power as the instrument for realising international unity. This group of anti-fascists who, towards the end of August 1943, gathered in Milan around Altiero Spinelli, in the house of a Waldensian, Mario Alberto Rollier, in order to create the MFE along the inspiring lines of the *Manifesto*, committed themselves to struggle (over and above ideological differences and biased considerations) for the *European Federation*, considered precisely as the necessary instrument for the definitive

pacification of the peoples of Europe, and a forebearer of pacification for the entire human race.

At that time the war was at its height, nationalism and racism ruled, throughout Europe there was violence and death, Milan was devastated and razed by the terrible carpet bombings which, specifically in that tragic August of 1943, had caused destruction the like of which had never been seen before.

Now, at a distance of 50 years, the great arrival point indicated by the founders of European federalism and by the other founding fathers of Europe has not yet been reached. There are other forms of devastation, death, destruction and conflict which mark our times, and even the city of Milan. All the same, today, as then, there is cause for hope and to struggle for a more humane, a juster and more pacific form of cohabitation. And I am truly pleased that Milan was chosen as the venue of your international convention, and hope that it may be an inspiration and sign of rebirth in this city which is experiencing a difficult period, for which undoubtedly it has to take full responsibility.

Among all the highly negative aspects of our contemporary situation is the resurgence of exacerbated *nationalisms*, which are dragging many peoples down into a painful spiral of violence. New and similar pressures towards disintegration, presaging exclusiveness, antagonism and rejection, could still explode in East and West and would cause us to return once again to a past which we do not wish to see again. Hence each and every one of us must warn of the need and urgency to distinguish satisfactorily between nationalism and patriotism; to separate between positive and negative national sentiments, giving a suitable interpretation to the idea of "national identity;" to recognise and defend the rights of minorities against a tendency to any slave-like uniformity; to search for formulas, which, overcoming the immediate identification between "state" and "nation", enable different peoples to live in a single state framework and see their rights and identity fully safeguarded.

On this subject I should like to cite the *Final Declaration* (no. 10) of the Synod of Bishops for Europe, celebrated at Rome in 1991. According to this statement, recognising that "the national differences must not disappear, but rather be maintained and nurtured as the historically-developed basis of European solidarity," that "the national identity itself is not achieved if not through opening to other peoples and by means of solidarity with them" and that "conflicts must be resolved by means of negotiation and not through the use of violence," it is also necessary to commit ourselves to drawing up international law proposals that are able

to safeguard the value of nations without falling into the excesses of nationalisms.

Continuing the process of European integration.

The last 50 years however have not passed in vain. The process of European integration has in fact allowed the overcoming of ancient and firmly rooted conflicts and has pacified the peoples who were involved in them; the frontiers, which once were almost sacrosanct as the enduring signs of different and opposing national identities, are losing their ideological and symbolic connotations and separate increasingly less the peoples of the European Community. The same sovereignty of the states, whose limitation is necessary for the construction of a European union according to the correct principles of federalism, has undergone revision. The most innovative meaning of the experience of the European Community rests in its capacity to substitute for the states in regulating relevant social relationships and hence to bring about, albeit embryonically, limitations to their sovereignty; significantly, we are witnessing for the first time in history the presence of institutions that are capable of adopting legislative acts which, within the member states, have the same effectiveness as internal laws, and which the latter are even unable to alter.

On the other hand, it is necessary to recognise that Community integration is still in large part a process between states; there are *not inconsiderable steps to take* in order to arrive at a Europe of peoples and of citizens, and hence at an international organisation which could be an example and an incentive to global co-habitation. In this perspective, I should like to recall once more that if European unity can be achieved, it will be neither on account of geography, nor of history, nor of language and not even due to the convergence of different emerging interests. Unity will rather be the fruit of the *free will of peoples*, which in its turn presupposes and requires an authentic moral maturity. It is hence necessary that there is action to achieve an authentic and widespread democracy, where the free consensus of citizens is motivated by idealistic values and the discovery and arousal of common interests, that is of a common European good; and where the institutional instruments, even at the continental level, are the authentic expression of popular sovereignty.

To Europeans, whose common citizenship the Maastricht Treaty recognises, it is necessary to guarantee real citizen participation in the great choices of Europe, ending the sensation that the European Union is

simply a matter of summits, that it does not concern ordinary people. Only in this way will a political grouping based on respect for people and groups, but at the same time on the willingness of people and groups to undergo sacrifices for the common good of the entire continent, be possible.

We should not forget that continuing along this path, and by consolidating federal structures, the European Union will be even better able to welcome those European countries that aspire to join it. Inside they will be able to find a guarantee for their democratic stability and the definitive defeat of nationalism. And all this can and must have a wider impact, on a *world scale*. If, as John XXIII recalled thirty years ago in his encyclical *Pacem in terris*, to achieve peace on earth public powers capable of operating in an effective way at a world level are needed (no. 45), we are then called on to aim at the creation of a democratic government of the world, which will ensure the pre-eminence of the rule of law over that of force, and the solution of controversies by pacific means. Europe, in which the national state with its ideologies and its limitations arose, can and must offer the example of a real supernational government and of an authentic international democracy. Its historic mission comprises also this, the realisation of a further stage towards the establishment (looked forward to by Vatican Council II in the encyclical *Gaudium et spes*) of "a universal public authority, recognised by all, which is endowed with effective power to guarantee to all peoples security, the observance of justice and respect for rights" (no. 82).

The hope with which I close my talk is that, today as yesterday, there will not lack men and women, young people and adults, who share such ideals and who are willing to assume full responsibility for the construction of a Europe in which every person, every people, and every nation can live in complete and harmonious peace.

The Milan Manifesto

MAURICE DUVERGER

Boxed in between stagnant federalism and increasing nationalism, Europe in 1993 should not be assessed only in light of the prophetic statements made by Altiero Spinelli in 1941 and 1943, but also to the actual plan of the Treaty establishing a European Union, whose enactment by the Strasbourg Parliament he brought about in 1984, as well as to the consequences of the collapse of the Soviet system which Spinelli did not experience and which widens the scope of this Union (officially ratified 25 days ago by the twelve member states of the Community) to the mouth of the Danube.

Let us try here to make such an examination within the framework of the mandate which the citizens of Milan, Rome, Turin, Florence, Genoa, Perugia and Urbino have entrusted to a professor of constitutional law and political science, selecting him as the only deputy of this Community to whom the adjective "European" applies precisely. In fact, this French citizen represents Italy, and in this way is tied to a double loyalty — towards the fatherland of his birth and that of election. Such an undertaking is not without risks, since it leads federalists to a radical revision of their thinking, and European parliamentarians to an unusual boldness in decision-making.

Today, Milan represents both the principal danger and fundamental hope: a contrast which is lacerating Europe and points to its future. Wrought by secessionist antics, this city, in one of the most modern regions of the continent, is undergoing a form of populist tribalism, a degeneration of nationalism which in less-developed countries, such as Ireland and Yugoslavia, leads as far as civil war. Founder of the European idea in 1943, Milan can now renew its theoretical basis and accelerate its realisation, just as Altiero Spinelli did previously, in 1941 and then in 1984.

I. Towards an Open Neo-Federalism.

The time has come to outline a theory of federalism which is not based solely on the examples of the US and the Swiss confederation, but which also takes account of the German, Austrian and Belgian models, which have brought about important innovations while remaining within the bounds of federal states. The European Community could go much further by passing from these state federalisms to an open federalism, on condition that it leaves behind the stagnation which the current rebirth of nationalisms is imposing on it. Only the parliaments are able to awaken the 'sleeping beauty in the forest'.

Classical Federalism.

Federalism was originally invented to create little states by means of gathering together independent entities which had more in common with ancient city-states than with nation-states. The United States was comprised of less than 3 million people in 1787, when the thirteen ex-British colonies decided to turn the minimally coercive confederation that they had established some months following their Declaration of Independence in 1776 into a federation. Switzerland was similarly-sized in 1848 when she embarked on the transformation of a confederation which was no longer coercive, even though it was older, having been established in 1292.

The originality of this classical federalism consists in the division of parliament into two elected chambers that are directly elected by the citizens: one, in proportion to the respective populations of the federated units, the other instead with an equal number of representatives for each unit. The first prevents the larger federated units, which were fewer in number, from being dominated by a coalition of little ones. The second, conversely, protects the little units from the hegemony of the large ones, given that the equality of representatives was acceptable for the smaller ones since, in the United States of 1787, differences in size were negligible because all the federated units were fairly small: from 538,000 people in Virginia to 45,000 in Rhode Island.

The juxtaposition of the majority of the population and of the majority of states, mitigated from the outset with respect to the executive, was suppressed very early on in the United States by the evolution of the electoral system for Presidential elections. Entrusted under the constitution to electors chosen by each state in numbers equal to the numbers of senators and representatives which that state sends to Congress, this process was initially based on an inegalitarian combination of the two representations. The majority of the population got the upper hand when the selection of the electors was switched to universal suffrage. This naturally forced the electors to campaign under the name of a candidate for the White House, and to subsequently vote for that person. In this way, a strong and stable executive power, endowed with the power of veto over the legislature, now rested on the majority of citizens.

In the federal constitutions of modern parliamentary states, such as Austria's of 1920 and Belgium's of 1993, the representation of provinces in the chamber reserved for them is only imperfectly proportional to the number of their inhabitants. The development of democracy in the 20th century is badly suited to equal representation for small and large federated elements. Its refinement represents the first stage of neo-federalism, but not the most important one.

Neo-Federalism in the 20th Century.

The route to an authentic federalism has been established by Germany from the time of her first republican constitution, voted for at Weimar in 1920. It provided for a *Reichsrat*, like the current *Bundesrat* under the constitution voted for in Bonn in 1949: this is formed not of deputies elected by citizens, but by members of the governments of each *Land*, which dispose of between 3 and 6 block votes, according to whether the *Länder* have less than 2 or more than 7 million inhabitants. This innovation is crucial and is in keeping with the logic of federalism. From the moment in which the second chambers express the autonomy of the federated states, this autonomy is best represented by the local governments which precisely embody it, rather than by elected members whose equal numbers for each one symbolise the equality of the federated units, but represent opinions rather more than an independent decision-making capacity. In law, the relative balance of the federated governments does not conform to the theoretical equality of the territories that they manage. In practice, this relates to the fact that the population confers to the individual states a different degree of influence at the federal level, without this being exactly proportional to the population level itself.

The representation of the federated units in the second chamber through their governments, and not through members elected by the people in equal numbers for each federated unit, represents the key aspect of 20th century neo-federalism. The relative balance of these govern-

ments' votes according to population levels is simply the complement of this. The first innovation derives from the legal notion of federalism. The second corrects the excesses of this notion through a political compromise. The importance which the federated governments have assumed, raised in this way to the status of federal co-legislators beside a first chamber which represents the populations, sets up a confusion of powers of a nature heretofore not experienced, since the members of the federated executives are involved in the federal legislature. In this way, they participate to a certain extent in the sovereignty of the federal state.

Nevertheless, this in no way alters the fact that neo-federalism and classical federalism are both variations of the national state, the only titleholder of sovereignty defined as a supreme and independent power which avoids all obligations to submit to a superior authority. As for all nation-states, the federal state is submitted to obligations only if it has accepted them in a contractual commitment with its equals, which are other sovereign states. The federated units are not states. Moreover, only in the United States are they given this name, where the term "state" refers solely to the federated states: the federal state is designated as the Union by the constitution and popular usage. Elsewhere, federated units are called cantons, provinces, regions or countries. They have enormous internal autonomy, but in no cases are they sovereign. The federal state is none other than a very decentralised national state, whose competences are generally defined by precise attribution: all competences that the constitution does not recognise belong to the federated units.

The Open Federalism of the Community.

Classical federalism and German neo-federalism are limited to the federal state, the sole titleholder of sovereignty in the combination comprised of itself and the federated units. Among the member states of the Community, each of which is a real and proper state and titleholder of the essentials of sovereignty, there exists none which is willing to change its status in order to become a simple federated unit. Whether large, medium-sized or small, no state considers it advantageous for the Community to fuse into a federal state, which with its twelve current members would already total 345 million inhabitants.

Including the six EFTA states and the twelve ex-people's democracies, it would become an enormous federal state of 500 million inhabitants, through the fusion of thirty or so nations stretching from the Atlantic to the mouth of the Danube, and from the North Cape to Cyprus. This

monster would be internally ungovernable, and would find itself highly restricted in international relations since it would enjoy only one vote in the UN's General Assembly and only one veto in the Security Council, like the United States, instead of its current 30 or so votes and vetoes. Altiero Spinelli did not hope for this closed type of federalism which, by creating a superstate, would further distance the peoples from the sovereign decision-making power.

"The international unity" discussed in the Ventotene Manifesto can only be an open federalism which reunites the national states, which history has established, in a structured whole around a common civilisation of which they embody particular forms; each of which, moreover, is being threatened by the globalisation of economies and of mass media. In this perspective, the Community seems an original system, which is developing itself on the basis of classical and neo-federalism. In this way these political ideas are the precursors of a new model of political society, the third to be invented and experimented, following the democratic city-state and the nation-state. A political society which will take a more precise shape with the division of sovereignty between the member states, which at the outset held it exclusively, and the Community's authorities which have already received some of it.

But this type of Community is still in embryo. It is transforming itself very slowly into an adult organism, and has adopted only very partially the legislative institutions of neo-federalism. The European Parliament could fulfil the functions of a chamber of people's representatives if it had full legislative power. The Council could symbolise a chamber of the states, represented by the ministers of their respective governments, as in the German *Bundesrat*, if it did not take on 80% of legislative power and a good portion of the executive one. The governmental authority remains weak and disorganised, and risks becoming anarchic if the enlargement of the Community currently underway is not preceded by profound institutional reform. The governments are not disposed to carry this out, nor to leave others to do so. But the parliaments, if they so wished, could assume the task.

II. The Time of the Parliaments

Reducing the Council of Ministers to the sole legislative functions appropriate to the title of Council of the States, transferring to the Commission all the Community's executive competences, elevating the European Council to a supreme Council of the Union which would

eventually be able to unite at the level of foreign ministers in order to carry forward diplomatic and security cooperation and common policies, endowing the European Parliament with a general power of co-decision for each Community legislative act: these are the principal reforms which would enable the development of real open federalism, based on a division of sovereignty with the member states. The governments will never do it, but the European Parliament has the means to force them to start some of these reforms, and the national parliaments can help it transform the Community.

The Power of the European Parliament.

The procedure for admitting new members offers the European Parliament the same chance to impose its own authority that the British Parliament found a few centuries ago in the power to authorise the collection of taxes, when it subordinated this process to the fulfilment of its requirements. The Crown never conceded anything spontaneously to the members of parliament: they won all their prerogatives using the technique of "yes, on condition that...." The governments of the states which sit on the Community Council will never concede an important power to the European Parliament if they are not forced to do so. Today they want Austria, Finland, Norway, and Sweden to join the Twelve. But this is not possible without the deputies' approval, requiring an absolute majority — that is 260 votes. Nothing prevents the Parliament from submitting such approval to the condition of institutional reform, which would be applied simultaneously to admittance. In this way, it can force important changes.

Citizens would understand perfectly well such a move, since it corresponds to an obvious and urgent interest of the Community. I will mention only one of the required reforms, since it would open the way to closer cooperation between the European Parliament and national parliaments, which is indispensable. This reform concerns the selection of commissioners in order to end an anomaly which could undermine the whole functioning of the Commission. In theory, its members do not represent the states, but in practice they are nominated by the governments. The Maastricht Treaty provides only for consultation with the appointed President prior to the nomination of each commissioner. Why not take a step forward, making a gesture towards national parliaments which corresponds to the rationale of the institution? It is sufficient that the European Parliament put among the *sine qua non* conditions for its

approval of each new admittance a demand of this type: "The members of the Commission are to be chosen by its President subsequent to his nomination, each one from a list of six names drawn up by the parliament of the relevant state on the basis of four names provided by its majority party or coalition and two by its opposition."

The Cooperation of National Parliaments.

It is indispensable to involve the national parliaments in the decisions of the Community, as opposed to the current situation in which the states are represented exclusively by the governments. This monopoly, natural for diplomatic relations, is unacceptable in a multinational structure in which the peoples must be represented, not only as regards their desire for union, by the European Parliament, but also in their national diversities by the parliaments of the states. Altiero Spinelli wanted the 1984 constituent treaty project to be sent directly to these latter so that they would discuss it before their governments did. In fact, the parliaments of the states have not examined the text since it was too far removed from their concerns. The "Conference of Community Parliaments" which met at Rome in November 1990, has thrown a bridge across the abyss of misunderstanding which then separated the two categories of people's representatives. It brought together a third of the European deputies with two thirds of the states' parliamentarians, so that the latter (who number 7,000) might be better represented (a requirement for a majority of two thirds for all votes was provided for in order to re-establish a balance). The two types of representatives were able to debate together without difficulty in an excellent atmosphere, combining along the lines of parliamentary groupings, where the elected members of similar parties easily placed themselves.

A New Constituent Power.

Voted through with an overwhelming majority, following the discussion of 200 amendments, the "Final Declaration" did not possess legal validity: but it was the first constituent text of the Community which rested undeniably on a double democratic legitimacy. The speaker of the European Parliament proposed that the conference of the Community parliaments become an element of a real and proper constituent procedure. The European Parliament would primarily decide on the first reading a constitutional project limited to some essential point. This

project would then be debated by a conference of the parliaments. The "Final Declaration" agreed on by this conference should furnish instructions to the European Parliament for deliberation in a second reading; this text could finally be sent to the Council of the Union or to an intergovernmental conference, possibly after being scrutinised a second time by the conference of parliaments.

It would be difficult then for the Council of the Union or for the intergovernmental conference not to take note of a constitutional project drawn up under these conditions. In the current stage of the Union's development, it is impossible to provide for a constituent procedure based solely on the European Parliament. But it is no longer possible to tolerate a constituent procedure relying solely on diplomatic techniques, as if ordinary treaties were at issue and as if the Community and the Union did not exist.

The governments and parliaments of the states, as well as the German Constitutional Court, should also consider the example of two democratic confederations when they changed their confederal statutes. Only twelve states in the US voted in favour of the 1787 constitution; Rhode Island even refused to send deputies to the Philadelphia Convention, and the constitution was applied after no more than nine states had ratified it. Only fifteen and a half cantons, out of twenty-two, ratified the 1848 Swiss Federal Constitution, which the other cantons subsequently applied to. The European Community is today much more integrated than the Confederation of the United States was before 1787, and the Swiss Confederation was before 1848. This is why ideas about federalism, confederation and the Community deserve to be examined more fully than they have been in these few pages.

Which Constitution for Europe?

ANTONIO PADOA-SCHIOPPA

1. Seen from an Italian viewpoint (during the most dramatic period our country has experienced since the immediate aftermath of the war) the Community ideal presently assumes particular significance. The destiny of our country is more than ever bound up with its relationship to Europe. Simultaneously, the future evolution of the Community and its transition towards Union (an objective which, even though formally achieved by the Treaty of Maastricht, still seems distant) are also linked to events in Italy much more than is sometimes held to be the case, since our country has till now represented a vital pillar of the EEC — both as a large market, whose recession can determine economic recession in Germany and France, and as the driving force behind a significant number of evolutionary features in the Community's construction.

Yet, setting aside the issue of Italy itself, let us consider the European situation. An observer who simply goes by press reports and the opinions of the great majority of economic and political experts can not avoid the conclusion that Maastricht's ratification represents a Pyrrhic victory. This is because certain countries have opted out of the most important objectives of the treaty; because the convergence criteria for monetary union which the treaty demands seem remote for certain countries (starting with our own); because the automatic timetable established for monetary union has been called into question and indeed in part contradicted by the German Parliament and Karlsruhe Court; because the most serious economic crisis since the establishment of the common market is encouraging protectionist tendencies, and causing reactions at the national level rather than generating answers at the European level (demonstrated by the lack of success so far of Jacques Delors' proposals for job-creation programmes); because the inter-state cooperation which had ensured the success of the European Monetary System (EMS) for fifteen years is now, after the crisis of recent months, only a memory; and because one looks in vain to national politicians, business leaders and public opinion itself for that creative spirit, moral tension and desire to

break with a tragic past, without which the Community adventure would never have got off the ground.

A pessimistic attitude, then, has been prevalent for several months, and not without good reason, as outlined above. Yet such an attitude, while not helping to overcome the crisis of the Community's institutions underway since 2nd June 1992, is not a rational assessment of the situation either. Incorrectly, realism is considered a characteristic of only pessimistic analyses about Europe. On a number of occasions in the past, predictions of the failure of Community projects have been shown to be baseless, and hence pessimists have become, with hindsight, upside-down idealists, reverse utopians. Recently, once more, those who predicted that Maastricht would never be passed into law were wrong, and those who foresaw ratification were right. The same erroneous foresight now tells many that Maastricht, although ratified, is stillborn. On the contrary, the treaty's potential is still all there to be developed, and doing so will depend mainly on the political and operational dynamism of the Community's institutions — as was the case with the 1986 Single Act. A new white paper (or rather, a series of white papers) could serve to establish the route that will lead to the fulfilment of the treaty's objectives on the variety of fronts which have been opened up: from cohesion to trans-national networks, the environment to scientific research, foreign policy to security issues, domestic affairs to judicial ones (leaving aside monetary policy whose stages were defined with unusual precision).

Yet it is clear that even this is not enough. Maastricht notwithstanding, the blueprint which lies at the heart of European construction remains incomplete.

2. Those who reflect on what the Community will comprise of, if one accepts the achievement in the not-too-distant future of the aims set out in the treaty on political union, can not avoid dealing with some basic problems. These problems concern the constitutional outline of tomorrow's Europe.

The Community was brought into being by an international process, in the form of a treaty which other countries have gradually adhered to. The different treaties aimed to attain objectives of a primarily economic and political nature. Nevertheless, from the outset the tools provided for achieving the aims of the single market (hence the free circulation of goods, people, services and capital) have had the character of permanent institutions, devised in a very different way from the norm adopted for achieving specific results of inter-state political economy, however

significant. A consideration of the outlines of the structure envisaged by Jean Monnet for France and Germany to share the management of coal and steel can only conclude that the plan has the nature of a constitutional project, even though it deals with a limited sector. The Assembly, the Commission, the Court of Justice and the Council are all present. Hence, since 1950 there has existed in the form of a treaty an international organisation which displays certain constitutional characteristics. Thus it can, and moreover must be, measured also according to a constitutional benchmark. The subsequent treaties, up to and including Maastricht, have followed the same pattern. But the international law approach and the over-emphasis on politico-economic goals compared to the tools employed to achieve them (two features moreover explicable by the Community enterprise) have caused the constitutional structures inherent in the options adopted to be undervalued. It is now time to subject such frameworks to debate by experts, political forces and the general public, because the composition and the outcome itself of tomorrow's European Union depends essentially on the choices which will be made in this field. It is surprising to notice the enormous imbalance which exists between the employment of intellectual energy on analyses of the existing body of Community legislation and on analyses dedicated to constitutional problems, which are nevertheless held to be serious and pressing.

These constitutional problems are set in the perspective of the institutional revision set for 1996 under the Maastricht Treaty: this is no longer far away. Moreover, the even closer deadline of the European elections in June 1994 will ensure specific proposals are brought onto the political stage; the various European political forces will have to express an opinion on them during the electoral campaign. I will restrict myself here to highlighting briefly certain significant points.

The debate between the supporters of rapidly widening the European Union (it is useful to start using the new name, official since 1st November 1993, which is not simply a matter of presentation) to Austria, Finland, Norway and Sweden and the champions of a prior "deepening" of European integration mechanisms between current members is clear evidence of the existence of two different conceptions of Europe's future. On the one hand the vision of a large free-trade area, which is already now the largest market on the planet, but which should not impair the sovereignty of the European states. On the other, the creation of a federal union, in which certain powers are pooled and conferred on the union, while others remain the competence of the states, and yet others are entrusted to the regions, on the basis of the fundamental criterion of

subsidiarity, which is one of federalism's cornerstones. At least two arguments, which even those who support the former thesis can not ignore, serve to strengthen substantially the rationale of the latter (leaving aside the historic and idealistic reasons which can make the positions different). First, the renunciation of the full sovereignty of states is already present and operative in the Treaties in force, and to a notable extent. Second, without a reform of certain institutional norms, a future Europe of sixteen (and even more a Europe extended to the previously-Communist countries of the East) will not be able to operate effectively, not even solely as a free-trade zone. The decisions of the Council will be slow or even paralysed, the Commission over-sized, the European Parliament overwhelmed by simple opinions on questions of detail, popular support for important decisions absent or half-hearted, and the vital link between voters and political representation almost non-existent.

As for monetary union, it in turn conditions the single market itself, since the autonomy of individual political national currencies is incompatible with the stability of exchange rates in a regime which allows the free circulation of goods, services and capital — as the crisis in the EMS clearly demonstrated. Without exchange-rate stability the single market will be unable to function; yet exchange-rate stability will be impossible as long as the national political currencies continue to be autonomous. The convergence method agreed on in the Maastricht Treaty (limits for inflation rates, budget deficits, and national debt) represents the condition Germany demanded and won for her backing for a single currency. Such a fundamental objective is in Germany's national and economic interest (as the more far-sighted observers, including German ones, have recognised for some time now), yet the abandonment of the Mark provokes understandable resistance and widespread fear — this can not, and should not, be ignored. In principle, it would clearly have been simpler, more logical and quicker to follow a reverse order from Maastricht's, creating a single currency immediately and then resolving the problems of transition with the tools of political economy — just as Germany has done with its unification. This has not been possible, and there is nothing to do except take this fact on board. The aim of a European Germany, which lies at the root of the initiative to unify our continent, is too important and too vulnerable to be abandoned. The real risk for the European Union (and for Europe and Germany itself) is that Germany will loosen its ties with the Community under the illusion it could do better on its own. For this reason the Maastricht route to monetary union,

which Germany proposed, should be accepted and followed without second thoughts.

Yet both convergence and the single currency lead to upheaval and sacrifice for less well-equipped countries, among which is our own. Herein lies the current urgency for, and future importance of, a Community cohesion policy, which presupposes in its turn an appreciable increase in the Community's own resources. The structural increase of the Community budget is even more necessary and urgent in a period of serious recession, such as the current one which is affecting all EEC countries. Jacques Delors has for some time lucidly stressed the importance of moving in this direction. But so far the governments have been unable to respond positively, victims of a short-sighted interpretation of the relationships between the Community and national states. This is the latest symptom, and clearly of prime importance, of the structural difficulties which hamper the functioning of the Communities' bodies.

3. It is time then to think about institutional remedies. These are few, simple, and were formulated some time ago, but so far have been rejected by the governments when reforming the Treaties.

Unanimous decision-making in the Council of Ministers must be overcome. While the Treaty of Rome already established majority decision-making for certain categories of decisions, and while the Single Act achieved significant steps forward in this respect, Maastricht has not marked up any real progress. A unanimous decision by ministers is still required for the most important categories of decisions, relating to over forty topics foreseen by the Treaty. The slowness and hesitancy of Community decisions in, for example, fiscal matters is due to the unanimity constraint, which is in opposition to any rational principle since it substitutes for the will of the majority the veto power of even a single state, even when there is a widely-held belief that it is in the common interest to take a decision.

While majority decision-making is needed in all new areas of Community competence, it is clearly justified that a qualified majority should be prescribed for the most important decisions. The weighted-voting criterion is correct, given such large population differences among the member states. A certain over-representation of the smaller states is justified, as established in the treaties. It may be opportune, also, to adopt the currently-circulating idea (already contained in the 1984 European Parliament Treaty project, the Spinelli plan, misunderstood source of all subsequent Community institutional reform projects, none of which

moreover has approached it in quality) to couple the weighted voting of ministers with a calculation based on the number of people a minister represents, such that a decision requiring a qualified majority will be carried only if states (through their presence in the Council) equal to four-fifths of the Community's population approve it. In itself, such an integrated requirement would be unnecessary if there were weighted voting. Yet it can serve to clarify to the public and politicians in general the principle by which the peoples of the various nations form a single people for the range of decisions under European competence.

This is a fundamental principle, the affirmation of which will contribute to the achievement also (and in fact primarily) of the constitutional concept of European citizenship. This is a concept which the Court of Justice will most probably develop in its judgements, and which is destined to evolve in the European Union well beyond the still-restricted limits set down in the Maastricht Treaty, which nevertheless has the merit of having introduced it for the first time.

The second category of institutional reforms to deal with involves the drwing up of Community legislation. The co-decision procedure introduced by the Maastricht Treaty (which adds to, without replacing, the four previously-existing procedures: consultation, conformity vote, co-operation, and approval of the budget) clearly increases the role of the European Parliament in the specified sectors. But its drawbacks and limitations are many and serious. On the one hand, the procedure is so complex (no less than eight stages are foreseen) as to make the passage of legislation barely feasible. On the other hand, the absolute majority requirement for amendments by the European Parliament makes reaching the threshold extremely difficult in practice. No national parliament demands this for its own normal legislative activity, since it would rapidly lead to paralysis.

Third, and most significantly, co-decision is limited to a few areas, which are not critical, and is excluded from all matters of greater import within the Community's competence. The coherence of such an arrangement escapes any objective observer: if the European Parliament is held to have a role to carry out, such a role will not be situated elsewhere than in the field of legislation. The only solution to adopt, then, is that of attributing legislative co-decision powers to the European Parliament in all matters, finally ending the consultative role, which is meaningless when conferred on a body elected by universal suffrage and hence endowed with a maximum amount of legitimacy. Thus, the co-decision procedure should be reformed and simplified, and made operational with

decisions taken by simple or qualified majority (the latter to be required when a qualified majority is required in the Council of Ministers); but above all it should be made general practice for specifically legislative decisions.

It is vital to appreciate the political and constitutional implications of this extension of co-decision powers to the European Parliament. When the Community's democratic deficit is discussed, it is necessary to keep two aspects distinct in our minds. The first is that which underlines the necessary connection between popular sovereignty and the exercise of governmental authority. The arguments against Eurocrats, not infrequently stirred up on purpose, have in this respect some basis in reality. Or rather, they had a basis in reality, since the Maastricht Treaty has made considerable progress specifically in this regard, introducing the principle of a Parliamentary vote for the nomination of the Commission President. This link is needed, since only in this way will it be possible to translate the results of popular elections to the management of the Community government's programmes, which is concentrated in the Commission. The only coherent alternative to a European Parliament vote of confidence in the Commission and its programme is the direct election of the Commission President himself. But that presents obvious problems, not only for linguistic reasons.

The second aspect of the democratic deficit concerns the Community's legislative powers. That the member states have a role to carry out here is fully in accordance with the constitutional profile. The Council will be able to continue to guarantee this role, which in practice establishes the Council as the House of Community States — naturally, with decisions always taken by simple or qualified majority voting. But it is indispensable that the organ which represents the direct expression of popular sovereignty at the European level has in turn a legislative role — specifically the power of co-decision. The crucial link between popular will, elections, the legislative programme, the enactment of such a programme and then renewed elections, will only be realised in this way; and not before. This is one of the indispensable foundations of modern democracies. It is almost impossible that democratic states among the world's most advanced, have been able to ignore this basic constitutional right of their peoples — who constitute, for the matters entrusted to the Community level, a single people with a single Parliament.

While co-decision for the European Parliament is the solution for legislation we could define as "high" in 18th century terms, for lesser legislation of a regulatory nature, it is instead necessary to confer more

powers on the Commission, so as not to burden the European Parliament with many technical and executive decisions, unsuited (and moreover dangerous: the risk from lobbying is not to be underestimated) for a directly-elected body. The revision of the legislative hierarchy, set in the Maastricht Treaty for 1996, should provide the opportunity for such an important innovation.

More generally, the Commission must prepare itself to accept the European Union's governmental functions. The principle of the balance of powers, one of the key features of modern constitutionalism, requires that art. 145 of the Treaty of Rome be modified to reduce the current duplication of functions between the Council and Commission.

Naturally, these are not the only institutional reforms one can think of. In practice, many others have been written and talked about on many occasions: from different periods for the rotating Presidency of the Community to reducing the number of Commission members, from increased powers for the Commission President to the attribution of powers of constitutional control to the Court of Justice, from publicising the debates which are held in the Council to a new European role for the regions, and so on. However the two above-mentioned vital reforms (spreading the majority principle in the Council and the power of co-decision for the Parliament) are necessary and sufficient on their own to bridge the divide which still separates the European Community from the Union.

Furthermore it should be foreseen that in the new areas which distinguish the Union from the Community (foreign policy, security issues, justice, internal affairs), there will become established over time a duly planned institutional transition, similar to that launched in the fields of economic and monetary union, which proceeds gradually from intergovernmental cooperation to Community procedure. The logic of integration is in fact exactly the same: establish joint provisions at the European level for those (and only those) issues which are better resolved together at the European level than separately at the national level. It is the concept of subsidiarity, also introduced for the first time explicitly in the Maastricht Treaty, which sets out the long and arduous route to take.

4. It is natural to ask at this point what is preventing the adoption of institutional measures, such as those suggested immediately above, which are certainly not novel. The answer is not difficult: the resistance of certain governments, sections of the national political classes, parts of public opinion egged on by the media, and some vested interests.

Together, these forces represent a formidable coalition. If the resistance of the governments to the prospect of renouncing another portion of their prerogatives is, so to speak, physiological, certain governments (there is no point specifying which) are basically hostile towards federal developments (which the two above-mentioned reforms in effect are), cloaking this attitude in some serious, and some not so serious, arguments. Less serious is the pretence that the national parliaments are still totally sovereign (and oppose on this basis co-decision for the European Parliament), or the argument that governments can not for reasons of principle renounce the right of veto, when on the contrary adhesion to the Treaties has meant for some time now that all (Great Britain included) have recognised supernational authority over a significant range of issues connected with the economy, social law, competition rules, and so on. Neither the parliaments nor the governments nor the national courts of justice are full-sovereignty titleholders any longer.

More serious is the argument of the unacceptability of a European superstate which eliminates national peculiarities. But the concept of federation, precisely intended, excludes this danger. And it is clear that Europe, for the diversity and extraordinary richness of its ancient and modern history, should not eliminate its differences but rather foster them. The uniforming tendencies of some federal states, starting with the US, should and can be avoided. The introduction of the subsidiarity principle also has this objective. One of the aims of federal power is that of helping the member states to guarantee their own specificity better than would occur in a co-habitation arrangement between independent and seemingly sovereign states, where often the supremacy of the strongest ends up imposing itself on the weakest — in politics, the economy, currency matters, custom, scientific research, and even in artistic and literary culture.

My insistence on this point is due to the fact that it is central to the foreseeable constitutional pattern of the future Europe. The different levels of autonomy (municipal, regional, national and European levels) should be catered for in context, without any of these being sacrificed or, alternatively, raised up at the expense of others. It is right and necessary to think of a Europe of the regions; but also the independence of local government on the one hand, and national identities on the other, should be preserved. Identifying with greater precision the various competences of the four levels, from the commune to Europe (not forgetting the fifth level, the planetary one, symbolised by the UN), and regulating their co-habitation, represents one of the central tasks of constitutional doctrine.

Furthermore, it will be necessary to establish at the European level a legal and constitutional framework for protecting linguistic and ethnic minorities which will enable the overcoming of the false dilemma between subordination to a central power and sovereignty. The incorrect definition of the problem in an authentically federal sense has provoked the useless and dangerous multiplication of new states in Central and Eastern Europe, when not actually the horrors of ethnic cleansing. A genuinely federal constitution should (will have to) guarantee that different cultures can flourish in harmony within the same structure, in a "horizontal" form of federalism which operates alongside that of the various territorial levels.

But returning to the evolution of the Community towards federal Union, a core of states would like to conduct this to conclusion while other states are (or at least seem) to be opposed. The principle to affirm is that while no state should be obliged to accede to the federation against its will, no state can impede others from doing so.

This is a fundamental point, which concerns the future prospects of European construction. When Britain, after a waiting period lasting several years, entered into the EEC, it accepted the Treaty of Rome in its entirety. Subsequently, it accepted the election of European parliamentarians by universal suffrage but it remained outside the EMS. It accepted the 1986 Single Act because this facilitated the realisation of the single market objective which it held dear, and to which specifically a Briton, Lord Cockfield, had contributed fundamental ideas and practical plans. Britain ultimately accepted the Maastricht Treaty, but arranged with the other member states to apply only parts of it, remaining outside monetary union and the social charter. Denmark acted similarly (with even more significant exceptions, but without modifications to the Treaty) prior to her second referendum. This situation could be defined as "agreeing to disagree" and may be used again in future. It is foreseeable for monetary union, in a scenario where an initial core of states meets the conditions to proceed more rapidly, and decides to do so rather than wait for the others.

However, when a new Treaty provides for new institutional rules (which those outlined above are, and whose adoption could and should occur in 1996), the lack of adherence to such rules by certain member states raises problems that are anything but simple. The same decision can not in practice be taken by the same institution using two different procedures. In such an instance it will be necessary to provide a mechanism of variable geometry, which would introduce the new procedure and make it binding only for those member states who had approved it in the new Treaty; while for the others only decisions taken under the old procedure would continue to apply. On principle, this is possible. It is worth recalling that in November 1987 there was a meeting in this same University of Milan between professors of Community law, whose theme was precisely this: "Community and European union: two incompatible institutional frameworks?" The answer, albeit formulated in various ways and requiring further study, was that compatibility was not legally impossible, even on the basis of art. 41 of the Vienna Convention. It can be predicted that the same Community bodies will operate with partly different procedures, according to the situation, as organs of the Community and as organs of the federal Union.

In the meantime the Union Treaty has crossed the finishing line, ratified by all member states following the well-known events. But the issue is destined to be re-opened: the real knot of the alternative between Community and federal Union was not dealt with at Maastricht, since it is a problem of a constitutional nature. It will be resolved only when the two above-mentioned reforms (co-decision and the principle of majority voting) are confronted. And then it will be necessary to choose between three different paths: adoption of the two principles by all the member states (the federal union path); institutional status quo (the maintenance of current Community procedure for everyone); and dividing the states on the basis of their federal vocation or lack of one.

It is clear from the above that the first path should be chosen, and if this proves unachievable, the third. This is with the hope and prospect that, either immediately or after a while, such a federal Union will be joined by all the member states, to whom moreover the door must always remain open without conditions.

5. Solving the compatibility of Community and federal Union, while not impossible, as outlined above, is however much more difficult following the entrance into effect of the Maastricht Treaty, in as much as the new competences of the Union have been accepted, with some significant exceptions, by all twelve states. Clearly the compatibility of the Community and the federal Union will become increasingly difficult to manage as the competences become more entangled. And hence the knot will probably have to be cut and not untied.

Maurice Duverger in a notable article in 1991 has already argued for contrasting the Union with the Community, asserting that with the Union Treaty the states in reality intended to create a new pact, clearly distinct in conceptual terms from that which gave birth to the Community. Hence

the new Treaty should have been drawn up as such, and not as a revision of the previous Treaties along the lines of art. 236 of the Treaty of Rome. Such an argument is certainly bold, although it clearly contains political and juridical worth.

This issue can not fail to be re-opened during the reforms set for 1996. The need for unanimity when revising the Treaties, defined in art. 236, is a formidable and perhaps fatal obstacle to the continued construction of Europe. It is sufficient to consider the immense damage (probably even quantifiable: consider the monetary crisis) caused to the economies of all the Community's states by the delay brought about by the two Danish referendums. It now seems indispensable to modify art. 236 along such lines that revision treaties in future enter into effect when they have been ratified by a certain number of member states whose population is, for example, four-fifths of the Community total. It is worth noting that without such a rule, perhaps the US itself would never have been born. For the future Europe, should such a choice be considered too bold, the validity of a new treaty could be restricted only to those states which ratify it, exempting non-ratifiers.

The same basic problem is posed for this reform that has already been referred to in connection with institutional reforms. What happens when unanimity is not reached in an intergovernmental conference on a majority-voting reform of art. 236, or some states fail to ratify this? It is this prospect which has led some to say that the knot should be cut and not untied. Sooner or later, on this point as on others (and probably sooner than on others), the states which have decided to complete European construction will have to demonstrate unequivocally that they will not be blocked by states who are against proceeding; even at the price of extreme measures, such as denouncing the existing treaties in order to conclude a new and more advanced one, valid only for those who adhere. It is to be hoped (and likely) that this measure will not be necessary, but it should be seriously considered from now on.

This raises the issue of what procedure to follow in order to conduct institutional reform to a satisfactory conclusion. The intergovernmental conference method has so far been the rule, and it is highly likely that this will be adopted also in the future, perhaps with a prior investigation entrusted to a commission of experts chosen by the heads of state and government of the European Council. But experience has shown that this procedure has certain limitations: a procedure which does not leave the guiding of reform only to ministers is needed, especially when redistributing powers and competences between Council, Parliament and Com-

mission is required. To hope that the Council of Ministers will proceed on its own to sanction the re-balancing of its powers with respect to those of the Commission and the Parliament is really to hope too much. A solution which seems more just and effective is to attribute a constituent co-decision role to the European Parliament.

The reform project must certainly be debated and approved by the European Council; and in this context the attitude of France will be of central importance, since without her support and agreement all progress is impossible — but so far she has shown little enthusiasm for institutional reforms. Following this, the project must be debated in and possibly amended by the Strasbourg Parliament, and sent to the national parliaments for ratification. It would be ideal if a fruitful period of work developed forms of collaboration between the national and European parliaments through the mechanism of the Assizes, successfully launched in recent years. It is right that on the subject of European constitutional reform the national parliaments should have a voice in the process. And it is fair above all that the body which represents the political will of all European electors should be involved in this project. Indeed, in Italy, the 1989 referendum on the constituent powers to confer to the European Parliament had such a resounding success (88% of votes in favour) that each reform scenario which ignores a contribution for the European Parliament should be rejected by our country.

In effect, the role of the European Parliament must, and can be, much more incisive in the future. Future historians will ask for what reasons this body, despite being endowed with immense potential even in the sense of a political force, has, following Altiero Spinelli's death, not acted more resolutely and decisively to push the Community on towards the goal of federal union — especially these last two years. The campaign for the 1994 European elections which is now close at hand will represent an opportunity for a commitment from which the future parliamentarians will be unable to extract themselves. It should not be forgotten that the enlargement of the Union/Community to new countries, following Maastricht, now requires the approval of the European Parliament. Hence, the Parliament can, in return for its agreement, set the condition of adopting institutional reforms, so as to avoid the otherwise considerable risk of paralysis or dilution of the Community into a mere free-trade zone. The current weakness of the European Parliament induces the belief that only the effective mobilisation of significant sections of public opinion will succeed in generating decisive momentum in the direction outlined here.

6. Which constitution for Europe? The above considerations may have furnished some elements of a reply to this question, which is crucial for the future of our countries, and indeed not only for them. In fact, non-European peoples and states, from China to Central America, Africa to the countries of the ex-Soviet Union themselves are watching with considerable, and growing, attention the Community and its development. This Europe is a potentially highly influential constitutional laboratory. And it is not unreasonable to envisage that, just as the national state model has influenced, with its positive and with its destructive and tragic aspects, the political evolution of other continents, so the federalist hope which lies at the heart of the Community adventure can, if conducted to its natural conclusion, inspire the political and constitutional evolution of other states and continents that are currently prey to anarchy.

For this to happen, the genuinely constitutional nature of the choices to be made in the European sphere must at last emerge with clarity. Principles such as popular sovereignty, the balance of powers, subsidiarity, fiscal federalism, local autonomy, protection for minorities, and the international authority of the UN should be openly discussed as regards their practical implications at the Community level. At the correct moment, citizens will be directly involved and consulted, as long as individual constitutional systems provide for and allow it. They will be asked the fundamental questions, the only ones a referendum should pose: for example, "Are you in favour of the gradual evolution of the European Community towards democratic and federal Union, while fully respecting national and regional characteristics?" If the question is clear, so will the answer be: clear and constructive, as opinion polls have for many years now confirmed.

After four decades of a so-called implicit constitution, which emerged from the Treaties but was never organically structured; after a creation such as the single market, which has helped Europeans reach unprecedented standards of living; after an evolution crowned by such successes as to make people sometimes forget the real roots of the continental unification initiative (which are idealistic roots, the rejection of fratricidal wars between our nations; see the splendid pages in Jean Monnet's autobiography), the time has come to trace the guidelines for the future Europe's constitution. May the celebration of the first 50 years of this noble Movement, founded by Altiero Spinelli and now led by Mario Albertini, which has from its birth struggled for European Federation, offer material for reflection and provide worthy ideas for action — now for ourselves, and in the future for those who will come after us.

Thirty Years Ago

FOR A REGULATED USE OF NATIONAL AND SUPRANATIONAL TERMINOLOGY *

MARIO ALBERTINI

1. *Ambiguity in the concept of the nation.*

The concept of the nation is of central importance in our theoretical and practical work. This brief introduction aims to try and apportion to this idea and word a reasonably precise meaning — at least precise enough that it may be usefully employed. To achieve this end it seemed necessary to take into consideration, within the same perspective, the idea and terminology relating to "supranational"; it will also be possible to specify this word, which is currently used as haphazardly in political circles as in cultural ones.

The national and supranational concepts have until now been scantily studied, and hence do not correspond to precise ideas. As a result even their connection to each other is confused. In this historic moment, with the return of nationalism in Europe[1] and the complete diffusion of nationalism throughout the Third World, such a situation is regrettable. I have previously emphasised in another issue of the review the extent to which the jingoist equation of *independence of nations (as small as desired) = political, economic and cultural independence of its members*, has spread as much to the right as to the left, notwithstanding the terrifying experience of bloody sacrifice for the nationalist idol in our

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* An initial version of this essay was published in *Il Federalista* in 1961.

century. Here, it is simply worth adding that the national idol, in periods when it hides its ferocious face and does not legitimise the killing of man by man, nevertheless feeds the costly magniloquent rhetoric of the ruling classes. It is extremely important to oppose to the ideological use of national terminology, which simply serves to maintain people's ignorance of the state of their society, a regulated use of such terminology, which will allow these same people an awareness of the nature of the political society they live in.

That established, let us return to the problem at hand, and notice that the term "supranational", and expressions such as "supranational unity", "supranational ideals", do not have an immediately obvious meaning. The word "supranational" simply suggests the idea of something which exists above the nations, but this something, whose nature is unspecific, renders uncertain the meaning of the concepts of "unity" and "ideal" themselves — they could be equally religious, moral, social, and so on.[2] Moreover, though we live in a world of "nations", we should admit that the idea of the nation is not particularly clear. For many, unfortunately even among "Europeanists", this viewpoint will seem paradoxical, but in fact it is entirely justified. Anyone who remains unconvinced should reread (yet how many have already done so?) Renan's famous essay on the nation.

Renan denied that the basis of the nation lay in language, in traditions, in race, or in the state, with the simple and inescapable observation that none of these elements is, in such a case, either understandable (race), always present where historically-existing groups of people are composed of individuals who consider themselves to constitute a nation (language), effectively coinciding with the national group (traditions), or specific (the state); he attempted to establish such a basis exclusively in the will to co-habit, in the "plebiscite of every day": yet this idea provides us with little information until the "how" of this co-habitation is better explained. Naturally, to overcome this difficulty and explain the "how" at this stage of our understanding of the issue, we can only say "co-habitation as a nation" but in so doing we simply re-phrase the same question: what the formula "co-habitation" is supposed to clarify (the nature of the nation) remains yet to be discovered.

In his famous essay *Qu'est-ce qu'une nation?* Renan did not realise he had invented a formula rather than established the character of national society. For this reason, while he links the formation of national will to the historical process, he is unable to establish determining factors and precise facts. In this regard, he also writes: "Oblivion, and even historical

error, are essential factors in the creation of a nation, and it is for this reason that the progress of historical studies is often a danger for nationality." In this vein he concludes with basing the creation of national will on irrational elements. Besides, there exist academics who have, without hesitation, explicitly formulated this idea. Johannet, for example, affirms: "There exists in all organised societies a transparent part, which is the state, and an obscure part, which is the nationality."

The critical part of Renan's essay shows that such a viewpoint, in the current state of political culture, is neither personal nor arbitrary, but well-established and general. In effect Renan demonstrated the obscurity of what is apparently clear in the still current way of thinking about nations[3]: their constituent elements, such as language, traditions, descent (race), the state (common possession of a territory) and so on. Nevertheless, this conclusion, if it represents exactly the current state of the issue, can not be considered satisfactory. In reality, without a clear idea of the nation and lacking an equally clear idea of supranational ideals we end up groping in the dark specifically over the fundamental facts of contemporary politics. Hence, we should seek to specify both the ideas themselves and their inter-relationship: at least to the extent that it becomes possible to establish the facts — in other words, attitudes and institutions.

As far as the modern idea of the nation is concerned, it is worth recalling that at the beginning of the 19th century in France, the trail-blazing country for national experience, common parlance did not yet fully reflect the new historical reality of the mono-national state.[4] The word "nation" had already taken over the position held exclusively until the end of the previous century by the word "king"; but the word "nationality", which links individuals to the idea of the nation, had not yet entered into usage. There existed the "nation", but it was not yet clear that the members of the state, by then considered as the nation, would have the same "nationality." Boiste's universal dictionary of the French language included the word only in its sixth edition, in 1823, and it was defined as follows: "Nationality, s.f., national character (Mme de Staël), spirit, love, union, national brotherhood; patriotism common to all. The French have no nationality (Buonaparte). *Philosophistic* despotism destroys all nationality."

The Boiste dictionary of 1823 held the word to be new, as is shown by the symbol (a cross) which accompanied it. In fact no other word expressed the concept in question. A certain Lortet, who translated the work of Jahn on *Volkstum* (a term used controversially on purpose by Jahn in place of the corresponding *Nationalität*, which he rejected as a

Frenchism) into French in 1825, entitled the work *Recherches sur la Nationalité*. But Lortet felt the need to explain the title, which to him did not seem immediately obvious, writing in the preface: "The word *nationalité* used in the title of this book, may well offend the ears of purists and not satisfy those who wish to understand from the title what the work contains. I was unable to find a better word in our language which could be used with the same meaning."[5] In reality the idea of the nation was itself confused. It is sufficient to consider the startling contradiction of Boiste's dictionary, which, with Napoleon's quotation, seems to admit that the French, that is the individuals whom the national historiography considered as being members of the nation *par excellence*, did not share the same nationality. This concerns, moreover, a widespread view, even in this form, which seems so strange to us nowadays.

To set this way of thinking in context it is necessary to consider, on a linguistic level, that the word *nation* has not always had the meaning it currently possesses; and bear in mind, on a factual plane, the effective situation of socio-political relationships in that period. Both aspects clearly reveal their bearing in the expression *peuples de la nation française*, which in the 18th century was still current usage and hence necessarily reflected common perceptions. In this phrase, *nation* is practically synonymous with *state*, and the French state is thought of as a state composed of many peoples: today we would say a "multinational" state. In reality not only was French national sentiment not fully developed, as already pointed out, but the "divergent French provinces" still existed, each of which possessed its own forms of language, traditions and culture. Apparently, there continued to exist all the elements which, according to the current viewpoint, characterise multinational states.

Nevertheless, according to an opinion prevailing for a long time, notwithstanding these facts, France was a "nation" and not a conglomeration of different peoples. This concerns a viewpoint which most did not for the most part formalise, but which, when it was precisely formulated, resulted in the establishment of *virtual nations*, existing (it should be said) outside history since there existence can not be detected among concrete historical facts. Albert Sorel, for example, expressed himself in this vein: "The nations have existed for a long time *unknown to themselves* during the vegetative course of history. The French Revolution aroused the consciousness of their existence, and made them come about."[6]

Naturally, with opinions such as these, a serious historical interpretation of national facts is not possible. Such viewpoints illustrate in an imaginative way a real fact: the long process which led to the advent of modern national states; but they have the serious defect of confusing the process towards something with the entity itself, and of thus projecting a false light over the entire process of creating nations. In reality, if an *unaware* existence is admitted for nations, it must also be admitted that nations are groups which can have some forms of existence without their members being aware of belonging to the group — which is equivalent to asserting that the presence of certain behaviours (usually of language, etc.) are sufficient to make a "nation" of the individuals who share them, even if such individuals are only vaguely aware of this, and have certainly not yet consciously elevated them to means and symbols of their group identification. Leaving this theory aside as unfounded, it is easily observed that the viewpoints which attribute the character of the nation to the 18th century French state, and similar contexts, are emptied of meaning. In fact, in these situations, in which the individuals were not yet conscious of belonging to their hypothetical *unconscious nation*, the social attitudes which are usually present in modern national groups (which is the only fact which could establish continuity between unconscious and current nations) defined, in the territory of the current European nations, groups both diverse and opposed, and hence, in the wake of the theory in question, we should even affirm that in each of these territories (the French one and so on) there co-existed, as someone said, "diverse virtual nations" (the diverse French provinces) and not individuals, which, given their behaviour, would have formed a single "nation" even if they were unaware of so doing.[7]

2. *Nationality Based on the State and "Spontaneous Nationality."*

The fact remains that it is impossible to elaborate the characteristics of 18th century groups, as for those of previous centuries, with the modern idea of the nation. If attempted, the sole result is to render uncertain and ambiguous the historic facts themselves and it is hence impossible to establish the factors which, even at the beginning of the 19th century, rendered national terminology unspecific — a fact which should attract our interest since it demonstrates the extent to which the national reality was still fragile. It is therefore useful to consider the effective transformation of the underlying group sentiments during the evolutionary process of the creation of the state in the centuries preceding the birth of the European nations without imposing in advance national

preconceptions. These aspects are well known. The France of the 18th century was passing from divine-right monarchy to the modern bureaucratic state. The premise of this transformation lies in the process of secularisation, during which the divine-right monarch enlarged the political framework of the small local feudal units and cities to fit the actual dimensions of France itself.

As a result of this enlargement, due to which the framework of political power and that of everyday life ceased to be synonymous, custom and language became detached from the evolution of political power, and developed fairly spontaneously. Subsequently, due to the development of productive and mercantile relations which gradually ruptured the focus of everyday human life on small mediaeval units, the behaviours under question became bound once more to political power. The French revolution marked a typical stage in this process. It had as its starting point the "diverse French provinces." The National Assembly issued laws and decrees in *tous les idiomes*.

The Convention, on the other hand, changed tack, and decided to issue laws and decrees only in French; but was also obliged, precisely for this reason, to nominate a teacher of French in every district where the habit of speaking it did not exist. The decision to spread the French language was taken with the explicit aim of promoting French national sentiment. Primary education was established by the Convention with this aim. Barère, who fought energetically against cosmopolitan ideals and proposals, which were quite in vogue at the beginning of the Revolution, affirmed categorically that the goal of schools was to create "love for the country" and to prepare men to serve it. Children, he maintained, belonged to the "general family before any particular family, and when the great family, the nation, calls them, all private feelings should evaporate."[8]

The French revolution did not immediately achieve these objectives, but rather delineated, as it were, the national programme which the centralised French state was to carry out in future. The implementation of this process led to the suppression of linguistic and customary differences, and to the realisation of the modern French nation.

The process was lengthy, protracted and not linear. From before the Napoleonic period, the nationalisation of behaviours deliberately initiated in the French Revolution was consolidated and extended (alighting the rest of Europe as a consequence). But following the fall of Napoleon, the development of national ideology underwent a lull. This pause is perfectly understandable. The wars of the Revolution and Empire had as their leading force a "national" army. For the first time in the history of

France the army was based in effect on general conscription, that is on all citizens who were fit for combat; as a result the idea that the state, defended by all, should belong to all, the "nation", was spread through all levels of the population. But the idea that the French had by now more elements in common than separating them, in other words the effective character of France's *res publica* at the beginning of the last century, was still founded on a fragile basis. The unity of the French on the economic, social, cultural and political planes was in reality far from being achieved.

After the Napoleonic storm, the French, returning to everyday life, were completely involved in the mechanism of peace-time political, economic and social structures. This mechanism in the French area, as in other state areas, was not yet unitary as concerned the majority of the population. The industrial revolution had not yet, or only very partially, broken the old productive structures which isolated farmers and artisans in local communities, and differentiated them enormously, not only on an economic plane, but as a direct consequence also of cultural, social and political ones, from the bourgeoisie, the only class which was already unified economically across the large state area. For this reason the old state unity of the divine-right monarchy, which had become military unity during the period of the great Napoleonic wars, could not be extended to those socio-economic behaviours, and others connected to active participation in the power process, which would have ensured its survival even in peace time.

The ruling class and the bourgeoisie hence lost, within the limits that they had acquired it over the previous years, the conviction of belonging to the same "nation" as the little people. The long period of peace followed by the Congress of Vienna caused the war-time solidarity to be forgotten. The stability of the European balance, with its "détente", as we would say nowadays, removed the problem of military power from its central position in public life, and in this way left the radical difference of living habits, customs and conditions between the bourgeoisie and the little people completely exposed. As a result the sense of French national unity decayed, and even the old concept of Boulainvilliers, that of the cohabitation of two different "nations" within the same state framework, had a revival. In his *Du gouvernement de la France depuis la Restauration* (1820) Guizot asserted that the French revolution had been a real war between "two foreign peoples": the Franks and the Gauls, who were still, in his opinion, "two distinct races." Augustin Thierry was writing at the same time: "We believe ourselves to be a nation, and instead we are two nations on the same territory, two enemy nations in their collective

memories, irreconcilable in their objectives: one has for a time dominated the other, and its plans and eternal proposals are the revitalisation of this old conquest which has been weakened over time by the courage of the defeated and by human reason."[9]

In substance, by the middle of the 19th century, the nationalisation of the French was still very incomplete. These facts have been emphasised because, linked to well-known facts relating to the subsequent development of national ideology, they seem to be sufficient to date and establish the process of the nationalisation of individuals in Europe as a recent rather than ancient phenomenon, and one caused by two complementary factors: the centralised bureaucratic state and the industrial revolution.[10] By reconstructing the reality of the situation behind the veil of the national preconception of European history, it is possible to observe that during this process the sentiments and behaviours linked to the unity of language, custom and tradition acquired a political character, or rather, took on a new political character with respect to the one they had assumed in the Greek city-states, for example. National terminology, up to that period used unspecifically (as the word "nation" was in the same period), thus found a precise reference point: the mono-national state, the state which exploits its mechanisms of power to impose and maintain over all its territory the uniformity of language and custom.[11]

In the preceding history of Europe this had never occurred in such a systematic way, and, moreover, the phenomenon would not even have been possible since there was neither the political means (the modern bureaucratic and centralised state) nor the social conditions (the spreading to large groups of people of the interdependence sphere of human work, resulting from economic and technological development) necessary for such processes. As mentioned above, languages and customs were developed spontaneously following the evolution of religious, social and cultural relationships, without the active involvement of central political power; highlighting the French case, it has been shown how the development of the modern economy, set within centralised states, strictly bound these attitudes up with the central power.

The current uncertainties regarding the usage of national terminology and the idea of the nation itself derive from this condition. The terms in question always refer, in specific usage, to the unity of language and/or to the unity of custom, but they elaborate two very different situations: a) the relatively spontaneous unities of language and custom, that is those relatively independent of a central political power. Such social unities, which we will term "spontaneous nationalities", do not correspond

perfectly to Europe's state (and hence national) divisions even nowadays, notwithstanding the long levelling action of the states; they still survive in non-centralised states such as Great Britain where the expressions "Welsh, English, and Scottish nations" are still used; b) the unities of language and/or custom connected to the political power of the modern bureaucratic state. Such unities, in their real substance, result in the forced, that is politically-motivated diffusion of "spontaneous nationality"; but they are felt to be complete, total and natural unities in as much as they are primarily the psychological reflection of the power situation determined by the centralised bureaucratic states, and hence have an ideological character. Clearly, in (a) "custom" is interpreted in a general sense, while in (b) the idea is rather that there should be a single custom although in reality different local customs exist, while similar sentimental responses manifest themselves when people refer to their own state. Naturally, even this is custom, but one among many.[12]

Having clarified the dual meaning of national terminology, and taking into account the actual situation, we can say that 18th century France was not national since it did not have a uniformity of language and custom, and was not multinational since in that period the differences of language and custom did not correspond to different state groupings. Due to the relative independence of the nationalities from the power process, they were not translated into politico-ideological facts. Generalising the observations made so far, we can refer to the real and proper national idea as something historically established: a political ideology, based on the power situation resulting from the fusion of the state and its ethno-linguistic components, and hence on the fact that states take an interest in the language and custom of their citizens. In this practical context the term "nation" acquires its specific meaning, according to which, contrary to its etymology, it does not correspond to a unity of language and custom of a pre-existing nature and previously diffused throughout the territories that are now the seats of *nations*, but corresponds instead to an ideological fact, to an imposed, and in part manufactured, national unity of political power (partly due to effective behaviour — linguistic, etc. — and partly to the widespread representation, even if only half true, of such behaviours). In this case, the national sentiment of individuals, historically corresponding to the modern nations, does not derive from an elusive "national character" or from the mysterious "spirit of the people" but instead from the fact of belonging to a national-type state (a bureaucratic, centralised state), in other words to a state which has expanded, or wants to expand, over an area where language and customs are unifiable.

3. *"Spontaneous supranationality" and organised supranationality.*

The distinction between "spontaneous nationality" and real and proper nations allows us to understand what the relationship between "national" and "supranational" entailed prior to the French Revolution. Before the affirmation of the mono-national state, what could be called "spontaneous supranationalities" corresponded to the fact of the "spontaneous nationalities." In this context can be set the European Republic of men of letters of the age of the Enlightenment, and even more so the *res pubblica christiana*, which profoundly influenced European history, inspired even at the end of the 18th century Novalis's *Christendom or Europe* and resists even today as an ideal in many people's hearts. In effect, before the era of nationalism, the relations between people of different nationalities, at least in Europe, were based on the conviction of belonging to a "society" in which the unitary elements prevailed over the divergent ones; such relations were carried out in many fields on nothing more elaborate than a human, rather than a political, level; and they did not encounter, neither within individual states, nor between the different states, serious ideological obstacles, even if, naturally, the friction and problems posed by relations between groups and states, and by relations between loyalty to one's own state and the services offered to other states (a matter which was in any event frequent, and not considered immoral) were not lacking.

With the advent of the mono-national state the situation altered dramatically. The relationships between political loyalty and linguistic, moral and cultural values, which go to the heart of national sentiment, acquired a new aspect as the control of these values passed to the state. The nationalities, which until that time had not been called into play either by the state power process or by inter-state conflicts, and for both of which there was neither a corresponding army nor any possibility of violence, furnished from then on the strongest support for the political struggle, became the principal foundation of foreign policy and were linked up with conscript armies and with the permanent possibility of resolving differences through violence. Language, and the custom of individuals, became an issue in the struggle for power and for the making of war. The state, by this period regarded by large majorities of the people as the defender of language and custom, attracted to itself the sentiments connected to the social habits people held most dear, those which bind them to natural communities; from then on, place of birth represented for individuals as much their own city or village as their state: the nation.

This explosive combination destroyed the "spontaneous nationalities" (partly in reality, and totally in the ideological consciousness) and undermined in the relationships between states the power situation which had allowed the formation and maintenance of "spontaneous supranationalities." From one side state loyalty, heightened by new ingredients from political life, lost the old moderation based on the idea that there existed, above the states, a European society — and was transformed into "sacred" patriotism;[13] from the other the "spontaneous nationalities" were weakened in their own religious, moral, cultural and juridical roots by the ideological fusion of state and nation. Such a fusion led the majority to set the universal values of European culture in national frameworks, and to force law into the mould of national sovereignty, culture into that of national culture, history into that of national history.

In this way (and without considering here the damage caused by the concentration of all values in a single, all-inclusive perspective) the universal values of the *res publica christiana* and of the European Republic of men of letters, which linked the individuals who professed them across the frontiers of the state, were in large part substituted, in their own sphere of influence, by national values, which became state ones and hence bellicose. While the marvellous development of science and technology brought people ever closer together, politics, moving backwards, planted a new barrier among them, a national one, and interposed between people of different nationalities but of a common civilisation the tragic reality and painful memories of national wars.

The fusion of nationality and state, characterising the true nations, thus enables us to understand the decadence of "spontaneous supranationalities." We are however confronted with the fact of the survival of supranational ideals, which are no longer presented in the old forms but are showing, albeit slowly, a tendency to assume some form of organisation.

Neither these forms of organisation, today still very unstable, nor the simple historical fact of the permanence of supranational elements even in the era of greatest nationalism (historical reality can be thought of, but not fully realised, in national terms) are sufficient for re-discovering a sense of direction, a clear criterion for understanding the new form adopted by supranational ideals, which relate to an unfinished historical process, and hence are not explicable by simply describing the facts or referring to existing institutions. This criterion can, however, be established conceptually, by evaluating the fundamental tendency to the development of relations between mono-national states. As far as the new

mono-national states supplanted the old state forms and as these states, integrating social classes and groups originally excluded from power became increasingly synonymous with the nation (that is with the totality of the ideal and material interests of large human conglomerations), the relationships between individuals of different nationalities were no longer based on the conviction of belonging to a unitary "society", but, on the contrary, on the conviction of belonging to societies which were irreducibly different.

This had decisive consequences in international politics: in an age in which the interdependence of human relationships grew continuously and was hence increasingly less spontaneous and more organised, each contrast between the organised interests of different nationalities became, virtually or effectively, the subject of differences between states. For this reason the relationships between the states became ideologically and materially very difficult, and such difficulties undermined the old European balance, reducing it at times to real international anarchy, and culminating in the horrendous wars of our century.[14]

The impossibility of regulating international relationships peacefully with only traditional means of diplomacy, and the need to organise economic, cultural and other types of relations between individuals from different nations, by then deprived of the spontaneous liberty of supranational action of past periods, conferred a supranational character on the problems of peace, balance, and many economic, technical, scientific problems, and so on, and have produced the attempt to create special organisations at the international level. Our century, which has seen a height of nationalism and a maximum of crisis in international relations, has simultaneously seen the rise and growth of such organisations, which in the most advanced cases are starting to be designated as "supranational" organisations.

From a legal viewpoint such a designation is debatable since the absolute sovereignty of states has until now remained virtually intact. But the arguments which hold true when we judge one of these organisations in isolation are no longer valid if we judge the process of which they form part in its entirety, and above all if we take into account the fact that this concerns an evolving process which is still at the initial stage, hence primitive in institutional terms. From this perspective it is worth stating that a supranational process has begun which represents the tendency to subject peoples of different nationalities to common rules and to form supranational human conglomerations.

Naturally, such conglomerations will become stable and effective

only if the rules that govern them are guaranteed by a political power. These considerations enable us to establish two analogies between the national dynamic and the supranational one: a) as the passage from the spontaneous to the organised phase results for nationality in the mono-national state, so the same passage results for supranationality in the multinational state, which limits but does not destroy the mono-national states, in other words a federal state, b) in both cases the passage from the spontaneous to the organised phase causes a profound transformation: the national unities, and likewise the supranational ones, transform themselves from "national" groups in the etymological sense (where "all are born" — a city — or, as a pregnant American phrase puts it, where face-to-face relations exist) or those which do not have a stable territorial base and to which people belong only because certain values are professed (an "Italian" of the 16th century had Italian nationality not because he lived in a certain territory, which in reality rendered him Neapolitan or Tuscan and so on, but because he studied the Italian literary language), into groups which possess an organisation and a stable territorial base, and to which people belong in an active sense in as much as they are born and reside in a certain territory. These analogies enable us to attribute a political meaning to the word "supranational" and to expressions such as "supranational unity" and "supranational ideals", and to link such ideals to a historical process towards federalism, which may succeed or fail, but which nevertheless has deep roots in the practical situation of political, economic and social relationships and in the values of our civilisation.

It is possible to specify at its core both the meaning of the ideals of supranational unity and the relations of such ideals with the national idea, by observing that in the perspective of the complete realisation of the principle of the mono-national state a federal outcome is conceptually obligatory. The interdependence of human relationships is in fact extended far beyond national borders, and grows continuously in depth and breadth, a fact which leads to the necessity of organising and politically regulating such relationships. If all relevant social human activity must be regulated by some political power, and if the basis of the states must be nationality (I am referring generically to states of limited proportions, endowed with partial but effective independence, and socially well-integrated), given the unstoppable process of the unification of the world, at a certain point a choice will present itself between a chaos of diverse rules with inevitably violent outcomes and the establishment of a world federal government. This observation confirms that, conceptually, the relationship between "national" and "supranational" is a relationship of

interdependence.

In substance, from the above we can establish that: a) in the absence of mono-national states the relationships between states do not create supranational problems, and that in situations of this type there exist "spontaneous nationalities" of different types, as well as the possibility of there existing, as exists in Europe, "spontaneous supranationality", b) in the presence of mono-national states certain human relationships between individuals from different nations can no longer be effected spontaneously and require some form of political organisation following the transformation of national behaviours from spontaneous to organised ones, c) a completely structured humanity in mono-national states would be unable to uphold the classic principle of the balance between sovereign states, due to the contradiction between absolute sovereignty and the growing interdependence of human relationships at the world level, and should therefore organise such states into great continent-wide federations and, ultimately, into a single world federal system, which is the same as stating that the supranational dimension should fit that of all, politically organised, humanity.[15]

4. *Final observations of a linguistic nature.*

In conclusion, there remains only the need to make some linguistic observations. The terminology which I have introduced is clearly conventional. This is particularly true of the expression "spontaneous nationality." In reality, in the corresponding era, the word "nation" (and its derivatives) were only one of the generic terms that individuals gave both to situations of this type and to completely different situations. As is known, the use of the word remained highly generic for a long time, and could refer to groups of extremely different natures, becoming a "hot" word (and for this reason tending to be connected to a single structure), only when it referred to modern national phenomena.[16]

For this reason, and due to the fact that both in the first and second cases the word now refers to certain common elements (language, custom etc.), we considered that it was convenient to use the expression "spontaneous nationality", which highlights through the word "nationality" such common elements, but distinguishes clearly between the situation in which they are not linked to the bureaucratic state from the qualitatively different one in which they are, by the adjective "spontaneous." In this way it seems possible to make the necessary distinction - or rather, taking account of the two pairs, nation and supranation, spontaneous and organised, it seems possible to dispose of the terminology which corresponds to the concepts needed to understand these phenomena by a very slight alteration of common language, which in any case forces more the language of the past than that of the present, and avoids introducing a terminology which is completely conventional and very complicated, as for example that proposed by Meinecke in his *Weltbürgertum und Nationalstaat*, which moreover can not be employed correctly in the description of national facts because it corresponds to a conceptualisation which is not well founded.

NOTES

[1] The word "nationalism" has for some time now had two different meanings: one, prevalent in the Anglo-Saxon world, makes no conceptual distinction from the word "nation" (in this case, nationalism is the doctrine of the nation, as liberalism is the doctrine of political liberty and so on); a second, prevalent in continental Europe, where the phenomenon is more firmly established, describes a political party (or stance), endowed with its own ideology that is distinct from a liberal one, a socialist one, etc. On the continent, moreover, such "nationalist" ideologies are often contrasted with "national" ones ("it is not possible to confuse in the slightest Mazzini's nation as the people — republican and democratic — with the nation as tradition, and as a body existing autonomously above the people, as Corradini argued, for example": thus in Italia Cantimori — *Studi di storia*, Torino, 1959, p. 675 — and many others, including Chabod). Such comparisons, however, are unacceptable since they involve two concepts that are unalike: a conception of the state (of the group from which it must arise), in other words the concept of the mono-national state, and a doctrine of the way to govern it (the imperialism, authoritarianism etc. of "nationalists"). Those who make such a comparison end up by obscuring the common aspects which link both "nationals" and "nationalists", and attribute the not entirely democratic features (violence, joint action etc. that are always present to some degree in every state) of the nation to the nation of the "nationalists", following which they are left with a nation as beautiful as it is inexistent and unachievable; the purely democratic nation-people of Mazzini. Logically, it is advisable to abandon the second meaning of the word "nationalism", so as to avoid the confusion which derives from its use to describe a genre (the nation) and one of its aspects (a way to govern it); but logical considerations are not sufficient to alter words in common usage. However, on a theoretical level, it is sufficient to distinguish clearly between the two meanings of the term so as not to make the mistakes described above. In any case, in the present article, the word "nationalism" is used in the former sense.

[2] See Andrea Chiti-Batelli, Il tramonto di un feticcio: il sovrannazionale, "*Il Federalista*", I (1959), p. 61 onwards, for the meaning and related bibliography of the word in a legal context.

[3] For a more detailed treatment of this topic, see Mario Albertini, *Lo stato nazionale*, Milan, 1960.

[4] The expression "mono-national state" may seem at first sight almost useless, as if it were simply another way of saying the "national state." But, strictly speaking, the Kingdom of Sardinia, the Grand Duchy of Tuscany etc. were Italian national states just as the Kingdom of Italy was from 1861 onwards. The difference here resides precisely in the fact that the former were only Italian *national states*, while the latter was also the Italian *mono-national state*. This difference is not normally pointed out, probably due to the (ideological) habit of considering the existence of more than one state on a territory which is in some way considered as nationally unified to be abnormal.

[5] See Georges Weill, *L'Europe du XIX siècle et l'idée de nationalité*, Paris, 1938, pp. 3-6.

[6] This raises the issue of national historiography (a historical category rejected by B. Croce, for example), on which subject Kaegi wrote: "The historiography of the 19th and 20th centuries... has always been overshadowed by a fundamental concept of a not entirely historical origin, but one from the philosophy of history, half biological and half philosophical: the concept of the nation. For a hundred years the world has been accustomed to considering the history of Europe as a history of nations. There was a time when the history of the European states was written. The idea of the nation... has provoked confusion in the historical awareness of men of European culture to no lesser degree than the pseudoisidorian decrees and all the papal falsehoods of the Middle Ages..." (see Werner Kaegi, *Historische Meditationen*, Zürich 1942-46). In reality national historiography postulates as unitary and autonomous a field of study which concerns successive events in the lives of individuals and groups on territories that have recently assumed a national character, but which never matches an independent framework for the development of economic, political, religious, cultural, and other processes, and, regardless of how much should be said concerning the predicate "national", which is attributed rightly or wrongly to an infinity of facts — for this fact alone is distorted.

[7] As is known, the greater insistence in France on the "voluntary" character of the nation and in Germany on "natural", "traditional" and other aspects (an emphasis due to both the nature of unification in the two countries and the issue of Alsace after 1870, which was German by "nature" and French by "choice"), has meant that there exists an "elective" theory of the nation, relating to France (Mazzini is among those who supported this theory) and an "organic" theory relating to Germany. Yet Sorel's affirmation (which is moreover implicit in the widespread category of national history itself) implies precisely an organic conception (the unconscious nation) in relation to France even if, in fact, it is applied erroneously. In effect, each time that the 18th century is revisited to study the nation itself (and, as is known, historians generally go much further back) organic concepts are used. Such an emphasis shows to what extent the distinction is arbitrary, and how it can not remain fixed when applied to different historical contexts. This is due to the fact that the nation is, naturally, neither a purely voluntary fact nor a purely traditional fact.

[8] See Boyd C. Shafer, *Nationalism: Myth and Reality*, London, 1955, p. 126.

[9] See René Johannet, *Le principe des nationalités*, Paris, 1923, p. 132-33.

[10] In a specific sense the nation is an ideology, hence it is neither a purely ideal process, nor a pure state of facts, but the representation of such a state of facts distorted so as to serve the maintenance of power. As has been said, nationalisation is a function of the centralised bureaucratic state and the industrial revolution, and is the more solid and diffuse the stronger these factors are. In effect the strongest European continental states reached the status of fairly consolidated nations only towards the end of the last century, while all the countries where one at least of the two factors was weak gave rise to less substantial nationalisations even if, precisely for this reason, certain among them vividly presented the phenomenon of "nationalism" (second meaning). These considerations explain the lack (or, if preferred, the

weakness) of nationalisation in the United Kingdom, which even nowadays is not a national state in the full sense of the word. When the typical characteristics of the birth of nationalism (first meaning) were created (effective state bureaucratisation and industrial revolution), the United Kingdom was a bureaucratic state but decentralised, with an extremely strong local self-government that prevented people from arriving at the conclusion that all the king's subjects were from the same nation or birthplace.

[11] In reality the Greek city-state is a forerunner of the modern national state, in the sense that both organisations present the phenomenon of nationality fused with the state (absent in the Roman world, for example). Naturally in the first case the "nation" is more spontaneous, in the second more artificial (given the different dimensions of the group). In any event it is this similarity of the power situation which explains the adoption of classical Greek terms relating to the fatherland by leading actors in national "renaissances." For the same reasons there was a revival of the Jewish theme of an "elected people." In this context lies the nature of the premises of modern nationalism as linked by Kohn, for example (see Hans Kohn, *The idea of nationalism*, New York, 1948), to the Greek and Jewish experiences.

[12] Precisely due to their ideological character, nations are thought of: a) as *units of language and custom* (even if they are so imperfectly — language — or not at all — custom), b) as *historical units* preceding the formation of the national states (while the opposite is true), c) as *natural units*, the only ones on the basis of which a legitimate state can be built (but nations are the result of the unifying work of states, hence the argument makes no sense), d) as *unchangeable units* (usually it is held that it is possible to challenge, and possibly abandon, liberal, democratic, socialist and other convictions but not "Italianness" itself: in reality both cases concern ideology but the latter, relating to the state and not to parties, reflects a power situation which is more difficult to refute), e) as *sacred unities* (the national borders, duties and so on are sacred, even though for a Christian this amounts to blasphemy), f) *individually, by their members, as being the most beautiful or most important nation in the world* for some "essential" feature in the past, present or future. For each of these aspects more than its symbolic content, which varies from one individual to the next and from moment to moment, it is the persistence of the symbolism that counts and its ideological nature (hence susceptible to representation in opposite ways) in which it is considered. This aspect (in which the desire of people to consider themselves important for their political status and the power situation of their centralised bureaucratic state is reflected) is in fact the constant element which gives stability to the national idea and spreads it, notwithstanding its irrationality.

[13] This is a matter of fact. Shafer writes (op. cit., p. 144): "The new national faith did not guarantee supernatural bliss, but possessed many of the distinctive traces of the majority of religions. It developed a morality with rewards and punishments, virtues and sins, a ritual and outward signs, and missionary zeal. In reality, as Brunot noted, a great number of religious terms passed into the political domain during the French Revolution, and many of these terms were connected with the ancestors' country and with the fatherland." In the last analysis the transition from a politics that is not conceived of in religious terms to one that is (as the national one is), corresponds to the transition of the power situation of the absolute (but limited) state that did not require all its subjects to kill and die for the fatherland, to that of the democratic state (but with unlimited competences) of the French Revolution, which requested of all its citizens that they die and kill for the fatherland. An organisation which asks the sacrifice of people's lives must create a symbol of the group according to which, for each individual, the group is worth more than his own life. Weber, with a happy, though incompletely developed intuition, compared the national conscience to the "community of memories" of the "communities of political destiny, that is the

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common struggle of life and death" rather than to ethnic, cultural and other bonds (Max Weber, *On Law in Economy and Society*, ed. by Max Rheinstein, Harvard University Press, 1954, p. 340). It is evident that this fact concerns as much the multinational states (for example the United Kingdom) as the purely national ones (France, Italy etc.) but then it should also be pointed out that in the Anglo-Saxon world dying and killing in war have more the character of the legitimate defence of the liberties of individuals than of transcendent sacrifice for the nation.

[14] In this regard, the chronological link between the maturing of the nationalisation process in the large European states and the transformation of the old European equilibrium into international anarchy should be noted. The issue of the relationship between national integration and international disintegration stretches as far as these aspects, which national progressives have never taken the trouble to consider.

[15] This scheme can be criticised by observing that in reality there is a third element — imperialism. But in effect imperialism is not a third element of the problem posed by the existence of independent nations. Imperialism results in the loss of independence by the dominated states and hence the elimination of the difficulties which derive from the co-habitation of independent states. It should also be taken into account that the concepts by which history is interpreted do not correspond to historical events, but are simply the means for setting them in a framework, selecting them, connecting them, and so on. The scheme set out here is a simple conceptual tool for interpreting one aspect of the recent historical process and of contemporary reality through the linking of facts to a type (obviously referring to Weber's *Idealtypus* concept). The real problem, with regard to the future, lies in the evaluation of the possibility of imperialism to hold ground against petty nationalisms and federalism.

[16] As far as Italians are concerned, using the guide of the history of language, it is worth noting first of all, with the aid of Migliorini, that the word altered its effective meaning at the end of the 18th century: "Bartolomeo Benincasa, from Modena, in the *Monitore Cisalpino* of 1798 gave a list of words that were *newly arrived in Italy, or had a new meaning, or an old meaning which had changed and become distorted*: ... nation ... patriot, patriotism, people..." This new meaning is without doubt the modern one, which arrived from France. This demonstrates that before such time the idea of the fusion of the state (of large dimensions) with the "nation" did not exist. It is interesting however to consider the more recent use of the word. In the 18th century "the old meaning of fatherland and nation, referring to the city and to the little state to which it belongs, still persists, but references to Italy as a whole are ever more frequent." Clearly, the former meaning highlights the regional and local nationalities (which were also felt to be apolitical, even if matching the state, due to their local dimensions), while the latter emphasises an apolitical Italian nationality (apolitical since it lacks, as said above, the modern idea of the fusion of nation and state). This clearly represents Italian "spontaneous nationality" in cultural terms which was already under discussion in the 17th century ("As far as the name of the language is concerned, although all three designations of 'Florentine', 'Tuscan', and 'Italian' appear, the second predominates by a long way...") and was solidly asserted in the 18th (see Bruno Migliorini, *Storia della lingua italiana*, Florence, 1960, pp. 635, 548, 458 respectively).

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